

PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 3 OCTOBER 2023

Present:

Councillor Tony Lacey (Vice-Chair))

Councillor Kathy Rouse
Councillor Andrew Cooper
Councillor Christine Gare
Councillor Heather Liggett

Councillor David Cheetham
Councillor Peter Elliott
Councillor David Hancock
Councillor Fran Petersen

Also Present:

A Kirkham	Planning Manager - Development Management
D Cunningham	Principal Arboricultural Officer
A Lockett	Senior Planning Officer
L Ingram	Legal Team Manager & Deputy Monitoring Officer
A Maher	Governance Manager
A Bond	Governance Officer

PLA/ Apologies for Absence and Substitutions **28/2**

3-24 Apologies for Absence were received from Councillor L Hartshorne, who was substituted by Councillor C Gare. Apologies were also received from Councillor S Fawcett and Councillor M Foster.

PLA/ Declarations of Interest **29/2**

3-24 There were no Declarations of Interest.

PLA/ Minutes of the Last Meeting **30/2**

3-24 The minutes of the meeting held on Tuesday 5 September 2023 were approved as a true record.

PLA/ NED/23/00154/FL - PILSLEY **31/2**

3-24 The report to Committee explained that an Application had been submitted for the change of use of an existing building to three Supported Living Units at Garden House, Station Road, Pilsley. The Application involved Amended Plans and Additional Information. The Application had been referred to the Committee by Local Ward Member, Councillor A Cooper, who had raised concerns about it.

Planning Committee was recommended to refuse the Application. The report to Committee explained the reasons for this. Officers were concerned about the likely impact of the development on the surrounding area. The greater activity on the site which the change of use would generate, including the increased number of care workers travelling to and from the units to provide 24-hour care, as well as visits from friends and relatives of those living in the units, would affect neighbouring residents and adversely impact on the standard of amenity which

they currently enjoy. The officers had concluded that there were no other material matters that would outweigh this conclusion in favour of the change of use. Consequently, they felt that the Application should be refused.

Before the Committee considered the Application it heard from H Staton, K Goodwin, D Beresford, L Booth and A Walker, who spoke against the Application. It also heard from the Applicant, A Rickett and the Agent for the Application, J Hughes, who spoke in support of it.

Committee considered the Application. It took into account the site's location within Pilsley. It considered the relevant national and local planning policies. These included Local Plan Policy, SS1, on Sustainable Development, Local Plan Policy SS7, on the development of unallocated land within Settlement Development Limits, Local Plan Policy LC4, on the type and mixture of housing. It considered Local Plan Policy SDC12, requiring new developments to respond positively to local character and preserve or enhance the quality and local identity of existing communities and their surroundings. It also took into account the National Planning Policy Framework, when read as a whole.

Members discussed the Application. They reflected on whether consultation on the proposed development with local people had been adequate. They considered the concerns which had been raised about the volume of additional traffic using the private road, what impact this would have on the neighbouring residents and whether the change of use would be detrimental to the surrounding area.

Members were reminded of the need to determine the Application on Planning grounds. In this context they heard of how one person requiring care had already moved on to the site and the reasons for this. Committee was informed that this action should carry no weight in determining the Application, which ought be judged on its merits.

At the conclusion of the discussion, Councillor K Rouse and A Cooper moved and seconded a motion to refuse the Application. The motion was approved.

RESOLVED -

That the Application be refused, in line with officer recommendations.

Reasons

The application is considered to be unacceptable as it would result in 3 supported living units being formed with care provided on a 24-hour basis by up to two carers per unit. This level of activity, the associated comings and goings and infrastructure required to support the new uses would result in a change in the character and use of the site/property that would be incompatible with, detrimental to, and not sympathetic with the area and which would lead to a lower standard of amenity for existing residents.

As such, the proposal would be contrary to policies SS1, SS7 and SDC12 of the North East Derbyshire Local Plan and the National Planning Policy Framework when read as a whole.

PLA/ **NED/23/0049 - LOWER PILSLEY**
32/2
3-24

The report to Committee explained that an Application had been submitted for the change of use of a Commercial Unit, with ancillary accommodation, to 1 office and 3 three-bedroom residential apartments, including alterations to openings, at 67 Rupert Street, Lower Pilsley. The Application involved an Amended Title and Amended Plans.

The Application had been referred to Committee by Local Ward Member, Councillor K Gillott, who had raised concerns about it.

Planning Committee was recommended to approve the Application. The report to Committee explained the reason for this.

Officers contended that the proposed conversion of the vacant property into three apartments and an office would not represent a significant intensification over what the property could currently be used for. In particular, it would not have a significantly greater impact on the highway than if it was being used as a Commercial Unit. Although the conversion would result in a loss to the area of a commercial space, this would be outweighed by the proposed improvements to the front of the building, which, it was argued, would make a positive contribution to Lower Pilsley. The report contended that as the Application met the requirements of the relevant planning policies, and there were no material reasons for refusal, it should be approved.

Before the Committee considered the Application it heard from the Applicant, P Kemp. No one had registered to speak against it.

Committee considered the Application. It took into account the location of the site, within the Settlement Development Limits for Pilsley. It considered the relevant local and national planning policies. These included Local Plan Policy SS7, requiring developments to be appropriate in scale, design and location, Local Policy ID5, on the loss of existing Social Infrastructure and Local Plan Policy SDC12, requiring all new developments to be of high-quality design and to make a positive contribution to the quality of the Local Environment. It also took into account Local Plan Policy SS12, requiring new developments to create a good quality of amenity for future occupants of land and buildings.

Members discussed the Application. In particular, they considered what impact the proposed development would have on on-street parking in the surrounding area and the provision for on-site parking as part of the proposed development. They reflected on the previous use of the site as a post office and the volume of traffic this would have generated. Members noted the conclusion of the Local Highway Authority that the proposals would not lead to a severe or unacceptable Highway impact and that the Highway Authority would not object to the Application. During the discussion some Members queried whether bats currently nest within the roof of the building and suggested that a bat box ought to be installed in the building. The owner indicated his support for this.

At the conclusion of the discussion Councillor P Elliot and Councillor D Hancock moved and seconded a motion to approve the Application. The motion was put to

the vote and was agreed.

RESOLVED -

That the Application be conditionally approved in line with officer recommendations as set out in the report.

That the final wording of the Conditions be delegated to the Planning Manager (Development Management).

Conditions

- 1) The development hereby permitted shall be started within three years from the date of this permission.

Reason: To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.

- 2) The development hereby approved shall be carried out in accordance with the details shown on drawing numbers:

P/02 Rev A Proposed site block plan
P/005 Rev C Proposed Floor Plans and Elevations received 18/8/2023;
unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures

Reason: For clarity and avoidance of doubt

- 3) The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on Drawing No. P/002 Rev A titled 'Proposed Site Block Plan'

REASON: To ensure conformity with submitted details.

Informatives:

- a) DISCON
- b) NMA
- c) Provision of bins
- d) Bats

PLA/ NED/TPO/ 293/2023- DRONFIELD

**33/2
3-24**

The report to Committee proposed that Tree Preservation Order (TPO) 293/2023, on trees at Clifton Court, Dronfield Woodhouse, Dronfield, be confirmed, subject to modifications. Members were informed that this Order had been provisionally made on 5 June 2023. It would apply for six months from that date, or until it had been Confirmed or Modified.

Members were reminded that the Council was required to take into account all 'Duly Made' objections and representations which had not been withdrawn, before confirming the Provisional Order. The report explained that two objections to it

had been received. One letter in support of the Order from neighbouring residents had also been received.

Members considered the report and the assessment of the Council's Principal Arboriculture Officer that there was a perceived threat to specified trees at Clifton Court if the Order was not confirmed. In this context, the report recommended that the Order be amended, to only protect four individually identified trees considered worthy of protection and to exclude the recently planted young trees in the front garden of properties, which were planted as part of the Clifton Court development.

RESOLVED -

That Tree Preservation Order (TPO) 293/2023 on trees at Clifton Court, Dronfield Woodhouse, Dronfield, subject the modification, as specified in the report.

By Acclamation

PLA/ Planning Appeals - Lodged and Determined

34/2

3-24

The report to Committee explained that one appeal had been lodged, one had been allowed and two appeals had been dismissed.

PLA/ Matters of Urgency (Public)

35/2

3-24

None.

PLA/ Exclusion of Public

36/2

3-24

RESOLVED – That the public be excluded from the meeting during the discussion of the following item(s) of business to avoid the disclosure to them of exempt information as defined in Paragraphs 3 and 5, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006.

PLA/ Section 106 (Legal) Agreements Update

37/2

3-24

Committee received an update on the current 'Section 106' Agreements, or agreements, reached between the Council as Planning Authority with developers to carry out specific work to help offset the impact of new developments on local people.

The report set out details of those agreements where the funding had now been secured. It also included information about Section 106 agreements where the funding had not yet been received or written-off and those where payments have yet to be made as the relevant trigger points for these payments had not yet occurred.

Members discussed the report. As part of this they received updates on specific agreements.

RESOLVED -

- (1) That the information contained within Appendices A, B and C of the report is noted.
- (2) That the contents of paragraphs 2.1 to 2.2 of the report is noted.
- (3) That the Committee receives further updates on the matter approximately every three months.

By Acclamation

PLA/ Matters of Urgency (Exempt)

38/2

3-24 None.