

## **PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON TUESDAY, 20 OCTOBER 2020**

#### **Present:**

Councillor Diana Ruff (Chair) (in the Chair)  
Councillor Jayne Barry (Vice-Chair)

Councillor William Armitage  
Councillor Peter Elliott  
Councillor Carol Huckerby  
Councillor Alan Powell  
Councillor Jacqueline Ridgway  
Councillor Ross Shipman

Councillor Andrew Cooper  
Councillor Mark Foster  
Councillor Maureen Potts  
Councillor Tracy Reader  
Councillor Kathy Rouse

#### **Also Present:**

A Kirkham	Planning Manager - Development Management
J Fieldsend	Legal Team Manager (non contentious)
N Calver	Governance Manager
A Maher	Senior Governance Officer
D Stanton	Governance Officer
M E Derbyshire	Members ICT & Training Officer

#### **PLA/ Apologies for Absence and Substitutions**

**42/2**

**0-21** There were no apologies for absence.

#### **PLA/ Declarations of Interest**

**43/2**

**0-21** There were no declarations of Interest.

#### **PLA/ Minutes of Last Meetings**

**44/2**

**0-21** The minutes of the special Planning Committee meeting, held on Tuesday 22 September 2020 at 10am, were approved as a true record.

The minutes of the Planning Committee, held Tuesday 22 September 2020 at 2pm, were approved as a true record.

#### **PLA/ NED/20/00648/FL - Hill Top Stables, Quarry Hill, Troway, Marsh Lane, Eckington**

**0-**

**21a** The report to Committee explained that an Application had been submitted for the conversion of an existing Stables building to a single dwelling. This was a revised scheme of application 19/00219/FL. The building was located in a Conservation Area at Hill Top Stables Quarry Hill Troway Marsh Lane S21 5RU. The Application had been submitted for Mrs Roper.

The Application had been referred to Committee by the Local Ward Member, Cllr Carolyn Renwick, who had raised concerns about it.

No objectors spoke against the Application.

The Local Ward Member, Cllr Carolyn Renwick, spoke in support of the Application.

The Applicant spoke in support of the Application.

The Agent and the Architect for the Application both spoke in favour of the Application.

Committee considered the Application. It took into account the relevant Planning Issues in reaching its determination on the Application. These issues included the suitability of the existing timber-framed Stables building for conversion, the impact of the development on openness of the Greenbelt and what impact the proposed development might have on the character of the Moss Valley Conservation Area. Committee also heard about the changes which had been made to the proposed development since the Application had been first submitted.

Members discussed the Application. In particular, they considered whether the proposed conversion would be in line with the National Planning Policy Framework (NPPF) and Government guidance on buildings within the Green Belt, which allowed for the change of their use if they were of a 'permanent and substantial construction'. Members heard that there was no prescriptive definition under the planning rules of what constituted permanent and substantial construction. Rather, this was something which the Committee could decide on when determining the Application.

In this context, Members considered the amount of work that would be required to make the building suitable for human occupancy. They also considered the possible Highway Safety implications of the proposed development and what additional traffic the conversion might generate.

**RESOLVED -**

- (a) That the Application be approved, contrary to Officer Recommendations.
- (b) That determination of the final conditions for approval of the Application be delegated to the Planning Manager (Development) in consultation with the Chair of the Committee.

**PLA/ NED/20/00570/FL - Brockhurst Mill, Mill Lane, Brockhurst, Ashover**

**46/2**

**0-21**

The report to Committee explained that an Application had been submitted for the construction of a Cabin as a holiday let, within grounds and with its own private drainage system, at Brockhurst Mill, Mill Lane, Brockhurst, Ashover, S45 0HS. The Application had been submitted for Mr H Caldicott.

The Application had been referred to Committee by the Local Ward Member, Cllr William Armitage, who had raised concerns about it.

No objectors spoke against the Application.

The Applicant spoke in support of the Application.

No supporters spoke in favour of the Application.

Committee considered the Application. It took into account the relevant Planning Issues in reaching its determination on the Application. These issues included the Principle of Development, as the Cabin would be located outside of any defined Settlement Development Limit (SDL), it would be within the countryside, at a site designated as a Special Landscape Area. Committee also took into account the impact on the surrounding built and natural environment, Privacy and Amenity Considerations, Highway Safety and Ecology and the implications for Bio-diversity of the development.

Members discussed the Application. As part of this, they considered the local drainage conditions and whether there would be of any risk of sewerage leaks from the proposed Cabin. Committee heard about how this would be prevented. They also discussed the construction methods that would be used in order to minimise the impact on the surrounding natural environment.

RESOLVED -

- (a) That the application be approved in line with Officer Recommendations.
- (b) That determination of the final conditions for approval be delegated to the Planning Manager (Development) in consultation with the Chair of the Committee.

RESOLVED –

Conditions

- 1 The development hereby permitted shall be started within 3 years from the date of this permission.
- 2 The development hereby approved shall be carried out in accordance with the submitted plans, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.
- 3 Notwithstanding the submitted details, before any above ground work commences, details of the pedestrian route from the parking area to the holiday let shall be submitted to and approved in writing by the Local Planning Authority. The final routing shall be based on the recommendations of the Ecological Appraisal prepared by Armstrong Ecology Ltd and agreed with Derbyshire Wildlife Trust. The approved pedestrian route shall then be implemented in full in accordance with the approved details and retained free from impediment for the lifetime of the development.
- 4 Before any above ground works starts, precise specifications (including the manufacturer, range and colour details where applicable) of the walling and

roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

- 5 Notwithstanding the submitted details, before any above ground works starts, details of the existing ground levels, proposed finished floor levels of the dwellings, along with the proposed finished ground levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 6 Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order) no extensions (Part 1, Class A), dormer windows (Part 1, Class B), alterations to the roof (Part 1, Class C), porches (Part 1, Class D), curtilage buildings (Part 1, Class E), and means of enclosure (Part 2, Class A) shall be erected/constructed without first obtaining planning permission.
- 7 Before any other operations are commenced, the existing access to Mill Lane shall be modified in accordance with a drawing first to be submitted and approved, in writing, by the Local Planning Authority demonstrating a minimum access width of 5.0m for a minimum distance of 5m into the site, laid out, constructed and provided with maximum achievable visibility splays in both directions from a distance 2.4m back from the carriageway edge for a distance of 27m in both directions. The area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.
- 8 The proposed cabin shall not be taken into use until such time as space has been laid out within the site for the parking and manoeuvring of vehicles such that they may enter and leave the site in a forward gear. The off-street parking space shall have minimum dimensions of 2.4m x 5.5m clear of any manoeuvring area.
- 9 There shall be no gates or other barriers on the access unless otherwise agreed in writing by the Local Planning Authority or prior to any works commencing, the applicant shall submit and have approved, in writing, by the Local Planning Authority a revised parking layout demonstrating that any gates could open/close without interfering with parking/manoeuvring.
- 10 The cabin shall be used as a holiday let only and shall not be sold, sub-let or let to be occupied on any other basis.
- 11 The development shall be carried out in strict accordance with the mitigation strategy/measures detailed in sections 4 and 5 of the Ecological Appraisal Report (Armstrong Ecology Ltd, July 2020), with any amendments agreed in writing with the Local Planning Authority.
- 12 No removal of vegetation shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a

competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

- 13 Prior to the occupation of the holiday let hereby approved, a detailed external lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The approved external lighting strategy shall then be implemented in full prior to the first occupation of the holiday let and retained as such thereafter for the lifetime of the development.
- 14 Before development starts, details of the waste water disposal system, including its precise location and specification, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be installed as agreed prior to the first occupation of the holiday let hereby approved and be maintained as such thereafter.
- 15 Notwithstanding the provisions of Part C, Class C3 "Dwelling House" to the Schedule of the Town and Country Planning (Use Classes) Order 1987, (or any Order revoking or re-enacting that Order), the premises shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order.

The property shall not be occupied by any persons for a total period exceeding 28 days in any calendar year.

The owner shall maintain a register of occupiers for each calendar year including names, addresses and length of stay, and a copy of the register shall be supplied to the Local Planning Authority by 31st January each year.

**PLA/ NED/20/00446/FL - 1 Overton Lodge, Jetting Street, Milltown, Ashover**

**47/2**

**0-21**

The report to Committee explained that an Application had been submitted for the change of use of land at 1 Overton Lodge, Jetting Street, Milltown, Ashover, S45 0EY to create two parking spaces. The Application had been submitted for Mr Perez. The report made clear that this was a resubmission of application 20/00125/FL.

The Application had been referred to Committee by the Local Ward Member, Cllr William Armitage, who had raised concerns about it.

Two objectors spoke against the Application.

The Agent spoke in support of the Application.

No supporters spoke in favour of the Application.

Members were directed to the recent late comments report, which had been issued the afternoon prior to the meeting.

Committee considered the Application. In this context, it took into account the relevant Planning Issues in reaching its determination on the Application. These issues included the location of the proposed site, outside of any defined

Settlement Development Limit (SDL) but within a countryside Special Landscape Area. It also took into account the implications for the rural quality of the neighbouring area and the possible impact on the site of the former Ashover Light Railway. The Committee reflected on the Highway Safety Considerations of the proposals and the effects on local ecology.

Members discussed the report. They heard of concerns about what impact the proposals might have on the grassed embankment. They heard about other instances where this embankment had been modified in order to provide parking spaces. Members discussed the difficulties for vehicles trying to pass parked cars etc. at that point of the road and the possible highways safety and other safety implications of this. They discussed the possible alternative options for providing parking spaces. Members also reflected on whether the benefit of additional parking spaces for the occupants would override the possible environmental impact of the proposal and if it would be a sustainable development.

#### **RESOLVED –**

That in line with Officer Recommendations planning permission be refused as an unsustainable development in the countryside for the reasons set out in the report.

The site is situated in a countryside location, designated as a Special Landscape Area where policies seek to ensure that proposals do not detract from the character of the landscape. The grassed bank forms a visual, vegetated boundary to Jetting Street and the rural character of the valley of the River Amber. The creation of two hardstanding parking bays would detract from this character and have an adverse impact. The proposal is considered to fail to meet the policy objectives of Local Plan (2005) policies GS6 and NE2, Ashover Neighbourhood Plan Policies AP2 and AP13 and Local Plan (2014-2034) Publication Draft policies SS9 and SDC3.

#### **PLA/ Planning Appeals Lodged and Determined**

**48/2**

**0-21** The following appeal was lodged:-

Mr and Mrs Kavanagh - Construction of detached 2 bed bungalow (revised scheme of 18/00685/FL)(Amended Plans) at 17 Green Lea, Dronfield Woodhouse (19/00988/FL).

There were no appeals allowed, dismissed or withdrawn.

#### **PLA/ Matters of Urgency**

**49/2**

**0-21** There were no matters of urgency.