

PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 9 FEBRUARY 2021

Present:

Councillor Diana Ruff (Chair) (in the Chair)

Councillor William Armitage
Councillor Peter Elliott
Councillor Maureen Potts
Councillor Tracy Reader
Councillor Ross Shipman
Councillor Bette Hill

Councillor Andrew Cooper
Councillor Mark Foster
Councillor Alan Powell
Councillor Kathy Rouse
Councillor Heather Liggett

Also Present:

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

PLA/ Apologies for Absence and Substitutions **74/2**

0-21 Apologies were received from Councillors Carol Huckerby and Jayne Barry who were substituted by Councillors Heather Liggett and Bette Hill. Apologies were also received from Councillor Jacqueline Ridgway.

PLA/ Declarations of Interest **75/2**

0-21 Councillor Ross Shipman declared an interest in Item 4: NED/20/00506/TPO - Old Tupton in that he intended to speak on the application in his capacity as a Ward Councillor. He confirmed that following any questions from Members he would then leave the meeting and take no further part in the committee's deliberations.

PLA/ Minutes of Last Meeting **76/2**

0-21 The minutes of the Planning Committee held on 12 January 2021 were APPROVED as a correct record.

PLA/ NED/20/00506/TPO - Old Tupton **77/2**

0-21 The Planning Officer presented the report. Verbal representations were heard in objection from Ward Councillor Ross Shipman. Members had the opportunity to question speakers and officers. The application was discussed in length, including

issues surrounding potential flooding risks should the trees be removed and loss of screening for nearby houses, as well as the potential reasons and motives for submitting the application. Members also discussed the need for replacement trees to be substantial in terms of number and size, and the Planning Manager confirmed that if the Committee were minded to approve then they could require more or different types of trees in terms of height or species, should they wish. The Legal Officer advised the Committee to disregard any suggestions for the potential reasons and motives for removing the trees other than that which is highlighted in the application relating to the amenity of the area. He noted that if the trees were deemed to be dead or dangerous then the applicant could remove them with no need to apply for permission and in that situation the Council would not be able to require the planting of any replacement trees.

Following the discussion, Councillor Elliott moved a motion to APPROVE the application as per Officer's recommendations with an amendment to condition 2 to delegate authority to the Planning Manager to agree a suitable scheme of replanting including a higher number of replacement trees as appropriate. This was seconded by Councillor Armitage.

RESOLVED –

That the application be granted full Planning Permission subject to the following conditions;

TPO completion of work

The work hereby granted consent shall be completed within two years from the date of this decision notice.

Reason – For clarity and the avoidance of doubt.

TPO Scheme for Replacement

Notwithstanding the submitted details, within 28 days of the date of this decision a scheme of replacement trees to compensate for the removal of the trees, hereby permitted to be felled, shall be submitted to and be approved in writing by the Local Planning Authority (LPA). The approved scheme of replanting shall then be fully implemented, as agreed, in the next planting season following the written approval of the LPA being given.

Reason - In the interest of the appearance of the area and in accordance with Policy NE7 of the North East Derbyshire Local Plan.

Tree protection

The replacement trees shall be subject to the same protections afforded to existing trees as laid out in the landscaping details submitted to discharge condition 6 pursuant of 18/00056/FL. The means of protection shall be installed in accordance with the approved scheme before any other works commence on site and retained in position until all the building works, as approved, have been completed. The area within the relevant fenced/protected areas shall not be used for storage or the parking of

machinery or vehicles and the ground levels shall not be altered.

***Reason* - In the interest of the amenity of the area and in accordance with Policies NE7 of the North East Derbyshire Local Plan**

PLA/ NED/20/01051/FL - Holymoorside

78/2

0-21 The Planning Manager presented the report.

Representations were heard in support of the application from the Applicant's Agent, Charlotte Stainton.

Members had the opportunity to question speakers and officers, and discuss the application. Councillor Armitage moved a motion to APPROVE the application as per Officer's recommendation. This was seconded by Councillor Elliott.

RESOLVED –

That the Committee GRANT Full Planning Permission subject to the following conditions (wording of conditions to be delegated to the Planning Manager- Development Management):

1. The development hereby permitted shall be carried out in accordance with the following approved plans and details:

Location Plan

Drawing No. DSC 824 A3.01/A - Proposed Layout and Elevations

Applicant's comments of 9 December 2020.

***Reason:* In the interests of certainty and to ensure the development takes place as approved.**

2. No livestock except free range chickens shall be housed in the building.

***Reason:* To protect the amenity of neighbouring dwellings from unsuitable agricultural uses.**

3. Within one week of the building having been brought into use the existing chicken sheds, shown for removal on the location plan, shall have been removed from the application site.

***Reason:* In order to protect the open character and visual amenity of the area.**

4. The lighting within the building shall not be operated outside of the hours of 0600 – 2000 on any day.

***Reason:* In the interests of the amenity of neighbours and the character and appearance of the countryside.**

PLA/ NED/20/00979/FL - Spitewinter (Ashover)

The Planning Manager presented the report.

Representations were heard in support of the application from the Applicant, Damian Dugdale and the Applicant's Agent, Charlotte Stainton.

Members had the opportunity to question speakers and officers, and discuss the application, including the interpretation of relevant policies relating to changes of use and the impacts on the character of the local area.

Following the discussion, Councillor Armitage moved a motion to APPROVE the application, contrary to Officer recommendations by reason that the application does not have an adverse impact on the character of the local area and does not contravene the policies as mentioned in the Officer's report. This was seconded by Councillor Elliott.

RESOLVED –

(a) That the application be APPROVED contrary to Officer Recommendations for the reasons detailed above, subject to the following 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 and details contained within the submitted application forms, the submitted structural inspection report dated 10.12.2020, the submitted supporting planning statement dated October 2020 and the details set out on plans 846/100 and 846/101 unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.

3 Before any above ground level development starts, notwithstanding any previously submitted details, precise specifications (including the manufacturer, range and colour details where applicable) or samples of the new walling, facing and roofing materials to be used, shall be made available on site for inspection, and subsequent written approval, by and from the Local Planning Authority . The development shall then be carried out in accordance with the approved details.

4 Notwithstanding any previously submitted details, before the dwelling hereby approved is first occupied, as such, the precise details of the design, materials, height and type of the boundary treatments to be erected and/or retained shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full within 56 days of the dwelling hereby approved being first occupied and it shall be retained as approved thereafter.

5 Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order

revoking and 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), swimming or other pools (Part 1 Class E), satellite dishes (Part 1 Class H) or any means of enclosure (Part 2 Class A) (not expressly approved as per condition 4) above shall be erected/constructed without first obtaining planning permission.

6 If during the works to implement this permission any suspected areas of contamination are discovered all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted to and approved in writing by the Local Planning Authority detailing the necessary remediation proposals to address the contamination found. The agreed remediation shall then be implemented and undertaken as approved.

7 The first 10m of the access lane from its junction with Matlock Road shall not be surfaced with any loose material.

8 There shall be no gates or other barriers within 5m of the nearside public highway boundary and any gates shall open inwards only.

9 Before the first use of the dwelling, hereby approved, as such, visibility splays of 2.4m x 120m in the southern direction and 2.4m x 215m in the northern direction on Matlock Road should be provided and then maintained as such thereafter. The area in advance of the sightlines shall then be 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.

10 The biodiversity enhancements detailed in Section 4.2 of the Preliminary Ecological Appraisal (ML-Ecology, 2019) shall be implemented in full as set out and then be retained as such thereafter. Within 28 days of the full implementation of the proposed enhancements a statement of compliance shall be submitted to the Local Planning Authority.

(b) That determination of the final conditions for approval be delegated to the Planning Manager (Development).

PLA/ NED/20/00931 and NED/20/00932/LB - Ridgeway

80/2

0-21 The Planning Manager presented the report.

Representations were heard in support of the application from Ward Councillor Carolyn Renwick, the Applicant's Agent Doug Moulton, and the Applicant's Heritage Consultant Helena Kelly.

Members had the opportunity to question speakers and officers, and discuss the application, including how the building has evolved over the last few decades and the balance between potential harm to the green belt versus the public benefits in relation to the local economy.

Following the discussion on both applications, it was agreed that there would be a separate vote on each.

Councillor Foster moved a motion to APPROVE the application **NED/20/00931**, contrary to Officer recommendations, by reason that the application is deemed to be an appropriate and proportionate development. This was seconded by Councillor Armitage.

RESOLVED –

- (a) That the application be APPROVED contrary to Officer Recommendations for the reasons detailed above, and subject to the following 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 details set out on the submitted application form and the amended submitted plans, 39.03 Rev A and 39/02 Rev A, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.

- (b) That determination of the final conditions for approval be delegated to the Planning Manager (Development).**

Councillor Foster then moved a motion to APPROVE the application **NED/20/00932/LB**, contrary to Officer recommendations, by reason that the less than substantial harm is outweighed by the public benefit of the application. This was seconded by Councillor Armitage.

RESOLVED –

- (a) That the application be APPROVED contrary to Officer Recommendations for the reasons detailed above, and subject to the following 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 details set out on the submitted application form and the amended submitted plans, 39.03 Rev A and 39/02 Rev A, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.

- (b) That determination of the final conditions for approval be delegated to the Planning Manager (Development).**

81/2

0-21

The report to Committee gave details of those Planning Appeals which had been lodged and determined. Members heard that no appeals had been lodged, one had been allowed and that one had been dismissed. The Planning Manager noted the importance of weighing up development plan policies when determining applications.

Appeal Allowed

Trustees Of Ted Speed And Pauline Speed Hallfield Trust – Outline planning application for up to 90 dwellings and site access with all other matters reserved (apart from access) (Major development/Departure from Development Plan/Affecting Setting of Conservation Area) (amended title) at Land To The South Of Hallfieldgate Lane, Shirland (19/00335/OL)

Appeal Dismissed

Mr J Foulstone – Single-storey rear extension with balcony and detached garage to side at Briars, Westfield Lane, Middle Handley (20/00411/FLH)

RESOLVED - The Committee noted the report.

PLA/
82/2

Matters of Urgency

0-21

There were no matters of urgency to consider.

The meeting finished at 16.15