

COMMITTEE UPDATE SHEET

SUPPLEMENTARY REPORT OF THE PLANNING MANAGER

This sheet is to be read in conjunction with the main report.

Agenda Item No: 6 Planning Applications to be determined

Planning Site Visits held on 29 June 2018 commencing at 10:00hours.

PRESENT:-

Members: Councillors T Alexander, PM Bowmer, Pat Cooper, Paul Cooper, T Munro (Chair), P Smith, KF Walker, B Watson and J Wilson.

Officer: Peter Sawdon

APOLOGIES

Apologies were received from Councillors J Clifton, D McGregor, K Reid, R Turner (Vice Chair) and D Watson

SITES VISITED

1) The Croft Astwith Lane, Astwith (17/00376/FUL)

The meeting concluded at 11:15 hours

Summary of representations received after the preparation of the original main Committee Report and any recommendation based thereon.

Agenda item No: 6.1: The Croft Astwith Lane, Astwith (17/00376/FUL)

No further representations have been received on this application but officers have been asked to clarify why this application is coming back to the Planning Committee:

Firstly, application reference no. 17/00097/FUL is the 'previously refused application' referred to under the heading 'PROPOSAL' on page 10 of the officer report. 17/00097/FUL proposed a different scheme to that now under consideration and 17/00097/FUL was refused under delegated powers.

The current application reference no. 17/00376/FUL includes proposals that officers recommended for approval because the revised proposals addressed the previous concerns that had resulted in planning permission being refused for the previous application (17/00097/FUL). However, the current application (17/00376/FUL) was referred to the Planning Committee in September 2017 because of the relatively large amount of objections from local residents.

Subsequently, the current application (17/00376/FUL) was reported to Planning Committee on 27th September 2017 where it was resolved to approve the application subject to the

results of a bat survey. However, bat surveys can only be undertaken at certain times of year hence the relatively long delay between receipt of the bat survey and the committee resolution. The results of the bat survey are set out under the heading 'AMENDMENTS' at the bottom of page 10 and also in the last paragraph at the bottom of page 22 of the officer report. The Derbyshire Wildlife Trust have been consulted on this survey and have no objections to the application subject to Condition 15 on page 25 of the officer report.

Normally, this would have meant that officers would have issued the permission for the current application (17/00376/FUL) after agreeing the full wording of the conditions set out in precis form in the report on 17/00376/FUL that went before the Planning Committee 2017. However, in the interim period between the original resolution on this application (17/00376/FUL) and submission of the bat survey; a planning agent speaking on behalf of local residents expressed concern that too much weight had been given to a fall-back position that was set out in the original officer report and broadly repeated in the officer presentation to members.

In short, officers advised that a fall-back position existed whereby a number of alterations similar to those proposed in this application (17/00376/FUL) including extensions and outbuildings could have been carried out under permitted development i.e. without planning permission. This advice was not correct insofar as the site is in the conservation area, which means that extensions and outbuildings to the side of the existing dwelling would require planning permission so it would not be possible to build the garage or build a side extension without permission as originally suggested in September 2017.

Therefore, the officer report now in front of you for the current application (17/00376/FUL) sets out a revised explanation of what permitted development rights would be available to the applicant and places less weight on a fall-back position (compared to that reported in September 2017). In conclusion, officers consider the proposals are still acceptable on their own merits even in the absence of permitted development rights now that we have seen the results of the bat survey.

In the interests of transparency and accountability, it is also considered only right to return this application to the Planning Committee to ensure that members are still satisfied their resolution to approve the current application (17/00376/FUL) in September 2017 was the correct decision. This is because the original report and presentation from September 2017 could have misrepresented the case for approval even though officers consider the fall-back position was just one of a number of considerations and not a determinative factor in the original recommendation to approve the current application (17/00376/FUL).

Hence, the reason this application has been returned to the Planning Committee for a final decision and there is no change to the officer recommendation to approve the current application (17/00376/FUL) subject to conditions as set out on pages 22-23 of the officer report.