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## Planning Committee

**Minutes of a Planning Committee meeting held at 6.00 pm on Tuesday, 12th July, 2022 in the Council Chamber, Town Hall, Matlock, DE4 3NN.**

**PRESENT** Councillor Jason Atkin - In the Chair

Councillors: Sue Burfoot, Neil Buttle, Tom Donnelly, Richard FitzHerbert, Stuart Lees, Peter O'Brien, Garry Purdy, Peter Slack and Mark Wakeman

Chris Whitmore (Development Control Manager), Sarah Arbon (Senior Planning Officer), Tommy Shaw (Democratic Services Team Leader) and Angela Gratton (Democratic Services Officer)

Members of the Public –

### **Note:**

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## **APOLOGIES**

Apologies for absence were received from Councillor(s): Jacqueline Allison, Robert Archer, Graham Elliott and Helen Froggatt

## **48/22 - APPROVAL OF MINUTES OF PREVIOUS MEETING**

It was moved by Councillor Jason Atkin, seconded by Councillor Tom Donnelly and

**RESOLVED** (unanimously)

That the minutes of the meeting of the Planning Committee held on 14 June 2022 be approved as a correct record.

## **49/22 - INTERESTS**

Councillor Mark Wakeman declared a non-pecuniary interest in Item 5.7. Application No. 22/00383/FUL Derwent Gardens.

## **50/22 - APPLICATION NO. 22/00441/FUL**

The Senior Planning Officer gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Mr Tim Allen (Agent) spoke in support of the application. Ms Louise Redfern (Local resident), Mr William Hibbert (Biggin Parish meeting), Ms Geogina Geraghty (Kirk Ireton Parish Council) and Ms Wendy Whitbread (Local resident) spoke against the application.

Consultation responses were set out in section 5 of the report.

### **Following publication of the agenda:**

A representation had been received from Kate Chubb and it is summarised below.

The original Georgian farmhouse ought to be preserved and enhanced, not razed just because VAT is not payable on new builds.

At no 80 of NPPF "Planning policies should avoid the development of isolated homes in the countryside unless one of 5 exceptions apply". Not one single exception applies.

The numerous car parking spaces show that carbon and climate change is not being addressed. Far from it. How do we know that all vehicles are carbon free and all visitors' cars too? Unless applications can demonstrate biodiversity net gain, they ought to be refused.

Huge swathes of fenestration due south, (like a light house or oil rig) will send wildlife, flora and fauna as far away as it can get. The light pollution will therefore quietly decimate a large area.

The justification to demolish the original Georgian farmhouse is absurd. Most Georgian structures do not comply with modern building regs either! Preservation of the original Georgian Farmhouse (which is fine) along with the original Georgian fireplace in uniquely distinctive Derbyshire stone ought to be left intact. (NPPF chapter 16)

Another absurdity: The report says the original Georgian farmhouse can be obliterated because it is "outside any framework boundary" as if again, it was the Georgians who were mistaken. The official address at Nether Hillside Farm is very much Biggin-based. Planners are completely wrong to arbitrarily conclude (like Colonial field Marshalls dividing up countries) who does or does not belong to which community. It is not their decision or call.

The application architects hope that the area is insensitive to change, obviously, but if we look at Kirk Ireton's Neighbourhood Plan we see a chapter called "Policy P2 Protecting

Views" and in the examiner's report, (pp13) he says, "it is evident that the situation of Kirk Ireton on high ground means that long-distance views assume a particular significance". This would include Nether Hillside Farm, "on high ground" and a mere 3 fields away from Kirk Ireton.

The new building is not on the original footprint but situated to cause as much light pollution as possible.

### **Officer Response:**

The original farmhouse is later 18<sup>th</sup> Century and in the early 1980s the Government initiated a major national re-survey of historic buildings in England and during the re-survey all historic buildings were considered and those worthy of statutory listing were included on the national heritage list for England. For the outcomes of the national re-survey this building was not included on the national list. All other comments have been addressed in the committee report.

An additional condition is required that reads:-

Prior to first occupation or use of the hereby approved dwellings a scheme of measures to mitigate the effects of and adapt to climate change at the site and associated timetable shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be carried out in accordance with the approved details.

During debate, it was moved by Councillor Peter O'Brien and seconded by Councillor Sue Burfoot that planning permission be refused as the new development did not reflect the character of the local area and was not considered to make a positive design contribution.

This was then put to the vote as follows:

### **Voting:**

**4 For**  
**6 Against**  
**0 Abstention**

The Chairman declared the motion **FALLEN**.

Members raised concerns regarding the amount of glazing and reflection.

Councillor Stuart Lees moved the Officer recommendations with an additional condition to use anti-glare glass, this was then seconded by Councillor Mark Wakeman and

### **RESOLVED**

1. That planning permission be approved subject to the conditions set out in the report with the addition of a further condition as set out below:  
That anti-glare glass to be utilised.

### **Voting:**

**3 For**  
**6 Against**

## **1 Abstention**

### **51/22 - APPLICATION NO. 21/01455/FUL**

The Senior Planning Officer gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site on the 13<sup>th</sup> June 2022 to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Mr Dan Greenway (Agent) spoke in support of the application. Ms Teresa Hitchcock (Local resident) spoke against the application.

Consultation responses were set out in section 5 of the report.

#### **Following publication of the agenda:**

Teresa Hitchcock notified the LPA that a call in request has been made to the Secretary of State for determination at national level. The Planning Casework Unit of the Department for Levelling up, Housing and Communities are aware of the request and that the application is due to be determined at Planning Committee on the 12<sup>th</sup> July and advise the LPA not to issue the decision notice until such time as the SOS has considered whether it would be appropriate to call the application in. Delegated agreement is thus required as follows:

Authority be delegated to the Development Manager, to approve the application subject to conditions following confirmation from the Secretary of State that they do not wish to call in the application in for consideration by the end of the week commencing the 18<sup>th</sup> July 2022.

It was moved by Councillor Garry Purdy, seconded by Councillor Richard FitzHerbert and

**RESOLVED** (unanimously)

That authority be delegated to the Development Manager, to approve the application subject to conditions following confirmation from the Secretary of State that they do not wish to call in the application for consideration by the end of the week commencing the 18<sup>th</sup> July 2022.

The Chairman declared the motion **CARRIED**.

### **52/22 - APPLICATION NO. 22/00219/FUL**

The Development Manager gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Mr Andrew Turner (Applicant) spoke in support of the application.

Consultation responses were set out in section 6 of the report.

The Development Manager confirmed that the Local Highways Authority had made a physical visit to site to review the vehicular access and as in point 8.6 of the report, their conclusion was that access would not be achievable for highway safety without making significant changes.

It was moved by Councillor Garry Purdy, seconded by Councillor Tom Donnelly and

### **RESOLVED**

That planning permission is refused for the following reasons set out in the report.

#### **Voting:**

**9 For**

**1 Against**

**0 Abstention**

The Chairman declared the motion **CARRIED**.

There followed a short adjournment at **8.17pm**, returning at **8.30pm**.

### **53/22 - APPLICATION NO. 21/01246/OUT**

The Development Manager gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Mr Jamie Foot (Agent) spoke in support of the application. Mr Stephen Brown (Local Resident) spoke against the application.

Consultation responses were set out in section 5 of the report.

It was moved by Councillor Peter Slack, seconded by Councillor Richard FitzHerbert and

### **RESOLVED**

That planning permission be granted subject to the conditions set out in the report

#### **Voting:**

**8 For**

**0 Against**

**2 Abstention**

The Chairman declared the motion **CARRIED**.

## **54/22 - APPLICATION NO. 21/01412/OUT**

The Development Manager gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Mr Jamie Foot (Agent) spoke in support of the application. Mr Stephen Brown (Local Resident) spoke against the application.

Consultation responses were set out in section 5 of the report.

The officer recommendations, as set out in the report, were moved by Councillor Stuart Lees and seconded by Councillor Richard FitzHerbert.

During debate, Members asked for clarification that, if outline permission were approved, the application would come back to the Planning Committee for approval of the final design.

The Development Manager informed Members that if outline permission were approved, this would be the design and it would not come back to the committee. He suggested that Members should defer consideration of the Item to a future meeting if they were not happy with the proposed layout.

Councillor Stuart Lees therefore withdrew his previous motion and moved a deferment, this was then seconded by Councillor Richard FitzHerbert and

### **RESOLVED**

That consideration of the item be deferred to a future meeting of the Committee in order for negotiations to take place regarding the layout of the proposed development and its relationship with the junction of Malvern Gardens and Smedley Street.

### **Voting:**

**9 For**  
**1 Against**  
**0 Abstention**

The Chairman declared the motion **CARRIED**.

## **55/22 - DURATION OF MEETING (MOTION TO CONTINUE)**

At **8:30pm** it was moved by Councillor Jason Atkin, seconded by Councillor Tom Donnelly and

**RESOLVED** (Unanimously)

That, in accordance with Rule of Procedure 13, the meeting continue to enable the business on the agenda to be concluded.

The Chairman declared the motion **CARRIED**.

#### **56/22 - APPLICATION NO. 21/01447/OUT**

The Development Manager gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Mr Jamie Foot (Agent) spoke in support of the application. Mr Stephen Brown (Local Resident) spoke against the application.

Consultation responses were set out in section 5 of the report.

It was moved by Councillor Garry Purdy, seconded by Councillor Peter Slack and

#### **RESOLVED**

That planning permission be approved subject to the conditions set out in the report.

#### **Voting:**

**9 For**

**0 Against**

**1 Abstention**

The Chairman declared the motion **CARRIED**.

#### **57/22 - APPLICATION NO. 22/00383/FUL**

Councillor Mark Wakeman left the meeting during consideration of this application due to previously declaring a non-pecuniary interest in the application.

The Senior Planning Officer gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

Consultation responses were set out in section 5 of the report.

It was moved by Councillor Garry Purdy, seconded by Councillor Tom Donnelly and

#### **RESOLVED** (unanimously)

That planning permission be approved subject to the conditions set out in the report.

The Chairman declared the motion **CARRIED**.

**58/22 - APPEALS PROGRESS REPORT**

It was moved by Councillor Jason Atkin seconded by Councillor Tom Donnelly and

**RESOLVED** (unanimously)

That the report be noted.

The Chairman declared the motion **CARRIED**.

**Meeting Closed: 8.40 pm**

**Chairman**