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Planning Committee

Minutes of a Planning Committee meeting held at 6.00 pm on Tuesday, 12th September, 2023 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT

Councillor David Burton - In the Chair

Councillors: Sue Burfoot, Peter O'Brien, John Bointon, Neil Buttle, Peter Dobbs, Nigel Norman Edwards-Walker, Stuart Lees, Dermot Murphy, Peter Slack, Mark Wakeman and Nick Whitehead

Present as Substitute - Councillors: Kelda Boothroyd, Marilyn Franks and Roger Shelley

Kerry France (Legal Services Manager), Chris Whitmore (Development Control Manager), Adam Maxwell (Principal Planning Officer), Tommy Shaw (Democratic Services Team Leader) and Angela Gratton (Democratic Services Officer)

Members of the Public – 67

Note:

"Opinions expressed or statements made by individual persons during the public participation part of a Council or committee meeting are not the opinions or statements of Derbyshire Dales District Council. These comments are made by individuals who have exercised the provisions of the Council's Constitution to address a specific meeting. The Council therefore accepts no liability for any defamatory remarks that are made during a meeting that are replicated on this document."

APOLOGIES

Apologies for absence were received from Councillor(s): Robert Archer, David Hughes and Laura Mellstrom

103/23 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Stuart Lees, seconded by Councillor Peter Slack and

RESOLVED (unanimously)

That the minutes of the meeting of the Planning Committee held on 11 July 2023 be approved as a correct record.

The Chair declared the motion **CARRIED**.

104/23 - INTERESTS

Councillor Peter Dobbs declared a non-pecuniary interest in Item 5.8 Application No. 23/00787/FUL – 2 Birchwood Moor Court, Roston, Ashbourne DE6 2EJ, as he was known to the applicant.

6.03 pm Councillor Kelda Boothroyd joined the meeting.

6.06 pm Councillor Roger Shelley joined the meeting.

6.08 pm Councillor Neil Buttle joined the meeting.

105/23 - APPLICATION NO. 23/00566/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, Ms Dawn Lewis (Local Resident), Mr Nick Baker (Agent) and Mr Dan Macken (Applicant) spoke in support of the application. Cllr. Ruth Miles (Carsington and Hopton Parish Council), Ms Laura Stevens (Local Resident), Ms Pippa Ward-Bradley (Friends of Knockerdown), Ms Pamela Hattersley (Friends of the Knockerdown), Mr Tim Foxlow (Local Resident), Ms Libba Jones (Local Resident), Mr Chris Stait (Local Resident), Ms Anne Wilson (Local Resident) and Mr Ian Burton (Local Resident) spoke against the application.

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

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of four additional representations in objection to the development and one representation in support. Comments had also been received from Carsington and Hopton Parish Council, Hulland Ward Parish Council, Bradbourne and Ballidon Parish Council and the Police and Crime Commissioner. Further comments had been received from the Applicant in support of the proposed development.

It was moved by Councillor Peter Slack, seconded by Councillor Sue Burfoot and

RESOLVED

That planning permission be refused for the following reasons:

1. The application fails to demonstrate that the amount of additional parking is necessary to serve the requirements of the existing public house. Such development of the scale and nature proposed is unjustified and unsustainable and results in unwarranted harm to the character and appearance of this part of the countryside, contrary to Policies S1, S4, PD1, PD5 and HC19 of the Adopted Derbyshire Dales Local Plan (2017) and policy contained in the National Planning Policy Framework.

Voting

14 For

00 Against

01 Abstentions

The Chair declared the motion **CARRIED**.

106/23 - APPLICATION NO. 23/00459/FUL

The Principal 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, Cllr. Jason Farmer (Darley Dale Town Council) and Ms Georgina Mosley (Applicant) spoke in support of the application.

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

It was moved by Councillor Marilyn Franks, seconded by Councillor Peter Slack and

RESOLVED

That planning permission be approved with the following conditions:

- 1) The development hereby permitted must be begun before the expiration of three years from the date of this permission. Reason: This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall not be carried out other than in accordance with the following approved plans and subject to the following conditions or modifications.

Location Plan - 220224-01-01

Proposed Layout Plan - 220224-01-02

Proposed Drainage Plan - 220224-01-04

Dome Plan and Elevations - 220224-01-05

Bike Store Plan and Elevations 220224-01-08

Road and Access Plan - 220224-01-09

Proposed Lighting Plan - 220224-01-10

Bike Store Plan and Elevations - 220224-01-12

Reason:

For the avoidance of doubt and in the interests of the proper planning of the area.

- 3) A Landscape and Biodiversity Enhancement Plan (LBEP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The aim of the LBEP is to enhance and sympathetically manage the biodiversity value of onsite habitats and should combine both the ecology and landscape disciplines. The plan should clearly demonstrate a net gain for biodiversity through use

of a biodiversity metric. It shall be suitable to provide to the management body responsible for the site and shall include the following:

- a) Description and location of features to be retained, created, enhanced and managed.
- b) Aims and objectives of management.
- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including a five-year work plan capable of being rolled forward in perpetuity).
- f) Details of the body or organization responsible for implementation of the plan.
- g) A monitoring schedule to assess the success of the enhancement measures.
- h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- i) Habitat enhancements for species, for example, bat and bird boxes.
- j) Requirement for a statement of compliance upon completion of planting and enhancement works. The LBEP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The development shall not be carried out or occupied other than in accordance with the approved details.

Reason:

To ensure that the development delivers biodiversity net gain in accordance with the requirements of policy PD2 of the Adopted Derbyshire Dales Local Plan (2017).

- 4) All excavations shall be covered overnight or else have an escape ramp to prevent entrapment of badgers, hedgehogs and other wildlife. All pipework greater than 150 mm shall be blanked off at the end of the day and chemicals shall be stored securely. Topsoil mounds shall be checked for badger activity prior to removal or re-use. An ecologist shall be contacted if any evidence of badger activity is found within the application area during development.

Reason:

To conserve local wildlife during construction in accordance with policy PD2 of the Adopted Derbyshire Dales Local Plan (2017). Page 3 of 7 23/00459/FUL

- 5) Notwithstanding the approved plans, no part of the development hereby approved shall be occupied until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include the following details: i. Proposed trees, hedges and defined limits of shrubs and grass areas; ii. numbers of trees and shrubs in each position with size of stock, species and variety and grass seed mix; iii. types of enclosure (hedges, fences, walls etc); iv. regraded contours and details of changes in level; and v. access, access track, hard surface area for parking and any pedestrian paths.

Reason:

To ensure that the development incorporates appropriate planting and landscaping to conserve the site and its setting within the landscape in accordance with policies PD1, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

- 6) All hard and soft landscaping works shall be carried out in accordance with the approved details (subject of condition 8). All hard landscaping works shall be completed

prior to the first occupation of any part of the development and all planting shall be carried out within the first planting season following the first occupation of any part of the development. Any trees or plants, either existing or planted pursuant to the landscaping works which, within a period of five years of the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the following planting seasons with others of similar size and species or in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the development protects existing trees and hedges and incorporates appropriate replacement planting and landscaping which conserves the site and its setting within the landscape in accordance with policies PD1, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

7) The foul and surface water drainage shall be installed and operational before the first occupation of the development hereby approved. Reason: To protect the water environment in accordance with policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

8) The development shall not be occupied until the access track and parking areas have been laid out, constructed and are available for use. Thereafter the access and track shall be available for their designated use throughout the lifetime of the development hereby approved.

Reason:

In the interests of amenity and highway safety.

9) No external lighting shall be installed (other than in accordance with the approved plans) other than in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

To minimise the impact of the development upon the landscape and the setting of the Peak District National Park in accordance with policy PD5 of the Adopted Derbyshire Dales Local Plan (2017).

10) The colour finish of the surfacing material for the glamping domes shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall thereafter be carried out in accordance with the approved details and the surfacing material shall be installed before the first occupation of the development.

Reason:

To minimise the impact of the development upon the landscape in accordance with policy PD5 of the Adopted Derbyshire Dales Local Plan (2017).

11) The electric vehicle charge points shall be installed and operational before the first occupation of the development.

Reason:

To ensure that the charge points are installed to mitigate the impacts of climate change in accordance with policy PD7 of the Adopted Derbyshire Dales Local Plan (2017).

12) The glamping domes hereby approved shall be used solely for the purposes of temporary holiday accommodation and shall not at any time be occupied as permanent residential accommodation. No person shall occupy the glamping pods for a continuous period of more than 28 days in any calendar year or more than a total of 8 weeks in a calendar year and it shall not be re-occupied by the same person/s within 28 days

following the end of that period. The owner shall maintain a register of occupants for each calendar year which shall be made available for inspection by the Local Planning Authority upon request.

Reason:

The development is not considered appropriate other than as a holiday facility because it is outside any settlement framework boundary and does not accord with the development plan policies for general housing, namely policies S1 and S4 of the Adopted Derbyshire Dales Local Plan (2017).

- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no tent, caravan or habitable building or structure shall be sited or erected on the site (other than those expressly authorised by this permission) without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

To ensure that the Local Planning Authority retains control over the extent and nature of the use and impacts to ensure that the development conserves the site and its setting within the landscape in accordance with policies PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no development required by the conditions of a site licence for the time being in force under the 1960 Caravan Sites and Control of Development Act shall be carried out or erected on the site without an application for planning permission having first been made to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the Local Planning Authority retains control over the extent and nature of the use and impacts to ensure that the development conserves the site and its setting within the landscape in accordance with policies PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

Voting

14 For

00 Against

01 Abstentions

The Chair declared the motion **CARRIED**.

107/23 - APPLICATION NO. 23/00630/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 John Youatt (Agent) and Mr Roger Yarwood (Agent) spoke in support of the application. Dr Siobhan Spencer

(Derbyshire Gypsy Liaison Group) commented on the application. Mr Stephen Walton (Local Resident) spoke against the application.

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

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of further comments from the Environment Agency, Derbyshire Wildlife Trust and Environmental Health. Late representations were received from the occupant of Rose Cottage objecting to the proposed development.

It was moved by Councillor Peter Slack, seconded by Councillor Dermot Murphy and

RESOLVED

That planning permission be approved for the following reasons:

1. The Environment Agency withdrew their previous objection, after reviewing the site levels they were satisfied that the site itself lay outside the Flood Zone 2.
2. The site was considered to be sustainably located, having regard to the Council's requirements for a site.
3. The development would be enclosed, and it was considered that it would not cause harm to the Derwent Valley Mills World Heritage Site.

Voting

14 For

01 Against

00 Abstentions

The Chair declared the motion **CARRIED**.

8.10pm – The Chair adjourned the meeting.

8.25pm – The meeting reconvened.

108/23 - DURATION OF MEETINGS (MOTION TO CONTINUE)

At 8:35pm, it was moved by Councillor David Burton, seconded by Councillor Roger Shelley 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 Chair declared the motion **CARRIED**.

109/23 - APPLICATION NO. 23/00616/OUT

The Principal 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 Andrew Stock (Agent) spoke in support of the application. Cllr. John White (Brailsford and Ednaston Parish Council), Ms Elizabeth Tarling (Local Resident), and Ms Patricia Baker (Local Resident) spoke against the application.

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

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of a further consultation response received from Derbyshire Wildlife Trust, further indicative visuals submitted by the agent and one additional representation received following the site visit supporting the Officers recommendations.

It was moved by Councillor Stuart Lees, seconded by Councillor Peter Slack and

RESOLVED (unanimously)

That planning permission be refused for the reasons set out in section 8.0 of the report and for an additional reason as set out below:

3. The development would not be served by safe or convenient pedestrian links to Brailsford and would have limited accessibility to services and facilities within the village contrary to policies S1 and HC19 of the adopted Derbyshire Dales Local Plan (2017).

The Chair declared the motion **CARRIED**.

110/23 - APPLICATION NO. 23/00553/OUT

The Principal 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 Richard Pigott (Applicant) spoke in support of the application. Mr Philip Robinson (Local Resident) and Mr Mark Gorman (Local Resident) spoke against the application.

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

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of comments received from the Agent.

It was moved by Councillor Stuart Lees, seconded by Councillor Mark Wakeman and

RESOLVED (unanimously)

That planning permission be approved subject to prior entry into a planning obligation under S.106 to secure:

- 30 % of the dwellings as affordable units on-site with a financial contribution for 0.5 units.

- Financial contribution to allotments (off-site) of £1,773 on sites identified by the Neighbourhoods Manager.
- Financial contribution to play areas (off-site) of £4,252.50 on sites identified by the Neighbourhoods Manager.

And subject to planning conditions to cover the following:

1. Statutory time limit for approval of reserved matters.
2. Set out reserved matters to be approved (scale, layout, external appearance and landscaping).
3. The developable area, scale, layout and external appearance shall closely reflect the submitted indicative site plan and development design parameters.
4. Agree detailed design and management of surface water drainage.
5. Approve assessment to demonstrate proposed destination for surface water accords with the drainage hierarchy set out in planning practice guidance.
6. Approve details of how additional surface water run-off from the site will be avoided during the construction phase.
7. Approve verification report carried out by qualified drainage engineer to demonstrate that the drainage system has been constructed in accordance with the agreed scheme.
8. Conditions and informative's recommended by the Highway Authority on application 22/00777/OUT.
9. Submission and approval of travel plan prior to first occupation.
10. Arboricultural Impact Assessment and Method Statement to be submitted with any reserved matters application for landscaping.
11. Conditions recommended by Derbyshire Wildlife Trust.
12. Condition recommended by County Archaeologist.
13. Reserved matters application shall provide for housing mix in accordance with policy requirements.

Voting

08 For

02 Against

05 Abstentions

The Chair declared the motion **CARRIED**.

111/23 - APPLICATION NO. 23/00178/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 Jami Jones (Applicant) spoke in support of the application.

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

It was moved by Councillor Peter Slack, seconded by Councillor Stuart Lees and

RESOLVED (unanimously)

That planning permission be approved subject to the conditions set out in section 8.0 of the report and the additional condition:

1. The dwellings hereby approved shall only be occupied as primary residences and shall not be utilised as second homes or for holiday accommodation.

The Chair declared the motion **CARRIED**.

9.17 pm Councillor Nick Whitehead left the meeting.

112/23 - APPLICATION NO. 23/00115/FUL

The Principal 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 Gordon Wardman (Applicant) spoke in support of the application. Cllr. Vicki Raynes (Tansley Parish Council) and Mr Gary Swift (Local Resident) spoke against the application.

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

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of a letter from the applicant.

It was moved by Councillor Kelda Boothroyd, seconded by Councillor Peter Dobbs and

RESOLVED

That planning permission be approved subject to conditions and prior entry into a S.106 planning obligation set out in section 8.0 of the report. Conditions 7 and 8 shall be amended to require agreement of landscaping, including a timescale for implementation, before commencement of the development. Agreement if a timescale for implementation is to ensure that planting is carried out and begins to establish as soon as possible following the commencement of the development.

Voting

13 For
01 Against
00 Abstentions

The Chair declared the motion **CARRIED**.

9.37 Councillor Peter Dobbs left the meeting.
9.38 Councillor Kelda Boothroyd left the meeting.

113/23 - APPLICATION NO. 23/00787/FUL

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

In accordance with the procedure for public participation, Ms Claire Critchlow (Applicant) and Mr David Legh (Local Resident) spoke in support of the application.

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

It was moved by Councillor John Bointon, seconded by Councillor Dermot Murphy and

RESOLVED

That planning permission be deferred for further discussion following a site visit.

Voting

11 For
00 Against
01 Abstentions

The Chair declared the motion **CARRIED**.

114/23 - APPEALS PROGRESS REPORT

It was moved by Councillor John Bointon, seconded by Councillor Dermot Murphy and

RESOLVED (unanimously)

That the report be noted.

The Chair declared the motion **CARRIED**.

Meeting Closed: 9.55 pm

Chair