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Planning Committee

Minutes of a Planning Committee meeting held at 6.00 pm on Tuesday, 14th November, 2023 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT

Councillor Sue Burfoot - In the Chair

Councillors: Sue Burfoot, John Bointon, Neil Buttle, Peter Dobbs, Nigel Norman Edwards-Walker, David Hughes, Stuart Lees, Dermot Murphy, Peter Slack, Nick Whitehead, Kelda Boothroyd and Marilyn Franks.

Present as Substitute - Councillors: Kelda Boothroyd and Marilyn Franks

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 – 17

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): David Burton, Peter O'Brien, Robert Archer, Laura Mellstrom and Mark Wakeman

209/23 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor David Hughes, Seconded by Councillor Stuart Lees and

RESOLVED

That the minutes of the meeting of the Planning Committee held on 10 October 2023 be approved as a correct record.

Voting

10 For

0 Against

2 Abstentions

The Chair declared the motion **CARRIED**.

210/23 - INTERESTS

Item 5.2 - APPLICATION NO. 23/00447/FUL - Change of use and alterations to upper floors for short-term occupancy living accommodation at 9 – 11A Market Place, Ashbourne, Derbyshire, DE6 1EU.

And

Item 5.3 - APPLICATION NO. 23/00448/LBALT - Internal and external alterations to create short-term occupancy living accommodation, new entrance and new cellar access to basement at 9 – 11A Market, Ashbourne, Derbyshire, DE6 1EU.

Councillor Stuart Lees declared a pecuniary interest in Items 5.2 and 5.3 as he was the Applicant.

Item 5.9 - APPLICATION NO. 23/00959/LBALT - Various proposed works at Market Place and Victoria Square, Ashbourne, Derbyshire, DE6 1EX.

Councillor David Hughes declared a non-pecuniary interest in Item 5.9 due to being Chair of the Ashbourne Reborn Programme Board.

Councillor Peter Dobbs declared a non-pecuniary interest in Item 5.9 due to being a member of the Ashbourne Reborn Programme Board.

Councillor Stuart Lees declared a non-pecuniary interest in Item 5.9 due to being a member of the Ashbourne Reborn Programme Board.

211/23 - APPLICATION NO. 23/00229/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 Darren Abbott (Applicant) spoke in support of the application. Mr Paul Thorne (Local Resident) and Ms Sarah Bond (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 summarised letter of representation received from a local resident.

Councillor Peter Slack proposed a motion to defer consideration of the application to allow for the plans to be amended to address issues relating to development density and incursion into the adjacent conservation area. This motion was seconded by Councillor Nick Whitehead and put to the vote as follows:

Voting

4 For

8 Against

0 Abstentions

The Chair declared the motion **LOST**.

It was moved by Councillor Stuart Lees, seconded by Councillor Dermot Murphy and

RESOLVED

That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission, subject to the following conditions, and following the completion of a S.106 planning obligation to secure 17 affordable homes (including 5 first homes), a contribution of £51,300 for healthcare, a contribution of £8,327.70 for parks and gardens, a contribution of £3,368.70 for allotments, a contribution of £10,000 for monitoring of the Travel Plan and a contribution of £4,000 for stock for Wirksworth library.

And subject to the following additional conditions:

33. The development hereby permitted shall not be occupied until the access, parking and turning facilities to that individual building to the nearest public highway has been provided as shown on drawing 008 Rev L.

Reason:

To ensure that access is provided to each property in the interests of highway safety and conformity with submitted details.

34. No part of the development hereby approved shall be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway as shown on drawing 600422-HEX-XX-XX-DR-TP-0200 Rev P05. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason:

In the interests of highway safety.

35. No individual dwelling shall be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

Reason:

To promote sustainable travel and healthy communities

36. The Residential Travel Plan hereby approved, dated 2nd August 2023 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.

Reason:

To reduce vehicle movements and promote sustainable access.

37. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan/statement shall include but not be restricted to:

- a) Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- b) Advisory routes for construction traffic;
- c) Any temporary access to the site;
- d) Locations for loading/unloading and storage of plant, waste and construction materials;
- e) Method of preventing mud and dust being carried onto the highway;
- f) Arrangements for turning vehicles;
- g) Arrangements to receive abnormal loads or unusually large vehicles;
- h) Joint Highway Condition survey;
- i) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason:

In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

38. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no extensions be erected within the curtilage of plot 27, 28, 29, 30, 31, 32, 33, 35 or 36 without the prior written permission of the Local Planning Authority on an application submitted to it.

Reason:

To ensure that the affordable dwellings remain of a size to be more affordable.

Voting

8 For

2 Against
2 Abstentions

The Chair declared the motion **CARRIED**.

212/23 - APPLICATION NO. 23/00447/FUL

7:16pm - Councillor Stuart Lees left the room for the consideration of this application.

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 Jon Imber (Agent) spoke in support of the application.

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

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

RESOLVED (unanimously)

That planning permission be approved subject to the conditions set out in section 8 of the report.

The Chair declared the motion **CARRIED**.

213/23 - APPLICATION NO. 23/00448/LBALT

Councillor Stuart Lees remained absent for the consideration of this application.

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.

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

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

RESOLVED (unanimously)

That Listed Building Consent be granted, subject to the conditions set out in the report.

The Chair declared the motion **CARRIED**.

214/23 - APPLICATION NO. 23/00765/FUL

7:27pm - Councillor Stuart Lees re-entered the meeting.

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, Ms Cathy Cooke (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 Nick Whitehead and

RESOLVED (unanimously)

That planning permission be approved as it was determined that the preservation of what remained of the building and the benefits to wildlife outweighed the harm to the character and appearance to this part of the Bolehill conservation area.

The Chair declared the motion **CARRIED**.

215/23 - APPLICATION NO. 23/00768/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 Vicki Raynes (Local Resident) and Mr Ian Strange (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 summarised letter of representation received from a local resident.

It was moved by Councillor David Hughes, seconded by Councillor Nick Whitehead and

RESOLVED

That planning permission be approved subject to the conditions set out in section 8 of the report and the additional condition below, and that the application be linked to the S106 legal agreement pertaining to hybrid planning permission 20/00037/FUL.

1. That appropriately sized badger holes be established in order to allow for badgers to pass through property boundaries thereby preserving the established badger corridor.

Voting

11 For

01 Against

00 Abstentions

The Chair declared the motion **CARRIED**.

216/23 - DURATION OF MEETINGS (MOTION TO CONTINUE)

At 8.30pm, it was moved by Councillor David Hughes, seconded by Councillor Peter Slack 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**.

217/23 - APPLICATION NO. 23/00912/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 Vicki Raynes (Local Resident) and Mr Ian Strange (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 summarised letter of representation received from a local resident.

It was moved by Councillor Nick Whitehead, seconded by Councillor Peter Slack and

RESOLVED

That planning permission be approved subject to the conditions set out in section 8 of the report and the additional condition below, and that the application be linked to the S106 legal agreement pertaining to hybrid planning permission 20/00037/FUL.

1. That appropriately sized badger holes be established in order to allow for badgers to pass through property boundaries thereby preserving the established badger corridor.

Voting

9 For

3 Against

0 Abstentions

The Chair declared the motion **CARRIED**.

8:45pm - meeting adjourned for 10 minutes.

8:45pm - Councillor Nick Whitehead left the meeting.

218/23 - APPLICATION NO. 23/00209/FUL

8.55pm – The meeting reconvened.

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 Scott O'Dell (Agent) and The Hon David Legh on behalf of the Trustees of the Meynell and South Staffordshire Hunt (Applicant) spoke in support of the application. Mr Nigel Francis (Local Resident) spoke against the application and Mr William Hudson (Local Resident) commented on 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 summarised letter of representation received from a local resident.

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

RESOLVED (unanimously)

That planning permission be approved subject to the conditions set out in section 8 of the report and the following two additional conditions:

1. Notwithstanding the approved plans, prior to the first occupation of the dwelling within the Whelping Lodge, a detailed scheme for additional planting along the northern boundary of the site, timescale for implementation and ongoing maintenance shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter not be carried out other than in accordance with the approved details.

Reason: In the interests of protecting the amenity of neighbouring properties in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

2. Prior to the first occupation of any part of the development hereby approved, a scheme of drainage measures to alleviate surface water run-off from the paddock and existing drive shall be submitted to and approved in writing by the Local Planning Authority. The drainage measures shall thereafter be implemented in full prior to the first occupation of the development.

Reason: To ensure that surface water drainage is adequate in accordance with policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

The Chair declared the motion **CARRIED**.

219/23 - APPLICATION NO. 23/00210/LBALT

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 Scott O'Dell (Agent) and The Hon David Legh on behalf of the Trustees of the Meynell and South Staffordshire Hunt (Applicant) spoke in support of the application. Mr Nigel Francis (Local Resident) spoke against the application and Mr William Hudson (Local Resident) commented on the application.

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

It was moved by Councillor Stuart Lees, seconded by Councillor Kelda Boothroyd and

RESOLVED (unanimously)

That the application for Listed Building Consent be approved subject to the conditions set out in section 8 of the report.

The Chair declared the motion **CARRIED**.

220/23 - APPLICATION NO. 23/00959/LBALT

9.30pm - Councillors Peter Dobbs, David Hughes and Stuart Lees left the meeting for the consideration of this application.

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 Zach Croft (Agent) spoke in support of the application.

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

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

RESOLVED

That Listed Building Consent be granted subject to the conditions set out in section 8 of the report.

Voting

7 For

0 Against

1 Abstentions

The Chair declared the motion **CARRIED**.

221/23 - APPEALS PROGRESS REPORT

9.42pm - Councillor Peter Slack left the meeting.

Councillor David Hughes put forward the following motion:

“That Derbyshire Dales District Council Planning Committee requests that the Chair of the Planning Committee writes to the Head of the Planning Inspectorate and the Planning Inspector who conducted the appeal ref. APP/P1045/W/22/331609 noting the Committee’s disappointment with the decision reached, and noting further its disappointment that the Inspector did not consider the rights of children to play safely in their front gardens. When playing, children, and particularly small children, are often oblivious to traffic dangers. The danger to children in changing a private if shared drive into a highway is manifest and should have been given due weight in coming to a decision instead of being ignored.”

It was moved by Councillor David Hughes, seconded by Councillor Dermot Murphy and

RESOLVED (unanimously)

That the appeals progress report be noted and that the Chair of the Planning Committee writes to the Head of the Planning Inspectorate regarding the appeal ref. APP/P1045/W/22/331609 noting the Committee’s disappointment with the decision reached.

Voting

7 For

0 Against

1 Abstentions

The Chair declared the motion **CARRIED**.

Meeting Closed: 9.52pm

Chair