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Planning Committee

Minutes of a Planning Committee meeting held at 6.00 pm on Tuesday, 8th November, 2022 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT

Councillor Jason Atkin - In the Chair

Councillors: Sue Burfoot, Neil Buttle, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Helen Froggatt, David Hughes, Stuart Lees, Peter O'Brien, Garry Purdy, Janet Rose and Peter Slack

Present as Substitute - Councillors: Matt Buckler and Steve Wain

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 – 47

Note:

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APOLOGIES

Apologies for absence were received from Councillor(s): Jacqueline Allison and Robert Archer

179/22 - 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 11 October 2022 be approved as a correct record.

The Chairman declared the motion **CARRIED**.

180/22 - INTERESTS

Councillor Steve Wain declared a non-pecuniary interest in Item 5.3 Application No. 22/00558/FUL Mad Hatter, 34 Crown Square.

The Chairman moved Item 5.6 Application No 22/00769/FUL and Item 5.7 Application 22/00770/LBALT to the start of the meeting debated as one item.

181/22 - APPLICATION NO. 22/00769/FUL AND 22/00770/LBALT

The Development Manager gave a presentation showing details of the application and photographs of the site and its 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, Dr Ann Tobin (Local Resident) and Ms Beverly Van De Griend (Local Resident) spoke against the application. Ms Alexandra Palfreyman (Agent) spoke in support of 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 clarification of condition one of the Officer's report.

During debate Councillor Garry Purdy moved to defer the application until a flood risk assessment had been carried out and clarification on parking at the top of the shared access un-adopted lane at the rear of the property and the surface material to be used for the track had been given. This was seconded by Councillor Sue Burfoot and

RESOLVED

That planning permission be DEFERRED.

Voting

14 For
1 Against
0 Abstentions

The Chairman declared the motion **CARRIED**.

182/22 - APPLICATION NO. 21/01412/OUT

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, Mr Jamie Foot (Agent) spoke in support of 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 attention being drawn to an inaccuracy in the application section of the report.

It was moved by Councillor Garry Purdy, seconded by Councillor David Hughes and

RESOLVED

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

Voting

13 For
2 Against
0 Abstentions

The Chairman declared the motion **CARRIED**.

183/22 - APPLICATION NO. 22/00194/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, Mr Andrew Stock (Agent) spoke in support of the application. Cllr. Jason Farmer (Darley Dale Town Council), Mr Ian Walker (Local Resident), Mr Archie Walker (Local Resident) and Mr Rodney Howlett (Local Resident) spoke against the application.

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

It was moved by Councillor Richard FitzHerbert with an additional condition regarding the linkage of the two play areas for safety, seconded by Councillor Garry Purdy and

RESOLVED

That planning permission be approved subject to the conditions set out in the report and the following additional wording to part j) of recommended Condition 12 following the completion of a S106 planning obligation agreement to secure 2 no. first homes and an off-site affordable housing contribution equivalent to 3.4 units (£154,577.60) and a contribution of £168,198.42 towards secondary and post 16 school places and demarcation of a link between the two areas if sited either side of the access road.

Voting

10 For
4 Against
1 Abstentions

The Chairman declared the motion **CARRIED**.

184/22 - APPLICATION NO. 22/00558/FUL

At **7:28pm** Councillor Wain left the meeting during consideration of this application due to declaring a non-pecuniary interest in 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, Cllr Steve Wain (Ward Member) commented on the application, Ms Wendy Spencer (Applicant) and Mr Steven Murphy spoke in support of the application.

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

During debate Councillor Richard FitzHerbert moved to approve the application providing that the sides of the timber structure would be removable and the owners would put in place a mechanism to remove the structure should access be required by the Environment Agency for maintenance. This was seconded by Councillor Graham Elliott and

RESOLVED

That planning permission be approved subject to the condition set out below:

Within 28 days of the date of this decision, details of the method and mechanism for the removal of the building (in full or part) when access to the flood defence wall is required for inspection and maintenance purposes following notice from the Environment Agency shall be submitted to and approved in writing by the Local Planning Authority. Access shall thereafter be provided to the flood defence wall for inspection and maintenance purposes in accordance with the approved details.

Voting

12 For

1 Against

1 Abstentions

The Chairman declared the motion **CARRIED**.

The meeting was adjourned from **8:08pm** for 15 minutes following consideration of this item.

185/22 - DURATION OF MEETING (MOTION TO CONTINUE)

At **8:22 pm** 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**.

186/22 - APPLICATION NO. 22/00615/FUL

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

In accordance with the procedure for public participation, Cllr Michelle Morley (Ward Member read out by Democratic Services Officer) and Mr Liam Ellis (Applicant) spoke in support of 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 updated information from the agent and a letter of support from the applicant's vet.

During debate Members agreed the farm unit is viable and sustainable and there was a fundamental need to be on site permanently.

It was moved by Councillor Richard FitzHerbert to approve the application with the following conditions:

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.
2. Samples of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no external alterations or additions shall be made to the hereby approved dwelling and no buildings, extensions, gates, hardstanding, fences or walls (other than those expressly authorised by this permission) shall be carried out within the curtilage of the dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.
4. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or any subsequent equivalent statutory provision, or a dependent of such a person residing with him or her, or a widow or widower of such a person.
Reason: The site lies in an area where permission for development unrelated to the essential needs of agriculture is prohibited.
5. Prior to the works beginning on the superstructure of the dwelling a programme for the delivery of the measures to mitigate the effects of and adapt to climate change shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be carried out in accordance with the approved programme.

6. Following the successful completion of a legal agreement to tie the dwelling to the land and buildings controlled by the applicant

This was seconded by Councillor Stuart Lees and

RESOLVED

That planning permission be approved subject to the conditions as shown above.

Voting

14 For
1 Against
0 Abstentions

The Chairman declared the motion **CARRIED**.

At 8:58 pm Councillor Graham Elliott left the meeting.

187/22 - APPLICATION NO. 22/00634/REM

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 Richard Pigott (Agent) spoke in support of the application. Mr Eric Andrew (Local Resident) and Mr Paul Whitehead (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 amended wording to Conditions 1 and 10.

It was moved by Councillor Peter Slack, seconded by Councillor David Hughes and

RESOLVED

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

Voting

10 For
1 Against
1 Abstentions

The Chairman declared the motion **CARRIED**.

188/22 - APPLICATION NO. 22/00798/FUL

The Development 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.

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

It was moved by Councillor Tom Donnelly to approve with an additional condition:

That there shall be no storage of materials or machinery / equipment associated with the construction of the extension on the access or shared garaging area to the north of the site. Materials and machinery / equipment associated with the construction of the extension shall be stored within the application site unless otherwise agreed in writing by the Local Planning Authority.

This was seconded by Councillor Helen Froggatt and

RESOLVED (unanimously)

That planning permission be approved subject to the conditions set out in the report and the additional condition as detailed previously.

The Chairman declared the motion **CARRIED**.

189/22 - APPLICATION NO. 22/00934/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.

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

It was moved by Councillor Peter O'Brien, seconded by Councillor David Hughes and

RESOLVED

That planning permission be approved.

Voting

9 For
3 Against
2 Abstentions

The Chairman declared the motion **CARRIED**.

190/22 - APPLICATION NO. 22/00952/FUL

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

In accordance with the procedure for public participation, Ms Hannah Street (Applicant) and Mr Rob Watson (Chair of Boylestone Parish Council) spoke in support of the application. Cllr Tony Morley (Ward Member) 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. The applicant had submitted an amended plan showing the building 'as built' this plan had been added to the application and included in the presentation.

It was moved by Councillor Sue Burfoot, seconded by Councillor Garry Purdy and

RESOLVED

That planning permission be approved.

Voting

12 For

1 Against

1 Abstentions

The Chairman declared the motion **CARRIED**.

191/22 - APPLICATION NO. 22/00961/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 Chris Stait (Local Resident) spoke against the application. Mr Tom Gardener (Local Resident) and Ms Dawn Lewis (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 comments received from two local residents.

It was moved by Councillor David Hughes, seconded by Councillor Janet Rose and

RESOLVED

That planning permission be refused for the following reason:

The development involves the establishment of a new agricultural enterprise, which requires additional land in order to be able to accommodate the amount of livestock necessary to warrant a full time agricultural worker and ensure that the enterprise would be profitable and capable of sustaining such a person. The applicant has therefore failed to demonstrate that the temporary dwelling is necessary to meet the needs of agriculture and would constitute an acceptable form of residential development in the countryside.

Voting

13 For

1 Against

1 Abstentions

The Chairman declared the motion **CARRIED**.

192/22 - APPLICATION NO. 22/00971/FUL

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

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

It was moved by Councillor Tom Donnelly, seconded by Councillor Stuart Lees and

RESOLVED (unanimously)

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

The Chairman declared the motion **CARRIED**.

193/22 - APPEALS PROGRESS REPORT

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

RESOLVED (unanimously)

That the report be noted.

The Chairman declared the motion **CARRIED**.

Meeting Closed: 10.40 am

Chairman