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Planning Committee

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

PRESENT Councillor David Burton - In the Chair

Councillors: Peter O'Brien, Sue Burfoot, Robert Archer, John Bointon, Neil Buttle, Peter Dobbs, Nigel Norman Edwards-Walker, David Hughes, Laura Mellstrom, Dermot Murphy and Nick Whitehead

Members of the Public – 26

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): Stuart Lees, Peter Slack and Mark Wakeman

253/23 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Neil Buttle, seconded by Councillor Peter Dobbs and

RESOLVED

That the minutes of the meeting of the Planning Committee held on 14 November 2023 be approved as a correct record.

Voting

11 For
00 Against
01 Abstentions

The Chair declared the motion **CARRIED**.

254/23 - INTERESTS

Item 5.9 - APPLICATION NO. 23/01092/FUL – Ashbourne Methodist Church, Church Street, Ashbourne - Construction of link extension, extensions to new garden entrance, Gateway accommodation and Chapel House, demolition of lean-to extension to Chapel House and new community garden with ramped access.

And

Item 5.10 - APPLICATION NO. 23/01093/LBALT – Ashbourne Methodist Church, Church Street, Ashbourne - Construction of extensions, internal and external alterations to existing church, associated buildings and Chapel House including demolition, creation of community garden and associated works.

Councillor David Hughes declared a non-pecuniary interest in Items 5.9 and 5.10 due to being Chair of the Ashbourne Reborn Programme Board.

Councillor Peter Dobbs declared a non-pecuniary interest in Items 5.9 and 5.10 due to being a member of the Ashbourne Reborn Programme Board.

254/23a - APPLICATION NO. 22/01339/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 Darren Abbott (Applicant) spoke in support of the application. Mr Martin Bottomley (Local Resident), Mr Stephen Prince (Local Resident), and Mr David Tyers (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 Local Residents and further information received from the applicant's agent regarding the Noise Impact Assessment, the installation of the play area and further information from their drainage consultants on the drainage strategy proposed. Officers had responded with the following amendments to conditions:

Condition 2 shall be amended to include reference to the Noise Impact Assessment for clarity and Condition 23 shall be amended in accordance with the above to allow the play area to be installed at an appropriate time in accordance with the build out programme.

It was moved by Councillor Peter Dobbs, seconded by Councillor Robert Archer and

RESOLVED (unanimously)

That planning permission be refused for the following reasons:

1. The development would be served by an access off a narrow country lane, where vehicle speeds and visibility are such that movements to and from the site would be

detrimental to highway safety, and cumulatively with other recent development in the area have severe impacts on the transport network contrary to the requirements of Policy S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

2. The development fails to facilitate choice of travel and safe and easy viable access to the facilities within the town to encourage walking and cycling contrary to the aims of Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017) and Policy TRA1 of Ashbourne Neighbourhood Plan (2021).
3. Insufficient information has been submitted to demonstrate that surface and foul water flows from the development can be accommodated without adversely affecting the environment and increasing the risk of flooding elsewhere contrary to the aims of Policies S1 and PD8 of the Adopted Derbyshire Dales Local Plan (2017).
4. The proposed development delivers a blended housing mix that is skewed towards larger house types. Without clear and convincing justification, this does not meet the housing needs of the district contrary to the aims of policies S1 and HC11 of the Adopted Derbyshire Dales Local Plan (2017) and Policy HOU1 of Ashbourne Neighbourhood Plan (2021).
5. The layout of the development does not respond positively to the context, character and identity of this part of the town and constitutes poor design contrary to the aims of Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017), Policy DES1 of the Ashbourne Neighbourhood Plan (2021) and policy contained in the National Planning Policy Framework (2023).
6. The development fails to adequately compensate for natural grassland loss to deliver a Biodiversity Net Gain contrary to the requirements of Policy PD3 and policy contained in the National Planning Policy Framework (2023).
7. The pedestrian link at the western end of the site, terminates before it reaches any adopted path which means that it offers no access benefits and is therefore unwarranted. It also runs alongside an attenuation feature on adjacent land which is detrimental to public safety, contrary to the aims of Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

Voting

08 For
01 Against
03 Abstentions

The Chair declared the motion **CARRIED**.

255/23 - APPLICATION NO. 23/00939/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 David Breakwell (Agent) spoke in support of the application.

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

Councillor David Hughes proposed a motion to approve the application for planning permission, this was seconded by Councillor Peter O'Brien and put to the vote as follows:

Voting

02 For

09 Against

01 Abstention

The Chair declared the motion **LOST**.

It was then moved by Councillor Robert Archer, seconded by Councillor Peter Dobbs and

RESOLVED

That planning permission be refused for the reasons as set out within section 8 of the report.

Voting

10 For

01 Against

01 Abstentions

The Chair declared the motion **CARRIED**.

256/23 - APPLICATION NO. 23/00940/LBALT

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 David Breakwell (Agent) spoke in support of the application.

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

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

RESOLVED

That planning permission be refused for the reasons set out in section 8 of the report.

Voting

9 For

2 Against

1 Abstentions

The Chair declared the motion **CARRIED**.

257/23 - APPLICATION NO. 23/01033/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, Mrs Monteith (Atlow Parish Council) and Mr James Jarvis (Applicant) spoke in support of the application.

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

It was moved by Councillor Peter O'Brien, seconded by Councillor Sue Burfoot and

RESOLVED (Unanimously)

That planning permission be approved subject to the following conditions:

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out other than in accordance with the following approved plans and documents, subject to the following conditions:
 - Drawing Nos. 4598 - 001, 004, 005, 006 and 007 received on 18th October 2023
 - Design and Access Statement received on 18th October 2023.
3. The accommodation 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 holiday accommodation 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 reoccupied by the same person/s within 28 days following the end of that period. A register of all occupiers of the holiday accommodation, detailing dates of occupation, names and usual addresses, shall be maintained by the owner(s) and a copy shall be provided to Local Authority upon written request.
4. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures shall thereafter be implemented in full.
5. Prior to first occupation of the holiday let hereby approved, details of the measures to help mitigate the effects of and adapt to climate change and timetable for delivery shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be provided in accordance with the approved details.

The Chair declared the motion **CARRIED**.

8.14 pm – The Chair adjourned the meeting and Councillor Wakeman left the meeting.

8.29 pm – The meeting reconvened.

258/23 - DURATION OF MEETINGS (MOTION TO CONTINUE)

At 8:30 pm, it was moved by Councillor David Burton, seconded by Councillor Robert Archer and

RESOLVED (Unanimously)

That in accordance with Rule of Procedure 13, the meeting continue to 10.00 pm to enable the business on the agenda to be concluded.

The Chair declared the motion **CARRIED**.

259/23 - APPLICATION NO. 23/01102/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 David Breakwell (Agent) spoke in support of the application. Cllr. Paul Siddall (Clifton Parish Council) commented on the application. Mr Anthony Jones (Local Resident), Ms Lucy Cook (Local Resident), Mr John Griffiths (Local Resident) and Mr Graham Elliott (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 information from the applicant's agent relating to Biodiversity Net Gain and information from emails sent by local residents to the Local Highway Authority (LHA) questioning the visibility and the LHA's response.

It was moved by Councillor David Hughes, seconded by Councillor Robert Archer and

RESOLVED (unanimously)

That planning permission be refused for the reasons set out in section 8 of the report.

The Chair declared the motion **CARRIED**.

260/23 - APPLICATION NO. 23/01120/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 Richard Longville (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 summary of late representations and clarification from Environmental Health of the nature of transmission and licensing, informing Members that Radio operators are licensed by Ofcom who are the regulators.

It was moved by Councillor Nick Whitehead, seconded by Councillor Dermot Murphy and

RESOLVED

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

Voting

08 For

01 Against

03 Abstentions

The Chair declared the motion **CARRIED**.

261/23 - DURATION OF MEETINGS (MOTION TO CONTINUE)

At 9:56 pm, it was moved by Councillor Sue Burfoot, seconded by Councillor Peter Dobbs and

RESOLVED (Unanimously)

That in accordance with Rule of Procedure 13, the meeting continue for 30 minutes to enable the business on the agenda to be concluded.

The Chair declared the motion **CARRIED**.

262/23 - APPLICATION NO. 23/00695/REM

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, Ms Sarah Willis (Agent) spoke in support of the application. Councillor Joanne Linthwaite (Ward Member) and Mr Richard Walker (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 Matlock Civic Association and concerns raised by Councillor David Hughes on the foul water drainage.

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

RESOLVED

That consideration of this application be deferred to a future meeting in order to allow for:

- re-evaluation of drainage proposals;
- confirmation to be sought from Severn Trent Water that they can facilitate the anticipated foul water drainage from the proposed development;
- confirmation to be sought that housing minimum space standards will be adhered to.

Voting

11 For

00 Against

01 Abstentions

The Chair declared the motion **CARRIED**.

263/23 - APPLICATION NO. T/23/00216/TPO

10:17 pm Councillor David Burton left the meeting and Councillor Sue Burfoot took over as Chair.

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 Nick Whitehead, seconded by Councillor Peter O'Brien and

RESOLVED

That planning permission be approved subject to the following conditions:

1. The work shall be carried out within two years of the date of this consent.
2. Within one months of the first felling of any tree, a replanting scheme (including timetable for delivery) shall be submitted to and approved in writing by the Local Planning Authority. The approved replanting scheme shall thereafter be carried out in accordance with the approved details.
3. A felling programme to minimise disturbance to the woodland shall be submitted to and approved in writing by the Local Planning Authority. The felling shall thereafter be carried out in accordance with the approved programmed.

Voting

10 For

00 Against

01 Abstentions

The Chair declared the motion **CARRIED**.

264/23 - APPLICATION NO. 23/01092/FUL

Councillor David Hughes and Councillor Peter Dobbs left the meeting due to previously declaring interests in this item.

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 Tony Walker (Ashbourne Methodist Church) spoke in support of the application.

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

It was moved by Councillor Nick Whitehead, seconded by Councillor Neil Buttle and

RESOLVED (unanimously)

That authority be delegated to the Development Manager or Principal Planning Officer, to grant planning permission subject to conditions set out in section 8.0 of this report, following confirmation from Derbyshire Wildlife Trust, the EA and the LLFA that they raise no objections with or without changes that do not materially alter the development being applied for and any additional conditions that they deem appropriate.

The Chair declared the motion **CARRIED**.

265/23 - APPLICATION NO. 23/01093/LBALT

Councillor David Hughes and Councillor Peter Dobbs had registered a non-pecuniary interest and sat out for 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 Nick Whitehead, seconded by Councillor Robert Archer and

RESOLVED (unanimously)

That authority be delegated to the Development Manager or Principal Planning Officer to grant listed building consent, following confirmation from Derbyshire Wildlife Trust in respect of the associated full application (code ref. 23/01092/FUL) that the works are acceptable with or without changes that do not require listed building consent, subject to the conditions as set out in section 8.0 of this report and any additional conditions recommended by the Trust that are relevant to this application.

The Chair declared the motion **CARRIED**.

266/23 - APPEALS PROGRESS REPORT

It was moved by Councillor Sue Burfoot, seconded by Councillor Robert Archer and

RESOLVED (unanimously)

That the report be noted.

The Chair declared the motion **CARRIED**.

Meeting Closed: 10.29 pm

Chair