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## Planning Committee

### Minutes of a Planning Committee meeting held at 6.00 pm on Tuesday, 10th October, 2023 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

**PRESENT** Councillor Peter O'Brien - In the Chair

Councillors: David Burton, Sue Burfoot, John Bointon, Neil Buttle, Peter Dobbs, Nigel Norman Edwards-Walker, David Hughes, Stuart Lees, Laura Mellstrom, Dermot Murphy, Peter Slack, Mark Wakeman, Nick Whitehead and Roger Shelley

Present as Substitute - Councillors: Roger Shelley

Chris Whitmore (Development Control Manager), Adam Maxwell (Principal Planning Officer), Sarah Arbon (Senior Planning Officer), Jim Fearn (Communications & Marketing Manager) and Angela Gratton (Democratic Services Officer)

Members of the Public – 33

#### **Note:**

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#### **APOLOGIES**

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

#### **156/23 - APPROVAL OF MINUTES OF PREVIOUS MEETING**

Prior to the beginning of the formal meeting, the Committee were asked to take part in a moment of quiet reflection for those families experiencing difficulties in the Middle East due to the ongoing situation.

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

## **RESOLVED**

That the minutes of the meeting of the Planning Committee held on 12 September 2023 be approved as a correct record.

### **Voting**

**14 For**

**0 Against**

**1 Abstentions**

The Chair declared the motion **CARRIED**.

### **157/23 - INTERESTS**

Councillor Peter Dobbs declared a non-pecuniary interest in Item 5.1 Application No 23/00787/FUL- Alterations to windows and doors (re-submission) at 2 Birchwood Moor Court, Roston, Ashbourne, Derbyshire DE6 2EJ.

### **158/23 - APPLICATION NO. 23/00787/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 Claire Critchlow (Applicant) spoke in support of the application.

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

It was moved by Councillor David Hughes, seconded by Councillor David Burton and

## **RESOLVED**

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

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. Notwithstanding the submitted details, the windows and doors hereby approved shall match in terms of design, material, colour and recess the windows and doors in the existing building.

Reason:

To ensure a satisfactory external appearance in accordance with the aims of policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

## **Voting:**

**13 For**  
**01 Against**  
**00 Abstentions**

The Chair declared the motion **CARRIED**.

## **159/23 - APPLICATION NO. 20/00308/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 Mark Cavell (Applicant) spoke in support of the application. Mr Richard Walker (Matlock Civic Association) spoke against the application.

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

The recommendations as set out in the report, with additional conditions relating to road construction and grey/rainwater recycling, were moved by Councillor Stuart Lees and seconded by Councillor Neil Buttle.

During debate, an amendment was moved by Councillor Peter Slack to defer consideration of this application to a future meeting to allow for the Section 106 agreement to be renegotiated by officers, this was seconded by Councillor David Burton and put to the vote as follows:

## **Voting**

**04 For**  
**10 Against**  
**01 Abstention**

The Chair declared the amendment **LOST**.

The substantive motion was then put to the vote and

## **RESOLVED**

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

- Grey and rainwater recycling
- Roads being constructed up to adoptable standards

And an advisory footnote to encourage the delivery of affordable housing.

## Voting

**10 For**

**03 Against**

**02 Abstentions**

The Chair declared the motion **CARRIED**.

### **160/23 - APPLICATION NO. 22/01371/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 Mark Cavell (Applicant) spoke in support of the application. Mr Richard Walker (Matlock Civic Association) spoke against the application, comments as Application 20/00308/REM.

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

The recommendations as set out in the report were moved by Councillor Stuart Lees, with three additional conditions as follows: Road and Footpaths are built to highway standard, use grey water harvesting and the Council to investigate facilitating affordable houses. This was then seconded by Councillor Dermot Murphy.

In accordance with **Rule of procedure 19d**, a recorded vote was requested by Councillor Mark Wakeman and seconded by Councillor Nick Whitehead. The motion was then put to the vote and the votes were recorded as follows:

**For – 8 Councillors:** John Bointon, Sue Burfoot, Neil Buttle, Peter Dobbs, Nigel Edwards-Walker, Stuart Lees, Dermot Murphy and Peter O'Brien

**Against – 6 Councillors:** David Burton, David Hughes, Laura Mellstrom, Peter Slack, Mark Wakeman and Nick Whitehead

**Abstention – 1 Councillor:** Roger Shelley

It was therefore

## **RESOLVED**

That authority be delegated to officers to grant planning permission, subject to conditions and following the completion of a linking agreement or deed of variation to tie the development to the terms of the s106 agreement secured in respect of outline permission 14/00541/OUT and to secure the long term delivery of biodiversity net gain, and planning permission be approved subject to the conditions set out in section 8 of the report and the following to cover the following matters:

- Grey and rainwater recycling
- Roads being constructed up to adoptable standards

And an advisory footnote to encourage the delivery of affordable housing.

The Chair declared the motion **CARRIED**.

**8.08 pm** Councillor Mark Wakeman left the meeting.

**8.08 pm** – The Chair adjourned the meeting.

**8.17 pm** – The meeting reconvened.

### **161/23 - DURATION OF MEETINGS (MOTION TO CONTINUE)**

At 8.17pm, it was moved by Councillor David Hughes, seconded by Councillor David Burton and

**RESOLVED** (Unanimously)

That in accordance with Rule of Procedure 13, the meeting continues until 10pm to allow for the completion of business.

The Chair declared the motion **CARRIED**.

### **162/23 - APPLICATION NO. 23/00535/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, Ms Beverley Moss (Agent) spoke in support of the application. Ms Diana Woodhouse (Local Resident) spoke against the application. Ms Carol Taylor (Old Hackney Lane/Darley House Estate Group) 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 further comments from Derbyshire Wildlife Trust.

During debate, Members asked that the Development Manager write to Derbyshire County Council on behalf of the Planning Committee asking them to consider 20 mile per hour highway restrictions on inadequate roads such as Hackney Lane.

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

**RESOLVED**

That planning permission be refused for the reasons set out in section 8 (excluding No 4 as this no longer applied) of the report:

1. The proposal constitutes piecemeal development of an allocated housing site that would prevent the efficient use of land and delivers sub-optimal outcomes in terms of

matters such as layout, design, landscaping, open space and sustainable drainage which need designing on a comprehensive basis across the site, contrary to Policy S1 of the Adopted Derbyshire Dales Local Plan (2017).

2. The proposed scale and appearance and land level of the dwellings would dominate the street scene of Old Hackney Road and the layout is dominated by the estate road, both of which fail to reflect the character of the surrounding area identified as having a high landscape sensitivity, contrary to Policies S3, PD1, PD5 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1, NP8 and NP11 of the Darley Dale Neighbourhood Plan Jan 2020.
3. Insufficient information has been supplied in order to demonstrate that the proposed site is able to drain and that due consideration has been given to the space required on site Page 2 of 5 23/00535/FUL for surface water storage to accord with the SUDS hierarchy contrary to Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

That the Development Manager is to write to Derbyshire County Council on behalf of the Planning Committee asking them to consider 20 mile per hour highway restrictions on inadequate roads such as Hackney Lane.

## Voting

**13 For**

**0 Against**

**1 Abstentions**

The Chair declared the motion **CARRIED**.

**163/23 - APPLICATION NO. 23/00363/FUL - APPLICATION WITHDRAWN**

**164/23 - APPLICATION NO. 22/00855/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 Robert Wright (Applicant) spoke in support of the application. Mr Ian Dixon (Local Resident), Ms Sandra Dixon (Local Resident) and Mr Richard Walker (Matlock Civic Association) spoke against the application. Mr Doug Pealing (Local Resident) had a statement read on his behalf.

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 correction to a typo in the recommendation section on the front page of the report: *This application is for full planning permission and therefore the reference to 'outline' is in error and is omitted from the report.*

During debate Councillor David Hughes moved the recommendations as set out within the report and asked that consideration be given to the following issues when assessing details submitted to discharge the conditions as set out in the report:

- Plot 1; a recessive roof colour to be used.
- Emergency access to the site.

This motion was then seconded by Councillor Nigel Edwards-Walker and

## **RESOLVED**

That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission upon completion of a S.106 planning obligation to secure:

- approval and implementation of a management plan for the site;
- provision of transport facilities;
- provision and maintenance of footpath for use by the public and public access;
- approval and implementation of construction access strategy; and
- approval and implementation of road management scheme.

And subject to the conditions as set out in section 8 of the report.

## **Voting**

**12 For**

**0 Against**

**2 Abstentions**

The Chair declared the motion **CARRIED**.

## **165/23 - APPLICATION NO. 22/00856/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 Robert Wright (Applicant) spoke in support of the application. Mr Ian Dixon (Local Resident) and Ms Sandra Dixon (Local Resident) spoke against the application.

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

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

## **RESOLVED**

That listed building consent be approved subject to the conditions set out in section 8 of the report.

## **Voting**

**12 For**

**1 Against**

## **1 Abstentions**

The Chair declared the motion **CARRIED**.

### **166/23 - DURATION OF MEETINGS (MOTION TO CONTINUE)**

At 9.37pm, it was moved by Councillor David Burton, seconded by Councillor Peter Slack and

**RESOLVED** (Unanimously)

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

The Chair declared the motion **CARRIED**.

### **167/23 - APPLICATION NO. 23/00460/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 Katie Baker (Trainer for the facility) and Mr David Poyser (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 comments received from a local resident.

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

**RESOLVED** (unanimously)

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

The Chair declared the motion **CARRIED**.

**9.55 pm** Councillor Murphy left the meeting.

### **168/23 - APPLICATION NO. 23/00832/OUT**

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 James Filer (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 comments received from the Local Highway Authority.

It was moved by Councillor David Burton, seconded by Councillor Peter Dobbs 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**.

**10.08 pm** Councillor Nick Whitehead left the meeting.

### **169/23 - APPLICATION NO. 23/00830/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 Matt Hubbard (Agent) spoke in support of the application.

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

It was moved by Councillor Sue Burfoot to refuse the application, this was seconded by Councillor David Burton and put to the vote as follows:

#### **Voting**

**5 For**

**6 Against**

**1 Abstentions**

The Chair declared the motion **LOST**

It was then moved by Councillor Neil Buttle to approve the application subject to the conditions as set out in the report, this was then seconded by Councillor Nigel Edwards-Walker.

In accordance with **Rule of procedure 19d**, a recorded vote was requested by Councillor David Burton and seconded by Councillor Neil Buttle. The motion was put to the vote and the votes recorded as follows:

**For – 6 Councillors:** John Bointon, Neil Buttle, Nigel Edwards-Walker, David Hughes, Laura Mellstrom and Peter Slack

**Against – 5 Councillors:** Sue Burfoot, David Burton, Stuart Lees, Peter O'Brien and Roger Shelley

**Abstention – 1 Councillor: Peter Dobbs**

It was therefore

**RESOLVED**

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

The Chair declared the motion **CARRIED**.

**170/23 - APPLICATION NO. 23/00759/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 Benjamin Parker (Applicant) spoke in support of the application, and Mr Paul Kemp (Local Resident) spoke against the application.

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

It was moved by Councillor Sue Burfoot to defer consideration of the application to allow for officers to negotiate the potential adverse impact on neighbouring properties, this was seconded by Councillor Neil Buttle and put to the vote as follows:

**Voting**

**04 For**  
**07 Against**  
**01 Abstentions**

The Chair declared the motion **LOST**.

It was then moved by Councillor David Hughes to approve the application subject to a condition regarding the treatment of the wall between the two properties to reduce any potential adverse impact, this was seconded by Councillor Roger Shelley and put to the vote as follows:

**Voting**

**04 For**  
**07 Against**  
**01 Abstentions**

The Chair declared the motion **LOST**.

It was then moved by Councillor Peter Slack, seconded by Councillor Nigel Edwards-Walker and

## **RESOLVED**

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

### **Voting**

**07 For**

**02 Against**

**03 Abstentions**

The Chair declared the motion **CARRIED**.

## **171/23 - APPEALS PROGRESS REPORT**

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

**RESOLVED** (unanimously)

That the report be noted.

The Chair declared the motion **CARRIED**.

**Meeting Closed: 10.58 pm**

**Chair**