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PLANNING COMMITTEE

Minutes of a Virtual Planning Committee meeting held at 6.00pm on Tuesday 09th February 2021.

Under Regulations made under the Coronavirus Act 2020, the meeting was held virtually. Members of the public were able to view the virtual meeting via the District Council's website at www.derbyshiredales.gov.uk or via our YouTube channel.

PRESENT

Councillor Jason Atkin - In the Chair

Councillors: Robert Archer, Sue Bull, Sue Burfoot, Neil Buttle, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Stuart Lees, Tony Morley, Peter O'Brien, Garry Purdy and Peter Slack.

Jon Bradbury (Development Control Manager), Chris Whitmore (Principal Planning Officer), Kerry France (Principal Solicitor) and Simon Johnson (Democratic Services Officer).

APOLOGIES

Apologies for absence were received from Councillor Joyce Pawley. Councillor Peter O'Brien attended as Substitute Member.

244/20 - MINUTES

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

RESOLVED

(unanimously)

That the minutes of the Planning Committee meeting held on 12th January 2021 be approved as a correct record.

245/20 - APPLICATION NO. 20/00872/FUL (Presentation)

RETENTION OF REPLACEMENT DWELLING AS BUILT AND ADDITIONAL CHANGES TO EXTERNAL FINISHES (MODIFICATIONS TO PLANNING PERMISSION 16/00054/FUL - ERECTION OF REPLACEMENT DWELLING AND ANNEX) AT FORMERLY GOODACRES, FURLONG LANE, HOGNASTON.

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

In accordance with the procedure for public participation, Councillor Suzanna Monteith (Atlow Parish Meeting) and Mr Jon Millhouse (Agent – Planning Design) spoke in favour of

the application. Councillor Chris Stait (Hognaston Parish Council) spoke against the application.

Further in line with the Council's procedure for direct public participation, representations received from the public, in accordance with the criteria set out in the agenda, were published on the District Council website together with Officer responses and are set out below:

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

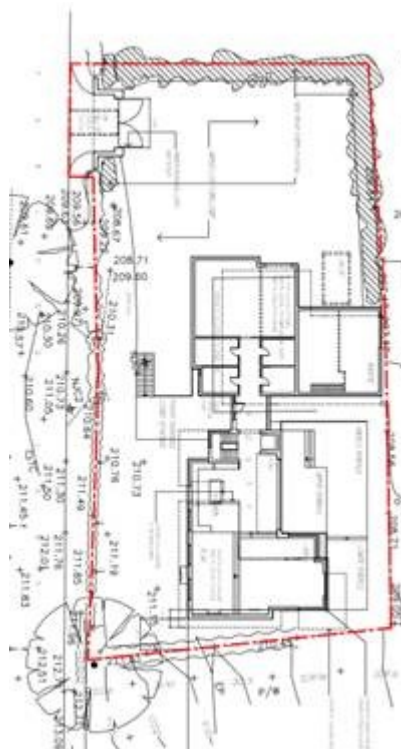
1. THE FOLLOWING COMMENTS HAVE BEEN RECEIVED FROM CHRIS STAIT, CHAIRMAN OF HOGNASTON PARISH COUNCIL:

It is disappointing to read the conditions applied to this application.

It has disregarded all the concerns registered in the 9 letters of objection from those houses who can see this property from Hognaston Parish.

1. The growth in mass of the property has not been ameliorated by a more significant change in render colour; the proposed grey/white will still result in a bright box structure. The conditions of the previous application declared it should not be unduly prominent and should minimise impact on the landscape

2. The hard and soft landscaping (Condition 5 of the previous application) has not been addressed, the shown bushes and hedges that formed the domestic curtilage have been omitted, all of which would minimise visual impact.



3. The tree planting is minimal contains an unusual mix of trees and does not form a spinney with hedgerows, as is the landscape character of this area, summarised as Peak Fringe and lower Derwent countryside.

We would ask you ensure the planning committee request amended colour palette and an adequate planting scheme reducing the visual impact.

Officer Comments:

Officers advise that members note the comments and draw their attention to the conditions set out in the officer recommendation, which repeat the details previously reserved in respect of landscaping and the use of an appropriate render colour / finish.

2. THE FOLLOWING COMMENTS HAVE ALSO BEEN RECEIVED FROM A LOCAL RESIDENT:

I have recently seen a letter from the applicant's agent that seems to suggest that I edited the photograph of the sunlight glare from his roof. Please have my 100% categorical assurance that I did not do this. Not only is this absolutely something I would not do, I also would not have a clue 'how' to do it if I wanted to!

The picture I took and sent to you was taken out of shade in a field and I took a similar one last week. If you or anybody else wishes to observe the roof in sunlight for yourself, you are more than welcome to view it from the exact spot that I took the picture from.

Officer Comments:

Members are advised to note the comments. Agreement to the use of pre-treated / weathered zinc sheeting to the roof has been previously reached in respect of condition 2 of planning permission code ref. 16/00054/FUL and the applicant has confirmed that this has been installed and is a matt, non-reflective variety.

Should members be concerned about the finish of the zinc sheeting to the walls a condition could be imposed to require that it is a pre-weathered, no reflective variety that will not result in any glare.

It was moved by Councillor Garry Purdy, seconded by Councillor Peter O'Brien and

RESOLVED That planning permission be granted subject to the conditions set out in (unanimously) the report and the additional condition recommended by Committee:

Additional Condition:

To ensure the implementation of landscaping, either before occupation of the dwelling, or within 12 months of the permission, whichever is the sooner.

**246/20 - APPLICATION NO. 20/01071/FUL (Presentation)
PROPOSED EXTERNAL ALTERATIONS TO BUILDING, IN ASSOCIATION WITH APPROVED PRIOR NOTIFICATION REFERENCE 20/00261/PDC, FOR CHANGE OF USE OF AGRICULTURAL BUILDING TO A FLEXIBLE USE (C1 HOLIDAY ACCOMODATION WITH ANCILLARY STABLING) AT THE GRAIN STORE BUILDING, SOMERSAL FARM, CHURCH LANE, SOMERSAL HERBERT, DERBYSHIRE DE6 5PD.**

The Development Control Manager gave an online presentation showing details of the application and photographs of the site and surroundings.

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

It was moved by Councillor Richard FitzHerbert, seconded by Councillor Tom Donnelly and

RESOLVED That planning permission be granted subject to the conditions set out in (unanimously) the report.

**247/20 - APPLICATION NO. 20/01165/FUL (Presentation)
CHANGE OF USE OF HAIRDRESSING SALON, WITH RESIDENTIAL
ACCOMODATION, TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) AT 50
WELLINGTON STREET, MATLOCK.**

The Development Control Manager gave an online presentation showing details of the application and photographs of the site and surroundings.

In accordance with the procedure for public participation, Councillor Margaret Elsworth (Matlock Town Council), Mr Philip Branford, Mr Andrew Minshall, Mrs Sarah Minshall (local residents) and Councillor Steve Wain (Ward Member) spoke against the application.

Further in line with the Council's procedure for direct public participation, representations received from the public, in accordance with the criteria set out in the agenda, were published on the District Council website together with Officer responses and are set out below:

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

Officer Comments:

Since the completion of the report, the agent has provided the following floor spaces for the four proposed bedrooms.

Bedroom 1 - 14.9 sq.m. + en-suite - 3 sq.m.

Bedroom 2 - 14.8 sq.m. + en-suite - 3 sq.m.

Bedroom 3 - 11.8 sq.m. + en-suite - 3 sq.m.

Bedroom 4 - 10.0 sq.m. + bathroom - 6 sq.m.

It was moved by Councillor Garry Purdy, seconded by Councillor Neil Buttle and

RESOLVED That determination of the application be deferred to a future meeting of the Committee.

Reason:

The Committee requested deferral of the application to give more time to gain information on the bin storage arrangements, the treatment of the shop frontage to ensure the privacy of future tenants is properly assessed and to try and establish the precise number of future tenants.

Voting:

For	10
Against	3
Abstention	0

The Chairman declared the motion CARRIED.

Councillor Graham Elliott left the meeting at 8:26pm.

248/20 - MOTION TO CONTINUE

At 8:28pm, at the conclusion of public participation on Item 5.4 of the agenda – Application No. 20/01223/FUL:

It was moved by Councillor Jason Atkin, seconded by Councillor Tony Morley and

RESOLVED That, in accordance with Rule of Procedure 13, the meeting continue (unanimously) beyond 2 hours 30 minutes to enable the business on the agenda to be concluded.

**249/20 - APPLICATION NO. 20/01223/FUL (Presentation)
DEMOLITION OF DEPOT BUILDING AND ERECTION OF 4 NO. DWELLING HOUSES
AT THE FORMER HALLMARK TRACTOR SITE, ASHBOURNE ROAD, SUDBURY.**

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

In accordance with the procedure for public participation, The Hon. David Legh DL (local resident) and Ms Kay Davies (Agent – Fisher German) spoke in favour of the application. Councillor Jacqueline Allison (Ward Member) spoke against the application.

Further in line with the Council's procedure for direct public participation, representations received from the public, in accordance with the criteria set out in the agenda, were published on the District Council website together with Officer responses and are set out below:

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

1. THE FOLLOWING COMMENTS FROM THE APPLICANT'S AGENT HAVE BEEN RECEIVED IN RELATION TO A REPORT TO THE COMMUNITY AND ENVIRONMENT COMMITTEE ON 10TH FEBRUARY 2021.

Since issuing the Planning Committee agenda a report to the Community and Environment Committee has been published, dated 2nd February 2021 which sets the requirements under Section 35 of the Planning and Compulsory Purchase Act 2004 to prepare an Authority Monitoring Report setting out the extent to which the District Council is meeting the milestones for Local Plan documents and the extent to which the District Council is monitoring the effectiveness of Local Plan policies, in particular those relating to housing and economic development.

The Local Planning Authority Monitoring Report covers the period 1st April 2019 to 31st March 2020.

The report confirms that whilst it is anticipated that the Objectively Assessed Housing Need identified in the adopted Derbyshire Dales Local Plan of 5680 dwellings will be met by 2033, in the shorter term the Authority Monitoring Report confirms that as at 1st April 2020 the District Council does not have five years supply worth of housing, providing only 4.61 years' worth supply of land for housing.

Officer Comments:

Whilst the Annual Monitoring Report is not formally approved (as it is to be considered at the Community and Environment Committee on the 10th February 2021), it does provide an officer assessment of supply based on specified national formula and up to date housing delivery information.

Paragraph 11 d) in the National Planning Policy Framework (2019) advises that where policies which are most important for determining the application are out-of-date, including, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer), planning permission should be granted unless;

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the

When all of the main issues identified in the officer report are weighed in the balance and having due regard to all the elements of the framework it is considered that the social and environmental disbenefits identified would significantly and demonstrably outweigh the benefits associated with the delivery of a modest number of dwellinghouses within the countryside in this case, thereby failing to satisfy the requirements of 11 b) of the National Planning Policy Framework (2019).

2. THE FOLLOWING COMMENTS FROM THE APPLICANT'S AGENT IN RESPECT OF REASON FOR REFUSAL NO. 4 HAVE BEEN RECEIVED:

The applicant seeks to address refusal reason 4 of the Officers committee report (*the application fails to provide sufficient information to fully demonstrate that demolition of the existing building would not harm protected species that may be present in the building*) with the submission of a Bat Survey, which was submitted by their agent on the 4th February 2020.

Officer Comments:

The survey has found no evidence of bat use associated with the building. Derbyshire Wildlife Trust advise that the development is not likely to result in an impact on biodiversity and as such there should be no loss of biodiversity as a result of the development in their consultation response dated 8th February 2021.

The Local Planning Authority is satisfied that sufficient information has now been submitted to resolve refusal reason 4 within the officer's report. This reason is therefore removed from the recommendation.

3. THE FOLLOWING COMMENTS ADDRESSED TO CLLR PURDY, FROM DAVID LEGH HAVE BEEN RECEIVED:

I apologise for troubling you again. I wrote to you on 18th January regarding this planning application which comes before you on 9th February.

The officers' report is now to hand, with a recommendation of REFUSAL. This comes as a surprise, particularly as the previous application 20/00482/FUL for change of use from B2 to E8 was received with little enthusiasm by members and strong opposition from neighbours, and was subsequently withdrawn. The signals were that an appropriate residential scheme would be generally welcomed and carry support. I should like to offer the following comments on statements contained in the *Officer Appraisal*:

7.6 Officers fail to acknowledge in the report that a motion to approve the previous application 20/00482/FUL failed to receive the necessary support and was voted down. A formal motion to refuse was deferred whilst advice was taken to draft appropriate reasons.

7.7 Officers' comments here are disingenuous. It would be time-consuming and costly to carry out a marketing exercise for a development that is inappropriate and unpopular and which has been withdrawn. It is unarguable that demand for office space has collapsed following COVID-19. Officers need only drive round business parks to see how many For Sale/To let boards are up.

7.10 As previously stated I support the applicant's contention that the development proposed complies with Policy S1, S4 and S9. Officers assert that the development is contrary to NPPF (2019) without justifying this. At the risk of repeating my previous submission: "Paragraph 118 goes on to confirm this included rural previously developed land and give *substantial weight* to the value of using suitable brownfield land within settlements for homes. In Paragraph 119 Local Authorities are charged with taking a proactive role in helping bring forward land to meet development needs and Paragraph 121 states that a positive approach should be taken to applications for alternative uses of land which is development but unallocated and could meet other development needs."

7.15 Is this a serious contention? Frankly, the existing premises (acknowledged by officers to have "fallen into disrepair"), have little architectural merit and, even refurbished, will not have "a positive impact on the character and appearance [*sic*] area"

7.17 ".....resulting in the inclusion of an incongruous cranked style house." What does this curious phrase mean? I have never heard before of a *cranked style house*.

7.18 ".....would introduce an incongruous and cramped form of development on this visually prominent site". *Incongruous?* No. *Cramped?* Hardly, by comparison with recently consented developments in Marston Montgomery and Doveridge. The density of the development is an important consideration. I believe that the

compromise offered by the applicant from the original proposal (for five houses) is acceptable.

7.22 I understand an ecology survey has now been carried out and will be to hand by the time of the meeting.

I submit that determination of this application should be an occasion where local democracy should trump rigid adherence to policy and insensitivity to public mood. I urge you to grant planning permission.

Officer Comments:

Officers advise that members note the comments.

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

RESOLVED That planning permission be refused for the reasons stated in the report.

Voting:

For	7
Against	4
Abstention	1

The Chairman declared the motion CARRIED.

250/20 - INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS

It was moved by Councillor Tom Donnelly seconded by Councillor Sue Bull and

RESOLVED That the report be noted.
(unanimously)

251/20 - APPEALS PROGRESS REPORT

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

RESOLVED That the report be noted.
(unanimously)

MEETING CLOSED 9.03PM

CHAIRMAN