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PLANNING COMMITTEE

Minutes of a Planning Committee meeting held at 6.00pm on Tuesday 12th October 2021 at County Hall, Derbyshire County Council, Matlock DE4 3AG.

PRESENT

Councillor Jason Atkin - In the Chair

Councillors: Sue Burfoot, Neil Buttle, Paul Cruise, Tom Donnelly, Richard FitzHerbert, Clare Gamble, Stuart Lees, Garry Purdy and Peter Slack.

Chris Whitmore (Principal Planning Officer), Sarah Arbon (Senior Planning Officer), Kerry France (Principal Solicitor) and Simon Johnson (Democratic Services Officer).

Members of the Public - 14

APOLOGIES

Apologies for absence were received from Councillor Robert Archer, Sue Bull, Graham Elliott and Colin Swindell. The nominated substitute was Councillor Paul Cruise.

141/21 - INTERESTS

Item 5.4 – Application No. 21/00500/FUL

Councillor Jason Atkin declared a pecuniary interest that a member of his family works for H.J. Enthovens & Sons. Councillor Atkin was not present during the discussion of, or voting on this item.

Councillor Garry Purdy declared a personal interest in knowing Mrs Denise Ludlam an objector to the application, but this did not preclude him from the discussion of, or voting on this item.

142/21 - MINUTES

It was moved by Councillor Jason Atkin, seconded by Councillor Richard FitzHerbert and

RESOLVED
(unanimously)

That the minutes of the Planning Committee meeting held on 14th September 2021 be approved as a correct record.

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.”

143/21 - APPLICATION NO. 21/00302/FUL (Presentation and Site Visit)

Mixed tourism development including the erection of 7 no. glamping pods and 4no. log cabins, with associated camping field, at Land South of Nottingham Road, Tansley DE4 5FR.

At **6:14pm**, during the debate of Item 5.1 of the agenda – Application No. 21/00302/FUL, Councillor Paul Cruise arrived at the meeting. Councillor Cruise was excluded from the vote on this item.

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 Richard Pigott (Agent) spoke in favour of the application.

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

It was moved by Councillor Garry Purdy, seconded by Councillor Richard FitzHerbert and

RESOLVED That planning permission be approved subject to the conditions set out in the report, including the additional condition, recommended by the officer at the meeting, regarding levels and a footnote to encourage micro-generation to address climate change.

Voting:

For	8
Against	1
Abstention	0

The Chairman declared the motion **CARRIED**.

144/21 - APPLICATION NO. 21/00871/FUL (Presentation and Site Visit)

Change of use from former public conveniences to brewery with associated storage (B2 use class) at Public Conveniences, Artists’ Corner, Dale Road, Matlock.

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 Stephen McKnight (Hollow Tree Brewing Co.) spoke in favour of the application.

Consultation responses were set out in section 5 of the report

It was moved by Councillor Garry Purdy, seconded by Councillor Tom Donnelly and

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

**145/21 - APPLICATION NO. 21/00719/REM (Presentation and Site Visit)
Approval of reserved matters for the erection of 12no. dwelling houses (outline planning consent 19/00455/OUT) at Land off Millers Green, Wirksworth.**

This application was withdrawn.

**146/21 - APPLICATION NO. 21/00500/FUL (Presentation and Site Visit)
Proposed extension to C-Bays building to accommodate relocated equipment (modifications to extension previously approved under planning permission 18/00919/FUL) at Darley Dale Smelter, Oldfield Lane, Warren Carr.**

Councillor Richard FitzHerbert took the Chair for the consideration of this item.

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, Cllr. Paul Morris (Stanton in Peak Parish Council), Mrs Sue Fogg (on behalf of Mr Mark Hopkinson, Local Resident), Mrs Rosalind Griffith (Local Resident), Mr Howard Griffith (Local Resident), Mrs Denise Ludlam (Local Resident) and Mr Ged Ward (Local Resident) spoke against the application.

Further in line with the Council's procedure for direct public participation, late 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.

Following publication of the agenda:

Stanton in Peak Parish Council raised concerns regarding the lack of an EIA, how the 2018 was dealt with and lack of consultation with them.

Officer Comments:

A detailed response was sent to the Parish on the 6th October 2021. This response outlined the EIA assessment carried out for both the 2018 and current application stating that "application 20/00500/FUL seeks a larger building only in height terms with the footprint / floorspace and use remaining the same as that previously approved. Although

this application has been screened and assessed on its individual merits, the same conclusion has been reached in relation to it not constituting Environmental Impact Assessment development". This response also confirms the parish were consulted on this application.

Mr Mark Hopkinson sent the following message on the 6th October 2021.

I would like to register a complaint about this application and how the cumulative developments to the site are assessed and managed. Specifically, the committee report published on 6th Sept has been changed significantly after the consultation period closed. It was originally published on 3rd Sept, and the reasons for the development have been amended to address feedback from the community and to apparently help Enthovens get this passed.

If you review previous planning on the site, there has been a significant lack of due diligence from the planning department and other agencies. This site is located next to a residential area, and is overlooked by another. There has been no assessment of the impact of increased noise, light or HGV movements for this site as far back as I can see. It seems to me like the council will pass anything Enthovens propose without any consideration for the community and the environment. We need a transparent process with involvement from the community and a stop to these tactics of amending reports behind closed doors. I propose that you delay a decision on this application until the cumulative impact of the development to the site has been appropriately assessed.

Officer Comments:

The application was withdrawn from the last agenda due to an administration error. The committee report to be considered at the planning committee on Tuesday 12th October is on the website as is the EIA screening opinion which considered the likely environmental impacts of the development and the need for an Environmental Statement. This application in 2018 was also screened under the Environmental Impact Assessment Regulations (2017).

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

RESOLVED That determination of the application be deferred to the next meeting of (unanimously) the Committee on 09th November 2021.

Reason:

To consult further with Environmental Health and seek views from the Environment Agency on the environmental consequences of the development (including air quality monitoring, noise and incremental growth) and invite them to attend a future meeting. Further information was also sought on traffic movements to and from the site and for the Local Highway Authority to consider this information and potentially attend a future meeting.

There followed a short adjournment at **7:25pm**, returning at **7:34pm**.

147/21 - APPLICATION NO. 21/00943/FUL (Presentation)

Erection of dwelling house (revisions to design approved under planning permissions 16/00941/OUT and 19/01050/REM) at Plot 3, Pump Close, Starkholmes, Matlock.

The Senior 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, Mr Simon Edwards (Local Resident) spoke against the application. Mr Andrew Stock (Agent) spoke in favour of the application.

Further in line with the Council's procedure for direct public participation, late 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.

Following publication of the agenda:

Mr M Buckler wishes to object to the above retrospective planning application as the Ward Councillor for Matlock Town Council which has been placed for an extension to Plot 3.

The oak tree in the south east corner of the plot is affected by the actual development. The plan shows a root protection area radius of 9.6 m but, calculated as 12 x the trunk diameter (0.9 m as per the applicant's arboricultural survey), this should be 10.8 m. The footprint of the extension extends into this 10.8 m radius.

I understand that the developer has in fact built the larger footprint already and is effectively seeking retrospective permission. If the application initially extended into the root protection plate, it is likely to have required mitigation to protect the tree and/ or planning consent refused.

Officer Comments:

Sections 5.5 and 7.8 of the committee report relate to the Oak tree and the assessment by the DDCC Tree and Landscape Officer.

Sarah Parkin wrote the following on the 4th October 2021.

The TPA has been encroached upon and nothing is done. A veteran tree needs at least the minimum x12 girth which is 10.8. Below indicates that the roots are being encroached - including 1m deep footings plus a new planning application being added to extend development into the lower area calculations of 9.6. Not only has a hedge been lost but it seems tree protection is neglected too. In the words of a well-respected naturalist 'it seems the tree protection officer needs a new job title'. Note I am still waiting for flood and water retention on site plans. Please also ask these questions at the planning committee.

Officer Comments:

Sections 5.5 and 7.8 of the committee report relate to the Oak tree and the assessment by the DDCC Tree and Landscape Officer. Condition 10 of permission 16/00941/OUT relating to drainage has been discharged. The details submitted were considered to be acceptable following consultation with the Lead Local Flood Authority and Derbyshire Wildlife Trust.

It was moved by Councillor Richard FitzHerbert, seconded by Councillor Stuart Lees and

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

Voting:

For	5
Against	3
Abstention	2

The Chairman declared the motion **CARRIED**.

148/21 - APPLICATION NO. 21/01030/FUL (Presentation)

Erection of 2no. dwelling houses (revisions to designs approved under planning permissions 16/00941/OUT and 19/01050/REM) at Plots 5 and 6, Pump Close, Starkholmes, Matlock.

The Senior 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, Mr Andrew Stock (Agent) spoke in favour of the application.

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

It was moved by Councillor Garry Purdy, seconded by Councillor Richard FitzHerbert and

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

Voting:

For	7
Against	1
Abstention	2

The Chairman declared the motion **CARRIED**.

149/21 - INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS

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

RESOLVED That the report be noted.
(unanimously)

150/21 - 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 8:06PM

Chairman