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**[committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk)**

## **PLANNING COMMITTEE**

### **Minutes of a Virtual Planning Committee Meeting held at 6.00 pm on Tuesday 21 July 2020.**

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](http://www.derbyshiredales.gov.uk) or via our YouTube channel.

#### **PRESENT**

Councillor Jason Atkin - In the Chair

Councillors Robert Archer, Richard Bright, Matthew Buckler, Sue Bull, Sue Burfoot, Tom Donnelly, Richard FitzHerbert, David Hughes, Stuart Lees, Joyce Pawley, Garry Purdy and Peter Slack.

Jon Bradbury (Development Control Manager), Chris Whitmore (Principal Planning Officer), Kerry France (Principal Solicitor), Jim Fearn (Communications and Marketing Manager) and Jackie Cullen (Committee Assistant).

#### **APOLOGIES**

There were no apologies for absence.

#### **397/19 – 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 03 March 2020 be approved as a correct record.

Further to publication of the Agenda the following items had been withdrawn:

- Item 4.2 Application No. 20/00255/FUL (4 St. John Street, Wirksworth)
- Item 4.4 Application No. 20/00269/LBALT (4 St. John. Street, Wirksworth)

#### **398/19 - APPLICATION NO. 19/00712/FUL (Presentation)**

**ERECTION OF 5 NO. INDUSTRIAL AND COMMERCIAL BUILDINGS WITH ASSOCIATED NEW ACCESS AND LANDSCAPING AT LAND WEST OF BLACKROCKS BUSINESS PARK, PORTER LANE, WIRKSWORTH**

This Application had been deferred at the Planning Committee Meeting on 08 October 2019 for the following reasons:

1. To enable officers to liaise with the Environment Agency and the Applicant to agree an alternative sustainable urban drainage method in the event that the proposed infiltration method not be acceptable to the EA;
2. That the Applicant undertakes a more thorough investigation of site contamination than the current desk study.

The Principal Planning Officer gave an online presentation showing details of the application and photographs of the site and surroundings. A site visit had been conducted prior to the meeting on 08 October 2019. The Principal Planning Officer was confident that the issues raised at the meeting in October had been addressed, as confirmed by the Agent, and indeed it was recommended that further exploratory work be carried out regarding concerns of contamination and infiltration of surface water from the site.

In line with the Council's temporary suspension of 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:

These are our further comments and those of the applicant with regards to the published committee report.

We welcome the officer's recommendation for approval.

This application went before the committee on the 8<sup>th</sup> October 2019. Whilst the committee expressed their support for the development in principle, members were concerned regarding land contamination and the means of land drainage. The minutes of the meeting record that the application was deferred by the Committee in a unanimous decision for the following reasons:

- 1. To enable Officers to liaise with the Environment Agency and the Applicant to agree an alternative sustainable urban drainage method in the event that the proposed infiltration method not be acceptable to the EA;*
- 2. That the Applicant undertakes a more thorough investigation of site contamination than the current desk study.*

Following the committee meeting the applicant engaged ground condition specialists Geodyne to undertake a detailed Contamination Assessment.

The Contamination Assessment was then used to inform the detailed drainage strategy devised by BSP Consultants for the site in consultation with the Environment Agency (EA) and the Local Lead Flood Authority (LLFA). An appropriate solution for infiltration drainage has been agreed for surface water disposal for the whole site including both the land and the buildings, together with an appropriate means for the disposal of foul water and the control of potentially contamination surface water from roads and parking areas.

These detailed proposals have been considered by both the EA and the LLFA and are acceptable. The drainage strategy will protect the underlying aquifer from contamination while ensuring that the site can be properly drained. The applicant has recently submitted an amendment to the drainage strategy to ensure that run off from car parks is directed through an oil interceptor.

Following the committee meeting on the 8<sup>th</sup> October 2019; it became apparent that an Appropriate Assessment had to be submitted to Natural England because the appropriateness of the site for development given its proximity to the SAC had not been considered when the site was allocated in the adopted Local Plan (2017). Whilst it was not for the applicant to prepare this assessment; because there were no public funds to undertake this work, as advised by the Council, the applicant's ecologist prepared the report for scrutiny by Derbyshire Wildlife Trust DWT and this was submitted to Natural England as the Local Planning Authority's shadow Appropriate Assessment.

Natural England then considered the shadow Appropriate Assessment and advised that the Local Planning Authority was now able to ascertain that the proposal would not result in adverse effects on the integrity of any of the sites in question and that they agree with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

The applicant has made further amendments during negotiations with officers to protect the wildlife value of land north of the application site and has made minor changes to land levels to accommodate the drainage scheme.

The proposals have been the subject of unprecedented scrutiny by the EA and the LLFA to ensure that the committee's concerns have been addressed. The further work by the applicant has been costly in both time and money but the case has now been proved.

The new industrial and commercial development will create new jobs and will support the local economy in line with the adopted Local Plan. I commend the application to members and ask that you support your officer's recommendation and grant planning permission.

Correspondence was also received from Cromford Parish Council, who advised that they had no further objections.

The Principal Planning Officer requested that Condition 21 be modified to prevent the creation of additional first floor space, based on the application submission and subsequent assessment by consultees and officers, for clarity. If Members were minded to approve the application, the amendments to and additional conditions recommended by the LLFA in their subsequent consultation response (contained in the public participation and late representations sheet) would need to be incorporated into any decision.

It was proposed by the Development Control Manager that an additional condition be included to agree a land drainage scheme during construction to prevent silt deposits in nearby watercourses and which covered the phasing of development.

It was moved by Councillor Garry Purdy, seconded by Councillor Peter Slack and

**RESOLVED** That planning permission be granted subject to the conditions set out in (unanimously) the report; amended Condition 21 as outlined above; additional conditions recommended by the LLFA, and an additional condition to

agree a land drainage scheme during construction to prevent silt deposits in nearby watercourses and which covered the phasing of development.

Footnote That the Applicant be encouraged to use solar panels or other micro-generation equipment to address the requirements of Condition 22 and reduce the carbon footprint of the development.

**399/19 - APPLICATION NO. 20/00264/FUL (Presentation)  
CHANGE OF USE OF GROUND FLOORS FROM FORMER BANK (A2 USE) TO WINE BAR (A4 USE) AT 19 DALE ROAD, MATLOCK**

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

In line with the Council's temporary suspension of 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:

**COMMENTS from David Pitchford, Local Resident**

Regarding the recommendation that the above application will be granted with Conditions, I would appreciate it if those conditions will cover the concerns I articulated in my original submission, viz:

- The noise and smell from the external bin; the bin needs to be out of sight and sound of the many residents nearby
- access via the alleyway for customers and for the bin; this should be explicitly disallowed
- The application for the late license; a 10pm license would be acceptable but please can it be clear that it should not be possible to extend this time at a later date?

**COMMENTS from John Morris, Applicant:**

Having read the report I am naturally pleased to hear that planning officers have recommended our application for approval and we would just like to take the opportunity to elaborate on our business and plans for this property.

After my retirement from professional cricket with England & Derbyshire I wanted to use my wide knowledge and in depth understanding of wines from around the world and create a wine tasting room experience.

Together with my son, Tom Morris who also shares a passion for wine, in 2018 Bradmans was established and in the 2 years of trading in Town Street, Duffield, there have been no reported complaints to Amber Valley Borough Council and we have 4.5 star rating in trip advisor. We can cater for a range of customer, from the casual visitors to groups of wine enthusiasts wanting an in-depth private group tasting experience.

We have immensely enjoyed the start to our business and further to our success in Duffield we wanted to expand into other locations. Having assessed various locations in Derbyshire and wider areas, we identified Matlock as a perfect location to bring our passion for wine to and open our second site.

We are essentially a Wine business, specialising in creating a wine experience providing high quality wines that are not found on the high street or in mainstream pubs. So our business will not directly compete with any existing premises but complement the other establishments in the area by providing greater choice and variety to consumers. As a result, we strongly believe that our presence in Matlock will be make a positive impact to the area and the adjacent restaurants & businesses already in existence.

Some queries have been raised through the application process about opening time and the impact of our proposal on the adjacent residents. As a result, we have worked with council officers and have since clarified the bin storage and fire escape arrangements and agreed reduced opening times with the environmental health officer.

We have liaised directly with the residents of No 19A Dale Road in order to agree a dedicated access to their property and also reconfigure the outdoor seating area to their satisfaction. So overall we consider that we have a robust proposal for the building and the modifications to the application have improved the situation for local residents, and this has been endorsed by the officer's recommendation for approval.

The premise has been left empty for a number of years and as we all know high streets across the country are in decline and need to evolve to survive. We want the opportunity to invest in the building and area to create a pleasant and sophisticated establishment that will bring the building back to life and help this part of Matlock to thrive.

So establishing Bradman's Matlock seems a perfect opportunity and we would like to request the committee's support tonight to allow this to be become a reality.

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It was proposed that a footnote be added to the Recommendation to clarify that the Applicant was expected to incorporate disabled access to the premises and toilet facilities.

It was moved by Councillor Richard Bright, seconded by Councillor Richard FitzHerbert and

**RESOLVED** That planning permission be granted subject to the conditions set out in the report with an additional footnote as follows:

**Voting:** The Applicant is expected to incorporate disabled access to the premises and toilet facilities.

<b>For</b>	9
<b>Against</b>	4
<b>Abstentions</b>	0

The Chairman declared the motion CARRIED.

**400/19 - APPLICATION NO. 20/00295/FUL (Presentation)  
PROPOSED CO-HOUSING DEVELOPMENT COMPRISED OF 12 NO. SEMI-DETACHED DWELLINGS AND ASSOCIATED GARDEN COURTYARD AT LAND NORTH OF CROWN YARD, WIRKSWORTH**

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

In line with the Council's temporary suspension of 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:

### **Comments from Evans Vettori Architects Ltd, Applicant's Agent**

The applicants appreciate this opportunity to explain their proposals before Members make a final decision on the application.

We bought this site in 2018, and from the outset have been transparent with all of the immediate neighbours about our hopes to build two houses and restore the garden and vine house. This relates to nos. 9A, 10 and 11 The Dale, the Chapel, the Tinsmiths and nos. 7 and 8 Bowling Green Lane. In particular the then owners of the houses on Bowling Green Lane, which directly overlook the site, attended two meetings both before and during the Pre- Application process at which our proposals were explained in detail. These owners would have been obliged during pre-contract disclosure to confirm this information to the present owners of the two houses. It is therefore impossible for any of the immediate neighbours to have been unaware that an application would be submitted for development on the site.

Our agents have been fully involved with Officers of the District and County Councils during the past two years to identify the relevant issues that would be raised by our proposals and to consider the information needed to allow these issues to be resolved. We are confident that this process was both constructive and successful in refining our original ideas and has resulted in the detailed scheme that is now proposed.

Our concept from the outset was that this site presented an opportunity for two small houses set within a restored garden, and within easy walking distance of all the facilities and services provided in the Town Centre.

The applicants are two couples who are well established in the community and wanting to downsize from large houses that will be more suited to family occupation. Parking has figured in many of the representations to the Council. In fact, this has never been a major issue to the applicants who are all moving to the time in life when cars and garages become less essential, and the easy access to public transport is crucial. The application is described as co-housing, and in conclusion I would like to stress this aspect of the proposal, which is not just the opportunity to share a garden, but also to design and build the houses to benefit from shared services, including water management and recycling, energy conservation, drainage and irrigation. Each house is self-contained but will benefit from these economies and provide sustainable and economic housing within the core of the Town.

We ask that you approve this application in the terms of the Officer Recommendation, including the conditions set out in the report, all of which are acceptable to the applicants.

### **Additional Comments from Evans Vettori Architects Ltd, Applicants Agent**

We are advised and on further reflection it is clear that statements have been made by

Members of the public suggesting a lack of consultation by the applicants in relation to their ideas for development on this site. Our earlier submission emphasised the extent to which we had shared these aspirations with our immediate neighbours but without providing detailed evidence. We believe members should be aware of all the measures we have taken to ensure that all parties had a clear understanding of our intentions. This included the present owner of 8 Bowling Green Lane, who was invited before she bought the property to join us for a discussion about what might happen on the site. At that time we wanted to alert all interested parties to our proposals and therefore fixed red and white ranging poles on the four corners of what proved to be the footprint of the proposed dwellings. We could have done nothing more to be open and honest about our plans.

During the application process the occupant has repeatedly complained about the difficulty of viewing the proposals through her home computer. On two occasions we have provided large scale prints of the submission drawings and delivered them to her house to help her view the details and understand the relationship to her house.

### **COMMENTS from Mary Wardle, Local Resident**

I wish to submit the following comments on the above sited planning application.

- The two semidetached houses proposed in planning application ref No 20/00295/FUL have no green credentials since the proposal is a hard construct in what has always been green, open space in the heart of Wirksworth's conservation area. Sedum roof or not, these buildings are built impositions on what has always been open green space.
- This green space until very recently has supported a series of vegetable gardens cultivate by residents of The Dale area and their families. It has been a well-tended, productive garden for at least 80 years.
- Building on this open, green garden will set a dangerous precedence for further development on this same site. It will also open the flood gates for other speculatively builders to develop projects in other gardens within the Dale and Greenhill areas, projects that in the past have been refused permission.
- The architectural style of the proposed two semidetached houses, a massed bulk of glass and aluminum, is totally out of keeping with the small scale, brick and stone cottages surrounding the bowling green site, and those within the Dale, Puzzle Garden and Greenhill areas.
- New developments are required to offer parking within the site of the development. There is no parking offered in this project other than DDDC's Rydes Yard permit holder's car park, for which there has always been, and is, a very long waiting list.
- The project is in complete disregard of the Wirksworth Neighbourhood Plan and is not supported by Wirksworth Town council.
- There is only footpath access to this site. There is no access for digger and large scale lorry removal of the tons of spoil this proposed project will generate, nor for construction material delivery, other than DDDC owned permit holders' car park.
- No flood risk assessment has been undertaken in an area that now floods whenever we have one of the monsoon type rains that are now becoming a common, climate change phenomenon. This project will only add to the burden of an infrastructure that already cannot cope with current climatic conditions.
- 17 letters of objection to this project cannot be ignored. Not all objections are from within the immediate vicinity of the site but from a community that cares enough about green open spaces in Wirksworth to purchase, as a community, the

Meadows, in an effort to conserve what little remains of green spaces within the heart of the town.

### **COMMENTS from Robert King, Local Resident**

Further to the letter I received dated 10 July 2020 regarding the above application. I am amazed that it is recommended that this application be granted with Condition. Why do we need more dwellings when green spaces are at a premium? More dwellings in this area means more traffic congestion as there will be no parking on the site. Will Bowling Green Lane need to be renamed? Will other previously refused applications of a similar nature now be approved? The area will become a building site for many months or years to come! Please keep our few green spaces.

### **COMMENTS from David Bisset, Local Resident**

I wish to make further representations in opposition to the proposed co-housing development at 'Land of North Of Crown Yard, Wirksworth'.

A letter from the applicants' solicitor referred to a comparison of the anticipated building work for the proposal and the renovation work carried out on properties on Bowling Green Lane and The Dale. I would point out that the latter were both on existing buildings and not starting from scratch. There is a considerable difference.

Given that the recommendation is 'Granted with Conditions', I am concerned about the precedent (building on green space in a Conservation Area) that this may set and the views of previous applicants of new buildings in this area who might inundate with further proposals. On what grounds could these be rejected if this application goes ahead?

I would urge anyone involved in the decision-making process on the current proposal to visit this part of Wirksworth (as others have on previous applications) and view the unique characteristics of this much loved and visited Conservation Area.

Whilst I am all in favour of new developments where required, I strongly believe that there must be a more appropriate location for such a proposal.

### **COMMENTS from Kate Murray, Local Resident**

The officers appraisal claims that “physical impacts, as a result of scale, massing and form have been minimised” (7.8), but a single storey development would do this so much better. The architectural design is said to be “attractive” (7.9), but this is a matter of opinion, and 7.10 points out that the original red brick was entirely inappropriate. 7.12 to 7.14 do not convince concerning the reasons not to follow precedent. 7.19 talks of meeting climate change needs and environmental impact, but 7.26 says that should not go beyond building regulations so the design, in this aspect, will be the same as the new estate houses being built in Wirksworth. 7.22 talks of water harvesting but the current plans do not show where the necessary tanks are to be placed. Similarly waste storage discussed in 7.24 is not on the current plans. To clarify (yet again) the measurements given in 7.33, the wooden fence height is 1.6 m and the wall is 60cms above the gravel path from Crown Yard ginnel. The wooden fence overlaps the wall and so is 1m above the wall. The floor level of the sitting room and kitchen of BGH is 60 cm above the gravel path. This arrangement was

organised by the previous owners. The architects drawings submitted as part of objections raised showed that the claim made in 7.34 and 7.37 are not correct regarding sight lines. 7.36 is to be welcomed but the height restriction should really be to the top of the historic retaining wall and not 40 cms above it, as a wooden fence can be regarded as temporary. 7.38 discusses the interchange of views between the houses (sitting room to bedroom) and recommends frosted glass rather than removal of higher level windows from rooms with large windows on another aspect. The close proximity of the proposed development makes the loss of amenity greater. Plans submitted as part of an objection show the development is between 1.8m and 2.4m from the historic wall, whereas the written claim is for a 3m distance. Clearly the closer the new build is to the wall the more difficult it is to maintain it in terms of access. It is clear this is done to minimise the impact of views across the site but at the expense of a serious loss of amenity to BGH.

The conditions recommended in the planning officers report are to be welcomed, but do not go far enough, given the controversial nature of the application. Condition 5 should remove the windows or if remain frosted they should require that the windows are fixed as well as frosted, ventilation is possible through other windows in the rooms. Condition 14 should really be “no higher than the existing historic wall”. Condition 15 is essential given the likely bedrock problems and the closeness of the new build to the listed wall. Condition 16 needs to consider water storage, waste storage and sheds and summer houses.

The Council should consider how it responds to legal searches associated with house purchases with regard to pre-applications, which are currently kept confidential, but might materially affect decisions made by potential residents.

### **COMMENTS from Mr N Richmond, Local Resident**

1. The officers accept this proposal will not preserve the conservation area. We say it very clearly does not enhance it either.
2. There are 17 individual objections to this proposal along with Wirksworth Town Council Objecting. Almost all of these objections are from people who actually live in properties that surround the area of open space. By Contrast, most of the letters of support are not from people who live next to the proposal
3. The proposal does not have any Green credentials. Calling something green doesn't make it so. It is not an 'Eco house' or Zero emissions property. Please remember that existing houses in this Conservation area cannot have Aluminium framed triple glazed Windows as permitted development rights are removed. Permitting these houses with the materials they choose is an affront to the high standards imposed on others.
4. This has a flat roof (which interestingly was never the applicant's original intention). The flat roof is only proposed as a design solution because anything else would have Extreme negative effects upon the immediate neighbours. Please think about how this will look and detract from the conservation area and neighbour amenity. If a flat roof is the only solution then this is the wrong proposal for the Conservation Area.
5. The officers accept in their report that these two residential properties do not provide Any car parking, despite this being a requirement of adopted planning policy HC21 (even for near town centre proposals such as this) . Why are adopted planning policies being ignored? Why aren't these issues covered in the officer's report? Parking is severely oversubscribed at Rydes Yard, there is a substantial waiting list for this facility. The Town Council objects to the development due to lack of car parking (and the pressures of car parking has been identified as having a negative effect on the Conservation Area within DDDC's own Conservation area appraisal). Why approve something that does not provide any parking and will clearly worsen the situation?

6. It does not provide any affordable housing. It builds on Greenfield land and does not utilise Brownfield (Previously Developed Land), nor does it use Identified Sites within the adopted Wirksworth Neighbourhood Plan. Both of which should be used in preference to this unallocated site. I raised these issues as a written objection but it is not covered in your officer's report. Why have these key material considerations not been covered?

7. Members of DDDC Planning Committee previously refused 2 applications for new residential dwellings within this same Conservation Area, despite these applications originally having a recommendation for approval by planning officers. Those Decisions of the Planning Committee to REFUSE were subsequently UPHeld at appeal, proving the elected members came to the right decision.

8. The applicant's agent will tell you their application for these two houses is somehow different to those unsuccessful planning appeals. In part they will be correct, as the appeal decision proposals did at the very least attempt to fit with the style of building, the materials used and the shape and form was at least in keeping with the Conservation area and local vernacular. The style of the buildings was never questioned within the appeal decisions. It was the loss of open space, the pressures on car parking that led to the decision that these did not preserve or enhance the same Conservation area affected by this application. This application removes valuable open space and (by the applicants own admission) requires car parking it simply cannot provide. Same Conservation area, same issues for refusal.

#### The Wirksworth Neighbourhood Plan states of this Conservation Area:-

*“The restricted access and the dominant sense of enclosure will restrict any new development proposals to those that can demonstrate a high level of sensitivity to the character of the area.”*

Making something overtly modern that is massively in conflict with the existing conservation area manifestly does not demonstrate a high level of sensitivity to the character of the area.

#### Conservation Area Appraisal 2001

SUB-AREA 6 GREENHILL, THE DALE, BOWLING GREEN LANE AND DALE QUARRY  
Essential characteristics of the buildings (As per Conservation Area Appraisal)

- Mullioned windows
- Cottages have mostly 2 storeys
- Sash and casement windows
- Plain vertical boarded or simple panelled doors
- Coursed limestone with gritstone dressings
- Coursed gritstone
- Brick and rendered walls
- Staffordshire tile and Welsh slate roofs
- The character and relationship of spaces within the area
- Many houses built off footpaths have large enclosed gardens

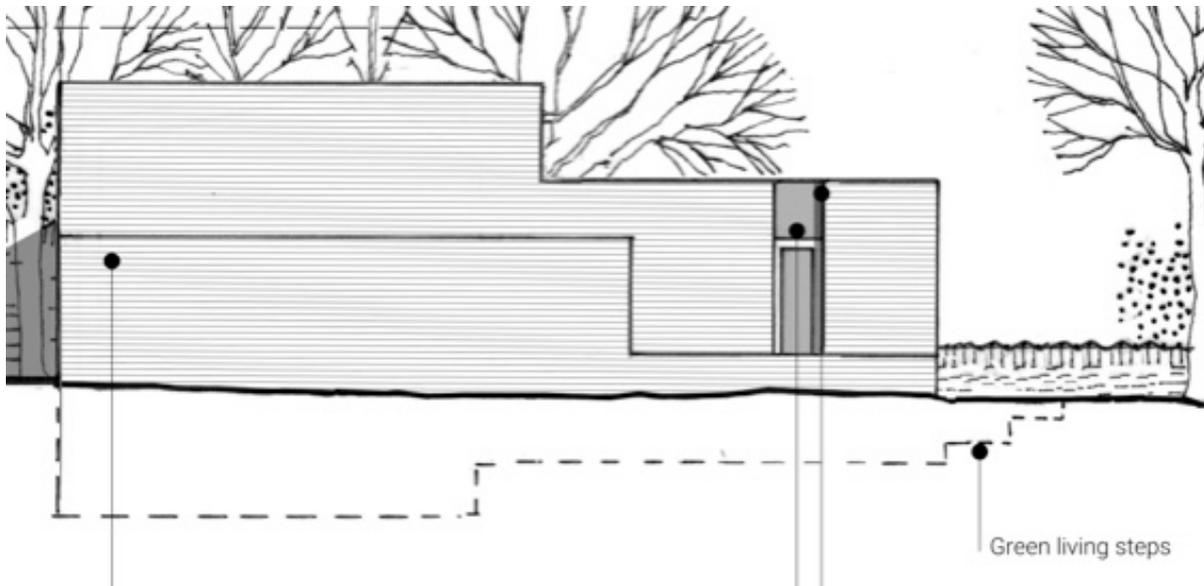
#### Harmful pressures on the area

- Car parking pressures along The Dale and Greenhill
- Development pressure on upper lengths of Greenhill and The Dale

V's What This Planning Application Proposes:-

- Large Aluminium Framed Windows
- Flat roof
- Hard Metal Fascia
- Overdeveloped Site, Visually Intrusive
- Contrived Nib Walls
- Open glazed Aluminium Windows
- Hard Metal Standing Seam Cladding
- Timber Vertical Fins.
- No Car Parking
- No Materials of the vernacular
- Removes Open Space
- Destroys relationship with open space

Proposed View looking south (according to application)



The side elevation resembles a 1980's school pavilion designed and built to the lowest possible cost. It is Overbearing and Visually Intrusive. I am aghast that anyone would consider this preserving or enhancing the conservation area.

Contrast with Existing View Looking South from rear Window of 9A The Dale



This is the essence of this part of the puzzle gardens a key open space within the beautiful Wirksworth Conservation Area. Please help us protect the Conservation area and its high standards by refusing this application.

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

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

#### **401/19 – 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)

#### **402/19 - 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 8.05PM**

**CHAIRMAN**