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PLANNING COMMITTEE

Minutes of a Meeting held on Tuesday 19 June 2018 at 6.00pm at Council Chamber, Town Hall, Matlock.

PRESENT

Councillor Jason Atkin - In the Chair

Councillors Sue Burfoot, Albert Catt, Tom Donnelly, Ann Elliott, Richard FitzHerbert, Helen Froggatt, Chris Furness, Tony Morley, Dermot Murphy, Lewis Rose OBE and Peter Slack.

Chris Whitmore (Principal Planning Officer), Helen Frith (Planning Officer), Gareth Griffiths (Planning Officer), Katie Hamill (Solicitor) and Jackie Cullen (Committee Assistant).

Councillor Mark Salt attended as Ward Member.

42 members of the public.

APOLOGIES

Apologies for absence were received from Councillors Sue Bull, Graham Elliott, Garry Purdy and Joanne Wild. Councillors Ann Elliott, Helen Froggatt and Chris Furness attended as Substitute Members.

46/18 – MINUTES

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

RESOLVED
(unanimously)

That the minutes of the Planning Committee meeting held on 22 May 2018 be approved as a correct record.

The Minutes were signed by the Chairman.

47/18 – INTERESTS

Councillor Jason Atkin declared a pecuniary interest in Agenda Item 4.2 - application no. 17/01243/ful – residential development of 100 dwellings and associated access and landscaping at land south of Dale Road North, Darley Dale. Cllr Atkin was not present during discussion of and voting on this item.

48/18 – APPLICATION NO. 18/00244/OUT – ERECTION OF DWELLING AND ASSOCIATED ACCESS (OUTLINE) AT HOMECROFT, OLD HACKNEY LANE, HACKNEY

The Committee visited the site prior to the meeting to allow Members to assess the impact of the development on the amenity of neighbouring residents.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised a written representation from the Applicant's Agent.

In accordance with the procedure for public participation, Cllr Mark Salt (Derbyshire Dales District Council) commented as Ward Member mainly on highway concerns.

It was moved by Councillor Albert Catt, seconded by Councillor Richard FitzHerbert and

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

Voting:

For	10
Against	2
Abstentions	0

The Chairman declared the motion carried.

49/18 - APPLICATION NO. 17/01243/FUL – RESIDENTIAL DEVELOPMENT OF 100 DWELLINGS AND ASSOCIATED ACCESS AND LANDSCAPING AT LAND SOUTH OF DALE ROAD NORTH, DARLEY DALE

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Richard FitzHerbert and

RESOLVED That Councillor Albert Catt take the Chair in respect of this item.
(Unanimously)

The Committee visited the site prior to the meeting to allow Members to fully assess the impact of the development on the local environment.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised further comments from the Local Highway Authority confirming that the revised site layout plan (ref. DAR/SL/01 Rev C) satisfactorily incorporated the internal estate street layout amendments they had previously requested. The Local Highway Authority confirmed that they would not be in a position to raise a sustainable objection in principle to the development proposals on highway safety grounds on this basis and recommended that conditions and advisory footnotes to be applied if the application was approved:

In accordance with the procedure for public participation, Ms Louise Boardman (Darley Dale Town Council), Mr Andrew Creese (Darley Dale Neighbourhood Plan Working Group), Mr Patrick D'Arcy (Two Dales Residents' Action Group) and Mr David Jones (local resident) spoke against the application; Cllr. Mark Salt (Derbyshire Dales District Council)

spoke as Ward Member, and Mr George Breed (Applicant) spoke in favour of the application.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Tony Morley and

RESOLVED That authority be delegated to the Development Manager to grant planning permission on completion of a S106 planning obligation agreement to secure the following contributions:

1. The provision and subsequent management of the following mix of affordable housing (equivalent to 20%)

6 x 2 bedroomed bungalows for rent
6 x 1 bedroomed flats for rent
6 x 2 bedroomed houses (3 for rent and 3 for shared ownership),
2 x 3 bedroomed houses for shared ownership
2. An off-site contribution towards affordable housing (equivalent to 10% provision) amounting to **£254,500**;
3. Funding for 17 primary school places at Darley Churchtown C of E Primary School of **£193,783.17**, and **£32,699** towards upgrading sports facilities

and subject to the conditions set out in the report, with the exception of Condition 17, which was duplicated by Highway Authority Condition 13), an additional condition, detailed below, and conditions and footnotes recommended by the Local Highway Authority as follows:

Additional Planning Authority Conditions

Notwithstanding the submitted details only the Chedworth House Type to plot 78 shall incorporate surveillance windows to the south facing side elevation only. Such openings shall not extend to the insertion of a tax window to this house type or surveillance windows to any other house types unless otherwise agreed in writing by the Local Planning Authority.

Reason:

For the avoidance of doubt and to ensure a satisfactory external appearance of the development in accordance with the aims of Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

Highway Authority Conditions

1. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- a. Parking of vehicles of site operatives and visitors
 - b. routes for construction traffic
 - c. hours of operation
 - d. method of prevention of debris being carried onto highway
 - e. pedestrian and cyclist protection
 - f. proposed temporary traffic restrictions
 - g. arrangements for turning vehicles
 - h. Roadside hoarding and construction access arrangements
2. Before any other operations are commenced space shall be provided within the site for storage of plant and materials and site accommodation, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
 3. No development shall be commenced until a Development Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Development Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed to.
 4. There shall be no vehicular access permitted under this application to / from Station Road from the development site. The sole means of vehicular access shall be from Dale Road South (A6).
 5. Before any other operations are commenced on site (excluding demolition and site clearance) the permanent site access arrangements and modifications to Dale Road South (A6), generally in accordance with details shown on drawing number 003 Rev A (contained within the Transport Assessment document dated December 2017), but more specifically in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority, shall be fully laid out and constructed and be provided with 2.4m x 49.4m and 2.4m x 43.4m visibility sightlines to the south east and north west of the access point respectively - the area in advance of the sightlines forming part of the street and not part of any adjoining plot or third party land. For the avoidance of doubt the Developer will be required to enter into a section 278 Agreement (Highways Act 1980) with the Highway Authority in order to comply with the requirements of this condition.
 6. No development shall take place until the layout and construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing / construction materials, means of surface water drainage and street lighting) have been submitted to and approved in writing by the Local Planning Authority.
 7. The carriageways of the proposed estate roads shall be

- constructed in accordance with details approved under Condition [6?] above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including binder course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.
8. Internal estate street junctions shall be provided with 2.4m x 25m minimum visibility splays in each direction (2.4m x 17m in the case of shared surface streets), measured to the nearside carriageway edge; the area in advance of the sightlines being laid out as an extended footway / margin, forming part of the estate street and not part of any adjoining plot or other third party land.
 9. The estate streets shall be provided with 25m forward visibility sightlines around the inside of bends in the street alignment (17m in the case of shared surface streets), or other such dimension as may be agreed in writing with the Local Planning Authority; the area in advance of the sightlines being laid out as an extended footway, forming part of the estate street and not part of any adjoining plot or other third party land.
 10. Individual driveways shall be provided with 2.4m x 25m visibility splays in each direction to the new estate street (17m in the case of shared surface streets), or other such dimension as may be agreed with the Local Planning Authority, measured to the nearside carriageway channel level; the area in advance of the sightlines remaining thereafter free from any obstructions to visibility over 1m high (750mm in the case of vegetation) relative to the nearside carriageway channel level.
 11. The premises, the subject of the application, shall not be occupied until the estate street has been provided with suitable turning arrangements to enable service and delivery vehicles to turn, all as may be agreed in writing with the Local Planning Authority. In the case where interim turning arrangements are constructed these must remain available until any permanent estate street turning is available, in accordance with the approved estate street designs.
 12. No dwelling shall be occupied until space has been provided within the site curtilage / plot for the parking of residents and visitors vehicles associated with that dwelling, all to be laid out in accordance with the approved drawings and constructed as may

- be agreed in writing by the Local Planning Authority. The facilities shall be retained throughout the life of the development free from any impediment to their designated use, for the parking of motor vehicles at all times.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and/or re-enacting that Order) the garages hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.
 14. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
 15. No gates or other barriers, including any part of their opening arc, shall be permitted to open out over public highway areas. Gates should open inwards only or should be set back an appropriate distance within the site to accommodate.
 16. The proposed property access drives shall be no steeper than 1 in 10 for the first 5m from the nearside highway boundary and shall be provided with sufficient vertical curvature to prevent the grounding of vehicles when traversing to and from the highway.
 17. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste, within the plot curtilage, have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.
 18. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the adjoining highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.
 19. Works shall not commence on site until a scheme for the disposal of highway surface water has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to occupation of the dwellings and retained accordingly thereafter.

20. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.
21. A residential Travel Plan shall be submitted to the Local Planning Authority for written approval. The Approved Travel Plan shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. The Approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets.
22. No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - a. a timetable for its implementation, and;
 - b. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Advisory Notes

- a. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director Economy, Transport and Environment at County Hall, Matlock (telephone: 01629 580000 and ask for the Development Control Implementation Officer - North).
- b. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

- c. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
- d. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980. Where residential construction works commence ahead of any adoption Agreement being in place the Highway Authority will be obliged to pursue the Advance Payments Code sum identified in the notice.
- e. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr K Barton in Development Control at County Hall, Matlock (telephone : 01629 538658). The applicant is advised to allow approximately 16 weeks in any programme of works to obtain a Section 278 Agreement.
- f. Pursuant to Section 50 (Schedule 3) of the New Roads and Street-works Act 1991, before any excavation works (for Statutory Undertaker connections etc.) are commenced within the limits of the existing public highway, at least 6 weeks prior notification should be given to the Strategic Director Economy, Transport and Environment at County Hall, Matlock (telephone: 01629 580000 and ask for the New Roads and Street-works Section).
- g. The applicant is advised to obtain a technical approval for all estate street details from the Local Highway Authority prior to the submission of any details to the Local Planning Authority, to discharge Condition [6]. At present the construction approval process may take up to 12 weeks to achieve, depending on the appropriateness and completeness of the original information submitted, the applicant should therefore allow sufficient

timescales within their development program to accommodate this. Without construction approval being issued the Highway Authority would not be in a position to discharge the condition within the normal planning application consultation period.

- h. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
- i. Derbyshire County Council strongly promotes Sustainable Drainage Systems (SuDS) to be incorporated within the design of a drainage strategy, applying the SuDS management train. The applicant should also seek to promote betterment or meet green-field runoff rates taking into account the impacts of climate change. For more advice regarding the County Council's requirements please contact flood.team@derbyshire.gov.uk .
- j. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council. Works that involve road closures and / or are for a duration of more than 11 days require a three month notice; developers' works will generally fall into this category. Developers and Utility companies (for associated services) should prepare programmes for all works that are required for the development, such that these can be approved through the coordination, noticing and licencing processes. This will require developers and Utility companies to work to agreed programmes and booked slots for each part of the works. Discussions should therefore take place with Derbyshire County Council's Highway Noticing Section, at County Hall, Matlock at the earliest stage possible.
- k. Effective monitoring is an essential requirement of a successful Travel Plan. The Highway Authority recommends the use of the STARS For Travel plan toolkit: <https://www.starsfor.org>, although other monitoring methods are available. Use of this system ensures a consistency of quality and puts in place a straightforward system for subsequent updating and monitoring. Fees are levied for the use of this system. Contact: sustainable.travel@derbyshire.gov.uk for more details.

Voting:

For	10
Against	1
Abstentions	0

The Chairman declared the motion carried.

49/18 - APPLICATION NO. 18/00235/FUL – ERECTION OF DETACHED GARDEN ROOM WITH DECKING ABOVE (RETROSPECTIVE) AT 14 MAIN STREET, MIDDLETON BY WIRKSWORTH

The Committee visited the site prior to the meeting to allow Members to appreciate the site, context, impacts of the proposal on the character and appearance of heritage assets and amenity of neighbours.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised further information from the Applicant, which was not relevant to the planning application.

In accordance with the procedure for public participation, Mrs Lynne Cowan (Local Resident) spoke against the application and Mr Alvin (Applicant) spoke in favour of the application.

It was moved by Councillor Albert Catt, seconded by Councillor Richard FitzHerbert and

RESOLVED That retrospective planning permission be granted for the reason(s) set out below; with a condition as set out below, and with an advisory footnote to the Applicant regarding the possibility of requiring Building Regulations approval:

Reason

That limited views of the structure from within the conservation area and grounds of the adjacent grade II listed building is such that the development, subject to being given an appropriate dark colour stain finish, does not result in harm to the character, appearance or setting of these designated heritage assets and the steeply sloping nature of the site is such that overlooking between properties already exists. It was not therefore considered that the raised decking area would make this situation significantly worse to the extent that refusal on amenity grounds was merited.

Voting:

Condition 1

For That the decking be treated with an appropriate darker colour stain to
Against blend in with its surroundings.
Abstentions

9
3
0

The Chairman declared the motion carried.

51/18 - APPLICATION NO. 18/00286/FUL – PROPOSED CHANGE OF USE AND CONVERSION OF STABLE TO DWELLING AT LAND TO THE REAR OF WHITELEA LANE, OAKSEDGE LANE, TANSLEY

The Committee visited the site prior to the meeting to allow Members to assess the site and its context.

In accordance with the procedure for public participation, Mr Nick Baseley (Agent) spoke in favour of the application.

It was moved by Councillor Richard FitzHerbert, seconded by Councillor Chris Furness and

RESOLVED That planning permission be refused for the reason set out in the report.
(unanimously)

52/18 - APPLICATION NO. 18/00253/OUT – ERECTION OF DWELLING AND ASSOCIATE ACCESS AT THE CHALET BUNGALOW, BUTTS DRIVE, MATLOCK

The Committee visited the site prior to the meeting to allow Members to assess the site and context.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised correspondence from a neighbour regarding a Restrictive Covenant on the property.

It was noted that there were no passing places on Butts Drive, contrary to Matlock Town Council's comment in their consultation response.

In accordance with the procedure for public participation, Mr Graham Green and Mrs Anna Baker (Local Residents) spoke against the application and Mrs Nicola Knighton (Local Resident) commented on the application.

It was moved by Councillor Sue Burfoot, seconded by Councillor Peter Slack and

RESOLVED That planning permission be refused for the reason set out in the report.
(unanimously)

53/18 – APPLICATION NO. 18/00347/FUL – REGRADING OF LAND TO ACCOMMODATE SURPLUS MATERIAL FROM ADJACENT HOUSING SITE AND ASSOCIATED LANDSCAPING AT LAND AT ASKER LANE, MATLOCK

The Committee visited the site prior to the meeting to allow Members to assess the impact of the development on the character and appearance of the area and archaeological and ecological interests.

In accordance with the procedure for public participation, Ms Rina Jones and Ms Sarah Fowles (Local Residents) spoke against the application and Mr James Hicks (Agent) spoke in favour of the application.

It was moved by Councillor Tony Morley, seconded by Councillor Chris Furness and

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

Voting:

For 5
Against 7
Abstentions 0

The Chairman declared the motion defeated.

It was then moved by Councillor Albert Catt, seconded by Councillor Chris Furness and

RESOLVED That this application be deferred for the following reason(s):

To enable further negotiations between Officers and William Davis with a view to establishing where else the soil could be deposited. Further, a report should be brought to this Committee clarifying whether the waste is clay or topsoil, and information regarding the stability of the meadow should the clay/topsoil be deposited on it.

Voting:

For 9
Against 2
Abstentions 1

The Chairman declared the motion carried.

54/18 – MOTION TO CONTINUE

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

RESOLVED That, in accordance with Rule of Procedure 13, the meeting continue (unanimously) beyond 2½ hours to enable the business on the agenda to be concluded.

55/18 - APPLICATION NO. 18/00418/OUT – RESIDENTIAL DEVELOPMENT OF TWO DWELLINGS AND ASSOCIATED ACCESS (OUTLINE) AT THE BUNGALOW, EDGEFOLD ROAD, MATLOCK

The Committee visited the site prior to the meeting to allow Members to appreciate the site and context and to consider the amenity impacts of the proposal.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised further comments from local residents regarding the amended proposal and a response from the Applicant's Agent to the objections raised.

In accordance with the procedure for public participation, Ms Verity Holmes (Local Resident) spoke against the application and Ms Rebecca Beardsley (Agent) spoke in favour of the application.

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 the report.

Voting:

For	9
Against	3
Abstentions	0

The Chairman declared the motion carried.

56/18- INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Richard FitzHerbert and

RESOLVED That the report be noted.
(unanimously)

57/18 - 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 8.48PM

CHAIRMAN