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## **PLANNING COMMITTEE**

### **Minutes of a Virtual Planning Committee meeting held at 6.00pm on Tuesday 12<sup>th</sup> January 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](http://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, Helen Froggatt, Stuart Lees, Tony Morley, Mike Ratcliffe 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 Mike Ratcliffe attended as Substitute Member.

## **205/20 - MINUTES**

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

**RESOLVED** That the minutes of the Planning Committee meeting held on 10<sup>th</sup> (unanimously) November 2020 be approved as a correct record.

## **206/20 - INTERESTS**

Item 5.1 – Application No. 20/00907/LBALT

Councillor Garry Purdy declared a personal interest in knowing the applicant but this did not preclude him from the discussion or voting on this item.

Councillor Sue Burfoot declared a personal interest but this did not preclude her from the discussion or voting on this item.

Item 5.2 – Application No. 20/00980/ADV

Councillor Stuart Lees declared a pecuniary interest and did not participate in the discussion or voting on this item.

**207/20 - APPLICATION NO. 20/00907/LBALT (Presentation)  
INSTALLATION OF SOLAR PANELS ON SOUTH FACING ROOF SLOPE AT SOUTH  
BARN, HURDS HOLLOW, MATLOCK, DERBYSHIRE DE4 3JZ.**

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, Councillors Martin Burfoot and Steve Wain (as Ward Members), Ms Laura Stevens (local Matlock resident) and Mr John Taylor (applicant) spoke in favour of 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. PHOTOGRAPHS HAVE BEEN SUBMITTED BY THE APPLICANT IN SUPPORT  
OF APPLICATION 20/00907/LBALT**

**Officer Comments:**

A further submission of photographs (published separately) were received from the Applicant and Officers requested that these be noted and considered.

**2. THE FOLLOWING COMMENTS FROM DERBYSHIRE DALES CLIMATE HUB  
RE: APPLICATION 20/00907/LBALT HAVE BEEN RECEIVED.**

We write regarding the application concerning the erection of 22 Solar Panels on the Grade II listed, South Barn at Hurds Hollow in Matlock (reference is 20/00907/LBALT). The planning officer has recommended refusal of this application, and we object to this decision.

The conservation officer report makes it abundantly clear that the "installation of the array would not constitute a substantial harm to the heritage asset". According to the National Planning Policy Framework (NPPF) any proposal which leads to less than substantial harm, should be "weighed against the public benefits" of the proposal. However, the planning officer considers the proposal to offer little in the way of public benefit, without providing any substantive evidence. His opinion can be challenged for failing to address the wider public benefits which underpin this planning proposal. These include:

1. A failure to consider Paragraph 148 of the NPPF. This states that tackling climate change is central to the economic, social, and environmental dimensions of sustainable development. The NPPF (in paragraph 149 and accompanying footnote 48) expects Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change,

in line with the Climate Change Act 2008 and Section 19 of the 2004 Planning and Compulsory Purchase Act.

2. A failure to take account of the Council's own Climate Emergency Declaration made nearly 2 years ago. This signifies a total lack of policy coherence across the operations for which the Council has a responsibility.

3. Makes no reference to the principles set out in the "Vision Derbyshire" Project, which is supported by Paul Wilson, the Chief Executive of Derbyshire Dales District Council. The project proposals include "exceeding local and national climate change targets and doing more, faster"

4. The Council is already taking the lead in promoting wider adoption of climate mitigation actions like: Home insulation, Air source heat pumps and Solar PV to reduce carbon dioxide and crucially to support the enhancement of air quality and associated levels of health in the community. It is also promoting local green businesses and appropriate supply chains. This refusal for the installation of Solar PV directly conflicts with these Council initiatives.

### **Officer Comments:**

Officers request that these comments be noted/considered. As set out in the Officer's report, the panels are to be fixed to the roof of a designated heritage asset. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 196 of the National Planning Policy Framework (2020) states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The adverse impact on the special character and appearance of this listed building of a large array of solar panels to the primary roof slope is, whilst less than substantial, is not considered to be outweighed by the public benefit to be derived from the installation of a private renewable energy source in this case.

### **3. THE FOLLOWING COMMENTS FROM MS. W BULLAR, A RESIDENT OF HIGH STREET, BONSALL RE: APPLICATION 20/00907/LBALT HAVE BEEN RECEIVED.**

I am writing with regard to the application concerning the Grade II listed, South Barn at Hurds Hollow in Matlock. This requests permission to install solar panels on the south facing slope of the roof. Having read the conservation report, I understand that the Officer considers that the "installation of the array would not constitute a substantial harm to the heritage asset". According to the National Planning Policy Framework (NPPF) if a proposal leads to less than substantial harm, the lesser harm should be weighed against the public benefits of the proposal. In this instance the planning officer has determined that the application should be declined because notwithstanding 'it's less than substantial harm', he considers the proposal to offer little in the way of public benefit. I believe this stance fails to recognise a broader perspective concerning public benefits.

I would contend that this appraisal should, itself be balanced against a highly significant section of the NPPF (2019 revisions, section 2) which states that 'The purpose of the planning system is to contribute to the achievement of sustainable development'.

Fundamental to this objective is the premise that in decision making there should be a presumption in favour of sustainable development. This has been described as the golden thread running through both plan-making and decision-taking. For decision making the presumption means approving applications that accord with the plan without delay and granting permission unless adverse impacts would demonstrably outweigh benefits when assessed against the NPPF. From my untutored understanding, the NPPF is drafted to be consistent with all relevant national policies and international obligations. In 2016 the UK Parliament signed up to the United Nations Framework Convention on Climate Change (the Paris Agreement) and in 2019 the UK was first in the world to declare a climate emergency. These and other statutory requirements are all interwoven within the NPPF where 'sustainability' is an essential component.

In considering the South Barn application the term 'sustainability' can be strongly evidenced in various merits of the proposal. Given planning permission this project could truly demonstrate the 'S' factor by:

- further developing a prosperous local green economy. Planning policies should support sustainable economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable initiatives.
- reducing carbon emissions (indirect and direct) from the production and use of electricity and / or gas to power/heat the home
- providing an exemplar for others to follow, showing the technology to be worthwhile and acceptable
- demonstrating the authority's determination and proactive support for the District's net zero target
- enabling a heritage asset to display a non-damaging green technology

Additionally, and importantly the planner's report merely states 'decline' it does not demonstrate or offer clear reasoning why the lesser harm outweighs the public benefits of this proposal. Furthermore, the home occupier agrees to remove the installation when the system falls out of use and to complete any restoration needed.

Finally, I would like to take this opportunity to comment on the Council's Climate Emergency Declaration. It is disappointing that 18 months on from that unanimous vote, the principle of sustainability is far from being embedded across all council services, policies and activities. The District Council and the community have a veritable mountain to climb in terms of reducing our collective carbon emissions and so to avert climate catastrophe. I do appreciate that an Action Plan is near implementation but we urgently need the authority to become an authentic and committed exemplar of sustainable practices, to accept its leadership role in all aspects of its work.

**Officer Comments:**

Officers request that these comments be noted/considered. As set out in the Officer's report, the panels are to be fixed to the roof of a designated heritage asset. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 196 of the National Planning Policy Framework (2020) states that "Where a development proposal will lead to less than substantial harm to the significance

of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The adverse impact on the special character and appearance of this listed building of a large array of solar panels to the primary roof slope is, whilst less than substantial, is not considered to be outweighed by the public benefit to be derived from the installation of a private renewable energy source in this case.

**4. IN ADDITION TO THE ABOVE THE FOLLOWING COMMENTS ADDRESSED TO CLLRS PURDY AND PAWLEY HAVE BEEN RECEIVED.**

We are writing as residents of Matlock Bath who were very pleased Derbyshire Dales District Council and Matlock Town Council (as well as Matlock Bath Parish Council) declared a climate emergency in 2019, committing to consider climate change and carbon reduction as urgent factors in its decisions and policy, in the interests of living and future generations.

We are residents who also very much appreciate the special nature of our built environment here, and the industrial archaeology and social history evident all around us, such as in the farm buildings that are subject of the planning application.

We note there is no objection submitted by a member of the public to the application. We are writing to object to the recommendation to refuse it.

We note that the officer recommending refusal says the listing of the outbuildings states and acknowledges that they are functionally related to the farmhouse, and form the most important element of its setting. They contribute to an understanding of the function of the building group.

The proposed solar PV panels will be visible within these views and will, therefore, have an impact on the setting and context of the historic grouping. This will constitute some harm to the setting & context of the building/grouping. It is considered that the installation of the array, as proposed, would not constitute substantial harm to the designated heritage asset.

And, in this regard, we note the NPPF directs that where a proposal would lead to less than substantial harm, that harm should be weighed against the public benefits of the proposal.

The public benefits of the proposal would be in reduction in carbon equivalent emissions from heating the building, probably by over half, and also in the example set of a successful installation which could encourage others to follow. As members of the public, in our view these advantages outweigh buildings conservation disadvantages, which can be mitigated by providing some form of explanation of both the heritage and rationale for PV panels. We are far more pleased at the initiative of the owners in seeking to reduce the carbon footprint of heating their traditional building, famously difficult locally with our legacy of stone housebuilding, with reasonable efforts to make this inconspicuous, than we are troubled by the small compromise on its physical look. We hope PV panels will shortly be a familiar and widespread successful contribution to Derbyshire Dales District Council and Matlock Town Council planning and policy efforts to reduce our collective carbon footprint here.

It is therefore obvious to us that councillors should not follow the officer's recommendation to refuse the application, as this will breach Matlock Town Council and Derbyshire Dales District Council Climate Emergency Declarations in 2019, and plans underway to fulfil them. (Indeed we are surprised and disappointed at the officer's conclusions in the present context, and hope there will be work within the councils and in professional bodies to encourage timely integration of good practice in the climate emergency in their officers.)

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

**RESOLVED** That planning permission be granted subject to the following conditions:

1. That the solar panels permission to remain on the roof be limited to a 30 year period from installation.
2. That the form of installation and style of solar panel be agreed in consultation with the Development Control Manager.
3. That the number of solar panels is limited to 22.

**Reason:**

The proposed harm to the significance of the heritage asset, caused by the installation of the solar panels, was considered to be at the lower end of less than substantial harm and that harm was considered to be outweighed by the public benefit derived from the renewable energy that will be generated.

**Voting:** In accordance with **Rule of Procedure 19d**, a recorded vote was requested and proposed by Councillor Sue Burfoot, seconded by Councillor Richard FitzHerbert and

**For** 11

**Councillors:** Robert Archer, Sue Bull, Sue Burfoot, Neil Buttle, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Stuart Lees, Garry Purdy, Mike Ratcliffe and Peter Slack.

**Against** 2

**Councillors:** Jason Atkin and Tony Morley.

**Abstentions** 0

**Councillors:**

The Chairman declared the motion CARRIED.

**208/20 - APPLICATION NO. 20/00980/ADV (Presentation)**

**RETENTION OF VINTAGE CRANE ADVERTISEMENT AND SIGNAGE ON STORAGE BUILDING AT STEVE FOSTER CRANE HIRE, DERBY ROAD, DOVERIDGE, DERBYSHIRE DE6 5JU.**

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 Jacqueline Allison (as Ward Member) made comment on 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:

No consultation responses were received, as stated in section 5 of the report.

**1. THE FOLLOWING COMMENTS FROM KATE CALVIN OF WATERPARK HOUSE, 31 HIGH STREET, DOVERIDGE HAVE BEEN RECEIVED**

Please find below the link to the petition we have created to support retaining the vintage crane in Doveridge (case number 20/00980/ADV). It has received huge support from our residents.

<https://www.change.org/p/derbyshire-daales-district-council-keep-the-crane>

**Officer Comments:**

The Local Planning Authority acknowledged that a total of 835 comments had been made at the time of checking the petition (11:45am on the 11<sup>th</sup> January 2021). The comments expressed are broadly in line with comments received as part of the formal consultation processes, as set out in Section 6 of the Officers Planning Committee report.

Officers recommend that the comments of the local residents are noted.

It was moved by Councillor Peter Slack, seconded by Councillor Robert Archer and

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

**Voting:**

<b>For</b>	10
<b>Against</b>	2
<b>Abstentions</b>	0

The Chairman declared the motion CARRIED.

**209/20 - 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)

**210/20 - APPEALS PROGRESS REPORT**

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

**RESOLVED** That the report be noted.  
(unanimously)

Planning Committee – 12<sup>th</sup> January 2021

**MEETING CLOSED 7.30PM**

**CHAIRMAN**