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PLANNING COMMITTEE

Minutes of a Planning Committee meeting held at 6.15pm on Tuesday 10th August 2021 at County Hall, Derbyshire County Council, Matlock DE4 3AG.

PRESENT

Councillor Jason Atkin - In the Chair

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

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

Members of the Public - 17

APOLOGIES

Apologies for absence were received from Councillor Colin Swindell.

93/21 - INTERESTS

Item 5.1 – Application No. 21/00643/FUL

Councillor Jason Atkin declared a personal interest as a Member of Darley Dale Town Council, who have submitted representation in objected to the application, but this did not preclude him from the discussion or voting on this item.

94/21 - 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 13th July 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.”

**95/21 - APPLICATION NO. 21/00643/FUL (Presentation and Site Visit)
Erection of replacement dwelling and a swimming pool building (modifications to previously approved planning permission 15/00718/FUL) (Resubmission) at Bent Farm, Farley Hill, Farley.**

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, Councillor Steve Chrystal (Darley Dale Town Council), Mr Jason Farmer (Local Resident), Mr Andrew Heading (Local Resident), Ms Carol Mosley (Local Resident) spoke against the application. Mr Roger Yarwood (Agent) spoke in favour of the application.

For clarity the Principal Solicitor on request from Councillor Garry Purdy, in response to accusation that Members and Officers were acting outside of National Planning Practice Guidance, confirmed to the contrary that in consideration of the application, Members and Officers had been compliant with planning guidance; furthermore informing that planning legislation is considered permissive and refusal of applications should not be without good reason.

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 3 of the report.

A letter of representation which is summarised as follows:

- the recommendation by Planning Officer to approve with conditions is seriously flawed
- in the extensive justification for the recommendation for approval he correctly states that valid reasons for rejection and for the ordering of remedial works include where, to paraphrase policy HC7, "the scale, form, design and massing of the replacement dwelling detracts from the character and appearance of the setting and surrounding" - the scale of the development isn't mentioned again in the rest of the document
- in paragraph 7.2 the officers note that the frontage permitted was 3.9 meters whereas the current frontage is an astounding 36% higher at 6.1 meters. Thirty six percent!
- the Planning Officer states that "*this is not deemed by Officers to be of such harm that it would reasonably justify refusal of planning!*" - this is an absolutely staggering statement! An unapproved increase of 36% of the height of an already controversial development!
- the elevation described is adjacent to the highway, so no remedial actions such as "plant a few trees", (which seems to be the justification for approval of the rest of the modifications), can be applied
- a valid reason for refusal of permission is "Obtrusive by design", which this development has certainly become

- almost every other objection to this development focuses on the size and inappropriate appearance of the building - it dominates the landscape
- a renowned local landscape artist stated "*it is incongruous & not in harmony in the landscape & has no mitigating circumstances to be so*" - the aesthetic opinions of DDDC Planning Officers must, in this instance, take second priority to those of others better qualified to make such judgements
- approval with conditions to plant a few trees to possibly hide the brutal appearance of the building is inadequate
- the decision should be;
- refuse permission
- to order remedial action to reduce the frontage elevation to the original 3.9 meters
- to order and enforce extensive landscaping and plantings to hide the remaining eyesore from the public eye wherever possible
- local developers are laughing in the face of DDDC planning and the community - a stand must be taken somewhere!

Officer Comments:

Officers advise that the comments be noted and considered.

It was moved by Councillor Garry Purdy, seconded by Councillor Stuart Lees and

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

Voting:

For	6
Against	6
Abstention	0

In accordance with **Rule of Procedure 19.2 - Chairman's Casting Vote**, the Chairman Councillor Jason Atkin exercised his vote in **FAVOUR** of the recommendation.

The Chairman declared the motion **CARRIED**.

There followed a short adjournment at **7:31pm**, returning at **7:42pm**.

96/21 - APPLICATION NO. 20/01306/FUL/FUL (Presentation and Site Visit)
Partial demolition of existing buildings and erection of a building comprising of 47 no. apartments (C3 Use) and a ground floor retail unit (Use Class E) and associated works and change of use of ground floor of retained 30 Causeway Lane to retail (Class E) and creation of additional apartment in upper floors at Riber View, (Former Matlock Ford Site), Causeway Lane, 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 Ken Parker (Matlock Civic Association) spoke against the application. Mr Jason Farmer (Owner of neighbouring site) and Ms Caroline McIntyre (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 3 of the report.

Following publication of the agenda and having reviewed the officer recommendation the following correspondence to the case officer from the applicant has been received, which advises the following:

I can confirm that I have now consulted with our Board and we are unable to procure any development in the present climate with an overage clause in the s.106 Agreement. As discussed the reasoning behind our Board's decision is that any ambiguity in a s.106 Agreement causes issues with our existing development banking facility which alters the pre-agreed terms and involves a reappraise, valuations involving costs etc. and then inevitably a much larger injection of equity on the development finance, which as a Board policy we will not proceed with.

As discussed on our phone call, the market has moved in the last 9 months with sales values increasing but also construction labour and material costs also rising at alarming rates due to demand and supply chain issues. With this in mind I noted the comments from your last email;

“The scenarios presented by the independent viability expert indicate that a contribution of £55,000 can be viably made as it stands, however, if gross development value increases by 2.5% (which is possible) a contribution of circa £195,000 can be achieved.”

I have calculated that the £195,000 does not allow for build cost inflation which in the last year has risen somewhere between 10-15%. In a last attempt to try and agree a s.106 payment which, if consented will allow us to start construction of the scheme, I have consulted with my Board and would agree to an immediate payment on £195,000 to Derbyshire Dales prior to commencement of development. In making this offer I would like you to note that we will be taking all development risk during the 18 month construction process on build cost inflation and sales values can go down as well as up with the current unprecedented market not experiencing a recession now for over a decade.

In summary, there is no reference in the Local Plan or SPD to the requirement of an overage clause, a viability study has been carried out and agreed with your independent expert and we are prepared to make an upfront payment increase from £55,000 to £195,000 which assumes an increased gross development value of 2.5% from the original report without allowance for build cost inflation. In essence this would deliver a payment to Derbyshire Dales towards affordable housing in the shorter term, would remove the uncertainty on our side for development finance, in turn the S106 would be less complicated, the decision notice issued more promptly and work could start on site this year.

As I hope you know from working with you through the design process and taking on board your comments to evolve the scheme to the one being presented this evening, we are extremely keen to deliver this high quality development in Matlock Town to compliment the street scape along the Causeway, unfortunately this will not be possible if an overage clause is introduced in the s.106 Agreement.

Officer Comments:

Officers have discussed this offer with its appointed viability expert and concluded that it is a fair and reasonable one without an overage clause, which will ensure the delivery of the development and assumes a 2.5% increase in gross development value above current value levels (where a £55,000 contribution has been assessed as being viable at this time).

It is therefore recommended, should members be minded to approve the application that it be resolved:

“That authority be delegated to the Development Manager / Principal Planning Officer to approve the development subject to the holding objection from the Environment Agency being withdrawn, appropriate conditions including those set out in the recommendations section of this report (and any additional conditions recommended by the Environment Agency) and the applicant entering into a s106 agreement to secure £195,000 towards affordable housing.”

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

RESOLVED That planning permission be approved with the following recommendation, revised in response to a further offer from the applicant.

Recommendation:

That authority be delegated to the Development Manager / Principal Planning Officer to approve the development subject to the holding objection from the Environment Agency being withdrawn, appropriate conditions including those set out in the recommendations section of this report (and any additional conditions recommended by the Environment Agency) and the applicant entering into a s106 agreement to secure £195,000 towards affordable housing.

Voting:

For	11
Against	0
Abstention	1

The Chairman declared the motion **CARRIED**.

97/21 - APPLICATION NO. 20/01129/REM (Presentation and Site Visit)

Reserved matters application for approval of the appearance, landscaping, layout and scale of a residential development of 17no. dwelling houses (outline planning consent reference 17/00934/OUT) at former Harveydale Quarry, Dale Road, Matlock.

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.

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	11
Against	0
Abstention	1

The Chairman declared the motion **CARRIED**.

**98/21 - APPLICATION NO. 21/00622/FUL (Presentation and Site Visit)
Erection of replacement dwelling house and associated garage and studio buildings
at Kiln Bank, Yokecliffe Lane, Wirksworth.**

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 Alan Cecil (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.

One representation has been received which is summarised as follows:

It does not feel that a proper attempt has been made to ensure that residents are fully and appropriately consulted. Notices on the two adjoining paths would have gone some way to achieving this. Concerns are raised in terms of the damage to Yokecliffe Lane by the construction traffic and conflict with the users of the footpath.

Officer Comments:

A site notice was erected on Yokecliffe Lane and all neighbours within 10 metres of the site were notified which complies with the Council's guidelines.

The agent has requested the following in respect of condition 8 – Landscaping

We have no objection to the condition in principle however obtaining DDDC sign off within 56 days of the commencement of the development is a challenge. Subject to approval from the committee the project is due to start on site before Christmas. The condition would result in a rushed proposal to obtain sign off only for an amendment to the design to be made at a later date once the landscaping design has been properly considered.

We would request that this condition is worded to allow sign off prior to the commencement of the landscaping works. If this is not possible then as an alternative could we request that this condition is split in two. We would be happy to sign off hard landscaping, retaining walls and identifying areas of soft landscaping within 56 days but then as a separate condition at a later date sign off the details of the specifics of the planting including densities.

The triggers for condition 8 can be varied as below:

8. A scheme of hard landscaping (comprising of a, b and c) shall be submitted to and approved in writing by the Local Planning Authority within 56 days of the commencement of development, the details of which shall include :-

- a) means of enclosure;
- b) car parking and turning area;
- c) hard surfacing materials;

Prior to the commencement of any soft landscaping works the following (comprising of d and e) shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details.

- d) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
- e) grass seed mixes and sowing rates.

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

RESOLVED That planning permission be approved subject to the conditions set out in the report and the following additional conditions:

Additional Conditions:

- 13. Prior to any demolition or construction activity taking place on site a construction management plan and details of the mechanisms to ensure no detrimental impacts on Yokecliffe Lane shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of highway safety and to protect the users of the public right of way in accordance with the aims of Policy S4 of the Adopted Derbyshire Dales Local Plan (2017).

- 14. Within 30 days of the commencement of development details of the measures for the attenuation and discharge of surface water

during the construction phase and following completion of the development shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be provided in accordance with the approved details.

Reason:

To prevent localised flooding in accordance with the aims of Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

Voting:

For	10
Against	1
Abstention	1

The Chairman declared the motion **CARRIED**.

At **8:40pm**, at the completion of Item 5.4 of the agenda – Application No. 21/00622/FUL, Councillor Richard FitzHerbert left the meeting.

99/21 - DURATION OF MEETINGS (MOTION TO CONTINUE)

At **8:40pm**, at the completion of on Item 5.4 of the agenda – Application No. 21/00622/FUL:

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

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

100/21 - APPLICATION NO. 21/00341/FUL (Presentation)

Conversion of garage with two storey extension, single storey extension and loft conversion at 33 Intakes Lane, Cromford.

The Principal 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 Dan Lancaster (Agent) spoke in favour of the application.

At **8:41pm**, at the beginning of public participation on this item, Councillor Neil Buttle left the meeting and returned at **8:44pm**.

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.

The agent has submitted the following:

para 2.1 - we are applying for a single-storey extension on one side and a two-storey extension on the other only. We feel the statement, as it reads, could be misinterpreted as 'two' two-storey side extension(s). It also suggests two additional bedrooms are being sought where in fact the property will remain three-bedroomed, just the layout will be different with the addition of a utility and WC. It perhaps should also state that the garage is being converted, rather than being replaced, and that the extension is to the rear of this. Finally the front is merely a canopy not an enclosed porch.

para 7.2 - the canopy is angled and not curved, in fact there are no curves in the proposals as the existing character of the architecture in this area has no curves anywhere.

para 7.3 - the proposed dormer is in fact smaller than those on other properties, which also have multiple windows, presumably for multiple rooms within. The dormer here is for one room in the loft only.

para 7.4 - we would like to register our objection to the obscured glazing to the only window in the kitchen, which we feel will limit the light admittance in this room as well as confer a level of claustrophobia here. This will especially be the case having reduced the front window adjacent the main entrance. Of course we understand that in moving the external store over the front window we are in fact losing a window, but we feel obscuring the only remaining window is a compromise too far. The narrow slot window of the proposal, we feel, goes some way to improving on the existing situation where the side porch has a full-height double glass doorway. In extending backwards we will effectively be reducing the amount view of the neighbour's garden by more than two thirds in our estimations. We attach photographs and representations of the changes sketched over for your information and ask whether these can be issued to the committee members for their understanding of the situation?

para 7.5 - the narrow sections to the angled windows at lower ground floor have been incorrectly represented in plan as windows, which was not intentional. These will be solid openable panels to allow ventilation only and allow emergency egress where large-format fixed glazing cannot.

With specific reference to the kitchen window, we wonder if we can insist that the committee members visit the property in advance to see for themselves the existing situation? We feel this is the only way they can fully appreciate the level of overlooking that currently exists and that we wish to improve upon or at the very least not make worse. As stated above, these photos are available if the committee members are unable to visit.

I trust these points are well made and that they can be read out at the committee hearing as late representations in order that the committee members can understand the occupants are not seeking over-development here, merely additional space in line with their home working and living needs.

Officer Comments:

The extension would provide 3 bedrooms with a home office within the roof space. The front entrance would have an angled canopy. The proposed kitchen extension would replace a side porch / utility area which is not a habitable room. This proposal introduces a habitable room set back from the rear elevation with views of the neighbour's rear garden.

In order to mitigate overlooking it is considered that this window should remain obscure glazed. As the angled windows on the rear would have solid sections adjacent to the boundary condition 4 is amended as below and an additional condition shall cover this detail to avoid any overlooking.

4. The window in the rear elevation of the kitchen extension and the sections of glazing on the angled ground floor windows adjacent to the north western boundary hereby permitted shall be glazed in obscure glass prior to the first occupation of the extensions and thereafter retained in perpetuity.

Additional Condition

5. The full height sections of the angled ground floor windows adjacent to the north western boundary hereby permitted shall be a solid material with their details first submitted to and approved in writing by the Local Planning Authority prior to their installation and thereafter retained in perpetuity.

Reason:

To preserve the amenity of nearby residential properties in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017)

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

RESOLVED (unanimously) That planning permission be approved subject to the conditions set out in the report but with the following amended condition and additional condition:

Amended Condition 4:

4. The window in the rear elevation of the kitchen extension and the sections of glazing on the angled ground floor windows adjacent to the north western boundary hereby permitted shall be glazed in obscure glass prior to the first occupation of the extensions and thereafter retained in perpetuity.

Additional Condition (5):

5. The full height sections of the angled ground floor windows adjacent to the north western boundary hereby permitted shall be a solid material with their details first submitted to and approved in writing by the Local Planning Authority prior to their installation and thereafter retained in perpetuity.

101/21 - APPLICATION NO. 21/00722/FUL (Presentation and Site Visit) Creation of vehicular access and parking area with turntable at Tagg Hill Cottage, 43 Church Street, Matlock.

The Principal 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, Dr Anne Phillips (Applicant) spoke in favour of the application.

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

It was moved by Councillor Neil Buttle, seconded by Councillor Sue Burfoot and

RESOLVED That determination of the application be deferred to the next meeting of the Committee on 14th September 2021.

Reason:

The consultation response submitted by Derbyshire County Council (Local Highway Authority) is considered to be incorrect, as the basis of its assessment contradicts the orientation of the building access and site plan; furthermore the Committee believe the response has been submitted without a physical visit. Officers are therefore requested to re-approach the Local Highway Authority, for a second assessment of the site, for Committee to consider in determining this application.

Voting:

For	9
Against	2
Abstention	0

The Chairman declared the motion **CARRIED**.

102/21 - 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)

103/21 - 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 9:08PM

CHAIRMAN