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## **PLANNING COMMITTEE**

**Minutes of Planning Committee meeting held at 6.00pm on Tuesday 29<sup>th</sup> June 2021 in the Members Room at County Hall, Matlock**

### **PRESENT**

Councillor Jason Atkin - In the Chair

Councillors: Neil Buttle, Tom Donnelly, Richard FitzHerbert, Helen Froggatt, Clare Gamble, Stuart Lees, Tony Morley, Peter O'Brien, Garry Purdy and Peter Slack.

Jon Bradbury (Development Control Manager), Chris Whitmore (Principal Planning Officer), Sarah Arbon (Senior Planning Officer) Kerry France (Principal Solicitor) and Jason Spencer (Electoral & Democratic Services Manager).

### **APOLOGIES**

Apologies for absence were received from Councillors Robert Archer, Sue Bull, Sue Burfoot and Graham Elliott. Councillor Helen Froggatt attended as a standing Substitute Member.

The Chair reported that Councillor Sue Burfoot had sent her apologies at short notice due to being admitted to hospital earlier in the day. The Committee wished her a speedy recovery.

### **21/21 - INTERESTS**

No interests were declared

### **22/21 - 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 20<sup>th</sup> April 2021 be approved as a correct record.

## **23/21 – VARIATION IN ORDER OF BUSINESS**

The Chair advised the Committee that, as there were a number of people waiting to speak on item 5.6, this item would be considered first.

### **24/21 - APPLICATION NO. 21/00201/FUL (Presentation) 5.6**

#### **Change of use of former band hall to storage facility (B8 Use). Former Band Hall, Jackson Road, Matlock**

The Committee visited the site prior to the meeting to allow Members to assess the proposed development in its context. The Senior Planning Officer introduced the application. A presentation showing details of the application and photographs of the site and surroundings had been circulated in advance of the meeting.

In accordance with the procedure for public participation, Councillor Margaret Elsworth (Matlock Town Council), Ms Samantha Stocks, Mrs Jacqueline Cass and Mr Taylor (Local Residents) spoke against the application. As they were following Government advice to isolate Ms Lisa Hensby and Mr Dean Botham were unable to make their representation in person. In their absence their statements against the application were read out by the Council's Electoral & Democratic Services Manager. James Probert (Applicant) and Roy Bradbury (Agent) spoke in support of the application.

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:

#### **1. THE FOLLOWING COMMENTS HAVE BEEN RECEIVED FROM THE COUNTY HIGHWAY AUTHORITY WHICH MEMBERS ARE ADVISED TO NOTE:**

Regarding the amended plans, it is considered that, what appear to be slight amendments to the boundary walls and railings, will not be detrimental to the function of the site access onto Jackson Road, hence there are no highway objections to this element of the application.

We have received communications from a local resident who has raised their concerns about the size and type of vehicle(s) which are currently accessing the site, with these vehicles being considerably larger than the type and size of vehicles stated in the application and supporting information. Clearly the concern is that if this is occurring now and if consent is granted, the applicant will continue to bring large HGVs to the site over and above the much smaller vehicles stated in the application. As with all applications the Highway Authority have assessed the potential impact of the development based on the information submitted.

Mr Cass has made the following comments:

The highways report was written prior to the amended plans. Highways should be re-consulted. The double doors open out onto the designated parking area.

DWT has previously reported the huts ability to support bats. An ecologist needs to report on how the development could affect any present. Slow worms are known in the area. The report by Whitcher Wildlife for the flats has expired. I would suggest DWT at least needs consulting.

Mr Ron Wood made the following comments:

As a resident for many years living on Jackson Road, and whose property overlooks the Band Hall I feel I must complain to the Change of Use to a Storage Facility. My first concern is the condition of the building. This is due to the lack of repair and maintenance. Not only by the present owners but from previous owners in the past. On many occasions I have tried to improve the appearance of the grounds around the building, for example over the last two weeks removed weeds and rubbish as it was such a disgrace and reflecting on the appearance of my property.

My second concern is the possibility of heavy delivery vehicles attending the building throughout the day. This could be a serious problem as the hall is situated in a residential area with very little or no parking available. I would also like to point out this area of Jackson Road is situated in the Bank Road Conservation Area.

A further letter dated the 20th June from Mr Robert Morton has been received and is summarised below:

I am concerned that your officers have not taken due regard to reports I have written concerning the above building, which is recommended for change of use to a storage depot, with conditions relating to this usage. I am fairly sure that this usage will not result in imminent collapse of the building, but I am concerned that the efficacy of the building and its associated retaining walls has been 'established' by way of opinions of various people, not necessarily experienced in the problems associated with this particular location and building.

It has to be borne in mind that the current building came into being after the cottages occupying the site were demolished as they were in a state of collapse – due to ground movement. Matlock Bank is a highly complex slope, comprising multi- and various components, including shales, mudstone, water and various other engineering materials which are difficult to predict in their reaction to load. There are signs of movement in the walls supporting the building, and I am somewhat surprised that the onus has not been put on the developer to prove the building is competent and safe to assume its new duties, before the conversion takes place. I note the comment in the notes surrounding the application that the occupants will check the condition of the building periodically. I do not think this is quite good enough – I believe the building must be demonstrated to be stable by excavation to determine the actual construction of the walls etc to ensure there is something to stabilize before its new use is ratified, and that annual inspections are carried out by suitable experienced engineers, and such reports made available to local authority engineers who understand the results of the surveys.

I first surveyed this slope some 40 years ago whilst working as an engineering assistant with DCC; working in private practice since 1978 in the Derbyshire Dales I have found nothing that convinces me that ground on slopes which have previously failed will accept more load without some sort of remediation work to increase factors of safety of the parameters governing stability. I first surveyed this building in 2007, and the faults present in the building were detected then and concluded to need some money spent to make good the defects; these defects – cracking patterns indicative of ground movement – have not noticeably worsened, neither have they got any better. They still need repair, so that the building works as it was intended to.

I cannot see a good reason why the developers should be excused the task of proving stability by exploration, not opinion, of the project and its surrounds before work is commenced to change its use. The site is in the midst of a residential area with a public footpath below it.

Response:

The Technical Note by the Highways Consultants are based on cars and 3.5T vans with swept path analysis indicating how they can turn.

The combination of the Structural Report and investigation by Building Regulations is considered sufficient for the purposes of this change of use application.

Further consultation responses were set out in section 5 of the report.

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

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

“Elevation drawings and the colour of the railings shown on plan 3087 Rev B shall be submitted to, and approved in writing by, the Local Planning Authority prior to installation. The railings shall then be installed in accordance with the approved details within 3 months of the date of this permission and so retained.

Reason:

To protect the external appearance of the building and preserve the character of the area in accordance with PD2 of the Adopted Derbyshire Dales Local Plan 2017.”

**Voting:**

<b>For</b>	7
<b>Against</b>	2
<b>Abstention</b>	1

The Chairman declared the motion CARRIED.

**25/21 - APPLICATION NO. 20/00893/FUL 5.1**

**Erection of 10 no. dwellings with associated access, car parking, re-grading of site levels and retaining works at Rosarium, Clifton Road, Ashbourne, DE6 1DT.**

The Principal Planning Officer introduced the application. A presentation had been circulated in advance showing details of the application and photographs of the site and surroundings. It was confirmed that amended plans had been received.

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

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

- RESOLVED**
1. That authority be delegated to the Development Manager to grant planning permission subject to conditions set out in the report and the applicant entering into a S106 planning obligation agreement to secure a financial contribution towards education facilities and tying the wider landholding requiring any further residential units (in addition to the 10 no. dwelling proposed) to comprise at least 30% of the overall total residential units to be 'affordable residential units' or an off-site contribution if the land is developed:
  2. That a footnote be added to the permission encouraging the application to take into account the environmental issues raised by the Committee.

**Voting:**

<b>For</b>	8
<b>Against</b>	2
<b>Abstention</b>	0

The Chairman declared the motion CARRIED.

**26/21 - APPLICATION NO. 20/01189/FUL (Presentation) 5.2**

**Hybrid planning application comprising of a full planning application for the demolition of existing buildings and erection of a care home (Use Class C2) with associated parking, access and landscaping and an outline planning application for the erection of up to 9no. dwellinghouses with approval being sought for access at Leys Farm, Wyaston Road, Ashbourne, DE6 1NB**

The Committee visited the site prior to the meeting to allow Members to assess the proposed development in its context. The Principal Planning Officer introduced the application. A presentation had been circulated in advance showing details of the application and photographs of the site and surroundings.

In accordance with the procedure for public participation, Mr Max Jeffry and Ms Sharron Magowan (Local Residents) spoke against the application. Mr Duncan Ford (Applicant) spoke in favour of the application.

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:

**1. THE FOLLOWING COMMENTS AND DOCUMENTS HAVE BEEN RECEIVED APPLICANT'S AGENT:**

A short note has been prepared for the attention of all Committee Members, on behalf of Perseus Land and Developments Ltd, in relation to their application at Leys Farm, Ashbourne for a care home and 9 dwellings (Ref. 20/01189/FUL) which sets out the planning benefits related to the application.

In a separate submission a plan has been prepared which sets out the distances from existing properties to the proposed development

## **RESPONSE:**

Officers advise that members note the comments and draw their attention to the attached plan setting out the distances from the development to existing dwellings.

Further consultation responses were set out in section 5 of the report.

It was moved by Councillor Peter Slack, seconded by Councillor Stuart Lees and

**RESOLVED** That planning permission be refused for the following reasons:

1. The proposed development, by reason of its siting, size and scale would introduce an incongruous form of development on this visually prominent site that does not respect the character, identity and context of this part of the settlement. As such it would represent an intrusive and uncharacteristic form of development, contrary to policies S1, S2, S4, S8, PD1, PD2, PD5, HC1 and HC11 of Adopted Derbyshire Dales Local Plan (2017) and Policy DES1 of the Ashbourne Neighbourhood Plan (2021) and the guidance contained with the National Planning Policy Framework (2019).

2. The proposed development by reason of its site, scale and elevated position would have an overbearing impact on immediate neighbours and would afford direct views into the front and rear gardens of neighbouring properties resulting in a significant loss of amenity and privacy, contrary to the aims of Policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan (2017) and the guidance contained with the National Planning Policy Framework (2019).

## **Voting:**

<b>For</b>	9
<b>Against</b>	1
<b>Abstention</b>	0

The Chairman declared the motion CARRIED.

### **27/21 - APPLICATION NO. 20/01264/OUT (Presentation) 5.3**

**Outline Application for the erection of 1 no. dwelling house and a stone mason's workshop and associated removal of existing buildings on site. Land adjacent Ash Cottage, Bradbourne Lane, Brassington**

The Committee visited the site prior to the meeting to allow Members to assess the proposed development in its context. The Principal Planning Officer introduced the application. A presentation had been circulated in advance showing details of the application and photographs of the site and surroundings.

In accordance with the procedure for public participation, Mr Richard Pigott (Agent – Planning Design) spoke in favour of the application.

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:

The applicant sent the following letter to Councillors and it is repeated below:

My name is Daniel Smith and I have been a resident of Brassington village all my life and class myself as a local lad. I am looking to obtain planning permission to build a modest family home and small workshop to accommodate my family and stone masonry business. My planning application is scheduled to be seen at your next meeting on Tuesday 29<sup>th</sup> June and I just wanted to explain a little bit about myself. The work I do mainly consists of all types of natural stone work and stone masonry which I have been doing for the last 18 years with the majority of my work being in the village of Brassington and local surrounding areas.

As you know property prices in the village are extremely high and can be unaffordable to many young people this is why I'm looking to build my own house and small workshop on my land, this will help me to carry on running my business from the village and also has the added benefit of being more environmentally economic. The work which I will be doing from the site will mainly consist of hand dressing of stone and sorting and storage of stone which is a continuation of what I have been doing there for the past few years.

Having my dwelling and workshop all on one site would help me in many ways and these include reducing my commute to zero, help me to develop my business in the village and surrounding local areas and would also help me to improve security. As you can see from the plans the site location is situated right on the edge of Brassington village and the footprint of the new proposed dwelling and workshop will be situated on the footprint of already existing buildings and hard standing so there will be very little change visually. I also think it's worth mentioning that the site has also been in the family for over 30 years. In summary I'm asking councillors if you would please grant me permission for my application which on balance I strongly believe fits in with the criteria of the Brassington community plan of building new affordable housing for local young people.

The residents of Ash Cottage made the following comments.

1. Even though the plans have been revised we would still be overlooked as this property would stand much higher than ours. We have also had an independent surveyor and advised it could reduce our property in value.
2. We are also concerned about the construction of the Stone Masons Workshop (Industrial Unit) generating noise and dust from Stone Masons equipment/machinery such as petrol driven stone saws. The delivery of stone etc by HGV vehicles unloading and loading could also cause toxic fumes across our property. Also, there are plenty of Stone Masons outlets in the area i.e. Longcliffe.
3. The proposed property would also be outside the 30 mph speed limit on a very narrow lane.

**Response:**

Officers note the other points raised which are addressed in the Officer's Report.

Further consultation responses were set out in section 5 of the report.

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

**RESOLVED** That planning permission be refused for the following reason.

The proposed dwelling by reason of its location outside the existing built framework of Brassington is considered to be in the open countryside. Without a use justification of housing to meet the essential requirements of agricultural, forestry and other rural based enterprise the proposal would constitute inappropriate development in the countryside which is harmful to its open character and appearance, contrary to Policies S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan.

**Voting:**

<b>For</b>	5
<b>Against</b>	5
<b>Abstention</b>	0

As there were an equal number of votes for and against the motion the Chairman used his casting vote and declared the motion CARRIED.

**There followed a short adjournment at 8.15pm, returning at 8:25pm.**

Committee returned to continue consideration of the outstanding items on the agenda.

**28/21 - MOTION TO CONTINUE**

It was moved by Councillor Jason Atkin, seconded by Councillor Stuart Lees and

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

**29/21 - APPLICATION NO. 20/01272/OUT (Presentation) 5.4**

**Outline permission for the erection of 9 no. dwellinghouses with approval being sought for access only Land West of Marston Lane, Doveridge, DE6 5JS**

The Principal Planning Officer introduced the application. A presentation had been circulated in advance showing details of the application and photographs of the site and surroundings.

In accordance with the procedure for public participation, Councillor Jacqueline Allison (Ward Councillor) spoke against the application. Mr Brian Edgerton (Agent) and Mr Robert Thompson (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 Clare Gamble and

**RESOLVED** That outline planning permission be refused for the following reasons:

(Unanimously)

1. The application would constitute piecemeal development of the wider site allocation (HC2(p)) and does not make efficient use of land by optimising the use of site potential. As a consequence the requirements of Plan Policy relating to appropriate housing mix, affordable housing, local infrastructure provision and developer contributions are not adequately addressed, contrary to policies S1, S2, S4, S8, PD1, PD2, PD5, HC1 and HC11 of Adopted Derbyshire Dales Local Plan (2017), Policy H1 of the Adopted Doveridge Neighbourhood Development Plan (2018) and the guidance contained with the National Planning Policy Framework (2019).
2. The proposed development by reason of its siting, layout and density would introduce an contrived and cramped form of development on this visually prominent site that does not respect the character, identity and context of this fringe of settlement locality and would represent an intrusive and uncharacteristic form of residential development, contrary to Policies S1, S3, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017), Policies D1 and NE1 of the Adopted Doveridge Neighbourhood Development Plan (2018) and the guidance contained with the National Planning Policy Framework (2019).
3. In the absence of a wider assessment of the site allocation to satisfactorily address the potential adverse noise impacts on the future occupants of the dwellings it is considered that the use of gardens to dwellinghouses would expose residents to significant noise nuisance from the A50 to the detriment of their residential amenity, contrary to Policy PD1 of the Adopted Derbyshire Local Plan (2017).
4. The application fails to provide sufficient information to fully demonstrate that the proposed site is able to safely and sustainably drain contrary to Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

The Chairman declared the motion CARRIED.

### **30/21 - APPLICATION NO. 20/01332/FUL (Presentation) 5.5**

**Erection of 2no. apartment blocks comprising of 18 no. apartments, change of use of former bank to 4no. apartments with associated extensions and related demolition of listed and non-listed ancillary buildings and extensions at 8-10 Snitterton Road, Matlock**

The Committee visited the site prior to the meeting to allow Members to assess the proposed development in its context. The Senior Planning Officer introduced the application. A presentation had been circulated in advance showing details of the application and photographs of the site and surroundings. It was reported that paragraph 7.29 of the report setting out representations from the Highway Authority had been amended to reflect the comments made under paragraph 5.3.

In accordance with the procedure for public participation, Mr James Collins (Applicant) spoke in favour of the application.

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:

The owner of 12 Snitterton Road which is also on site made the following comments.

- I bought my house 15 years ago, with the intention of retiring in the beautiful historic town of Matlock, because of its peace and tranquillity and the beautiful stone buildings, but now it seems that all this is going to change and I will be in the middle of a metropolis, engulfed by 3 storey buildings all around me, with no further solitude or privacy. Not only that, but there will be noise, lots of people, children running around, dogs barking, traffic coming and going throughout the day and night and parking problems, because there will only be one parking space per apartment and most households have at least 2 cars.
- The entrance into the property is approximately 3.2m wide, which cannot be altered and during demolition and construction, there will be heavy trucks and machinery coming through between the buildings and I can foresee damage being done to my home.
- How is the dust, debris and noise going to be controlled during demolition and construction and what hours will they start and finish each day?
- I have a little holiday cottage on my property, which is fully booked for most of the year, but I will not be able to let it out for the entire construction until completion of the apartments, which I believe is about 18 months. Firstly, I will incur cancellation costs for people that have booked far in advance and secondly, I will lose out on my monthly income for this period. Will I get compensation for this? Another concern I have is that the holiday cottage is advertised as having its own privacy and seclusion, which is all going to change now and my bookings will probably decrease.
- After completion of the apartments, will there be management control of illegal parking, keeping the park area clean and maintained, putting out bins, keeping the parking area and yard clean. Where will maintenance and service vehicles park if they need to work on any of the apartments. Is there enough room for fire trucks or ambulances to get through the entrance in case of emergency? I don't think this has been taken into consideration.
- I had 3 parking spaces that I paid for right outside my house, but I am not sure about the future and if I will still have place to park or will the people from the apartments be entitled to park there, which will be directly looking through my windows ?

The owner of 7 Snitterton Road made the following comments:-

I would like to firstly point out that both the architect and the developer have an excellent local and national reputation and therefore it would be better to deal so to speak with the

devil you know rather the one you don't know... With some reservations I would therefore like to support the scheme and hope that the local authorities and the developer can come to a compromise to the benefit of the town. The site is currently in a poor state having been derelict for a few years and reverting to residential I feel would be to the benefit of all.

**Response:**

Officers note the other points raised which are addressed in the Officer's Report.

Further consultation responses were set out in section 5 of the report.

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

**RESOLVED**  
(Unanimously)

That planning permission be refused for the following reasons:

1. The loss of the northern extension, which is finely detailed and contributes positively to its surroundings and the history of the site is unjustified in heritage terms. Moreover, the alignment, scale and mass, strong architectural treatment and relationship of the new buildings to Bank House would compete with and appear as incongruous, prominent and dominating new development within the grounds of this Grade II Listed Building resulting in harm to its setting and the character and appearance of this part of the Matlock Bridge Conservation Area. This identified harm would not be outweighed by the public benefits to be derived contrary to Policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2019).
2. The proposal fails to provide any provision for affordable housing. Furthermore, no mechanism or offer to deliver the required contributions towards education and public open space have been made. On this basis the proposal is contrary to Policies HC4 and S10 of the Derbyshire Dales Local Plan (2017).
3. The proposed development would result in unacceptable overbearing effects on the occupants of No.12 Snitterton Road by reason of the proximity, scale, height and mass of the new buildings on site, contrary to Policy PD1 of the Derbyshire Dales Local Plan (2017).

The Chairman declared the motion CARRIED.

**31/21 - APPLICATION NO. 21/00345/FUL (Presentation) 5.7**

**Works to remodel garden including steps down from back door made from composite decking and adjacent raised decked area. 10 Ednaston Court, Ednaston, Derbyshire, DE6 2DL**

The Committee visited the site prior to the meeting to allow Members to assess the proposed development in its context. The Principal Planning Officer introduced the

application. A presentation had been circulated in advance showing details of the application and photographs of the site and surroundings.

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:

**1. THE FOLLOWING COMMENTS HAVE BEEN RECEIVED FROM THE APPLICANTS:**

Thank you for your time to consider our application for planning permission for safe access to our back garden as we are both in our sixties. We have tried to take into account our neighbours objections and amended our plans accordingly. Mirroring the same platform area as theirs in terms of height and width. We are applying for safe access from the french doors to the garden, wheelchair access and for our grandchildren as our youngest is only 10 months old. We have tried to be fair to everyone. We have spoken to our architect to see if there is anything else we could do. We feel the recommendation to proceed by the Area Planner should be taken into account please. We appreciate your time in this matter and await your decision.

Other consultation responses were set out in section 5 of the report.

It was moved by Councillor Tom Donnelly, seconded by Councillor Stuart Lees and

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

The Chairman declared the motion CARRIED.

Following consideration of this item the Chair agreed that the remaining items on the agenda be considered at the next scheduled meeting of the Committee and declared the meeting closed.

**MEETING CLOSED 9.30PM**

**CHAIRMAN**