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PLANNING COMMITTEE

Minutes of Planning Committee meeting held at 6.00pm on Tuesday 13th July 2021 in the Members Room at County Hall, Matlock

PRESENT

Councillor Jason Atkin - In the Chair

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

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

An apology for absence was received from Councillor Sue Burfoot. Councillor Paul Cruise attended as a substitute.

76/21 - MINUTES

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

RESOLVED

(Unanimously)

That the minutes of the Planning Committee meeting held on 20th April 2021 be approved as a correct record.

77/21 - INTERESTS

Councillor Robert Archer declared a personal interest in item 5.5 as the applicant was a member of his family.

78/21 - VARIATION IN ORDER OF BUSINESS

The Chair advised the Committee that, following a request from the applicant, items 5.3 and 5.4 would be considered first.

79/21 APPLICATION NO. 21/00311/FUL 5.3

Solar panels, housing for smart meter and erection of shed at 37a St. John Street, Wirksworth.

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 Miss Angharad McLaren (Applicant) spoke in support of the application. During her contribution the applicant indicated that she would welcome further discussions with Officers on making the proposal more acceptable.

1. THE FOLLOWING COMMENTS WERE RECEIVED FROM THE APPLICANT:

I have now received your reports and recommendation that both of my applications are refused. I will be attending the committee meeting on Tuesday to speak in support of the application and hope for a positive outcome despite the reports.

I have a couple of points to make regarding your reports, which I would like to have a response to in writing please, as they constitute concerns about the way my application has been handled:

1. The reports state that "The Local Planning Authority considered the merits of the submitted application and discussed the concerns, however, the applicant wanted to proceed as submitted therefore there was no prospect of resolving the fundamental planning problems with it through negotiation." However, this is not true as I have been open to negotiation throughout, but you have not given me the chance to despite contacting you with this express aim on several occasions:

2. I made it clear from the start, in the DAHS, that I would be open to discussion/negotiation. On page 10 I noted, in reference to the Civic Society's comments that they would prefer panels only on the lower roof if it was to be granted permission, that "This is something we would be open to discussion around if the council feel the same."

3. I contacted you directly following notification that the decision would be significantly delayed to ask if there would be any scope to negotiate and amend the plans if it turned out the council were considering refusing it. My exact wording of the email (dated 4th May 2021) was "if there was a chance of the proposals not being approved... we would appreciate the chance to discuss any adaptations / amendments that might be considered in order to approve plans".

4. When I subsequently called you on 18th May, having not had a reply to my email, you told me the only option would be to remove the solar panels from the application altogether and gave me no chance to propose any other changes (e.g. reducing the amount of panels, only having panels on the lower roof - as suggested by the Wirksworth Civic Society). You also suggested I read the Conservation Officer's report that had been published online, giving the impression it was negative, but upon subsequently reading it I found it to be an in depth but very balanced and neutral report that did not explicitly say no to the panels but, as I highlighted in a subsequent email to you, concluded that the harm

would not be substantial and should be weighed against public benefits. I asked you in that email if there was something I had misunderstood, as I did not get the impression that it was against the panels, and called several times to try and discuss this with you in order to find out more. I did not hear back from you, despite several attempts, and therefore emailed on 28th May to confirm that I would proceed with the application as it was, in order to prevent any further delays to the process, which has taken over 2 months longer than it should.

5. I am therefore very unhappy that your report states I was not open to negotiation, as I have been in contact with you repeatedly but have not been given the opportunity to discuss and negotiate at all.

6. Will there be an opportunity to negotiate in the committee meeting? And/ or will there still be time between the committee meeting on Tuesday 13th July and the proposed decision notice date of 16th July to make amendments through negotiations, should the committee decide to refuse the application? As I am unfamiliar with the process, I would appreciate a transparent and speedy response in order to prepare.

7. In the section on 'representations received' for the Planning application 21/00311/FUL you state there are no representations from residents, and although you signpost to the representations made for the related LBC 21/00312/LBALT, you do not include details of these in the report. The comments submitted by residents are all overwhelmingly positive and in support of the application. On the contrary, the Wirksworth Civic Society are not in support of the solar panels and have only commented on the Planning application 21/00311/FUL, yet you have included details of their response in both reports. Can I ask why you have been inconsistent in your approach here, particularly as you have therefore demonstrated a clearly negative bias despite there being only one negative response?

8. This also relates to the point about negotiation, as they make suggestions for amended plans that I clearly stated I would be happy to negotiate with you on, but as stated, have not been given the chance.

RESPONSE:

The Case Officer communicated that the harm had to be weighted against the public benefits of the scheme and this was clear in the Conservation Officer's response which states "It is considered that the proposed solar array would fail to preserve the special architectural interest and significance of the listed building and would also fail to preserve the character and appearance of the Wirksworth Conservation Area. In this regard there is a finding of harm". Appeal decisions for solar panels on listed buildings have been reviewed in the assessment of the report and taken into account when undertaking the weighing exercise. A request that the solar panels be removed from the application as all other aspects of the proposal were acceptable was made. A reduction in panels was not suggested as it the principle of panels on this prominent roof slope was not considered acceptable. The delay in the application was due to the restriction in the ability to hold virtual meetings and in the arrangements for in person meetings plus a resultant backlog in cases requiring committee determination and this was communicated to the applicant. None of the representations received in support cited the planning application reference only the listed building consent and as such were not included in the 21/00311/FUL report. The inclusion of the Wirksworth Civic Society's comments in the listed building consent report was an error as they only commented on the planning application and does not amount to a 'negative bias'. If the Committee considered that further negotiation is

required the applications would be deferred to a further planning committee and cannot be negotiated in the meeting itself.

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

RESOLVED That consideration of this application be deferred for negotiations with Officers with a view to modifying the proposal to try and safeguard the special architectural interest and significance of the listed building and the character and appearance of the Wirksworth Conservation Area and avoid harm to a designated heritage asset.

Voting:

For 12
Against 0
Absention 1

Councillor Colin Swindell arrived at 6.10pm during consideration of this item and took no part on discussion or voting on the two applications relating to this site.

80/21 - APPLICATION NO. 21/00312/LBALT 5.4

Internal and external alterations to facilitate renewable energy equipment/infrastructure at 37a St. John Street, Wirksworth.

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 Miss Angharad McLaren (Applicant) spoke in support of the application.

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

RESOLVED That consideration of this application be deferred for negotiations with Officers with a view to modifying the proposal to try and safeguard the special architectural interest and significance of the listed building and the character and appearance of the Wirksworth Conservation Area and avoid harm to a designated heritage asset.

Voting:

For 12
Against 0
Absention 1

81/21 - APPLICATION NO. 20/00942/FUL 5.1

Erection of 18 dwellings with associated access and landscaping at Land East of Old Hackney Lane, Hackney.

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 Mr Richard Pigott (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:

It was noted that Officers were copied into a letter sent to Councillors' which asked for the item to be deferred for further negotiation.

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

RESOLVED

That planning permission be refused for the following reasons.

1. The proposal constitutes piecemeal development of an allocated housing site that would prevent the efficient use of land and delivers sub-optimal outcomes in terms of matters such as layout, landscaping, open space and sustainable drainage which need designing on a comprehensive basis across the site, contrary to Policy S1 of the Adopted Derbyshire Dales Local Plan (2017).
2. The proposed layout poorly addresses Old Hackney Lane, would be dominated by the estate road and fails to reflect the character of the surrounding area due to the largest dwellings being proposed adjacent to the open land without any significant landscaping buffer for mitigation in an area identified as having a high landscape sensitivity, contrary to Policies S3, PD1, PD5 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1, NP8 and NP11 of the Darley Dale Neighbourhood Plan Jan 2020.
3. The proposed piecemeal development of a larger housing allocation precludes the proper consideration of affordable housing to meet a mix of needs across the site and over time, contrary to the aims of Policy HC4 of the Adopted Derbyshire Dales Local Plan (2017).
4. Insufficient information has been supplied in order to demonstrate that the proposed site is able to drain and that due consideration has been given to the space required on site for surface water storage to accord with the SUDS hierarchy contrary to Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).
5. Insufficient information has been supplied in terms of whether the proposal has been designed to reduce greenhouse gas emissions, reduce energy consumption and resilience to increased temperatures, contrary to Policy PD7 of the Derbyshire Dales Local Plan (2017).

Voting:

For	9
Against	4
Absention	0

82/21 - APPLICATION NO. 21/00494/FUL 5.2

Retention of horse exercise arena and the use of land as a dog exercise area at North Park Farm, Whitworth Road, Darley Dale.

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 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 Mr Barry Mellor (Chairman of Darley Hillside Residents' Association), Mr John Groves (representing residents of Bent Lane) and Mr Jonathan Wood (Local Resident) spoke against the application.

A further representation has been received further to the publication of the Committee Agenda which is summarised as follows:

- pleased to note that the Planning Committee will be visiting the site [12th July] prior to consideration the planning application
- consider that it is imperative that members view the whole development as already undertaken, from the application site rather than at some distance, from the main road
- it is only by conducting the site visit in this way that members will be able to understand the context of the development and its relationship with neighbouring properties, adjoining land and the location of publicly accessible viewpoints
- similarly members will be able to assess the application site in relation to the aggregated previous retrospectively approved developments and the scale of imported landfill forming the artificial raised plateau - anything less might show prejudice and would certainly undermine the validity of assessment and the decision making process
- have previously questioned the accuracy of the plans and submissions made with the application [assurances of no site levelling, dimensional errors, arenas overlapping, a disingenuous cut and fill construction with no acknowledgement of huge volumes of imported landfill etc] and note such issues have not been the subject of specific reference in the officer report
- for balance and credibility, suggest that you include my drawings [attached] with any visual presentation to members at the committee so that they may be compared and equally considered
- in the absence of reference to this issue and my drawings, consideration of the application would lack the necessary transparency, again begging the question over the legitimacy of the decision making process
- in respect of neutrality, transparency and professionalism, please confirm that you will take the actions requested

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

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

83/21 - APPLICATION NO. 20/01043/FUL 5.5

Change of use of land to canine exercise field at Lady Hole Farm, Lady Hole Lane, Yeldersley

As he had declared a personal interest Councillor Robert Archer left the room during consideration of this item.

The Principal 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.

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

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

The meeting was adjourned at 7.33pm following consideration of this item. The meeting reconvened at 7.45pm.

84/21 - APPLICATION NO. 20/01280/FUL 5.6

Change of use and conversion of former coach house to dwelling and erection of garage at Estate Yard, Home Farm, Main Street, Hopton

The Principal 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 Mr Vance Leahy (Local Resident) commented on the application and Mr Ian McHugh (Agent) spoke in support of the application.

It was agreed that a footnote would be added to refer to the flood alleviation works encouraging biodiversity by considering a pond as part of the scheme.

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

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

85/21 - INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS

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

RESOLVED That the report be noted.

Voting:

For	12
Against	1
Abstention	0

86/21 APPEALS PROGRESS REPORT

It was moved by Councillor Tom Donnelly, seconded by Councillor Sue Bull and

RESOLVED That the report be noted.

Voting:

For	11
Against	0
Abstention	2

MEETING CLOSED 8.00PM

CHAIRMAN