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## **PLANNING COMMITTEE**

**Minutes of a Planning Committee meeting held at 6.00pm on Tuesday 11<sup>th</sup> January 2022 at in the Council Chamber at the Town Hall, Matlock DE4 3NN.**

### **PRESENT**

Councillor Jason Atkin - In the Chair

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

Chris Whitmore (Principal Planning Officer), Sarah Arbon (Senior Planning Officer), Kerry France (Principal Solicitor), Jason Spencer (Electoral and Democratic Services Manager) and Tommy Shaw (Business Support Assistant).

Members of the Public - 10

At the start of the meeting the Committee stood in a silent tribute to the former Leader of the Council Councillor Lewis Rose OBE who passed away on 6 January 2022.

### **APOLOGIES**

No apologies for absence were received.

### **224/21 - INTERESTS**

No interests were declared.

### **225/21 - 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 14<sup>th</sup> December 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.”*

**226/21 - APPLICATION NO. 21/00500/FUL (Presentation)**

**Proposed extension to C-Bays building to accommodate relocated equipment (modifications to extension previously approved under planning permission 18/00919/FUL) at Darley Dale Smelter, Oldfield Lane, Warren Carr.**

In accordance with the procedure for public participation, Mr Mark Hopkinson (Local Resident), Mr Rob Ashton (Local Resident, representations were read on his behalf), Cllr Paul Morris (Stanton in the Peak Parish Council), Ms Sue Fogg (Local Resident), Mr Howard Griffith (Local Resident), Mrs Rosalind Griffith (Local Resident), Ms Laura Stevens (Local Resident), Ms Jane Newman (SAFER local community group) and Mr Ged Ward (Local Resident) spoke against the application.

The Principal Planning Officer gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee had previously visited the site when Members had been given the opportunity to appreciate the proposal in the context of its surroundings.

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

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:

**Following publication of the agenda:**

Mr M Moffat

I would like to express my concerns on what seems to be further expansion of the enthovens site which already negatively impacting in the community.

Any site expansion will no doubt result in more material being brought on and off site along existing ‘none fit for purpose roads’ which are not safe for vehicles of that size to safely transit through and cause safety issues for other road users.

Further to this, this HGVs transit at all times of day and night. Then need to Mount the curb or reverse to get round the junction, making increased noise and as a result, they wake my young family up.

The road is a separate mater and this email is in response to their planning application. I would be Interested to know if they council will ever do anything about this?

Mr Brian Copper

As newly installed residents of Warren Carr, we'd like to bring to your attention our feelings when we look at how much of an impact Enthovens sprawling footprint has on the local environment and the worries any future intensification would cause.

We understood, from the seller of the property we bought, and from speaking to the estate agent that the factory would not be allowed to expand further - the significant limits on infrastructure through the hamlets of Darley Dale and Darley Bridge, not limited to the width of the roads, the lack of pavement for pedestrians, and the tightness of corners across the bridge and into Oldfield Lane, being at least some of the reasons that the local area simply could not contend with any increase in additional vehicular activity.

As I understand it, Enthovens have had 10 individual planning permissions accepted over the past 15 years, that they have said individually do not pose a significant increase, but these plans, when put together, cannot be anything other than significant. If Enthovens decide to progress all of their allowed permissions, then simple economics would indicate that there would have to be increased activity, not only of heavy goods vehicles, but of delivery vans and staff cars and all the other instances that follow increased economic activity.

If Enthovens want to expand the site, it's because they need to expand their activity - if they need to expand their activity, it's because they need to process more work - if they need to process more work, they will be requiring more HGVs to deliver the raw materials, more staff to work at the factory, more delivery vehicles to bring in the required materials, more waste disposal vehicles to remove the detritus etc. This is a simple fact of growth. It will be unavoidable to increase the level of vehicular activity.

I walk my dogs down the road past the factory in order to access the local area, and on some days, there have been 15 HGVs parked outside. They have blocked both sides of Oldfield Lane and as a single vulnerable human it can be very intimidating walking down a road when 2, 3 or more trucks are bearing down on you with nowhere to go to avoid them. In order to save ourselves from this stress, we often walk upwards towards Stanton Moor and it's from there, especially at this time of year, that you can see the blot on the landscape the factory is - with no leaves on the trees, the sight that dominates is the factory. The recent felling of the surrounding trees is only going to make the view worse into Spring and Summer.

This is such an incredibly beautiful part of the world, one that has drawn us from the sprawling metropolis of Manchester, with its pollution and noise and huge traffic levels. Please don't let a domino effect of planning application approvals destroy any more of the surrounding area.

Mr G Ward

He makes a request that the Local Planning Authority (LPA) uses the powers available to it to investigate the scale of the intensification they argue has taken place at the Enthoven site over several years which may amount to a change of use. Specifically, that the Council serve a Planning Contravention Notice alleging such material change of use.

He requests that the following be taken into account:-

1. Material change of use by intensification
2. The production capacity at the site.
3. Is there evidence of a staging of development, contrary to planning law?
4. Development history since 2003.

The Appeal Court Judgement Hertfordshire County Council v Secretary of State for Communities and Local Government is cited. In this case the throughput had almost doubled and the judgement that the material change of use fell to be considered by reference to character of the use of the land with mere intensification on its own not constituting a material change of use. This

**RESPONSE:**

The premises has an established general industrial use (Use Class B2) which can operate without restriction in planning / land use terms. The EA regulate the site under the Environmental Permitting Regulations 2016. The permit is a prescriptive document which is site specific and covers all aspects of likely polluting emissions from the site be that noise, air, water or land related. The application on the agenda for committee relates to a change to a building previously granted permission in 2018. Following deferral of the item at previous planning committee meetings the Local Planning Authority has sought information from the applicant which has confirmed that the amount of material that is 'processed' on site (annual incoming tonnage) has not substantially changed for some 10+ years nor has the nature of the activity undertaken changed to the extent that a breach of planning control can be alleged to warrant the serving of a PCN.

During the discussion Councillor Gary Purdy agreed to raise with the Chief Executive issues raised by local residents and the options for the Council facilitating a liaison group to allow residents to raise concerns with the site operator.

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.

**Voting:**

<b>For</b>	7
<b>Against</b>	6
<b>Abstention</b>	0

The Chairman declared the motion **CARRIED**.

The meeting was adjourned from 7:22pm to 7:35pm following consideration of this item.

**227/21 - APPLICATION NO. 21/01100/FUL (Presentation)**

**Retention and improvements to access and access driveway at 1 The Flatts, Wyaston Road, Ashbourne.**

The Principal Planning Officer gave a presentation showing details of the application and photographs of the site and surroundings.

The item was deferred from a previous meeting to allow for discussions to address the objections raised by the highway authority, further information was provided by the applicant via their agent and detailed in section 2.2 of the report.

The Committee had previously visited the site when Members had been given the opportunity to appreciate the proposal in the context of its surroundings.

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

An amendment to include an additional condition requiring crushed stone with a grass central reservation in order to improve the landscape impact of the development was moved by Councillor Peter O'Brien and seconded by Councillor Clare Gamble. The amendment was put to the vote and lost with 4 votes for, 7 votes against and 2 abstentions.

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

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

**Voting:**

<b>For</b>	9
<b>Against</b>	3
<b>Abstention</b>	1

The Chairman declared the motion **CARRIED**.

**228/21 - APPLICATION NO. 21/01245/FUL (Site Visit and Presentation)**

**Proposed demolition of existing buildings and erection of a care home (Use Class C2) with associated parking, access and landscaping at Leys Farm, Wyaston Road, Ashbourne.**

In accordance with the procedure for public participation, Ms Karine Johnson (Agent) spoke in favour of the application.

The Senior Planning Officer gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee had previously visited the site when Members had been given the opportunity to appreciate the proposal in the context of its surroundings.

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

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:

**Following publication of the agenda:**

Derbyshire Wildlife Trust have responded on the revised information in relation to the bat mitigation and revised landscaping plan. They questioned why the bat loft dimensions did not comply with the minimum required.

The information provided in the revised Landscape Masterplan is sufficient and removes the requirement for an Ecological Enhancement condition.

Regarding Biodiversity Net Gain requirements, we note the email correspondence between Gillings Planning and the LPA and have nothing further to add.

Additional conditions below are recommended.

#### Bat Mitigation and Licensing

29. The demolition of Buildings 3,4, 6 and 7 shall not take place until a European Protected Species licence has been obtained from Natural England, plus all additional survey work considered necessary to inform the licence application has been undertaken. Upon receipt of a licence from Natural England, works shall proceed strictly in accordance with the approved mitigation, which should be based on the proposed measures outlined in the Bat Activity Survey report (Elite Ecology, 2020) and amended as necessary based on the results of the additional surveys and any correspondence from Natural England. Such approved mitigation will be implemented in full in accordance with a timetable of works included within the licence and followed thereafter. A copy of the licence will be submitted to the LPA once granted, along with a copy of the results of any monitoring works.

#### Lighting Plan - amendment to condition 27

Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard the new bat roosting features on site, including the bat loft access points, bat tiles and tree-mounted bat boxes. The Plan shall provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to the aforementioned bat roosting features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

#### Nesting bird best practice

30. No stripping, demolition works or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

An amended plan (4408-WRD-XX-02-DR-A-0202 Rev. P014 Proposed Second Floor) has been provided. The bat loft area has been increased to conform to the dimensions recommended in the Bat Survey Report (page 22, 5m x 5m with 2m height minimum). The dimensions of the amended bat loft are shown on the plan (5m x 5.370m) –which meets the requirements of the Bat Survey Report.

Amended wording for conditions 2 and 26 and an additional approved plans condition together with the two additional Wildlife Trust conditions above is recommended.

2. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking or re-enacting those Orders with or without modifications), the accommodation shall be used for Class C2 'Residential Institution' only and shall be used for no other purpose, including any other activity within the same class of the schedule to that Order.

26. The construction of the development and associated works including deliveries shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0800 hours and 1800 hours Mondays to Fridays and 0900 hours and 1300 hours on Saturdays.

28. The development hereby permitted shall be carried out in accordance with the following plans:-

4408-WRD-XX-ZZ-DR-A-0080 Rev. P06 Site Location Plan

4408-WRD-XX-00-DR-A-0200 Rev. P011 Proposed Ground Floor Plan

4408-WRD-XX-01-DR-A-0201 Rev. P010 Proposed First Floor Plan

4408-WRD-XX-02-DR-A-0202 Rev. P014 Proposed Second Floor Plan received 07.01.22

4408-WRD-XX-XX-DR-A-0203 Rev. P08 Proposed Roof Plan

4408-WRD-XX-ZZ-DR-A-0300 Rev. P010 Proposed North-East and North-West Elevations

4408-WRD-XX-ZZ-DR-A-0302 Rev. P05 Proposed North-East and South-West Sectional Elevation

4408-WRD-XX-ZZ-DR-A-0301 Rev. P011 Proposed South-East and South-West Elevations [wrong reference in the report: 4408-WRD-XX-ZZ-DR-A-**0302**]

4408-WRD-XX-ZZ-DR-A-0303 Rev. P05 Proposed Site Sections

4408-WRD-XX-00-DR-A-0500 Rev. P022 Proposed Masterplan

B18095-101J Landscape Masterplan

129583/2200 Drainage Strategy

;unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

Reason: For the avoidance of doubt.

## **RESPONSE:**

The amended plan has overcome the issue that the wildlife trust raised in regard to the bat loft.

It was moved by Councillor Tom Donnelly, seconded by Councillor Robert Archer and

**RESOLVED** That authority be delegated to the Development Manager or Principal  
(unanimously) Planning Officer to grant planning permission, subject to the conditions set out in the report, upon the completion of a Section 106 Agreement to secure a health contribution of £13,440 for the closest practices of Ashbourne Surgery and Ashbourne Medical Practice.

## **229/21 - DURATION OF MEETINGS (MOTION TO CONTINUE)**

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

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

**230/21 - APPLICATION NO. 21/01278/FUL (Site Visit and Presentation)  
Conversion of outbuilding to holiday let with raising of roof and associated alterations at South Barn, Overtown, Hognaston.**

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

The Principal Planning Officer gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee had previously visited the site when Members had been given the opportunity 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 Sue Burfoot and

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

**231/21 - 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)

**232/21 - 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 8:35PM**

**Chairman**