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COMMUNITY AND ENVIRONMENT COMMITTEE

Minutes of a Meeting held on Thursday 15 November 2018 in the Council Chamber, Town Hall, Matlock at 6.00 pm.

PRESENT

Councillor Joanne Wild - In the Chair

Councillors Jason Atkin, Richard Bright, Martin Burfoot, David Chapman, Tom Donnelly, Ann Elliott, Richard FitzHerbert, Chris Furness, Vicky Massey Bloodworth, Tony Morley, Dermot Murphy, Joyce Pawley, Mike Ratcliffe, Andrew Statham and Colin Swindell.

Paul Wilson (Chief Executive), Tim Braund (Head of Regulatory Services), Steve Capes (Head of Regeneration and Policy), Giles Dann (Economic Development Manager), Marie-Christine Schmidt (Estate Regeneration Manager) and Jackie Cullen (Committee Assistant).

5 members of the public.
1 member of the Press.

APOLOGIES

Apologies for absence were received from Councillors Sue Bull, Albert Catt, Susan Hobson and Lewis Rose OBE. Councillors David Chapman, Tom Donnelly and Richard FitzHerbert attended as Substitute Members.

209/18 – MINUTES

It was moved by Councillor Jason Atkin, seconded by Councillor Joyce Pawley and

RESOLVED (unanimously)

That the minutes of the meeting of the Community & Environment Committee held on 13 September 2018 be approved as a correct record.

The Minutes were signed by the Chairman.

210/18 – PUBLIC PARTICIPATION

Councillor Dermot Murphy arrived at 6.04pm during this item.

In accordance with the procedure for public participation, Mr Ken Parker (Matlock Community Vision Group) made a statement on the Bakewell Road Redevelopment Project, in connection with ITEM 7: MATLOCK COMMUNITY VISION – LAND AT BAKEWELL ROAD, MATLOCK, and Mr John Youatt (Community & Renewables Planner) made a statement on the Gypsies & Travellers update in connection with ITEM 8: GYPSIES AND TRAVELLERS – FURTHER UPDATE.

211/18 – HURST FARM REGENERATION PROJECT

The Committee considered a report that set out the progress made by the Estate Regeneration Manager in the first year in post delivering on the successful DCLG regeneration funding awarded to Hurst Farm, Matlock. The report provided an update; outlined the next steps in the project; and introduced members to emerging project ideas and potential funding bids proposed, including capital finance, from a range of external funding sources to deliver environmental improvements and community projects on the estate. A detailed report of the project progress was attached as Appendix 1 to the report.

It was noted that the Estate Regeneration Manager had established working relationships with Waterloo Housing, Derbyshire County Council, CVS, Dept. for Work & Pensions, Friends of Hurst Farm (FOHF), the Social Club and Castle View Primary School, and that Ward Members had attended a short briefing on the project. During the first year of the project the Regeneration Manager had been gathering and analysing data concerning the estate in order to establish the underlying issues to be addressed within the strategy. Four quarterly newsletters had been produced by FOHF, which were available to see at the DDDC website page for the project:

(www.derbyshiredales.gov.uk/housing-a-council-tax/hurst-farm-regeneration-project).

It was reported that Waterloo, FOHF and the Project Board had separately agreed to the Head of Housing contacting the owners of the remaining 43 Non Traditional Homes on the estate. The Head of Housing and Estate Regeneration Manager had been able to meet the fifteen owner/occupiers that had responded, and would be contacting owner/occupiers once more by letter over the winter 2018/19 to update residents on the limited options available.

In the spring of 2018 the Regeneration Manager, working with Waterloo, contracted two consultants who subsequently held several consultation events and activities. The report outlining the findings of these activities had recently been received by the Estate Regeneration Manager, and would be made available by mid November 2018. The data would be used by the Regeneration Manager and the Project Board to establish the draft 'vision strategy' for the estate and to start development of key projects and funding bids.

It was moved by Councillor Martin Burfoot, seconded by Councillor Mike Ratcliffe and

RESOLVED That Members note the progress of the project.
(unanimously)

212/18 – MATLOCK COMMUNITY VISION – LAND AT BAKEWELL ROAD, MATLOCK

The Committee considered a report on progress on the Bakewell Road redevelopment project, seeking approval to take the project forward.

For clarity, Councillors Martin Burfoot and Ann Elliott declared their membership of Matlock Community Vision.

Following the appointment of Henry Davidson Developments as the District Council's preferred developer partner for the redevelopment of the Bakewell Road Key Development Opportunity site (Minute 157/12), development proposals were brought forward as set out in the report. Thereafter, in June 2014, following a period of public consultation, the Corporate Committee resolved that:

1. The Committee welcomes the outcome of the Bakewell Road Workshop held on the 6th March and thanks all those who participated.
2. Option 3 is pursued and the District Council provides technical support, including Officer time and meeting facilities, to enable the community, through its representative group, to develop a sustainable solution which most closely fits the principles of the Matlock Town Centre SPD.
3. the contribution of Henry Davidson Developments be acknowledged and the Corporate Director be authorised to conclude the arrangement in such terms as are reasonable and appropriate.
4. the Committee affirms the principles of the Matlock Town Centre SPD.

Following this, Matlock Community Vision was formed as a Community Interest Company on 12th September 2014, whose aims and composition were set out in the report. MCV's application for funding to the Homes and Community Agency in 2014 to fund a developer/architect competition was unfortunately unsuccessful, primarily because the whole site comprised land in both public and private sector ownership.

Subsequent work by MCV was outlined in the report, and following a presentation by MCV to Council on 26th January 2017, Council agreed in June 2017 to making a sum of £10,000 available to MCV in order to facilitate a feasibility study of their proposals for the potential redevelopment of the land in District Council's ownership, i.e. the Market Hall and the Former Bus Station (Minute 40/17). The work, undertaken by Aspinall Verdi Ltd, commenced in October 2017 and was completed in March 2018. The results and conclusions of Aspinall's studies were set out in the report with the Executive Summary of their report attached as Appendix 1 to the report.

In July 2018, following discussions with MCV, the District Council's Commercial Development Advisor, Thomas Lister Ltd, was given a brief as itemised in the report. The District Council's Commercial Advisor was subsequently instructed to identify viable options for the site; this work had now been completed and the conclusions were set out in the report, with the Executive Summary report from Thomas Lister Ltd. attached as Appendix 2 to the report. Discussions had also taken place with both Trent Barton, who owned the adjacent site, and London Metric, who had a long leasehold interest in the building currently occupied by M&S and Boyes. The indications from both parties were that they would be willing to consider proposals. However, high expectations of land values and compatibility of uses were likely to be key issues.

The situation, therefore, remained as when Members considered this issue in 2014, as set out in the report. It was acknowledged that Matlock Community Vision had worked with dedication

and energy to bring forward community aspirations for the Bakewell Road site. MCV committee members had achieved a great deal and deserved the thanks of the District Council, and indeed of the people of Matlock, in developing and testing well-considered proposals for this challenging site.

There remained both practical and economic challenges to the successful redevelopment of the Bakewell Road site and as such the District Council needed to review its position going forward. A programme of activities proposed to be undertaken over the course of the coming months in order to maintain momentum on this project was set out in the report, with a report to be presented to this Committee in July 2019, providing Members with an update on progress on development proposals.

It was moved by Councillor Martin Burfoot, seconded by Councillor Mike Ratcliffe and

RESOLVED
(unanimously)

1. Matlock Community Vision are noted and thanked for the work they have undertaken in taking forward the Bakewell Road redevelopment project.
2. On an ongoing basis, that Matlock Community Vision are continually engaged and involved by the District Council in the development of any proposals for the redevelopment of the site.
3. On an ongoing basis, that potential funding opportunities for the redevelopment of the site continue to be explored.
4. London Metric are approached to ascertain their interest in the re-use of the Market Hall for cinema or other related uses.
5. Cinema operators are approached to ascertain whether there is a firm interest in the occupation of part or all of the Market Hall for cinema uses – and the financial terms which would be available.
6. Wellglade are engaged to seek a more detailed understanding of their aspirations for the property and site.
7. Options to divert bus routes away from the Imperial Road/ Bakewell Road link whilst maintaining services to central Matlock are explored with Derbyshire County Council / bus operators.
8. The potential to meet demand for new facilities on the subject site is explored with the CCG and local doctors' practices.
9. A report is presented to this Committee in July 2019, with an update on progress on the development of proposals for this site.

213/18 – GYPSIES & TRAVELLERS – FURTHER UPDATE

The Committee considered a report on the current position regarding the provision of a permanent Gypsy and Traveller site in the District.

Following the Committee meeting on 12th July 2018 wherein it was resolved that Officers should undertake a comprehensive site identification and evaluation exercise to consider the potential for an alternative Gypsy and Traveller site within the Derbyshire Dales (outside the Peak District National Park), a schedule of all District Council landholdings greater than 0.1ha in area had been compiled. This comprised 182 sites, some of which were located within the Peak District National Park so were subsequently discounted without further consideration as there was no

requirement within the National Park's Local Plan to provide a Gypsy and Traveller site. Each of the remaining sites was assessed against the criteria contained within Policy HC6: Gypsy and Traveller Provision, contained within the Adopted Derbyshire Dales Local Plan (December 2017), and as set out in the report. As a result of this assessment, a total of 6 sites were identified which were considered to warrant further investigation. Site visits were undertaken and the Derbyshire Gypsy Liaison Group was invited to consider the list to give its expert opinion on the potential that the sites might have in practice. However, none of the sites in the ownership of the District Council were considered to be suitable for development as a Gypsy and Traveller site, taking into account the aforementioned criteria and the particular needs of the Traveller family currently seeking accommodation.

As part of the same exercise, land owned by Derbyshire County Council identified through the shared information available on the One Public Estate programme was considered; however no suitable site was identified using the assessment criteria and the particular needs of the family.

Officers had also been asked to consider land that was offered for sale on the open market and as such, public auctions since 12th July 2018 had been monitored. A number of parcels of land had been offered for sale that it was considered would meet the site criteria and needs of the family, however these sites had not been progressed as officers did not have delegated authority to pursue this line of action.

In the meantime, since 12th July 2018 Officers had continued to manage a series of unauthorised encampments at locations around the District, involving a very costly and time consuming process, the scale and impact of which could not be sustained.

It was therefore recommended that the Council embarked upon a search to identify land outside the District Council's ownership with a view to acquisition and development as a Gypsy and Traveller site, the details of which would be reported back to Committee in due course.

The Chief Executive proposed an amendment to Recommendation 3 as set out in the report, as set out in the Resolution below.

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

RESOLVED

1. That the Committee acknowledges the ongoing challenges of providing a site suitable to meet the permanent needs of Gypsies and Travellers in the Derbyshire Dales.
2. That the Committee notes the work undertaken to date in evaluating a potential Gypsy and Traveller site on land in the District Council's ownership.
3. That authority be delegated to the Head of Regulatory Services to procure the services of an external Surveyor to act on the District Council's behalf in conducting as quickly as practicable a search of land in private ownership and/or offered for sale on the open market with the intention of the District Council purchasing a suitable site subject to Council approval.

Voting: 4. That, subject to the outcome of (3) above, a report be presented back to this Committee and if necessary a specially convened meeting at the earliest opportunity.

For	15
Against	0
Abstentions	1

The Chairman declared the motion CARRIED.

214/18 – DERBYSHIRE DALES BUSINESS SURVEY 2018

Councillors Jason Atkin and Richard Bright left the meeting at 7.29pm prior to discussion of this item.

The Committee considered a report presenting the results of the second Derbyshire Dales Business Survey, undertaken by QA Research Ltd. on behalf of the Council, in autumn 2018, in order to inform Members' economic development priority,

The Derbyshire Dales Business Survey 2018 report was attached as Appendix 1 to the report, and it was noted that 197 survey returns were achieved, similar to that delivered by MEL Research in autumn 2016. The main results of the survey were summarised in the body of the report, and Officer conclusions were set out in Section 3 of the report, confirming a requirement for new employment floorspace in the Derbyshire Dales; inadequate broadband still showing as the main concern currently affecting business operations; and a need for more better-quality jobs and growth in small and medium sized businesses as well as developing the priority employment sites identified in the Economic Plan.

The data from the latest Derbyshire Dales Business Survey would be used to inform development proposals on Dales employment sites and the business case for more direct intervention on sites for Member consideration. Anonymised data from the broadband part of the survey would also be shared with Derbyshire County Council to inform the Digital Derbyshire roll-out.

It was moved by Councillor Tony Morley, seconded by Councillor Mike Ratcliffe and

RESOLVED (unanimously)

1. The results of the Derbyshire Dales Business Survey October 2018 are noted and used to inform the District Council's work to help accelerate the delivery of sites and premises within the district;
2. The broadband results are shared with Derbyshire County Council to inform the Digital Derbyshire programme.

215/18 – SITE FEASIBILITY STUDY AND OPTIONS ASSESSMENT

Councillor Richard FitzHerbert left the meeting at 7.44pm prior to discussion of this item.

The Committee considered a report on work being undertaken to help progress earlier delivery of employment floorspace on land off Cromford Road / Middleton Road, Wirksworth, in support of the Council's economic development priority.

Land amounting to 9.5ha off Cromford Road / Middleton Road, Wirksworth was allocated for mixed use development within the Local Plan and an outline planning application had been submitted by the landowner (Tarmac) for a mixed use development including 4,291 sqm of employment floorspace (B1 and B2 uses) and 151 dwellings. Information submitted with the application (awaiting District Valuer assessment) indicated that private sector delivery of the employment element of the scheme on a speculative basis was not financially viable. The assessment provided for the sale of the employment land once remediated and serviced, separate from the residential area of the site.

Consideration (without prejudice) was being given to interventions to bring forward the employment element to address the evidenced shortage of available sites and premises within the district, as explained in the report, in the first instance requiring a feasibility study and options assessment to establish the costs, values, options and risks associated with potential District Council intervention in accelerating delivery of the employment site. Tarmac were aware of the proposal and submission of the funding bid as set out in the report, and subject to the outcome of the feasibility study and options assessment, the information would be used by District Council officers to prepare a business case for Member consideration.

It was noted that the proposed feasibility study and options assessment had been submitted under Strand 2 of the fund, seeking a grant of £20,000 reflecting the detailed programme of work required. Members were informed at the meeting that this assessment was now behind schedule, and was due by 20th December. In the meantime an Invitation to Tender had been issued in order to secure a multi-disciplinary consultancy to deliver the work, and the deadline for tenders to undertake the study was 13 November. As the funding application would not be determined at the point of requiring to commission the work, it was proposed that funds allocated for supporting employment sites work within the approved Economic Development Reserve Expenditure Programme (agreed by Members at C&E Committee 12 July 2018) be used to underwrite the work so as to avoid delays.

It was moved by Councillor Tony Morley, seconded by Councillor Mike Ratcliffe and

RESOLVED
(unanimously)

1. The funding application to Strand 2 of the Business Rate Pooling Fund, to support the cost of the required feasibility study and options assessment, is noted;
2. That funds allocated for supporting employment sites work within the approved Economic Development Reserve Expenditure Programme be used to underwrite the costs of the study as the Business Rate Pooling Fund application would not be determined at the point of requiring to commission the work.

216/18 – LITTER ENFORCEMENT – FIXED PENALTY NOTICES

The Committee was asked to consider a report that summarised a new enforcement power enabling the issuing of fixed penalty notices for the offence of littering from vehicles. A scheme of delegation for the issuing of fixed penalty notices was recommended, as were standard amounts for the penalties.

In April 2018 Government introduced the Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018, which amended section 88 of the Act by inserting a new section 88A, granting powers to litter authorities to issue FPNs for littering from vehicles. The Regulations allowed a FPN to be issued to the owner of a vehicle where an enforcement officer

of the litter authority was able to show that litter was thrown from that vehicle onto land that fell within the district of the litter authority.

In introducing this new provision Government had suggested maximum and minimum levels of penalty, along with a default level and a discounted penalty for early payment, as tabled in paragraph 2.3 of the report.

It was suggested that Derbyshire Dales District Council should adopt the maximum penalty of £150, along with a discounted penalty of £75 where payment was made within 14 days of the issue of the fixed penalty notice. A recommended scheme of delegation was tabled in paragraph 2.6 of the report, and it was noted that enforcement action would only be undertaken in accordance with the Council's Enforcement Policy, which meant that officers would adopt a phased approach in general. Officers working in the Environmental Health Public Health and Housing team would take the lead role in investigating complaints and instigating any action.

It was moved by Councillor Chris Furness seconded by Councillor Martin Burfoot and

RESOLVED
(unanimously)

1. That the District Council adopts a fixed penalty of £150 as standard for littering from vehicles offences, with a discounted level of £75 where payment is made within 14 days;
2. That the scheme of delegation detailed at paragraph 2.6 of the report is adopted.

MEETING CLOSED 8.00PM

CHAIRMAN