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## **PLANNING COMMITTEE**

**Minutes of a Meeting held on Tuesday 15 November 2016 at 6.00pm at The Venue, Wyaston Road, Ashbourne.**

### **PRESENT**

Councillor Garry Purdy - In the Chair

Councillors Jason Atkin, Susan Bull, Sue Burfoot, Albert Catt, Tom Donnelly, Ann Elliott, Graham Elliott, Helen Froggatt, Chris Furness, Neil Horton, Tony Millward BEM, Mike Ratcliffe, Lewis Rose OBE, Mark Salt and Peter Slack.

Sandra Lamb (Head of Corporate Services), Jon Bradbury (Development Manager), Helen Frith (Senior Planning Officer), Gareth Griffiths (Senior Planning Officer), Chris Whitmore (Area Planning Officer), Katie Hamill (Solicitor), Jim Fearn (Communications and Marketing Manager) and Jackie Cullen (Committee Assistant).

16 members of the public.

### **APOLOGIES**

Apologies for absence were received from Councillors Richard FitzHerbert, Jean Monks, Tony Morley and Joanne Wild. Councillors Ann Elliott, Helen Froggatt and Mark Salt attended as Substitute Members.

### **247/16 – MINUTES**

It was moved by Councillor Garry Purdy, seconded by Councillor Tony Millward, BEM, and

**RESOLVED** That the minutes of the Planning Committee held on 11 October 2016 be approved as a correct record.  
(unanimously)

The Minutes were signed by the Chairman.

### **248/16 – INTERESTS**

Councillor Lewis Rose OBE declared a client relationship with the applicant in item 4.5 on the Agenda – Application No. 16/00579/FUL.

Councillor Tony Millward BEM declared a personal interest in item 4.6 on the Agenda – Application No. 14/00075/FUL as the proposal would have an impact on Osmaston crossroads, adjacent to his son’s property.

Councillor Albert Catt declared a pecuniary interest in item 4.8 on the Agenda – Application No. 16/00430/FUL as the application site was adjacent to his own property.

Councillors Rose and Catt were not present during discussion and voting on the relevant items.

**249/16 – APPLICATION NO. 16/00662/FUL – CREATION OF A NEW DRIVEWAY AT WESTWOOD, CLIFTON ROAD, CLIFTON**

The Committee visited the site prior to the meeting to allow Members to view the site and context.

Correspondence received after publication of the agenda was distributed at the meeting; this comprised a letter of representation and an additional condition to be added to the recommendation regarding landscaping. The Senior Planning Officer advised the Committee that a further late item of representation had been handed to her at the meeting, requesting that an additional condition be included whereby the hedge proposed at the neighbouring property be of a low height, and a wide gate be provided for ease of access.

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

It was moved by Councillor Albert Catt, seconded by Councillor Mike Ratcliffe and

**RESOLVED** That Planning Permission be granted subject to the conditions set out in the report, together with the following additional conditions:-

Condition 9: The additional landscaping as shown on Plan JABD/167 /003 Rev A received 20.10.16 shall be carried out within the first landscaping season following construction of the new access.

**Voting:**

<b>For</b>	15
<b>Against</b>	1
<b>Abstentions</b>	0

The Chairman declared the motion carried.

**250/16 – APPLICATION NO. 16/00437/FUL – RESIDENTIAL DEVELOPMENT FOR 35 DWELLINGS WITH OPEN SPACE AND ASSOCIATED INFRASTRUCTURE AT LAND NORTH OF BROOMY LANE, BRAILSFORD**

The Committee visited the site prior to the meeting to allow Members to fully assess the impact of the development on the local environment.

Correspondence received after publication of the agenda was distributed at the meeting; this comprised a revised draft Heads of Terms for a S106 agreement: Derbyshire County

Council had advised that with regard to the secondary school contribution this should amount to 5 school places and a contribution of £85,880.85 and not 4 places and a contribution of £68,704.68 as stated in the Officer's report, the reasons for which were explained in the late correspondence. The late correspondence also included comments from Councillor Steve Bull, County Council Member for Ashbourne, regarding highway safety concerns; and it was noted that further representations received after publication of the Agenda were from the Chair of Brailsford Parish Council and not a member of the public, as stated.

In accordance with the procedure for public participation, Councillor Simon Thompson (Brailsford Parish Council) and Mr Tim Taylor (local resident) spoke against the application, and Ms Helen Dawkins (Applicant) spoke in favour of the application.

It was moved by Councillor Peter Slack, seconded by Councillor Jason Atkin and

**RESOLVED**

That subject to the Applicants entering into an agreement under the provisions contained at section 106 of the Town and Country Planning Act 1990 to secure:

- The delivery, tenure and management of the affordable housing to be provided on site;
- A financial contribution of £121,142 towards the provision of affordable housing off site;
- £13,390 towards a capital project at the local GP practice;
- £85,880.85 towards the provision of 5 secondary school places; and
- £37,255.80 towards the provision of 2 post-16 school places

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

**Voting:**

<b>For</b>	15
<b>Against</b>	0
<b>Abstentions</b>	1

The Chairman declared the motion carried.

**251/16 – APPLICATION NO. 16/00567/OUT – OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 75 DWELLINGS AND ASSOCIATED ACCESS AT LAND OFF MAIN ROAD, BRAILSFORD**

The Committee visited the site prior to the meeting to enable Members to fully assess the impact of the development on the local environment.

Correspondence received after publication of the agenda was distributed at the meeting; this comprised a Transport Technical Note from the Applicant's transport consultants, in respect of the third reason for refusal in the Officer's report. It was noted that the Highway Authority had not yet had time to consider this note, and as such the third reason for refusal stood as set out in the report. The late correspondence also included comments from Councillor Steve Bull, County Council Member for Ashbourne, regarding highway safety concerns.

In accordance with the procedure for public participation, Councillor Simon Thompson (Brailsford Parish Council) and Mr Tim Taylor (local resident) spoke against the application.

It was moved by Councillor Mike Ratcliffe, seconded by Councillor Lewis Rose OBE and

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

**252/16 – APPLICATION NO. 16/00581/FUL – INSTALLATION OF ASPHALT PLANT, CHANGE OF USE OF LAND TO B1, B2 AND B8 USE, AND INDUSTRIAL BUILDING AND ENGINEERING WORKS AT MANOR FARM, LONGCLIFFE, BRASSINGTON**

The Committee visited the site prior to the meeting to allow Members to fully assess the impact of the development on the local environment.

Correspondence received after publication of the agenda was distributed at the meeting; this advised that a supporting statement from the applicant had been circulated to Officers and Members of the planning committee prior to the meeting, and was attached as Appendix A to the late correspondence.

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

In response to Mr Marsden's comments regarding the commencement of a legal start in respect of works to a composting site, the Area Planning Officer advised that Derbyshire County Council refuted this claim, as no evidence of a legal start had been seen. The Area Planning Officer also confirmed that there were two outstanding matters relating to this application that required clarification: the extent of traffic movements to and from the site, and the lack of information regarding ecological issues – it was understood that an ecological study had been completed, but the District Council had not had sight of this. The question of whether withdrawing part of the application (the installation of asphalt plant) also needed to be considered.

It was moved by Councillor Albert Catt, seconded by Councillor Tom Donnelly and

**RESOLVED** That the application be deferred until the December meeting of this  
(unanimously) Committee for the following reasons:-

1. To allow discussions to be carried out with the Applicant regarding consideration of withdrawal of part of the application (installation of asphalt plant);
2. To allow the Local Highway Authority to consider information on the extent of traffic movements and access to and from the site;
3. To allow the Council to consider an ecological survey the applicant had undertaken.

**253/16 – APPLICATION NO. 16/00579/FUL – ERECTION OF 4 NO. DWELLINGS AT HONEYSUCKLE COTTAGE, LONGCLIFFE, BRASSINGTON**

This application had been withdrawn.

**254/16 – APPLICATION NO. 14/00075/FUL – FORMATION OF VEHICULAR ACCESS TO SERVICE POTENTIAL EMPLOYMENT DEVELOPMENT SITE AT LAND OFF DERBY ROAD, ASHBOURNE**

Correspondence received after publication of the agenda was distributed at the meeting; this comprised an email from the agent querying the conditions proposed. It was noted that there had been errors in the original recommendation, and the revised recommendation was set out in the late correspondence sheet, as agreed with the Applicant and Agent.

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

It was moved by Councillor Peter Slack, seconded by Councillor Mike Ratcliffe and

**RESOLVED** That Planning Permission be granted subject to the revised conditions set out in the late correspondence, and as set out below:

1. Condition ST02a: Time limit on full
2. Prior to the commencement of development a detailed phasing plan shall be submitted giving a clear indication of when planning permission will be sought for the detailed development of the site.
3. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
4. No removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.
5. Condition LA12a: Approval of landscaping scheme before commencement. (delete f, h, i, j, l, m and n) (after e add – including the planting of a native hedge and the detail of this)
6. Condition LA13a: Landscaping to be carried out and maintained

7. Works shall take place in accordance with the recommendations of the preliminary ecological appraisal by RammSanderson received 24.12.2015
8. No development shall take place, including any works of demolition, until a construction management plan / construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan / statement shall be adhered to throughout the construction period. The plan / statement shall provide for:
  - a. Parking of vehicles for site operatives and visitors,
  - b. storage of plant and materials and site accommodation,
  - c. routes for construction traffic,
  - d. method of prevention of mud/debris being carried onto the public highway,
  - e. proposed temporary traffic management / restrictions,
  - f. arrangements for loading / unloading and turning vehicles within the site,
  - g. site access arrangements and roadside fencing / hoarding,
9. The new vehicular access to the A52 shall be laid out in accordance with the revised application drawings (Drg No 14114-002 Rev A and 14114-003 Rev A) and constructed, drained and lit in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Prior to the access being taken into any form of use (temporary or permanent) it shall be provided with minimum visibility sightlines of 2.4m x 180m to the north west and 2.4m x 174m to the south east directions, the area in advance of the sightlines remaining free from any obstructions to visibility over 1m high (600mm in the case of hedges / vegetation) relative to the nearside carriageway channel level. The access and sightlines being thereafter maintained in accordance with the approved details for the life of the development. For the avoidance of doubt the developer will be required to enter into a Highways Act 1980 Agreement (Section 278) with the Highway Authority, in order to comply with the requirements of this condition.
10. There shall be no gates, or any part of their opening arc, permitted to open out over the public highway; any, gates or barriers at the access point shall be set back a sufficient distance in to the site to prevent an obstruction of the adjoining public highway, all as may be agreed with the Local Planning Authority. Any gates, barriers or other access controls shall remain in an open position throughout the daily business opening hours.
11. Within 28 days, or other such period of time as may be agreed with the Local Planning Authority, of the new access being constructed any other means of access to the A52 (existing or temporary) shall be permanently closed and the existing vehicle

crossover(s) reinstated with full height kerbs and appropriate footway / verge construction in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

12. Works shall not commence on site until a scheme for the disposal of highway surface water has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to occupation of any building and retained accordingly thereafter.

**Voting:**

<b>For</b>	14
<b>Against</b>	1
<b>Abstentions</b>	0

The Chairman declared the motion carried.

**255/16 – APPLICATION NO. 15/00861/FUL – RESIDENTIAL DEVELOPMENT OF 86 DWELLINGS AND ASSOCIATED PUBLIC OPEN SPACE AT LAND EAST OF CHESTERFIELD ROAD/SOUTH OF QUARRY LANE, MATLOCK**

Correspondence received after publication of the agenda was distributed at the meeting; this comprised a summarised letter of representation.

In accordance with the procedure for public participation, Mr Alan Piper (local resident and representative of the Lumsdale Project Committee of the Arkwright Society) commented on the application and Mr Alistair Flatman (Agent) spoke in favour of the application.

The Senior Planning Officer advised that this application had been brought to committee because it represented a departure from the original development plan, as set out in the report. He also advised that with regard to the final sentence of paragraph 7.25 of the report (p112 of the Agenda), the Environment Agency had still not responded to the applicant's revised Flood Risk Assessment (FRA); however any amendments to conditions previously required would be addressed if necessary.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Jason Atkin and

**RESOLVED**  
(unanimously)

That authority be delegated to the Development Manager to grant planning permission subject to the completion of a Section 106 Planning Obligation Agreement to secure the appropriate on-site and off-site affordable housing, a financial contribution towards education facility provision, a contribution, not exceeding £2,500, towards the future review/monitoring processes associated with the Travel Plan, £5,000 for improvements to the nearby bus stop facilities, open space/play area provision and any other matters that cannot be dealt with by conditions, and subject to the conditions set out in the report.

**256/16 – APPLICATION NO. 16/00430/FUL – ERECTION OF DWELLING (FULL) AT THE WOODYARD, PUMP LANE, DOVERIDGE**

In accordance with the procedure for public participation, Mr Edward Wills (local resident) spoke against the application.

It was noted that access for construction traffic may be difficult and it was therefore recommended that an additional condition be attached to the recommendation for the implementation of a construction management plan.

It was moved by Councillor Mike Ratcliffe, seconded by Councillor Lewis Rose OBE and

**RESOLVED** That planning permission be granted subject to the conditions set out in the report, with an additional condition as follows:-

Condition 9: That a construction management plan be drawn up and implemented for the duration of the works.

**Voting:**

<b>For</b>	14
<b>Against</b>	1
<b>Abstentions</b>	0

The Chairman declared the motion carried.

**257/16 – APPLICATION NO. 16/00657/FUL – DEMOLITION OF AGRICULTURAL BUILDING AND ERECTION OF DWELLING AT WALLANDS FARMHOUSE, BRASSINGTON ROAD, BRASSINGTON**

Councillor Jason Atkin left the meeting at 8.25pm during discussion of this item.

Correspondence received after publication of the Agenda was distributed at the meeting. This comprised a letter from the Architect.

In accordance with the procedure for public participation, Mr Paul McLocklin (Architect) and Mr Jonathan Jenkin (Agent) spoke in favour of the application.

It was moved by Councillor Chris Furness, seconded by Councillor Tony Millward BEM and

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

**Voting:**

<b>For</b>	14
<b>Against</b>	1
<b>Abstentions</b>	0

The Chairman declared the motion carried.

**258/16 – MOTION TO CONTINUE**

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

**RESOLVED** (unanimously) That, in accordance with Rule of Procedure 13, the meeting continue beyond 2 ½ hours to enable the business on the agenda to be concluded.

**259/16 – INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS.**

It was moved by Councillor Garry Purdy, seconded by Councillor Tony Millward and

**RESOLVED** That the report be noted.  
(unanimously)

**260/16 - APPEALS PROGRESS REPORT**

The Development Manager advised the Committee that since publication of the Agenda, applications reference 15/00429/FUL and 15/00863/OUT had been dismissed.

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

**RESOLVED** That the report be noted.  
(unanimously)

**MEETING CLOSED 8.40PM**

**CHAIRMAN**