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## Planning Committee

**Minutes of a Planning Committee meeting held at 6.00 pm on Tuesday, 11th June, 2024 in the Council Chamber, Town Hall, Matlock, DE4 3NN.**

**PRESENT** Councillor Peter O'Brien - In the Chair

Councillors: David Burton, Sue Burfoot, Robert Archer, John Bointon, Bob Butcher, Neil Buttle, Peter Dobbs, Nigel Norman Edwards-Walker, David Hughes, Stuart Lees, Laura Mellstrom, Dermot Murphy, Lucy Peacock and Peter Slack

Sarah Arbon (Senior Planning Officer), Kerry France (Legal Services Manager), Angela Gratton (Democratic Services Officer), Myles Joyce (Principal Development Management Officer) and Shaun Robson (Interim Development Manager)

Members of the Public – 14

### **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.”*

### **APOLOGIES**

Apologies for absence were received from Councillor(s):

### **26/24 - APPROVAL OF MINUTES OF PREVIOUS MEETING**

It was moved by Councillor David Burton, seconded by Councillor Peter Slack and

### **RESOLVED**

That the minutes of the meeting of the Planning Committee held on 09 April 2024 be approved as a correct record with the following amendment:

Page 14 - Minute 420/23 Application 23/00637/FUL, Public Participation - Speaker from Darley Dale Town Council was Councillor Jason Farmer.

## **Voting:**

**13 For**  
**00 Against**  
**02 Abstentions**

The Chair declared the motion **CARRIED**.

## **27/24 - INTERESTS**

**Item 5.1 Application No. 23/00463/FUL Erection of 33no. dwellinghouses, vehicular access, public open space, drainage, landscaping and associated works – Land South of Mercaston Lane and East of Luke Lane, Brailsford.**

Councillor David Hughes declared an interest in this item and left the meeting during consideration of the application.

**Item 5.7 APPLICATION NO. 24/00278/OUT Outline application for demolition of outbuildings and erection of 1no. dwellinghouse as a rural worker's dwelling with approval being sought for access, layout and scale, at Upperwood Boarding Kennels, The Moorlands, Back Lane, Darley Moor, Matlock, Derbyshire**

Councillor Sue Burfoot declared a non-pecuniary interest in Item 5.7 as she was a customer of the business.

## **28/24 - APPLICATION NO. 23/00463/FUL**

The Development Manager gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Mr Stuart Wells (Agent) spoke in support of the application. Mr Michael Cannon (Local Resident) spoke against the application and Cllr Geoff Bond (Ward Member) commented on the application.

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

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of comments received from Local Residents, an update from the Agent following consultations with the relevant consultees. Chesterfield Royal Hospital NHS Foundation Trust responded and requested a combined contribution of £55,987.00 towards health care provision and based on this the recommendation in section 8.0 of the report was revised.

It was moved by Councillor Peter Slack, seconded by Councillor Laura Melstrom and

## **RESOLVED**

1. That Planning authority be delegated to the Development Manager or Principal Planning Officer in consultation with Co-Chairs and Vice Chair to approve any

amendments to conditions as deemed necessary and grant planning permission subject to the completion of a S.106 planning obligation agreement that secures the delivery of 10 affordable dwellings of an appropriate tenure (a minimum of 25% of which should be first homes), £55,987.00 towards health care provision, £138,089.35 contribution towards the provision of 3 infant and 4 junior places at Brailsford CE (Controlled) Primary School (and additional education facilities), £5613.30 to be used to upgrade or enhance existing children's play facilities in the area and £1950.30 towards the delivery of allotments in the area or wider district and subject to the following:

2. The development hereby permitted shall not be carried out other than in accordance with the following approved plans and documents, subject to the following conditions:

- Site Location Plan – 2328-01
- Proposed Site Layout – 2328-03-U
- Materials Plan – 2328-04 Rev E
- Storey Heights Plan – 2328-05 Rev E
- Boundary Treatments Plan – 2328-06 Rev E
- Landscape Masterplan – FPCR-XX-XX-DR-L-0001 P04
- House Types:
  - o Housetype 535 – H-1-535-RURAL
  - o Housetype 761 – H-2-761-RURAL
  - o Housetype 920 – H-3-920-RURAL
  - o Housetype Annesley – H-2-783-ANNESLEY-RURAL
  - o Housetype Barton – H-2-838-BARTON-RURAL
  - o Housetype Chapman – H-3-1009-CHAPMAN-RURAL
  - o Housetype Godwin – H-4-1327-GODWIN-RURAL
  - o Housetype Denver – H-3-1383-DENVER-FORMAL 1
  - o Housetype Heywood – H-4-1425-HEYWOOD-RURAL
  - o Housetype Birch – reference TBC
- FRA and Drainage Strategy – LLBR-BSP-XX-XX-D-C-0190 P04
- Design and Access Statement, prepared by White Ridge
- Transport Statement, prepared by Rappor
- Proposed Speed Limit Relocation & Gateway feature – 220855-RAP-XX-XX-DR-TP-6000
- Refuse Tracking Plan 220855-TP-4102 P03
- Fire Tender Tracking Plan 220855-TP-4101 P03
- Estate Car Tracking Plan 220855-TP-4100 P03
- Internal Visibility Assessment and Geometric Plan 220855-TP-3200 P03
- Travel Plan, prepared by Rappor
- Flood Risk Assessment and Drainage Strategy, prepared by BSP
- Ecological Appraisal Rev A Dated December 2023, prepared by FPCR
- Proposed Habitat Enhancement Plan
- Baseline Habitat Plan
- BNG Metric

- Arboricultural Assessment, Tree Survey and Tree Schedule, prepared by FPCR
- Desktop Archaeological Statement, prepared by Cgms
- Landscape and Visual Assessment, prepared by FPCR
- Site Investigation – prepared by asl
- Affordable Housing Statement – prepared by Evolve Planning
- Statement of Community Engagement – prepared by Evolve Planning
- Climate Change Statement, prepared by Evolve Planning

Members also agreed with the inclusion of the DWT conditions (as read by the interim Development Manager) and the inclusion of a condition requiring the use of sustainable water harvesting and use of grey water within the proposal.

## **Voting**

**10 For**

**01 Against**

**03 Abstentions**

The Chair declared the motion **CARRIED**.

## **29/24 - APPLICATION NO. 23/00592/FUL**

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

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Mr John Nicol (Agent) spoke in support of the application.

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

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of a request from the agent to extend the working days and variations to two of the conditions 3 and 4 of the Recommendations, a reply from the County Lead Local Flood Authority but further information required and a modification to condition 7 of the Recommendations.

It was moved by Councillor Stuart Lees, seconded by Councillor David Burton and

## **RESOLVED**

That planning permission be approved subject to the conditions set out in section 8 of the report the following modification to conditions 3,4 and 7 and additional condition 11:

1. Condition 3. (viii) hours of construction work to be 0800 to 1800 Monday to Friday, 0900 to 1300 Saturdays and not at all on Sundays, Bank Holidays and Public Holidays unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of specific construction activities.

Reason: In the interests of highway safety and residential amenity in accordance with Adopted Derbyshire Dales Local Plan Policy PD1 and HC19

2. Condition 4. No attendance on site shall be outside of the following hours:

Monday to Friday	0730-1800
Saturday:	0730 to 1300

And not at all on Sundays, Bank Holidays or Public Holidays unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of specific construction activities requiring a temporary variation to these working hours or in the event of an emergency,

Reason: To preserve the amenities of the surrounding area in accordance with Adopted Derbyshire Dales Local Plan Policy PD1.

3. Condition 7. The development hereby approved shall be carried out in accordance with the Ramms Sanderson Aboricultural Impact Assessment dated July 2021 until all development works at the site have been completed and all equipment, plant, machinery, surplus materials, and waste have been removed from the site.

Reason: To protect retained trees during the development phase in the interests of safety, stability and health of the trees and to ensure continuity of their contribution to visual amenity, wildlife and biodiversity benefits in accordance with Adopted Derbyshire Dales Local Plan Policies PD3, 5 and PD6.

4. Condition 11. This will be an additional condition requiring the submission of details for a green roof for approval to the local planning authority. The agreed details to be implemented prior to first use of the approved development.

## Voting

**12 For**  
**03 Against**  
**00 Abstentions**

The Chair declared the motion **CARRIED**.

**7:50 pm Meeting adjourned.**  
**8:00 pm Meeting reconvened.**

## **30/24 - APPLICATION NO. 23/01206/FUL**

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

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Mr Luke Gittens (Agent) spoke in support of the application. Jonathan Edwards (Local Resident) spoke against the application.

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

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

It was moved by Councillor David Hughes, seconded by Councillor Robert Archer and

### **RESOLVED**

That determination of the application be deferred to a future meeting and that the Applicant be requested to supply a report from an independent drainage consultant, with further consultation to take place with the Lead Local Flood Authority and Severn Trent Water.

### **Voting**

**14 For**

**00 Against**

**01 Abstentions**

The Chair declared the motion **CARRIED**.

### **31/24 - DURATION OF MEETINGS (MOTION TO CONTINUE)**

At 8:45 pm, it was moved by Councillor Sue Burfoot, seconded by Councillor Peter Dobbs and

**RESOLVED** (Unanimously)

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

The Chair declared the motion **CARRIED**.

### **32/24 - APPLICATION NO. 23/01271/FUL**

The Development Manager gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members 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 Peter Slack, seconded by Councillor Neil Buttle and

**RESOLVED** (unanimously)

That planning permission be approved subject to the conditions set out in section 8 of the report.

The Chair declared the motion **CARRIED**.

### **33/24 - APPLICATION NO. 23/01274/OUT**

The Development Manager gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Mr James Filer (Agent) spoke in support of the application.

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

It was moved by Councillor David Hughes, seconded by Councillor David Burton and

### **RESOLVED**

That planning permission be refused for the reasons set out in section 8.0 of the report.

### **Voting**

**10 For**  
**05 Against**  
**00 Abstentions**

The Chair declared the motion **CARRIED**.

### **34/24 - DURATION OF MEETINGS (MOTION TO CONTINUE)**

**9:14 pm** Councillor Peacock and Councillor Butcher left the meeting

At 9:15, it was moved by Councillor Peter Dobbs, seconded by Councillor Stuart Lees and

### **RESOLVED** (Unanimously)

That in accordance with Rule of Procedure 13, the meeting continue 30 minutes to enable the business on the agenda to be concluded.

The Chair declared the motion **CARRIED**.

### **35/24 - APPLICATION NO. 24/00081/FUL**

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

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

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

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of a letter of objection from a local resident, comments relating to the ownership dispute of the property and a letter with further information from the applicant.

It was moved by Councillor Neil Buttle, seconded by Councillor Peter Slack and

**RESOLVED**

That planning permission be refused for the reasons set out in section 8.0 of the report.

**Voting**

**12 For**

**00 Against**

**01 Abstentions**

The Chair declared the motion **CARRIED**.

**36/24 - APPLICATION NO. 24/00278/OUT**

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

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Councillor Marilyn Franks (Ward Member), Mr Antony Salt (Local Resident) and Mr Dom Goutorbe (Applicant) spoke in support of the application.

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

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of two letters of support.

It was moved by Councillor David Burton, seconded by Councillor David Hughes and

**RESOLVED**

That Planning authority be delegated to the Development Manager or Principal Planning Officer in consultation with Co-Chairs and Vice Chair to approve any amendments to conditions as deemed necessary and grant planning permission subject to the completion of a S.106 planning obligation agreement that secures that the dwelling and land and buildings associated with the business are tied and subject to the following conditions: -

Time limit on outline.

Submission of reserved matters – appearance and landscaping.

Ecology conditions – best practice construction, breeding birds, lighting and bat and bird boxes.

Access, parking and turning.

Climate change measures

Limit to one and a half storey property.

External materials.

**Voting**



**10 For**  
**03 Against**  
**00 Abstentions**

The Chair declared the motion **CARRIED**.

### **37/24 - DURATION OF MEETINGS (MOTION TO CONTINUE)**

**10.08 pm** Councillor Robert Archer left the meeting.

At 10.08 pm, it was moved by Councillor Peter Dobbs, seconded by Councillor Peter Slack and

**RESOLVED** (Unanimously)

That in accordance with Rule of Procedure 13, the meeting continue to enable the business on the agenda to be concluded.

The Chair declared the motion **CARRIED**.

### **38/24 - APPLICATION NO. 24/00308/FUL**

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

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

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

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

It was moved by Councillor John Bointon, seconded by Councillor David Burton and

**RESOLVED** (unanimously)

That planning permission be approved subject to the conditions:

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.

Reason: This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved, shall be carried out in accordance with the submitted planning application form, Design and Access Statement and drawing nos. 433/PD/01 received by the Local Planning Authority on 5th April 2024 and 433/PD/02 Rev A on 8th May 2024, along with the Arboricultural Impact Assessment from Thomson Consultancy dated 1st May 2024.

Reason: In the interests of proper planning.

3. The tree protection, planting, landscaping and boundary treatments hereby approved, shall be carried out in accordance with the submitted Arboricultural Impact Assessment from Thomson Consultancy dated 1st May 2024.

Reason: In the interests of proper planning.

4. The external materials shall be of the type and colour as set out in the submitted Design and Access Statement and drawing nos. 433/PD/01 received by the Local Planning Authority on 5th April 2024 and 433/PD/02 Rev A on 8th May 2024 and retained thereafter.

Reason: For the avoidance of doubt

The Chair declared the motion **CARRIED**.

### **39/24 - APPEALS PROGRESS REPORT**

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

**RESOLVED** (unanimously)

That the report be noted.

The Chair declared the motion **CARRIED**.

**Meeting Closed: 10.17 pm**

**Chair**