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## Planning Committee

### Minutes of a Planning Committee meeting held at 6.00 pm on Tuesday, 10th September, 2024 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

#### PRESENT

Councillor David Burton - In the Chair

Councillors: Sue Burfoot, Peter O'Brien, Robert Archer, John Bointon, Neil Buttle, Peter Dobbs, David Hughes, Stuart Lees, Lucy Peacock, Peter Slack, Anthony Bates and Sue Bull

Present as Substitute - Councillors: Anthony Bates and Sue Bull

Kerry France (Legal Services Manager), Myles Joyce (Principal Development Management Officer), Shaun Robson (Interim Development Manager) and Tommy Shaw (Democratic Services Team Leader)

Members of the Public – 9

#### **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): Bob Butcher, Nigel Norman Edwards-Walker, Laura Mellstrom and Dermot Murphy

#### 125/24 - APPROVAL OF MINUTES OF PREVIOUS MEETING

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

#### RESOLVED

That the minutes of the meeting of the Planning Committee held on 13 August 2024 be approved as a correct record, following the amendment detailed below:

That minute item **111/24 – INTERESTS** be amended to read as follows:

“...Councillor Sue Burfoot declared a non-pecuniary interest in the two applications above as a supporter of Matlock Civic Association. Matlock Civic Association attended this meeting to speak against the above applications.”

### **Voting**

**11 For**

**00 Against**

**02 Abstentions**

The Chair declared the motion **CARRIED**.

### **126/24 - INTERESTS**

Item 5.8 - APP NO. 24/00625/VCOND – Variation of conditions 2, 4 and 8 of planning application no. 23/00959/LBALT – Various changes to related conditions at Market Place and Victoria Square, Ashbourne, Derbyshire, DE6 1EX.

Councillors David Hughes, Peter Dobbs, Stuart Lees and Anthony Bates declared non-pecuniary interests in Item 5.8 as Members of the Ashbourne Reborn Programme Board.

### **127/24 - APPLICATION NO. 23/01206/FUL**

Following the Committee's decision to over-turn the recommendation for application 23/01206/FUL, the wording of the decision as below was presented to Members for noting.

**23/01206/FUL** - Erection of 4no. dwellinghouses and associated garages with demolition of existing dwellinghouse and outbuildings Ivy House Farm, Main Road, Wyaston, Derbyshire.

The proposal by virtue of its layout and design approach is not considered to reflect or enhance the character of Wyaston or the characteristics of villages within the Derbyshire Dales. Furthermore, the proposed development of 4 (2 4-bedroom and 2 5-bedroom) detached dwellings is not considered to contribute to the achievement of a sustainable, balanced and inclusive community.

It is considered that the provision of 4 dwellings does not outweigh the District Council's inability to demonstrate a five-year housing land supply. 2 Given the above two paragraphs the proposal is considered to be contrary to the aims of Policies PD1, and HC11 of the Adopted Derbyshire Dales Local Plan (2017) and government guidance contained in the National Planning Policy Framework.

It was moved by Councillor Neil Buttle, seconded by Councillor Stuart Lees and

### **RESOLVED**

That the formal wording of the reasons for refusal of application **23/01206/FUL**, as detailed above, be noted.

## Voting

**11 For**  
**00 Against**  
**02 Abstentions**

The Chair declared the motion **CARRIED**.

### **128/24 - APPLICATION NO. 22/00640/FUL**

Members were informed that as this application had been withdrawn following publication of the agenda, it would therefore not be considered at this meeting.

### **129/24 - APPLICATION NO. 24/00346/FUL**

The Interim 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 Martin Seddon (local resident) spoke against the application.

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

It was moved by Councillor Peter O'Brien, seconded by Councillor Peter Dobbs and

**RESOLVED** (unanimously)

That planning permission be approved subject to the following conditions:

1. This planning permission relates to: Location Plan received 16/04/2024; Proposed block and floor plans received 16/04/2024; Proposed Elevations received 16/04/2024.

Reason: To define the planning permission for the avoidance of doubt and to ensure the satisfactory appearance of the development to comply with policies S1, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

2. The accommodation hereby approved shall be used solely for the purposes of temporary holiday accommodation and shall not at any time be occupied as permanent residential accommodation. No person shall occupy the holiday accommodation for a continuous period of more than 28 days in any calendar year or more than a total of 8 weeks in a calendar year and it shall not be re-occupied by the same person/s within 28 days following the end of that period. A register of all occupiers of the holiday accommodation, detailing dates of occupation, names and usual addresses, shall be maintained by the owner(s) and a copy shall be provided to Local Authority upon written request.

Reason: The development is not considered appropriate other than as a holiday facility because it is outside any Settlement Framework boundary and does not

accord with the Development Plan policies for general housing, namely policies S1 and S4, of the Adopted Derbyshire Dales Local Plan (2017)

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no external alterations or additions shall be made to any dwelling hereby approved and no buildings, extensions, gates, fences or walls (other than those expressly authorised by this permission) shall be carried out within the curtilage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason: To preserve the character and appearance of the original building and its surroundings in accordance with policies S1, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

4. Details of parking for two cars and associated manoeuvring area shall be submitted for approval to the local planning authority and shall be provided within the site curtilage prior to occupation in accordance with the approved details.

Reason: In accordance with policy HC21 Car Parking Standards.

5. A sample roofing tile shall be submitted to and approved in writing by the Local Planning Authority prior to being fixed to the roof. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of protecting the external character and appearance of the building in accordance with the NPPF and local planning policy S1, S4, PD1, PD2, PD5 and HC8 of the Adopted Derbyshire Dales Local Plan (2017)

6. All verges shall be given a plain lime mortared finish without the use of bargeboards.

Reason: To ensure the use of appropriate materials in the interests of protecting the external character and appearance of the building in accordance with the NPPF and local planning policy S1, S4, PD1, PD2, PD5 and HC8 of the Adopted Derbyshire Dales Local Plan (2017)

7. Details of all proposed gutters, downpipes and other external plumbing shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the use of appropriate materials in the interests of protecting the external character and appearance of the building in accordance with the NPPF and local planning policy S1, S4, PD1, PD2, PD5 and HC8 of the Adopted Derbyshire Dales Local Plan (2017)

8. Before works begin on any external surface stonework details of the stone origin, type and proposed surface finish (tooling) to all external surfaces shall be submitted, in sample form, to the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of protecting the external character and appearance of the building in accordance with the NPPF and local planning policy S1, S4, PD1, PD2, PD5 and HC8 of the Adopted Derbyshire Dales Local Plan (2017)

9. Before application, details of the method, composition and colour of pointing shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be constructed in accordance with the pointing details so approved.

Reason: To ensure the use of appropriate materials in the interests of protecting the external character and appearance of the building in accordance with the NPPF and local planning policy S1, S4, PD1, PD2, PD5 and HC8 of the Adopted Derbyshire Dales Local Plan (2017)

10. Details of all new external window and door joinery glazing, including rooflights, shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The submitted details shall include depth of reveal, details of heads, cills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of protecting the external character and appearance of the building in accordance with the NPPF and local planning policy S1, S4, PD1, PD2, PD5 and HC8 of the Adopted Derbyshire Dales Local Plan (2017)

11. Details of the materials, treatment and/or colour of the window and door frames shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The window and door frames shall then be installed in accordance with the approved details and so retained.

Reason: To ensure the use of appropriate materials in the interests of protecting the external character and appearance of the building in accordance with the NPPF and local planning policy S1, S4, PD1, PD2, PD5 and HC8 of the Adopted Derbyshire Dales Local Plan (2017)

12. Construction work shall only be carried out between the hours of 8am and 6pm on Mondays to Fridays; 8am -1pm Saturday and no work Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

Reason: To protect the amenity of the occupants of nearby dwellings.

13. Nesting Birds: No works shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. 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.

Reason: In order to safeguard protected and/or priority species from undue disturbance and impacts in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

14. Lighting: Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should 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 any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.

Reason: In order to safeguard protected and/or priority species from undue disturbance and impacts in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

15. Biodiversity Enhancement The enhancement recommendations detailed in Appendix 4 of the Bat Survey Report (Armstrong Ecology Ltd., July 2023) shall be implemented in full during the course of the development and retained in perpetuity. A statement of good practice including photographs should be submitted to the local planning authority prior to the discharge of this condition, demonstrating that the enhancements have been selected and installed in accordance with the above.

Reason: In order to protect, manage, and enhance biodiversity in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

16. Details of swfit boxes to be installed on site shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the site. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the promotion of biodiversity on site

The Chair declared the motion **CARRIED**.

#### **130/24 - APPLICATION NO. 23/01330/FUL**

Members were informed that consideration of this item would be deferred to a future meeting of the Committee.

#### **131/24 - APPLICATION NO. 24/00233/FUL**

Members were informed that consideration of this item would be deferred to a future meeting of the Committee.

#### **132/24 - APPLICATION NO. 23/01101/OUT**

The Interim 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 Peter Burns (Agent) spoke in support of the application.

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

It was moved by Councillor Stuart Lees, seconded by Councillor Lucy Peacock and

## **RESOLVED**

That authority be delegated to the Development Manager to approve planning permission subject to the agreement of a Section 106 agreement, and the additional conditions as set out in the report.

### **Voting**

**06 For**

**05 Against**

**01 Abstentions**

The Chair declared the motion **CARRIED**.

### **133/24 - APPLICATION NO. 24/00571/VCOND**

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 Damion Taylor (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 comments from District Councillor Matt Buckler.

It was moved by Councillor Peter O'Brien, seconded by Councillor Peter Dobbs and

**RESOLVED** (unanimously)

That the variation application be refused for the reasons set out in the report.

The Chair declared the motion **CARRIED**.

### **134/24 - APPLICATION NO. 24/00625/VCOND**

Councillors David Hughes, Stuart Lees, Peter Dobbs and Anthony Bates left the meeting during consideration of this item. They declared non-pecuniary interests in this item as Members of the Ashbourne Reborn Programme Board.

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.

There were no speakers under public participation.

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 Michael Gallimore.

It was moved by Councillor Robert Archer, seconded by Councillor Peter Slack and

**RESOLVED** (unanimously)

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

The Chair declared the motion **CARRIED**.

### **135/24 - APPEALS PROGRESS REPORT**

It was moved by Councillor Peter Dobbs, seconded by Councillor Anthony Bates and

**RESOLVED** (unanimously)

That the report be noted.

The Chair declared the motion **CARRIED**.

**Meeting Closed: 7.48 pm**

**Chair**