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## **PLANNING COMMITTEE**

**Minutes of a Meeting held on Tuesday 9 October 2018 at 6.00pm at Council Chamber, Town Hall, Matlock.**

### **PRESENT**

Councillor Garry Purdy - In the Chair

Councillors Jason Atkin, Sue Bull, Sue Burfoot, Albert Catt, Tom Donnelly, Susan Hobson, Jean Monks, Dermot Murphy, Lewis Rose OBE and Peter Slack.

Jon Bradbury (Development Manager), Helen Frith (Senior Planning Officer), Gareth Griffiths (Senior Planning Officer), Katie Hamill (Solicitor) and Jackie Cullen (Committee Assistant).

17 members of the public.

### **APOLOGIES**

Apologies for absence were received from Councillors Graham Elliott, Richard FitzHerbert, Tony Morley and Joanne Wild. Councillors Susan Hobson and Jean Monks attended as Substitute Members.

### **168/18 – MINUTES**

It was moved by Councillor Garry Purdy, seconded by Councillor Jason Atkin and

#### **RESOLVED**

(unanimously)

That the minutes of the Planning Committee meeting held on 11 September 2018 be approved as a correct record.

The Minutes were signed by the Chairman.

### **169/18 – INTERESTS**

Cllr Sue Bull advised that she had previously spoken on Agenda Item 4.5 (Application no. 18/00584/FUL), and having had prior involvement with Ashbourne Town Council on this matter, felt her decision would be pre-determined. Cllr Bull left the meeting during discussion of and voting on this item.

**170/18 – APPLICATION NO. 17/00999/FUL – CHANGE OF USE FROM HAULAGE YARD TO RESIDENTIAL USE, ERECTION OF DWELLING AND GARAGE/STORAGE BUILDING AT HAULAGE SITE ON THE EAST SIDE OF DALE END, BRASSINGTON**

Councillor Jean Monks arrived at 6.05pm during consideration of this item.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposed development in context.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised a note that Brassington Parish Council had no objection to the Application, as well as an email received from the Chairman of Brassington Parish Council setting out a skeleton argument in respect of their recommendation that the Application be approved.

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

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Peter Slack and

**RESOLVED** That planning permission be granted for the reasons set out below, and that delegated permission be given to Officers to determine appropriate conditions to cover, inter alia: highway conditions, design, landscaping, ecology and permitted development right removal.

Reasons:

- (1) The site forms part of the gateway to Brassington and is on the edge of the built-up area;
- (2) The site does not constitute an inherently isolated and unsustainable residential development in the open countryside;
- (3) The redevelopment is sensitive to the context and constitutes a well thought out scheme through the architectural response in context;
- (4) The granting of consent would bring a brownfield site into use and would considerably improve and enhance the setting of the conservation area in that part of Brassington.

**Voting:**

<b>For</b>	10
<b>Against</b>	0
<b>Abstentions</b>	1

The Chairman declared the motion CARRIED.

**171/18 - APPLICATION NO. 18/00924/OUT – ONLINE APPLICATION FOR THE CONSTRUCTION OF 2 DWELLINGS WITH ALL MATTERS RESERVED, EXCEPT ACCESS, AT ROTHERWOOD, DALE ROAD SOUTH, DARLEY DALE**

The Committee visited the site prior to the meeting to allow Members to assess the impact of the proposals on the character, appearance and amenity of the area.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised advice that the District Council had placed a Tree Preservation Order on

the line trees at the southern end of the site and the large tree in the adjacent field, as well as correspondence from the Applicant advising that he would now like an Application for one dwelling to be considered instead of two, for the reasons set out in the late representations.

In accordance with the procedure for public participation Mr Tony Falconer-White (Neighbour) and Mr Jonathan Jenkin (Agent) spoke in favour of the amended application.

It was noted that no objections had been received from either the Town Council or neighbouring properties.

It was moved by Councillor Albert Catt, seconded by Councillor Jason Atkin and

**RESOLVED** That delegated authority be given to Officers to determine the amended application for one dwelling, subject to no other issues arising that would necessitate it being brought back to the Committee.  
(unanimously)

**172/18 - APPLICATION NO. 18/00958/FUL – CHANGE OF USE TO DWELLING (USE CLASS – C3) AT BUILDING TO REAR OF DOONE COTTAGE, LADYGROVE ROAD, TWO DALES**

The Committee visited the site prior to the meeting to allow Members to assess the impact of the proposals on the character, appearance and amenity of the area.

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

**RESOLVED** That planning permission be granted subject to the conditions set out in the report.  
(unanimously)

**173/18 - APPLICATION NO. 18/00796/FUL – ERECTION OF 8 RETIREMENT APARTMENTS AND ASSOCIATED ACCESS IMPROVEMENTS AT LILYBANK HYDRO GARDENS NURSING HOME, CHESTERFIELD ROAD, MATLOCK**

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

Correspondence received after publication of the agenda was distributed at the meeting wherein the Committee was informed that following the request to the applicant's agent for imposing pre-commencement conditions, the applicant's agent had responded with additional information in order to remove the need for the pre-commencement condition discharge. This information also advised that there were existing surface water drains within the driveway and if there was a need for any more this would be dealt with via the building regulations approval. As such the conditions had been revised from those set out in the report, and were listed in the late correspondence.

In accordance with the procedure for public participation Mr Peter Wilkinson (Agent) spoke in favour of the application.

It was moved by Councillor Peter Slack, seconded by Councillor Tom Donnelly and

**RESOLVED** That planning permission be granted subject to the revised conditions, as set out below:  
(unanimously)

1. Condition ST02a: Time Limit On Full

Reason: ST02a

2. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with Plan No. 15 received 03.10.18. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason: In the interests of highway safety in accordance with policies S3 and HC19 of the Adopted Local Plan 2017.

3. Before any other operations are commenced (excluding Condition No 2 above) the existing vehicular accesses to Chesterfield Road shall be modified in accordance with the submitted 'Proposed Site Plan' Drawing No. 09 A, and provided with a 2.4m parallel visibility sightline across the entire frontage of the development controlled by the applicant fronting Chesterfield Road, the area in advance of the sightlines being kept clear, in perpetuity, of any obstructions in excess of 1m (0.6m in the case of vegetation), measured above the adjacent carriageway channel .

Reason: In the interests of highway safety in accordance with policies S3 and HC19 of the Adopted Local Plan 2017.

4. No residential unit shall be occupied until space has been laid out within the site in accordance with the submitted 'Proposed Site Plan' Drawing No 9 for 9 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. These facilities shall thereafter be retained for use at all times.

Reason: In the interests of highway safety in accordance with policies S3 and HC19 of the Adopted Local Plan 2017.

5. Prior to the occupation of the first unit, full details of both hard and soft landscaping works, incorporating replacement planting to the site frontage with Chesterfield Road, indicating the number, types, sizes and positions of trees and shrubs, including existing trees and hedges to be retained, and treatment of paved and other areas, have been submitted to and approved in writing by the Local Planning Authority, and these works shall be carried out as approved.

Reason: To ensure an appropriate finished form of landscaping to the site in accordance with policies S1, S3 and PD1 of the Adopted Local Plan 2017.

6. All hard and soft landscape works shall be carried out in accordance

with the approved details. The works shall be carried out prior to the occupation of any part of the development, or else in accordance with a programme to be agreed in writing by the Local Planning Authority before any site works have started. Any trees or plants which, within a period of five years from the provision of the landscaping works, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority give written consent to any variation.

Reason: To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with policies S1, S3 and PD1 of the Adopted Local Plan 2017.

7. Prior to the occupation of the first unit and in accordance with condition 3 above, detailed plans showing the design, location and materials to be used on all boundary walls/fences/screen walls and other means of enclosure shall have been submitted to and been approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details. The boundary treatment shall be completed before the units are occupied.

Reason: To ensure an appropriate finished form of development in accordance with policies S1, S3 and PD1 of the Adopted Local Plan 2017.

8. Prior to works commencing on the elevations of the building full specifications of:
  - (a) ridge tiles and roof coverings
  - (b) finial and barge board detail and colour finish
  - (c) stone type and its method of finishing/tooling
  - (d) window and door details, their reveal and their finish (painted timber)
  - (e) the porch parapet and its flat roof
  - (f) metal work railings and their finish
  - (g) stone heads and cills shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate finished form of development in accordance with policies S1, S3, PD1 and PD2 of the adopted local plan 2017.

9. The routing of construction traffic shall be in accordance with the details shown on plan no. 09 A received 03.10.18 and the hours of working shall be in strict accordance with those specified in the email from the applicant's agent dated 03.10.18, that is: 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays.

Reason: In the interests of highway safety and residential amenity in

accordance with policies S3 and HC19 of the Adopted Local Plan 2017.

10. The assisted living accommodation shall be occupied and operated in association with Lilybank Hydro Care Home.

Reason: To define the permission due to the constraints of the site and in the interest of highways safety and parking in accordance with policies S3 and HC19 of the Adopted Local Plan 2017.

11. In accordance with condition 11 above, the occupants of the assisted living accommodation shall be limited to persons who by reason of their personal care needs, infirmity or disability require to benefit from the care provided by the adjoining care home. The assisted living accommodation shall not be occupied by any other persons without the prior written approval of the Local Planning Authority.

Reason: To define the permission due to the constraints of the site and in the interest of highways safety and parking in accordance with policies S3 and HC19 of the Adopted Local Plan 2017.

12. Notwithstanding the submitted and approved drawings the lounge windows to apartments 5 and 8 and the living and kitchen windows of apartment 4 as shown on approved drawings 95318\_05A, 06B and 07A in the southern elevation of the building shall be fitted with obscure glazing prior to occupation, details and a sample if deemed necessary shall be approved prior to installation. The glazing shall thereafter be retained in perpetuity.

Reason: To protect the amenity of the neighbouring residents in accordance with policy PD1 of the Adopted Local Plan 2017.

13. This permission relates solely to the application as amended by the revised plan(s) Amended floor plan 95318\_06B received 27.09.18 and Amended elevation plan 95318\_08A received 27.09.18

Reason: For the avoidance of doubt.

Notes to applicant remain as set out in the report to committee.

**174/18 – APPLICATION NO. 18/00584/FUL – REAR SINGLE STOREY EXTENSION AND DETACHED CAR PORT, WITH OFFICE ABOVE, AT MYDDLETON HOUSE, 20A NORTH AVENUE, ASHBOURNE, DERBYSHIRE**

Members were reminded that this application had been presented to the Planning Committee on 11<sup>th</sup> September 2018, when Members resolved to defer the application to see if the impact of the development on the neighbouring property could be lessened by means of relocation or re-design, with particular reference to the carport/office space. The application was now re-presented, incorporating the further views of the applicant's agent. No amendments to the scheme were proposed.

Correspondence received after publication of the agenda was distributed at the meeting; comprising a summary of comments received from a neighbouring property.

In accordance with the procedure for public participation Cllr. Sandra Spencer (Ashbourne Town Council) and Mr Michael Lawrence (Local Resident) spoke against the application, and Mr Richard Pigott (Agent) spoke in favour of the application. Cllr Spencer asked that it be noted that she was speaking on behalf of Ashbourne Town Council and requested that all future applicants be informed that the Town Council were purely consultees and that planning decisions were not theirs to make.

It was moved by Councillor Dermot Murphy, seconded by Councillor Lewis Rose OBE and

**RESOLVED** That planning permission be refused for the following reason(s):

Reason:

The proposed car port with office above would, by reason of its scale and location close to the boundary with, and elevated above, the neighbouring dwelling, have an oppressive and overbearing impact on the dwelling and be detrimental to the amenity of the occupants contrary to Policy PD1 of the DDLP(2017).

**Voting:**

<b>For</b>	7
<b>Against</b>	2
<b>Abstentions</b>	1

The Chairman declared the motion CARRIED.

**175/18 – APPLICATION NO. 18/00818/FUL – CHANGE OF USE OF CARPET SHOP (A1 USE) TO CAFÉ (C3 USE) AT DERWENT CARPETS, 67 DALE ROAD, MATLOCK**

In accordance with the procedure for public participation Mrs Louise Groves (Applicant) spoke in favour of the application.

It was moved by Councillor Albert Catt, seconded by Councillor Jean Monks and

**RESOLVED** That planning permission be granted subject to the conditions set out in (unanimously) the report.

**176/18 – APPLICATION NO. 18/00857/FUL – CONVERSION AND EXTENSION OF EXISTING COTTAGE TO PROVIDE 2 UNITS FOR SPECIALIST ELDERLY ACCOMMODATION AT GROVE COTTAGE, ST ELPHIN’S PARK, DALE ROAD SOUTH, DARLEY DALE**

Correspondence received after publication of the agenda was distributed at the meeting. This comprised the recommendation of an additional Condition in respect of trees, as set out in the late correspondence, following receipt of a detailed Arboricultural report.

In accordance with the procedure for public participation Mr Alex Hales (Applicant) spoke in favour of the application.

It was moved by Councillor Jason Atkin, seconded by Councillor Sue Burfoot and

**RESOLVED** That planning permission be granted subject to the conditions set out in  
(unanimously) the report, and the additional condition as set out below:

Condition 8. The development shall be completed in strict accordance with the detailed Arboricultural report received 08.10.18.

Reason: To ensure appropriate protection of the surrounding trees in accordance with policies S1, S3, PD1 and PD6 of the Adopted Local Plan 2017.

**177/18 – APPLICATION NO. 18/00877/FUL – USE OF PUBLIC OPEN SPACE FOR TEMPORARY SITING OF MARKET STALLS/CATERING UNITS, FUNFAIR, TICKET OFFICE AND TOILETS FOR PERIODS BETWEEN 25/08/18 TO 07/11/18, 24/08/19 TO 06/11/19 AND 22/08/20 TO 04/11/20 AT DERWENT GARDENS, SOUTH PARADE, MATLOCK BATH**

Correspondence received after publication of the agenda was distributed at the meeting; this comprised advice to the Committee that since publication of the Agenda a waste management plan required by Condition 8 had been submitted, negating the need for this to be a pre-commencement condition. As such, Condition 8 was re-worded, as set out in the late correspondence and duplicated in the Resolution below.

It was moved by Councillor Tom Donnelly, seconded by Councillor Peter Slack and

**RESOLVED** That planning permission be granted subject to the conditions set out in  
(unanimously) the report, including the amended Condition 8 as follows:

8. The event shall take place in strict accordance with the waste management plan received by the Local Planning Authority on the 9<sup>th</sup> October 2018.

Reason: To protect the Special Area of Conservation and SSSI in accordance with policy PD3 of the Adopted Local Plan 2017.

**178/18 – APPLICATION NO. 18/00895/VCOND – VARIATION OF CONDITION 1 OF 17/00978/VCOND TO ALLOW FOR THE INCORPORATION OF A REVISED LANDSCAPING SCHEME AT LAND AT ASKER LANE, MATLOCK**

Correspondence received after publication of the agenda was distributed at the meeting; this comprised two amended plans from the Applicant following discussions with Officers and further to comments received by Derbyshire Wildlife Trust (Amended Drawing Nos. P16-0901\_004-L and 005-L received on 1<sup>st</sup> October 2018). Officers requested that these drawings were considered in determining the application.

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

**RESOLVED** That planning permission be granted subject to the conditions set out in  
(unanimously) the report and in accordance with the amended plans (Amended Drawing Nos. P16-0901\_004-L and 005-L).

**179/18 - INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS**

It was moved by Councillor Garry Purdy, seconded by Councillor Jason Atkin and

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

**180/18 - APPEALS PROGRESS REPORT**

It was moved by Councillor Garry Purdy, seconded by Councillor Jason Atkin and

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

**MEETING CLOSED 7.21PM**

**CHAIRMAN**