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PLANNING COMMITTEE

Minutes of a Virtual Planning Committee Meeting held at 6.00 pm on Tuesday 11 August 2020.

Under Regulations made under the Coronavirus Act 2020, the meeting was held virtually. Members of the public were able to view the virtual meeting via the District Council's website at www.derbyshiredales.gov.uk or via our YouTube channel.

PRESENT

Councillor Jason Atkin - In the Chair

Councillors Robert Archer, Richard Bright, Sue Bull, Sue Burfoot, Neil Buttle, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Stuart Lees, Joyce Pawley, Garry Purdy and Peter Slack.

Jon Bradbury (Development Control Manager), Chris Whitmore (Principal Planning Officer), Kerry France (Principal Solicitor), Jim Fearn (Communications and Marketing Manager) and Jackie Cullen (Committee Assistant).

APOLOGIES

There were no apologies for absence.

24/20 – MINUTES

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

RESOLVED

(unanimously)

That the minutes of the Planning Committee meeting held on 21 July 2020 be approved as a correct record.

Following publication of the Agenda the following item was withdrawn:

- Item 4.1 Application No. 20/00259/FUL - Demolition of existing dwelling and erection of building comprising of 21no. retirement apartments and associated parking at 23 Chesterfield Road, Matlock

25/20 - APPLICATION NO. 20/00343/REM (Presentation)

APPROVAL OF RESERVED MATTERS FOR THE ERECTION OF 4 NO. DWELLING HOUSES (HYBRID PLANNING PERMISSION 17/00329/FUL) AT LAND TO THE SOUTH OF HALLMARK TRACTORS SITE, OAK LANE, SUDBURY

Councillor Richard Bright joined the meeting at approximately 6.10pm during discussion of this item.

The Principal Planning Officer gave an online presentation showing details of the application and photographs of the site and surroundings.

In line with the Council's temporary suspension of direct public participation, representations received from the public in accordance with the criteria set out in the Agenda were published on the District Council website, together with Officer responses, and are set out below:

1. Comments from the Economy Transport DCC re planning application 20/00343/REM:

The applicant has submitted further details demonstrating the proposed alterations to the existing drainage ditch, which is to be culverted in order to deliver the proposed access solution, which was to build out the access to achieve visibility, and was accepted at the outline stage for the residential development. The Local Highway Authority (LHA) is satisfied with the proposals and their deliverability at a Section 278 stage.

The Local Lead Flood Authority (LLFA) have reviewed the proposals and whilst they have a no culverting policy, and prefer if diversions are kept open, in the site-specific circumstances they will consider culverting acceptable if necessary. However, the works would require land drainage consent from the Flood Risk Team at a S278 stage prior to construction.

Furthermore, there appears to be a watercourse west of the proposed development which flows south underneath Oak Lane and then into the ditch/watercourse network on the south side. The LLFA also note that hybrid application 17/00329/FUL noted that, should discharge of surface water by infiltration not prove feasible, then surface water should be attenuated and discharged to this watercourse.

Therefore, the previous condition which was applied to application 17/00329/FUL has been reiterated, and will ensure that an appropriate surface water drainage strategy for the site is submitted, including the discharge into the watercourse and its onward connectivity, will be provided at discharge of conditions.

The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019), subject to the conditions and/or planning obligations outlined in this report.

Conditions

1. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Planning Proposals Sheet 1 of 9 drawing number 19.3692.29 Rev D have been implemented in full.

2. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Detailed Planning Proposals Sheet 1 of 9 drawing number 19.3692.29 Rev D. Thereafter the onsite parking provision shall be so maintained in perpetuity.
3. No part of the development shall be commenced until such time as the offsite works have been completed generally in accordance with Proposed Alterations to Existing Drainage Ditch Drawing number B20164-PPL-CE-0001. For the avoidance of doubt the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this condition.
4. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

Officer Comments:

Officers consider that land drainage and highway matters can be appropriately addressed with the conditions detailed above.

2. Comments from Councillor Allison, Doveridge and Sudbury Re Planning Application 20/00343/REM:

I'm pleased that the applicants have made a resubmission that has reduced the size of the plots 1 and 2 to 2 storey rather than 3 and that plots 3 and 4 have been re-orientated to at least try and reflect the style of the 2 existing 3 bedroomed semi-detached properties which they will back onto. However I think the site is too small for the size of the properties proposed and will have a cramped appearance which will not reflect the type of adjacent homes which are in substantially larger plots. I believe the density and layout of this development does not comply with Policy PD1 of the local plan which clearly states '**requiring that a development contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials and relationship to adjacent buildings and landscape features.**'

Reducing the size of the properties will make them more in keeping with the surrounding properties in terms of landscaping and garden sizes and I would ask that to be considered. Reducing the size of the properties would also allow for provision of parking for visitors which currently is minimal. There is no public transport accessible near the site and therefore visitors would most likely arrive by car, probably parking on the narrow Oak Lane. This will create a hazard for other road users. Given the proposed size of the properties it is highly likely that more than 2 car parking spaces will be required for each property in any event.

In conclusion, the original approval for the new Russell tractors showroom which allowed the outline permission for the housing on Oak Lane has I believe neither provided the stated employment opportunities for local people or now housing that is affordable. Russell Kirby Moorside Ltd has now sold the land earlier this year and presumably will no longer receive additional proceeds.

Officer Comments:

Officers recommend that the comments of the Ward Member be noted insofar as relevant to the consideration of this approval of reserved matters application for 4 no. dwellings.

3. Comments from James Bennett, Resident, Re Planning Application 20/00343/REM:

Following the planning officers recommendations my comments on this application are as follows;

The committee must have their own regard to the provisions of the adopted Derbyshire Dales Local Plan when determining this application.

1. Policy PD1 requires "that development contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features." it also requires "that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity".

In the absence of a site visit the committee is reliant on photographs to understand how the proposed development integrates with its surroundings and meets the requirements of this policy - I would expect the planning committee to give particular consideration to the rear of the plot which borders three other properties (Bentfield, Lodge Cottage & Willow Cottage), the area which will have biggest impact on the local amenity and character.

However, the committee cannot possibly come to a lawful conclusion on this matter as not enough information is contained within the planning officers' report to enable them to do this. Photographs #1, #2, #3, #4 & #10 do not show the development site. Photographs #5 & #6 show the access. Photographs #7, #8 & #9 are effectively the same photo showing a small proportion of the development outlined in orange below. In fact there are no photographs taken from within the site or anything to give the committee an idea of the local character, housing styles and existing boundaries into which this development must integrate.



At the very minimum this decision should be deferred until adequate information is made available to the planning committee in order for them to make a valid decision.

2. Policy HC19 states "Proposals should minimise the need to travel, particularly by unsustainable modes of transport and help deliver the priorities of the Derbyshire Local Transport Plan". A development of "up to" four properties was agreed at the outline stage - However the size of the properties was not. In order to align with this policy a development of smaller two/three bedroom properties would be more appropriate in an area with no access to any local amenities or public transport.

3. The original outline application was approved on the basis that a number of hedgerows and mature trees were to be retained on the development site (In line with the council's policy PD6). The hedgerows and trees are not shown as retained in this reserved matters application - therefore approval of this application would be a departure from the details agreed at outline stage and would thus be unlawful.

Officer Comment:

Officers recommend that the comments of the local resident are noted. In respect of points 2 and 3, Members are advised that this application seeks approval of the matters which were reserved in respect of application code ref. 17/00329/FUL including the scale, layout and external appearance of the development, the layout of the service roads and pedestrian routes within the site and the landscaping of the site. The amount of development agreed at outline stage cannot be revisited, although the impact of the development, insofar as relevant to the reserved matters on the environment, including character and appearance of the area and appropriateness of the landscaping of the site are matters for consideration.

Consultation responses had been received from Sudbury Parish Council and the Local Highway Authority (Derbyshire County Council), as summarised in paragraph 5 of the report. No comments had been received at the time of writing the report from the Lead Local Flood Authority (Derbyshire County Council).

Representations had been received from six properties in the immediate and wider area objecting to the proposals, as summarised in paragraph 6 of the report.

It was moved by Councillor Garry Purdy, seconded by Councillor Stuart Lees and

RESOLVED That planning permission be granted subject to the conditions set out in the report, as well as the additional four conditions provided by the Economy Transport, DCC, as follows, to address the land drainage and highway matters:

Additional Conditions:

1. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Planning Proposals Sheet 1 of 9 drawing number 19.3692.29 Rev D have been implemented in full.
2. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in

accordance with Detailed Planning Proposals Sheet 1 of 9 drawing number 19.3692.29 Rev D. Thereafter the onsite parking provision shall be so maintained in perpetuity.

3. No part of the development shall be commenced until such time as the offsite works have been completed generally in accordance with Proposed Alterations to Existing Drainage Ditch Drawing number B20164-PPL-CE-0001. For the avoidance of doubt the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this condition.
4. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

Voting:

For	11
Against	3
Abstentions	0

The Chairman declared the motion CARRIED.

**26/20 - APPLICATION NO. 20/00387/FUL (Presentation)
ERECTION OF DWELLING HOUSE (PARAGRAPH 79), 1 NO. BARN, ASSOCIATED
NEW ACCESS AND LANDSCAPE ENHANCEMENTS AT LAND WEST OF SPEND
LANE, ASHBOURNE**

The Development Control Manager gave an online presentation showing details of the application and photographs of the site and surroundings.

In line with the Council's temporary suspension of direct public participation, representations received from the public in accordance with the criteria set out in the Agenda were published on the District Council website, together with Officer responses, and are set out below:

1. Comments from The Applicants' Agent – Rob Hughes of Hughes Planning:

We have now had time to review your Committee report and to consider the suggested conditions and s106 agreement. With regards to condition 06, we do have concerns relating to the use of the term "in perpetuity". The condition itself is fine and necessary, but in reality it would prove extremely difficult to deliver and manage the landscape and biodiversity proposals forever. I have not seen such a condition in any of the 15 consents we have had approved. Instead, I would recommend that the term "in perpetuity" is removed and that the requirement is for the submission of a Landscape Management Plan, including a timeframe. Usually, these will cover a 10 - 15 year period (as appropriate).

With regards to the s106 agreement, it would also be the first time in our experience that such a mechanism is used to control the landscape and ecological enhancements, including those granted on appeal. This is generally dealt with via conditions. There is a need for on-going flexibility with the landscape and ecological proposals, and in my experience a suitably worded condition should embrace the option of amending the Plan during the 10 - 15 year period. I feel that a s106 may be too cumbersome for this purpose and may not achieve either the desired or best results.

On another point, the applicants are part of the single payment scheme and it is also important for the on-going management and maintenance of the farm that there is sufficient flexibility in the future.

Given how close we are to the Committee meeting, it would be preferable if the members of the Planning Committee could, following a hopeful approval, grant officers delegated powers to discuss and agree conditions/s106 to ensure that the approved development is one that works for the applicants and LPA but most importantly to ensure the development can be delivered.

Officer Comments:

Members are requested to delegate authority to the Development Manager to issue any grant of approval to agree the wording of the conditions and any section 106 content relating to the implementation and future management of the landscape and biodiversity proposals.

Consultation responses were set out in paragraph 5 of the report and it was reported that no representations had been received at the time of writing.

It was moved by Councillor Garry Purdy, seconded by Councillor Sue Burfoot and

- RESOLVED** (unanimously)
1. That planning permission be granted subject to the applicant entering into a legal agreement which secures non-severance of the new dwelling from its associated land;
 2. That authority be delegated to the Development Manager to issue any grant of approval to agree the wording of the conditions and any section 106 content relating to the implementation and future management of the landscape and biodiversity proposals.

27/20 - APPLICATION NO. 20/00429/FUL (Presentation) RETENTION OF ADDITIONAL FISHING LAKE AT BIRCH FARM, DERBY LANE, EDNASTON

The Development Control Manager gave an online presentation showing details of the retrospective application and photographs of the site and surroundings.

Consultation responses were set out in paragraph 5 of the report and it was reported that no representations had been received at the time of writing.

It was moved by Councillor Peter Slack, seconded by Councillor Sue Bull and

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

28/20 – INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS

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

RESOLVED That the report be noted.
(unanimously)

29/20 - APPEALS PROGRESS REPORT

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

RESOLVED That the report be noted.
(unanimously)

MEETING CLOSED 7.09PM

CHAIRMAN