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COMMUNITY AND ENVIRONMENT COMMITTEE

Minutes of a Meeting held on Thursday 16 November 2017 in the Council Chamber, Town Hall, Matlock at 6.00 pm.

PRESENT Councillor Joanne Wild - In the Chair

Councillors Jason Atkin, Jennifer Bower, Sue Bull, Martin Burfoot, Albert Catt, Susan Hobson, Jean Monks, Tony Morley, Joyce Pawley, Mike Ratcliffe, Lewis Rose OBE, Colin Swindell and John Tibenham.

Paul Wilson (Corporate Director), Sandra Lamb (Head of Corporate Services), Tim Braund (Head of Regulatory Services), Mike Hase (Planning Policy Manager), Robert Cogings (Head of Housing), Ashley Watts (Head of Community Development), Claire Francis (Planning Policy Officer), Nicola Wildgoose (Community Events Officer), Isabel Cogings (Rural Housing Enabler) and Jackie Cullen (Committee Assistant).

APOLOGIES

Apologies for absence were received from Councillors Richard Bright, Ann Elliott, Vicky Massey Bloodworth, Andrew Statham and Philippa Tilbrook. Councillors Jean Monks, Tony Morley and John Tibenham attended as Substitute Members.

The Chairman announced a change in order of the Agenda: Item 13 (Request for consent to purchase former council property at 6 West End, Baslow) would be brought forward in order to accommodate the speaker on that item. Item 13 would be considered after Item 8.

180/17 – MINUTES

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

RESOLVED That the minutes of the meeting of the Community & Environment Committee held on 7 September 2017 be approved as a correct record.
(unanimously)

The Minutes were signed by the Chairman.

181/17 – PUBLIC PARTICIPATION

In accordance with the procedure for public participation, Mr Fred Burgess made a statement regarding Item 6: Department for Communities and Local Government consultation: 'Planning for the right homes in the right place', with particular reference to the National Park Effect; and Mr Robert Bashforth (prospective buyer) made a statement regarding Item 13: Request for consent to purchase former council property at 6 West End, Baslow.

182/17 – DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT CONSULTATION: 'PLANNING FOR THE RIGHT HOMES IN THE RIGHT PLACE'.

The Committee considered a report that advised on the contents of the Department for Communities and Local Government's consultation 'Planning For The Right Homes In The Right Place', and noted the formal comments submitted to the Department for Communities and Local Government by 9th November 2017 deadline.

The remit of the consultation paper published on 14th September 2017 was set out in the report, together with Officer comments on each aspect. A copy of the District Council's response to the consultation was attached as Appendix 1 to the report. As the closing date for the consultation was 9 November 2017, the response was sent following consultation with and agreement from the Chairman of the Community and Environment Committee, and that of the Leader of the Council.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Albert Catt and

RESOLVED That the response to the Department for Communities and Local Government consultation 'Planning For The Right Homes In The Right Place' is noted.
(unanimously)

183/17 – DERBYSHIRE DALES BROWNFIELD LAND REGISTER

The Committee considered a report on the introduction of the Brownfield Land Register Regulations in April 2017 and the statutory duty to have the Register in place by 31st December 2017. The report recommended publication of the Register with sites in Part One but none in Part Two of the Register.

The Town and County Planning (Brownfield Land Registers) Regulations 2017 came into force in April 2017, with detailed guidance published on 28 July 2017, requiring each local planning authority to prepare and publish a Register of Previously Developed Land (Brownfield Land, as defined in the footnote to the report) by 31st December 2017, and maintain it annually thereafter in order to provide up to date, publicly available information on previously developed (brownfield) land that was "suitable", "available" and "achievable" for housing, irrespective of the planning status. The Government considered that, by adopting this approach, it would signpost suitable land for residential development and help housebuilders to unlock land for new homes.

The report set out the criteria for the selection of sites to be included on the Register, and sought authority to publish the Derbyshire Dales Brownfield Register by the statutory deadline of 31st December 2017. It was anticipated that the annual review of the Brownfield Register

would be integrated into ongoing Strategic Housing Land Availability Assessment (SHLAA) and Authority Monitoring Report processes.

The legislation specified that the Register should be split into two parts: Part 1 being a comprehensive list of all brownfield sites of more than 0.25 hectares that had capacity to accommodate residential development of 5 or more dwellings, and Part 2 being sites which local planning authorities had deemed should be granted 'Permission in Principle' (PiP) – in effect where the local planning authority had resolved to grant planning permission for residential development on the site.

The criteria used for the selection of sites onto Part 1 of the Register were set out in the report, and on the basis of these criteria, the total number of sites proposed for inclusion on Part 1 of the Register was 27, as detailed in the report. A list of the sites proposed for inclusion on Part 1 of the Derbyshire Dales Brownfield Register was set out in Appendix 1 to the report.

The Regulations prescribed that, if appropriate, local planning authorities could include sites on a Part 2 of the Register, under criteria set out in the report. However, on the basis that the majority of sites identified in Appendix 1 to the report either had the benefit of planning permission or were allocated in the Derbyshire Dales Local Plan at this time, it was proposed not to identify any sites for inclusion on Part 2 of the Derbyshire Dales Brownfield Register.

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

- RESOLVED**
(unanimously)
1. The Derbyshire Dales Brownfield Register Part One, as set out in Appendix 1 to this report, be approved for publication;
 2. The District Council does not include any sites on Part 2 of the Derbyshire Dales Brownfield Register at this time, for the reasons set out in Paragraph 3.4 of the report.

184/17 – DERBYSHIRE DALES SELF-BUILD AND CUSTOM HOUSEBUILDING REGISTER

The Committee considered a report that set out details of the statutory requirements in relation to a Self-Build and Custom Housebuilding Register. The report sought approval to limit entry onto the Register to those with a local connection who could demonstrate the financial resources to purchase a serviced plot. The report also sought approval to charge an application fee for potential entries onto the Register, and an annual fee for retention of an entry on the Register.

The Government, through the Self-Build and Custom Housebuilding Act 2015, had placed a duty on local authorities to keep and have regard to a register of people who were interested in self-build or custom-build projects, which came into effect on 1st April 2016. In order to meet the requirements of the Act, the District Council had set up a page on its website where those interested in Self Build and Custom Build could apply to be entered on the Register. The Self-Build and Custom Housebuilding Regulations 2016, which came into effect on 31st October 2016, set out the requirements that applicants (either as individuals or associations) needed to fulfil to be eligible to be placed on the Register, as set out in the report, and gave local authorities discretion to charge a fee for applicants to be entered onto the Register (on a cost recovery basis), and discretion to introduce eligibility criteria for entry onto the Register, on the basis of a local connection or on the basis of sufficient financial resources to purchase land for their own self build or custom build housebuilding or both.

The Housing and Planning Act 2016, which also came into force on 31st October 2016, introduced a new requirement that local authorities must grant sufficient suitable development permissions on serviced plots of land to meet the demand for self-build and custom housebuilding in their area, as evidenced by the number of people on the Register. Government guidance on self-build and custom housing was updated on 28 July 2017.

The National Planning Policy Guidance (NPPG) advised that consultation should be carried out on proposed changes to the application process for entry onto the register before implementation, and that they should be reviewed periodically to ensure that they remained appropriate. It was proposed that a six week period of public consultation be undertaken prior to the introduction of any fees, and that the results of the consultation be reported to this Committee with the intention that the fee charging commence from 1st April 2018, as listed in the report.

The Self-Build and Custom Housebuilding Regulations 2016 set out that the Register was required to be split in two Parts where eligibility criteria were introduced by the local authority. Those persons or associations that satisfied the eligibility criteria were placed on Part 1 of the Register, and those that failed were placed on Part 2 of the Register, as explained in the report.

The criteria for defining local eligibility and inclusion on Part One of the Register were listed in the report. Failure to provide evidence to substantiate the local connection would deem the applicant to have failed to meet the local eligibility criteria, and they would be placed on Part 2 of the Register.

To date, no detailed information had been collected from those currently on the register about their ability to fund the purchase of land or construction of a Self-Build or Custom Build property. As a result, there were no means of determining to what extent the level of demand on the Register was realistic or merely aspirational. It was therefore considered appropriate that the District Council included a financial solvency eligibility criterion for applicants to be included on the Register, as set out in the report. Failure to provide some or all of the information would deem the applicant to have failed to meet the financial solvency criteria, and they would be placed on Part 2 of the Register.

A flow chart in Appendix 1 to the report set out the proposed application and consideration process for entry onto the Register.

The Self-Build and Custom Housebuilding Act 2015 (as amended) set out that local authorities must grant sufficient suitable development permissions on serviced plots of land to meet the demand for self-build and custom housebuilding in their area as evidenced by the number of people on the Register over a three year rolling period commencing on 31st October 2016.

The timeframes and the level of demand for serviced plots on the Register were tabled in paragraph 5.2 of the report. Once the level of genuine demand had been established, the District Council had to meet its obligations to grant planning permission for enough serviced plots to meet this demand. There were two possible routes available to meeting this statutory requirement, as set out in the report, and with regard to the second option, a further report would be presented to this Committee to set out details of how this may be achieved.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Albert Catt and

RESOLVED
(unanimously)

1. The District Council introduce fees for applications to enter the Derbyshire Dales Self Build and Custom Housebuilding Register
2. The proposed fees set out in Paragraph 2.5 of the report be subject to a period of six weeks public consultation
3. The District Council introduce local eligibility criteria for applicants to be entered the Derbyshire Dales Self Build and Custom Housebuilding Register
4. The proposed local eligibility criteria as set out in Paragraphs 4.7 and 4.10 of the report be subject to a period of six weeks public consultation
5. The results of the public consultations be subject of a further report to this Committee
6. That a further report be presented to this Committee that sets out more details in respect of option for the provision of serviced plots as set out in Paragraph 5.4 of the report.

185/17 – REQUEST FOR CONSENT TO PURCHASE FORMER COUNCIL PROPERTY AT 6 WEST END, BASLOW

The Committee considered a request to waive the restrictive clause relating to 6 West End, Baslow to enable a purchase by prospective buyers currently residing outside of the County.

Section 157 of the Housing Act 1985 (as amended) provided a limitation on disposal of former Council properties within the Peak District National Park without the written consent of the Council as landlord. The provisions in the Act, known as the 'Peak Park Clause', required that any potential purchaser must have lived or worked within the Peak District National Park or Derbyshire, for a period of three years prior to the application to purchase.

The prospective purchasers did not fulfil the criteria set out in Section 157 of the Housing Act 1985 but were requesting that the clause be waived. The prospective purchasers' situation was set out in the report. The property was placed on the open market on 18 October 2017, and an offer was accepted from the prospective purchasers on 24 October. The purchasers requested a waiver of the consent on 30 October. As an offer had been accepted, subject to contract, it seemed fair to accelerate the matter for determination by the Committee, as the matter was beyond the remit of delegation to Officers. It was noted and debated that this property had not been on the market for any considerable length of time.

It was moved by Councillor John Tibenham, seconded by Councillor Jennifer Bower and

RESOLVED That the restrictive clause relating to 6 West End, Baslow is not waived at this time.

Voting:

| | |
|--------------------|----|
| For | 12 |
| Against | 2 |
| Abstentions | 0 |

The Chairman declared the motion carried.

186/17 – GREEN MAN TRAIL, MATLOCK BATH

Councillor Jason Atkin left the meeting at 7.15pm prior to discussion of this item.

The Committee considered a report that sought Members' approval for the principle of establishing a Green Man Trail in Derwent Gardens and Lovers' Walks, Matlock Bath, by the Matlock Bath Development Association Community Interest Company.

In July 2017 Cllr Mrs Pawley, representing the Matlock Bath Development Association CIC, approached a number of District Council officers about the potential to develop a 'Green Man Trail' of small sculptures as a tourist attraction in Matlock Bath, as set out in the report. If the Committee agreed that this project should be pursued it was suggested that officers continued to work with the CIC and the artist to bring these matters to a conclusion, and that the Head of Community and Environmental Services was delegated to approve the use of the land once the discussions had been satisfactorily completed.

Councillor Joyce Pawley advised the Committee that since publication of the Agenda, DWT had declared an interest in working alongside CIC in producing the tourism literature, to include an educational aspect.

It was moved by Councillor Joyce Pawley, seconded by Councillor Martin Burfoot and

- RESOLVED**
(unanimously)
1. That the development of the Green Man Trail in Derwent Gardens and/or Lovers' Walk is approved in principle.
 2. That the Head of Community and Environmental Services is delegated to approve the use of Derwent Gardens and/or Lovers' Walks for the Green Man Trail once discussions regarding siting and health and safety issues have been concluded.

187/17 – AFFORDABLE HOUSING CAPITAL GRANT SUPPORT

The Committee considered a request that funding be allocated to assist in the purchase and delivery of affordable housing on 1 s106 site and 2 housing association development sites.

It was noted that paragraph 2.5 of the report should be amended to read:

“The District Council owned site, known as Megdale, Matlock, has planning consent...”

As previously reported to Committee, there had been a rapid acceleration of private developer led sites in the Derbyshire Dales where the Council had successfully negotiated the provision of on-site affordable homes. Some of these sites also provide an off-site financial contribution in the form of payments to the Council which were then used to support its wider housing enabling activity.

The Housing Team had been working with Waterloo Housing Group (WHG), Nottingham Community Housing Association (NCHA), Peak District Rural Housing Association (PDRHA) and private developers to ensure on-site homes could be bought by the 3 associations. The District Council's funding had given NCHA, PDRHA and WHG the confidence to invest more of their resources here rather than elsewhere. Two affordable housing schemes also required additional grant support in order to meet design requirements that had increased costs and affected scheme viability.

In order to ensure the purchase of onsite provision of affordable homes on s106 sites, it was proposed that Derbyshire Dales District Council provide funding to Nottingham Community HA for a site in Doveridge as set out in Table 1 in the report. Furthermore, two housing association schemes (in Bakewell and Matlock) were currently close to fruition but were struggling with viability due to design and unforeseen costs, as detailed in the report. It was noted that with regard to the Matlock development, the developer had provided a costed breakdown for a dry stone wall front boundary in lieu of a hedge, and it was proposed to meet this cost with s106 grant from the District Council of £22,000.

In summary, the total requested in this report for one s106 site and the two housing association developments was £342,000.

It was moved by Councillor Lewis Rose OBE seconded by Councillor Tony Morley and

RESOLVED That the contributions towards the purchase and delivery of affordable housing units outlined in this report be referred to Council in November 2017, to be considered for capital funding.

Voting:

| | |
|--------------------|---|
| For | 8 |
| Against | 0 |
| Abstentions | 5 |

The Chairman declared the motion carried.

188/17 – REVIEW OF STALL MARKETS

Councillor Colin Swindell left the meeting at 7.52pm prior to discussion of this item.

The Committee considered a report on the review of the stall markets, its findings and recommendations.

The District Council had set a target in its Corporate Plan 2017/18 to increase overall stall occupancy at District Council markets to 70%. It was currently running at an average of 48%, with Ashbourne at 45% (Thursday) and 50% (Saturday), Wirksworth at 54% and Bakewell at 91%. After the temporary closure of Ashbourne Thursday stall market, it was re-opened in April on Shrovetide Walk. Initially occupancy was as high as 100%, however, it had fallen to as low as 30% towards the winter months. A table of operational costs, income and resulting deficit/surplus was shown in paragraph 1.3 of the report.

In 2014 the management of markets was transferred to the Community Events Officers, who had implemented several improvements, as listed in the report. The various markets were analysed in the report, with officer recommendations thereon. It was noted that 2.2.1 should read *'The Ashbourne Market (Saturday) ... from the beginning of April 2018.'*

It was recommended that work should start on the transfer of Wirksworth Market to Wirksworth Town Council, who had asked for an initial level of support from the District Council as set out in paragraph 2.3.1 of the report.

It was moved by Councillor Colin Swindell, seconded by Councillor Mike Ratcliffe and

RESOLVED
(unanimously)

1. That Ashbourne (Thursday) Market, for licensed traders, becomes a self-erect seasonal market, opening in April and closing at the end of September annually from April 2018.
2. That Ashbourne (Thursday) Market close should it not achieve an average occupancy level of 70% or more by the end of June 2018
3. That Wirksworth Market is transferred to Wirksworth Town Council, subject to the terms set out in paragraph 2.3.1 of the report.
4. That Ashbourne (Saturday) Market is relocated to Shrovetide Walk in April 2018
5. That alternative options for the use of Matlock Indoor Market be considered.

189/17 – LEISURE REVIEW UPDATE

Councillor Lewis Rose OBE left the meeting at 8.11pm prior to discussion of this item.

The Committee considered a report on the progress of the Leisure Review, and outlined the specification, approved by Council in June 2017, for the future management of the Leisure Centres. On 21 July 2017 the contract was advertised via the Official Journal of the European Union, Contracts Finder and Source Derbyshire inviting specialist Leisure Management Operators to apply for the contract.

The procedure was set out in the report, and following the Invitation To Tender (ITT) phase, 4 bids were received. Evaluation of the bids commenced on 25 October and ended on 16 November. Once the evaluation process had concluded, Officers would enter 'bidder negotiations' with a select number of bidders before final revised bids for the contract were submitted. Despite the demands of the review and significant amount of clarification questions, the review was on track to meet the target 'Contract Award' date, as noted in paragraph 2.9 of the report.

Future key dates included:

- Bidder Negotiations (w/c 27 November 2017)
- Final Evaluation (w/c 9 January 2018)
- Award contract (w/c 26 March 2018)
- Contract implementation (w/c 28 May 2018)

It was moved by Councillor Albert Catt, seconded by Councillor Joyce Pawley and

RESOLVED
(unanimously)

1. That the progress of the Leisure Review be noted

MEETING CLOSED 8.14PM

CHAIRMAN