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## MINUTES

Meeting: **Planning Committee**

Date: Friday 14 July 2017 at 10.00 am

Venue: Board Room, Aldern House, Baslow Road, Bakewell

Chair: Mr P Ancell

Present: Cllr D Birkinshaw, Cllr P Brady, Cllr C Carr, Cllr D Chapman, Cllr A Hart,  
Mr R Helliwell, Cllr H Laws, Cllr J Macrae, Cllr Mrs K Potter,  
Cllr Mrs L C Roberts and Cllr Mrs J A Twigg

Cllr A McCloy  
attended to observe and speak but not vote.

Apologies for absence: Cllr Mrs C Howe.

### **74/17 MINUTES OF PREVIOUS MEETING OF 16 JUNE 2017**

The minutes of the last meeting of the Planning Committee held on 16 June 2017 were approved as a correct record.

The Chair paid tribute to former Secretary of State Member Mrs Stella McGuire, who had died at the beginning of July following a period of illness. Appreciation of her knowledgeable contribution to the work of the Planning Committee was expressed on behalf of all Members.

### **75/17 URGENT BUSINESS**

There was no urgent business to report.

### **76/17 MEMBERS DECLARATIONS OF INTEREST**

Item 7

Cllr Mrs L Roberts and Cllr A Hart declared a personal interest as they knew the agent Mr M Green.

Mr P Brady declared a personal interest as he knew the owner of the business adjoining M Markovitz Ltd and was also an occasional customer of M Markovitz Ltd.

Mr R Helliwell declared a personal interest as a customer of M Markovitz Ltd.

Cllr Mrs J Twigg declared a personal interest as she knew the Markovitz family but had not discussed the application with them.

**77/17 PUBLIC PARTICIPATION**

The applicant's agent was present to make representations to the Committee.

**78/17 ASSESSMENT UNDER THE HABITAT REGULATIONS - DEMOLITION OF ALL SITE BUILDINGS, REMOVAL OF CONCRETE SURFACING, AND REDEVELOPMENT FOR 25 X 2,3,4 AND 5 BED DWELLINGS, PARKING AND GARAGING SERVED BY PRIVATE DRIVE FROM EXISTING ACCESS FROM RICHARD LANE, MARKOVITZ LIMITED, RICHARD LANE, TIDESWELL**

The officer emphasised that the planning application at Item 7 could not be considered by Members unless the Habitat Regulation Assessment was first approved.

Officers were fully satisfied with the Water Quality Impact Assessment submitted by the applicant and Severn Trent Water had confirmed that the Tideswell treatment works have sufficient capacity to accommodate waste from the development. They were therefore able to agree that it should be adopted as the Authority's Habitat Regulations Assessment in relation to the proposed development.

The recommendations were moved, seconded, voted upon and carried.

**RESOLVED:**

**That:**

- 1. The committee report be adopted as the Authority's Habitat Regulations Assessment in relation to the proposed redevelopment of the Markovitz building supply depot at Richard Lane, Tideswell.**
- 2. The redevelopment is unlikely to have a significant effect on the integrity of the Peak District Dales Special Area of Conservation. Thus redevelopment of the site is not considered to be contrary to the provisions of Regulation 61 and 62 of the Conservation of Habitats and Species Regulations 2010 and the EU Habitats Directive.**

Cllr A Law arrived at 10.15am to observe the meeting.

**79/17 FULL APPLICATION - DEMOLITION OF ALL SITE BUILDINGS, REMOVAL OF CONCRETE SURFACING, AND REDEVELOPMENT FOR 25 X 2,3,4 AND 5 BED DWELLINGS, PARKING AND GARAGING SERVED BY PRIVATE DRIVE FROM EXISTING ACCESS FROM RICHARD LANE, MARKOVITZ LIMITED, RICHARD LANE TIDESWELL**

Members had visited the site on the previous day.

The Director of Conservation and Planning introduced the report, noting that planning permission for redevelopment of the nearby Whitecross Road site had been granted in January 2016 under phase 1 and that the current proposals as phase 2 would provide the funding for that redevelopment.

The officer stated that as major development, the application to build 25 open market homes could be justified only in exceptional circumstances. He drew attention to the Key Issues detailed on page 23 of the meeting document pack and commented on each as below:

### Key Issues

1. The applicant is an important local employer and the new site would provide a more appropriate site for its headquarters in the wider Peak District.
2. The financial viability report showed a projected shortfall of £147K but the applicant confirmed that the relocation would proceed. The officer confirmed that the need for local affordable housing in Tideswell had been assessed and that a scheme for approximately 20 affordable homes was currently under discussion (between officers, the Parish Council, the Rural Housing Enabler at Derbyshire Dales District Council and the preferred housing association).
3. The Highway Authority had no objections to the proposals, however it did not plan to adopt the roads until visibility splays were improved at the access point. The new homeowners would be required to fund maintenance of the roads on the site.
4. The Authority had adopted the Severn Trent Water Company's Water Quality Impact Assessment report as its Habitat Regulation Assessment, which demonstrated that the potential impact upon the Peak District Dales Special Area of Conservation was unlikely to be significant.
5. There were no major concerns about significant environmental impacts as listed in Key Issue 5. The officer reported that the applicant proposed to build an acoustic, landscaped fence to mitigate against potential noise impact.

The officer suggested adding to condition 3 the words "subject to design and layout improvements to be agreed by the Director of Conservation and Planning in consultation with the Chair and Vice Chair of Planning Committee" in order to achieve an improved design for the proposed scheme. He gave the example of adjacent garages being under the same roof rather than individual ones.

Members asked about a footpath link to the playground. The officer stated that the applicant was willing to discuss the provision of a footpath, which could be added as a condition of approval.

The following made a representation to the committee under the Authority's Public Participation Scheme:

- Mr Michael Green, Agent

The Chair observed that although 20 letters of objection had been received, there were no other speakers on the item.

The recommendation was moved and seconded.

During the debate, officers responded to Members' questions about:

- The absence of affordable housing in the proposed scheme
- The trees on and around the site
- The potential noise impact of breaking up the concrete on site and whether activities during the construction phase should be within defined hours of operation

- The likelihood of houses on the proposed new estate becoming second homes or holiday homes
- The Highway Authority's refusal to adopt the scheme, which could affect the prices of the proposed new homes and have implications for other developments within the National Park. The officer agreed to members' request to raise the matter again with the Highway Authority.
- The discrepancy between the route of the public right of way on the Location Map and the Site Plan as submitted with the officer's report. The officer explained that this was the result of a footpath diversion when the yard was first developed in the 1990s.
- The scheme's lack of sustainability elements to ensure compliance with the Authority's policies CC1, CC2 and CC5. Although condition 21 required that a scheme of environmental management be submitted and agreed prior to the commencement of works, Members felt that this did not give sufficient emphasis or priority to environmental protection. The Director agreed to discuss with the development management teams how to raise the profile of sustainability in proposed developments.
- Access and traffic issues
- The addition of a footnote relating to electric charging points.
- Members discussed the possibility of an "open book" approach to the development, to allow a percentage of any profit to be given as a commuted sum. Following discussion and given the projected financial loss in the relocation and house build scheme and the officer monitoring which would be required, Members did not support open book monitoring and a commuted sum requirement in the section 106 agreement.

The officer summarised the proposed amendments and additions to the conditions as below:

- Condition 3 – add the words "subject to design and layout amendments to be agreed by the Director of Conservation and Planning in consultation with the Chair and Vice Chair of Planning Committee"
- Condition 4 – amend to say "Submit and agree a construction management plan to comply with the Highways Authority requirements"
- Condition 11 – Remove Permitted Development rights in relation to boundary walls around the perimeter of the site.
- An additional condition that a footpath linking the proposed estate to the play area be provided
- Condition 16 – expand to include guidance encouraging the installation of electric charging points
- Condition 21 – include defined hours of construction work
- That the applicant make "all reasonable endeavours to" contribute to the implementation of a road traffic order to amend the speed limit on Richard Lane.

Subject to the addition and amendment of conditions, planning obligations and footnotes as above, the motion was put to the vote and carried.

The Director of Conservation and Planning also agreed to raise the issue of the adoption of the estate roads with the Highway Authority.

**RESOLVED:**

**That, subject to the prior entry into a section 106 agreement securing the relocation of the company's Richard Lane business to the Whitecross Road site**

and the applicant making all reasonable endeavours to contribute to the implementation of a road traffic order prior to commencement of this development, the application be **APPROVED** subject to the following conditions:

1. Commence development within 3 years.
2. Prior submission and agreement of a management plan for the long term maintenance of the access roads, pavements and public spaces within the site.
3. Carry out in accordance with defined approved plans, subject to design and layout amendments to be agreed by the Director of Conservation and Planning in consultation with the Chair and Vice Chair of Planning Committee.
4. Submit and agree a construction management plan to comply with the Highways Authority requirements
5. Ecological conditions covering protection to breeding birds, ramps in open trenches for escape of animals passing through the site and control over lighting to protect foraging bats
6. Prior submission and agreement of a comprehensive landscaping scheme covering hard and soft landscaping works for the site with implementation and aftercare
7. Submit and agree with implementation details of an acoustic fence to the eastern boundary
8. Agree street lighting scheme
9. Agree sample materials including sample stone panel
10. Minor design details – re walling, eaves, rainwater goods
11. Remove Permitted Development rights for boundary walls and fences
12. No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with an agreed scheme and including a management plan following prior submission and approval of details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with an agreed management and maintenance plan
13. Environment Agency condition covering no development to commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Authority
14. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use
15. Submission and agreement of finished floor levels and site levels prior to commencement of development
16. Footnote re Guidance Re Access to high speed broadband services for future residents (in conjunction with service providers) and Guidance to encourage the installation of electric charging points
17. Footnote re the County Council not adopting any private SuDS schemes
18. Footnote re any works in or nearby an ordinary watercourse require consent under the Land Drainage Act (1991) from the County Council
19. Footnote re applicant demonstrating the appropriate level of treatment stages from the resultant surface water in line with Table 3.3 of the CIRIA SuDS manual C697
20. Severn Trent Water footnote re sewer records and statutory protection

- 21. Prior submission and agreement of a scheme of environmental management for the dwellings, to include definition of hours of operation for the construction works**
- 22. A footpath linking the proposed estate to the play area to be provided**

A short break was taken from 11.45 to 11.50am.

**80/17 FULL APPLICATION - CHANGE OF USE OF A STONE BARN TO A HOLIDAY LET AT THE BARN, ELKSTONES, LONGNOR**

Member had visited the site on the previous day.

The officer reported that the applicant proposed to add a single roof light to the new roof.

There were no members of the public present to make representations to the committee, however supporting comments received from Cllr Mrs G Heath in her capacity as a Member of the Authority and County Councillor were read out by the Chair at her request (page 42 of the document pack).

Members debated in particular the impact of the proposals upon the landscape. It was noted that the Authority's policy RT2 could support a barn conversion but only where there was no adverse impact on the landscape. The officer view was that despite their sympathetic design, the proposals would spoil the landscape because of the isolated location of the barn and the size of the proposed curtilage, therefore the principle of conversion on this site was not acceptable.

Neither an ecological nor an archaeological report had been submitted by the applicant but officers had not pressed for these in view of the recommendation for refusal.

Members considered the application in terms of farm diversification but noted that this was not mentioned in the planning application. The officer confirmed that the applicant had not promoted his proposals as farm diversification in his planning application.

A motion to defer the application pending further discussions with the applicant was moved and seconded, but fell in the vote.

The Director of Conservation and Planning suggested that the application could either be withdrawn by the applicant or refused with a steer from Members to make a clear link to farm diversification and to address ecological, archaeological and landscape impact issues.

The recommendation for refusal was moved, seconded, voted upon and carried.

**RESOLVED:**

**That the application be REFUSED for the following reasons:**

- 1. The conversion of the barn to a holiday let would result in domestication of the site that would have an unacceptable landscape impact on the open countryside. The proposal is therefore contrary to policies RT2, LC3, LC4 and LC8.**
- 2. Insufficient information has been provided to enable an assessment of the likely impacts on protected bats and birds. The proposal is therefore**

**contrary to policy LC18 and the guidance contained within the National Planning Policy Framework (NPPF).**

- 3. Insufficient information has been provided to identify and mitigate the potential to harm archaeological heritage assets. The proposal is therefore contrary to policy L3 and the guidance provided at paragraph 128 of the NPPF.**

Cllr J Macrae left the meeting at 1.45pm.

#### **81/17 MINERALS AND WASTE REVIEW - JULY 2017**

The Minerals Team Manager introduced the report.

The officer expressed a desire to present regular updates to Members to ensure that they were fully aware of the work of the Minerals Team. She explained the nature of their work, including the ongoing monitoring of adherence to conditions and dealing with applications to discharge those conditions. In the financial year 2016/17, 49 chargeable site inspections had been undertaken, generating an income of £15,998.

Derbyshire County Council and the officer co-operated to draw up an annual Local Aggregate Assessment, in line with practice in the wider industry.

Using a PowerPoint presentation, the officer gave updates on Topley Pike Quarry, Stanton Moor Quarry and Longstone Edge East, as summarised in her report. Members welcomed this, confirming that more reporting would be welcome and congratulating the Minerals Team on their achievements.

The Director of Conservation and Planning confirmed that an annual review of minerals and waste applications and subsequent monitoring would be provided for Members.

#### **RESOLVED:**

**That the report be noted.**

#### **82/17 MONITORING & ENFORCEMENT QUARTERLY REVIEW - JULY 2017**

The officer reported that the first two formal notices issued this quarter related to The Lodge at Hollow Meadows. A planning application had been approved by the Authority's planning committee on 12 May 2017 (Minute no. 50/17) and the notices were therefore withdrawn.

An appeal had been received against the enforcement notice issued on 4 May, relating to High Peak House at Blackbrook. An Inquiry would be held on 12 and 13 December.

The officer stated that an appeal regarding Fox Holes Farm at Low Bradfield might be submitted before 4 August. He reported media interest in the case, noting that weddings had been held at the venue for several years and that bookings existed for the next two to three years.

Wedding events being held at the Mortimer Road site by the same company operating at Fox Holes Farm were compliant with the 28-day rule and therefore outside of the Authority's control, but that the enforcement notice issued on 30 June regarding alteration of a track would come into force on 11 August.

The officer stated that after carrying a vacancy since April 2017, the team would be welcoming Alexandra Sinfield on 17 July. The vacancy had caused the team to miss its target for resolving breaches during the last quarter.

Members welcomed the report.

The report was moved, seconded, put to the vote and carried.

**RESOLVED:**

**That the report be noted.**

Members voted to continue the meeting past 1pm, in accordance with the Authority's Standing Orders.

**83/17 HEAD OF LAW REPORT - PLANNING APPEALS**

The Director introduced the report and stated that he would be available to provide Members with more information on the three allowed appeals outside of the meeting.

He reported that no costs had been awarded against the Authority.

In the past three weeks, the Local Economic Partnership (LEP) had awarded £3.9M to the Riverside Business Park in Bakewell, following which the Director would be arranging a meeting between himself, the applicant and Derbyshire Dales District Council. He noted that the LEP required the bridge to be in place as part of the development of the site.

The report was moved, seconded, voted on and noted.

**RESOLVED:**

**That the report be noted.**

The meeting ended at 1.15 pm