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## MINUTES

Meeting: **Planning Committee**

Date: Friday 8 July 2022 at 10.00 am

Venue: Aldern House

Chair: Cllr P Brady

Present: Mr K Smith, Cllr W Armitage, Cllr D Chapman, Ms A Harling, Cllr A Hart, Cllr I Huddleston, Cllr Mrs K Potter, Cllr V Priestley, Cllr D Murphy, Cllr K Richardson and Cllr J Wharmby

attended to observe and speak but not vote.

Apologies for absence: Cllr M Chaplin and Cllr A McCloy.

### **68/22 ROLL CALL OF MEMBERS PRESENT, APOLOGIES FOR ABSENCE AND MEMBERS' DECLARATIONS OF INTEREST**

#### **Item 5 & 6**

All members had received an email from Mrs Parlor regarding the issues at Dains Mill.

#### **Item 10**

Cllr P Brady had corresponded with Wendy Neilson a few months ago regarding the issues at Home Farm.

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### **69/22 MINUTES OF PREVIOUS MEETING OF 10 JUNE 2022**

The minutes of the last meeting of the Planning Committee held on 10 June 2022 were approved as a correct record.

### **70/22 URGENT BUSINESS**

There was no urgent business.

### **71/22 PUBLIC PARTICIPATION**

Five members of the public were present to make representations to the Committee and one had requested a statement to be read out on their behalf.

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**72/22 S.73 APPLICATION - FOR THE VARIATION OF CONDITION 2 ON NP/SM/0621/0598 AT DAINS MILL, ROACH ROAD, UPPER HULME (NP/SM/0422/0514, ALN)**

Members had visited the site on the previous day.

The report was introduced by the Planning Officer who asked Members to note that a planning application for a stable block and parking had been granted since the report had been prepared. The location of the approved stable block was pointed out on the site plan shown to committee.

The following spoke under the public participation at meetings scheme:

- Dr Michael Jones – Applicant

Members questioned the planning details regarding the juliet balcony currently approved which showed doors that were not able to open due to the level of the interior floor and if the building was listed.

The Planning Officer confirmed that the design of the juliet balcony had not been raised by the applicant with officers at the time of the previous application, and that the building was not listed.

A Member requested clarification regarding the heritage value of the building as the present construction was in large part a relatively modern build after the previous building had been destroyed. Officers clarified that, although the building was recently constructed it has been rebuilt to closely reflect the original building and retained heritage value and industrial character. Because of this the current application went against the guidance in the Design Guide.

Members queried if it would be appropriate to defer the application whilst alternatives were discovered but Officers advised that refusal was the appropriate action as other proposals would require a different application to be made, and Officers would continue discussions with the applicant regarding providing more amenity for the building and the issues around the construction of the post and rail fence also proposed, which Members queried the materials and design of.

A motion to refuse the application in line with Officer recommendation was moved, seconded, put to the vote and carried.

**RESOLVED:**

**The application was REFUSED for the following reasons:**

**The balcony, by virtue of its position, size and design would cause harm to the significance of Dains Mill, which is a non-designated heritage asset. The harm would not be outweighed by any public benefits. Consequently the proposals are contrary to Core Strategy policies GSP3 and L3, Development Management policies DMC3, DMC5, DMH7 and DMC10 and advice in the Authority's Adopted Supplementary Planning Documents 'Conversion of Historic Buildings' and 'Alterations and Extensions'**

**73/22 FULL APPLICATION - DOUBLE GARAGE AT THE KYLE BUILDING, NEAR TO DAINS MILL, UPPER HULME (NP/SM/0422/0516, SW)**

Members had visited the site on the previous day.

The Planning Officer introduced the report which outlined the reasons why the design was inappropriate for the site and would have a significant harm to the non-designated heritage assets on site.

The following spoke under the public participation as meetings scheme:

- Dr Michael Jones – Applicant

Members confirmed that the principal of installing a garage on the site was acceptable but the design and scale of the proposal was not appropriate in the context of the existing building group and considering that the site was visible from the adjacent right of way.

A motion to refuse the application in line with Office recommendation was moved, seconded, put the vote and carried.

**RESOLVED:**

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

**The garage, by virtue of its size, scale and form would cause harm to the significance of the Kyle building (drying barn), which is a non-designated heritage asset. The harm would not be outweighed by any public benefits. Consequently the proposal is contrary to Core Strategy policies GSP1, GSP3 and L3, Development Management policies DMC3, DMC5 and DMH8 and advice in the Authority's Adopted Supplementary Planning Documents 'Design Guide' and 'Building Design Guide'.**

**74/22 FULL APPLICATION - ALTERATION AND CONVERSION OF BUILDING TO A DWELLING INCLUDING RETENTION OF FRONT PORCHES - HIGH PEAK HARRIERS, BIGGIN - (NP/DDD0721/0756, MN)**

Members had visited the site on the previous day.

The Planning Officer introduced the report which also referenced a previous planning application for the site. A LDC application had been refused in 2015 for use of the building as a C3 dwelling, leading to the current application as there was no longer a business need for the building.

The Planning Officer explained that the Parish Council had objected to the unauthorised additions to the buildings and not to the principal of the change of use proposed in the application.

Members commented on the general enhancement achieved by the works, and discussed the merits of removing the front dividing wall as it was well constructed and the need for landscaping on the site.

A motion to approve the application in line with the Officer recommendation was moved and seconded.

The Planning Officer confirmed that the applicant would be requested to improve the landscaping but recommended that this should not be added as a condition given the enhancement already arising from the proposals, and that requiring the removal of the front dividing wall was appropriate in the context of the occupation of the building as a single dwelling.

The motion to approve the application was voted on and carried.

**RESOLVED:**

**The application was APPROVED subject to the following conditions:**

- 1. In accordance with amended plans**
- 2. Removal of porch in accordance with amended plans within 3 months**
- 3. Removal of drystone wall that projects from the west elevation and that runs east to west and subdivides the frontage of the building within 3 months**

**75/22 FULL APPLICATION - TO INSTALL A NEW ACCESSIBLE RAMP AND STEPS FROM THE CAR PARK INTO THE CYCLE HIRE CENTRE AND INSTALL A NEW DOORWAY TO ENHANCE THE FLOW OF THE CUSTOMERS THROUGH THE BUILDING. DERWENT BIKE HIRE, REPAIR AND SERVICE CENTRE, FAIRHOLMES CAR PARK, DERWENT LANE, BAMFORD. (NP/HPK/0422/0470, DH)**

The report as introduced by the Planning Officer.

The Planning Officer requested that a change to condition 2 be made to include the amended plan and request for the shutter and box to be painted dark brown to match the other doors and shutters on the building.

A motion to approve the application in line with the Officer recommendation with the amended condition 2 was moved, seconded, put to the vote and carried.

**RESOLVED:**

**The application was APPROVED subject to the following conditions and the agreed change to condition 2.**

- 1. Statutory 3 year time period for commencement of development.**
- 2. That the development shall be in complete accordance with the amended plan and all of the shutter painted brown to match those already on the building.**
- 3. The retaining wall including the 'millstones' forming the wheels of the cycle motive embedded in the wall along with the steps shall be constructed from natural gritstone.**
- 4. The handrails shall be painted a matt black and shall be permanently so maintained.**
- 5. The new door shall be provided with a natural gritstone lintel.**

- 6. The new door shall be recessed a minimum of 100mm from the external face of the wall.**

**76/22 FULL APPLICATION - ERECTION OF AGRICULTURAL BUILDING AT HURST NOOK COTTAGE, DERBYSHIRE LEVEL (NP/HPK/0322/0394, AM)**

The Planning Officer introduced the report and confirmed that the application had previously been deferred from the Committee on 10 June 2022 where Members had requested more information which had now been received and incorporated into the report.

A statement was read out under the public participation at meetings scheme by a member of the Democratic & Legal Support Team on behalf of:

- Mr Gordon Handley – Applicant

Members welcomed the proposed modifications and landscaping but still expressed concerns regarding the access to the site and asked that the Parish Council objection be noted.

A motion to approve the application in accordance with the Officer recommendation was moved and seconded.

The Planning Officer emphasised that that the section of improved access beyond the gate providing access into the field was not part of this application being both outside the red edged application site area and outside the blue line indicating it was outside the applicants ownership control. It was therefore likely highway verge owned by Derbyshire County Council and therefore the matter of consent for those works would be followed up as a separate matter, most likely between the applicant and Derbyshire County Council as Highway Authority. Members expressed concerns regarding the condition to remove the building if it was no longer required for agricultural use, the Planning Officer confirmed that to change the use of the building would require future planning permission and this would then highlight the condition being applied in this application.

A motion to approve the application in accordance with the Officer recommendation was voted on and carried.

**RESOLVED:**

**The application was APPROVED subject to the following conditions:**

- 1. Statutory time limit.**
- 2. In accordance with specified amended plans subject to the following conditions and/or modifications;**
- 3. Tanalised timber boarding for the walls to be left untreated to weather naturally.**
- 4. Sheeting to the roof colour finish (slate brown).**

5. **Track to be surfaced with natural gritstone and with grass central strip specified to be min 1m wide and permanently so maintained.**
6. **No external lighting to be installed other than in accordance with a detailed scheme that shall first have been approved in writing by the National Park Authority.**
7. **Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 the use of the building hereby approved shall be restricted to agriculture only (as defined in section 336 of the Town and Country Planning Act 1990) and for no other purpose including any change of use otherwise permitted within the Order.**
8. **When the building hereby approved is no longer required for the purposes of agriculture it shall be dismantled, removed from the site and the site shall be restored to its original condition.**
9. **Submit and agree precise details of tree planting scheme and carry out within winter 2022/3 planting season or first available planting season following the layout of the turning area.**

**The meeting adjourned at 11.35 and reconvened at 11.45.**

**Items 11 & 12 were brought forward on the agenda to allow for speakers on item 10 to arrive.**

**77/22 HEAD OF LAW REPORT - PLANNING APPEALS (A1536/AMC)**

The planning appeals lodged and decided during the month were considered and noted.

**RESOLVED:**

**The report was noted.**

**78/22 MONITORING & ENFORCEMENT QUARTERLY REVIEW - JULY 2022 (A.1533/AJC)**

The report was introduced by the Monitoring & Enforcement Team Manager who provided an update on the report and particularly two cases listed under item 6.

New Vincent Farm – no appeal had been received following the issuing of the enforcement notice, within the deadline date of 30 June. Compliance was expected as the enforcement notice was effective.

Hulme End Caravan Park – enforcement notice in relation to use of land for caravan and camping. Access track created, toilet block erected and advertising on site. No appeal received prior to the enforcement notice coming into effect so the notice came into effect from 1 July.

The two main performance targets of the team are not on track to be met due to issues with filling vacancies in the Monitoring & Enforcement Team. A vacancy that had been filled is again vacant as the candidate for the job changed their mind two days prior to their starting date.

Cllr Andrew Hart stated that he had previously been involved with the site at Hulme End due to concerns regarding the location of the toilet block in relation to the river. Cllr Hart thanked officers for serving the enforcement notice on this site.

Members thanked the Monitoring & Enforcement Team for their work in dealing with all reports received. Members asked what help might be needed with increasing enforcement powers. The Team Manager explained that the new Levelling Up bill included more powers.

The Chair thanked the Team Manager for the clear report and useful information, particularly that contained on page 72 of the report, regarding the current situation. He asked that regular progress reports be given at least annually regarding outstanding enforcement enquires.

It was noted that a review of the Planning Service was taking place and would include the Monitoring and Enforcement Team. The Chair and Vice Chair of Planning Committee would discuss with the Head of Planning and the Monitoring and Enforcement Team Manager how the demands on the service could be better understood. The Chair requested that the minutes note the concern regarding resources and that the situation be monitored.

**RESOLVED:**

**The Report was noted with concerns about the number of enforcement cases and available resources.**

**79/22 HOME FARM, SHELDON - UPDATE ON CURRENT ENFORCEMENT ISSUES (AJC)**

The following spoke under the Public Participation at Meetings scheme:

- Joe Noble – member of the public and near neighbour of the site.
- Wendy Neilson – Sheldon Parish Meeting

Mr Max Kohanzad had registered to speak but was not present at the meeting.

Members considered the report which gave details of the recent investigation and highlighted the current issues on the site which were::

- a) Building works immediately to the rear of the guest house
- b) Works to the east of the buildings, including construction of a track
- c) Work to the 'Long Barn'.

The Chair thanked the speakers for drawing attention to the public perception of how enforcement was being performed and stated that the site would be considered within our other commitments.

**RESOLVED:**

**That this case be appropriately prioritised by the Monitoring and Enforcement Team Manager in accordance with the Local Enforcement Plan, and taking account of site investigations, guidance on taking court action and any other**

**relevant guidance.**

The meeting ended at 12.25 pm