

PLANNING COMMITTEE

19<sup>th</sup> December 2017

**PRESENT:-**

**Conservative Group**

Councillor Roberts (Chairman), and Councillors Mrs Coe, Coe (substituting for Councillor Mrs Brown), Ford, Mrs Hall, Harrison, Muller, Mrs Patten (substituting for Councillor Stanton) and Watson

**Labour Group**

Councillors Dr Pearson, Shepherd, Southerd and Tilley

**In attendance**

Councillor Hewlett (Conservative Group) and Councillor Richards (Labour Group)

PL/109 **APOLOGIES**

Apologies for absence were received from Councillor Mrs Brown (Vice-Chairman) and Councillor Stanton (Conservative Group)

PL/110 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations had been received.

PL/111 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Committee was informed that no questions from Members of the Council had been received.

**MATTERS DELEGATED TO COMMITTEE**

PL/112 **REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES**

The Director of Community and Planning Services submitted reports for consideration and determination by the Committee and presented oral reports to the Meeting to update them as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/113 **OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS TO BE RESERVED) FOR THE RESIDENTIAL DEVELOPMENT OF UP TO 1,100**

**DWELLINGS, AN EXTRA CARE FACILITY, A LOCAL CENTRE COMPRISING: A SMALL SUPERMARKET WITH A FLOORSPACE NOT EXCEEDING 1000 SQM (NET); A SMALLER RETAIL UNIT WITH A TOTAL FLOORSPACE NOT EXCEEDING 200SQM (NET); A CAFE/RESTAURANT WITH A FLOORSPACE NOT EXCEEDING 200 SQM (NET); A PUBLIC HOUSE WITH A FLOORSPACE NOT EXCEEDING 650 SQM (NET); A DOCTORS SURGERY OR CRECHE; AND A COMMUNITY FACILITY, AS WELL AS A PRIMARY SCHOOL TOGETHER WITH ASSOCIATED PLAYING FIELDS AND THE PROVISION OF ASSOCIATED INFRASTRUCTURE (INCLUDING ROADS, FOOTPATHS, CYCLEWAYS, SUSTAINABLE URBAN DRAINAGE AND OPEN SPACE) AT LAND AT NEW HOUSE FARM MICKLEOVER DERBY**

It was reported that members of the Committee had visited the site earlier in the day. The Principle Area Planning Officer updated the Committee on correspondence received, subsequent amendments and a statement from Councillor Mrs Brown as local Ward Member.

Councillor Matthew Holmes, Derby City Council (objector) and Mr Michael Watts (applicant's agent) attended the Meeting and addressed Members on this application.

Members sought clarification on the affordable housing allocation. The Principle Area Planning Officer explained that the Council's Strategic Housing Manager had advised that the affordable housing mix in the report be amended and that Derby City Council be given nomination rights to half of these homes to help meet their waiting list demand. The Officer clarified that the remaining affordable housing would be in the form of a commuted sum to be used to provide off-site affordable housing and the amount would be finalised in consultation with the District Valuer. The Officer also confirmed that Highways England's recommendation would be adhered to, following ongoing discussions.

Members requested that consideration be given to the spine road as a clearway with adequate width. The Planning Services Manager agreed to raise the matter with the County Council. Members discussed the recommendation that it was deemed unnecessary for Derby City to be a party to the Section 106 Agreement as South Derbyshire District Council would have control to ensure that the development would be fit for purpose and achieve the necessary aims.

Councillor Muller addressed the Committee as Ward Member for Etwall, voicing support for the points made by Councillor Mrs Brown in her email and welcomed the amendments made to the recommendation in order to address these. The Councillor was joined by other Members in accepting the proposed appointment of an independent engineer to assess flood risk. Other Members raised concerns about the design of the Sustainable Drainage Systems particularly in relation to health and safety and referred to the latest CIRIA standards.

**RESOLVED:-**

**A. That delegated authority be granted to the Planning Services Manager, Chairman and Vice-Chairman of Planning Committee to conclude the following:**

- i) Securing the appropriate level of financial contribution for the Section 106 Agreement for the community building if not provided on-site by the developer;**
- ii) Securing the appropriate level of financial contribution for the Section 106 Agreement for the off-site affordable housing contribution in consultation with the District Valuer;**
- iii) Securing all other reasonable contributions through on-going detailed negotiation;**
- iv) Any reasonable conditions/informatives requested by Derby City Council and Highways England following the conclusion of on-going discussions.**

**B. Subject to A, permission be granted subject to the conditions set out in the report with the inclusion of: a reference to safety design and engineer sign-off in condition 30; amendment to condition 22 (double negative corrected); delegation to allow flexibility to move conditions to the Section 106 Agreement and vice-versa; allow a fallback contribution in the Section 106 Agreement of £3.5m to enable Derbyshire County Council to build and deliver a primary school with sufficient land as early as possible; commuted sum for Council to adopt Sustainable Drainage Systems if necessary; revise on-site affordable housing provision in accordance with Strategic Housing Manager's request.**

**PL/114 OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS TO BE RESERVED) FOR THE RESIDENTIAL DEVELOPMENT OF UP TO 132 DWELLINGS AT LAND AT SK2719 3256 SITE B WOODLAND ROAD STANTON SWADLINCOTE**

The Planning Services Manager presented the report informing Committee of history of the application.

Mr Stuart Ashton (Applicant) attended the Meeting and addressed Members on this application.

Councillor Richards attended the Meeting as Ward Member for Newhall and Stanton and addressed the Committee welcoming the application but raised concern regarding the education grant opportunity. Other Members concurred requesting that authority be delegated to the Planning Services Manager in order for the concerns to be addressed with County Council.

One Member sought clarification on whether service charges would be imposed on households on this site. The Planning Services Manager responded that this could be a possibility if the site is managed by a private company.

**RESOLVED:-**

***That planning permission be granted as recommended in the report of the Director of Community & Planning Services, with a request to await reconsideration by Derbyshire County Council on its position on secondary school contribution and that authority be delegated to the Planning Services Manager to delete the additional Affordable Housing contribution, if necessary.***

PL/115 **APPROVAL OF RESERVED MATTERS FOR LAYOUT, SCALE, APPEARANCE AND LANDSCAPING OF PLANNING PERMISSION REF: 9/2014/1141 ON LAND AT SK3825 9087 JAWBONE LANE KINGS NEWTON DERBY**

The Planning Services Manager presented the report reminding Committee of the Inspector's decision to grant the outline application earlier in the year and revisions made to Condition 1 in relation to the approved plan numbers.

Mrs Jessica Long (objector) attended the Meeting and addressed Members on this application.

Councillor Hewlett attended the Meeting as local Ward Member highlighting concerns that the location of the site had been specified as Kings Newton, and noted that Melbourne would be more accurate. The Councillor also raised concerns relating to the proposed design, position of the affordable housing and lack of bungalows, The Planning Services Manager responded to the issues raised and advised that the Street Naming and Numbering system had selected the locality as Kings Newton, but agreed that future reference of the site would be Melbourne.

Councillor Harrison addressed the Committee as the other Ward Member and whilst concurring with the objector's comments on the need for one, two and three-bedroom properties, questioned why local requirements did not supersede the Inspector's decision to allow four-bedroom houses on this development. The Planning Services Manager responded addressing these concerns. The inclusion of the condition for details of safety design of detention pond was welcomed by the Councillor.

**RESOLVED:-**

***That consent be granted as recommended in the report of the Director of Community & Planning Services subject to amendment of Condition 1 changing plan numbers, inclusion of the condition for details of safety design of detention pond and future reference of the site as Melbourne.***

Abstention: Councillor Harrison

PL/116 **THE ERECTION OF A THREE BEDROOM DETACHED DWELLING WITH INTEGRAL GARAGE ON LAND ADJACENT TO 16 DALSTON ROAD NEWHALL SWADLINCOTE**

Committee was informed that this application had been withdrawn.

PL/117 **PROPOSED TREE PRESERVATION ORDER 468 ON LAND TO THE EAST OF 29 PENKRIDGE ROAD, CHURCH GRESLEY**

**RESOLVED:-**

***That this Tree Preservation Order (TPO) be confirmed with modifications as per the plan attached to the report.***

PL/118 **TREE PRESERVATION ORDER 476 AT MELBOURNE SENIOR CITIZENS CENTRE, CHURCH STREET, MELBOURNE**

Whilst referring to the Background Information section of the report, Councillor Watson commented that where correspondence is received, it would be helpful to detail whether the opinion is in favour or against the proposed order. The Planning Services Manager agreed that this would be provided in future reports.

Councillor Hewlett addressed the Committee as local Ward Member raising concerns relating to the effects of the growing tree including the health and safety implications for those visiting the centre. The Planning Services Manager responded advising that a notice had been submitted to fell the tree, so if the order was not confirmed then felling would be permitted.

Some Members commented that although the removal of the tree would potentially affect the street scene, the local Ward Members' comments were of concern and therefore replanting of a suitable replacement would be acceptable.

**RESOLVED:-**

***That this Tree Preservation Order (TPO) not be confirmed and a suitable replacement be requested.***

Abstention: Councillor Shepherd

PL/119 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985)**

**RESOLVED:-**

***That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.***

**EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE No 11.**

***The Committee was informed that no questions had been received.***

The meeting terminated at 8.00pm.

COUNCILLOR A ROBERTS

CHAIRMAN