

PLANNING COMMITTEE

18<sup>th</sup> October 2016

**PRESENT:-**

**Conservative Group**

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

**Labour Group**

Councillors Dr Pearson, Shepherd, Southerd and Taylor (substituting for Councillor Tilley)

**In Attendance**

Councillor Swann (Conservative Group)

PL/83 **APOLOGIES**

Apologies for absence from the Meeting were received on behalf of Councillors Harrison, Stanton (Conservative Group) and Tilley (Labour Group).

PL/84 **DECLARATIONS OF INTEREST**

Councillor Ford declared a personal interest in Item 1.1 by virtue of knowing one of the applicants. Councillor Mrs Brown declared a personal interest in Item 1.4 by virtue of being a member of the Egginton Parish Council. Councillor Shepherd declared a personal interest in Agenda Item 5 by virtue of knowing the resident.

PL/85 **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/86 **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/87 **OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS TO BE RESERVED) FOR THE RESIDENTIAL DEVELOPMENT OF 14 DWELLINGS AND CONSTRUCTION OF NEW ACCESS ROAD ON LAND TO THE REAR OF 30 & 32 COMMON SIDE CHURCH GRESLEY SWADLINCOTE**

It was reported that members of the Committee had visited the site earlier in the day.

The Planning Services Manager presented the report to the Committee addressing the key points regarding access to the site and noise. The Committee was informed that this outline application for 14 dwellings on an unused site was accessed by an unadopted public right of way. The proposal to erect a suitably designed acoustic fence around the boundary had met the requirements of the Environmental Officer, The noise report submitted as part of the application had addressed concerns regarding the proximity of the scrapyard where appropriate mitigation would render the site habitable.

Concerns were raised by Councillors Southerd and Mrs Patten regarding the potential future implications of the unadopted road, which were resolved by the proposal to add an informative for future residents to ensure that the road is adequately maintained.

**RESOLVED:-**

***That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services with the additional informative advising to leave private road in reasonable condition post development***

Councillor Swann left the Meeting at 6:20pm.

PL/88 **APPROVAL OF RESERVED MATTERS FOR LAYOUT, SCALE, APPEARANCE & LANDSCAPING OF PLANNING PERMISSION REF: 9/2014/1039 TO PROVIDE 100 DWELLINGS, INCLUDING PUBLIC OPEN SPACE AND ASSOCIATED SERVICE INFRASTRUCTURE ON LAND AT SK2624 5131 NEWTON ROAD NEWTON SOLNEY BURTON ON TRENT**

The Planning Services Manager informed the Committee that this application had originally been refused in outline but had been allowed at appeal. Since the report was written, the Committee was informed that amendments were made to Condition 1 relating to the latest drawing schedule, that no objections had been received from the County Highways Authority and Derbyshire Wildlife Trust, who also addressed their outstanding point in the report confirming that that there would be a net gain in biodiversity. The Committee were advised that National Grid had objected on the basis that the developer had not engaged with them, but Members were informed that it is incumbent on the developer to approach the Council for a revised permission should they not be able to agree with the National Grid's requirements.

Mr Robert Galij (applicant) attended the Meeting and addressed Members on this application.

Members raised concerns regarding the lack of bungalows on the site, the design of the houses, the lack of domestic sprinklers and the impact on the rural landscape and the landscaping scheme. Further clarification was sought on the use of the open space and whether there are any prescriptive rules on gardens. The Planning Services Manager addressed these concerns by suggesting the addition of an informative advising the use of sprinklers, specifying that up to 18 different house types were being incorporated into a loose-knit frontage to keep in line with the rural setting of the site and advised the Committee that although the provision of bungalows is encouraged, the Appeal Inspector did not consider this necessary.

Abstentions: Councillors Southerd and Patten

**RESOLVED:-**

***That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services with the additional informative advising the use of sprinklers.***

PL/89

**RETENTION OF 1 x ADVERTISING BOARD AT 464 BURTON ROAD MIDWAY SWADLINCOTE**

The Principle Area Planning Officer presented the report informing the Committee that policy BNE9 (Draft Local Plan Part 2) was omitted from page 31.

Councillor Dr Pearson addressed the Committee as local Ward Member for Midway informing that the item had been referred to Committee by local Members due to the advertising board potentially distracting drivers and consequentially creating a hazard. It was advised that the size and height of the sign would be specified by conditions. Members sought clarification on the requirement of the signage and if there was a change of use for the property. The Principle Area Planning Officer explained that there was no change of use.

Councillor Dr Pearson suggested that the application was not acceptable given that it was out of character with the area and of unsympathetic size and colour.

Abstention: Councillor Mrs Brown

**RESOLVED:-**

***That planning permission be refused contrary to the recommendation in the report of the Director of Community & Planning Services for being contrary to policy BNE9 in that the sign is out of character with the area and of unsympathetic size and colour.***

PL/90 **THE CONVERSION OF THE GARAGE INTO LIVING ACCOMMODATION AND CREATING OF NEW PARKING SPACE AT THE STABLES IVY COURT EGGINTON DERBY**

The Principal Area Planning Officer advised that members of the Committee had visited the site earlier in the day and presented the report.

Sir Henry Every Bt (objector) attended the Meeting and addressed Members on this application.

Councillor Mrs Brown addressed the Committee as local Ward Member for Etwall, citing conditions 6 and 10 of the original planning application and drawing attention to the potential impact this proposal would have on this tightly confined location.

It was brought to the Committee's attention that condition 10 of the original planning application relating to parking provision affected this proposal to convert the garage. It was further noted that this requirement could potentially be fulfilled under permitted development rights, followed by an application for the conversion at a later date.

**RESOLVED:-**

***That planning permission be granted as recommended in the report of the Director of Community & Planning Services.***

PL/91 **DISPLAY OF GRAPHIC SIGNS IN THE GLAZING OF THE EXISTING SHOP FRONT AT 2 MIDLAND ROAD SWADLINCOTE**

This application was considered jointly with the application below.

PL/92 **PAINTING OF THE FRONT OF THE PROPERTY AT 2 MIDLAND ROAD SWADLINCOTE**

The Principal Area Planning Officer presented the report.

**RESOLVED:-**

***That permission be granted as recommendation in the report of the Director of Community & Planning Services.***

PL/93 **OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR RESIDENTIAL DEVELOPMENT OF UP TO 58 DWELLINGS ON LAND AT SK4330 5222 LONDON ROAD SHARDLOW DERBY**

The Chairman informed the Committee that this application had been withdrawn.

PL/94 **PROPOSED TREE PRESERVATION ORDER 441 AT 3 NARROW LANE, TICKNALL**

The report was presented by the Planning Services Manager outlining the chronology of the proposal, which started with a notice to prune the tree. The tree was then made the subject of a Tree Preservation Order given its contribution to the visual amenity of the area. The applicant had submitted an objection to the order, which had initially been misfiled, but then unfortunately left no time for a report to the Committee. It was explained that the current order was to enable Members to consider an objection within the requisite time limit.

Councillor Atkin addressed the Committee requesting clarification on the applicant's reasons for the works. The Planning Services Manager read out the reasons from the application and confirmed that the Tree Officer had found the works to be unnecessary.

Abstention: Councillor Shepherd

***RESOLVED:-***

***That this Tree Preservation Order (TPO) be confirmed without modification.***

PL/95 **PLANNING AND OTHER APPEALS**

The Committee noted the planning appeal decision in relation to the following applications:

9/2015/1051 Fishpond Lane & Duck Street, Egginton

The Principal Area Planning Officer drew Members attention to the detail of the above decision.

PL/96 **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 7.20pm.

COUNCILLOR A ROBERTS

CHAIRMAN