

PLANNING COMMITTEE

31st May 2011

**PRESENT:-**

**Conservative Group**

Councillor Ford (Chairman), Councillor Mrs. Brown (Vice-Chairman) and Councillors Mrs. Hall, Jones, Stanton, Watson and Wheeler (substitute for Councillor Bale).

**Labour Group**

Councillors Mulgrew, Rhind (substitute for Councillor Bell), Richards, Shepherd, Southerd and Stuart.

The following Members also attended the Meeting and, with the approval of the Chairman, spoke to the Minutes Nos. indicated:-

Councillor Bambrick – PL/9

Councillor Dunn

Councillor Harrison – PL/11

Councillor Mrs. Patten

Councillor Mrs. Plenderleith

PL/1. **APOLOGIES**

Apologies for absence from the Meeting were received from Councillor Bale (Conservative Group) and Councillor Bell (Labour Group).

PL/2. **COUNCILLOR MRS. PLENDERLEITH – FORMER VICE-CHAIRMAN**

The Chairman expressed his gratitude to Councillor Mrs. Plenderleith for her period of service as Vice-Chairman of the Committee for the previous two years.

PL/3. **MINUTES**

The Open Minutes of the Meeting held on 26th April 2011 were taken as read, approved as a true record and signed by the Chairman.

PL/4. **DECLARATIONS OF INTEREST**

Councillor Ford declared a prejudicial interest in planning application CW9/2011/0002/CW (Minute No. PL/6) as a Member of the County Planning Authority, which would determine the application. Councillor Mrs. Brown declared a personal interest in planning application 9/2009/0341 (Minute No. PL/7) as an acquaintance of the applicant.

**MATTERS DELEGATED TO COMMITTEE****PL/5. REPORT OF THE HEAD OF COMMUNITY AND PLANNING SERVICES**

The Head 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/6. PROPOSED ERECTION OF A 2,500 BREEDING SOW PIG REARING UNIT WITH GRAIN STORE, FEED MILL, FEED HOPPERS, MESS BLOCK, WATER TREATMENT BUILDINGS TOGETHER WITH STORAGE BUILDINGS FEEDING AN ASSOCIATED ANAEROBIC DIGESTION FACILITY, SERVICE BUILDING, DIGESTATE AND METHANE GAS STORAGE TANKS SUPPLYING AN ELECTRICITY GENERATION FACILITY AND INCORPORATING A VISITOR CENTRE, 4 AGRICULTURAL WORKERS' DWELLINGS AND GARAGING, STRATEGIC LANDSCAPING, INCLUDING THE FORMATION OF BUNDS, A SURFACE WATER ATTENUATION POND, AND RAINWATER RETENTION AREA WITH SITE PARKING FACILITIES, WEIGHBRIDGES, SECURITY FENCING AND ASSOCIATED INFRASTRUCTURE UNDER DCC CW9/0311/174 AT LAND OFF UTTOXETER ROAD, FOSTON (CW9/2011/0002/CW)**

Councillor Ford declared a prejudicial interest in this application as a Member of the County Planning Authority, which would determine the application and withdrew from the Meeting during the consideration and determination thereof. Councillor Mrs. Brown (Vice-Chairman) assumed the Chair for the item.

It was reported that Members of the Committee had visited the site prior to the Meeting. Several corrections were made to the report and it was advised that the County Planning Authority had now requested a condition relating to an emergency action plan.

Members considered that further information was required regarding the emergency action plan, together with details of the objection raised by the Environment Agency.

**RESOLVED:-**

***That consideration of the application be deferred to enable further information to be obtained regarding details of the emergency action plan and the objection raised by the Environment Agency.***

**PL/7. A HYBRID PLANNING APPLICATION WITH ALL MATTERS RESERVED FOR UP TO 2,239 DWELLINGS, INCLUDING A RETIREMENT VILLAGE: AN EMPLOYMENT PARK; TWO LOCAL CENTRES COMPRISING RETAIL, SERVICES, LEISURE, EMPLOYMENT AND COMMUNITY USES; PUBLIC OPEN SPACES; A NEW PRIMARY SCHOOL, ASSOCIATED LANDSCAPE AND INFRASTRUCTURE INCLUDING CAR PARKING, ROAD AND DRAINAGE MEASURES; AND THE REFURBISHMENT OF THE LISTED STABLES AND COTTAGES (WITH FULL DETAILS – COMPRISING**

**CHANGE OF USE AND REPAIR OF THE BUILDING) AT DRAKELOW PARK, WALTON ROAD, DRAKELOW (9/2009/0341/MAO)**

When this application was presented to the Committee on 27<sup>th</sup> July 2010, the application was not tested against the policies as set out in the East Midlands Regional Plan (EMRP) as at that time, the Plan had been revoked by the Secretary of State. However, the Plan was reinstated following a challenge in the High Court and therefore, it was now necessary for the application to be considered in the light of those policies. It was felt that the relevant policies would make no material change to the previous recommendation or the subsequent decision.

The negotiations regarding the Section 106 Agreement had progressed within the parameters of the Committee's previous decision with the exception of one major element, hence the need now to invite the Committee's further consideration.

On 27<sup>th</sup> July 2010, the Committee agreed that the provision on this site would be for a minimum of 25% of affordable housing (based on a 60% social rented and a 40% intermediate mix), subject to need and viability reviews at intervals (initially 3 then 5 years) but always at a minimum provision of 20%. The number of dwellings per phase was not determined at that time.

The applicant company had now claimed that due to a lack of interest in financing the infrastructure for the scheme, the level of affordable housing during the first 600 houses should be set at 0%. Evidence to support this had been submitted.

In order that this could be given fair consideration, the District Valuer had been requested to consider the claim with the evidence submitted by the applicant company and to consider a compromise position for the provision of 10% affordable homes in the first 600 houses or five years from the commencement of the development, whichever was the sooner. Thereafter, the scheme would revert to a minimum of 20% of affordable housing, subject to reviews of need (but regardless of viability) every five years. The District Valuer had supported this offer as a reasonable compromise package to appear more attractive to the market to help achieve the long-term provision of affordable homes in the District. A recent statement submitted by the applicant company was read to the Committee.

The Chief Executive addressed the Committee on economic development issues.

The Committee considered the granting of permission in the light of the report regarding the EMRP, the conditions (as may be amended) and the amended terms of the Section 106 Agreement in relation to the level of affordable housing.

**RESOLVED:-**

- (1) That the application of policy as set out in the East Midlands Regional Plan has no material effect on the resolution of the***

**Committee at its Meeting held on 27th July 2010 (Minute No. PL/16 refers) and therefore the Head of Community and Planning Services be authorised to grant planning permission, as previously determined, subject to (2) and (3) below.**

- (2) That the conditions set out in the report be approved, subject to any necessary variations which are delegated to the Head of Community and Planning Services.**
- (3) That a decision on the level of affordable housing be deferred to enable the Committee's intentions, as set out below, to be discussed with the applicant company and a further report on this issue be submitted to the Committee in due course:-**
  - (a) A minimum level of 20% of affordable housing is required across the whole development, which is deferred until the completion of the first 600 houses or five years from the commencement of the development, whichever is the sooner.**
  - (b) Arising from (a) above, a minimum level of 27% of affordable housing will therefore be required for the remainder of the development to achieve the minimum level required, subject to a Housing Needs Study at review intervals but not subject to any viability assessment.**
  - (c) The affordable housing provision will be required in equal proportions across the residential development areas of the site.**

(Councillor Mrs. Brown (Vice-Chairman) declared a personal interest in this application as an acquaintance of the applicant).

**PL/8. THE DEMOLITION OF EXISTING DWELLING AND THE ERECTION OF THREE DWELLINGS AT NO. 699 BURTON ROAD, MIDWAY (9/2011/0139/FM)**

It was reported that Members of the Committee had visited the site prior to the Meeting. Mr. A. Gore (on behalf of objectors) and Mr. A. Thornton (applicant) attended the Meeting and addressed the Committee on this application.

**RESOLVED:-**

***That planning permission be granted, subject to the conditions set out in the report of the Head of Community and Planning Services.***

**PL/9. OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS AND LAYOUT RESERVED) FOR THE ERECTION OF FOUR DWELLINGS AND ASSOCIATED CAR PARKING AND TURNING AREA AT NO. 45 ALMA ROAD, NEWHALL (9/2011/0174/FO)**

It was reported that Members of the Committee had visited the site prior to the Meeting. Mr. J. Steedman (on behalf of agent) attended the Meeting and addressed the Committee on this application.

**RESOLVED:-**

*That planning permission be granted, subject to the conditions set out in the report of the Head of Community and Planning Services and to an additional condition to control the restriction of the ridge height to standard two-storey houses.*

- PL/10. **PROPOSED SUBSTITUTION OF HOUSE TYPES TO PLOTS 43-61, 64-104, 113-117, 140-159, 165-167, 190-219 AND 288-295 INC. (PLOTS 296-305 OMITTED) AT PHASE 5 ON LAND TO THE SOUTH EAST OF SWADLINCOTE LANE, CASTLE GRESLEY (9/2011/0214/SMD)**

Reference was made to additional correspondence received from the County Highways Authority. Mr. Lynch-Harris (objector) attended the Meeting and addressed Members on this application.

**RESOLVED:-**

*That planning permission be granted, subject to the conditions set out in the report of the Head of Community and Planning Services and to an additional condition requiring the fencing of missing sections at the rear of the properties.*

- PL/11. **THE VARIATION OF CONDITION 4 ATTACHED TO PLANNING PERMISSION 9/2010/0785 TO OPEN 17.30 – 23.00 HRS FRIDAY, SATURDAY AND BANK HOLIDAYS AT NO. 61 DERBY ROAD, MELBOURNE (9/2011/0236/B)**

It was reported that the Parish Council had raised no objections to the proposal. Mr. R. Harrison (objector) and Mr. M. Curley (on behalf of applicant) attended the Meeting and addressed the Committee on this application.

**RESOLVED:-**

*That planning permission be granted, subject to the conditions set out in the report of the Head of Community and Planning Services.*

- PL/12. **THE ERECTION OF A GARDEN SHED AND PARKLAND FENCING ON THE NORTH-EAST SIDE OF THE CHURCH HOUSE, MERLIN WAY, MICKLEOVER (9/2011/0028/FH)**

It was reported that Members of the Committee had visited the site prior to the Meeting.

**RESOLVED:-**

*That planning permission be granted, subject to the conditions set out in the report of the Head of Community and Planning Services.*

PL/13. **THE FELLING OF PINE TREES COVERED BY SOUTH DERBYSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER NUMBER 132 AT THE CHURCH HOUSE, MERLIN WAY, MICKLEOVER (9/2011/0276/TP)**

It was reported that Members of the Committee had visited the site prior to the Meeting.

**RESOLVED:-**

***That planning permission be granted, subject to the conditions set out in the report of the Head of Community and Planning Services.***

PL/14. **PROPOSED TREE WORKS ON COUNCIL LAND AT YORK ROAD, CHURCH GRESLEY (9/2011/0290/TP)**

**RESOLVED:-**

***That consent be granted, subject to the conditions set out in the report of the Head of Community and Planning Services.***

PL/15. **THE ERECTION OF AN EXTENSION AT NO. 14 BRAMLEY DALE, CHURCH GRESLEY (9/2011/0128/FH)**

**RESOLVED:-**

***(1) That the Head of Community and Planning Services be authorised to deal with any representations received from neighbours during the consultation period.***

***(2) That, subject to (1) above, planning permission be granted, subject to the conditions set out in the report.***

M. FORD

CHAIRMAN

The Meeting terminated at 8.15 p.m.