

Date: 9 October 2017

Dear Councillor,

Planning Committee

A Meeting of the **Planning Committee** will be held in the **Council Chamber**, Civic Offices, Civic Way, Swadlincote on **Tuesday, 17 October 2017 at 18:00**. You are requested to attend.

Yours faithfully,



Chief Executive

To:- **Conservative Group**
Councillor Roberts (Chairman), Councillor Mrs Brown (Vice-Chairman) and
Councillors Mrs Coe, Ford, Mrs Hall, Harrison, Muller, Stanton and Watson

Labour Group
Councillors Dr Pearson, Shepherd, Southerd and Tilley

AGENDA

Open to Public and Press

- 1** Apologies and to note any Substitutes appointed for the Meeting.

- 2** To receive the Open Minutes of the following Meetings:-

Planning Committee 27th June 2017 Open Minutes **4 - 7**

Planning Committee 18th July 2017 Open Minutes **8 - 10**

Planning Committee 8th August 2017 Open Minutes **11 - 15**

Planning Committee 5th September 2017 Open Minutes **16 - 19**

- 3** To note any declarations of interest arising from any items on the Agenda

- 4** To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.

- 5** REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES **20 - 42**

- 6** PROPOSED TREE PRESERVATION ORDER 464 AT LAND AT 41 GROVE CLOSE, THULSTON **43 - 45**

Exclusion of the Public and Press:

- 7** The Chairman may therefore move:-
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 is 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 paragraph of Part I of the Schedule 12A of the Act indicated in the

header to each report on the Agenda.

- 8** To receive the Exempt Minutes of the following Meeting:-
Planning Committee 18th July 2017 Exempt Minutes
- 9** To receive any Exempt questions by Members of the Council pursuant to
Council procedure Rule No. 11.

PLANNING COMMITTEE

27th June 2017

PRESENT:-

Conservative Group

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

Labour Group

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

In attendance

Councillors Mrs Patten, Smith and Tipping (Conservative Group)

PL/12 **APOLOGIES**

Apologies for absence were received from Councillors Ford (Conservative Group) and Tilley (Labour Group)

PL/13 **DECLARATIONS OF INTEREST**

Councillor Muller declared a personal interest in Item 1.1 on the Agenda by virtue of having had discussions with objectors before he became a Planning Committee Member and stated that whilst he would speak as a Ward Member, he would be vacating the Chamber during the vote.

Councillor Stanton declared a personal interest in Item 1.2 on the Agenda by virtue of being acquainted with the applicant.

Councillor Harrison declared a personal interest in Item 1.2 on the Agenda by virtue of being acquainted with the applicant as fellow parish councillors.

Councillor Mrs Brown declared a personal interest in Item 1.1 on the Agenda by virtue of being acquainted with the applicant and many of the objectors.

PL/14 **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/15 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/16 CHANGE OF USE FROM FORMER FARM BUILDINGS TO WEDDING VENUE, FORMATION OF INCIDENTAL CAR PARKING AREAS, IMPROVEMENTS TO VEHICULAR ACCESS AT GRANGEFIELDS FARM, LONG LANE, THURVASTON, ASHBOURNE

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

Mr Ian McHugh (objector) and Mr Bryan Wolsey (applicant's agent) attended the Meeting and addressed Members on this application.

Councillor Muller addressed the Committee as Ward Member for Etwall, acknowledging the many concerns raised locally and recognising the potential effects on the area if planning permission was granted.

The Vice-Chairman addressed the Committee as the other Ward Member for Etwall, raising concerns relating to the impact on a tranquil rural area, change of use, traffic, fireworks, Chinese lanterns, camping, noise and light pollution, whilst also recognising that the application was within policy guidelines and its potential advantages, namely in terms of rejuvenating an old building, investment in the area and employment opportunities.

Councillor Mrs Patten addressed the Committee as the County Councillor for the area, highlighting concerns regarding traffic, the absence of a travel plan, operating times, marquees, the proposed fire pit, landscaping, smoking areas, site security, parking capacity and footpath treatment.

Other Members commented on the viability of the project if too many conditions were applied, the success of other such venues, the demand for such venues, noise mitigation issues, its sustainability, the welcome rejuvenation of old buildings, the proposed timber cladding and recommended that the offer of a liaison committee be taken up.

The Area Planning Officer and Planning Services Manager addressed all of the above queries.

Members agreed that conditions regarding the banning of fireworks and lanterns, control of external lighting and for Environmental Health to sign off

the sound system and sound insulation during the construction works to be added.

Councillor Muller left the Chamber at 6.45pm.

RESOLVED:-

That planning permission be granted as recommended in the report of the Director of Community & Planning Services, subject to the additional conditions referred to above.

Abstention: Councillor Mrs Brown.

Councillor Muller returned to the Chamber at 6.50pm.

PL/17

THE SITING OF FOUR CABINS FOR HOLIDAY ACCOMMODATION AND CREATION OF ASSOCIATED PARKING, ALONG WITH WIDENING OF ACCESS ON LAND TO THE REAR OF 45-59 MANCHESTER LANE, HARTSHORNE, SWADLINCOTE

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

Mr Kevin Banton (objector) and Mr Bryan Wolsey (applicant's agent) attended the Meeting and addressed Members on this application.

Councillor Mrs Coe addressed the Committee as Ward Member for Woodville, expressing concerns regarding the singular entry / exit, the existence of sufficient tourism demand, the chalet's usage, loss of privacy for the neighbouring properties, security issues, its location outside the village confines, limited bus services and safety issues on Manchester Lane.

Other Members raised concerns or comments relating to the impact on local views and the National Forest vista, difficulties with walking and cycling to and from the site, provision elsewhere in the District being under-utilised, the lack of local shops, its intrusion into the countryside, conflict with policy guidelines, its amenity impact, the height of other buildings already near the site, its suitability based on its location and views, the screening provided by the current hedge, the potential for protection of hedges, the potential appeal outcomes/costs if refused and the limited economic benefits. These issues were addressed by the Planning Services Manager.

RESOLVED:-

That planning permission be refused contrary to officer recommendation on the grounds of intrusion into the countryside contrary to policy EV1, INF10, BNE4, BNE5 and S1.

Abstention: Councillor Stanton.

Councillors Mrs Patten and Smith left the Meeting at 7.35pm.

PL/18 **CHANGE OF USE FROM CHILDRENS CENTRE (USE CLASS D1) TO AUCTION HOUSE (SUI GENERIS USE) AND ANCILLARY ACTIVITIES, AND ALTERATIONS TO VEHICULAR ACCESS AT THE FORMER CHILDRENS CENTRE, MOUNT PLEASANT ROAD, CASTLE GRESLEY, SWADLINCOTE**

RESOLVED:-

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

PL/19 **RETENTION OF FRONT GARDEN WALL AND RAISED GROUND BEHIND AT 183 SWARKESTONE ROAD, CHELLASTON, DERBY**

Mr Bahader Chera (applicant) attended the Meeting and addressed Members on this application.

Councillor Watson addressed the Committee as Ward Member for Aston on Trent, referring to the height of the wall in the original application and that, even with the proffered reduction in height in this application, the wall would remain 1.7m in height; still too high, he felt, in the context of the immediate area.

RESOLVED:-

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

PL/20 **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 7.50pm.

COUNCILLOR A ROBERTS

CHAIRMAN

PLANNING COMMITTEE

18th July 2017

PRESENT:-

Conservative Group

Councillor Roberts (Chairman), Councillor Mrs Brown (Vice-Chairman) and Councillors Mrs Coe, Ford, Mrs Hall, Harrison, Muller, Stanton and Watson

Labour Group

Councillors Dr Pearson, Shepherd, Southerd and Tilley

PL/21 **APOLOGIES**

No apologies for absence were received.

PL/22 **MINUTES**

The Open Minutes of the Meetings held on 9th May 2017 (PL/226-PL/238) and 6th June 2017 (PL/1-PL/11) were taken as read, approved as a true record and signed by the Chairman.

PL/23 **DECLARATIONS OF INTEREST**

Councillor Mrs Brown declared a prejudicial interest in Item 1.2 on the Agenda by virtue of the applicant being a family member and stated she would be leaving the Chamber whilst the matter was debated.

PL/24 **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/25 **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.

Councillor Shepherd joined the Meeting at 6.05pm.

PL/26 **THE EXTENSION TO TOYOTA DESPATCH YARD CAR PARK, INCLUDING CREATION OF FURTHER FLOOD ATTENUATION MEASURES, EARTH SCREENING AND ECOLOGICAL LANDSCAPING AT TOYOTA MOTOR MANUFACTURING UK LTD, BURNASTON, DERBY**

The Principal Area Planning Officer provided Committee with an update on ecology following receipt of a full Ecological Impact Assessment and the consultation response from the Derbyshire Wildlife Trust. The Officer outlined the impact on protected species, including recommendations from Derbyshire Wildlife Trust. He advised that the development accords with the requirements of local and national planning policies subject to the imposition of additional conditions requiring the development to be undertaken in accordance with the mitigation measures identified in the submitted Ecological Impact Assessment.

Councillor Mrs Brown addressed the Committee as Ward Member for Etwall, commending the application and Toyota's good track record in the area. Some concern had been expressed regarding the potential for light pollution and whilst the Councillor was content with the proposed flood treatments, she was mindful of the impact on the reservoir it ultimately flowed into.

RESOLVED:-

That delegated authority be granted to the Planning Services Manager to grant planning permission subject to the inclusion of the additional conditions recommended by the Derbyshire Wildlife Trust.

Councillor Mrs Brown left the Meeting at 6.15pm.

PL/27 **OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS TO BE RESERVED) FOR THE RESIDENTIAL DEVELOPMENT OF MAXIMUM OF TWO DWELLINGS AT 10 THE ORANGERY, CHURCH ROAD, EGGINTON, DERBY**

The Principal Area Planning Officer informed Committee of a further response received from Egginton Parish Council, outlining their concerns relating to the highway, a request for further traffic surveys, parking provision, traffic diverted off the A38 following incidents and a suggestion that double yellow lines be applied to both sides of the road by the property in question.

Mr Bryan Wolsey (applicant's agent) attended the Meeting and addressed Members on this application.

Councillor Muller addressed the Committee as the other Ward Member for Etwall, noting that concerns relating to the wall had been addressed in the report, the outcome likely to actually improve its appearance.

Other Members raised comment relating to access / egress from the site and parking provision. The Principal Area Planning Officer referred to the revised access in the application and the allocation of parking would be determined in the reserved matters application. Queries were also made in relation to the boundary wall, in terms of the options for protecting its current appearance,

the possible use of reclaimed brick and the potential for its demolition. The Principal Area Planning Officer confirmed that whilst there was a risk that the wall could be removed, as it was neither listed nor in a conservation area, the aim was to retain its look and character via Condition 5. It was suggested that Condition 11, relating to materials, be amended to include the wall and require the re-use of the existing bricks as well as others to match.

RESOLVED:-

That planning permission be granted as recommended in the report of the Director of Community & Planning Services, subject to the amendment to Condition 11.

PL/28 **PLANNING AND OTHER APPEALS**

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

9/2015/1215	Woodville Road, Hartshorne
9/2016/0001	Derby Road, Foston
9/2016/0645	Bridge Lane, Weston on Trent
9/2016/1141	Sinfin Lane, Barrow upon Trent

PL/29 **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 MINUTES

The Exempt Minutes of the Meeting held on the 9th May 2017 (PL/239-PL/240) were taken as read, approved as a true record and signed by the Chairman.

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 6.40pm.

COUNCILLOR A ROBERTS

CHAIRMAN

PLANNING COMMITTEE

8th August 2017

PRESENT:-

Conservative Group

Councillor Roberts (Chairman), Councillor Mrs Brown (Vice-Chairman) and Councillors Mrs Coe, Ford, Mrs Hall, Harrison, Muller, Stanton and Watson

Labour Group

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

PL/32 **APOLOGIES**

Apologies for absence were received from Councillors Dr Pearson and Shepherd (Labour Group)

PL/33 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations of interest had been received.

PL/34 **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/35 **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/36 **THE ERECTION OF 9 DWELLINGS WITH ASSOCIATED EXTERNAL WORKS ON LAND TO THE REAR OF 82-98 WESTON ROAD, ASTON ON TRENT, DERBY**

In relation to the letters issued by the applicant and applicant's agent, the Officer clarified various points relating to the Mandarin appeal, settlement boundary, agricultural land grading and the Local Plan.

Mr Richard Pigott (applicant's agent) attended the Meeting and addressed Members on this application.

Councillor Watson addressed the Committee as Ward Member for Aston on Trent, making reference to the varying grades of agricultural land and how it can be affected by local conditions, such as its propensity to flood. The Councillor also emphasised that developers should pay due heed to the Local Plan, which took years to bring to fruition and should be adhered to. It was noted that this application related to an area outside the settlement boundary and that the five year supply is currently satisfied.

RESOLVED:-

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

PL/37 **THE VARIATION OF CONDITION 14 OF PLANNING PERMISSION 9/2015/0605 (RELATING TO HOURS OF USE OF EXTERNAL AREAS) AT KEYSTONE LINTELS LIMITED, RYDER CLOSE, CASTLE GRESLEY, SWADLINCOTE**

The Planning Services Manager referred to Condition 13 in the report and stated that it should have read as two years from when the permission was granted on 28th October 2015.

Mrs Janet Hodson (applicant's agent) attended the Meeting and addressed Members on this application.

Councillor Southerd addressed the Committee as Ward Member for Church Gresley, commenting on the objection raised on behalf of the adjacent St Modwen Homes site in relation to noise. The Planning Services Manager stated that the St Modwen noise report modelling had assumed 24 hour operation and that the actual noise report outcomes had been better than those anticipated in the modelling forecast.

RESOLVED:-

That planning permission be granted as recommended in the report of the Director of Community & Planning Services, subject to the variation of Condition 13.

PL/38 **THE ERECTION OF AGRICULTURAL STORAGE AND LIVESTOCK HOUSING UNIT AT SHADES FARM FROM GEARY LANE TO TOWN FARM, BRETBY, BURTON UPON TRENT**

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

Mr Martin Sansom (objector) and Mr Brian Mullin (applicant's agent) attended the Meeting and addressed Members on this application.

Councillor Stanton addressed the Committee as Ward Member for Repton and whilst acknowledging the various objections raised, noted that the proposed building was now greatly reduced in size and height, that the noise and smells were apposite to its intended use in a rural setting, that the pond was unlikely to be polluted given the distance involved and that it constituted an appropriate building for a genuine use.

The Vice Chairman, in noting the site's proximity to the conservation area, voiced her concerns relating to drainage, suggesting that a condition be added to address surface water and foul waste.

Other Members raised comments relating to supporting agriculture, the benefits of a building controlled by permission rather than purely permitted development, the treatment of slurry and the potential for further building under permitted development rights; matters addressed by the Planning Services Manager.

RESOLVED:-

That planning permission be granted as recommended in the report of the Director of Community & Planning Services, subject to an additional condition to require foul and surface water drainage details

PL/39

THE ERECTION OF A PERMANENT MARQUEE OVER EXISTING BEER GARDEN TERRACE AT THE BULLS HEAD, 84 HIGH STREET, REPTON, DERBY

The Principal Area Planning Officer noted that the address in the report should have read 84 High Street, not 85.

Mrs Mary Evans (objector) and Mr Richard Pope (applicant) attended the Meeting and addressed Members on this application.

Councillor Stanton addressed the Committee as Ward Member for Repton, outlining his concerns regarding the temporary nature of the structure in a conservation area, that it should either be removed, rebuilt with more appropriate materials or given five year extensions on application. The Principal Area Planning Officer clarified the position relating to temporary and permanent definitions, confirming that the marquee was considered a permanent building in planning terms. The Officer outlined the statutory duty to consider applications in conservation areas, in terms of measuring any harm caused versus any public benefits and conditions applied in relation to the structure's maintenance, regardless of any change of landlord / owner.

Other Members noted the success of the business venture, the condition and location of the marquee, whether permission would be required to demolish the structure and fire regulations requirements; all matters addressed by the Principal Area Planning Officer and Planning Services Manager.

Councillor Watson suggested that a condition be added to require records to be kept to ensure that the marquee materials are cleaned / replaced as required.

RESOLVED:-

That planning permission be granted as recommended in the report of the Director of Community & Planning Services, subject to an amended condition to require recording of maintenance / replacement of marquee materials.

PL/40 **CONVERSION AND EXTENSION OF A FORMER PUMP HALL AND WATER PRESSURE BALANCING TANK TO FORM A TWO-STOREY CONTEMPORARY RESIDENTIAL DWELLING ALONG WITH THE ERECTION OF A DETACHED OPEN AIR CAR PORT AT THE FORMER WATER WORKS, BOG LANE, MELBOURNE, DERBY**

Councillor Harrison addressed the Committee as Ward Member for Melbourne, welcoming this creative, positive development of quality and good design, which had also received support from the Melbourne Civic Society.

RESOLVED:-

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

PL/41 **THE FELLING OF 1 NO. MAPLE TREE AND 1 NO. LIME TREE AT SHARDLOW HOUSE, 94 LONDON ROAD, SHARDLOW, DERBY**

RESOLVED:-

That no objection be raised to the proposed works as recommended in the report of the Director of Community & Planning Services.

PL/42 **PLANNING AND OTHER APPEALS**

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

9/2016/1034	Woodville Road, Overseal
9/2016/1048	Staker Lane, Mickleover
9/2017/0152	Stenson Road, Derby

On request the Planning Services Manager explained the split decision reached in relation to the 9/2016/1048 Staker Lane, Mickleover, feasible as long as one decision does not have a bearing on the other.

PL/43 **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

PLANNING COMMITTEE

5th September 2017

PRESENT:-

Conservative Group

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

Labour Group

Councillors Dr Pearson, Shepherd, Southerd and Tilley

PL/44 **APOLOGIES**

Apologies for absence were received from Councillors Ford and Stanton (Conservative Group)

PL/45 **DECLARATIONS OF INTEREST**

Councillor Shepherd declared a personal interest in Item 1.1 on the Agenda by virtue of being the local Ward Member previously involved in supporting and advocating the facility, and advised that he would remain impartial and participate in the debate.

PL/46 **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/47 **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/48 **THE ERECTION OF A COMMUNITY CENTRE AND ASSOCIATED PARKING AREA (RE-DESIGN OF COMMUNITY CENTRE APPROVED UNDER PLANNING PERMISSIONS 9/2011/0484 AND 9/2012/0039/RM) ON LAND OFF CHARTLEY ROAD STENSON FIELDS DERBY**

In relation to the title page of the report, the Chairman noted that the place name should read Stenson. It was reported that members of the Committee had visited the site earlier in the day. The Principle Area Planning Officer advised the Committee that an additional representation had been received in support of the application and clarified the previously approved scheme had been amended to provide a more efficient use for the building.

Mr Adam Walker (objector) and Mr Gurdev Dhillon (supporter) attended the Meeting and addressed Members on this application.

Councillor Shepherd addressed the Committee as Ward Member for Stenson, providing the background to this and the previously approved scheme, making reference to the work Officers, Members, local residents and developers had undertaken to ensure the design of a facility that would meet requirements. The Councillor added that several community meetings had taken place and a petition had been generated in favour of the facility.

RESOLVED:-

That planning permission be granted as recommended in the report of the Director of Community & Planning Services with delegated authority to the Planning Services Manager to continue negotiation to secure additional parking provision and whether secured or not, grant permission subject to conditions in the report.

PL/49

CONTINUED USE OF LAND AS SINGLE PITCH TRAVELLER SITE WITH ONE MOBILE HOME AND ONE TOURING CARAVAN AT LITTLE ACRES COTE BOTTOM LANE CHURCH BROUGHTON DERBY

Mr Yarwood (applicant's agent) attended the Meeting and addressed Members on this application.

Councillor Mrs Patten addressed the Committee as Ward Member for Hilton, raising concerns regarding the predominance of such sites in this location as opposed to the wider district and pitch size.

The Planning Services Manager provided a detailed response explaining the required five-year rolling supply of sites and referred to the Gypsy Traveller Accommodation Assessment (GTAA) study on the requirement apportioned to Derbyshire and East Staffordshire. Members were advised that the study does not allocate sites to wards or parishes. The Planning Services Manager also clarified issues regarding pitch size.

RESOLVED:-

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

Abstention: Councillor Mrs Patten

PL/50 **OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS AND LAYOUT TO BE RESERVED) FOR THE RESIDENTIAL DEVELOPMENT OF 3 DWELLINGS AT 230 STATION ROAD MELBOURNE DERBY**

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

Mr Andrew Large (applicant's agent) attended the Meeting and addressed Members on this application.

Councillor Harrison addressed the Committee as Ward Member for Melbourne and welcomed the resubmission of the amended application.

RESOLVED:-

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

PL/51 **USE OF SITE IN CONNECTION WITH B2/B8 USE RETENTION OF PERIMETER PALLISADE FENCING INSTALLTION OF DROPPED KERB, RETENTION OF HARDSTANDING AND RETENTION OF RETAINING WALL AT FIRST FENCE LTD KILN WAY WOODVILLE SWADLINCOTE**

Mr Martin Hall (objector) attended the Meeting and addressed Members on this application.

Councillor Taylor addressed the Committee as Ward Member for Woodville, outlining his concerns regarding the fence obstructing visibility and the subsequent danger to pedestrians when crossing the road.

The Principle Area Planning Officer advised the Committee that the Highways Authority had not raised any concerns regarding this site. Members expressed their concerns and disappointment that the applicants had not co-operated by complying with requests for further information.

RESOLVED:-

That planning permission be refused as recommended in the report of the Director of Community & Planning Services, subject to an amended recommendation to include a further reason for refusal on the basis of visual impact of the fence on the street scene, contrary to policy BNE1 of the Local Plan.

PL/52 **CONTINUED USE OF A DOMESTIC OUTBUILDING FOR A SELF CONTAINED RESIDENTIAL ANNEX TO THE HOST DWELLING AT THE HILL LODGE DEEP DALE LANE BARROW ON TRENT DERBY**

The Planning Services Manager explained this application to the Committee addressing questions raised by Members.

RESOLVED:-

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

PL/53 ERECTION OF A STEEL FABRICATED 'FAMILY SILHOUETTE CYCLE' DISPLAY ON VACANT GRASSED AREA ON ENTRANCE TO GREENBANK LEISURE CENTRE CIVIC WAY SWADLINCOTE

RESOLVED:-

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

PL/54 THE ERECTION OF EXTENSIONS AT 38 BEECH AVENUE WILLINGTON DERBY

RESOLVED:-

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

PL/55 PLANNING AND OTHER APPEALS

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

9/2016/1228 Rosliston Road, Walton on Trent

PL/56 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 7.35pm.

COUNCILLOR A ROBERTS

CHAIRMAN

REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES

SECTION 1: Planning Applications

In accordance with the provisions of Section 100D of the Local Government Act 1972, BACKGROUND PAPERS are the contents of the files whose registration numbers are quoted at the head of each report, but this does not include material which is confidential or exempt (as defined in Sections 100A and D of that Act, respectively).

1. PLANNING APPLICATIONS

This section also includes reports on applications for: approvals of reserved matters, listed building consent, work to trees in tree preservation orders and conservation areas, conservation area consent, hedgerows work, advertisement consent, notices for permitted development under the General Permitted Development Order 2015 (as amended) responses to County Matters and strategic submissions to the Secretary of State.

Reference	Item	Place	Ward	Page
9/2016/0010	1.1	Hilton	Hilton	22
9/2017/0752	1.2	Melbourne	Melbourne	29
9/2017/0982	1.3	Midway	Midway	34
9/2017/0641	2.1	Smisby	Repton	38

When moving that a site visit be held, Members will be expected to consider and propose one or more of the following reasons:

1. The issues of fact raised by the Director of Community and Planning Services' report or offered in explanation at the Committee meeting require further clarification by a demonstration of condition of site.
2. Further issues of principle, other than those specified in the report of the Director of Community and Planning Services, arise from a Member's personal knowledge of circumstances on the ground that lead to the need for clarification that may be achieved by a site visit.
3. Implications that may be demonstrated on site arise for consistency of decision making in other similar cases.

17/10/2017

Item 1.1

Ref. No. 9/2016/0010/B

Applicant:
Aldi Stores Ltd
Holly Lane
Atherstone
CV9 2SQ

Agent:
Mr Scott Bryden
Stoas Architects
216 Fort Dunlop
Fort Parkway
Birmingham
B24 9FD

Proposal: RETROSPECTIVE APPLICATION TO VARY CONDITION 15 OF PLANNING PERMISSION REF: 9/2012/0505 TO READ: THE STORE HEREBY PERMITTED SHALL NOT BE OPEN TO THE PUBLIC OUTSIDE THE FOLLOWING TIMES: 08.00 TO 22.00 MONDAY TO SATURDAY AND 10.00 TO 17.00 ON SUNDAYS; AND NO DELIVERIES TAKEN AT OR DESPATCHED FROM THE SITE OUTSIDE THE FOLLOWING TIMES: 07:00 - 19.00 MONDAY TO SATURDAY. 09.00 - 17.00 SUNDAY ALDI FOOD STORE LTD HUNTSPILL ROAD HILTON DERBY

Ward: HILTON

Valid Date 13/04/2016

Members will recall deferring this case to enable the committee to visit the site.

The applicant has supplied further information and the resultant changes to the report are shown in *italics* below.

Reason for committee determination

The application is referred to Committee at the request of Councillor Plenderleith because the Committee should debate the issues in this case which are very finely balanced.

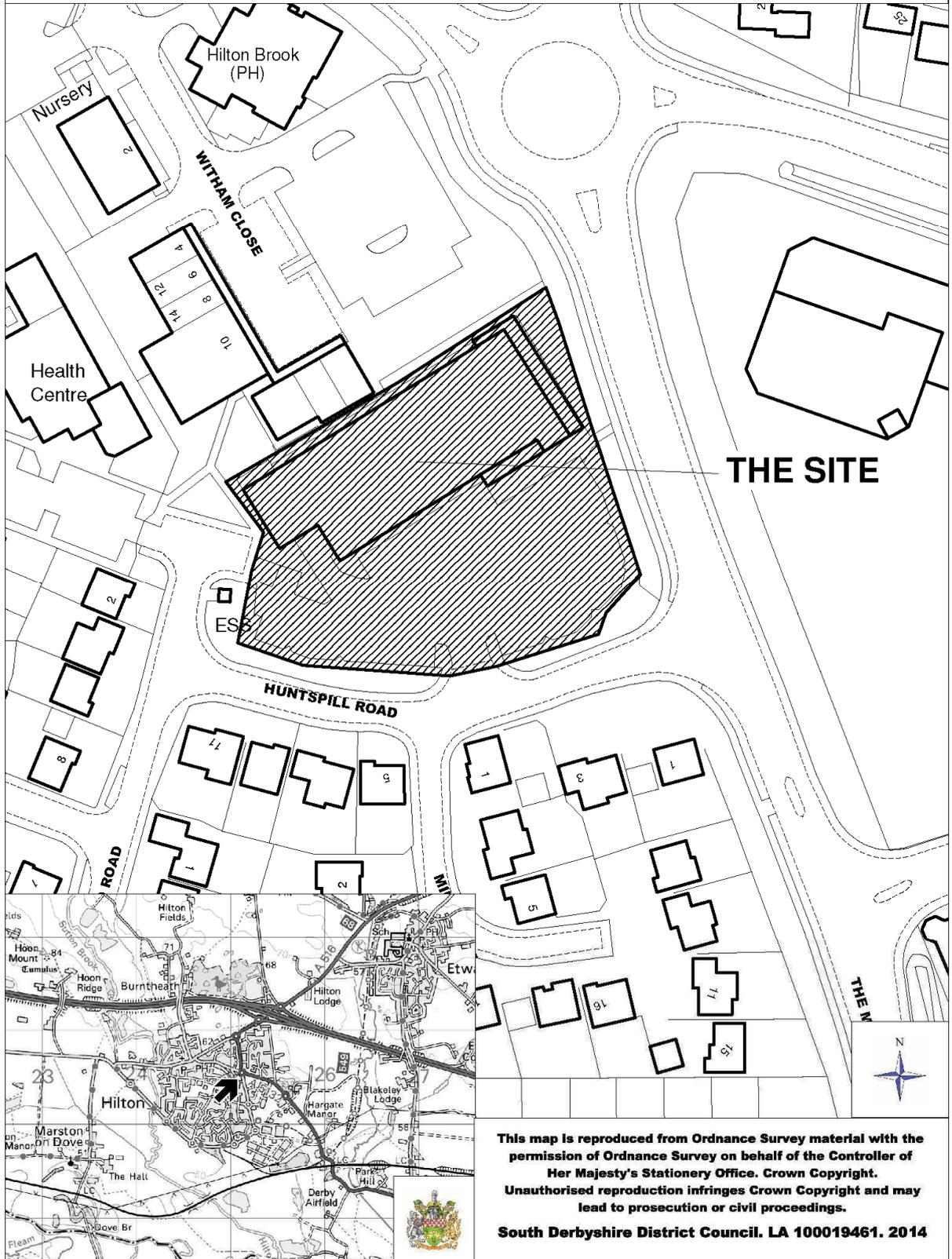
Site Description

The store is situated within a local centre in a residential area. In particular the site faces properties in Huntspill Road, Mill Fleam and Welland Road.

Proposal

The application seeks to vary a planning condition to extend opening times to:

9/2016/0010 - Aldi Food Store Ltd, Huntspill Road, Hilton, Derby DE65 5HD



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- 08:00 - 22:00 Monday to Saturday including Bank Holidays (from 08:00 - 21:00 *with Bank Holiday opening 10:00 – 17:00 at present*).
- Sunday opening would be 10:00 – 17:00 (*as at present*).

In addition extended delivery hours are proposed;

- 07:00 - 19:00 Monday to Saturday (from 08:00 - 21:00 Monday to Saturday)
- Sunday *and Bank Holiday* delivery hours would *be* 09:00- 17:00 (*10:00-17:00 at present*)

Applicants' supporting information

A Delivery Management Plan has been submitted, containing the following information:

- A typical daily delivery programme comprises one fresh goods delivery from the regional distribution centre (RDC) by articulated vehicle; one ambient goods delivery from RDC by articulated vehicle; one local milk delivery per day by rigid vehicle; one non-food delivery.
- The loading bay is situated away from the pedestrian entrance. Delivery vehicles can service the store without blocking access for other road users. Vehicles will always leave the site in forward gear to avoid manoeuvring in the highway.
- The loading bay has a 'dock shelter' shielding the gap between the vehicle and the building from weather and noise.
- Delivery drivers are requested to turn off refrigeration units 5 minutes before arrival at site.
- Reversing beepers will be turned off early morning and late evening.
- No tannoy system is used.
- External lighting will be switched off between 22:15 – 07:00 hours.
- There are weekly collections of waste.

The applicant confirms that the delivery management plan has not yet been put in place and also states that:

- The newspaper cabinet could be relocated to avoid use of residential streets.
- The applicant would be prepared to monitor compliance with the Noise Management Plan.
- The landscaping is subject to constant damage by third parties. The applicant is willing to provide a fence to prevent headlamp glare to neighbours.

Planning History

9/2009/0436 - Food store.

9/2012/0505 - Amended scheme.

Responses to Consultations

The Environmental Health Manager does not object to the extended hours subject to conditions requiring compliance with the Noise Management Plan and monitoring.

Responses to Publicity

The Parish Council objects for the following reasons:

- a) The application is retrospective – the applicant has been in breach of condition.
- b) The hours should not be extended.
- c) The car park is too small, causing inconvenience, disturbance and pollution to local residents.
- d) Deliveries would cause additional disturbance and noise pollution.
- e) A proposed recycling centre would further reduce available parking.
[Comment – this is not part of the application].

11 objectors raise the following matters:

- a) There are noisy newspaper deliveries and recycling bin lorries active early in the morning (from 5.30 am) causing disturbance to sleep.
- b) There is congestion and danger from traffic entering and leaving the site.
- c) Customers use the local roads to park whilst visiting the store causing inconvenience and danger to residents.
- d) There should be residents only parking.
- e) Damage has been caused to vehicles as a result of congestion, parking and traffic on the roads.
- f) Lorries park with engines running.
- g) There is already extended hours and Bank Holiday opening in breach of existing conditions.
- h) Existing noise during permitted hours is already unacceptable. 7 am starts would be even worse.
- i) The landscaping is poor and allows headlight glare to neighbouring properties.
- j) The noise from refrigeration units and reversing alarms, and associated noise from loading would result in sleep deprivation and stress to local families.
- k) Lorries queue in the road when the delivery bay is already occupied.
- l) The car park is used for football games after hours.

Development Plan Policies

The relevant policies are:

- 2016 Local Plan Part 1: Policy S2 (Presumption In Favour of Sustainable Development), Policy SD1 (Amenity & Environmental Quality)
- 1998 Local Plan (saved policies): Shopping Policy 3 (Local Shopping),

National Guidance

National Planning Policy Framework (NPPF), in particular:

Paras 6-10 (Achieving sustainable development)

Paras 11-14 (The presumption in favour of sustainable development)

Para 17 (Core principles)

Section 1 (Economy)

Section 11 (Conserving and enhancing the natural environment)

Paras 186 & 187 (Decision-taking)

Para 193 (Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.)

Para 196 & 197 (Determining applications)

Paras 203-206 (Planning conditions and obligations)

Annex 1 (Implementation)

National Planning Practice Guidance

ID30 (Noise)

Planning Considerations

The main issue central to the determination of this application is the impact on residential amenity.

Planning Assessment

The main issue is whether increased impacts arising from extended hours would materially worsen the living conditions of the occupiers of nearby houses. The existing condition controls noise impacts solely by restricting the number of hours that the store can be used, in particular by safeguarding the quieter times of the night and early morning from intrusive noise and disturbance. The proposed extended opening hours and delivery times would inevitably increase the length of time that nearby residents would be exposed to noise from vehicles entering and leaving the site. In terms of increased store opening hours this would mean an extra hour at the end of the day and on Bank Holidays. For deliveries there would be an extra hour at the beginning of the day but none after 17:00 hrs (compared with 21:00 hrs at present).

For both extra opening hours to customers and extended delivery times there would be increased impact on the amenities of local residents without mitigation. However the applicant has agreed to implement a delivery management plan and also to accept a condition monitoring compliance with it. Furthermore the applicant is prepared to provide a more permanent barrier in order to prevent glare from car headlights reaching the ground floor windows of houses opposite the car park. These mitigation measures would also provide some benefit within the existing permitted hours of operation. On balance and given the advice of the Council's Environmental Health Manager, the proposed measures would result in acceptable living conditions for neighbours, in accordance with Local Plan Policy SD1, whilst enabling the store to provide the services expected by its customers, in accordance with Policy S2.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

GRANT permission subject to the following conditions:

1. Within three months of the date of this permission a physical barrier, designed to prevent glare from car headlamps to housing opposite, shall be provided across the Huntspill Road site frontage in accordance with details and specifications which shall have previously been submitted to and approved in writing by the local planning authority. Thereafter the barrier shall be retained in place as approved.

Reason: In the interests of the amenities of neighbours and the appearance of the area.

2. Other than as may have been previously approved pursuant to planning permission 9/2012/0505 no external lighting shall be installed unless precise details and specifications of the intensity, angling and shielding, and the area of spread of the lights have been submitted to and approved in writing by the Local Planning Authority. Thereafter any such lighting shall be retained in conformity with the approved details and specifications.

Reason: To preserve amenity and/or prevent danger to road users.

3. Within three months of the date of this permission there shall be submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include a schedule of planting including species size and spacing, indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the appearance of the area.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following approval of the details required pursuant to Condition 3 above; and any trees or plants which within a period of five years therefrom die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the area.

5. The land in advance of the sight lines measuring 2.4m x 45m from the centre of the site access shall be retained free of all obstructions to visibility over a height of 1 metre (600mm in the case of vegetation) above the adjoining carriageway level.

Reason: In the interests of highway safety.

6. The parking and manoeuvring areas shown on the amended drawing T08A94-004 Rev H shall be retained throughout the life of the development free from any impediment to their designated use.

Reason: To ensure that adequate parking provision is maintained available throughout the life of the building.

7. Other than as approved pursuant to planning permission 9/2012/0505 any new plant and equipment to be installed on the building, including air conditioning and refrigeration units, shall be implemented in accordance with details and specifications previously submitted to and approved in writing by the local planning authority, and shall thereafter be maintained in accordance with the approved details and specifications.

Reason: To protect the amenities of adjoining properties and the locality generally.

8. The store hereby permitted shall not be open to the public outside the following times: 08.00 to 22.00 Monday to Saturday and 10.00 to 17.00 on Sundays; and no deliveries shall be taken at or despatched from the site outside the following times: 07:00 - 19.00 Monday to Saturday and 09.00 - 17.00 Sundays and Bank Holidays.

Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties.

9. The Delivery Management Plan ref. C15A138, received on 7 August 2017, shall be operated continuously from the date of this permission and no reversing alarms shall be used before 08:00 hrs on any day.

Reason: In the interest of residential amenity

10. Within two months of the date of this permission a scheme for monitoring and recording compliance with the Delivery Management Plan subject to Condition 9 shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented on approval and the records shall be made available to the local planning authority on request.

Reason: In the interest of residential amenity

Informatives:

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

Item 1.2

Ref. No. 9/2017/0752/U

Applicant:
Miss Rose Smith
Farforth House
Ingleby Road
Stanton By Bridge
Derby
DE73 7GJ

Agent:
Miss Rose Smith
Farforth House
Ingleby Road
Stanton By Bridge
Derby
DE73 7GJ

Proposal: CHANGE OF USE FROM USE CLASS A2 (ESTATE AGENTS) TO USE CLASS D1 (PHYSIOTHERAPY, NUTRITION AND WELLBEING CLINIC) AT 5 DERBY ROAD MELBOURNE DERBY

Ward: MELBOURNE

Valid Date 13/07/2017

Reason for committee determination

The item is presented to Committee because there is an issue of compliance with the development plan.

Site Description

The property is located within the centre of Melbourne and was previously used as an estate agent (use class A2). The site is located within a predominantly retail area along the main retail frontage.

Proposal

Consent is sought for the change of use of the property from use class A2 (estate agent) to use class D1 (physiotherapy establishment). There are no external alterations proposed as part of the application.

Applicant's supporting information

Supporting Statement

The proposed use would be a Physiotherapy, Nutrition and Wellbeing clinic. The use would operate at similar hours to the existing estate agent and would be operated across all three floors of the property; with consultation rooms, offices and a small

studio. The use would involve clients attending for consultations and low-impact exercise class instructions. The proposed use would involve:

- Physiotherapy assessments and treatments
- Sports massage
- Nutritional Consultations
- Pilates (one to one sessions and small groups)
- Exercise rehabilitation (one to one classes and small groups)
- Acupuncture treatment.

Planning History

There is no relevant planning history.

Responses to Consultations

The County Highways Authority has no objection given the central location of the property.

The Environmental Health Officer has no objection subject to the property being used in accordance with the use described in the submitted information.

The Contaminated Land Officer (environmental health) has no objections.

Responses to Publicity

Melbourne Civic Society has no objections.

Development Plan Policies

- The relevant policies are: 2016 Local Plan Part 1 S2 (Presumption in Favour of Sustainable Development, S6 (Sustainable Access), SD1 (Amenity and Environmental Quality), SD4 (Contaminated Land and Mining Legacy Issues), BNE2 (Heritage Assets) and INF2 (Sustainable Transport).
- Saved Local Plan 1998: EV12 (Conservation Areas) and S1 (Existing Shopping Centres).

Emerging Development Plan Policies

The relevant policies are:

- Submission Local Plan Part 1: SDT1 (Settlement Boundaries and Development), BNE10 (Heritage) and RTL1 (Retail Hierarchy).

National Guidance

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

Local Guidance

- Melbourne Conservation Area Character Statement

Planning Considerations

The main issues central to the determination of this application are:

- Potential loss of retail use
- Impact on local amenity
- Visual Impact

Planning Assessment

Potential loss of retail use

The site is located within the local centre of Melbourne. Emerging policy RTL1 safeguards against the loss of retail uses in local centres to ensure that essential retail (use classes A1, A2, A3, A4 and A5) facilities are not lost and that marketing evidence is submitted to substantiate a change of use that would fall outside of a retail use class.

The current use of the property falls under use class A2 as an estate agent and whilst a physiotherapy facility (use class D1) would not fall within a retail use class, this would still be considered a suitable town centre use and would be considered acceptable. There have been no marketing details submitted as part of the application as there has been no interest shown in the current estate agent use (use class A2) and given the number of use class A2 properties within the immediate area.

Impact on local amenity

The entire property would be used to provide physiotherapy treatments such as consultations, sport massage, exercise rehabilitation for small groups, nutritional consultations and acupuncture treatment and would be run by two full time members of staff and one part time member of staff. There have been no objections raised by the County Highway Authority and given the current use of the premises and the retail location; it would be considered that the proposed use would not have a harmful effect on the amenity of immediate neighbours.

Policy RTL1 also stipulates that the proposed use should not result in a harmful or detrimental impact on the amenity of local residents. In this particular instance, the proposed use could have less of a harmful impact than other retail uses i.e. a hot food take away (use class A5). On the basis of this, the proposal would comply with principles of policies S6, SD1 and INF2 of the Local Plan Part 1, emerging policy RTL1 of the Local Plan Part 1 and Saved policy S1.

Visual Impact

The property is not listed but does fall within the Melbourne Conservation Area. There are no external works proposed as part of the application and it is solely the change of use of the property that should be assessed. On the basis that there would be no visual impact from the works, it would be considered that there would be no impact on the character of the conservation area and the proposed works would not conflict with policies BNE1 and BNE2 of the Local Plan Part 1, saved policy EV12 and policy BNE10 of the emerging Local Plan Part 2.

Conclusion

Whilst it is recognised that the proposed use would not fall within a retail use within planning use classes A1, A2, A3, A4 or A5 as the development seeks to ensure, it is nevertheless recognised that the proposal would be a compatible town centre use which would require a town centre location and would create very little harm to the amenity of neighbouring occupiers. This amounts to a material consideration outweighing the provisions of the development plan. Despite the lack of marketing material submitted with the application, the proposal would still be acceptable and would broadly comply with the principles of policies S6, SD1 and INF2 of the Local Plan Part 1, emerging policy RTL1 of the Local Plan Part 1 and saved policy S1.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and Article 3 and Part 3 of the Town and Country Planning (General Permitted Development) Order 2015, or any Order(s) which revokes, amends or replaces that Order(s); this permission shall relate to the use of the premises as a physiotherapy, nutrition and wellbeing clinics described in the application documents and for no other purpose.

Reason: In order that the Local Planning Authority may retain control over the future use of the premises, and in the interests of the amenity of the area and highway safety.

17/10/2017

Item 1.3

Ref. No. 9/2017/0982/A

Applicant:
Mr Malcolm Roseburgh
South Derbyshire District Council
Civic Offices
Civic Way
Swadlincote
DE11 0AH

Agent:
Mr Malcolm Roseburgh
South Derbyshire District Council
Civic Offices
Civic Way
Swadlincote
DE11 0AH

Proposal: DISPLAY OF AN ADVERTISEMENT AT MIDWAY COMMUNITY CENTRE CHESTNUT AVENUE MIDWAY SWADLINCOTE

Ward: MIDWAY

Valid Date 11/09/2017

Reason for committee determination

The Council is the applicant and currently has management control of the facility.

Site Description

The community centre sits on the corner of Chestnut Avenue and Rowan Drive, Midway. There is an existing vehicular access to the site with parking on land to the north whilst land to the south is used as a children play area.

Proposal

The proposal is for the display of an advertising banner; these would change periodically, promoting different community related events at the Centre. The adverts would be displayed on the south facing wall of the building, high enough to be visible and high enough to be out of public reach. The advert would be 2.4m long by 0.9m deep and fixed to the wall on a permanent track. At times adverts would not be displayed; the track however would remain in situ.

Applicant's supporting information

None.

Planning History

None.

9/2017/0982 - Midway Community Centre, Chestnut Avenue, Midway, Swadlincote DE11 0EN



Responses to Consultations

The County Highway Authority has no objection.

Responses to Publicity

One comment has been received stating they are happy for this to happen although it is likely to be vandalised.

Development Plan Policies

The relevant policies are:

- 2016 Local Plan Part 1: SD1, BNE1, BNE9

National Guidance

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

Local Guidance

SPG Display of Advertisements Supplementary Planning Guidance 1999.

Planning Considerations

The main issues central to the determination of this application are the impact on the locality in terms of its appearance and public safety.

Planning Assessment

The Council's SPG seeks to ensure that advertisements avoid adverse effects on amenity and public safety.

The proposal would publicise events planned for the Community Centre. The advert(s) would be located on the south facing wall of the building and in terms of attracting attention this would appear to be the right location, seen from the road but away from the main entrance. It would not be illuminated, nor feature moving images. The size of the sign is certainly proportionate to the size of the building and high enough to avoid conflict with the windows and doors. The height of the banner would also ensure that it avoids vandalism. The building does feature some signage on this particular flank wall but not of a level which could read as excessive visual clutter.

In terms of public safety, the County Highways Authority has not objected. Additionally the subject matter is not seen to be inflammatory.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

GRANT express consent subject to the following conditions:

1. The advertisement shall be removed and the site restored, to the satisfaction of the Local Planning Authority, no later than 3 years from the date of this consent, subject to the right to apply for a further period.

To accord with The Town and Country Planning (Advertisement) (England) Regulations 2007.

Item **2.1**

Ref. No. **9/2017/0641/F**

Applicant:
Mr Robert Hounslow
Parish Councillor
Smisby Village Hall Smisby
Main Street
Smisby
Ashby De La Zouch
LE65 2TY

Agent:
Mr Robert Hounslow
Parish Councillor
Smisby Village Hall Smisby
Main Street
Smisby
Ashby De La Zouch
LE65 2TY

Proposal: **TO REPLACE THE WINDOWS OF SMISBY VILLAGE HALL ON 3**
 ELEVATIONS AT SMISBY VILLAGE HALL MAIN STREET SMISBY
 ASHBY DE LA ZOUCH

Ward: **REPTON**

Valid Date **14/07/2017**

Reason for committee determination

The item is presented to Committee as the application has been called to committee by Councillor Michael Stanton due to local concern that has been expressed about a particular issue.

Site Description

The site is located on the corner of Main Street and Chapel Street and is located within the Smisby Conservation Area. The building is single storey and is set back from the highway but is highly visible from within the conservation area.

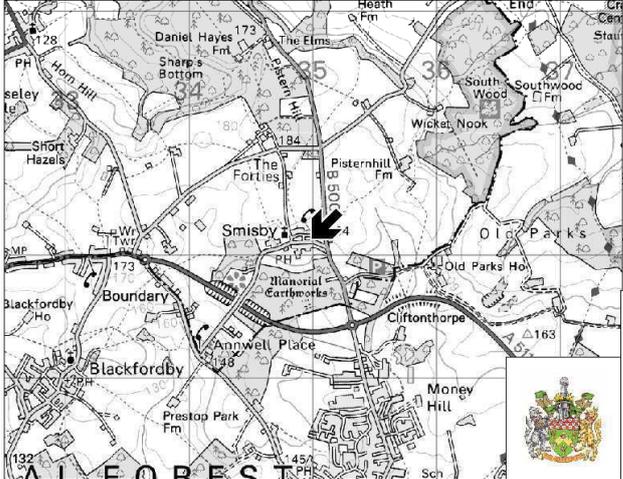
Proposal

Consent is sought to replace the existing timber windows to the front elevation, the front porch windows and the side elevation (facing Chapel Lane) of the Village hall with UPVC. All other elevations, to the side and rear would remain unaffected.

Planning History

Consent was granted under application 9/1999/0172 for the replacement of UPVC windows with soft wood, painted windows. The current application seeks to remove the approved timber windows and replace these with UPVC windows. Owing to the

9/2017/0641 - Smisby Village Hall, Main Street, Smisby, Ashby de la Zouch
LE65 2TY



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difference in materials and proportions, planning permission would be required for these alterations as a material change to the external appearance.

Applicants Supporting Information

Planning Statement

The current windows are made out of wood and are beginning to rot. The existing windows are inefficient in terms of sound insulation and heat retention.

The replacement windows are Eurocell Modus windows (equivalent to Residence 9) in cream and would be identical to the windows recently approved and now fitted to the Poplars, Annwell Lane, Smisby. This property lies within the Smisby Conservation Area too.

Additionally, number three Main Street, Smisby (adjacent building) has recently been refurbished with similar style windows. The Cottage (to the right of the village hall) has similar windows and therefore, the proposed windows would be in keeping with the surrounding properties and commensurate with the conservation area. The design is slightly different to the windows being replaced and therefore, requires planning permission, but would bring the village windows into line with the surrounding buildings.

In summary, the replacement of the Smisby Village Hall windows would greatly enhance the look and feel of the Hall and add to the very essence of the conservation area.

Responses to Consultations

None

Responses to Publicity

There have been no comments received.

Development Plan Policies

The relevant policies are:

- 2016 Local Plan Part 1: S2 (Presumption in Favour of Sustainable Development), SD1 (Amenity and Environmental Quality), BNE1 (Design Excellence), BNE2 (Heritage Asset) and INF6 (Community Facilities).
- Saved Local Plan 1998: EV12 (Conservation Areas).

Emerging Development Plan Policies

The relevant policies are:

- Submission Local Plan Part 1: SDT1 (Settlement Boundaries and Development) and BNE10 (Heritage).

National Guidance

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

Local Guidance

- Smisby Conservation Area Character Statement

Planning Considerations

The main issues central to the determination of this application are:

- Visual impact on the Smisby Conservation Area
- Use of UPVC windows in the vicinity

Planning Assessment

Visual Impact on the Smisby Conservation Area

The site is located within Smisby Conservation Area. The conservation area is characterised by stone and brick buildings with strong built forms up to the pavement. It has been acknowledged within the Conservation Area Character Statement that the loss of traditional timber joinery in the conservation area and the replacement with UPVC and stained hardwood is “the single most damaging alteration to the original character of the village”.

The use of UPVC windows would introduce an unsympathetic and untraditional material within the conservation area, which would directly conflict the principle of policy BNE2 of the Local Plan Part 1, saved policy EV12 and policy BNE10 of the emerging Local Plan Part 2. The proposed replacement windows would be located on the front elevation of the building (facing Chapel Street) and would be highly visible from the public realm. Owing to the prominent and highly visible nature of the building, this would further exacerbate this issue and the development would fail to have a positive effect on the character and/or appearance of the conservation area.

Use of UPVC windows in the vicinity

It has been noted within the applicants supporting information that other neighbouring residential properties have UPVC windows in the immediate vicinity and consider that the proposed replacement windows at the village hall would therefore be in keeping with the immediate surroundings. It may be that the owners of these properties have exercised permitted development rights. However, owing to the change in materials and proportions of the windows, planning permission would be required for these proposed works to the village hall and the application should be assessed on its merits against the relevant planning policies.

Conclusion

The use of UPVC windows would directly conflict the with Councils policies and the assessment within the Character Statement for Smisby Conservation Area and therefore, it is recommended that planning permission should be refused for the proposed development.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

REFUSE permission for the following reason:

1. The use of UPVC windows would introduce an uncharacteristic and unsympathetic material within the conservation area. The proposed replacement windows would be located on the front and side elevations of the building (facing Chapel Street) and would be highly visible from the public realm. Owing to the heightened visibility of the building this would further exacerbate the issue and would fail to have a positive effect on the character of the conservation area. It has been specified within the Conservation Area Character Statement for Smisby that the incorporation of UPVC and stained hardwood materials in the conservation area has had a damaging and harmful impact on the appearance and character of the conservation area. The proposed windows would therefore, fail to make a positive contribution to the local character or distinctiveness of the conservation area and the insertion of new windows in the community facility would fail to outweigh the harm posed by the proposed works. On the basis of this, the development would fail to comply with policies BNE1 and BNE2 of the Local Plan Part 1, saved policy EV12, policy BNE10 of the emerging Local Plan Part 2, the principles of the Smisby Conservation Area Character Statement and paragraphs 129 and 131 of the NPPF.

REPORT TO:	PLANNING COMMITTEE	AGENDA ITEM: 6
DATE OF MEETING:	17th OCTOBER 2017	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY AND PLANNING SERVICES	OPEN
MEMBERS' CONTACT POINT:	KIM PARKES (01283) 595982 kim.parkes@south-derbys.gov.uk	DOC:
SUBJECT:	PROPOSED TREE PRESERVATION ORDER 464 AT LAND AT 41 GROVE CLOSE, THULSTON	REF:
WARD(S) AFFECTED:	ASTON	TERMS OF REFERENCE:

1.0 Recommendations

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

2.0 Purpose of Report

2.1 To consider confirmation of this TPO with modifications (see attached plan below).

3.0 Detail

3.1 This TPO was made on 27 April 2017 in respect of three individual trees (T1-T3) and two groups of trees (G1 & G2).

3.2 The TPO was made at the request of the Council's Planning Officer following the submission of a planning application on the land where the trees are.

3.3 Comments relating to the proposed Order have been received and are summarised as:

- T1, T3 & G1 have no amenity value as they cannot be seen from any public area and are immature relatively short-lived species;
- The Oak and Ash trees within G2 have only a small area of their crown visible (London Road being 200m away) and partly hidden by an oak. Their addition to amenity due to surrounding trees is negligible.

3.4 In answer to the comments made officers have the following response:

- It is agreed that T1, T3 & G1 have little amenity value and that they should be removed from this TPO.
- It is considered that G2 as a whole adds to the amenity of the locality.

4.0 Planning Assessment

4.1 It is expedient in the interests of amenity to make these trees the subject of a (modified) TPO.

5.0 Conclusions

5.1 It is expedient in the interests of amenity to preserve.

6.0 Financial Implications

6.1 Notwithstanding the above representation, the responsibility for trees and their condition remain with the landowner. The Council would only be open to a claim for compensation if an application to refuse works to the TPO was made and subsequently refused, and liability for a particular event or occurrence could be demonstrated.

7.0 Corporate Implications

7.1 Protecting visually important trees contributes towards the Corporate Plan theme of Sustainable Development.

8.0 Community Implications

8.1 Trees that are protected for their good visual amenity value enhance the environment and character of an area and therefore are of community benefit for existing and future residents helping to achieve the vision for the Vibrant Communities theme of the Sustainable Community Strategy.

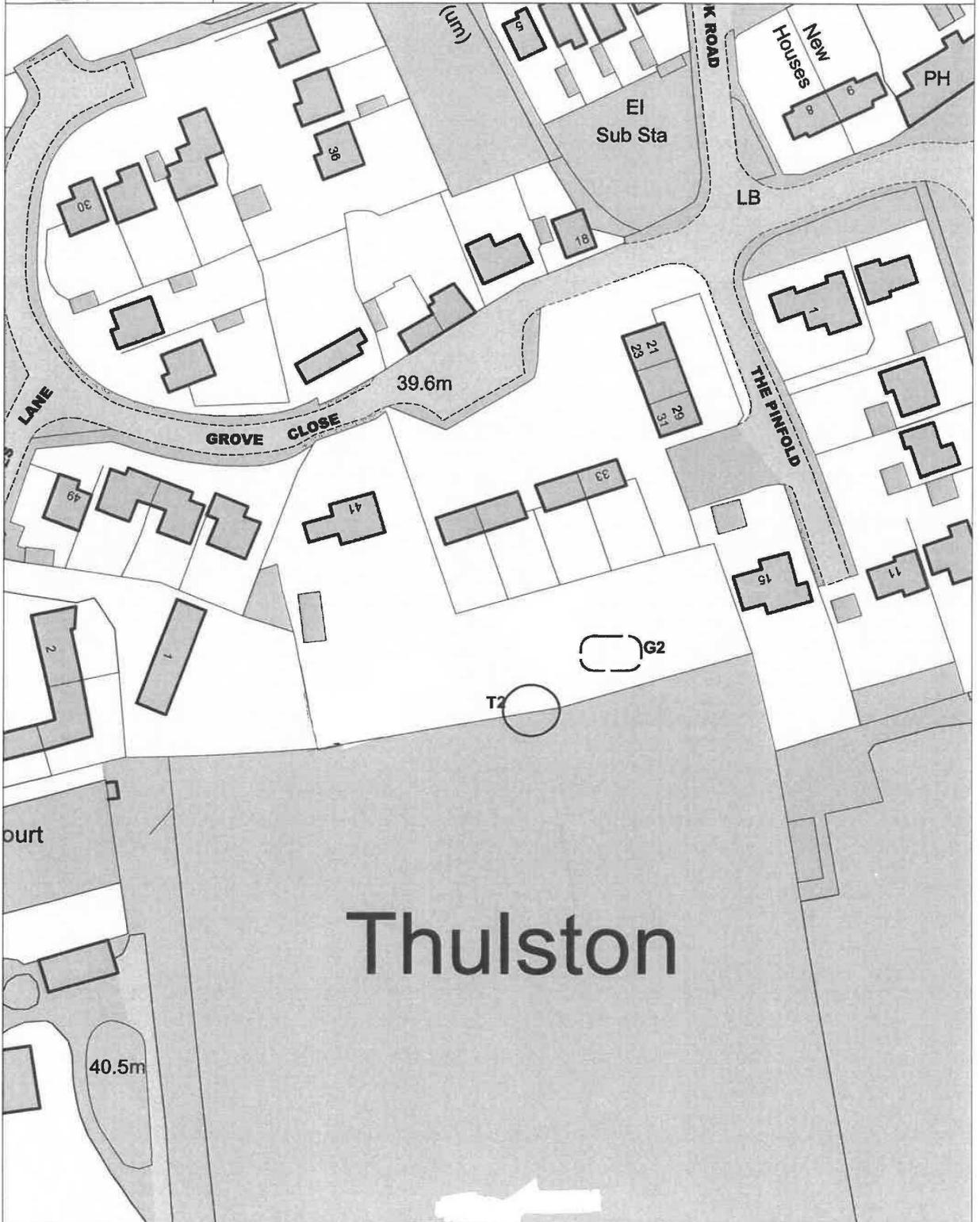
9.0 Background Information

- a. 27 April 2017 - Tree Preservation Order
- b. 1st June 2017 – Letter from Mr C Parkes



South Derbyshire District Council

TPO464 - MODIFICATION



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Scale: 1:1250 at A4

