

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

29<sup>th</sup> January 2015

**PRESENT:-**

**Conservative Group**

Councillor Watson (Chairman) and Councillors Roberts, Mrs Brown, Ford, Mrs Patten and Stanton

**Labour Group**

Councillors Chahal, Frost, Mulgrew, Stuart, Taylor and Tilley

EDS/73 **APOLOGIES**

Apologies for absence from the Meeting were received from Councillor Mrs. Hall, whom was substituted by Councillor Atkin.

EDS/74 **DECLARATIONS OF INTEREST**

The Committee was informed that no Declarations of Interest had been received from its Members relating to any of the items on today's agenda.

EDS/75 **QUESTIONS FROM MEMBERS OF THE PUBLIC UNDER COUNCIL PROCEDURE RULE NO 10**

The Committee was informed that no questions from Elected Members had been received.

EDS/76 **QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11**

The Committee was informed that no questions from members of the public had been received.

EDS/77 **REPORTS OF THE OVERVIEW & SCRUTINY COMMITTEE**

The Committee was informed that there were no Overview & Scrutiny Committee reports for it to consider.

**MATTERS DELEGATED TO COMMITTEE**

EDS/78 **LOCAL PLAN - PART 1**

A report was submitted which informed Members on the Local Plan Part 1 following the examination of the document in November 2014 – December

2014. The Local Plan Part 1 was submitted to the Secretary of State for examination on 8th August 2014. Initial questions from the Inspector, Ms Kingaby were received on 22nd September to which the Council responded on 7th October. The examination in public ran from 25th November to 5th December for 6 days. The main areas for discussion were around all elements of housing, employment, viability, education and transport. There was much discussion around all of the sites proposed to be allocated for development and those sites that were not selected. As part of the examination a joint hearing session was held with Amber Valley and Derby City regarding the assessed housing need for the Derby Housing Market Area (DHMA) and the distribution of Derby City's unmet need

As agreed through the examination South Derbyshire's Local Plan will now consider the period 2011 – 2028 and a housing target of 12,341 dwellings which will meet the District's objectively assessed need of 9,605 dwellings and provide 2,736 dwellings for helping Derby meets its housing needs. During the examination the Inspector asked for the five year supply to be updated according to the discussion during the examination but also to recalculate it using two methodologies. Based on the first methodology the Council can demonstrate a five year supply but using the second methodology it cannot. One of the most prominent assessments of a Local Plan is the ability to demonstrate a five year supply upon adoption, which the Inspector has declared South Derbyshire cannot do currently. A further re-assessment of the supply is therefore required.

**RESOLVED:**

- (1) That Members note the content of the report.**
- (2) That the Committee agreed the continuation of the Local Plan Part 1 and the additional work as required, in agreement with the Chair of this Committee and the Director of Community and Planning Services.**

**EDS/79 MELBOURNE NEIGHBOURHOOD DEVELOPMENT PLAN**

A report was submitted to draw Members attention to the requirements placed upon the Council within the Town and Country Planning Act 1990 (as amended) re supporting the Neighbourhood Planning process and specifically the need to designate the Melbourne Neighbourhood Areas to enable this process. Under the Town and Country Planning Act 1990 (as amended) the Council has a statutory duty to assist communities in the development of Neighbourhood Development Plans. Within this it was necessary for the Council as Local Planning Authority to consider the designation of Neighbourhood Areas. In order for a community to proceed with the production of a Neighbourhood Development Plan the specific neighbourhood needs to be identified and designated. The application to South Derbyshire District Council to designate a Neighbourhood Area from Melbourne Parish Council under Regulation 5 has been publicised on the

Council's website and via public notice within the parish of Melbourne for the appropriate 6 week period as identified by regulation 6.

No representation had been received by the deadline on 16<sup>th</sup> January 2015.. There were no planning. The appropriate regulations had been followed and there is no reason to not designate a Neighbourhood Area.

**RESOLVED:**

***That the Committee formally designate the Melbourne Neighbourhood Area in accordance with the application from Melbourne Parish Council.***

EDS/80 **NEW GOVERNMENT POLICY: SECTION 106 CONTRIBUTIONS**

A report was submitted to inform Members of the change in Government policy in respect of Section 106 contributions for small scale developments effective from 28 November 2014 which would necessitate a change in policy previously set by the Committee. The National Planning Policy Guidance changed to exclude developments of 10 dwellings or less and which have a maximum combined gross floor space of no more than 1000sqm from making tariff style contributions under Section 106 of the Town and Country Planning Act 1990. This has a direct impact on the Council's adopted policy which currently seeks contributions at 5 dwellings or more. The Council's threshold for affordable housing contributions as set out in Policy H20 in the emerging Local Plan is developments of 15 or more dwellings and therefore it was not affected by this change to government policy. The main impact on Council planning policy is therefore the continued implementation of adopted policy set out in the document 'Section 106 Agreements – a Guide for Developers' which seeks contributions to recreational open space, education, healthcare, national forest planting and River Mease contributions from all new residential development over 4 dwellings. As a result, it is proposed that with immediate effect any outstanding planning applications for a development of ten dwellings or fewer and which have a maximum combined gross floor -space of no more than 1000sqm, (which would tend to exclude sites of larger detached houses which may still be caught) there will no longer be a requirement to enter into a S106 agreement.

**RESOLVED:**

***That the Council's 'Policy' be amended to reflect the latest government guidance.***

EDS/81 **ADOPTION OF BYELAWS FOR ACUPUNCTURE, TATTOOING, SEMI-PERMANENT SKIN-COLOURING, COSMETIC PIERCING AND ELECTROLYSIS**

A report was submitted to advise Members of the outcome of a consultation in relation to the new Byelaws for Acupuncture, Tattooing, Semi-Permanent Skin-Colouring, Cosmetic Piercing and Electrolysis. Also to provide Members with the necessary information to be able to give full consideration to the recommendation contained in this report.

In December 1982, the Council resolved to adopt sections 14-17 of the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) which required everyone offering acupuncture, tattooing, ear piercing and electrolysis to register with the Council. Following the resolution, Byelaws regulating these activities were prepared and sealed on 13th December 1984 and confirmed by the Secretary of State for Social Services on 13th June 1985. The Byelaws came into operation on 1st August 1985. In 2003, the Government introduced the Local Government Act 2003 which amended the current provisions of the 1982 Act to include cosmetic piercing and semi-permanent skin-colouring. These proposals will provide a clear framework for anyone wishing to start their own business which will contribute directly to the corporate vision to make South Derbyshire a better place to live, work, and visit, and to the theme of sustainable growth and opportunity.

**RESOLVED:-**

***That the existing Byelaws for Tattooing adopted in 1985 be revoked and the new Byelaws for Acupuncture, Tattooing, Semi-Permanent Skin-Colouring, Cosmetic Piercing and Electrolysis be adopted.***

EDS/82 **WORK PROGRAMME**

The Committee was asked to consider the updated work programme.

**RESOLVED:-**

***That the Committee considered and approved the updated work programme.***

EDS/83 **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 would be 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.***

EDS/84 **EXEMPT QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER  
COUNCIL PROCEDURE RULE NO 11**

The Committee were informed that no exempt questions from elected members had been received

The meeting terminated at 6:50pm

COUNCILLOR P. WATSON

CHAIRMAN