

PLANNING COMMITTEE

17<sup>th</sup> October 2017

**PRESENT:-**

**Conservative Group**

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

**Labour Group**

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

**In attendance**

Councillor Mrs Patten (Conservative Group)

PL/67 **APOLOGIES**

Apologies for absence were received from Councillors Mrs Hall (Conservative Group), Shepherd and Tilley (Labour Group)

PL/68 **MINUTES**

The Open Minutes of the Meetings held on 27<sup>th</sup> June 2017, 18<sup>th</sup> July 2017, 8<sup>th</sup> August 2017 and 5<sup>th</sup> September 2017 were taken as read, approved as a true record and signed by the Chairman.

PL/69 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations had been received.

PL/70 **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/71 **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/72 **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 DESPACHED 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**

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

The Planning Services Manager summarised the options available to Members in this case, namely to refuse this application and enforce the previously agreed conditions or grant the application with its mitigation measures, albeit with longer opening hours.

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

Councillor Mrs Patten addressed the Committee as Ward Member for Hilton, referring to the confined location, its proximity to residential dwellings, opening times, traffic issues and landscaping. The Councillor also questioned why Aldi had chosen to disregard the original conditions and the lack of enforcement action. Although the community had wanted Aldi in the village, the Councillor expressed a view that the company had not, to date, proved to be good neighbours.

Other Members commented that whilst the store was an asset to the community, deliveries had been made outside the agreed hours, that the current application could be an opportunity to improve matters for residents. Other issues raised included the proposed fence size, design, location and materials, landscaping content, parking, customer notices, car park barriers, banksman responsibilities, the potential for setting up a local liaison group, health and safety considerations in relation to pedestrians, drivers, the banksman and vehicles, council liability and the need for enforcement where applicable.

All matters were 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 additional / amended conditions to secure: amendment to condition 8 to cover collections, revised condition 9 to require revised Development Management Plan to include arrangements for banksmen to guide deliveries into the site from the public highway, avoiding unnecessary off-site movements; additional conditions to secure: closing of car park barriers outside opening hours, barrier to close off pedestrian access***

*from The Mease, on-site signage to remind customers to park considerately on surrounding residential streets.*

*Additional informative to be issued encouraging liaison meetings with residents.*

PL/73 **CHANGE OF USE FROM USE CLASS A2 (ESTATE AGENTS) TO USE CLASS D1 (PHYSIOTHERAPY, NUTRITION AND WELLBEING CLINIC) AT 5 DERBY ROAD, MELBOURNE, DERBY**

**RESOLVED:-**

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

PL/74 **DISPLAY OF AN ADVERTISEMENT AT MIDWAY COMMUNITY CENTRE, CHESTNUT AVENUE, MIDWAY, SWADLINCOTE**

**RESOLVED:-**

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

PL/75 **TO REPLACE THE WINDOWS OF SMISBY VILLAGE HALL ON 3 ELEVATIONS AT SMISBY VILLAGE HALL, MAIN STREET, SMISBY, ASHBY DE LA ZOUCH**

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

Councillor Stanton addressed the Committee as Ward Member for Repton, referring to the proposed windows being an improvement, it being difficult to tell the difference between the proposed windows and wooden examples, as well as such windows being permitted on houses in the vicinity.

Other Members referred to the need to maintain standards in accordance with policy, to consider each case on its own merits, the non-historic nature of the building, the design features of the proposed windows, the potential for treating the application as an exception, the responsibility of a public body in setting a good example, particularly in a conservation area, value for money considerations and the need to act reasonably, considering the application as an individual case.

**RESOLVED:-**

*That planning permission be granted, contrary to recommendation, on the grounds that the design is more consistent with the historic environment than the existing pattern and therefore is justified as an exception to the policy.*

PL/76 **PROPOSED TREE PRESERVATION ORDER 464 AT LAND AT 41 GROVE CLOSE, THULSTON**

***RESOLVED:-***

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

PL/77 **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 18<sup>th</sup> July 2017 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 7.15pm.

COUNCILLOR A ROBERTS

CHAIRMAN