

PLANNING COMMITTEE

1st May 2018

PRESENT:-

Conservative Group

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

Labour Group

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

In attendance

Councillor Billings

PL/188 **APOLOGIES**

Apologies for absence were received from Councillors Coe, Mrs Hall (Conservative Group), Dr Pearson (Labour Group) and Tipping (Independent / Non-Grouped Member).

PL/189 **MINUTES**

The Open Minutes of the Meetings held on 27th February 2018 and 20th March 2018 were taken as read, approved as a true record and signed by the Chairman.

PL/190 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations had been received.

PL/191 **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/192 **REPORT OF THE STRATEGIC DIRECTOR (SERVICE DELIVERY)**

The Strategic Director (Service Delivery) 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/193 **CHANGE OF USE OF LAND FOR TOURISM PURPOSES AND RETENTION OF A YURT AND A TIPI WITH ASSOCIATED SAUNA AND COMPOST TOILET STRUCTURES WITH PARKING AND HARDSTANDING AT LAND AT SK3221 7095, TICKNALL ROAD, HARTSHORNE, SWADLINCOTE**

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

The Planning Services Manager informed Committee that neither the pergola seen on site nor a wind turbine made reference to separately were part of the application being considered. Attention was also drawn to Condition 3 in relation to the alternative access being blocked off.

Mr Jon Imber (objector) attended the Meeting and addressed Members on this application.

The Planning Services Manager confirmed that sustainability had been considered, that policy does not rule out such sites and that there was no conflict with policy. Additionally, a demand for such locations and accommodation had been established.

Other Members raised comment or queries in relation to the access road, the location, proximity of neighbours, the application being a retrospective one, the apparent disregard for the planning process, the absence of any emergency or management plans, the fire pit, food burning stoves, permitted development rights and potential actions in relation to the recently erected pergola, all matters addressed by the Planning Services Manager.

A proposal to defer the application, to allow for further details to be requested, was not supported by Committee.

RESOLVED:-

That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery), also with delegated authority granted to the Planning Services Manager to add / amend conditions requiring a site management and emergency plan with particular emphasis on fire prevention.

PL/194 **OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS TO BE RESERVED) FOR THE RESIDENTIAL DEVELOPMENT OF UP TO 45 DWELLINGS TOGETHER WITH OPEN SPACE AND LANDSCAPING ON LAND AT SK2430 7995, DERBY ROAD, HILTON, DERBY**

The Principal Area Planning Officer informed Committee that a response had been received from Natural England since the report was published, citing no objections and that a further objection had been received out of time, its contents common in theme to those already received. The Officer also

referred to a query made by the applicant regarding the commuted sum in lieu of affordable housing. References were also made to a query relating to Condition 3 and a request for delegated authority to enhance Condition 19.

Councillor Taylor left the Chamber at 6.40pm.

Mr Charles Cuddington (objector) and Mr Steve Lewis-Roberts (applicant's agent) attended the Meeting and addressed Members on this application.

Councillor Taylor returned to the Chamber at 6.45pm.

The Principal Area Planning Officer confirmed that the Planning Officers had had sight of the legal opinion provided by the objector, noted as pre-dating the Planning report, as published, by a month. The view was stated that officers at the Council and other statutory bodies had provided their input to the report, based on their professional knowledge and local awareness of the location. It was added that the housing was required, in accordance with its allocation in the Local Plan, in order to meet housing supply numbers.

Councillor Mrs Patten addressed the Committee as Ward Member for Hilton, expressing the concerns of residents, namely in that they feel that Hilton has become saturated with development and its infrastructure is struggling. The feasibility of installing a pedestrian crossing in what was currently a 40mph zone was also queried, along with the possibility of providing allotment land in the space formerly allocated as a play area. The Principal Area Planning Officer, in referencing the crossing, confirmed that Section 106 monies were being secured to finance a crossing, but that its implementation was a County Council Highways matter.

The aspirations of the Wildlife Trust were queried, in particular in relation to alternative hedgerows. The Officer expressed a view that this may be a realistic proposition, to gain monies for re-planting.

Councillor Billings addressed the Committee as another Ward Member for Hilton, relating to concerns regarding local over-development outpacing infrastructure development, traffic volumes, the lack of guarantees around the County Council granting a Traffic Regulation Order enabling the installation of a lower speed limit / crossing, the loss of a play area in the plan, hedgerows, parking, the proposed ratio of parking spaces to house sizes in bedroom terms, garages being converted into living accommodation and bodies such as the NHS not claiming against the Section 106 funds.

The Principal Area Planning Officer stated that the Council can only pursue Section 106 sums, not determine that external bodies make claims against the funds. In relation to the pedestrian crossing, it was confirmed that the County Council had deemed it likely to be installed, subject to funding, which was being accommodated. The play area had been removed as its location was not considered entirely suitable. The hedgerows had not been defined as ancient and would, in any event, be replaced. In relation to garage conversion, it was confirmed that a withdrawal of permitted development rights could not be applied to the whole site, nor the imposition of spaces per bedroom ratio,

both issues that could be considered in specific areas, if required, at the reserved matters stage.

It was stated that successive governments had removed the link between parking spaces and bedrooms, that the County Council would most likely impose a speed limit reduction / crossing if the finance was available and that, whilst play areas were needed, the proposed area had not been ideal in this instance. Another Member drew attention to Condition 19, stating that whilst it dealt adequately with flooding matters in the drainage scheme, it did not, he felt, sufficiently address health and safety matters in an urban location and suggested that the condition be enhanced to include the CIRIA guidelines. The Principal Area Planning Officer responded that this could be achieved via an informative, as the health and safety legislation was already in existence.

RESOLVED:-

- A. That delegated authority be granted to the Planning Services Manager to finalise the affordable housing contribution per dwelling and negotiate further the destination for open space, built facilities, sports facilities contributions and pedestrian crossing, along with negotiating and securing a sum for biodiversity offsetting (for hedgerow loss), and subsequently complete a Section 106 Agreement to secure these and other contributions as set out in the report. It was also agreed that delegated authority be granted to enhance Condition 19 and that an informative be attached relating to health and safety matters associated with the drainage scheme; and***
- B. Subject to A above, that planning permission be granted as recommended in the report of the Strategic Director (Service Delivery).***

Abstention: Councillor Mrs Patten.

Councillor Mrs Patten left the Chamber at 7.20pm.

PL/195 **OUTLINE APPLICATION FOR THE DEVELOPMENT OF SITE FOR B2/B8 UNITS, EACH UNIT PROVIDING NO LESS THAN 15,000SQM OF FLOOR SPACE WITH ACCESS FOR APPROVAL NOW AND ALL OTHER MATTERS RESERVED FOR FUTURE APPROVAL ON LAND TO THE NORTH OF DOVE VALLEY PARK, PARK AVENUE, FOSTON, DERBY**

The Principal Area Planning Officer updated Committee with revisions to the report, namely that references to dwellings should have been to units (Condition 22); that more strategy had been proffered in relation to site drainage, the pond now increased to twice its initial proposed size; current details relating to Phases 1 and 2, to be addressed via delegated authority. Amendments to Conditions 3, 16 and 17 were also relayed to enhance the drainage of the site. It was also suggested that an informative relating to health and safety matters associated to the drainage scheme be attached.

Councillor Mrs Patten returned to the Chamber at 7.30pm.

The Chief Executive emphasised the success of Phase 1 of the development and that Phase 2, comprising larger units, would lead to greater investment, employment and economic gains for the District.

Councillor Billings addressed the Committee as Ward Member for Hilton, raised concerns made known to him relating to increased noise from the site, in particular from the lorry park, the potential for open water to attract more wild birds and the risk of avian flu being transferred to stock at local poultry farms, along with flooding issues surrounding the Watery Lane area. The Councillor also commented on the planting scheme located by nearby residences, to which the Principal Area Planning Officer confirmed that this aspect already had permission in place, due for implementation.

RESOLVED:-

- A. That delegated authority be granted to the Planning Services Manager to negotiate the bus service provisions as set out in the report and subsequently complete a Section 106 Agreement to secure the agreed scheme and associated financial contribution, and the Travel Plan monitoring and (if possible) biodiversity offsetting contributions. Amendments to Conditions 3, 16, 17 and 22 were agreed, as was the attachment of an informative relating to health and safety matters associated with the drainage scheme; and***
- B. Subject to A above, that planning permission be granted as recommended in the report of the Strategic Director (Service Delivery).***

PL/196 **THE ERECTION OF 8 NO HOLIDAY CABINS ON LAND AT SK2923 5475, SHADES FARM, BRETBY, DERBY**

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

The Planning Services Manager informed Committee that Condition 11 was to be enhanced to accommodate planting near the access road and that Condition 9 addressed concerns regarding materials and finishing.

Councillor Billings left the Meeting at 7.45pm.

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, stating that he felt the proposed screening was suitable and that the application would be an asset to the area.

Members commended the site for tourism purposes, but raised concerns regarding the removal of established hedging, albeit for greater visibility, in addition to the level of proposed screening at the south-west end near the

garden centre. Further comments regarding drainage provision and waste treatment were made, as well as, given the open countryside location, that night lighting should be low-level / downward.

RESOLVED:-

That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery), including enhancements to the conditions relating to landscape screening. It was also agreed that an informative be attached relating to health and safety matters associated with the drainage scheme.

PL/197 **THE ERECTION OF A SINGLE DWELLING AND DETACHED GARAGE TO THE REAR OF 6 MILLFIELD STREET, WOODVILLE, SWADLINCOTE**

Mrs Angela Tamblyn (applicant) attended the Meeting and addressed Members on this application.

Members raised comments or concerns regarding back garden development, property size, its design in the locality, visual impact, the actual detail of local concern and the use of delegated powers.

A query was also raised as why previous case officer advice appeared to be contrary to the final recommendation. The Planning Services Manager stated that the scale and character of the design had always been cited during discussions, but never adequately addressed.

RESOLVED:-

That planning permission be refused as recommended in the report of the Strategic Director (Service Delivery).

Abstention: Councillor Mrs Coe.

PL/198 **PLANNING AND OTHER APPEALS**

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

9/2017/0194	Askew Lodge, Milton Road, Repton
9/2017/0845	Ivy Cottage, Boggy Lane, Church Broughton
9/2017/0845	Bretby Hollow, Newhall, Swadlincote

PL/199 **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.

MINUTES

The Exempt Minutes of the Meetings held on 27th February 2018 and 20th March 2018 were received.

EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE No 11.

The Committee was informed that no questions had been received.

DOLES LANE, FINDERN, DERBY, DE23 6RH (Paragraph 2)

Members approved the recommendation in the report.

The meeting terminated at 8.10pm.

COUNCILLOR MRS L BROWN

CHAIRMAN