

PLANNING COMMITTEE

26<sup>th</sup> June 2018

PRESENT:-

**Conservative Group**

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

**Labour Group**

Councillors Dr Pearson, Shepherd, Southerd and Tilley

**Independent / Non-Grouped Member**

Councillor Tipping

**In attendance**

Councillor Billings

PL/24 **APOLOGIES**

Apologies for absence were received from Councillors Coe and Mrs Hall (Conservative Group)

PL/25 **DECLARATIONS OF INTEREST**

Councillor Mrs Coe declared a personal interest in Item 1.1 on the Agenda by virtue of having rented premises nearby and being acquainted with the applicant.

Councillor MacPherson declared a pecuniary interest in Item 1.4 on the Agenda by virtue of being acquainted with the applicant and having previously undertaken work for him.

PL/26 **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/27 **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/28 **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 Planning Services Manager informed the Committee that since the Report had been published, the additional drainage investigation request had been withdrawn and that, in relation to the biodiversity issue, the applicant had suggested an alternative location and offered £50,000 for mitigation measures, accepted as suitable offset by the Wildlife Trust. The Planning Services Manager requested that Resolution A be amended accordingly and that delegated authority be granted to allow him to secure the £50,000 sum. The Officer also referred to the addition of an informative to ensure compliance with the CIREA guidelines relating to the SuDS.

The Chief Executive addressed the Committee, referring to the years of successful development on this site and the opportunity it presented for further inward investment.

Councillor Billings addressed the Committee as Ward Member for Hilton, querying the landscaping around the site. The Planning Services Manager confirmed that the Council's landscape architect was considering the proposals, that they were of a superior quality and in any event, covered by condition.

Other Members noted that previous issues had been satisfactorily addressed and that the development would be beneficial to the area.

**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 the biodiversity offsetting contributions; and***
- B. Subject to A. above, that planning permission be granted as recommended in the report of the Strategic Director (Service Delivery).***

Councillor MacPherson left the Chamber at 6.15pm.

PL/29 **THE ERECTION OF 14 DWELLINGS WITH ACCESS, PARKING AND TURNING AREAS AND ASSOCIATED WORKS ON LAND TO THE REAR OF 33 TO 59 COURT STREET, WOODVILLE, SWADLINCOTE**

The Principal Area Planning Officer updated the Committee with an increased financial contribution towards school places, revised to now cater for two junior school places and two secondary school places, an increase of £47,000 in the Section 106 provision. The Officer also referred to the Section 106 contribution being transferred from Swadlincote Woodlands to the Woodhouse recreation ground, as well as a request from the Highways Authority for a management arrangement if the road remained private, which would require a condition and an informative.

The applicant's agent attended the Meeting and addressed Members on this application.

Members raised comment or queries relating to this site and its relationship with another off Frederick Street, the improved access to this site, welcomed the retention of the adjoining public open space, but noted the lack of any affordable housing provision. All issues were addressed by the Principal Area Planning Officer.

**RESOLVED:-**

- A. That delegated authority be granted to the Planning Services Manager to complete a Section 106 Agreement to secure the contributions and obligations as set out in the report and update; and**
- B. Subject to A. above, that planning permission be granted as recommended in the report of the Strategic Director (Service Delivery), with the addition of the highways condition and informative.**

Councillor MacPherson returned to the Chamber at 6.25pm.

PL/30

**OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS AND SCALE TO BE RESERVED) FOR THE RESIDENTIAL DEVELOPMENT OF TWO DWELLINGS TO THE REAR OF 705 BURTON ROAD, MIDWAY, SWADLINCOTE**

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

The Principal Area Planning Officer informed the Committee of a plan number amendment in Condition 3 and that, under the Design and residential amenity section, the reference to the side elevation of No.709 should have read as No.703.

An objector attended the Meeting and addressed Members on this application.

Councillor Dr Pearson addressed the Committee as Ward Member for Midway, speaking on behalf of another Ward Member, Cllr Wilkins, who had referred the matter to Committee, but had been unable to attend. Concerns were expressed regarding the potential impact of the development on neighbours and the determination of garden boundaries. The Principal Area

Planning Officer commented that the matter before Committee referred to scale and access only, with more detailed matters to be determined at a later stage. Cllr Dr Pearson requested that the matter be returned to Committee at its reserved matters stage, in order that Members can consider the application further and determine the details. It was agreed that an instruction would be added to the case papers to this effect.

**RESOLVED:-**

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

PL/31

**OUTLINE APPLICATION (ALL MATTERS TO BE RESERVED) FOR THE RESIDENTIAL DEVELOPMENT OF A 3-BED DETACHED PROPERTY ON LAND ADJACENT TO 8 LINDSAY COURT, SWADLINCOTE**

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

Councillor Tilley addressed the Committee as Ward Member for Swadlincote, citing the lack of parking as a concern, the site's proximity to a public footpath, plant access during the building phase and ongoing maintenance of the fence. The Planning Services Manager confirmed that parking provision was not a strict requirement in urban settings, especially as a public car park was nearby, that a condition could address the fence maintenance issue and that builders could access the site from both Lindsay Court as well as Alexandra Road.

Members commented on the proposed small property being suitable for the unusually shaped plot, the case for building and other dwellings in the vicinity, whilst another Member considered the application unacceptable, unsafe and an overdevelopment. The various comments were addressed by the Planning Services Manager.

**RESOLVED:-**

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

PL/32

**APPROVAL OF RESERVED MATTERS FOR ACCESS, LAYOUT, SCALE, APPEARANCE & LANDSCAPING OF OUTLINE PERMISSION REF. 9/2013/1044 (FOR THE COMMERCIAL DEVELOPMENT PHASE COMPRISING SIX EMPLOYMENT UNITS FOR USE AS OFFICES (USE CLASS B1(A)), LIGHT INDUSTRY (USE CLASS B1(C)), GENERAL INDUSTRY (USE CLASS B2) AND/OR STORAGE AND DISTRIBUTION (USE CLASS B8)) ON LAND SOUTH OF THE MEASE, HILTON BUSINESS PARK, HILTON, DERBY**

The Planning Services Manager addressed the Committee with the summaries received from both the objector and the applicant's agent, also

relaying the fact that since the matter was deferred at the last Planning Committee, the developer had chosen not to revise the application in any way.

Councillor Billings addressed the Committee as Ward Member for Hilton, referring to the proposed Unit 1 element of the development as overbearing, oppressive, with inadequate screening and misleading photographic mock-up's. The Councillor cited various policies relating to the impact on others, conflicting land uses and the impact on the rural character of the area. The Planning Services Manager commented that policies SD1 and BN1 focused on human amenity, but noted that the farm's living accommodation was further away from the boundary than the livestock. The Officer also noted the lack of any evidence to support the livestock and air quality related issues, concerns relating to landscaping, but accepted that the impact on the area, rural character and views could be argued.

Other Members expressed disappointment at the lack of plan revision by the developer despite potential alternatives and queried the accuracy of the photographic mock-up, the speculative nature of Unit 1 in terms of its size and height, the lack of any other such tall buildings in the area, the potential impact on the farm livestock and farmer's livelihood, air quality, the onus on the developer to provide proof rather than the farmer, the lack of space for trees of the required height, how long they would take to mature and the lack of any compensation for the farm owner. All issues were noted and responded to by the Planning Services Manager.

A proposal to refuse the application on visual amenity grounds contrary to Local Plan Policy was supported by Committee.

***RESOLVED:-***

***That planning permission be refused contrary to recommendation, due to the undue adverse visual impact on approach to the village, contrary to Local Plan Policies BNE1 and SD1.***

PL/33 **PLANNING AND OTHER APPEALS**

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

9/2017/0968	Sturges Lane, Thulston, DE72 3WD
9/2017/1170	Pine Lodge, High Street, Ticknall, DE73 7JH

PL/34 **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 MRS L BROWN

CHAIRMAN