

PLANNING COMMITTEE

5th 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, Taylor (substituting for Councillor Southerd) and Tilley

Independent / Non-Grouped Member

Councillor Tipping

In attendance

Councillor Billings

PL/1 **APOLOGIES**

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

PL/2 **MINUTES**

The Open Minutes of the Meetings held on 10th April 2018 and 1st May 2018 were taken as read, approved as a true record and signed by the Chairman.

PL/3 **DECLARATIONS OF INTEREST**

Councillor Shepherd declared a personal interest in Items 1.7 and 1.8 on the Agenda by virtue of his daughter living near to the location of the applications.

Councillor Muller declared a personal interest in Item 2.1 on the Agenda by virtue of being acquainted with neighbours of the applicant.

Councillor Watson declared a personal interest in Item 1.12 on the Agenda by virtue of being acquainted with individuals in Newton Solney.

Councillor Dr Pearson joined the Meeting at 6.05pm.

PL/4 **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/5 **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/6 **OUTLINE APPLICATION (ALL MATTERS RESERVED FOR FUTURE APPROVAL) FOR RESIDENTIAL DEVELOPMENT FOR UP TO 50 DWELLINGS WITH OPEN SPACE, DRAINAGE AND ASSOCIATED WORKS ON LAND AT SK2730 1591, EAST OF EGGINTON ROAD AND NORTH OF JACKSONS LANE, ETWALL COMMON, DERBY**

The Principal Area Planning Officer informed Committee that the Clinical Commissioning Group had made a response since the report had been published, with £19,020 to be allocated to the Wellbrook Medical Centre. It was also noted that in the Recommendations, B. should have read 'Subject to A...', rather than 'Subject to B...'. Reference was made to Condition 3, for the addition of another sub-condition relating to density, as set out in policy, and for another informative relating to safety regarding the balancing ponds.

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

Councillor Taylor joined the Meeting at 6.20pm.

Councillor Muller addressed the Committee as Ward Member for Etwall, echoing concerns raised in relation to noise at the location, whilst also noting the allocation within the Local Plan Part 2. The Principal Area Planning Officer confirmed that Environmental Health Officers had reviewed the matter and had raised no objections, adding that there was a condition regarding noise mitigation.

Other Members raised comment or queries in relation to the flood zone, balancing ponds, water discharge, the 'urban creep' factor, affordable housing, its off-site provision and the decision-making process. All matters were addressed by the Principal Area Planning Officer and Planning Services Manager.

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

PL/7

APPROVAL OF RESERVED MATTERS FOR ACCESS, LAYOUT, SCALE, APPEARANCE AND LANDSCAPING OF PLANNING PERMISSION REF. 9/2016/0870 FOR 41 DWELLINGS ON LAND AT SK4129 8075, MOOR LANE, ASTON ON TRENT, DERBY

The Principal Area Planning Officer informed Committee that drainage matters had been further addressed, in relation to the off-site drainage pond, and, given that the parish council were unwilling to maintain fruit trees, the community orchard feature had now been removed from the proposal. A re-alignment of the northern boundary culvert had been introduced to enhance the access area and visibility splay. Footpath concerns were noted, but deemed desirable as they linked to existing public footpaths. Issues relating to the height of properties in close proximity to the boundary required a judgement as to what constituted 'close proximity', but officers felt the proposals were compliant, as those properties closest to the boundary were either single storey or one-and-an-half in height.

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

Members raised comments or concerns relating to the proposed fencing around the attenuation pond, public access to the pond, potential alternative uses of the pond, safety barriers on the footpath crossings and requested an informative regarding adherence to CIRIA guidelines.

RESOLVED:-

That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery), including a condition relating to safety barriers at the end of pedestrian links.

PL/8

APPROVAL OF RESERVED MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) OF OUTLINE PERMISSION REF. 9/2013/1044 FOR ERECTION OF 177 DWELLINGS AND CREATION OF ASSOCIATED ROADS AND INFRASTRUCTURE (RESIDENTIAL PHASE 2) ON LAND SOUTH OF THE MEASE, PART OF HILTON DEPOT SITE, THE MEASE, HILTON, DERBY

The Principal Area Planning Officer updated Committee with amendments since the report's publication, namely in that following further representations from the Police regarding design security and requested delegated authority to

amend Condition 1, as well as to add a further condition, at the discretion of the Planning Services Manager, associated with gates to the rear of the gardens, aimed at addressing anti-social behaviour. The matter of parking provision was also confirmed, dependent on the number of bedrooms. The officer reported that the viability of the scheme had again been reviewed, due primarily to increased costs of remedial works, with the affordable housing provision further reduced from 10% to 6%, a figure agreed with the District Valuer. It was also noted that in the Recommendations, B. should have read 'Subject to A...', rather than 'Subject to B...'.

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

Councillor Billings addressed the Committee as Ward Member for Hilton, expressing concerns with the parking provision, the potential for future garage conversions and the feasibility of removing permitted development rights.

Other Members raised comments on tandem parking, garage use and disappointment with the reduced level of affordable housing, which at 6% they considered inadequate. They also queried options for revising the split of the decreased Section 106 sums with the County Council. The Principal Area Planning Officer commented that the first priority in Section 106 Agreements is to mitigate the impact of development on the local infrastructure, for example, in educational provision.

RESOLVED:-

- A. That delegated authority be granted to the Planning Services Manager to complete a Deed of Variation to the Section 106 Agreement to reduce the level of affordable housing required, as set out in the report; and***
- B. Subject to A above, that planning permission be granted as recommended in the report of the Strategic Director (Service Delivery), including the amended Condition 1 relating to design security and the additional condition regarding the garden gates.***

PL/9

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

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

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

Councillor Billings addressed the Committee as Ward Member for Hilton, expressing concerns with what he felt would be an oppressive, overbearing building, which would impact on the farm's operation, also considering the proposed tree screening inadequate, leading him to suggest that the application be refused.

Members expressed support for the employment opportunities this application would provide, but raised concerns regarding the existing woodlands, the choice of replacement tree species, the close proximity and height of one unit to the neighbouring farm, the impact on the farm, the prospects of any compensation for the farm owner and the speculative nature of the build, given that no units had been sold or let. The feasibility of alternative designs and/or locations within the site were also discussed, along with the various impacts and benefits of the application. Responses to these issues were made by the Principal Area Planning Officer and Planning Services Manager.

RESOLVED:-

That the matter be deferred to a later Planning Committee to enable the applicant to reconsider the scheme.

PL/10 DEMOLITION OF EXISTING GARAGE AND PART OF FRONTAGE WALL AND CONVERSION OF EXISTING OUTBUILDING TO FORM A RESIDENTIAL DWELLING AT 31 CHAPEL STREET, TICKNALL, DERBY

PL/11 RELEVANT DEMOLITION CONSENT FOR DEMOLITION OF EXISTING GARAGE AND PART OF FRONT BOUNDARY WALL AT 31 CHAPEL STREET, TICKNALL, DERBY

Councillor Stanton, Ward Member for Repton, requested that the above matters relating to 31 Chapel Street, Ticknall be deferred for a site visit and an independent structural survey.

RESOLVED:-

That the matter be deferred for a site visit and an appropriate independent report.

Councillor Billings left the Chamber at 8.00pm.

PL/12 APPROVAL OF RESERVED MATTERS FOR LAYOUT, SCALE, APPEARANCE & LANDSCAPING FOR THE ERECTION OF 17 DWELLINGS UNDER PLANNING PERMISSION REF: 9/2014/0287 ON LAND AT SK3925 1974 EAST OF STATION ROAD, MELBOURNE, DERBY

Committee was informed that this matter had been withdrawn from proceedings since the report was published.

PL/13 **APPROVAL OF RESERVED MATTERS FOR LAYOUT, SCALE, APPEARANCE & LANDSCAPING FOR THE ERECTION OF 23 DWELLINGS UNDER PLANNING PERMISSION REF: 9/2015/0119 ON LAND AT SK3925 1974 EAST OF STATION ROAD, MELBOURNE, DERBY**

Committee was informed that this matter had been withdrawn from proceedings since the report was published.

PL/14 **APPROVAL OF RESERVED MATTERS (LAYOUT, SCALE, APPEARANCE AND LANDSCAPING) FOR THE ERECTION OF 71 DWELLINGS PURSUANT TO PLANNING PERMISSION REF: 9/2014/0948 ON LAND AT SK2520 3411 ROSLISTON ROAD, SOUTH DRAKELOW, SWADLINCOTE**

Members who commented on this application commended it, whilst another queried the location of affordable housing within the site, which the Principal Area Planning Officer highlighted on the plans.

RESOLVED:-

That approval of reserved matters be granted as recommended in the report of the Strategic Director (Service Delivery).

PL/15 **CONTINUED USE OF THE SITE IN CONNECTION WITH B2 (INDUSTRIAL) AND B8 (STORAGE) USE ALONG WITH RETENTION OF PERIMETER PALISADE FENCING AND RE-PAINTING OF IT, RETAINING WALL, HARDSTANDING AND INSTALLATION OF DROPPED KERB TO SWADLINCOTE ROAD AT FIRST FENCE LTD, KILN WAY, WOODVILLE, SWADLINCOTE**

Councillor Taylor addressed the Committee as Ward Member for Woodville, noted the work undertaken relating to the fence colour and noise issues, but made reference to health and safety concerns relating to reversing vehicles and the limited visibility when attempting to cross the road at the location, feeling unable to support the application as a result.

Other Members raised comments on the potential impact of the imminent Woodville Regeneration Route, the site access and visibility surrounding the location, all matters addressed by the Planning Services Manager.

RESOLVED:-

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

Abstentions: Councillors Dr Pearson and Tilley.

PL/16 **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**

Councillor Tilley, Ward Member for Swadlincote, requested that the application be deferred for a site visit.

RESOLVED:-

That the matter be deferred for a site visit.

PL/17 **THE ERECTION OF EXTENSIONS AND ALTERATIONS AT 22 MAIN STREET, NEWTON SOLNEY, BURTON-ON-TRENT**

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

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

Councillor Stanton addressed the Committee as Ward Member for Repton, referring to concerns expressed by Newton Solney Parish Council, whilst noting that he felt the proposals would improve the look to the property frontage and that few will see the modern treatment proposed for the rear of the property. The Councillor also raised concerns relating to the adjoining wall. On this point, the Planning Services Manager made reference to the Party Walls, etc Act, suggesting that an informative be added in this respect.

Members found favour with the proposals, avoiding the demolition previously applied for, although the provisional TPO on the Silver Birch tree in the rear garden was queried, given the species, size and its proximity to the proposed rear extension.

RESOLVED:-

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

PL/18 **SUSPENSION OF STANDING ORDERS**

RESOLVED:-

That Standing Orders be suspended and that the meeting of the Committee continue beyond 8.30pm.

PL/19 **CHANGE OF USE OF PART OF EXISTING WOODLAND FOR PROVISION OF SIX LOG CABIN HOLIDAY LETTING UNITS AND ASSOCIATED CAR PARKING AT BODENS STICKS, CROPPER LANE, OSLESTON, ASHBOURNE**

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

The Planning Services Manager commented on the variance in terms of impact as outlined by different bodies and the opinions provided in relation to

the hedge height at the access to the location, but that the independent expert advice received by the Council was as set out in the report and remained unchanged by the applicant's comments.

Councillor Muller addressed the Committee as Ward Member for Etwall, expressing his support for the recommendation to refuse the application, thus avoiding the loss of natural habitat and woodland.

RESOLVED:-

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

PL/20 **PLANNING AND OTHER APPEALS**

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

9/2017/0503	Moorside House, Shardlow Road, Aston on Trent
9/2017/0616	Newton Mount, Bretby Lane, Bretby
9/2017/1011	Longdon Park School, Park Hill, Hilton Road, Egginton
9/2017/1059	Follyfoot Farm, Burntheath Lane, Hilton

PL/21 **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 Meeting held on 1st May 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.

The meeting terminated at 8.45pm.

COUNCILLOR MRS L BROWN

CHAIRMAN