

PLANNING COMMITTEE

22nd March 2016

PRESENT:-

Conservative Group

Councillor Roberts (Chairman) and Councillors Atkin, Mrs Coe (substituting for Councillor Mrs Farrington), Ford, Grant, Mrs Hall, Murray (substituting for Councillor Mrs Brown), Stanton and Watson.

Labour Group

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

In Attendance

Councillors Muller, Mrs Patten, Mrs Plenderleith and Taylor.

PL/180 **APOLOGIES**

Apologies for absence from the Meeting were received on behalf of Councillors Mrs Brown, Mrs Farrington (Conservative Group) and Southerd (Labour Group).

PL/181 **MINUTES**

The Open Minutes of the Meetings held on 19th January 2016 (PL/144-PL/152) and 9th February 2016 (PL/153-PL/166) were taken as read, approved as a true record and signed by the Chairman.

PL/182 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations of interest had been received.

PL/183 **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/184 **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/185 **APPROVAL OF RESERVED MATTERS OF PLANNING PERMISSION REF: 9/2014/1093, INCLUDING MATTERS OF LAYOUT, SCALE, APPEARANCE AND LANDSCAPING ON LAND AT SK3126 2140 MOUNT PLEASANT ROAD REPTON DERBY**

Mrs Anne Dale (objector) attended the Meeting and addressed Members on this application.

The Principal Area Planning Officer referred to the section on Landscaping and Biodiversity and reported that the requested information had been satisfactorily received, with Condition 1.c. amended as a result.

Councillor Stanton addressed the Committee as local Ward Member for Repton, reflecting the unpopularity of the development amongst local residents, also clarifying details regarding the hedgerow translocation.

Councillor Ford also commented on views expressed at local parish council meetings and, given the limited highway access at the location, requested that the developer be written to regarding the consideration of a traffic plan during the construction period.

RESOLVED:-

That planning permission be granted subject to the conditions, included the revised Condition 1, set out in the report of the Director of Community & Planning Services.

PL/186 **THE ERECTION OF AN EXTENSION INCORPORATING A GARAGE (SUPERSEDING THE DETACHED GARAGE APPROVED AS PART OF APPLICATION 9/2015/0567) AND CREATION OF A NEW VEHICULAR ACCESS AT CHERRY TREE COTTAGE 18 SUTTON LANE HILTON DERBY**

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

Mr Ian Pullen (objector) and Mr Mark Swift (applicant) attended the Meeting and addressed Members on this application.

Councillor Mrs Plenderleith addressed the Committee as local Ward Member for Hilton, outlining issues relating to the size of the extension, the impact on neighbours and the proximity to the property boundary.

Councillor Atkin, whilst having no objection in principle, queried the positioning of the skylight windows, control of traffic flow during construction and the use

of the current driveway post construction, matters that the Principal Area Planning Officer responded to, suggesting, in relation to the latter matter, that the wording of Condition 9 could be revised as appropriate.

Councillor Watson queried the siting of the extension, expressing a view that it could have been better placed. Councillor Shepherd, having attended the site visit, stated that the matter was less straightforward, the large extension unsympathetic to the property.

RESOLVED:-

That planning permission be refused contrary to officer recommendation on the grounds of the proposal being overbearing / overshadowing to the neighbour and detrimental to the street character due to its excessive size and siting, contrary to policy H13.

PL/187 **OUTLINE PLANNING APPLICATION WITH MEANS OF SITE ACCESS FROM EGGINTON ROAD TO BE DETERMINED (ALL OTHER MATTERS RESERVED FOR SUBSEQUENT APPROVAL), FOR THE ERECTION OF UP TO 120 DWELLINGS (CLASS C3); EARTHWORKS; DRAINAGE WORKS; STRUCTURAL LANDSCAPING; FORMAL AND INFORMAL OPEN SPACE; CAR PARKING; SITE REMEDIATION; AND ALL OTHER ANCILLARY AND ENABLING WORKS AT LAND AT SK2631 6820 EGGINTON ROAD ETWALL DERBY**

Mr Keith Earnshaw (objector) and Ms Kathryn Ventham (applicant's agent) attended the Meeting and addressed Members on this application and the associated application, 9/2015/0877, at 2.2 on the Agenda.

Councillor Muller addressed the Committee as local Ward Member for Etwall, stating his support for the refusal recommendation, but also on the grounds of potential noise, flooding, pollution, countryside considerations and impact, along with its extension of the village boundary into open countryside.

Councillor Watson commended the report for its fairness in referencing all arguments for and against the application, but in highlighting its adverse impact on the location, he too expressed his support for refusal.

Councillor Ford referenced speculative development and that it should not be assumed that such applications secure automatic approval.

RESOLVED:-

That planning permission be refused for the reasons set out in the report of the Director of Community & Planning Services.

PL/188 **OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED FOR SUBSEQUENT APPROVAL FOR THE PROVISION OF: EARTHWORKS; DRAINAGE WORKS INCLUDING BALANCING PONDS AND A PUMPING STATION; STRUCTURAL LANDSCAPING; INFORMAL OPEN SPACE INCLUDING PEDESTRIAN LINKAGES; SITE**

**REMEDICATION; AND ALL OTHER ANCILLARY AND ENABLING WORKS
AT LAND AT SK2631 6820 EGGINTON ROAD ETWALL DERBY**

RESOLVED:-

That planning permission be refused for the reason set out in the report of the Director of Community & Planning Services.

Councillors Muller, Mrs Patten and Mrs Plenderleith left the Meeting at 7.20pm.

PL/189 **THE ERECTION OF TEN DWELLINGS INCLUDING ACCESS, INTERNAL ROAD AND GARAGES ON LAND ADJACENT TO 59 ASHBY ROAD WOODVILLE SWADLINCOTE**

The Principal Area Planning Officer confirmed that the further information relating to contaminated land and ground gas ingress had been received and therefore Condition 10. in the report was no longer required.

Councillor Mrs Coe addressed the Committee as local Ward Member for Woodville, stating that as the developer had satisfactorily addressed local concerns there were no longer any issues to report.

Councillor Taylor also addressed the Committee as another Ward Member for Woodville, stating that as the allotment area had been doubled to the north of the site, he had no opposition to the application, but queried the Section 106 position. The Principal Area Planning Officer confirmed that whilst each application is considered on its own merits, it was for the County Council to advise on the educational requirements. In this case, the securing of appropriate Section 106 provision was to be delegated to the Planning Services Manager.

The Principal Area Planning Officer also confirmed that the County Council deemed it not appropriate to request a contribution towards enhancement of the current recycling facilities, in answer to Councillor Dunn's query regarding there being no contribution to a recycling point.

Councillor Atkin commented on the differing roof treatments, querying that as some featured skylights, would permitted development rights allow for the future conversion of loft space. This was confirmed as possible.

RESOLVED:-

- A. That the Planning Services Manager be granted delegated authority to secure the appropriate level of contributions for mitigation of the impact of the development under Section 106 of the Town and Country Planning Act 1990;***
- B. That, subject to A. above, planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services, with the removal of Condition 10.***

PL/190 **THE PRUNING OF A TREE COVERED BY SOUTH DERBYSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER NUMBER 360 AT GRAVEYARD MAIN STREET NETHERSEAL SWADLINCOTE**

RESOLVED:-

That permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.

PL/191 **THE ERECTION OF EXTENSIONS AT 203 OVERSETTS ROAD NEWHALL SWADLINCOTE**

RESOLVED:-

That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services, with an additional condition to secure implementation of an amended plan.

PL/192 **THE ERECTION OF AN EXTENSION AT 15 ACACIA AVENUE MIDWAY SWADLINCOTE**

RESOLVED:-

That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.

PL/193 **PLANNING AND OTHER APPEALS**

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

9/2015/0071

& Enforcement Land known as Blakemere Farm, Bakeacre Lane, Findern.

9/2015/0426 Linton Heath, Linton, Swadlincote.

Enforcement Land known as The Hill Lodge, Deep Dale Lane, Barrow upon Trent

Councillor Watson, in referring to the Barrow upon Trent enforcement matter, commended all officers involved, following the dismissal of the appeal and application for costs, seconded by Councillor Atkin.

Councillor Shepherd sought details on the costs awarded against the Council, which the Principal Area Planning Officer undertook to supply once known.

PL/194 **PROPOSED TREE PRESERVATION ORDER (TPO) 417 AT 23 WALLFIELDS CLOSE, FINDERN**

Councillor Ford expressed dissatisfaction with how this matter had been dealt with, feeling it inappropriate to impose a TPO.

Councillor Watson referred to a similar incident in his Ward, commenting that a TPO does not necessarily prevent removal of a tree with a TPO in place, just imposes the need to seek approval for its removal. Councillor Grant outlined the criteria for granting a TPO and the Principal Area Planning Officer detailed the reasons for requesting a TPO in this case.

Councillor Ford requested that his vote against the granting of a TPO in this case be recorded in the Minutes.

RESOLVED:-

That this Tree Preservation Order (TPO) be confirmed without modification.

PL/195 **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 9th February 2016 (PL/167-PL/168) 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 7.45pm.

COUNCILLOR A ROBERTS

CHAIRMAN