

PLANNING COMMITTEE

9<sup>th</sup> August 2016

**PRESENT:-**

**Conservative Group**

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

**Labour Group**

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

**In Attendance**

Councillors Mrs Farrington, Mrs Patten (Conservative Group) and Taylor (Labour Group)

PL/35 **APOLOGIES**

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

PL/36 **DECLARATIONS OF INTEREST**

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

PL/37 **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/38 **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/39 **THE ERECTION OF A SINGLE STOREY EXTENSION AT 32A TWYFORD ROAD, BARROW ON TRENT, DERBY**

Councillor Watson addressed the Committee as local Ward Member for Aston on Trent, stating that the revised proposals were now acceptable to residents.

**RESOLVED:-**

***That planning permission be granted subject to the updated conditions reported by the Planning Services Manager.***

PL/40 **DEMOLITION OF REAR TOILET BLOCK TO FACILITATE THE ERECTION OF A SINGLE STOREY EXTENSION AT 32A TWYFORD ROAD, BARROW ON TRENT, DERBY**

**RESOLVED:-**

***That listed building consent be granted subject to the conditions set out in the report of the Director of Community & Planning Services.***

PL/41 **OUTLINE APPLICATION (ALL MATTERS TO BE RESERVED) FOR THE RESIDENTIAL DEVELOPMENT OF UP TO 7 DWELLINGS TOGETHER WITH ASSOCIATED ACCESS AND PARKING ARRANGEMENTS AND ALTERATIONS TO 43 REPTON ROAD, HARTSHORNE, SWADLINCOTE**

The Principal Area Planning Officer updated the Committee regarding the position pre and post adoption of the Local Plan Part One, as planning permission had initially been granted prior to the Plan's adoption, its progression slowed by process and legal matters.

Mr Mark Mudge (applicant) attended the Meeting and addressed Members on this application.

Councillor Mrs Coe addressed the Committee as local Ward Member for Woodville, commenting on concerns voiced at parish council and residents association meetings, also noting the proposed site's location outside the village boundary and the provisions of the Local Plan, its character and the level of local development.

Councillor Taylor addressed the Committee as another local Ward Member for Woodville, referred to the previous decision to grant permission and that it was reasonable to maintain that decision, given the expenses incurred by the developer, also stating that the proposals fitted with the village.

Councillor Harrison, whilst noting that the proposals were no longer policy compliant, post Local Plan Part One adoption, queried if any precedent would be made if permission was granted. This theme was supported by Councillor Ford who did not wish to see the Plan undermined in any way, also stating that the Local Plan Part Two may not extend the village boundaries sufficiently to accommodate this area. The Principal Area Planning Officer stated that each application was considered on its own merit, so this decision could not be

generally held to set any precedent, but that another option would be to consider this as an exception site, as it met those criteria. Councillor Dr Pearson queried the number of other similar cases that this decision might influence, to which the Planning Services Manager confirmed that this case was the only one.

Councillor Mrs Farrington addressed the Committee as the other local Ward Member for Woodville, emphasising the need for housing in the area, albeit she would have preferred to see some bungalow provision.

The Vice-Chairman suggested, as the proposal was not policy compliant, that the application be deferred for it to be resubmitted as an exception site, seconded by Councillor Ford. The Planning Services Manager emphasised that despite any sympathy for the developer regarding the delays, the Local Plan Part One was now in place in law and any decision needed to be made in accordance with policy.

Councillor Richards expressed his view that, as matters had been delayed by issues beyond the developer's control, the previous decision should be honoured.

The Vice-Chairman stated that the Committee had a duty to comply with policy and proposed that a revised application be sought as an exception site. This proposal was not supported by Committee.

**RESOLVED:-**

- A. That delegated authority be granted to the Planning Services Manager to secure a Section 106 Agreement in pursuit of the contribution as set out in the report.**
- B. That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.**

**Abstentions: Councillors Mrs Brown and Ford.**

PL/42

**APPROVAL OF RESERVED MATTERS FOR 210 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE, PUBLIC OPEN SPACE AND LEAP OF OUTLINE PLANNING PERMISSION 9/2012/0568 (REVISION TO RESERVED MATTERS APPROVAL REF: 9/2015/0210) ON LAND OFF SWARKESTONE ROAD, CHELLASTON, DERBY**

Councillor Watson addressed the Committee as local Ward Member for Aston on Trent, stating his only concern was drainage at the site, suggesting that that a condition be enhanced to ensure drainage measures were implemented during construction rather than afterwards. The Principal Area Planning Officer referred to a typing error in the conclusion to the report, confirming that, to be compliant, the developer would need to accommodate drainage during construction, but that an informative could be issued regarding the matter.

The Vice-Chairman echoed concerns relating to drainage and flooding, but also raised the issue of parking provision. The Principal Area Planning Officer clarified the slight shortfall in the usual provision, although all plots had one parking space, most with two.

Councillor Richards queried a condition referred to earlier in the debate, which the Principal Area Planning Officer confirmed as being from the initial application, before reading the relevant condition from the case papers.

The Vice-Chairman sought further clarification regarding the drainage provision. The Planning Services Manager stated that construction had commenced and suggested that delegated authority could be granted to ensure that drainage issues were dealt with satisfactorily and that a letter be issued outlining the requirements before any enforcement action was taken, if required. Councillor Watson recommended that a time limit be applied to this requirement.

**RESOLVED:-**

***That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services. In addition, it was agreed that an informative be issued, reminding the developer of drainage requirements. It was further agreed that a separate letter be issued stating the requirement for a drainage scheme by no later than 31<sup>st</sup> October 2016.***

PL/43 **RESIDENTIAL DEVELOPMENT OF 27 AFFORDABLE HOUSING UNITS AT THE FORMER BRETBY POTTERY SITE, SWADLINCOTE ROAD, WOODVILLE, SWADLINCOTE**

This application was considered jointly with the application below.

PL/44 **LISTED BUILDING CONSENT FOR THE DEMOLITION AND REBUILDING OF THE EXISTING BOUNDARY WALL FRONTING THE SITE AT THE FORMER BRETBY POTTERY SITE, SWADLINCOTE ROAD, WOODVILLE, SWADLINCOTE**

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

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

Councillor Taylor addressed the Committee as local Ward Member for Woodville, querying noise, sustainability and drainage issues at the site, matters responded to by the Area Planning Officer. Councillor Taylor went on to cite the increased development in the area and its impact on the roads and local infrastructure; the history of the site, the site's industrial nature, the future of the Bretby Art Pottery building, the potential impact on local businesses and future residents, as well as social housing issues.

Councillor Mrs Farrington addressed the Committee as another local Ward Member for Woodville, querying the Highways Authority's failure to raise any objections and her view that the developer should still be obliged to make a Section 106 contribution.

Councillor Watson welcomed the opportunity to regenerate a dormant site, particularly with affordable homes, speculating that the industrial units currently surrounding the site may not necessarily remain commercial. He agreed that the access was not ideal, but that this applied to all current householders in the vicinity. Equally, whilst the noise issues were noted, the housing market evidenced the fact that house buyers would accept this and still purchase properties in such environments. The Councillor did however query the refuse bin storage provision. The Area Planning Officer confirmed that the plans had been amended to accommodate bin access from the rear of the properties.

Councillor Harrison noted that the report referred to the access road being private, querying its adoption status and concerns over approving an unadopted road. The Area Planning Officer confirmed that the road would not be adopted, but that it be capable of supporting refuse vehicles accessing the site, that it would remain the responsibility of the housing association, not the individual property occupiers. Councillor Richards also queried the maintenance of street lighting, to which the Principal Area Planning Officer stated that the long-term road / lighting maintenance could be made subject to condition.

Councillor Richards felt the noise at the site was unacceptable and was unable to support social housing allocation to this location. The Vice-Chairman commented that the scheme had much to recommend it and although it vastly improved on the current condition of the site, noise levels were a concern. It was noted that properties on the opposite side of the road were much closer to the road, but the Vice-Chairman queried the future maintenance of the proposed acoustic fencing. The Area Planning Officer stated that Condition 22 dealt with this matter, but that it could be further enhanced. Councillor Ford queried whether an enhanced planting scheme could be applied to the front of the development to assist with the noise issues; the Area Planning Officer confirming that there was some scope for landscaping.

Councillor Dr Pearson raised his concerns regarding the ground contamination issues at the site, emphasising that the proposed capping scheme may not be sufficient. The Principal Area Planning Officer referred to the relevant Condition and confirmed that the proposed scheme was compliant with requirements. Councillor Mrs Farrington expressed her belief that, given the previous use of the site, future health issues may be anticipated.

Councillor Taylor referred to the potential impact on businesses, in terms of their noise generation and its effect on the residential development. The Principal Area Planning Officer referred to expert opinion that stated the noise levels were deemed acceptable.

A vote was taken, but the officer's recommendation was not supported. However, no grounds could be determined.

The Planning Services Manager reminded the Committee of the requirement to provide grounds for refusal, that these had to be reasonable and that they may be subject to challenge and cost applications. The available grounds were read from the Planning Policy document and whilst grounds could be cited, there was no evidence to support them at this time.

Members also raised issues regarding land contamination and the conflict relating to the 2006 noise report as determined at appeal,

Councillor Richards questioned the right to quiet enjoyment and the Planning Services Manager confirmed that another noise report could be commissioned, at a cost, to provide a further objective assessment.

A vote was taken on the proposal to defer the application.

**RESOLVED:-**

***That the application be deferred pending the execution of a further noise report.***

PL/45

**THE ERECTION OF A SINGLE DWELLING AT 66 EGGINTON ROAD, HILTON, DERBY**

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

Councillor Mrs Patten addressed the Committee as local Ward Member for Hilton, expressing her concerns regarding the size of the building plot and the proposed development, along with its design. These points were noted and responded to by the Planning Services Manager.

**RESOLVED:-**

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

Councillors Mrs Farrington and Mrs Patten left the meeting at 8.25pm.

PL/46

**THE CROWN CLEAN OF A PINE TREE COVERED BY SOUTH DERBYSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER NUMBER 77 AT LAND BETWEEN 20 AND 22 CHAPEL STREET, TICKNALL, DERBY**

Councillor Stanton addressed the Committee as local Ward Member for Repton, querying the appropriateness of locating forestry trees within residential locations.

**RESOLVED:-**

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

***Abstention: Councillor Shepherd.***

PL/47 **SUSPENSION OF STANDING ORDERS**

**RESOLVED:-**

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

PL/48 **PARTIAL DEMOLITION, REDUCTION IN HEIGHT AND RETENTION OF THE REMAINING STRUCTURE OF AN EXISTING OUTBUILDING FOR INCIDENTAL USE AT THE HILL LODGE, DEEP DALE LANE, BARROW ON TRENT, DERBY**

Councillor Watson addressed the Committee as local Ward Member for Aston on Trent, outlining his concerns regarding the application and the previous findings of the Inspector, proposing that the matter be rejected. The Principal Area Planning Officer responded to the points raised, also referring to the likelihood of an appeal and costs if the application was refused. The Planning Services Manager also attempted to clarify the current position, making reference to permitted development rights, that material considerations did not justify demolition of the building.

Councillor Dr Pearson expressed a view that as planning permission was only required as the application related to partial demolition, to do otherwise would not be appropriate in these circumstances. The Vice-Chairman queried the permitted development rights connected to the site. The Planning Services Manager confirmed that these rights had been withdrawn on parts of the site, but not in its entirety. Councillor Mrs Hall added her view that the building should be fully demolished, in accordance with the Inspector's original findings.

**RESOLVED:-**

***That planning permission be refused contrary to officer recommendation on the grounds that the building be demolished in accordance with the Inspector's original decision.***

***Abstentions: Councillors Roberts and Tilley.***

PL/49 **PLANNING AND OTHER APPEALS**

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

9/2015/1072      Coton Park, Linton, Derbyshire

PL/50 **PROPOSED TREE PRESERVATION ORDER 426 AT TREE TOPS,  
FINDERN LANE, BURNASTON**

***RESOLVED:-***

That this Tree Preservation Order (TPO) be confirmed subject to a modification relating to the amended position of T6.

PL/51 **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 8.50pm.

COUNCILLOR A ROBERTS

CHAIRMAN