

PLANNING COMMITTEE

6th September 2016

PRESENT:-

Conservative Group

Councillor Roberts (Chairman) and Councillors Mrs Coe, Coe (substituting for Councillor Atkin), Mrs Hall, Harrison, Murray (substituting for Councillor Ford), Stanton, Watson and Wheeler (substituting for Councillor Mrs Brown)

Labour Group

Councillors Dr Pearson, Shepherd, Southerd and Tilley

In Attendance

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

PL/52 **APOLOGIES**

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

PL/53 **DECLARATIONS OF INTEREST**

Councillor Southerd declared a personal interest in Item 1.7 on the Agenda by virtue of being the Chairman of the Derbyshire County Council Planning Committee.

PL/54 **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/55 **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/56 **CONTINUED USE OF LAND TO PROVIDE 5 GYPSY PITCHES INCLUDING RETENTION OF HARDSTANDING AND ACCESS ROAD ALONG WITH THE ERECTION OF AN AMENITY BUILDING, RETROSPECTIVE DRAINAGE WORKS AND LANDSCAPING ON LAND TO REAR OF 137-149 WOODVILLE ROAD, OVERSEAL, SWADLINCOTE**

The Chairman informed the Committee that this application had been withdrawn.

PL/57 **OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS TO BE RESERVED) FOR THE RESIDENTIAL DEVELOPMENT OF UP TO 15 DWELLINGS ON LAND NORTH OF BLACKWELL LANE, MELBOURNE, DERBY**

Mr Matthew Harnden (objector) and Mr Antony Duthie (applicant's agent) attended the Meeting and addressed Members on this application.

Councillor Harrison addressed the Committee as local Ward Member for Melbourne, stating that whilst he had had no objections in principle, subject to certain planning matters, he was minded to support the recommendation to refuse the application. The Councillor also expressed some concern regarding criticism of the process. The Principal Area Planning Officer addressed the criticisms raised in the correspondence referred to.

Councillor Watson stated that given the time taken to implement the Local Plan, this did not constitute a suitable Part Two site and supported the recommendation. Councillor Southerd expressed the view that whilst it was unfortunate for the developers on this occasion, the policy guidance was clear and should be adhered to, also supporting the recommendation.

RESOLVED:-

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

PL/58 **OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS TO BE RESERVED) FOR THE DEVELOPMENT OF UP TO 72 DWELLINGS TOGETHER WITH ASSOCIATED ACCESS, OPEN SPACE, LANDSCAPING, INFRASTRUCTURE AND FACILITATING WORKS INCLUDING DEMOLITION ON LAND AT SK3119 0360, SK3019 9268 AND 61 COURT STREET, WOODVILLE, SWADLINCOTE**

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

The Principal Area Planning Officer confirmed the final dwellings number as 72 and as a result, the revised Section 106 figures and conditions.

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

Councillor Tilley addressed the Committee as local Ward Member for Swadlincote, raising concerns relating to access, not only during the construction period, but also afterwards. The Councillor also made reference to the long awaited Regeneration Route, commenting that its construction was no nearer. Councillor Coe, another Ward Member for Swadlincote, expressed his view that the additional traffic generated by the site could be manageable. Councillor Mrs Farrington, Ward Member for Woodville, stated that work on the Regeneration Route had been pending for too long, that traffic in the area was already congested for long periods each day. The Planning Services Manager confirmed that whilst work on the Regeneration Route was ongoing at the County Council, it could not be confirmed when matters would progress in terms of commencement.

Councillor Taylor, another Ward Member for Woodville, also addressed the Committee, outlining his concerns regarding access, congestion, the impact on the community, the topography of the site, school places, parking restrictions and the continuing delays with the Regeneration Route. Councillor Wheeler relayed his knowledge of where the Regeneration Route project, in that the land assembly had been completed, that an application was pending and that, in terms of funding, it was currently third on the list of Nottinghamshire / Derbyshire projects.

Councillor Southerd also referred to traffic issues, especially around the Clock Island, but also raised the issue of the apparent under-utilisation of the open space at the site and access to the site as a whole.

The Planning Services Manager, having quoted from the County Council report, which conceded that whilst there were congestion issues in the area, they would be mitigated by the proposed Regeneration Route, queried what might happen if, applications having been approved, the Route was not then built. The Planning Services Manager proposed that clarification be sought from the County Council.

Councillor Dr Pearson queried the position relating to the Local Plan five year supply, as the site did not feature in either Part One or the draft Part Two. Councillor Watson felt the application made good use of an empty, wasted site to benefit the housing supply, that the slope was manageable, that more could be achieved with the open space via funding, but noted that the choice of trees on the adjacent forestry plot avoid overly tall trees in order to avoid excessive shading. The Principal Area Planning Officer stated that the scheme was in line with the Development Plan, that it constituted a windfall site within existing settlement confines, important for managing housing supply.

Councillor Murray raised concerns regarding pollution in the area, especially the fumes resulting from the congestion, the potential for health issues and that the local health and education provision was already at capacity.

In light of the views expressed, the Planning Services Manager suggested that the application be deferred on the grounds of formally establishing the Derbyshire County Council Highways position.

RESOLVED:-

That the application be deferred pending receipt of further information from the Highway Authority, in terms of the fall-back position in the event that the Regeneration Route becomes subject to serious delay.

PL/59

RESIDENTIAL DEVELOPMENT FOR 45 DWELLINGS, MEANS OF ACCESS AND ASSOCIATED GROUNDWORKS AND INFRASTRUCTURE ON LAND TO THE WEST OF MOIRA ROAD, WOODVILLE SWADLINCOTE

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

The Principal Area Planning Officer clarified the outdoor sports funding figures and revisions to Condition 21.

Mr Richard Needham (applicant) attended the Meeting and addressed Members on this application.

Councillor Mrs Farrington addressed the Committee as local Ward Member for Woodville, drawing attention to the existing traffic congestion on Moira Road and the lack of any bungalows in the proposed development. Councillor Taylor, another Ward Member for Woodville, noted that historically the site was intended as a sustainable mixture of residential and industrial. The Councillor acknowledged the site owners as respectable developers, but that, in his opinion, the viability argument was weak, also lamenting the loss of land originally intended for employment use.

The Planning Services Manager also added that the Council were also disappointed at the loss of land for employment use, but that, given the unsuccessful attempts to sell the land over many years, this intended usage cannot be sought indefinitely. Councillor Watson viewed this as an opportunity to make use of a brown field site via a responsible developer. Councillor Mrs Farrington queried whether more funding could be directed towards health provision, but the Principal Area Planning Officer stated that no further funding was available for health care that would ensure compliance with the CIL Regulations 2010.

RESOLVED:-

Subject to the transfer of public open space land surrounding the site and abutting the adopted highway along Moira Road to the Council:

A. The completion of a Section 106 Agreement to secure the financial contributions set out in the report.

- B. That delegated authority be given to the Planning Services Manager to deal with the method of securing the pedestrian links adjacent to the site.***
- C. Subject to the above, that planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.***

Councillor Taylor left the meeting at 7.25pm.

- PL/60 **THE ERECTION OF AN AMENITY BUILDING (AMENDMENT TO INCREASE THE SIZE OF THE BUILDING PERMITTED UNDER PERMISSION REF: 9/2010/1085) ON PLOT 1A BROUGHTON CARAVAN PARK, SUTTON ROAD, CHURCH BROUGHTON, DERBY**

This application was considered jointly with the application below.

- PL/61 **THE SUB-DIVISION INTO 2 GYPSY PITCHES AND THE ERECTION OF AN AMENITY BUILDING ON PLOT 2 BROUGHTON CARAVAN PARK, SUTTON ROAD, CHURCH BROUGHTON, DERBY**

Councillor Watson requested that a site visit be conducted before the Committee consider these applications.

RESOLVED:-

That the applications be deferred pending a site visit.

- PL/62 **CHANGE OF USE FROM CAR PARKING TO MIXED USE FOR CAR PARKING AND/OR ACTIVITY AREA FOR EVENTS, ORGANISED ACTIVITIES/SCHEMES AND EXHIBITIONS AT MARKET HALL, MIDLAND ROAD, SWADLINCOTE**

Councillor Tilley made reference to the Wednesday night project use of the site, commending its continuation.

RESOLVED:-

That permission be granted under Regulation 3/4 of the General Regulations subject to the conditions set out in the report of the Director of Community & Planning Services.

- PL/63 **THE REMOVAL OF CONDITION 4 ATTACHED TO PLANNING APPLICATION 9/0891/0496 FOR THE FLATS TO BE USED FOR RESIDENTIAL PURPOSES (USE CLASS C3) AND TO BE TENNANTED BY SINGLE PERSONS AT 75 TO 89 ALEXANDRA ROAD, SWADLINCOTE**

The Planning Services Manager clarified the amended recommendation.

RESOLVED:-

That permission be granted under Regulation 3/4 of the General Regulations subject to the conditions set out in the report of the Director of Community & Planning Services.

Councillor Mrs Plenderleith left the meeting at 7.30pm.

PL/64 **ERECTION OF AN ON-FARM ANAEROBIC DIGESTION PLANT, FOR THE PROCESSING OF AGRICULTURAL MANURES, CROP AND CROP RESIDUES, WITH A TOTAL FEEDSTOCK CAPACITY OF 17,500 PER ANNUM; TOGETHER WITH WEIGHBRIDGE, COMBINED HEAT AND POWER UNIT, CONCRETE APRON, WOOD DRYING SHED, LANDSCAPING, MODIFICATIONS TO ACCESS, RE-PROFILING OF GROUND LEVEL AND ASSOCIATED INFRASTRUCTURE (COUNTY REF: CW9/0416/9) ON LAND AT SK3823 1506 (PART OF DERBY HILLS FARM) B587 FROM ROBINSONS HILL TO COUNTY BOUNDARY, MELBOURNE, DERBY**

Councillor Harrison addressed the Committee as local Ward Member for Melbourne, making reference to the local sensitivities to this application. However, the Councillor was satisfied that these issues had been addressed by officers.

RESOLVED:-

That no objection be made to the granting of permission subject to the matters outlined in the report being considered and/or addressed to the satisfaction of the County Council.

PL/65 **PLANNING AND OTHER APPEALS**

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

9/2014/1145 Jawbone Lane, Melbourne

The Principal Area Planning Officer drew Members attention to the detail of the above decision, in particular the weight given to the existence of a Local Plan, which contributed to the appeal's dismissal. Councillor Harrison commended the outcome and thanked the officer for his clarification.

9/2015/0682 Repton Road, Hartshorne
9/2015/1064 Pack Horse Road, Melbourne

PL/66 **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 7.40pm.

COUNCILLOR A ROBERTS

CHAIRMAN