

PLANNING COMMITTEE

6<sup>th</sup> February 2018

**PRESENT:-**

**Conservative Group**

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

**Labour Group**

Councillors Dr Pearson, Shepherd, Southerd and Tilley

**In attendance**

Councillor Smith (Conservative Group) and Councillor Taylor (Labour Group)

PL/131 **APOLOGIES**

The Committee was informed that no apologies had been received.

PL/132 **DECLARATIONS OF INTEREST**

Councillor Harrison declared a personal interest in Item 1.1 by virtue of being an acquaintance of the applicant through Melbourne Parish Council. A detailed explanation of a personal declaration was provided and the Councillor advised that as a result he would participate in the discussion and subsequent vote.

Councillor Stanton declared a personal interest in Item 1.1 by virtue of knowing the applicant. Whilst referring to the detailed explanation of a personal interest as provided by Councillor Harrison, Councillor Stanton advised of his intention to participate in the discussion and vote.

PL/133 **MINUTES**

The Open Minutes of the Meeting held on 7<sup>th</sup> November 2017, 28<sup>th</sup> November 2017 and 19<sup>th</sup> December 2017 were taken as read, approved as a true record and signed by the Chairman.

PL/134 **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/135 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/136 THE SITING OF FOUR CABINS FOR HOLIDAY ACCOMMODATION AND CREATION OF ASSOCIATED PARKING, ALONG WITH THE WIDENING OF THE ACCESS ON LAND TO THE REAR OF NOS 45 TO 49 MANCHESTER LANE HARTSHORNE SWADLINCOTE**

The Chairman introduced the application by advising that a similar application had been put before Committee in June 2017, had two Tree Preservation Orders confirmed since this date and advised Members that as is the case with all applications, this application would be decided based on its own merits.

The Planning Services Manager presented the report updating the Committee of an amendment to Condition 13 regarding the maintenance of landscaping would be through a management plan as approved by this Authority and that an Appeal had been lodged against the decision made in June 2017. Members were advised that if this application had been for residential development, then it would be contrary to policy, however as the proposal would be for tourist development, this was deemed as appropriate development by virtue of different policies. Members were advised that the application had been refused previously as it was contrary to policies EV1, S1, BNE4 and INF10 based on 'alien pattern of development, unwarranted intrusion and unacceptable impact on the countryside'. Members were shown a map that accompanied the previous application in order to highlight the changes that had been made by the developer to address the reasons for its previous refusal. The Officer identified the changes to the location of the car parking and turning areas, plot 1, plot 4 and inclusion of a landscaped area with trees including the confirmation of two Tree Preservation Orders on the front and rear trees/hedgerows. The Planning Services Manager commented that this was a finely balanced case where the tourism and financial benefits needed to be assessed against the visual impact. Members were advised that the potential impact on amenities would be comparable to that of residential development, with planning conditions to control the tourist use of the site.

Mr Kevin Banton (objector) and Mrs Michelle Galloway (applicant's agent) attended the Meeting and addressed Members on this application.

The Planning Services Manager clarified that the business case had been provided by way of part of a statement submitted with the planning application outlining a clear intention of how the applicant wished to conduct business. In relation to the detail in the report, the Planning Services Manager highlighted

that reports are based on the professional judgement of the Planning Officer, and in this case the consultant landscape architect had been employed to advise the Case Officer.

The Vice-Chairman addressed the Committee as local Ward Member noting that due to the elevated position of the site, it would be visible. Members were advised that the previous application had been refused and very little had changed in this application except for the addition of two Tree Preservation Orders that had been confirmed for the trees at the front and rear boundaries of the site, which would be affected if the application was granted. The Vice-Chairman highlighted concerns relating to the materials proposed for the construction of the development, and emphasised they would be out of character, design and style and highlighted that in order to provide an adequate screen, sufficient growth of the planting would require many years. The Vice-Chairman drew attention to the potential number of vehicles that could visit the site to accommodate lodges and highlighted the lack of amenities in the area. Concerns were also raised regarding the potential noise from the use of hot tubs proposed for the outside area and with no on-site management the monitoring and enforcement of curfews would be difficult. For these reasons, the Vice-Chairman proposed to overturn the Officer's recommendation and refuse the application.

Some Members agreed that this application had not significantly changed since the previous one submitted to Committee in June 2017 and shared the Vice-Chairman's concerns regarding the potential number of occupants and subsequent vehicles on the site, the lack of on-site management, visual impact of the site.

Other Members commented that this application had changed and that the objections had been adequately addressed. Also the Highways Authority had no objections and the landscape masterplan had been welcomed by the National Forest. Concerns were raised with regards to the use of hot tubs, and subsequent suggestions were made to either remove the hot tubs or amend the condition to request the hot tubs be switched off and vacated by 10pm. It was noted that any noise concerns could be dealt with by the Council's Environmental Health department. Clarification was sought on the use of the site and the Planning Services Manager responded confirming that this proposal was recommended for approval based on the exceptional case that it be used for tourism not conventional residential purposes. One Member cited research conducted by Visit England, that a day tourist spends £20 per day on average, which increases to £120 if they stay overnight. The Member also referred to National Forest information that tourism in South Derbyshire is increasing and that accommodation is needed.

The Vice-Chairman, as local Ward Member, reminded Committee that trees that had been put under a Tree Preservation Order by the Committee 21 days previously would be felled if this application be granted and raised concerns about parking when the accommodation on the site is at full capacity. The Councillor also commented that these are family lets but there is no recreation area for young people. Further clarification was sought by Members with regards to the impact of this application on the confirmed Tree Preservation

Order. The Planning Services Manager responded confirming that widening the access at the entrance would result in some of those trees being felled, but the report indicated that loss of these would be mitigated by planting on-site.

A further discussion ensued regarding the potential difficulty in enforcing the conditions relating to the hot tubs and external music with no on-site management. Committee was informed by one Member that the National Forest, who own the majority of the planting on the opposite side of the valley had indicated an intention to open up the view and asked that Members be mindful of the impact this would have.

A discussion ensued regarding the wording for a reason for refusal with advice offered by the Planning Services Manager regarding current policy.

**RESOLVED:-**

***That planning permission be refused contrary to the recommendation in the report of the Strategic Director (Service Delivery), on similar grounds to the previous reason with updates to reflect current policy and the loss of trees in a Tree Preservation Order.***

Councillor Smith left the Meeting at 7:00pm

PL/137 **THE ERECTION OF PAVEMENT PLAQUES, WALL PLAQUES AND LECTERNS AT VARIOUS LOCATIONS IN AND AROUND SWADLINCOTE**

The Principal Area Planning Officer presented the report and showed the Committee examples of the plaques proposed.

Councillor Watson informed Members that as the Chairman of Swadlincote Townscape Heritage Lottery Fund Board, the proposal had been welcomed.

One Member sought clarification on private residences and asked if new residents no longer wished for the plaque to be displayed, how this would be addressed. It was confirmed that the plaques would be affixed upon the consent of residents.

**RESOLVED:-**

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

PL/138 **DEMOLITION OF CONSERVATORY AND THE ERECTION OF A REAR EXTENSION AT 52C DERBY ROAD MELBOURNE DERBY**

The Principal Area Planning Officer presented the report to Committee.

Members sought clarification on the Council's SPD guidelines with regard to separation distances; this was provided by the Officer who further advised that site conditions would dictate that these distances could be reduced. Councillor Harrison, as local Ward Member, indicated his satisfaction with the Officer's explanation.

***RESOLVED:-***

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

PL/139 **PLANNING AND OTHER APPEALS**

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

9/2017/0513      Main Street, Milton  
9/2017/0516      Main Street, Milton

PL/140 **PROPOSED TREE PRESERVATION ORDER 474 – LAND TO THE EAST OF RYKNELD ROAD (HIGHFIELDS FARM DEVELOPMENT), DERBY**

***RESOLVED:-***

***That this Tree Preservation Order (TPO) be confirmed.***

PL/141 **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 28th November 2017 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 7.10pm

COUNCILLOR MRS L BROWN

CHAIRMAN