

PLANNING COMMITTEE

28th November 2017

PRESENT:-

Conservative Group

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

Labour Group

Councillors Dr Pearson, Shepherd, Southerd and Tilley

In attendance

Councillor Smith (Conservative Group)

PL/91 **APOLOGIES**

Apologies for absence were received from Councillor Stanton (Conservative Group)

PL/92 **MINUTES**

The Open Minutes of the Meeting held on 17th October 2017 were taken as read, approved as a true record and signed by the Chairman.

PL/93 **DECLARATIONS OF INTEREST**

Councillor Ford declared a personal interest in Item 2.1 by virtue of being acquainted with the applicant and stated that he would be leaving the Chamber whilst the matter was debated.

Councillor Harrison declared a personal interest in Item 1.6 by virtue of being the Melbourne Sporting Partnership Chairman.

Councillor Tilley declared a personal interest in Item 2.1 by virtue of being acquainted with the applicant and stated that he would be leaving the Chamber whilst the matter was debated.

PL/94 **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/95 **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/96 **THE ERECTION OF A DETACHED BUNGALOW WITH ACCESS AND PARKING AT LAND TO THE REAR OF 64 FABIS CLOSE, SWADLINCOTE**

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

Dr Helen Kirkby (applicant's agent) attended the Meeting and addressed Members on this application.

Councillor Tilley addressed the Committee as Ward Member for Swadlincote, referring to local concerns regarding the proposed development being out of character for the area, the gradients on site, the nature of the ground and the narrow driveway, all combining to make it, he felt, an inappropriate development.

Other Members referred to the restricted driveway, safety issues, site elevations, the overbearing nature of the proposed development, parking issues, particularly to the rear of the existing property, frontal visual impact, boundary treatment, delivery and refuse vehicle access, as well as noting that it was a single storey proposal and clarifying what was possible on site under permitted development rights.

The Planning Services Manager responded to all matters.

RESOLVED:-

That planning permission be refused contrary to recommendation, deemed contrary to Local Plan policies, contrary to the character and amenity of area and due to poor access.

PL/97 **DEMOLITION AND REPLACEMENT OF SUN ROOM AND CANOPY AND THE INSTALLATION OF NEW DOORS AND WINDOWS, ALONG WITH THE ERECTION OF FENCES & GATES AT COMMON FARM, 26 MAIN STREET, MILTON, DERBY**

This application was dealt with jointly with the application below.

The Principal Area Planning Officer informed Committee of alterations to the application since the report was submitted, relating to the wall, track and trellis.

Mr Peter Watkins (objector) attended the Meeting and addressed Members on this application.

The Principal Area Planning Officer clarified the village boundary lines and added that planning permission is not a grant of lawfulness, suggesting that a condition could be added to confirm that the application does not make usage lawful.

Councillor Smith addressed the Committee as Ward Member for Repton, supporting the above suggestion in helping determine the boundary lines by way of having Planning Enforcement investigate the rear boundary.

RESOLVED:-

That planning permission be granted as recommended in the report of the Director of Community & Planning Services, with a request that recent hard surfacing works be investigated by enforcement.

PL/98 **LISTED BUILDING CONSENT FOR THE DEMOLITION AND REPLACEMENT OF SUN ROOM AND CANOPY AND THE INSTALLATION OF NEW DOORS AND WINDOWS ALONG WITH INTERNAL ALTERATIONS AT COMMON FARM, 26 MAIN STREET, MILTON, DERBY**

RESOLVED:-

That consent be granted as recommended in the report of the Director of Community & Planning Services.

PL/99 **RETENTION OF PIPEWORK ASSOCIATED WITH A NEW TREATMENT PLANT AT DAY NURSERY, STAKER FLATT FARM, STAKER LANE, MICKLEOVER, DERBY**

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

Mrs Louise Thorne (objector) and Mr Chris Tolley (applicant) attended the Meeting and addressed Members on this application.

Members queried the ongoing usage of the septic tank, drainage facilities and investigations, the legal use of the land in question, the age of the package treatment plant on site and its capacity now and allowance for growth.

The Principal Area Planning Officer addressed the issues raised.

RESOLVED:-

That planning permission be granted as recommended in the report of the Director of Community & Planning Services, with an extra condition requiring porosity tests and re-design if necessary.

PL/100 **THE RETENTION OF AN EXISTING PORTABLE BUILDING FOR USE AS PART OF THE DAY NURSERY, RETENTION OF OTHER EXISTING**

BUILDINGS AND STRUCTURES, STAFF CAR PARKING AND PACKAGE TREATMENT PLANT (RE-SUBMISSION OF WITHDRAWN APPLICATION REF. 9/2016/1277 WITH MINOR AMENDMENTS) AT DAY NURSERY, STAKER FLATT FARM, STAKER LANE, MICKLEOVER, DERBY

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

Mrs Louise Thorne (objector) and Mr Chris Tolley (applicant) attended the Meeting and addressed Members on this application.

Councillor Mrs Brown addressed the Committee as Ward Member for Etwall, referring to the 1996 planning permission, the retrospective nature of this application and the structures to which it relates. Condition 3 to the original permission which related to maintenance of the access was also raised, a condition with which the applicants had been unable to comply with as they did not own the land adjoining the access. Parking was also raised as an area of concern, suggesting that alternative parking arrangements be investigated.

The Principal Area Planning Officer responded to all queries, suggesting that with regard to the maintenance of the splay from the drive, it could be conditioned and achieved using only Highways land.

RESOLVED:-

That planning permission be granted as recommended in the report of the Director of Community & Planning Services, subject to investigating alternative car park design, for which delegated authority was granted to the Planning Services Manager, as well as a condition securing maximum achievable visibility at the access within highway limits.

Abstention: Councillor Mrs Brown.

PL/101 **THE ERECTION OF TWO BRICK PLAYER DUGOUTS ALONGSIDE THE MAIN FOOTBALL PITCH AT MELBOURNE SPORTS PAVILION, COCKSHUT LANE, MELBOURNE, DERBY**

RESOLVED:-

That planning permission be granted under regulation 3/4 as recommended in the report of the Director of Community & Planning Services.

PL/102 **THE ERECTION OF A REAR EXTENSION AT 2 NAPIER CLOSE, CHURCH GRESLEY, SWADLINCOTE**

RESOLVED:-

That planning permission be granted as recommended in the report of the Director of Community & Planning Services.

PL/103 **THE PRUNING OF OAK TREES COVERED BY SOUTH DERBYSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER NUMBER 360 AT GRAVEYARD, MAIN STREET, NETHERSEAL, SWADLINCOTE**

RESOLVED:-

That planning permission be granted as recommended in the report of the Director of Community & Planning Services.

Councillors Ford and Tilley left the Meeting at 7.30pm.

PL/104 **THE ERECTION OF AGRICULTURAL/FORESTRY WORKERS DWELLING AT MANOR FARM, CHURCH STREET, HARTSHORNE, SWADLINCOTE**

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

The Principal Area Planning Officer referred to a typographical error on page 67 of the report, where 'cannot not' should have read 'cannot'. Reference was also made to the relevant wording in the Local Plan, requiring there to be an established, existing and essential need, that the business be economically sustainable and where the need cannot be met by the existing provision. With regard to this application, opinion was that the functional need tests had not been met.

Mr Peter Burchell (applicant) attended the Meeting and addressed Members on this application.

Members expressed concern relating to the information content of the report, the treatment of the advice provided by the agricultural consultant contracted by the Council. Support was voiced for rural businesses, National Forest ventures and diversification. Reference was made to the Local Plan and that this application be treated as exceptional, there being evidence of an existing rural business and sustainability. The needs of a livery were raised in the context of establishing an essential need and the potential for business growth. Queries were also raised as to the interpretation of policy and the feasibility of temporary accommodation.

RESOLVED:-

That planning permission be granted contrary to recommendation, there being a sufficient case established to satisfy policy tests. Delegated authority for conditions granted to the Planning Services Manager.

Abstention: Councillor Roberts.

PL/105 **PLANNING AND OTHER APPEALS**

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

9/2014/1013 Blackwell Lane, Melbourne

9/2016/1086 Jawbone Lane, Melbourne
9/2017/0205 Talbot Meadows, Hilton

Councillor Smith left the Meeting at 8.05pm.

PL/106 **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 17th October 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 8.10pm.

COUNCILLOR A ROBERTS

CHAIRMAN