

PLANNING COMMITTEE

28<sup>th</sup> OCTOBER 2014

**PRESENT:-**

**Conservative Group**

Councillor Ford (Chairman), Councillor Mrs Brown (Vice Chairman) together with Councillors Mrs Hall, Jones, Stanton, Watson, Hood.

**Labour Group**

Councillors Bell, Dunn, Pearson, Richards, Shepherd, Southerd.

**In attendance**

Councillors Murray, Frost, Harrison, Hewlett

PL/87 **APOLOGIES**

The meeting was informed that apologies had been received from Councillor Bale. Councillor Mrs Hood substituted for him.

PL/88 **DECLARATIONS OF INTEREST**

Councillor Mrs Hall declared an interest in agenda item number 1.2 (9/2014/0431/SMD). Councillor Mrs Brown declared an interest in item number 2.1 (9/2014/0249/OM).

PL/89 **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/90 **REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES**

The Director of Community and Planning Services then submitted a report, dealing with several planning applications, for consideration and determination by the Committee.

PL/91 **THE ERECTION OF 66 DWELLINGS WITH ACCESS ON LAND AT KINGS NEWTON LANE, MELBOURNE, DERBY.**

At the suggestion of the Chairman, members agreed to consider this application first. The Committee was reminded that a site visit of the proposed development had taken place earlier in the day.

The Principal Area Planning Officer explained that the application involved the construction of terraced, semi-detached houses on the site, as well as two flats. Thirty percent of this accommodation would be affordable housing. The report confirmed that the Highways Authority had no objections to the application, provided that proposed improvements to the junction were made. Severn Trent Water had also been consulted and again raised no objections, as long as a scheme was proposed that would provide a satisfactory means of drainage, in order to reduce the risk of creating or exacerbating flooding and to minimise the possibility of pollution.

Members were reminded that the National Planning Policy Framework requires that there should be a presumption that developments in sustainable locations, such as this, ought to be approved when Councils do not yet have a local plan, or a five year supply of building land for new housing,

The Committee heard from Jessica Long, the Chair of the Kings Newton Residents Association, who spoke against the application. She argued that the development would blur the village's separate identity from Melbourne and erode its rural and historic character. She raised concerns about the impact of the development on the local infrastructure, stating that there had already been problems with sewerage capacity and that local schools were full. Ms Long also raised concerns about the impact of extra road traffic generated by the development and how this would exacerbate the traffic problems in Melbourne.

Following this, members heard from Nigel Hainsworth, the agent for the scheme. He argued that it had been drawn-up in consultation with Council officers to ensure that the design of the housing complemented the buildings in the neighbouring conservation area. He also reiterated the point that the Council does not yet have a Local Plan in place, or a five year supply of land for new housing, so therefore the application ought to be approved in line with the National Policy Planning Framework. He also explained that the developers had agreed to make a contribution to pay for additional classrooms and GP facilities.

Local members made it clear that they had concerns about the possible impact of the proposed development on both Kings Newton and Melbourne. There had been considerable growth in the area and, they argued, local communities needed time to adjust to this. They also referred to the recent comments from the planning minister that authorities were not obliged to accept all applications, even if they do not yet have a local plan - if they believe that the dis-benefits of a development would outweigh the benefits.

Members queried whether there would be grounds of rejecting the application in terms of national planning policy because it would make large scale development in the area a reality, regardless of whatever the plan might ultimately say about whether this should happen or not.

During the discussion, the officers pointed out that a similar argument had been used when the Committee had rejected an application for a development in the Linton area, which proportionately, had been bigger. This decision had, been overturned on appeal by the Planning Inspector, who had not accepted

the argument. Members were warned that if the Committee tried to reject the application on these grounds then this decision would also likely be overturned by the Planning Inspector, with potentially significant costs awarded against the authority.

At the conclusion of the discussion, there was a general feeling that the Committee had very little option other than to approve this recommendation, for the reasons outlined. Some members saw this as a consequence of Government policy, which had removed discretion from local councils who did not yet have a local plan in place, in terms of what developments they can and cannot approve

**RESOLVED:-**

***That planning permission is granted subject to the conditions set out in the report by the Director of Community Planning and an additional and an amended condition reported verbally.***

PL/92

**THE ERECTION OF RESIDENTIAL DEVELOPMENT OF 64 UNITS WITH ACCESS PROVIDED OFF LAND AT VALLEY ROAD, OVERSEAL, SWADLINCOTE.**

The Committee then turned to this application. Members were reminded that a site visit of the proposed development had taken place earlier in the day. It would consist of a combination of flats and 2 to 4 bedroomed houses. 19 of the dwellings would be classed as affordable homes. The access arrangements for the site were also explained to the Committee. It was confirmed that the Highways Authority had raised no objections to this.

Once again the Committee was reminded of the presumption to approve sustainable development in the absence of a local plan / five year housing supply. It was pointed out that a raft of Section 106 monies would be made available to help improve local facilities. This would include £30,000 to help fund sports projects.

The Committee heard from Lindsay Holmes, who spoke on behalf local residents opposed to the development. She argued that the extra housing would not benefit the local community, turning it into a dormitory suburb, that it would not be sustainable, given the lack of facilities and that the residents would have to drive to employment and for services etc.

The Committee then heard from Nigel Hainsworth, the agent for the application. He reiterated the points made in the report that Overseal was a key service village and a location for sustainable development; and that in this context the NPPF presumption in favour of development ought to apply. He also pointed out that funding would be provided for funding for improvements, which would benefit local communities, including additional health care and educational capacity.

Local members made clear that they opposed strongly the application, pointing out that this was not a sustainable location, with no employment in the area and full schools. They were especially concerned that the traffic

conditions were already very bad and this would make it worse, especially on Lullington Road. They also argued that it would be practical to provide extra places at the school as the classes there were already full to capacity – the additional pupils could not just be slotted in. There was also concern that the suggested number of additional educational places needed might be too low.

The Committee discussed the application. During this discussion it became apparent that there was a lot of concern about the impact that the development would have on traffic in the area. In particular, there was concern that the number of cars associated with the development would be far higher than that suggested. It was noted that the Highway Authority had raised no objections to the proposed access, but there was concern that this assessment may not be correct and so needed to be looked at again.

Members felt that the potential impact on traffic and road safety in the area of the proposed development was a critical issue, but as things stood they did not have enough information in order to make an informed decision. Similarly, members felt that further information was needed to clarify what would be required to meet the likely demand for additional educational spaces.

**RESOLVED:-**

***That determination of the application be deferred in order to allow a further assessment by the Highway Authority of the traffic implications of the proposals to take place and for the required education contributions to be determined.***

PL/93

**THE DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF A NEW RESIDENTIAL DEVELOPMENT, 47-51 ALEXANDRA ROAD, SWADLINCOTE**

The Committee then considered an application to demolish this building in order to allow the development of 12 houses. The principle of development on the site had been agreed in 2011, however, because of the deterioration the applicant no longer viewed it as practical to use the existing building frontage, so the plans had now been changed for it to be demolished. Although this was an Edwardian building in the conservation area, the professional assessment was that its demolition would not have a significant impact, given the deterioration to the structure.

Members heard from the agent for the site, Janet Hodson, who explained the benefits of the development and what would be involved etc.

There was a general agreement that although for the loss of this old building was regrettable; this would be a good development which ought to be supported.

**RESOLVED:-**

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

PL/94 **OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AT 124 REPTON ROAD, HARTSHORNE, SWADLINCOTE.**

The Committee then considered an outline application to build up to five dwellings arranged parallel to Repton Road. Members were reminded that the site of the proposed development had been visited by the Committee earlier in the day. The site currently has an existing planning permission to build up to five holiday cottages, but these would be permanent structures.

The Committee heard from Janet Hodson, who reminded members that the site currently has an existing planning permission to build up to five holiday cottages. This application, she stated, covered a smaller area than the original application. She also argued that given the earlier planning permission, this was no longer a green field site and that the level of development was appropriate for what could be expected for a village of that size.

Concern was raised by local members that this development was on land that lay outside of the Hartshorne boundary and that it was not in a sustainable location. Because of the likely cost of the properties, they were unlikely to be affordable for local residents. It was argued that this would, in effect, be a 'ribbon' development along the line of the road, which the Committee had normally opposed.

**RESOLVED:-**

***That planning permission is rejected against the officer recommendations as it would involve a ribbon development, contrary to planning policies H8 and EV1.***

PL/95 **SUSPENSION OF STANDING ORDERS**

***Resolved:-***

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

PL/96 **OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 300 DWELLINGS, NEW HOUSE FARM, ETWALL ROAD, MICKLEOVER.**

Members were reminded that the site of the proposed development had been visited earlier in the day. Briefly, the Committee heard that this application was on land near Mickleover, immediately adjacent to the District's administrative boundary with the City of Derby. This was an application for outline planning permission for the residential development of up to 300 dwellings. As part of this, the application detailed road junction plans had been drawn up for vehicular access to the site from the A516 Mickleover By-Pass, which would involve the installation of traffic controls on the road and a reduction of the speed limit from 70 to 50mph at the junction. It was confirmed that the Highway Authority had objected to this as unsuitable.

Members were informed that at a late stage a revised traffic access plan had been drawn up by the Developer, involving the creation of a roundabout. This

revised plan was indicative at this stage and extra work and consultation would be required with the relevant parties before it could be finalised. The Highway Authority had advised that the roundabout was unacceptable in its original form.

The Committee heard from Richard Wain the agent for application, who spoke in favour. He explained that the only issue which needed to be resolved in the light of the Highway Authority's comments was access. He recognised that work needs to take place to finalise this and for that reason called on the Committee to defer determination of the application until December in order to allow this extra work to take place.

The Committee also heard from John Keith who spoke on behalf of local residents opposed to the application. He highlighted the problems associated with the junction. He also argued that the development would predetermine the local plan, for both South Derbyshire and the neighbouring City of Derby on the grounds that, if approved, it would open the door for other major developments, regardless of what the plans might say.

Members then discussed the application. The general consensus was that the original traffic access scheme was unacceptable. It was also felt that given the extra work that would have to take place, there was no guarantee that a revised access scheme would be ready for December. Members felt, therefore, that it would better for them to resubmit the application in its entirety, when all the details had been worked out.

**RESOLVED:-**

***That planning permission is refused in line with the recommendation.***

PL/97 **THE CONSTRUCTION OF 26 HOUSES AND 26 APARTMENTS ETC AT WOODVILLE**

The Committee considered this application and the specific proposals involved

**RESOLVED:-**

***That planning permission is approved, subject to the conditions set out in the report from the Director of Community & Planning Services.***

PL/98 **ERECTION OF A DWELLING WITH AN ATTACHED GARAGE, BRIDGE BARN, SWARKESTONE**

The Committee considered this application and the specific proposals involved.

**RESOLVED:-**

***That planning permission is approved, subject to the conditions set out in the report from the Director of Community & Planning Services.***

PL/99 **TREE PRESERVATION ORDER, ASHBY ROAD, MELBOURNE**

The members considered the details of this tree preservation order.

**RESOLVED:-**

***That the Tree Preservation Order be confirmed.***

**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.***

PL/100 **EXEMPT 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.

PL/101 **ENFORCEMENT ACTION – COTON IN THE ELMS**

The Committee considered the details involved on this issue.

**RESOLVED:-**

***That the recommendations be approved.***

M. FORD

CHAIRMAN

The meeting terminated at 8:50pm.