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PLANNING COMMITTEE

Minutes of a Meeting held on Tuesday 24 May 2016 at 6.00pm at Ashbourne Elim Pentecostal Church, Ashbourne.

PRESENT

Councillor Garry Purdy - In the Chair

Councillors Jason Atkin, Sue Burfoot, Richard FitzHerbert, Neil Horton, Tony Millward BEM, Jean Monks, Tony Morley, Mike Ratcliffe, Mark Salt, Peter Slack, John Tibenham and Joanne Wild.

Brett Wilson (Barrister), Isabel Frenzel (Rural Housing Enabler), Wendy Li (Solicitor), Jon Bradbury (Development Manager), Gareth Griffiths (Senior Planning Officer), Helen Frith (Senior Planning Officer), Chris Whitmore (Area Planning Officer) and Jackie Cullen (Committee Assistant).

Councillor Andrew Shirley attended as Ward Member.

71 members of the public.

APOLOGIES

Apologies for absence were received from Councillors Sue Bull, Albert Catt, Graham Elliott and Lewis Rose OBE. Councillors Mark Salt and John Tibenham attended as Substitute Members.

17/16 – MINUTES

It was moved by Councillor Garry Purdy, seconded by Councillor Tony Millward, BEM, and

RESOLVED
(unanimously)

That the minutes of the Planning Committee held on 12 April 2016 be approved as a correct record.

The Minutes were signed by the Chairman.

18/16 INTERESTS

Councillor Tony Millward BEM declared a personal interest in Application No. 16/00168/FUL, as an immediate family member lived close to the site and was speaking against the application.

The Chairman advised the Committee and members of the public that the meeting was being videotaped by a member of the public, and was also being recorded by Officers. Members of the public who did not wish to be filmed were asked to make themselves known to the Chairman.

19/16 – APPLICATION NO. 16/00096/FUL - RESIDENTIAL DEVELOPMENT OF 5 DWELLINGS COMPRISING 3 HOUSES AND 2 FLATS WITH ASSOCIATED ACCESS AND PARKING AT LAND ADJACENT TO CHESTNUT FARM, UPPERTOWN, BONSTALL

The Committee visited the site prior to the meeting to enable Members to fully appreciate the impact of the development upon the character and appearance of the Bonsall Conservation Area.

Correspondence received after publication of the agenda was distributed at the meeting; this comprised comments from Derbyshire County Council's Development Control Archaeologist; an ecological report submitted by the Applicant; a statement from Derbyshire Wildlife Trust who were satisfied subject to a condition ensuring that detailing precautionary methods and enhancements as set out in Section 6 of the report be adhered to and implemented in full and a further letter of representation. The Applicant also submitted a letter requesting that Condition 14 be modified as follows:-

“Before any development commences, details of the management of the dwelling units shall be submitted to and approved in writing by the LPA for the delivery of the affordable housing associated with this development. The affordable housing shall thereafter be occupied in accordance with the approved scheme unless otherwise agreed in writing by the LPA and shall remain as such unless otherwise agreed in writing by the LPA.”

In accordance with the procedure for public participation Mrs E. Alexander, Mr Jon Barry, Ms Jane Holmes, Mr Andrew Lees, Mr Mike Susko and Mr Trevor Williams, all Residents, spoke against the application;

Mr John Millward, Resident, and Ms Suzanne Dempsey, Heritage Consultant representing the applicant, spoke in favour of the application.

It was moved by Councillor Tony Morley, seconded by Councillor Jason Atkin and

RESOLVED That Planning permission be granted subject to the conditions set out in the report, including the amendment to Condition 14 as set out above.

Voting:

For	11
Against	2
Abstentions	0

The Chairman declared the motion carried.

20/16 – APPLICATION NO. 15/00060/OUT – RESIDENTIAL DEVELOPMENT OF UP TO 35 DWELLINGS WITH ASSOCIATED ACCESS AND OPEN SPACE AT LAND OFF LATHKILL DRIVE, ASHBOURNE

The Committee visited the site prior to the meeting to enable Members to fully appreciate the site and context.

Correspondence received after publication of the agenda was distributed at the meeting.

In accordance with the procedure for public participation, Mr Neil Arbon, Agent, spoke in favour of the application.

It was moved by Councillor Richard FitzHerbert, seconded by Councillor Jean Monks and

RESOLVED That planning permission be granted subject to a S106 agreement to secure: an off-site contribution towards affordable housing provision, an off-site contribution to upgrade the nearby play space and contribution towards additional school provision, and subject to the conditions as set out in the report.
(unanimously)

21/16 – APPLICATION NO. 15/00316/OUT – DEMOLITION OF PUBLIC HOUSE AND ERECTION OF 4 NO. DWELLINGS (OUTLINE) AT THE YEAVELEY ARMS, LEAPLEY LANE, YEAVELEY

The Committee visited the site prior to the meeting to enable Members to fully appreciate the site and context.

In accordance with the procedure for public participation, Messrs Robert Nuttall, Chairman Rodsley & Yeaveley Parish Council, James Byrne, Resident and Alexander Matthews, Resident, spoke against the application. Mr Jon Steedman, Agent, spoke in favour of the application.

It was moved by Councillor Joanne Wild, seconded by Councillor Tony Morley and

RESOLVED That Planning permission be refused for the reasons set out in the report.

Voting:

For	11
Against	2
Abstentions	0

The Chairman declared the motion carried.

22/16 – APPLICATION NO. 16/00099/FUL – ERECTION OF 9 NO. DWELLINGS, NEW COMMUNITY HALL, PROVISION OF MULTI-USE GAMES AREA AND MODIFICATION TO ACCESS AT LAND ADJOINING MARSTON MONTGOMERY PRIMARY SCHOOL, THURVASTON ROAD, MARSTON MONTGOMERY

The Committee visited the site prior to the meeting to enable Members to fully appreciate the site and context.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised comments from the Local Highway Authority, whose concerns regarding the initial proposed layout of the site had been addressed, and who now had no objections

to the proposal, subject to inclusion of their recommended conditions and footnotes, as set out below:

Conditions

1. No development shall be commenced until a temporary access for construction purposes has been provided in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.
2. Before any other operations are commenced, excluding construction of the temporary access referred to in Condition No 1 above, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
3. Before any other operations are commenced excluding Conditions 1 and 2 above, details regarding the design and construction of a 2m wide footway across entire site frontage shall be submitted and approved in writing. Approved details being fully constructed and available for public use prior to occupation of any dwelling or the community hall being taken into use and maintained thereafter for the life of the development.
4. Before any other operations are commenced excluding Conditions 1, 2 and 3 above, details regarding the design and construction of a pedestrian crossing facility, linking the proposed footway to the existing provision on the opposite side of the road shall be submitted, and approved in writing. Approved details being fully constructed and available for public use prior to occupation of any dwelling or the community hall being taken into use and maintained thereafter for the life of the development.
5. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.
6. Before the first dwelling is occupied or the hall taken into use, a new vehicular access shall be formed to Thurvaston Road in accordance with the revised application drawing No 2015-2069-12 Rev D, and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 34 metres to the north and 32 metres to the south measured up to 1m out from the nearside carriageway edge at the extremity of the sightline. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

7. Within 28 days of the new access, the subject of Condition No 4 above, being taken into use), the existing vehicular access to Thurstaston Road shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as footway (or verge) in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.
8. No dwelling or community hall shall be occupied until space has been laid out within the site in accordance with drawing No 2015-2069-12 Rev D for cars to be parked and for vehicles to turn (including service and delivery vehicles) so that they may enter and leave the site in forward gear. These facilities shall thereafter be retained for use at all times.
9. The proposed access drive to Thurstaston Road shall be no steeper than 1:14 for the first 5m from the nearside highway boundary and 1:10 thereafter.
10. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details.

Footnotes:

1. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website:

http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, email ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.
2. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the householder.
3. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained by contacting this Authority via email – es.devconprocess@derbyshire.gov.uk . The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement. The Highway Authority may give consideration to adopting the frontage footway providing it is laid out and constructed to the appropriate specification. This

could be achieved through a combined Section 278/72 Agreement between the developer and Highway Authority.

4. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
5. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management - telephone 01629 538686.

In accordance with the procedure for public participation Mrs Elizabeth Archer, Mrs Jocelyn Isted, Mr Keith Isted, Mr Brian Knox, Mr James McMurtry and Mrs Jill McMurtry, all residents, spoke against the application. Mr Will Thomson, Applicant, spoke in favour of the application.

It was moved by Councillor Richard FitzHerbert, seconded by Councillor Jason Atkin and

RESOLVED That planning permission be granted subject to the conditions set out (unanimously) in the report, together with the conditions and footnotes as recommended by the Local Highway Authority to be attached to the Decision Notice.

23/16 – MOTION TO CONTINUE

It was moved by Councillor Tony Millward BEM, seconded by Councillor Richard FitzHerbert and

RESOLVED That, in accordance with Rule of Procedure 13, the meeting continue (unanimously) beyond 2 ½ hours to enable the business on the agenda to be concluded.

24/16 – APPLICATION NO. 16/00144/S106D – DISCHARGE OF S106 PLANNING OBLIGATION

The Committee considered an application for the discharge of a S106 Planning Obligation dated 6th August 2013 to remove the requirement to pay an Affordable Housing Contribution at The Miners Cottage, Mining Lane, Carsington.

The Chairman had received a petition (containing over 100 signatures) from one of the speakers, in support of the application.

In accordance with the procedure for public participation, Mr Oren Lees, Resident and on behalf of the community of Carsington village, Mr Laurence Cramer, Resident, and Mr Lee Maddocks, Applicant, spoke in favour of the application.

It was moved by Councillor Richard FitzHerbert, seconded by Councillor Peter Slack and

RESOLVED That this application be deferred pending the provision of evidence (unanimously) relating to the Applicant's current financial status, including level of mortgage; information regarding the end value of the property and any mitigating material changes in circumstances that may be relevant to his request to discharge the Section 106 agreement.

25/16 – APPLICATION NO. 16/00168/FUL – FORMATION OF NEW LINK ROAD AT ASHBOURNE AIRFIELD, A52, ASHBOURNE, DERBYSHIRE DE6 1LY

Councillor Neil Horton left the meeting at 8.50pm prior to discussion of this item.

In accordance with the procedure for public participation Messrs John Hall, Chairman of Osmaston & Yeldersley Parish Council, Steven Millward, Resident and John Naylor, Resident, spoke against the application; Councillor Andrew Shirley, Ward Member, commented on the application, and Mr Jonathan Jenkin, Agent, spoke in favour of the application.

It was moved by Councillor Tony Millward BEM, seconded by Councillor Peter Slack and

RESOLVED That this application be deferred pending a more comprehensive and up to date traffic assessment by the Local Highway Authority, and evidence that the site specified is the most appropriate for the development.

Voting:

For	3
Against	9
Abstentions	0

The Chairman declared the motion defeated.

It was then moved by Councillor Jason Atkin, seconded by Councillor Tony Morley and

RESOLVED That planning permission be granted subject to the conditions set out in the report.

Voting:

For	9
Against	2
Abstentions	1

The Chairman declared the motion carried.

26/16 – INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS.

It was moved by Councillor Tony Millward, seconded by Councillor Peter Slack and

RESOLVED That the report be noted. (unanimously)

27/16 - APPEALS PROGRESS REPORT

It was moved by Councillor Tony Millward, BEM, seconded by Councillor Garry Purdy and

RESOLVED That the report be noted.
(unanimously)

MEETING CLOSED 9.20PM

CHAIRMAN