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## **PLANNING COMMITTEE**

**Minutes of a Meeting held on Tuesday 17 January 2017 at 6.00pm at The Venue, Wyaston Road, Ashbourne.**

### **PRESENT**

Councillor Garry Purdy - In the Chair

Councillors Susan Bull, Sue Burfoot, Albert Catt, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Helen Froggatt, Chris Furness, Neil Horton, Tony Millward BEM, Jean Monks, Tony Morley, Joyce Pawley, Lewis Rose OBE, Peter Slack and Joanne Wild.

Sandra Lamb (Head of Corporate Services), Jon Bradbury (Development Manager), Chris Whitmore (Area Planning Officer), Karen Carpenter and Laura Salmon (Environmental Health Officers) and Jackie Cullen (Committee Assistant).

32 members of the public.

### **APOLOGIES**

Apologies for absence were received from Councillors Jason Atkin and Mike Ratcliffe. Councillors Helen Froggatt and Joyce Pawley attended as Substitute Members.

### **325/16 – MINUTES**

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

**RESOLVED** That the minutes of the Planning Committee held on 13 December (unanimously) 2016 be approved as a correct record.

The Minutes were signed by the Chairman.

### **326/16 – APPLICATION NO. 16/00450/REM – RESIDENTIAL DEVELOPMENT – RESERVED MATTERS APPLICATION FOR THE ERECTION OF 200 DWELLINGS AND ASSOCIATED WORKS (OUTLINE PERMISSION 13/00911/OUT) AT LAND SOUTH OF DERBY ROAD, ASHBOURNE**

The Committee visited the site prior to the meeting to allow Members to assess the impact of the development on the character and appearance of the area and neighbouring amenity.

The Development Manager advised the Committee that with regard to Recommendations 2 and 7 in the report, an amended plan and evidence had now been received from the Applicant that addressed these points; therefore conditions 2 and 7 were no longer required and would instead form part of the planning decision. The Development Manager also confirmed that, as stated in paragraph 7.1 of the report, no more than 30 dwellings were to be occupied until the Derby Road / Sturston Road junction had been improved in accordance with a scheme to be submitted.

Correspondence received after publication of the agenda was distributed at the meeting; this comprised the key points raised in 6 further representations, and conditions recommended by the Local Highway Authority.

In accordance with the procedure for public participation, Councillor Sandra Spencer (Ashbourne Town Council) spoke against the application; Mr Christopher Morrison (Neighbour) commented on the application and Miss Helen Bareford (Applicant) spoke in favour of the application.

It was moved by Councillor Peter Slack, seconded by Councillor Joyce Pawley and

**RESOLVED**  
(unanimously)

That planning permission be granted subject to the conditions set out in the report, excluding conditions 2 and 7, and with the addition of the conditions recommended by the Local Highway Authority, as follows:-

6. No development shall take place, including any works of demolition, until a construction management plan / construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan / statement shall be adhered to throughout the construction period. The plan / statement shall provide for:
  - i. Parking of vehicles for site operatives and visitors,
  - ii. storage of plant and materials and site accommodation,
  - iii. routes for construction traffic,
  - iv. method of prevention of mud/debris being carried onto the public highway,
  - v. proposed temporary traffic management/restrictions,
  - vi. arrangements for loading/unloading and turning vehicles within the site,
  - vii. site access arrangements and roadside fencing/ hoarding,
7. No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.

8. Before any other operations are commenced detailed designs shall be provided of the layout and treatment (including pedestrian crossing facilities) of the existing public right of way where it crosses the development site and internal estate street, to be submitted to and approved in writing by the Local Planning Authority.
9. The works in connection with the above condition shall be laid out and constructed in accordance with the approved details, in a timescale to be agreed in writing with the Local Planning Authority prior to works commencing on site. For the avoidance of doubt the developer will be required to enter into a Highways Act 1980 Agreement (Section 278) with the Highway Authority in order to comply with the requirements of this condition and no works should be undertaken to enclose, divert or restrict the use of the existing Public Right of Way until agreed / confirmed by Order.
10. Before any other operations are commenced detailed designs shall be provided for the relocation of the bus stop(s) located on Old Derby Road, on the site frontage (affected by the formation of the permanent access to the development site), to be submitted to and approved in writing by the Local Planning Authority.
11. The works in connection with the above condition shall be laid out and constructed in accordance with the approved details, in a timescale to be agreed in writing with the Local Planning Authority prior to works commencing on site. For the avoidance of doubt the developer will be required to enter into a Highways Act 1980 Agreement (Section 278) with the Highway Authority in order to comply with the requirements of this condition.
12. Notwithstanding the information already submitted, before any other operations are commenced detailed designs demonstrating 25m forward visibility around the bends fronting plots 161/162 and 183 (drawing reference S7240/100/1 rev H), shall be submitted to and approved in writing by the Local Planning Authority. The area in advance of the sightline shall be laid out as part of a widened footway and not part of the adjoining plots.
13. The works in connection with the above condition shall be laid out and constructed in accordance with the approved details, in a timescale to be agreed in writing with the Local Planning Authority prior to works commencing on site.
14. Before any other operations are commenced detailed designs shall be provided for the layout and treatment of the footway / cycleway / emergency access route between the new estate street and Old Derby Road (in the vicinity of plots 191 – 198), to

be submitted to and approved in writing by the Local Planning Authority.

15. The works in connection with the above condition shall be laid out and constructed in accordance with the approved details, prior to occupation of the 25<sup>th</sup> dwelling, or other such timescale as may be agreed with the Local Planning Authority.
16. No development shall take place, with the exception of the site access approved under condition 5.1 of the outline consent, until construction details of the residential estate road and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.
17. The carriageways and footways shall be constructed in accordance with the details approved under condition 11 above, up to and including binder course surfacing, to ensure that each dwelling, prior to occupation, has a properly consolidated and surfaced carriageway and footway between the dwelling and the existing public highway. Until final surfacing is completed, the footway binder course shall be provided in a manner to avoid any upstands to gullies, covers or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.
18. Individual driveways shall be provided with 2.4m x 25m visibility splays in each direction to the new estate street, when measured to the nearside carriageway edge, or other such dimension as may be agreed in writing with the Local Planning Authority; the area in advance of the sightlines shall remain thereafter free from any obstructions to visibility over 1m high (750mm in the case of vegetation) relative to the nearside carriageway channel level.
19. The premises, the subject of the application, shall not be occupied until the estate street has been provided with suitable turning arrangements to enable service and delivery vehicles to turn, all as may be agreed in writing with the Local Planning Authority. In the case where interim turning arrangements are constructed these must remain available until any permanent estate street turning is available, in accordance with the approved estate street designs.
20. No dwelling shall be occupied until space has been provided within the site curtilage / plot for the parking and manoeuvring of residents and visitors vehicles associated with that dwelling, together with secure cycle parking, all to be laid out,

constructed and approved in writing by the Local Planning Authority. The facilities shall be retained throughout the life of the development free from any impediment to their designated use.

21. No gates, including any part of their opening arc shall be permitted to open out over public highway limits. Any gates should therefore be set back an appropriate distance from the carriageway edge or be physically prevented from opening over the adjoining highway.
22. Within 21 days of the permanent access being constructed any existing vehicular access to Old Derby Road shall be permanently closed and the highway margin re-instated, in a manner to be agreed with the Local Planning Authority in consultation with the Highway Authority.

**327/16 – APPLICATION NO. 16/00374/FUL – USE OF PREMISES FOR COMMERCIAL DOG BREEDING AND BOARDING PURPOSES, REPLACEMENT KENNEL AND ERECTION OF NEW ISOLATION UNIT AT FOUR LANE ENDS FARM, GIBFIELD LANE, HULLAND WARD**

Councillor Richard FitzHerbert arrived at the meeting at 6.31pm prior to discussion of this item.

The Committee visited the site prior to the meeting to allow Members to consider the impact of the development on the local environment.

In accordance with the procedure for public participation, Councillor Susannah Stuart-Monteith (Atlow Parish Council), Mr Miles Thornton (Neighbour), Mr Rob Hutchinson (Neighbour) and Mr Gary Barlow (Local resident) spoke against the application, primarily on grounds of noise nuisance.

The Area Planning Officer confirmed that a noise abatement notice had previously been served, and with regard to the speakers' concerns he confirmed that a noise management plan had been requested which it was hoped, along with noise attenuation measures built in to the design, would alleviate some of the noise. The Environmental Health Officers advised that issues such as exercise facilities and exercise regime for the dogs, staff ratios, and supply of isolation units would be dealt with under the Licensing conditions.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Peter Slack and

**RESOLVED**  
(unanimously)

That this item be deferred for the following reason:-

Reason

That the Committee felt they did not have sufficient information to make an informed decision. It was agreed that the noise management plan should be submitted for consideration by the Environmental Health team prior to a decision being made.

**328/16 – APPLICATION NO. 16/00587/FUL – ERECTION OF 9 DWELLINGS AND ASSOCIATED OPEN SPACE AT MUSHROOM FARM, RODSLEY LANE, YEAVELEY**

The Committee visited the site prior to the meeting to enable Members to assess the impact of the development on the character and appearance of this part of the village and the local environment.

Correspondence received after publication of the agenda was distributed at the meeting; this comprised a further letter of representation and the Officer's response.

In accordance with the procedure for public participation, Mr Jim Malkin (Agent) spoke in favour of the application.

The Area Planning Officer advised the Committee that the applicant had agreed to a further condition requiring agreement over the final route of a public footpath through the site.

It was moved by Councillor Peter Slack, seconded by Councillor Albert Catt and

**RESOLVED** That Planning Permission be approved, subject to the conditions set out in the report, with an additional condition requiring agreement over the final route of a public footpath through the site.

**Voting:**

<b>For</b>	16
<b>Against</b>	1
<b>Abstentions</b>	0

The Chairman declared the motion carried.

**329/16 – APPLICATION NO. 16/00807/FUL – DEMOLITION OF CONSERVATORY AND OUTBUILDING AND ERECTION OF A TWO STOREY REAR EXTENSION AND FRONT PORCH AT SWALLOW TAIL FARM, WYASTON ROAD, YEAVELEY**

The Committee visited the site prior to the meeting to allow Members to assess the impact of the proposed extension on the amenity of the occupants of the neighbouring dwelling.

In accordance with the procedure for public participation, Mr Tim Cadman (Applicant) spoke in favour of the application.

The Development Manager acknowledged that the neighbouring barn conversion to the east was 9m away, and not 8m as stated in the report.

It was moved by Councillor Peter Slack, seconded by Councillor Sue Burfoot and

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

**Voting:**

<b>For</b>	14
<b>Against</b>	3
<b>Abstentions</b>	0

The Chairman declared the motion carried.

**330/16 – APPLICATION NO. 16/00581/FUL – INSTALLATION OF ASPHALT PLANT, CHANGE OF USE OF LAND TO B1, B2 AND B8 USE, EXTENSION TO INDUSTRIAL BUILDING AND ENGINEERING WORKS AT MANOR FARM, LONGCLIFFE, BRASSINGTON**

In accordance with the procedure for public participation, Mr Tim Marsden (Agent) spoke in favour of the application.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Joanne Wild and

**RESOLVED** That planning permission be granted, subject to conditions to be negotiated with the Development Manager to cover, inter alia, the following:-  
(unanimously)

- (i) Conditions as recommended by Derbyshire Wildlife Trust
- (ii) Conditions as recommended by the Local Highway Authority
- (iii) Submission of an appropriate landscaping scheme
- (iv) Submission of information regarding level of cut and fill required for the new yard area and extraction

for the reason set out below:-

Reason

That taking into account social, economic and environmental matters, it was considered that the economic benefits of the scheme outweighed any harm to the character and appearance of the area and local landscape and as such the development was considered, on balance, to be a sustainable development and comply with guidance in the National Planning Policy Framework.

**331/16 – INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS.**

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

**RESOLVED** That the report be noted.  
(unanimously)

## **332/16 - APPEALS PROGRESS REPORT**

The Development Manager advised the Committee that the appeal in respect of item ref. 16/00206/FUL – Orchard View, Yeldersley had been dismissed, and the appeal in respect of item ref. 16/00178/PDA – The Cedars, Main Street, Hollington had been allowed.

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

**RESOLVED** That the report be noted.  
(unanimously)

**MEETING CLOSED 7.57PM**

**CHAIRMAN**