

**PLANNING BOARD  
20th November, 2014**

Present:- Councillor Atkin (in the Chair); Councillors Godfrey, N. Hamilton, Kaye, Middleton, Pitchley, Roche, Roddison, Rushforth, Turner, Tweed, Vines, Wallis and Whysall.

Apologies for absence were received from Councillor Astbury.

**T46.       DECLARATIONS OF INTEREST**

There were no Declarations of Interest made at the meeting.

**T47.       MINUTES OF THE PREVIOUS MEETING**

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday 30<sup>th</sup> October, 2014, be approved as a correct record for signature by the Chairman.

**T48.       DEFERMENTS/SITE VISITS**

There were no site visits nor deferrals recommended.

**T49.       DEVELOPMENT PROPOSALS**

Resolved:- (1) That, on the development proposals now considered the requisite notices be issued and be made available on the Council's website and that the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply.

(2) That application RB2014/1149 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(3) That application RB2014/1300 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report and subject to the following amended conditions:-

Condition 2 to be amended to include the following additional approved plans:

A042756-27-C-110  
A042756-27-C-111  
A042756-27-C-112  
A042756-27-C-113  
A042756-27-C-114  
A042756-27-C-115  
A042756-27-C-116  
A042756-27-C-117  
A042756-27-CSK100

Drainage Calculations Waverley Plots 1e and 1f  
Feature Building Second Floor (3627/PD/04)  
Preliminary Longitudinal Road Sections (4174-C-D2-01 Rev A)

In addition to this conditions 9 & 10 should be deleted and replaced with a new condition 9:

09

The development shall be constructed in accordance with the drainage details submitted and approved by the Local Planning Authority.

Reason

In order that the development can be properly drained.

The remainder of the conditions to be re-numbered

(4) That, given the change in membership of the Planning Board since the Masterplan had been agreed, arrangements be made for a site visit to the Waverley development followed by a workshop to enable Members to be fully informed of the vision for the development.

**T50. APPEAL DECISION - ERECTION OF 9 NO. DETACHED DWELLINGS WITH ASSOCIATED GARAGES AT LAND OFF GRANGE FARM DRIVE, ASTON (RB2013/0696)**

Further to Minute No. 52 of the meeting of the Planning Board held on 31st October, 2013, consideration was given to a report of the Director of Planning and Regeneration with regard to the refusal of planning permission for the erection of 9 No. detached dwellings with associated garages at land off Grange Farm Drive, Aston.

The Inspector dealing with the appeal concluded that the proposal would have a positive effect on the provision of high quality open space. Whilst the overall quantity of open space on the site would be reduced, the quality of the open space across the estate would be improved significantly. The proposal would comply with Policy ENV5.2 of the Unitary Development Plan and with the Green Space Strategy.

The Planning Inspector allowed the appeal and granted permission for the development, subject to the following conditions:-

(1) The development hereby permitted shall begin not later than three years from the date of this decision.

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: BM-SLD-01, BM-SL-01, BM-LL-03, Matlock house type M-FP-01 Floor Plans and separate Elevations, W House type floor plans and elevations W-PL-01, Ashbourne type floor plans and separate elevations A-FP-01.

(3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

(4) No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any offsite work, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

(5) Before the development is brought into use, that part of the site to be used by vehicles shall be constructed with either:

- A permeable surface and associated water retention/collection drainage; or
- An impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in working order.

(6) No development shall take place until road sections, constructional and drainage details have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and implemented before the development is completed.

(7) No development shall take place until a scheme detailing how the use of sustainable/public transport by the residents of the proposed development will be encouraged has been submitted to and approved in writing by the local planning authority. The scheme shall include a timescale for implementation and the scheme shall be carried out in accordance with the approved details.

(8) No development shall take place until a revised landscape scheme has been submitted. This scheme shall include:

- A planting plan and schedule detailing the proposed species, siting, planting distances, quality and size specification.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.
- A timetable for implementation

The scheme shall be carried out in accordance with the approved details.

(9) Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

(10) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas within the wider development, including those areas as shown on the coloured plan BM-LP-01 Rev B as Areas 'A', 'B' and 'C' submitted at the Hearing on 5 September 2014, other than small, privately owned domestic gardens shall be submitted to and approved by the local planning authority prior to the occupation of the development. The landscape management plan shall be carried out in accordance with the approved details.

(11) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

The Inspector also noted the appellant's application for an award of costs. The Inspector concluded that it was clear from the evidence that the draft Statement of Common Ground (SoCG) had been submitted to the Council well in advance of the hearing date and that the final SoCG was only released a few days prior to the hearing. The Council considered that the statement was being refined collaboratively and that their own experience was that SoCGs were only normally agreed close to the date of the hearing. However, Rule 6A of The Town and Country Planning (Hearings Procedure) (England) Rules 2000 (as amended) stated that the local planning authority and the appellant shall together prepare an agreed SoCG and ensure that it was submitted within 5 weeks of the start date. The SoCG was therefore late and, from the evidence provided, this was due to the Council's internal delays. The Inspector considered this to be unreasonable behaviour.

However, he noted that, whilst there were differences between the draft SoCG and the final signed SoCG, they were in line with what could be expected given the reason for refusal and the Council's appeal statement. He also noted that the applicant did not claim that the late agreement of the SoCG had led to additional costs on their part. He considered, therefore, that the Council's unreasonable behaviour on this matter had not led to unnecessary or wasted expense in the appeal process.

In conclusion, whilst the Inspector had found an example of procedural unreasonable behaviour, he did not consider that it had demonstrably resulted in unnecessary or waste expense as described in the national Planning Practice Guidance. He had not found evidence of substantive unreasonable behaviour and the claim for costs was dismissed.

Resolved:- That the decision to uphold the appeal, with attached conditions, and to dismiss the award for costs be noted.

## **T51. UPDATES**

(1) Arrangements had been made for a training session to be held for Planning Board Members (including substitute Members) on Thursday, 27<sup>th</sup> November, 2014, 10.00 a.m.-1.00 p.m. The training would be facilitated by the Planning Advisory Service and focus on “justified planning decisions and appeals”.

(2) An appeal against the refusal of planning permission for alterations to the front elevation and improvement to parking area at the Cranworth Hotel, Fitzwilliam Road, Eastwood for Punch Taverns (RB2014/0915) had been submitted.

(3) Consideration was currently being given to an application at Maltby Colliery for the retrospective importation of mining run off material and ongoing importation for potentially 2.5 years from application submission. There had been a high volume of representations received from residents and a formal request for a site visit has previously been sought.

The main issues arising as part of the determination of the current application from a Planning point of view included health and safety issues (noise and dust) along with associated traffic and vehicle movements. However, from a visual perspective there was not a lot that could be viewed of the scheme from both internal and external viewpoints.

Resolved:- That a site visit be not made.