

Planning and Highways Committee

Meeting held 14 April 2015

**PRESENT:** Councillors Alan Law (Chair), Jack Clarkson, Tony Damms, Roger Davison, Tony Downing (Deputy Chair), Ibrar Hussain, Bob Johnson, Bryan Lodge, Peter Price, Joyce Wright and Vickie Priestley (Substitute Member)

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor David Baker and Councillor Vickie Priestley attended as the duly appointed substitute. Apologies for absence were also received from Councillors Roy Munn and Denise Reaney, but no substitutes were appointed.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 No items were identified where resolutions may be moved to exclude the press and public.

**3. DECLARATIONS OF INTEREST**

3.1 Councillor Vickie Priestley declared an interest in an application for the erection of 14 dwellinghouses, demolition of an outbuilding, creation of a new access and associated landscaping works at land to the rear of Worrall Hall Farm, Top Road (Case No. 14/04117/FUL) as she was a local Ward Councillor and resident in the area, but stated that she would participate in its determination as she had not predetermined her views on the application.

**4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the meeting of the Committee held on 24 March, 2015 were approved as a correct record.

**5. SITE VISIT**

5.1 **RESOLVED:** That the Director of Regeneration and Development Services, in liaison with the Chair, be authorised to make arrangements for a site visit in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

**6. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS**

6.1 **RESOLVED:** That (a) the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, granted or refused as stated in the

report to this Committee for this date in respect of Case No. 14/04256/FUL and other applications considered be amended as in the minutes of this meeting, and the requisite notices issued; the granting of any permission or consent shall not constitute approval, permission or consent by this Committee or the Council for any other purpose;

(b) having (i) considered (A) an additional representation in support of the development and a further representation commenting on the development and (B) the officer's response, as detailed in a supplementary report circulated at the meeting and (ii) heard a representation at the meeting from a representative of the Jordanthorpe Tenants' and Residents' Association commenting on the development, an application for planning permission for the provision of 2 No. artificial grass pitches with associated fencing and lighting, drainage improvements to 1 No. natural grass pitch, erection of pavilion building including changing facilities, club room and education space, associated car parking accommodation and vehicular access, at Graves Tennis and Leisure Centre, Bochum Parkway (Case No. 15/00251/FUL) be granted, conditionally, subject to (1) Condition 7 being amended by the substitution of the word "site" for the word "dwellinghouse" and (ii) an additional condition being attached in respect of site security fencing, all as detailed in the aforementioned supplementary report;

(c) having heard a representation at the meeting from the applicant speaking in support of the development and notwithstanding the officer's recommendation, an application under Section 73 to vary condition 19 of planning permission Case No. 14/02725/FUL, to allow the extension of opening hours to 0230 on Fridays and Saturdays at Maggie May's, 23 to 27 Trippet Lane (Case No. 15/00161/FUL) be granted, as the Committee considered that the addition of 1 extra hour of trading on a Friday and Saturday struck the right balance between a vibrant night-time economy and the interests of nearby residents, particularly as the venue was well-managed and there had been no reported formal complaints about the operation of this bar; and

(d) having (i) considered a revised layout plan and representations objecting to the development, as detailed in a supplementary report circulated at the meeting and (ii) heard additional representations from a local resident and a representative of the Loxley Valley Protection Society speaking against the development and from the applicant's agent speaking in support of the development, an application for planning permission for the erection of 14 dwellinghouses, demolition of an outbuilding, creation of a new access and associated landscaping works on land to the rear of Worrall Hall Farm, Top Road (14/04117/FUL) be granted, conditionally, subject to (A) an additional condition in respect of the provision of wheel washing facilities, (B) the open space contribution, as part of the Section 106 Legal Agreement, being allocated to Sycamore Park and (C) Condition 2 being amended by the addition of the revised site plan, all as detailed in the aforementioned supplementary report.

(Note: An application for planning permission for the retention of a static van (amended plans received 11th January 2015) at 33A Collegiate Crescent (Case No. 14/03834/FUL) was withdrawn from consideration to allow officers to undertake a further investigation and consider the use of the building).

**7. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS**

- 7.1 The Committee received and noted a report of the Director of Regeneration and Development Services detailing (a) the planning appeals recently submitted to the Secretary of State and (b) the outcome of recent planning appeals, along with a summary of the reasons given by the Secretary of State in his decision.

**8. DATE OF NEXT MEETING**

- 8.1 It was noted that the next meeting of the Committee will be held on Tuesday, 5 May 2015, at 2.00 pm, at the Town Hall.

**9. APPLICATION SEEKING A REVIEW OF SECTION 106 FUNDING - AFFORDABLE HOUSING**

- 9.1 The Director of Development Services submitted a report in respect of an application received (Case No. 15/00873/MDPO) seeking a review of the affordable housing obligation under Section 106BA of the Town and Country Planning Act 1990, concerning planning permission granted for the erection of a mixed use development, comprising managed student accommodation (535 beds), private apartments (74) and Class B1 offices (385sqm) with ancillary facilities and associated landscaping at the site of Denby Street Car Park, Denby Street (Case No. 14/03597/FUL). The report stated that a review under Section 106BA was introduced by Central Government through the Growth and Infrastructure Act 2013 to allow such a request to be made in a case where the applicant considers the affordable housing contribution makes a scheme unviable. It was stated that the applicant's application was submitted with an updated viability appraisal and was reviewed along with the original viability appraisal independently by the District Valuer. The recommendation of the District Valuer was that the Affordable Housing Contribution of £425,245.00, contained within the Section 106 Agreement attached to planning permission Case No 14/03597/FUL, could not be sustained in the current market conditions as required by the National Planning Guidance in relation to viability.

- 9.2 **RESOLVED:** That the affordable housing contribution of £425,245.00 contained within the Section 106 Agreement attached to Planning Permission (Case No 14/03597/FUL) be removed and the Agreement be modified accordingly.

(NOTE: At the commencement of the meeting, the Chair (Councillor Alan Law) indicated that the above item was to be considered as an urgent item of business under Council Procedure Rule 26 of the Council's Constitution, in view of the limited time for this matter to be considered, although it had not been possible to give five clear days' notice of the item.)

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