

PLANNING COMMITTEE

08 August 2023

**PRESENT:**

**Labour Group**

Councillor G Jones (Chair) and Councillor Shepherd (Vice-Chair)  
Councillors J Carroll, M Gee, I Hudson, A Jones, L Mulgrew and K Storey.

**Conservative Group**

Councillors N Atkin (substituting for Councillor D Muller) and A Kirke.

**Liberal Democrats**

Councillor G Andrew (substituting for Councillor J Davies).

**Non-Grouped**

Councillor A Wheelton.

**In Attendance**

Councillor M Fitzpatrick  
Councillor S Taylor  
Councillor N Tilley  
Councillor P Watson

PL/32 **APOLOGIES**

The Committee was informed apologies had been received from Councillors K Haines and D Muller (Conservative Group) and Councillor J Davies (Liberal Democrats).

PL/33 **DECLARATIONS OF INTEREST**

The Committee was informed that Councillor J Carroll declared a personal interest in item PL/46 by virtue of being a Member of Melbourne Parish Council.

The Committee was informed that Councillor A Kirke declared a personal interest in item PL/41 by virtue of being a Member of Etwall Parish Council.

PL/34 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Committee was informed that no questions had been received.

**MATTERS DELEGATED TO COMMITTEE**

PL/35 **REPORT OF THE STRATEGIC DIRECTOR (SERVICE DELIVERY)**

The Strategic Director (Service Delivery) submitted reports for consideration and determination by the Committee and presented oral reports to the Meeting to update Members as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/36 **INSTALLATION OF FLOODLIGHTING SYSTEM TO THE NORTHERN MOST TENNIS COURTS AT MELBOURNE TENNIS CLUB AT MELBOURNE SPORTS PAVILION, COCKSHUT LANE, MELBOURNE, DERBY, DE73 8DG**

The Planning Delivery Team Leader presented the report and highlighted the application was in line with policy and that no objections had been received from the statutory consultees.

The Applicant's Agent attended the meeting and addressed the Committee regarding the application.

Councillor Carroll addressed the Committee as the Ward Member for Melbourne and raised concerns on behalf of the local residents.

Members discussed the restriction of floodlighting hours of use.

**RESOLVED:**

***That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery), subject an amendment to condition 3 for the use of floodlighting to be restricted to between the hours of 08:00 hours and 20:00 hours.***

PL/37 **THE ERECTION OF A SINGLE STOREY REAR EXTENSION AND THE INSTALLATION OF A HARD STANDING AT 27 MAPLE ROAD, MIDWAY, SWADLINCOTE, DE11 0EZ**

The Planning Delivery Team Leader presented the application to the Committee confirming that the Council owned the property and that no objections had been received from the statutory consultees.

**RESOLVED:**

***That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).***

PL/38 **THE VARIATION OF CONDITION NO. 3B (BIODIVERSITY NET GAIN) OF PERMISSION REF. DMPA/2019/0931**

The Planning Delivery Team Leader presented the details of the application to enable delivery of biodiversity net gain. The Derbyshire Wildlife Trust had not raised any objections to the amendment of the condition.

The Applicant attended the meeting and addressed the Committee regarding the application.

Councillor Taylor addressed the Committee as Ward Member for Woodville as raised concerns on behalf of the local residents.

Members raised questions regarding the outline plan, the original build layout, how biodiversity would be applied to the site and the statistics of biodiversity for the site.

The Planning Delivery Team Leader confirmed that the developer had improved the scheme for public open spaces and reduced the number of dwellings with landscaping and biodiversity being included at Phase 1 and that Phase 2 would include ecology recommendations.

**RESOLVED:**

***That planning permission be deferred for the consideration of the two applications ref DMPA/2019/0931 and DMPA/2022/1159 together, along with a table to be presented showing Biodiversity Net Gain on the site and what shortfall of unit equates to in hectares.***

PL/39 **APPROVAL OF RESERVED MATTERS (LANDSCAPING, LAYOUT, SCALE AND APPEARANCE) PURSUANT TO PHASE 1 (RESIDENTIAL DEVELOPMENT OF UP TO 75 DWELLINGS) OF OUTLINE APPLICATION DMPA/2019/0931 FOR THE RESIDENTIAL DEVELOPMENT OF UP TO 300 DWELLINGS, A LOCAL CENTRE COMPRISING A 1,600SQM FOOD STORE (CLASS A1 USE), 700SQM RESTAURANT/FAST FOOD (CLASS A3 USE) AND 550SQM PUB (CLASS A4 USE), TOGETHER WITH EMPLOYMENT LAND CONSISTING OF 2,000SQM CLASS B1(B) RESEARCH AND DEVELOPMENT AND/OR B1(C) LIGHT INDUSTRIAL USES, 4,000SQM CLASS B2 GENERAL INDUSTRIAL USES AND 8,000SQM CLASS B8 STORAGE AND DISTRIBUTION USES, TOGETHER WITH ACCESS FROM THE WOODVILLE REGENERATION ROUTE (TO BE DELIVERED BY OTHERS), AND PUBLIC OPEN SPACE, LANDSCAPING AND ASSOCIATED DRAINAGE INFRASTRUCTURE**

The Planning Delivery Team Leader presented the application's highlights to the Committee, noting there had been no objections from the statutory consultees. The Planning Delivery Team Leader informed the Committee that the application was acceptable in principle with access for 75 dwellings from Moira Road.

The Applicant attended the meeting and addressed the Committee regarding the application.

**RESOLVED:**

***That planning permission be deferred for consideration of the two applications ref DMPA/2019/0931 and DMPA/2022/1159 together along with a table to be presented showing Biodiversity Net Gain on the site and what shortfall of unit equates to in hectares.***

PL/40 **REDEVELOPMENT OF VACANT SITE TO PROVIDE THREE STOREY DEVELOPMENT COMPRISING 28 SUPPORTED LIVING APARTMENTS WITH A MIXTURE OF 1 BED 2 PERSON AND 2 BED 3 PERSON APARTMENTS, INCLUDING COMMUNAL SPACES, COMMUNAL GARDENS AND ASSOCIATED PARKING.**

It was reported that Members of the Committee had visited the site earlier in the day.

The Planning Delivery Team Leader presented the application to the Committee. It was noted that the design of the building had been reduced to two storeys with conditions included relating to flooding. The Committee was informed that there were no objections from the Highways Authority.

The Applicant's Agent attended the meeting and addressed the Committee regarding the application.

Members expressed concerns regarding the number of parking spaces, facilities for staff and visitors, Tree Preservation Orders and materials to be used for the boundary screening.

The Planning Delivery Team Leader confirmed to the Committee that the scheme had been amended to maximise the car parking facilities, that the boundary screening between the site and number 31 Askew Grove would be made of solid brick and railing and the trees along the west of the site were covered by Tree Preservation Orders.

**RESOLVED:**

***That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).***

PL/41 **THE ERECTION OF A DWELLING AND DOUBLE DETACHED GARAGE AND CREATION OF ASSOCIATED ACCESS AND NEW ACCESS TO THE HOST DWELLING AT 16 CHURCH HILL, ETWALL, DERBY.**

It was reported that Members of the Committee had visited the site earlier in the day.

The Planning Delivery Team Leader presented the application to the Committee highlighting that the site was within the settlement boundary and Etwall Conservation Area.

An Objector attended the meeting and addressed the Committee regarding the application.

Councillor Kirke addressed the Committee as Local Ward Member and raised concerns on behalf of the local residents noting that the removal of trees would potentially create a visibility issue to the adjoining property.

Members raised concern regarding the removal of trees and how it would be approved.

The Planning Delivery Team Leader confirmed that consent to remove trees would be included with the planning permission.

**RESOLVED:**

***That planning permission be refused contrary to the recommendations in the report of the Strategic Director (Service Delivery) for the reasons related to poor design and loss of open character, impact on neighbour amenity, the loss of trees, it harmful impact to the character and appearance of the Conservation Area.***

PL/42 **INSTALLATION OF DROPPED KERB AND HARD STANDING INCLUDING ASSOCIATED GROUND WORKS AT 36 COTON PARK, LINTON, SWADLINCOTE,**

The Planning Delivery Team Leader presented the application from South Derbyshire District Council for housing adaptations to improve disabled access.

Councillor Wheelton suggested that a precedent was set on individual applications to mitigate the loss of garden space and include the planting of shrubs.

**RESOLVED:**

***That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).***

PL/43 **THE VARIATION OF CONDITION 31 OF OUTLINE PERMISSION REF. DMPA/2020/0543 (RELATING TO THE RESIDENTIAL DEVELOPMENT OF UP TO 1,100 DWELLINGS, AN EXTRA CARE FACILITY, A LOCAL CENTRE COMPRISING: A SMALL SUPERMARKET WITH A FLOORSPACE NOT EXCEEDING 1000 SQM (NET); A SMALLER RETAIL UNIT WITH A TOTAL FLOORSPACE NOT EXCEEDING 200SQM (NET); A CAFE/RESTAURANT WITH A FLOORSPACE NOT EXCEEDING 200 SQM (NET); A PUBLIC HOUSE WITH A FLOORSPACE NOT EXCEEDING 650 SQM (NET); A DOCTORS**

**SURGERY OR CRÈCHE; AND A COMMUNITY FACILITY, AS WELL AS A PRIMARY SCHOOL TOGETHER WITH ASSOCIATED PLAYING FIELDS AND THE PROVISION OF ASSOCIATED INFRASTRUCTURE (INCLUDING ROADS, FOOTPATHS, CYCLEWAYS, SUSTAINABLE URBAN DRAINAGE AND OPEN SPACE)) ON LAND AT NEW HOUSE FARM, ETWALL ROAD, MICKLEOVER, DERBY, DE3 0DN.**

The Head of Planning and Strategic Housing presented the application details to the Committee which had been deferred at the 07 March meeting.

The Applicant's Agent attended the meeting and addressed the Committee regarding the application.

Members discussed the Section 106 Agreement funding, the provision of a primary school, the updated Environmental Impact Assessment, the traffic survey, impact to A38 junction and whether South Derbyshire District Council had requested a traffic management report.

The Head of Planning and Strategic Housing informed the Committee that the applicant had provided statistics to Derby City Council in response to their concerns regarding movement of traffic and it was less than originally estimated. The Section 106 Agreement funding was linked into the phasing requirements and the Highways Agency were expert advisors to the government.

**RESOLVED:**

***That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).***

PL/44

**APPROVAL OF RESERVED MATTERS FOR ROADS, LANDSCAPED OPEN SPACE, AND DRAINAGE WORKS PROVISION INCLUDING SUSTAINABLE DRAINAGE FEATURES (ACCESS, LAYOUT, SCALE, APPEARANCE AND LANDSCAPING) PURSUANT TO OUTLINE PERMISSION REF. DMPA/2020/0543 FOR 1,100 DWELLINGS ON LAND AT NEW HOUSE FARM, ETWALL ROAD, MICKLEOVER, DERBY, DE3 0DN.**

The Head of Planning and Strategic Housing presented the application details to the Committee. The response from Derbyshire Wildlife Trust, the Ecology report and Ecology Strategy were noted. The Committee was informed that no objections had been received from the Highways Authority or Lead Flood Agency.

An Objector and the Applicant attended the meeting and addressed the Committee regarding the application.

The Head of Planning and Strategic Housing confirmed that individual comments received from objectors were not published, however, the reports from statutory consultees were included with the planning application information available on the web site.

Members raised queries regarding the drainage pond and the inclusion of a water feature, the type of trees included on the plan, the provision of sports fields, sustainable travel links and best practice for mowing around SUDs.

The Head of Planning and Strategic Housing informed the Committee that appropriate trees for the site were planned, the new roadway had a footpath, the applicant would be made aware of the request for a feature for the SUDs and that sports facilities may be included at a later stage of the application and that an informative could be included regarding best practices on mowing around SUDs.

**RESOLVED:**

***That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).***

PL/45

**PROPOSED NEW HIGHWAY ENTRANCE WITH DRIVEWAY STANDING AND TURNING AREA AND ELECTRIC CAR CHARGING POINT, 4NO TREES TO BE REMOVED, AND THE CONVERSION OF AN OUTBUILDING TO HABITABLE SPACE AT 125 PENN LANE, MELBOURNE, DERBY, DE73 8EP.**

It was reported that Members of the Committee had visited the site earlier in the day.

The Head of Planning and Strategic Housing presented the application to the Committee. It was noted that no objections had been received from the South Derbyshire District Council Tree Officer, but objections had been received from Melbourne Civic Society and Melbourne Parish Council.

A Supporter of the application attended the meeting and addressed the Committee regarding the application.

Councillor Carroll addressed the Committee as Ward Member for Melbourne and raised concern regarding the impact on the street scene and the Conservation Area.

Members expressed concerns about the felling of the trees.

The Head of Planning and Strategic Housing confirmed that the building was registered at risk and that the Planning Officer had recommended that the scheme be amended from a three storey to a two-storey build.

**RESOLVED:**

***That planning permission be refused contrary to the recommendations in the report of the Strategic Director (Service Delivery) due to the loss of trees and that the impact on the character and appearance of the Conservation Area did not outweigh the public benefit.***

PL/46 **THE VARIATION OF DEMOLITION OF EXISTING BUILDING AND DEVELOPMENT OF FIVE NEW DWELLINGS WITH ASSOCIATED AMENITY SPACE AND CAR PARKING (LINKED TO DMPA/2023/0676) AND DEMOLITION OF MELBOURNE COMMUNITY CENTRE (SENIOR CITIZEN'S CENTRE) BUILDING (LINKED TO DMPA/2023/0673)**

It was reported that Members of the Committee had visited the site earlier in the day.

The Planning Delivery Team Leader presented the details of the two applications within Melbourne Conservation Area to the Committee. There were no objections from statutory consultees or the Council's tree officer. An objection had been received from Melbourne Civic Society.

An objector and the applicant's agent addressed the Committee.

Councillor Carroll addressed the Committee as Ward Member for Melbourne and noted that the re-development of the site is acceptable to enhance Melbourne conservation, however, this plan was a disappointment and did not reflect the historic image of the village. A design guide was not mentioned in the report, parking and refuse bin placement was not appropriate, and noise and odour from the public house next door was noticed. A building fronting onto the street would be more suited to Melbourne.

As Local Ward Member, Councillor Fitzpatrick addressed the Committee on behalf of a local resident in objection to the application.

Members raised questions about the Copper Beech on the site and if a Tree Preservation Order was appropriate.

The Planning Delivery Team Leader confirmed that the Copper Beech tree was unlikely to be put under a Preservation Order.

**RESOLVED:**

***That planning permission be refused for DMPA/2023/0673, contrary to the recommendations in the report of the Strategic Director (Service Delivery) due to poor design, the loss of trees and the harmful impact on the character and appearance of the Conservation Area.***

***That planning permission be refused for DMPA/2023/0676, contrary to the recommendations in the report of the Strategic Director (Service Delivery) due to loss of the building in the absence of an approved replacement scheme would be detrimental to the character and appearance of the Conservation Area.***

PL/47 **CHANGE OF USE OF LAND TO PERMIT THE DEVELOPMENT OF A CONTAINER STORAGE FACILITY AT BADGER FARM, WILLOWPIT LANE, HILTON, DERBY, DE65 5FN.**

The Head of Planning and Strategic Housing presented the application details to the Committee.

The Applicant's Agent attended the meeting and addressed the Committee regarding the application.

Members raised a concern regarding the 18 month period referred to in condition 5 as it may have impacted on the business viability.

The Head of Planning and Strategic Housing informed Members that the condition was placed on the application to assess how the site was operating in practice.

**RESOLVED:**

***That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to the removal of condition 5.***

PL/48 **Planning and Other Appeals**

The Committee noted the planning appeal decisions in relation to the following applications:

<b>Reference</b>	<b>Place</b>	<b>Ward</b>	<b>Outcome</b>	<b>Decision Level</b>
DMPA/2022/0838	Bretby	Repton	Allowed and no costs awarded	Committee
DMPA/2021/1014	Lullington	Seales	Dismissed	Committee

PL/49 **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/50 **EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE No 11.**

The Committee was informed that no questions had been received.

The meeting terminated at 21:35 hours.

COUNCILLOR G JONES

CHAIR