

PLANNING COMMITTEE

18 October 2022

PRESENT:

Labour Group

Councillor Shepherd (Vice-Chair)
Councillors Gee, L Mulgrew, M. Mulgrew, Pearson, Taylor.

Conservative Group

Councillors, Bridgen, Dawson, Haines, Hewlett, Muller and Smith

Non-Grouped

Councillor Wheelton.

PL/84 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor Tilley and Councillor and Southerd (Labour Group) and Councillor Brown and Councillor Redfern (Conservative Group).

PL/85 **DECLARATIONS OF INTEREST**

The Committee was informed that a Declaration of Personal Interest had been received from Councillor Hewlett raised personal interest regarding item PL/90.

PL/86 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Committee was informed that no questions from Members of the Council had been received.

MATTERS DELEGATED TO COMMITTEE

PL/87 **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/88

FULL PLANNING APPLICATION PROPOSING THE ERECTION OF 2NO. EMPLOYMENT BUILDINGS (USE CLASS B8, B2 AND ANCILLARY E(G)) AT PLOTS 10A AND 10B WITH ASSOCIATED LANDSCAPING, DRAINAGE, CAR PARKING, REFUSE STORES AND OTHER INFRASTRUCTURE AT PLOT 10, DOVE VALLEY PARK, FOSTON

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

The Senior Planning Officer presented the report to the Committee noting that it did not fully accord with the Local Plan and that final comments had been received from the Environmental Health Officer. The Committee was informed that no objections had been received from the Highway's Agency and the Wildlife Trust. The Senior Planning Officer sought approval for the amended conditions and the Section 106 Agreement that had been published prior to the Committee meeting.

The Senior Planning Officer summarised the application and highlighted that evidence supporting a previously approved application for overnight lorry parking, was out of date and that there was alternative lorry parking available in the area. It was further noted that there would be electric vehicle charging points, tree planting and biodiversity net gain.

Members welcomed the report and noted that whilst the application was a diversion from policy it was deemed a good use of the land for economic development and highlighted the importance of a positive offset of biodiversity.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to the published amended conditions and Section 106 Agreement.

PL/89

LISTED BUILDING CONSENT FOR THE CONVERSION AND EXTENSION OF BUILDINGS TO PROVIDE COMMERCIAL, RECREATIONAL AND EDUCATIONAL USES, AND THE DEMOLITION OF A SECTION OF RETAINING WALL ELVASTON CASTLE COUNTRY PARK, BORROWASH ROAD, ELVASTON, DERBY, DE72 3EP.

The Planning Delivery Team Leader presented the report to the Committee noting that the application related to listed building consent only and that there would be a separate application for the drive way and additional buildings. The Planning Delivery Team Leader informed the Committee that redundant buildings and the walled garden would be restored. Objections received were highlighted along with the response from Historic England which deemed that the level of harm was outweighed by the development opportunities, public benefits and the long term investment in the area.

The Applicants Agent attended the meeting and addressed the Committee regarding the application.

Members raised concerns regarding the comments from Historic England and the materials to be used. Members agreed that a site visit would be beneficial to the Committee in making a decision.

RESOLVED:

That planning permission be deferred to allow Members to visit the site.

PL/90

ERECTION OF TWO 3 BEDROOMED NEW BUILD DWELLINGS, AND THE CREATION OF ORCHARD AT LAND OFF TRENT LANE, KINGS NEWTON, DERBY, DE73 8BT

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

The Planning Delivery Team Leader presented the report to the Committee and summarised the objections received. It was noted that the proposed site was situated outside settlement boundary and would have detrimental impact on the heritage area.

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

As Local Ward Member Councillor Hewlett read out statement on behalf of Councillor Fitzpatrick.

Councillor Hewlett left the Chamber.

Members discussed the importance of supporting the Local Neighbourhood Plan

RESOLVED:

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

Councillor Hewlett returned to the Chamber.

PL/91

PORTAL STEEL FRAMED STRUCTURE FOR THE STORAGE OF EQUIPMENT AT MELBOURNE SPORTS PAVILION, COCKSHUT LANE, MELBOURNE, DERBY, DE73 8DG

The Planning Delivery Team Leader addressed the Committee and outlined the proposed designs.

As Local Ward Member Councillor Hewlett addressed the Committee on behalf of the Civic Society.

RESOLVED:

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

PL/92 **INSTALLATION OF DROPPED KERB AND HARD STANDING AT 49 MAIN STREET, NETHERSEAL, SWADLINCOTE, DE12 8DB**

The Planning Delivery Team Leader presented the report to the Committee and outlined the key points of the application.

RESOLVED:

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

PL/93 **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/94 **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 hours 19:15. hrs

COUNCILLOR SHEPHERD

VICE-CHAIR

PLANNING COMMITTEE

15 November 2022

PRESENT:

Labour Group

Councillors Tilley (Chair) and Shepherd (Vice-Chair)
Councillors Gee, L Mulgrew, Pearson and Southerd.

Conservative Group

Councillors Brown, Haines, Muller, Redfern, Smith and Watson.

Non-Grouped

Councillor Wheelton.

PL/95 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor Bridgen (substitute Councillor Watson) and Councillor Dawson (substitute Councillor Muller).

PL/96 **TO RECEIVE THE OPEN MINUTES OF THE FOLLOWING MEETING**

The Open Minutes of Meetings held on 7 December 2021, 11 January 2022, 8 February 2022 and 8 March 2022 were reviewed, considered as a true record and signed by the Chair.

PL/97 **DECLARATIONS OF INTEREST**

The Committee was informed that no Declarations of Interest had been received.

PL/98 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Committee was informed that no questions from Members of the Council had been received.

MATTERS DELEGATED TO COMMITTEE

PL/99 **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/100 **CHANGE OF USE OF LAND TO PROVIDE 7NO. CARAVANS FOR HOLIDAY LET ACCOMMODATION INCLUDING THE FORMATION OF A LAKE, ASSOCIATED PARKING AND LANDSCAPING AT THE CONIFERS, PARK ROAD, OVERSEAL, SWADLINCOTE, DE12 6JS**

The Senior Planning Officer presented the report to the Committee noting the objections received from the Parish Council.

Councillor Wheelton sought clarity regarding the position of the site in relation to the settlement boundary.

The Head of Planning and Strategic Housing confirmed that the site was inside the settlement boundary.

Members discussed the merits of bringing tourism into the area.

RESOLVED:

That planning permission be deferred until at site visit was arranged.

PL/101 **THE ERECTION OF 14 DWELLINGS WITH ACCESS FROM PENKRIDGE ROAD WITH PARKING AND ASSOCIATED WORKS ON LAND REAR OF 30 & 32 COMMON SIDE AND NORTH OF PENKRIDGE ROAD, CHURCH GRESLEY, SWADLINCOTE**

The Planning Delivery Team Leader presented the report to the Committee noting the Applicant's reluctance to sign the Section 106 Agreement due to the education contribution requested by Derbyshire County Council.

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

As Local Ward Member, Councillor Southerd addressed the Committee regarding the application and noted that previous reservations regarding the woodland had been resolved.

RESOLVED:

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

PL/102 **THE REMOVAL OF CONDITION NO. 3 OF PERMISSION REF. 9/2017/1262 (RELATING TO THE ACCESS) FOR THE CHANGE OF USE OF LAND FOR TOURISM PURPOSES AND RETENTION OF A YURT AND A TIPI WITH ASSOCIATED SAUNA AND COMPOST TOILET STRUCTURES WITH PARKING AND HARDSTANDING ON LAND AT SK3221 7095, TICKNALL ROAD, HARTSHORNE, SWADLINCOTE**

The committee was informed that Members attended a site visit earlier in the day.

The Senior Planning Officer presented the report to the Committee and summarised the key points of the application noting the reasons for the removal of Condition 3 relating to access.

RESOLVED:

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

PL/103 **THE REMOVAL OF CONDITION NO. 6 OF PERMISSION REF. 9/2015/0440 (RELATING TO THE ACCESS) FOR THE ERECTION OF A LOG CABIN TO BE USED FOR HOLIDAY LETTINGS ON LAND AT SK3221 7095, TICKNALL ROAD, HARTSHORNE, SWADLINCOTE**

The Committee was informed that Members attended a site visit earlier in the day.

The Senior Planning Officer presented the report to the Committee and summarised the key points of the application noting that the blocking of the access point was not reasonable and was not enforceable.

RESOLVED:

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

PL/104 **THE VARIATION OF CONDITION NO.3 OF PERMISSION REF. DMPA/2019/0966 (RELATING TO SOLE VEHICULAR ACCESS) FOR CHANGE OF USE OF LAND FOR TOURISM PURPOSES AND RETENTION OF A YURT AND A TIPI WITH ASSOCIATED SAUNA AND COMPOST TOILET STRUCTURES WITH PARKING AND HARDSTANDING) ON LAND AT SK3221 7095 (ROWAN WOODS), TICKNALL ROAD, HARTSHORNE, SWADLINCOTE**

The Committee was informed that Members attended a site visit earlier in the day.

The Senior Planning Officer presented the report to the Committee and summarised the key points of the application noting the variation to Condition 3 relating to sole vehicular access.

RESOLVED:

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

PL/105 **THE ERECTION OF EXTENSIONS AT 20 TENNYSON AVENUE, MIDWAY, SWADLINCOTE, DE11 0DT**

The Planning Delivery Team Leader outlined the report to the Committee noting that it was before Members for consideration as the applicant was an employee of South Derbyshire District Council.

RESOLVED:

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

PL/106 **THE ERECTION OF A PROPOSED ROOF AND REAR EXTENSION, REPLACEMENT OF WINDOWS AND DOORS WITH ALUMINIUM AND RENDER ENTIRE PROPERTY AT 3 FISHPOND LANE, EGGINTON, DERBY, DE65 6HJ**

The Head of Planning and Strategic Housing presented the report to the Committee outlining the key areas of change following the refusal of a previous application that included scale, design and the impact on neighbours.

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

As Local Ward Member, Councillor Brown addressed the Committee raising concerns regarding privacy, amenity, the impact of the proposed outdoor kitchen area for neighbours and parking arrangements.

RESOLVED:

That planning permission be deferred to allow the applicants time to consider members concerns which related to the size of the first floor terrace, the smells associated with the outdoor kitchen area and the loss of privacy for neighbours.

PL/107 **REGULATION 77 APPLICATION AT SEALWOOD BARN, SEAL WOOD LANE, LINTON, SWADLINCOTE, DE12 6PA**

The Head of Planning and Strategic Housing presented the report to the Committee noting that the application was before Members as the Habitat Regulations were not included within the Council's Scheme of Delegation. The Committee was informed that information had been received from the Applicant which confirmed that designs would ensure no water runoff into the River Mease Special Area of Conservation.

Members discussed the implications of water runoff into the River Mease and agreed that the application should be considered on whether the proposed water treatment systems would be effective.

RESOLVED:

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

PL/108 **RESIDENTIAL DEVELOPMENT COMPRISING THE ERECTION OF 65 DWELLINGS, WITH OPEN SPACE, DRAINAGE AND ASSOCIATED WORKS AT ETWALL COMMON, LAND AT SK 2730 1591, EAST OF EGGINTON ROAD AND NORTH OF JACKSONS LANE, ETWALL COMMON, DERBY**

The Senior Planning Officer presented the report to the Committee, noting the amendments to the conditions following consultation feedback from Derbyshire Wildlife Trust. The Senior Planning Officer outlined the application highlighting the key features that included the uplift of 15 properties, location within the settlement boundary, access points to the site, the proposed layout, footpaths and attenuation basins. It was noted that the previously approved development had commenced.

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

As Local Ward Member, Councillor Brown addressed the Committee and raised a number of concerns regarding the proposed increased number of properties.

Members raised concerns regarding biodiversity, compliance with the Local Plan and the Section 106 Agreement contributions.

RESOLVED:

That planning permission be refused contrary to the officer's recommendation due to the scheme being contrary to the maximum figure set out in Policy H23B which would have a detrimental impact on the character and appearance of the area.

PL/109 **SECTION 106 VARIATION – HENSHALL DRIVE, CHELLASTON**

The Planning Delivery Team Leader addressed the Committee and summarised the key points within the report.

RESOLVED:

1.1 The Committee approved the request to amend the Section 106 Agreement by means of a Deed of Variation to include a standard Mortgagee in Possession clause into the agreement.

1.2 The Committee delegated authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the amendments to be secured under the Deed of Variation.

PL/110 **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.

TO RECEIVE THE EXEMPT MINUTES OF THE FOLLOWING MEETING

The Exempt Minutes of the Meeting held on 11 January 2022, were received.

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 hours 19:55 hrs

COUNCILLOR N TILLEY

CHAIR

PLANNING COMMITTEE

13 December 2022

PRESENT:

Labour Group

Councillor Tilley (Chair) and Councillor Shepherd (Vice-Chair)
Councillors Gee, L Mulgrew, M. Mulgrew, Taylor.

Conservative Group

Councillors Dawson, Ford, Muller, Patten, Smith and Watson.

Non-Grouped

Councillor Wheelton.

PL/113 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor Pearson (Substitute Councillor M Mulgrew) (Labour Group) and Councillor Brown (Substitute Councillor Muller) Councillor Bridgen (Substitute Councillor Patten), Councillor Haines (Substitute Councillor Ford) and Councillor Redfern (Substitute Councillor Watson) (Conservative Group).

PL/114 **DECLARATIONS OF INTEREST**

The Committee was informed that no Declarations of Interest had been received.

PL/115 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

In accordance with Council Procedure Rule No.11 the Chair invited Councillor Wheelton to ask the following question:

“Bearing in mind this Council had called a Climate Emergency and that during the Covid lockdown we had online site visits, why are we currently having so many physical site visits? What steps can the planning department take to reduce the number of in person site visits?”

The Chair considered and agreed with sentiment and the climate emergency but noted that sometimes site visits were necessary especially when large applications were brought to the Committee and that there would always be a need for some physical visits. It was further noted that it required additional work by the Planning Team to consider whether virtual visits would impact on decisions made.

Members discussed the merits of both virtual and in person site visits and also considered the use of different modes of transport for when in person visits were necessary and noted that it was important that applicants and residents were assured that the Committee was carrying out its duty and making informed decisions.

MATTERS DELEGATED TO COMMITTEE

PL/116 **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/117 **RETROSPECTIVE APPLICATION FOR AN AMENDED SCHEME (PREVIOUSLY APPROVED REF DMPA/2020/1241) FOR THE DEMOLITION OF THE EXISTING BUNGALOW AND THE ERECTION 5 DETACHED BUNGALOWS, 2 GARAGES AND THE ASSOCIATED NEW ACCESS AT CLAIR DE LUNE, LUCAS LANE, HILTON, DERBY, DE65 5FL**

The Head of Planning and Strategic Housing presented the report to the Committee highlighting the amendments to a previously approved scheme which included integral garages to be replaced by 2 parking spaces and an increase in bedroom size for plot one. It was noted that whilst the request was not fully in accord with the Hilton Neighbourhood Plan 3 parking spaces would impact on the loss of the landscaped areas.

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

Members discussed the importance of the Neighbourhood Plan and suggested that Plot 1 should have 3 car parking spaces with the extra space situated behind the hedge to the east of the existing 2 spaces.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to an amendment to Condition 2 that would require a third parking space provided on the plot.

PL/118 **CHANGE OF USE OF LAND TO PROVIDE 7NO. CARAVANS FOR HOLIDAY LET ACCOMMODATION INCLUDING THE FORMATION OF A LAKE, ASSOCIATED PARKING AND LANDSCAPING AT THE CONIFERS, PARK ROAD, OVERSEAL, SWADLINCOTE, DE12 6JS.**

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

The Head of Planning and Strategic Housing delivered the report noting that the proposal was for the change of use to tourism, to provide seven lodges and not

caravans for holiday let accommodation and included the formation of a lake with separate vehicular access. It was confirmed that conditions would ensure that the lodges would remain holiday lets and could not become permanent residences.

Members raised concerns that the proposed properties did not appear to adhere to the tourist design guide and did not fall within planning policy INF10 and could become permanent residential homes.

The Head of Planning and Strategic Housing confirmed that conditions referred to the materials to be used and clarified the use of the accommodation could not be changed without a further planning application.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to the change of description from caravans to lodges and the renumbering of conditions to remove the repeated number of condition 11.

PL/119 **THE ERECTION OF A PROPOSED ROOF AND REAR EXTENSION, REPLACEMENT OF WINDOWS AND DOORS WITH ALUMINIUM AND RENDER ENTIRE PROPERTY AT 3 FISHPOND LANE, EGGINTON, DERBY, DE65 6HJ**

The Head of Planning and Strategic Housing presented the report to the Committee noting the amendments to the previously deferred application. The Committee was asked to resolve that planning permission be granted in accordance with the recommendations within the report which included a slightly altered Condition 4 to ensure that the outdoor kitchen could not be re-instated without the benefit of a further planning permission.

Members raised concerns that the end wall could block light to the neighbour's kitchen and discussed to need to remove Permitted Development Rights.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery), subject to an amendment to Condition 4 to remove all Permitted Development Rights.

PL/120 **APPROVAL OF DETAILS REQUIRED BY CONDITIONS 6 (MAMMAL PROTECTION MEASURES), 7 (BIODIVERSITY ENHANCEMENT MEASURES), 9 (CONSTRUCTION MANAGEMENT DETAILS), 10 (LANDSCAPING), 13 (BOUNDARY TREATMENTS), AND 21 (EXTERNAL LIGHTING) ATTACHED TO APPLICATION REF. DMPA/2019/1415 (RESIDENTIAL DEVELOPMENT FOR THE ERECTION OF 4 DWELLINGS IN SHARED OWNERSHIP) ASSOCIATED PARKING ACCESS ROAD AND LANDSCAPING) AT 61 COURT STREET, WOODVILLE, SWADLINCOTE, DE11 7JJ.**

The Head of Planning and Strategic Housing presented the report to the Committee and summarised the application and sought approval for the amendments to typographical errors in Condition 7 and Condition 9. In addition, approval was requested to amend Condition 7 in relation to the inclusion of wheel washing facilities during the construction phase.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to amendments to condition 7 so that the description accurately refers to the construction management details and to ensure that wheel washing facilities were to be specified within the Construction Management Plan. In addition, an amendment to condition 9 to refer to biodiversity enhancement measures.

PL/121 APPEALS

Reference	Place	Ward	Outcome	Decision level
<u>DMPN/2022/0403</u>	Elvaston	Aston	Dismissed	Delegated
<u>DMPA/2021/0090</u>	Newhall	Newhall and Stanton	Dismissed	Committee

PL/122 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/123 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 19:10 hours.

COUNCILLOR N TILLEY

CHAIR

PLANNING COMMITTEE

10 January 2023

PRESENT:

Labour Group

Councillor Tilley (Chair) and Councillor Shepherd (Vice-Chair)
Councillors Gee, L Mulgrew, Pearson and Southerd.

Conservative Group

Councillors Bridgen, Brown, Dawson, Haines, Patten and Smith.

Non-Grouped

Councillor Wheelton.

PL/124 **APOLOGIES**

The Committee was informed apologies had been received from Councillor Redfern (substitute Councillor Patten) (Conservative Group).

PL/125 **DECLARATIONS OF INTEREST**

The Committee was informed that Councillor Tilley declared a personal interest in item PL/130.

The Committee was informed that Councillor Smith declared a personal interest in item PL/128.

PL/126 **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/127 **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.

Councillor Smith left the Council Chamber.

PL/128 **DEVELOPMENT OF A SOLAR FARM WITH ANCILLARY INFRASTRUCTURE, SECURITY FENCE, ACCESS, LANDSCAPING AND CONTINUED AGRICULTURE, TO GENERATE POWER TO FEED INTO THE LOCAL DISTRIBUTION NETWORK AT HOON HAY MANOR, MARSTON LANE, HATTON, DERBY, DE65 5EA.**

The Senior Planning Officer presented the report to the Committee and outlined the key areas of the application.

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

As Local Ward Member Councillor Patten addressed Committee and raised concerns on behalf of the residents.

Members raised concerns regarding consultation with Nestle and potential flooding regarding water runoff.

The Senior Planning Officer and the Head of Planning and Strategic Housing confirmed that there was no requirement to consult directly with Nestle and that the Local Flood Agency had worked with the applicant and was content with the proposals.

RESOLVED:

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

Councillor Smith returned to the Council Chamber.

PL/129 **PROPOSED NEW HIGHWAY ENTRANCE WITH DRIVEWAY STANDING AND TURNING AREA AND THE FELLING OF TREE AT 125 PENN LANE, MELBOURNE, DERBY, DE73 8EP.**

The Head of Planning and Strategic Housing delivered the report to the Committee and outlined the proposals that would assist with repair works to listed buildings. It was noted that objections had been received from neighbours and the Parish Council. The Committee was asked to consider the amended conditions that had been circulated to Members prior to the meeting.

Members raised concerns regarding the conditions that related to the trees and sought clarity regarding existing vehicular access.

The Head of Planning and Strategic Housing informed the Committee that the conditions were required to enable enforcement if required and that it was deemed that the existing access would not allow for safe egress.

Members raised further concerns regarding the removal of both mature trees and the historical sandstone wall and discussed alternative solutions available to applicant enable the works to be carried out on the listed buildings.

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, part of the historical wall and the impact of this on the Conservation Area.

Councillor Tilley left the Council Chamber.

PL/130 **RETROSPECTIVE APPLICATION FOR THE RETENTION OF A REPLACEMENT SHED WITH THE PURPOSE OF KEEPING DOMESTIC DOGS AND ASSOCIATED STORAGE ON LAND BEHIND 69A & 69B REPTON ROAD, HARTSHORNE, SWADLINCOTE, DE11 7AE.**

The Vice-Chair of the Committee invited the Head of Planning and Strategic Housing to present the report.

The Head of Planning and Strategic Housing outlined the application highlighting that the proposed use was for the domestic keeping of dogs and that it was a low lying building and Environmental Health had raised no objections and deemed that the building and expected noise level were acceptable.

Members declared disappointment in that it was a retrospective application and discussed the need to remove permitted development rights and to ensure that it remained for domestic use only.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) Subject to additional conditions to remove permitted development rights regarding any extension or alteration to the building and any future change of use.

Councillor Tilley returned to the Council Chamber.

PL/131 **DEED OF VARIATION – LAND AT HILTON BUSINESS PARK, HILTON**

The Planning Delivery Team Leader presented the report to the Committee and sought approval of the recommendations within the report and noted that there would be no financial implications.

RESOLVED:

1.1 The Committee approved the request to amend the Section 106 Agreement to include amendments to be made to the definition of Affordable Housing and the inclusion of First Homes which was within the fourth schedule of the Section 106 Agreement – Affordable Housing. This was based upon recommendations that had been received from Strategic Housing and Development Manager.

1.2 The Committee delegated authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the obligations to be secured under the Deed of Variation.

PL/132 **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/133 **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 19:20 hours.

COUNCILLOR N TILLEY

CHAIR

PLANNING COMMITTEE

7 February 2023

PRESENT:

Labour Group

Councillor Tilley (Chair) and Councillor Shepherd (Vice-Chair)
Councillors Gee, L Mulgrew, Pearson and Southerd.

Conservative Group

Councillors Bridgen, Brown, Dawson, Haines, Muller and Watson.

Non-Grouped

Councillor Wheelton.

In Attendance

Councillor Taylor

PL/134 **APOLOGIES**

The Committee was informed apologies had been received from Councillor Redfern (substitute Councillor Muller) and Councillor Smith (substitute Councillor Watson) (Conservative Group).

PL/135 **DECLARATIONS OF INTEREST**

The Committee was informed that there was a declarations of personal interest from Councillor Brown regarding item PL/139.

The Committee was informed that there was a declaration of personal interest from Councillor Shepherd regarding Item PL/140

PL/136 **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/137 **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/138 **RETROSPECTIVE APPLICATION FOR CHANGE OF USE FROM MIXED USE OF RETAIL/STORAGE AND CAR SALES (SUI GENERIS) TO A MIXED USE INCLUDE CAR SALES, MOT CENTRE, TYRE FITTING AND STORAGE (SUI GENERIS). 2 WOODVILLE ROAD, OVERSEAL, SWADLINCOTE, DE12 6JG**

The Senior Planning Officer presented the report to the Committee noting the application sought retrospective approval for the change of use. The concerns raised by Derbyshire County Council were noted.

As Local Ward Member, Councillor Wheelton addressed the Committee on behalf of the Parish Council and residents and requested that an informative be added to the decision regarding parking at the church yard opposite the site.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to an informative to added to advise the applicant to refrain from parking cars on the churchyard carpark opposite.

PL/139 **THE ERECTION OF A DETACHED DWELLING ON LAND AT BREACHLANDS, BREACH LANE, MELBOURNE, DERBY, DE73 8DF**

The Head of Planning and Strategic Housing addressed the Committee and summarised the application highlighting key areas that included the surface water pond, the energy and design statements, carbon neutrality, insulation and the construction method that involved a frameless structure.

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

Councillor Wheelton sought clarity regarding the possibility to change the proposed designs.

The Head of Planning and Strategic Housing informed the Committee that any significant design changes would require planning approval.

RESOLVED:

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

Councillor Shepherd left the Council Chamber.

PL/140 **THE FELLING AND PRUNING OF TREES AT 11 HIGH STREET, TICKNALL, DERBY, DE73 7JH**

The Senior Planning Officer presented the report and noted that the application was before Committee for a decision as the applicant was Councillor Shepherd.

RESOLVED:

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

Councillor Shepherd returned to the Council Chamber.

PL/141 **INSTALLATION OF DROPPED KERB AND HARD STANDING INCLUDING ASSOCIATED ENGINEERING WORKS AT 67 SPRINGFIELD ROAD, MIDWAY, SWADLINCOTE, DE11 0BY.**

The Head of Planning and Strategic Housing addressed the Committee and presented the report highlighting the key points of the application.

RESOLVED:

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

PL/142 **CONVERSION OF EXISTING 4 BED DWELLING TO CHILDRENS CARE HOME AT 61 ASHBY ROAD, WOODVILLE, SWADLINCOTE, DE11 7BZ**

The Head of Planning and Strategic Housing presented the report and informed the Committee that the applicant had clarified that the home would accommodate 3 young people at any one time and that 1 bedroom would be for use by members of staff. The key points of the application were noted that include parking arrangements and objections receive.

As Local Ward Member, Councillor Taylor attended the meeting and addressed the Committee raising concerns on behalf of residents.

Members shared concerns regarding adequate staffing levels, the potential impact on residents and the level of the needs of the children to be housed and felt that more information was required to enable the Committee to make an informed decision.

RESOLVED:

That planning permission be deferred for additional information to be provided by the applicant.

PL/143 **THE CONVERSION OF EXISTING FARMHOUSE AND ASSOCIATED BARN INTO 6 DWELLINGS AND THE ERECTION OF 37 NEW DWELLINGS WITH ACCESS, PARKING AND ASSOCIATED WORKS ON LAND TO THE NORTH AND SOUTH OF OLD ETWALL ROAD MICKLEOVER DERBY (43 DWELLINGS IN TOTAL) AND LISTED BUILDING CONSENT FOR VARIOUS WORKS FOR THE CONVERSION OF THE FARMHOUSE AND BARN (GRADE II LISTED BUILDING) INTO 6 DWELLINGS WITH PARKING, ACCESS AND ASSOCIATED WORKS**

The Committee was advised that Members had attended a site visit earlier in the day.

The Senior Planning Officer presented the report to the Committee and drew attention to the late items received from Derby City Council and a number of amended and additional conditions. The Senior Planning Officer outlined the application highlighting the key points and sought approval for the recommendations within the report.

An Objector and the Applicant's Agent attended the meeting and addressed the Committee regarding the applications.

The Senior Planning Officer responded to comments from the Objector and Agent and clarified that proposed amendments to conditions would protect the start date of refurbishment of the listed building along with health and education provisions.

As Local Ward Member, Councillor Brown addressed the Committee and raised concerns on behalf of residents.

Members discussed a number of issues and concerns and how it would not support the Local Plan

RESOLVED:

That planning permission be refused contrary to the officer's recommendations in the report of the Strategic Director (Service Delivery) due to the fact that the proposal was outside of the settlement boundary, it would be an unallocated site within the countryside, South Derbyshire had an adequate five year housing land supply, the adverse impact on the heritage assets and their setting, the loss of open space and the threat to a number of trees.

PL/144 **DEED OF VARIATION - LAND OFF RYDER CLOSE, CASTLE GRESLEY**

The Head of Planning and Strategic Housing addressed the Committee and summarised the key areas of the report, noting that mechanisms would be put into place to ensure appropriate mitigations at another site.

Councillor Wheelton raised concerns regarding the open mosaic habitat and the impact on the newts currently on site.

The Head of Planning and Strategic Housing informed the Committee that ecology advice had been given by Natural England and that the alternative site offer would be of the same or a better environment to ensure that biodiversity was delivered.

RESOLVED:

1.1 The Committee approved the changes to the Section 106 Agreement to include amendments to be made to the first schedule of the Section 106 Agreement - Owners Covenants and a new paragraph be inserted under paragraph 2 – Natural England Licence. This was based upon recommendations that had been received from the Strategic Housing and Development Manager.

1.2 The Committee delegated authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the obligations to be secured under the Deed of Variation.

PL/145 **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/146 **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 19:55 hours.

COUNCILLOR N TILLEY

CHAIR

PLANNING COMMITTEE

7 March 2023

PRESENT:

Labour Group

Councillor Tilley (Chair) and Councillor Shepherd (Vice-Chair)
Councillors Gee, L. Mulgrew, M. Mulgrew and Pearson.

Conservative Group

Councillors Bridgen, Brown, Dawson, Muller, Patten and Watson.

Non-Grouped

Councillor Wheelton.

In Attendance

Councillor Taylor

PL/147 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor Southerd (substitute Councillor M. Mulgrew) (Labour Group) and Councillor Haines (substitute Councillor Muller) Councillor Redfern (substitute Councillor Watson) and Councillor Smith (substitute Councillor Patten) (Conservative Group).

PL/148 **DECLARATIONS OF INTEREST**

The Committee was informed that there were no declarations of interest.

PL/149 **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/150 **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/151 **CONVERSION OF EXISTING 4 BED DWELLING TO CHILDRENS CARE HOME AT 61 ASHBY ROAD, WOODVILLE, SWADLINCOTE, DE11 7BZ**

The Head of Planning and Strategic Housing presented the report to the Committee and advised of the additional information submitted by the applicant following deferment at a previous meeting.

As Local Ward Member, Councillor Taylor attended the meeting and addressed the Committee on behalf of local residents.

Members raised concerns regarding the care home experience of the applicant, the need for a robust management plan, the lack of dialogue with police, parking arrangements, security and the impact of the amenity on the area.

RESOLVED:

That planning permission be refused Contrary to the officer's recommendations in the report of the Strategic Director (Service Delivery) due to the absence of a comprehensive management plan and the likely harmful impact on the residential amenities of neighbours.

PL/152 **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 report to the Committee summarising the request for the amendment to condition 31 due to delays to highways works on the A38 which was outside of the Applicant's control.

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

As a Local Ward Member, Councillor Brown addressed the Committee and raised concerns on behalf of the residents.

Whilst Members were sympathetic with the Developers, they raised concerns regarding the impact of increased traffic before highway works were undertaken and the objection raised by Derby City Council.

RESOLVED:

That planning permission be deferred to allow the Applicant to submit an updated Environmental Impact Assessment to take in to account extra air pollution from queuing vehicles, up dated traffic surveys and to enable Highways England to provide a response to Derby City's objection.

PL/153 **DEMOLITION OF EXISTING BUILDING AND ERECTION OF A 4-BED DETACHED DWELLING AT BREEDON VIEW, ROBINSONS HILL, MELBOURNE, DERBY, DE73 8DJ**

The Head of Planning and Strategic Housing presented the report to the Committee and summarised the application noting the trees that were to be retained.

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

Members discussed the merits of the application and the improvement it would bring to the site.

RESOLVED:

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

PL/154 **AMENDED SCHEME TO PREVIOUSLY APPROVED (DMPA/2021/0361) FOR THE ERECTION OF AN EXTENSION TO THE GARAGE AND ALTERATION TO ROOF ON MAIN DWELLING INCLUDING NEW ROOF LIGHTS AND NEW REAR DORMER AT 23 SKINNERS WAY, MIDWAY, SWADLINCOTE, DE11 7NL.**

The Planning Team Leader presented the report to the Committee and outlined the application informing the Committee of a late item received from an objector that included the erection of a camera looking onto a neighbouring property.

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

As Local Ward Member, Councillor Pearson addressed the Committee raising concerns on behalf of local residents and sought clarity regarding the plans submitted and the height of the building.

The Planning Team Leader confirmed that whilst the plans showed a slight increase in height the building had not been physically measured.

Members raised concerns regarding the validity of the plans submitted.

RESOLVED:

That planning permission be deferred to allow the property to be properly surveyed and accurate plans submitted.

PL/155 **DEED OF VARIATION – LAND AT SK2420 2230 DRAKELOW PARK, WALTON ROAD, DRAKELOW**

The Planning Delivery Team Leader presented the report to the Committee and sought approval of the recommendations.

Councillor Wheelton raised concern regarding the construction of the bridge.

The Head of Planning and Strategic Housing addressed the Committee and confirmed that the timing mechanism would remain in place and that any proposed changes would come before the Committee.

RESOLVED:

1.1 The Committee approved the request to amend the Section 106 Agreement (S106) to include a clause which would allow S73 applications to be made with no impact on the Section 106 Agreement – such that its provisions and all requirements would remain in place, unaffected.

1.2 The Committee delegated authority to the Head of Planning and Strategic Housing to agree the final wording of the clause to be secured under the Deed of Variation.

PL/156 **SECTION 106 VARIATION – HACKWOOD FARM, MICKLEOVER**

The Planning Delivery Team Leader presented the report to the Committee and sought approval of the recommendations.

RESOLVED:

1.0 ***The Committee approved the request to amend the Section 106 Agreement by means of a Deed of Variation to include a standard Mortgagee in Possession (MiP) clause into the agreement and other minor amendments as the Strategic Housing Team feel appropriate.***

1.1 ***The Committee delegated authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the obligations to be secured under the Deed of Variation.***

PL/157 **SECTION 106 VARIATION – NEW HOUSE FARM, MICKLEOVER**

The Head of Planning and Strategic Housing presented the report and outlined the changes and sought approval of the recommendations.

Members sought clarity regarding the public open space and the affordable housing provision.

The Head of Planning and Strategic Housing informed the Committee that there would be no loss of public open space and that there was no proposal to amend the affordable housing provision.

Members raised concerns regarding the lack of involvement of residents in the Management Company

RESOLVED:

- 1.1 The Committee approved the request to amend the Section 106 Agreement (S106) and subsequent Deed of Variation by means of further Deed of Variation amendments to the definition of Public Open Space and Schedule 3 of the agreement and**
- 1.2 The Committee delegated authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the obligations to be secured under the Deed of Variation.**
- 1.3 The Committee agreed that there should be residential involvement on the Management Company Board.**

PL/158 **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/159 **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 19:35 hours.

COUNCILLOR N TILLEY

CHAIR

PLANNING COMMITTEE

21 March 2023

PRESENT:

Labour Group

Councillor Tilley (Chair) and Councillor Shepherd (Vice-Chair)
Councillors Gee, L Mulgrew, M. Mulgrew (substitute for Councillor Pearson)
and Southerd.

Conservative Group

Councillors Bridgen, Dawson, Haines, Muller (substitute for Councillor Redfern), Smith and Watson (substitute for Councillor Brown).

Non-Grouped

Councillor Wheelton.

In Attendance

Councillor Bambrick
Councillor Pearson

PL/160 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor Pearson (Labour Group) and Councillors Brown and Redfern (Conservative Group).

PL/161 **DECLARATIONS OF INTEREST**

The Committee was informed that Councillor Wheelton declared a pecuniary interest in item PL/164.

PL/162 **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/163 **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.

Councillor Wheelton left the Council Chamber.

PL/164 **CHANGE OF USE OF AGRICULTURAL LAND TO EQUESTRIAN LAND ON LAND TO THE REAR OF WALTON HALL SK2117 5882, COTON ROAD, WALTON ON TRENT, SWADLINCOTE, DE12 8LZ**

The Chair advised Members of the Committee that a letter had been received requiring further investigation and therefore sought approval to defer the application to a future meeting of the Committee.

RESOLVED:

That planning permission be deferred for further investigation.

Councillor Wheelton returned to the Council Chamber.

PL/ 165 **ERECTION OF 8 DWELLINGS, TWO DETACHED GARAGES AND ASSOCIATED WORKS, WITH ACCESS FROM THE PERMITTED ESTATE ROAD OF PERMISSION DMPA/2021/1342 AT THE PADDOCK (CADLEY PARK), LAND NORTH OF COPPERAS ROAD, NEWHALL**

The Planning Delivery Team Leader presented the application details to the Committee and advised that no statutory or public objections had been received and that there was no undue impact on local services.

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

As local Ward Member, Councillor Bambrick attended the Committee Meeting and asked if there were any Section 106 Agreement monies for the development.

The Planning Delivery Team Leader confirmed that the development was under the threshold of fifteen properties for the Section 106 Agreement contributions and that the Derbyshire National Health Service Clinical Commissioning Group believed that there were sufficient services to support the housing scheme.

Councillor Watson raised concerns that the application conflicted with the Local Plan and was also outside the settlement boundary and therefore proposed that the application be refused.

Members raised concerns about the lack of Section 106 Agreement contributions, and the impact on health services and schools in the area and discussed the importance of enforcement of the Local Plan.

RESOLVED:

That planning permission be refused as inappropriate residential development outside of the settlement boundary contrary to the Local Plan and an unsustainable development as the infrastructure requirements generated as a result of the development are not provided for through financial developer contributions for off-site infrastructure and services.

PL/166 **ADVERTISEMENT CONSENT FOR THE DISPLAY OF SIGNAGE AT SWADLINCOTE WOODLANDS COUNTRY PARK, DERBY ROAD, SWADLINCOTE**

The Planning Delivery Team Leader presented the report to the Committee and sought approval as per the recommendations within the report.

RESOLVED:

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

PL/167 **ERECTION OF 14 NO. DWELLINGHOUSES, WITH ASSOCIATED PARKING, INTERNAL ROAD AND AMENITY SPACE, ALONG WITH THE CREATION OF ACCESS AT MERRILEES, CADLEY HILL ROAD, SWADLINCOTE, DE11 9EQ**

The Planning Delivery Team Leader presented the application to the Committee noting that the development was within the settlement boundary with access from Cadley Hill Road. It was noted that the Environmental Health Officer had reviewed noise levels from Keystone Lintels. The Committee was informed that there had been no objections received from the Derbyshire Wildlife Trust nor the National Forest.

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

Members sought clarification regarding the distance between Plot 1 and the closest property to the plan and the noise report from the Environmental Health Officer.

The Planning Delivery Team Leader confirmed a distance of 15 metres between Plot 1 of the scheme and the nearest existing property and that the Environmental Health Officer had conducted three reports during the application development.

Members raised concerns regarding the lack of response from the Highways Agency and sought clarification in relation to noise mitigation.

The Head of Planning and Strategic Housing confirmed to Members that no objection had been received from the Highways Agency during the consultation period and that following a detailed dialogue with the Environmental Health Officer

adequate noise mitigation for residents had been provided with screening between the factory and existing residents.

RESOLVED:

That planning permission be deferred to allow applicant to update the noise report.

PL/168 **CHANGE OF USE OF LAND FOR GLAMPING AND OVERNIGHT TOURIST ACCOMMODATION AND ACCESS TRACK AT MELBOURNE HALL, CHURCH SQUARE, MELBOURNE, DERBY, DE73 8EN**

The Head of Planning and Strategic Housing presented the details of the application to the Committee noting that the Conservation Officer had visited the site and reported no impact to the historic building of Melbourne Hall, the park, grounds, footpaths and Rights of Way.

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

Members sought clarity regarding the comments made by Historic England and the movement of the accommodation vehicles.

The Head of Planning and Strategic Housing confirmed that a Heritage Impact Assessment had been provided to Historic England as they were unable to conduct a site visit. It was also confirmed that the eight vintage vehicles used as glamping accommodation would not be going on and off the site.

Members agreed that the plan was good, however, were concerned about the access road to the site and suggested that a traffic management plan be put in place and that vehicles sited permanently should be drained of fluids to avoid contamination on the site.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to an additional condition requiring a traffic management plan, and a means to prevent spillage of fluid.

PL/169 **DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF NEW MIXED-USE DEVELOPMENT, WITH ASSOCIATED WORKS AT MERCIA MARINA, FINDERN LANE, WILLINGTON, DERBY, DE65 6DW**

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 and confirmed that the Council had been advised by the District Valuer that a condition would be required that related to the limitation of each commercial

unit to 350 square metres. The Head of Planning and Strategic Housing clarified, there was to be £120,000.00 headroom confirmed by the District Valuer and that any leftover monies would be put into Section 106 Agreement contributions to provide health and community facilities in Willington.

The Chief Executive addressed the Committee and reinforced the economic development benefits of the application and how vital it was to tourism in the region and specifically, how the Marina brought added value to commercialism in South Derbyshire.

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

Members welcomed and supported the proposal noting the modern design of the buildings and the opportunities to bring business into South Derbyshire.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to an additional condition restricting the size of the ground floor retail units to 350 square metres each.

PL/170 **AMENDED SCHEME TO PREVIOUSLY APPROVED (DMPA/2021/0361) FOR THE ERECTION OF AN EXTENSION TO THE GARAGE AND ALTERATION TO ROOF ON MAIN DWELLING INCLUDING NEW ROOF LIGHTS AND NEW REAR DORMER AT 23 SKINNERS WAY, MIDWAY, SWADLINCOTE, DE11 7NL**

The Planning Delivery Team Leader presented the application to the Committee. It was noted the resubmitted application included an amended plan with a double garage door that replaced the two single doors. In response to Members concerns, officers had visited the site to check the height measurements of the property.

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

As local Ward Member, Councillor Pearson attended the meeting and addressed the Committee and noted that previous concerns and issues with the application had been addressed and that questions over measurements had been clarified by officers.

RESOLVED:

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

PL/171 **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/172 **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 20:00 hours.

COUNCILLOR N TILLEY

CHAIR

PLANNING COMMITTEE

04 April 2023

PRESENT:

Labour Group

Councillor Shepherd (Vice-Chair)

Councillors Gee, L Mulgrew, M. Mulgrew (Substitute for Cllr Tilley), Pearson and Southerd.

Conservative Group

Councillors Bridgen, Brown, Dawson, Haines, Redfern and Watson (Substitute for Cllr Smith).

Non-Grouped

Councillor Wheelton.

In Attendance

Councillor

PL/173 **APOLOGIES**

The Committee was informed apologies had been received from Councillor Tilley (Labour Group) and Councillor Smith (Conservative Group).

PL/174 **DECLARATIONS OF INTEREST**

The Committee was informed that there were no Declarations of Interest.

PL/175 **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/178 **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/179 **LISTED BUILDING CONSENT FOR THE REPLACEMENT OF WINDOWS AND DOORS THOMAS COOK MEMORIAL COTTAGES, HIGH STREET, MELBOURNE, DE73 8GJ**

The Planning Delivery Team Leader presented the report to the Committee noting that the application was presented to the Committee as Councillor Hewlett was a named applicant, in his capacity as Secretary of the Board of Trustees for the Thomas Cooke Memorial Cottages.

The Planning Delivery Team Leader informed the Committee of the amendments to Condition 3 which were as a result of the concerns raised by Melbourne Civic Society.

Councillor Brown address the Committee on behalf of Councillor Hewlett in support of the application and noted the improvements that were proposed.

Councillor Watson sought clarity regarding the window frames.

The Planning Delivery Team Leader confirmed that the Committee that these would be timber frames.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to an amendment to Condition 3 to read as follows: "Prior to incorporation into the listed asset, details of the window sectional details (if different to those submitted but excluding the use of any astragal glazing bars) and recess measurements shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be undertaken in accordance with the approved details."

PL/180 **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/181 **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 18:15 hours.

Planning Committee 04 April 2023 OPEN

COUNCILLOR D SHEPHERD

VICE-CHAIR

PLANNING COMMITTEE

06 June 2023

PRESENT:

Labour Group

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

Conservative Group

Councillors N Atkin (substituting for Councillor P Watson), D Corbin (substituting for Councillor Haines) and J Lowe.

Non-Grouped

Councillor A Wheelton.

In Attendance

Councillor N Tilley

PL/01 **APOLOGIES**

The Committee was informed apologies had been received from Councillor M Gee (Labour Group) and Councillors K Haines and P Watson (Conservative Group).

PL/02 **TO RECEIVE THE OPEN MINUTES OF THE FOLLOWING MEETINGS:**

The Open Minutes of Planning Committee meetings held on 03 May 2022, 31 May 2022, 28 June 2022 and 26 July 2022 were noted, approved as a true record and signed by the Chair.

PL/03 **DECLARATIONS OF INTEREST**

The Committee was informed that Councillor A Wheelton declared a pecuniary interest in item PL/06.

The Committee was informed that Councillor N Atkin declared a personal interest in item PL/14 by virtue of being a County Councillor.

PL/04 **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/05 **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.

Councillor A Wheelton left the meeting.

PL/06 **CHANGE OF USE OF AGRICULTURAL LAND TO EQUESTRIAN LAND ON LAND TO THE REAR OF WALTON HALL SK2117 5882, COTON ROAD, WALTON ON TRENT, SWADLINCOTE, DE12 8LZ**

The Senior Planning Officer presented the application to the Committee noting that the report contained an incorrect location plan and that correct location plan was included in the presentation and was also available planning portal.

The Senior Planning Officer outlined the application and noted the objections received but confirmed that the restricted number of horses to be kept was 3 and the horses were not to be kept on the land between October and April each year.

The Senior Planning Officer outlined the late representations received from Councillor A Wheelton that included a detrimental effect and erosion of historic parkland, the loss of agricultural land and the impact on conservation.

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

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

Councillor D Corbin noted that as the biodiversity issues had been resolved and there were no outstanding concerns, he supported the application.

RESOLVED:

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

Councillor A Wheelton returned to the meeting.

PL/07 **FULL PLANNING APPLICATION PROPOSING THE ERECTION OF 2NO. EMPLOYMENT BUILDINGS (USE CLASS B8, B2 AND ANCILLARY E(G) AT PLOTS 3A AND 3B WITH ASSOCIATED LANDSCAPING, DRAINAGE (INCLUDING ATTENUATION BASIN), CAR PARKING, REFUSE STORES AND OTHER INFRASTRUCTURE AT PLOT 3, DOVE VALLEY PARK, FOSTON**

The Senior Planning Officer delivered the report and summarised the application informing the Committee that following an extended consultation period no further comments had been received.

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

Councillor N Atkin raised a query regarding the SUDS capacity.

The Senior Planning Officer clarified that the SUDS capacity allowed for a 1 in 100 year type of storm with silt catchers conditioned.

RESOLVED:

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

PL/08

CONVERSION OF EXISTING AGRICULTURAL BARN TO DWELLING AND INSTALLATION OF SEPTIC TANK AT LODGE HILL FARM , UNNAMED ROAD LEADING FROM LONGFORD LANE TO BARTON HALL, CHURCH BROUGHTON, DERBY, DE65 5AL

The Head of Planning and Strategic Housing addressed the Committee and summarised the remedial works that had been undertaken and outlined the proposals within the report.

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

Members discussed the merits of the conversion and supported the Applicant's reasons for the proposals.

RESOLVED:

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

PL/09

STOCKMANS REST CABIN AT LAND ADJACENT TO STOCK BUILDING, OFF HOON LANE, HILTON, DERBY

The Planning Delivery Team Leader addressed the Committee and presented the report summarising the application.

Members discussed the possible merits of a site visit.

Members discussed the loss of green space and the importance of increasing the implementation of electric vehicle charging points.

RESOLVED:

That planning permission be deferred to allow Members to visit the site.

PL/10 **INSTALLATION OF 1 X 48 SHEET GABLE MOUNTED DIGITAL ADVERTISING DISPLAY UNIT AT 1 HIGH STREET, WOODVILLE, SWADLINCOTE.**

The Head of Planning and Strategic Housing presented the report to the Committee and read out a statement on behalf of the Local Ward Member, Councillor M. Gee raising concerns about the proposal. The Committee was informed that no response had been received from the Highways Authority and that there was no objection from the Environmental Officer.

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

Members supported the concerns raised by Councillor M Gee and discussed the need to allow time for the Highways Authority to respond.

RESOLVED:

That planning permission be deferred to allow for further comments from the local Highways Authority.

PL/11 **CHANGE OF USE AND CONVERSION OF THE EXISTING BUILDING INTO A HOLIDAY LET AT 11 WILNE LANE, SHARDLOW, DERBY, DE72 2HA.**

The Head of Planning and Strategic Housing presented the report to the Committee and outlined the application noting objections and letters of support received.

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

Following the comments from the Objector the Head of Planning and Strategic Housing clarified that ownership was not a material consideration for the Committee.

As a Local Ward Member, Councillor D Corbin addressed the Committee and raised concerns on behalf of the local residents.

Members discussed the necessity of a site visit.

RESOLVED:

That planning permission be deferred to allow Members to visit the site.

PL/12 **RETENTION OF DETACHED GARAGE/OUTBUILDING FOR CHANGE OF USE TO A PERSONAL TRAINING STUDIO/GYM AT SHORTWOOD FARM, GREEN LANE, OVERSEAL, SWADLINCOTE, DE12 6JP**

The Committee was advised that Members had attended a site visit earlier in the day.

The Head of Planning and Strategic Housing presented the report to the Committee and summarised the proposals which included the operating hours, parking arrangements and the turning space available for vehicles. The Head of Planning and Strategic Housing outlined a number of objections that had been received.

As Local Ward Member, Councillor A Wheelton addressed the Committee and raised concerns on behalf of local residents.

Members discussed a number of issues that included poor access to the site and the impact it would have on the area, the lack of available passing places and the proximity of the development to the neighbouring properties.

RESOLVED:

That planning permission be refused contrary to the officer's recommendations in the report of the Strategic Director (Service Delivery) as the Committee considered the development to be harmful to the amenities of nearby residents due to the activity associated with additional traffic at unsociable hours.

PL/13 **CHANGE OF USE OF LAND FROM AGRICULTURAL USE TO DOG EXERCISE PARK INCLUDING CUSTOMER PARKING AREA AT MIDDLE HAYES FARM, GREEN LANE, OVERSEAL, SWADLINCOTE, DE12 6JP.**

The Committee was advised that Members had attended a site visit earlier in the day.

The Head of Planning and Strategic Housing addressed the Committee and outlined the retrospective application.

Councillor A Wheelton raised concerns regarding the amplified noise and the type of lighting used.

Councillor A Jones raised concerns regarding the operating times during weekends and the impact it would have on local residents.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to an amendment to Condition 3 restricting the hours of operation on Saturdays and Sundays to 09:00 hours to 17:00 hours. The Committee approved two additional conditions to restrict and prevent amplified noise and the type of lighting and maintenance to be approved.

Councillor N Atkin left the meeting.

PL/14 **LISTED BUILDING CONSENT FOR THE CONVERSION AND EXTENSION OF BUILDINGS TO PROVIDE COMMERCIAL, RECREATIONAL AND EDUCATIONAL USES, AND THE DEMOLITION OF A SECTION OF RETAINING WALL ELVASTON CASTLE COUNTRY PARK, BORROWASH ROAD, ELVASTON, DERBY, DE72 3EP.**

The Planning Delivery Team Leader presented the report to the Committee noting amendments to conditions 5 and 6. The proposed works were outlined and approval for the listed building consent was sought.

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

As Local Ward Member, Councillor D Corbin requested clarity regarding the removal of an historic wall and which buildings were to be restored.

The Planning Delivery Team Leader clarified which part of the wall was to be removed and which listed buildings were to be restored.

Members discussed the design features of the new build, the demolition of the historic wall and the impact on the conservation area.

RESOLVED:

That planning permission be refused contrary to the officer's recommendations in the report of the Strategic Director (Service Delivery) as the Committee considered the café to be of poor design and would impact on the heritage assets and that the loss of the historic wall would be contrary to Policies BNE2 and BNE10.

Councillor N Atkin returned to the meeting.

PL/15 **CHANGE OF USE OF PART OF THE AMENITY LAND AT EGGINGTON ROAD TO ALLOW FOR AN ACCESS DRIVEWAY AND DROPPED KERB TO HOUSES 77, 79 AND 81 EGGINGTON ROAD TO FACILITATE VEHICLE PARKING**

The Planning Delivery Team Leader addressed the Committee and delivered the report noting the objections received from the Parish Council, and highways. The Committee was requested to consider refusal of the application as laid out in the report.

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

RESOLVED:

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

PL/16 **ERECTION OF A SINGLE STOREY SIDE EXTENSION TO HOUSE A SHOWER ROOM AT PARK FARM, ASH LANE, ETWALL, DERBY, DE65 6HT**

The Planning Delivery Team Leader addressed the Committee and presented the report summarising the proposals.

RESOLVED:

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

PL/17 **THE ERECTION OF A SINGLE STOREY REAR EXTENSION AND ACCESS ADAPTATIONS AT 23 ARTHUR STREET, CASTLE GRESLEY, SWADLINCOTE, DE11 9HG**

The Senior Planning Officer delivered the report to the Committee and outlined the application.

RESOLVED:

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

PL/18 **INSTALLATION OF DROPPED KERB AND HARD STANDING INCLUDING ASSOCIATED ENGINEERING WORKS AT 60 COTON PARK, LINTON, SWADLINCOTE, DE12 6RE.**

The Head of Planning and Strategic Housing addressed the Committee and outlined the application, noting the gradient of the slope and the comments received by the Highways Authority.

RESOLVED:

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

PL/19 **PLANNING AND OTHER APPEALS**

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

Reference	Place	Ward	Outcome	Decision level
DMOT/2022/0641	Newhall	Newhall &	Dismissed	Delegated
DMPA/2022/0673	Melbourne	Stanton	Dismissed	Delegated
DMPA/2021/1442	Church	Melbourne	Allowed	Delegated
DMPA/2021/1196	Broughton Bretby	Hilton Repton	Allowed & no costs awarded	Committee

PL/20 **DEED OF VARIATION – LAND AT BROOMY FARM**

The Planning Delivery Team Leader addressed the Committee and presented the report regarding amendments to the Section 106 Agreement that included the figure payable for healthcare provision.

Councillor A Wheelton raised concerns regarding the loss of GP surgeries and the need to enhance the healthcare hubs to increase capacity.

RESOLVED:

2.1 The Committee approved the request to amend the Section 106 Agreement (S106) and subsequent Deed of Variation (DoV) to include amendments to be made to the definition of the Healthcare Contribution

which would be payable in accordance with the ninth schedule of the Section 106 Agreement– Healthcare Contribution. This was based upon recommendations that had been received from Swadlincote Primary Care Network.

2.2 *The Committee delegated authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the obligations to be secured under the Deed of Variation.*

PL/21 **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/22 **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 21:20 hours.

COUNCILLOR D SHEPHERD

VICE-CHAIR

PLANNING COMMITTEE

27 June 2023

PRESENT:

Labour Group

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

Conservative Group

Councillors A Kirke, K Haines and D Muller.

Non-Grouped

Councillor A Wheelton.

In Attendance

Councillor G Andrew
Councillor P Watson
Councillor Gee

PL/23 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor J Davies (Liberal Democrats).

PL/24 **TO RECEIVE THE OPEN MINUTES OF THE FOLLOWING MEETINGS:**

The Open Minutes of Planning Committee meetings held on 23 August 2022 and 20 September 2022 were noted, approved as a true record and signed by the Chair.

PL/25 **DECLARATIONS OF INTEREST**

The Committee was informed that no Declarations of Interest had been received.

PL/26 **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/27 **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/28 **STOCKMANS REST CABIN AT LAND ADJACENT TO STOCK BUILDING, OFF HOON LANE, HILTON, DERBY**

The Committee was informed that Members had attended at site visit earlier in the day.

The Planning Delivery Team Leader addressed the Committee and outlined the application noting that no objections had been received and that the proposal was cognisant of the Local Plan.

Members discussed the necessity to ensure that it was not used for overnight accommodation and that it was constructed as a temporary building.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to a condition to explicitly ensure that the building was made of a temporary construction.

PL/29 **CHANGE OF USE AND CONVERSION OF THE EXISTING BUILDING INTO A HOLIDAY LET AT 11 WILNE LANE, SHARDLOW, DERBY, DE72 2HA.**

The Committee was informed that Members had attended a site visit earlier in the day.

The Head of Planning and Strategic Housing addressed the Committee and presented the report. The Head of Planning and Strategic Housing summarised the points raised by the Objector who had previously addressed the Committee. The proposal was then outlined and it was noted that no objections had been received from statutory consultees and that 13 letters of support had been submitted. The proposals were presented the Committee in summary.

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

As Local Ward Member, Councillor P Watson addressed the Committee and raised concerns on behalf of local residents.

Members discussed the requirement of a proposed rear elevation window, the position of parking spaces and sought clarity regarding retention of the footpath.

The Head of Planning and Strategic Housing confirmed that parking would be next to the hedge which was not proposed to be removed and that conditions could be attached in regard to the rear elevation window and the retention of the footpath.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to two additional conditions relating to the removal of a window that served the kitchen area and the retained footpath would remain free from impediment.

PL/30 **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/31 **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 18:55 hours.

COUNCILLOR G JONES

CHAIR

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 COMMITTEEPL/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 1.1 **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 Application 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:

Reference	Place	Ward	Outcome	Decision Level
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