

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