

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