

PLANNING COMMITTEE

18<sup>th</sup> December 2018

**PRESENT:-**

**Conservative Group**

Councillor Mrs Brown (Chairman), Councillor Mrs Coe (Vice-Chairman) and Councillors Harrison, Hewlett (substituting for Councillor Watson), MacPherson (substituting for Councillor Stanton) and Muller.

**Labour Group**

Councillors Dr Pearson, Shepherd, Southerd and Tilley

**Independent/Non-Grouped Member**

Councillor Coe

**In attendance**

Councillors Billings and Mrs Patten

PL/127 **APOLOGIES**

Apologies for absence were received from Councillors Stanton and Watson (Conservative Group) and Councillor Tipping (Independent/Non-Grouped Member)

PL/128 **DECLARATIONS OF INTEREST**

Councillor Ford declared a pecuniary interest in Item 1.8 on the Agenda by virtue of being a County Councillor, advising that he would leave the Chamber while the item is discussed.

Councillor Hewlett declared a personal interest in Item 1.6 on the Agenda by virtue of being acquainted with the applicant.

Councillor Harrison declared a pecuniary interest in Item 1.6 on the Agenda by virtue of being the applicant, advising he would leave the Chamber while the item is discussed.

PL/129 **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/130 **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 them as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/131 **CHANGE OF USE OF AGRICULTURAL Paddock FOR THE EXERCISING OF DOGS ALONG WITH THE ERECTION OF BUILDINGS FOR BOARDING KENNELS AND ASSOCIATED STORAGE AND THE CREATION OF A PARKING AREA ON LAND EAST OF GREENACRE BENT LANE CHURCH BROUGHTON DERBY**

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

The Planning Delivery Team Leader presented the report updating the Committee that three additional conditions would be required to address the response received from Derbyshire Wildlife Trust and other noise concerns; these were read out to the Committee. The Planning Delivery Team Leader explained the layout and impact of the site on local amenities advising that conditions seven and eight would assist in mitigating the noise impact.

The applicant's agent and an objector attended the Meeting and addressed Members on this application.

The Environmental Health Manager advised that there is a level of uncertainty when assessing this type of noise, but the proposed conditions in relation to hours of use of the outside dog-walking area would limit and control noise exposure. The Chairman sought further clarification on how any breach would be monitored, the Environmental Health Manager responded that any breach of planning conditions would require action from the planning enforcement team.

Councillor Billings addressed the Committee as a Ward Member for Hilton, expressing concern relating to the level and uncertainty of the noise; validity of the noise assessment report and the enforcement of the conditions. The Environmental Health Manager and the Planning Services Manager responded outlining the process involved in enforcement advising that controlling noise from dogs would be complex. Councillor Billings urged the Committee to refuse permission citing policies SD1 paragraph A and E7 paragraph three of the Local Plan

Clarification was sought on the design of the proposed building, concerns were raised in relation to the impact on wildlife and the ability to differentiate between the owners own dogs and those boarding when enforcing conditions and the maximum number of dogs. The Planning Delivery Team Leader

responded to all matters adding that a material change in the number of dogs owned would require planning permission.

Councillor Mrs Patten, also local Ward Member, expressed disappointment in receiving the additional conditions at the meeting, with no prior notice and raised further concern that the mitigating aspects would be unenforceable urging the Committee to refuse the application.

Some Members sought clarification on the design and materials to be used for the building, the definition of adequate controlled noise, ventilation and climate control and subsequent impact on noise leakage when windows and doors are open. The Environmental Health Manager responded to these matters adding that the Licensing department would control the dog boarding licence.

A proposal to overturn the Officer's recommendation was carried by the Committee.

**RESOLVED:-**

***That planning permission be refused contrary to the recommendation in the report of the Strategic Director (Service Delivery) due to development contrary to Local Plan Part One policies SD1 and E7; undue impact on amenity not controllable by conditions.***

Councillors Billings and Patten left at 7.00pm

PL/132 **ERECTION OF A MIXED USE DEVELOPMENT INCORPORATING A PUBLIC HOUSE WITH RESTAURANT (USE CLASS A4) WITH ANCILLARY ACCOMMODATION, A FAST FOOD RESTAURANT WITH DRIVE THROUGH (USE CLASS A3/A5), A RESIDENTIAL CARE HOME FACILITY (USE CLASS C2) AND 15 SUPPORTED LIVING APARTMENTS (USE CLASS C3) ALONG WITH CREATION OF ANCILLARY CAR AND CYCLE PARKING PROVISION, AMENITY SPACE, SOFT LANDSCAPING AND IMPROVEMENTS TO PEDESTRIAN LINKS ON SITE OF THE FORMER COUNCIL DEPOT DARKLANDS ROAD SWADLINCOTE**

The Chief Executive introduced the report in his capacity as Director of Economic Development. He highlighted that the decision is finely balanced adding that the social and economic benefit of the proposed site would also be a planning consideration for the Committee. The Planning Services Manager updated the Committee that following publication of the report a meeting with the applicants had resulted in some reservations within the report had been addressed. The Planning Services Manager outlined to the Committee the site's proposed layout, phasing, amenities, access, design and viability. The Planning Services Manager advised of a number of minor amendments to a number of conditions of which the Committee were appraised.

The Applicant's Agent attended the Meeting and chose to withdraw his registration to address Members on this application.

Clarification was sought on the hours of operation of the fast-food restaurant, pedestrian footpath and boundary land ownership which was provided by the Planning Services Manager.

Councillor Tilley addressed the Committee, as local Ward Member, in support of the proposal potentially creating of 130 jobs and adding to the town centre economy. The Councillor sought clarification on the lighting scheme for Darklands Lane, phasing of the development and its linkage to the town centre. Councillor Tilley requested an additional informative for the operating hours and a footbridge linking the site to the town centre. The Planning Services Manager responded to each matter, highlighting that a condition for a lighting scheme addressed any concern.

Councillor Coe, the other local Ward Member welcomed the report and commented on the height of the retaining wall adding that exposed sites are better deterrents of anti-social behaviour.

Some Members raised comment in relation to the colour of the signage, implementation of a litter-picking regime. Another Member raised concern in relation to the co-location of a care facility, accommodating the most vulnerable individuals, with a fast-food restaurant and a public house. The Councillor felt that a duty of care is a material planning consideration meaning that he could not support the application. The Chief Executive responded to the comments and also advised that the developer had delivered similar co-location sites.

**RESOLVED:-**

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery) with the inclusion of the amended conditions.***

PL/133 **DEVELOPMENT OF A LOW UTILISATION STANDBY GAS FUELLED EMBEDDED GENERATION FACILITY TO SUPPORT THE LOCAL AND NATIONAL GRIDS, INCLUDING CREATION OF EARTH MOUND AND LANDSCAPING AT HOON HAY MANOR MARSTON LANE HATTON DERBY**

The Planning Delivery Team Leader presented report to Committee advising that three conditions had been added in order to address landscaping, boundary treatment and detail of materials which would be delegated to the Planning Services Manager.

The applicant attended the Meeting and addressed Members on this application.

**RESOLVED:-**

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery) subject to further conditions delegated to Planning Services Manager.***

PL/134 **CHANGE OF USE OF B1/B8 UNIT TO USE AS PRIVATE HIRE OFFICE (SUI GENERIS) AT UNIT 43 DOVESITE BUSINESS PARK THE COMMON MELBOURNE DERBY**

The Planning Services Manager presented the report to Committee explaining that the unit would be used to co-ordinate the movement of private hire vehicles, they would not be on the site itself. Additional information received from applicant was circulated to the Committee.

The applicant attended the Meeting and addressed Members on this application.

Councillor Harrison, as the local Ward Member advised that the applicant's comments addressed the concerns that had been raised moved the recommendation in support.

**RESOLVED:-**

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery).***

PL/135 **THE ERECTION OF A REPLACEMENT DWELLING AT TOWER FARM SWARKESTONE ROAD WESTON ON TRENT DERBY**

The Planning Delivery Team Leader presented to Committee outlining the site, elevations highlighting the design and model of the building and a new Tree Preservation Order on the site.

The applicant attended the Meeting and addressed Members on this application.

**RESOLVED:-**

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery).***

PL/136 **ERECTION OF DEPENDENT RELATIVE BUNGALOW WITHIN THE GARDEN OF 14 ASHBY ROAD MELBOURNE DERBY**

The Planning Services Manager presented the report to Committee.

An objector and the applicant's agent attended the Meeting and addressed Members on this application.

Councillor Harrison, as local Ward Member commended the compassionate reasons for the recommendation to grant but questioned the options for the building's future use. The Planning Services Manager advised that a condition stated that facilities need to be shared advising that there is a market for annexe accommodation to be provided with own house.

Some Members queried the need for a separate dwelling as opposed to an attached annexe. The Planning Services Manager responded that the option enabled independent living and closer care provision by relatives. A discussion ensued on the size and impact of the proposal and some Members cited that it was contrary to policies within the Local Plan.

**RESOLVED:-**

***That planning permission be refused, contrary to the recommendation in the report of the Strategic Director (Service Delivery): the proposal would be injurious to neighbouring amenity contrary to Local Plan policies SD1 and BNE1 and the Design Supplementary Planning Document.***

Abstentions: Councillors Ford Hewlett and Tilley

Councillor Ford left the Meeting at 8.15pm

PL/137 **PROPOSED EXTENSION TO THE SITE AND CONSTRUCTION OF A WASTE HANDLING BUILDING FOR THE STORAGE, TREATMENT AND PROCESSING OF REFUSED DERIVED FUEL (RDF) (COUNTY REF. CW9/1018/63) AT DEPOT 3 BURTON ROAD CADLEY HILL SWADLINCOTE**

The Planning Delivery Team Leader presented to Committee informing that the site is identified in the Local Plan.

**RESOLVED:-**

***That there was no objection as recommended in the report of the Strategic Director (Service Delivery).***

Councillor Harrison left the Meeting at 8.20pm

PL/138 **THE INSTALLATION OF SECONDARY GLAZING AT HOPE COTTAGE 55 PENN LANE MELBOURNE DERBY**

**RESOLVED:-**

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery).***

Abstention: Councillor Hewlett

PL/139 **PLANNING AND OTHER APPEALS**

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

9/2017/0343      64 Fabis Close, Swadlincote  
E/2016/00113    Land at Kingfisher Lane, Willington

PL/140 **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.*

**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 8.25pm

COUNCILLOR MRS L BROWN

CHAIRMAN