

PLANNING COMMITTEE

4<sup>th</sup> February 2020

**PRESENT**

**Conservative Group**

Councillor Mrs. Brown (Chairman), Councillor Mrs. Bridgen (Vice-Chairman) and Councillors Angliss, Brady, Mrs Haines (substituting for Councillor Ford), Muller, Watson and Mrs. Wheelton

**Labour Group**

Councillors Gee, Dr Pearson, Shepherd, Southerd and Tilley

PL/126 **APOLOGIES**

Apologies for absence were received from Councillor Ford (Conservative Group)

PL/127 **DECLARATIONS OF INTEREST**

It was noted that no Declarations of Interest were raised

PL/128 **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/129 **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/130 **THE ERECTION OF A 66 BED RESIDENTIAL CARE HOME AND TWO BUILDINGS CONTAINING 8 NO. RETIREMENT APARTMENTS AND ASSOCIATED WORKS AT THE FORMER SOUTH DERBYSHIRE DISTRICT COUNCIL DEPOT, DARKLANDS ROAD, SWADLINCOTE, DE11 0PJ**

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

The Planning Delivery Team Leader outlined this application and updated the Committee on a previous application that was granted in 2018 for a care facility, public house and a takeaway on this site which had never been developed. The Planning Delivery Team Leader also informed Members of an amendment to Condition 18.

The Applicant's Agent attended the Meeting and addressed Members on this application and on the next application together.

Members raised concern that improvement to the Brook area was not included within this application and asked whether this would be covered within the second application relating to the car park. The Planning Delivery Team Leader explained that the Brook area is not included within the redline of the site for either applications.

Councillor Tilley agreed with Members but welcomed the fact that the footpath and road will be improved as well as the creation of 50/60 new local jobs.

***RESOLVED:***

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery) including an amendment to Condition 18.***

PL/131 **OUTLINE APPLICATION (MATTERS OF ACCESS, LAYOUT, SCALE, APPEARANCE AND LANDSCAPING RESERVED FOR LATER CONSIDERATION) FOR THE FORMATION OF A CAR PARK WITH ACCESS FROM DARKLANDS LANE ON LAND TO THE SOUTH OF DARKLANDS LANE, SWADLINCOTE, DE11 0PJ**

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

The Planning Delivery Team Leader outlined this application explaining how it links to the previous application and is only an outline application. The Planning Delivery Team Leader reported an amendment to condition 6.

The Applicant's Agent attended the Meeting and addressed Members on this application and the previous application together.

Members and Councillor Tilley raised concern that the opportunity to enhance the Brook area is being missed. The Head of Planning and Strategic Housing

agreed to address the Brook issue with the Head Cultural and Community Services.

**RESOLVED:**

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery), including amendment to condition 6.***

PL/132 **THE VARIATION OF CONDITION 1 AND REMOVAL OF CONDITION NO. 4 OF PERMISSION REF. 9/2018/0959 (RELATING TO THE ERECTION OF A SUN CANOPY) AT 11 THE GREEN WILLINGTON DERBY**

The Planning Delivery Team Leader addressed the Committee regarding this application highlighting the previously approved applications for a half-glazed structure in 2017 and temporary outdoor lighting in 2018. This new application is to address the enforcement notice issued to reduce the full height glazed structure to half height as approved in 2017 as well as the retention of the outdoor lighting. Part of the conditions will be to also erect an artificial hedgerow in the area where there is a gap and must match that of the existing in the area.

An Objector attended the Meeting and addressed Members.

Following the comments from the objector the Planning Delivery Team Leader informed members that the Conservation Officer is happy with the false hedgerow.

The Vice Chairman asked if the boundary hedgerow formed part of the previous planning applications. The Planning Delivery Team Leader confirmed that the hedgerow was not included in either the 2017 nor 2018 approvals.

Members pointed out the information provided was very confusing and as the applicant has flouted previous planning conditions, it was proposed that a site visit be carried out prior to any approval by the Committee.

**RESOLVED:-**

***That determination of the case be deferred pending a site visit.***

PL/133 **THE ERECTION OF A REPLACEMENT DWELLING AT SPRING FARM COTTAGE ROSLISTON ROAD DRAKELOW SWADLINCOTE**

The Head of Planning and Strategic Housing presented the report, explaining that the replacement dwelling will be substantially the same footprint as the existing buildings. A species report identified the current building as a potential

roost for whiskered bats and therefore the availability for the bats to roost will be incorporated within the new build.

**RESOLVED:-**

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery) subject to the amendment of Condition 10.***

PL/134 **THE FELLING AND PRUNING OF TREES COVERED BY SOUTH DERBYSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER NO. 157 ON LAND AT BRETBY HEIGHTS AND BRETBY HOLLOW, NEWHALL, SWADLINCOTE**

The Planning Delivery Team Leader presented this report highlighting that the group of trees are subject to a Tree Preservation Order and requires the Committee give consent for tree maintenance to be carried undertaken.

**RESOLVED:-**

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

PL/135 **THE REMOVAL OF DEADWOOD AND MINOR CROWN REDUCTION OF A MATURE OAK TREE(S) COVERED BY SOUTH DERBYSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER NO. 273 ON LAND ADJACENT TO 62 ST JOHNS DRIVE, NEWHALL, SWADLINCOTE, DE11 0SU**

The Planning Delivery Team Leader presented this report highlighting that the group of trees are subject to a Tree Preservation Order and requires the Committee give consent to remove deadwood and reduce the crown spread.

**RESOLVED:-**

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

PL/136 **PLANNING AND OTHER APPEALS**

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

9/2019/0505	Alexandra Road, Swadlincote	Swadlincote	Dismissed	Delegated
E/2014/00149	Lowes Lane, Swarkestone	Aston	Split Decision	Delegated

PL/137 **SECTION 106 PLANNING OBLIGATIONS FOR BOULTON MOOR PHASE 2 (BM2)**

The Head of Planning and Strategic Housing addressed the Committee presenting the report giving the headlines of the Section 106 Agreement, regarding primary and secondary school provision. In addition to this the Head of Planning and Strategic Housing highlighted the arrangements for the bus service will now be managed via a Service Level Agreement (SLA) will be via a planning condition and not through Section 106 Agreement. SUDS will also not be part of the Section 106 but will be a planning condition. The Committee was also informed that changes to legislation mean that sums can be requested to monitor and report on the use of Section 106 Agreements, including this one.

Councillor Southerd enquired whether 106 funding could be used to the extend the role of an officer and enable them to share information with Councillors.

The Head of Planning and Strategic Housing explained to members that the 106 funding can only be used for monitoring purposes.

Councillor Shepherd raised concern that the CCG Strategy is not complete and that currently the Healthcare provision is completely inadequate.

The Head of Planning and Strategic Housing suggested that if the Committee so wished, he could write to the CCG requesting that they focus on local facilities first.

Members welcomed the detail regarding the bus service and the fact that this would now be a condition and wondered if there would be an end date for the Service Level Agreement and could the threshold for the commencement of the be improved.

The Head of Planning and Strategic Housing informed the members that there is an end date set for the SLA as it is not known when it will start, and he would express their concerns about the bus service to the City and request consideration by the Developer of starting the bus service sooner than by the 100<sup>th</sup> dwelling.

***RESOLVED:-***

***That the Committee agree the planning obligations set out in this report, delegating authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the obligations to be secured by way of a Section 106 agreement.***

***In addition to the above the Committee agree for the Head of Planning and Strategic Housing write to the CCG.***

PL/138 **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 7.15 PM.

COUNCILLOR MRS L BROWN

CHAIRMAN