

PLANNING COMMITTEE

4<sup>th</sup> June 2019

**PRESENT:-**

**Conservative Group**

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

**Labour Group**

Councillors Dr. Pearson, Mulgrew (substituting for Councillor Gee), Richards (substituting for Councillor Southerd), Shepherd, and Tilley

PL/1 **APOLOGIES**

Apologies for absence were received from Councillor Mrs. Bridgen (Vice-Chairman) and Councillor Angliss (Conservative Group) and Councillors Gee and Southerd (Labour Group).

PL/2 **MINUTES**

The Open Minutes of the Meeting held on 18th December 2018, 26th February 2019 and 19th March 2019 were taken as read, approved as a true record and signed by the Chairman.

PL/3 **DECLARATIONS OF INTEREST**

Councillor Mrs. Brown declared a personal interest on Item 1.1 on the Agenda by virtue of knowing the landowner and local residents. The Chairman advised she would leave the Chamber during the discussion.

Councillor Tilley declared a personal interest on Item 1.2 on the Agenda by virtue of being acquainted with a neighbour. The Councillor advised he would take part in the discussion.

Councillor Hewlett declared a personal interest on Item 1.8 on the Agenda by virtue of being the Vice-President of a Rugby Club which uses the Melbourne Sports Park.

Councillor Ford declared a personal interest on Item 1.10 and Item 1.11 on the Agenda by virtue of being a County Councillor. The Councillor advised he would take part in the discussion.

PL/4 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

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

**MATTERS DELEGATED TO COMMITTEE**

PL/5 **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.

Councillor Mrs. Brown left the Chamber at 18.05pm

PL/6 **APPOINTMENT OF CHAIRMAN**

As the Chairman and Vice-Chairman were not present, nominations for the position of Chairman were requested.

***RESOLVED:-***

***That Councillor Hewlett be appointed Chairman.***

PL/7 **OUTLINE APPLICATION (MATTERS OF ACCESS, LAYOUT, SCALE AND APPEARANCE TO BE CONSIDERED, WITH MATTERS OF LANDSCAPING RESERVED) FOR THE RESIDENTIAL DEVELOPMENT OF 8 DWELLINGS ON LAND AT SK2628 6240 DUCK STREET EGGINTON DERBY**

The Planning Delivery Team Leader reported the application had been previously deferred from an earlier Committee to obtain further details on the viability of the drainage system and the application would now additionally consider appearance. The Planning Delivery Team Leader outlined the drainage scheme and advised two drainage addenda had been submitted, which both concluded the drainage design was viable even in the worst case.

The Planning Delivery Team Leader informed Committee that since the earlier Committee, a further objection had been received raising concerns of the suitability of the site for development, and representation from Highways Authority and County Archaeologist.

An Objector and the Applicant's Agent attended the Meeting and addressed Members on this application.

Councillor Muller, Ward Member for Etwall, raised concerns of Egginton not being a sustainable community as there are no shops or buses and the primary school is at capacity. The Ward Member highlighted the significant risk of flooding and the site was within flood zones 2 and 3. The Ward Member further highlighted ground testing had not been undertaken and further information was still required prior to determination. As the application was felt to be unsuitable for the area and contrary to policies, the Ward Member advised he would not be voting in favour of the application.

A discussion ensued regarding the ground water percolation test results being made available, the use of slate roofing on the main farmhouse instead of Staffordshire Blue tiles which is consistent throughout Egginton, and an apparent lack of provision to move refuse and recycling bins away from the courtyard. A proposal was accepted by the Committee for amendments to be made to Condition 14 to expedite the submission of the percolation test, to Condition 20 to reflect the consistent roofing materials for Plot 8 and for an update on the latest layout regarding bin storage within reserve matters.

**RESOLVED:-**

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery), including the amendments to conditions relating to percolation test results, roofing materials and bin storage.***

Councillor Mrs. Brown returned to the Chamber at 6.40pm.

PL/8

**OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS TO BE RESERVED) FOR THE RESIDENTIAL DEVELOPMENT OF UP TO 15 DWELLINGS AT 247 HEARTHCOTE ROAD SWADLINCOTE**

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

The Senior Planning Officer (Design) updated the Committee with amendments to the conditions since the report's publication, including condition 13, removing reference to the removal of the existing pond as all ponds will be retained, and condition 21, which referenced condition 16 in error and should reference condition 19 instead. The Senior Planning Officer (Design) noted the application sought outline planning permission, with all matters reserved with the exception of access. It was further noted a noise assessment was completed which concluded a low classification; consequently a condition had been included to demonstrate mitigation measures.

The Head of Environmental Services outlined details of the noise assessment undertaken to the Committee, which concluded the application was suitable for mitigating actions, such as barrier protection, glazing and insulation.

An Objector and the Applicant's Agent attended the Meeting and addressed Members on this application.

Councillor Tilley, Ward Member for Swadlincote, raised concerns relating to the reference to affordable housing on the website but was omitted from the application and the lack of a detailed plan of access given how busy the main road could be and limited footpath width. The Ward Member recommended the application was deferred until a detailed plan of access was submitted. The Senior Planning Officer (Design) responded to the issues raised, noting the details on the website were included in error and acknowledged the

confusion. In relation to an access plan, the Senior Planning Officer (Design) noted the issue was covered by a condition which included improvements recommended by the Highway Authority.

Other Members raised queries relating to the protection of local species during building. The Senior Planning Officer (Design) responded to the queries, highlighting a scheme of mitigation would need to be submitted and approved prior to development.

**RESOLVED:-**

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery), including amendments to Conditions 13 and 21.***

Abstention: Councillor Tilley

PL/9

**ERECTION OF 9 DWELLINGS AND ASSOCIATED GARAGES WITH ACCESS FROM SLADE CLOSE ON LAND TO REAR OF 4-8 LAWN AVENUE AND ADJ. TO 7 & 8 SLADE CLOSE ETWALL DERBY**

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

The Planning Delivery Team Leader outlined the application, updating the Committee on amendments to Condition 2 to request a drawing of a garage type which had been omitted from the list of plans in the Condition and to request a clearer site plan. The Planning Delivery Team Leader informed the Committee the application had been amended to nine dwellings from eleven which were originally submitted and the site had a dense pocket of trees, but the majority were not protected by the Tree Preservation Order in place.

An Objector attended the Meeting and addressed Members on this application.

The Chairman requested the Planning Delivery Team Leader to comment on the points raised by the Objector regarding the amount of trees due to be removed, drainage and surface water flooding, fire risk, and the dwellings deemed to be overbearing to surrounding properties.

The Planning Delivery Team Leader responded to the concerns raised by the Objector, noting some trees not protected by the Tree Preservation Order would be removed; the Lead Local Flood Authority requested conditions regarding the submission of a detailed surface water disposal plan which took into account urban creep and climate change. In relation to the wood burner, this was deemed a reasonable risk and the site is relatively level with any overbearance deemed acceptable.

Councillor Muller, Ward Member for Etwall, raised a number of objections had been received regarding the application from adjacent neighbours and the Parish Council. The Member noted the effort invested into the application to

reduce the number of dwellings to nine, to mitigate the impact of the new road layout and to ensure the retention of as many trees as possible. He raised his lingering concerns from the earlier site visit of the ridge heights, removal of conifers and the risk to future nesting. The Member raised the concern of a larger housing development around the corner which would be having a significant impact upon the infrastructure of the area, including the local school, GP surgery and increased vehicle movement. The Member noted he would be unable to support the application given the additional impact on the local infrastructure.

The Chairman queried the lack of health contribution to the application given the significant concerns over the impact on local infrastructure.

The Planning Delivery Team Leader noted the concerns and informed the Committee that whilst attempts were made to gain a response from the CCG, none were received. Other Members raised their disapproval of the poor response received from the CCG.

**RESOLVED:-**

***A. That delegated authority be granted to the Head of Planning and Strategic Housing to complete a Section 106 Agreement to secure the planning obligations identified in the report above;***

***B. Subject to A, that planning permission be granted as recommended in the report of the Strategic Director (Service Delivery), including amendments to the updated conditions.***

Abstention: Councillor Mrs. Brown

PL/10 **CHANGE OF USE FROM BAKERY (USE CLASS A1) TO HOT FOOD TAKEAWAY (USE CLASS A5) WITH THE INSTALLATION OF A FLUE TO THE REAR AT 32 MARKET PLACE MELBOURNE DERBY**

The Planning Delivery Team Leader outlined the application to the Committee, noting an amendment to the report since publication to create Condition 5, which stipulated the opening hours from 10am until 11pm.

An Objector attended the Meeting and addressed Members on this application.

Councillor Hewlett, Ward Member for Melbourne, welcomed the concerns raised by the Speaker and noted the application had attracted local opposition. The Ward Member raised the application was within a conservation area, which was slowly transforming from a special place. The Ward Member noted he would not be supporting the application and requested the opening hours matched the same hours as the local fish and chip shop.

The Planning Delivery Team Leader raised the opening hours proposed in the application was deemed appropriate to the local centre and competition was not material planning consideration.

Other Members raised concerns of bright frontage to the shop. The Planning Delivery Team Leader replied to the concerns, noting alterations to the front would not be permissible and any alternations would require approval.

**RESOLVED:-**

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery) with the addition of Condition 5 controlling opening hours.***

PL/11 **DEMOLITION OF EXISTING BUILDING AND THE ERECTION OF 14 DWELLINGS AT M J CAR SALES PARK ROAD CHURCH GRESLEY SWADLINCOTE**

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

The Head of Planning and Strategic Housing outlined the application to the Committee, noting the proposal was for fourteen one bedroom flats designed to look like terraced houses. It was noted Park Road was in a poor condition, but was an unadopted road which meant the developer would not have rights over the road.

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

The Chairman raised concerns regarding the road deteriorating further throughout construction. The Head of Planning and Strategic Housing noted the concerns, suggesting a condition could be proposed for a scheme of repairs to be submitted prior to first occupation.

Members welcomed the application and noted improvements to the road would benefit all the local residents and one bedroom apartments were greatly needed in the area.

**RESOLVED:-**

***A. That delegated authority be granted to the Head of Planning and Strategic Housing to negotiate the details of the provisions of the Section 106 agreement referred to in the planning assessment of the report;***

***B. Subject to A, that planning permission be granted as recommended in the report of the Strategic Director (Service Delivery), including the addition of a condition relating to a scheme of repairs to the road prior to first occupation.***

PL/12 **CHANGE OF USE TO 3 NO. VACANT UNITS (USE CLASSES A1, A3 AND A5) TO CHILDREN'S DAY NURSERY (USE CLASS D1) AT UNITS E, F**

**AND G LOCAL CENTRE (PART OF HIGHFIELDS FARM) TUTBURY AVENUE LITTLEOVER DERBY**

The Head of Planning and Strategic Housing presented the report to Committee.

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

Councillor Ford, Ward Member for Willington and Findern, welcomed the introduction of an experienced nursery operator to the site, which was an ideal location to meet the needs of residents.

***RESOLVED:-***

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

PL/13 **OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS TO BE RESERVED) FOR THE RESIDENTIAL DEVELOPMENT OF ONE DWELLING ON LAND AT THE CONIFERS 2 THE STABLEYARD UTTOXETER ROAD FOSTON DERBY**

The Senior Planning Officer (Design) outlined the application to the Committee; noting the character of the development had been assessed as being consistent with the local area and site access was deemed acceptable.

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

***RESOLVED:-***

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

PL/14 **SUSPENSION OF STANDING ORDERS**

***RESOLVED:-***

***That Standing Orders be suspended and that the meeting of the Committee continue beyond 8.30pm.***

PL/15 **ADJOURNMENT**

The Meeting was adjourned from 8.30pm until 8.35pm.

PL/16 **THE LAYING OF A NEW SURFACE WATER DRAINAGE SYSTEM (INCLUDING ASSOCIATED WORKS ALONG ROBINSON'S HILL AND ASHBY ROAD) AT MELBOURNE SPORTS PARK COCKSHUT LANE MELBOURNE DERBY**

The Planning Delivery Team Leader updated the Committee with feedback received from the Derbyshire Wildlife Trust, who submitted no objection.

**RESOLVED:-**

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

PL/17

**APPLICATION TO MODIFY THE FOURTH SCHEDULE 'AFFORDABLE HOUSING' OF THE SECTION 106 AGREEMENT FOR THE SITE DATED THE 13TH JUNE 2013 PLANNING REFERENCE 9/2012/0743 ON LAND SOUTH OF CADLEY HILL INDUSTRIAL ESTATE EAST OF BURTON ROAD**

The Planning Delivery Team Leader outlined the application to Committee; noting the application was seeking to modify the Section 106 Agreement to reduce the number of affordable housing to be delivered in exchange for a financial contribution and to remove a condition which no longer relevant.

Other Members raised concerns regarding the commuted sum to be received in lieu of the set amount of affordable homes to be provided. The Head of Planning and Strategic Housing acknowledged the concerns and informed the Committee the financial contribution was reflective of the cost of constructing four affordable homes and would be spent within the local area.

**RESOLVED:-**

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

PL/18

**THE DEMOLITION OF ASHLEA FARM AND RELATED BUILDINGS OFF DEEP DALE LANE AND THE DEVELOPMENT OF A NEW ALL-MOVEMENT JUNCTION ON THE A50 AND CONNECTING LINK ROAD TO INFINITY PARK WAY, WITH ASSOCIATED WORKS INCLUDING STREET LIGHTING COLUMNS, FOOTWAYS/CYCLEWAYS, CONSTRUCTION OF EARTH MOUNDS, FLOOD COMPENSATION AREAS, ACOUSTIC FENCING AND LANDSCAPING (COUNTY REF. CD9/0319/110) ON LAND BETWEEN DEEP DALE LANE AND INFINITY PARK WAY SINFIN DERBY**

The Chairman noted Items 1.10 and 1.11 would be jointly considered.

The Planning Delivery Team Leader presented the proposal to the Committee, noting the District Council was a consultee to the application and would provide a conjoined response to Derbyshire County Council and Derby City Council.

Councillor Shepherd, Ward Member for Stenson, raised he would be unable to support the recommendation to raise no objection to the proposals given his concerns relating to the Infinity Garden Village.



Councillor Watson, Ward Member for Aston on Trent, noted his disappointment that the Vice-Chairman of the Infinity Garden Liaison Group was unable to support this admirable scheme out for consultation, which would hopefully maintain the essence of a garden village as much as possible.

**RESOLVED:-**

***The Committee, subject to the above observations being fully taken into account and, where necessary, being appropriately addressed; raised NO OBJECTION to the proposals.***

Abstention: Councillor Ford

- PL/19 **THE DEMOLITION OF ASHLEA FARM AND RELATED BUILDINGS OFF DEEP DALE LANE AND THE DEVELOPMENT OF A NEW ALL-MOVEMENT JUNCTION ON THE A50 AND CONNECTING LINK ROAD TO INFINITY PARK WAY, WITH ASSOCIATED WORKS INCLUDING STREET LIGHTING COLUMNS, FOOTWAYS/CYCLEWAYS, CONSTRUCTION OF EARTH MOUNDS, FLOOD COMPENSATION AREAS, ACOUSTIC FENCING AND LANDSCAPING (DERBY CITY REF. 19/00417/FUL) ON LAND BETWEEN DEEP DALE LANE AND INFINITY PARK WAY SINFIN DERBY**

**RESOLVED:-**

***The Committee, subject to the above observations being fully taken into account and, where necessary, being appropriately addressed; raised NO OBJECTION to the proposals.***

- PL/20 **PLANNING AND OTHER APPEALS**

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

9/2018/0446	Sleepy Lane, Kings Newton
9/2018/0835	Brook Lane, Foston
E/2016/00178	The Potlocks, Willington

- PL/21 **AMENDMENT TO SECTION 106 AGREEMENT RELATING TO LAND AT MAIN STREET AND COTON LANE, ROSLISTON**

The Planning Delivery Team Leader presented the report to Committee.

**RESOLVED:-**

***The Committee endorsed the proposal to not to enforce the planning obligation requiring the payment of a River Mease contribution presently incorporated into the legal agreement under section 106 of the 1990 Act***

***relating to the development of 24 dwellings on land at Main Street and Coton Lane, Rosliston.***

PL/22 **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 MINUTES**

***The Exempt Minutes of the Meeting held on the 26<sup>th</sup> February 2019 were taken as read, approved as a true record and signed by the Chairman.***

**EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE No 11.**

***The Committee was informed that no questions had been received.***

**ARTICLE 4 DIRECTION AFFECTING LAND ADJACENT TO 45 THE POTLOCKS, WILLINGTON, DERBY**

***Members approved the recommendation in the report.***

The meeting terminated at 9.00pm.

COUNCILLOR MRS L BROWN

CHAIRMAN