

PLANNING COMMITTEE

6<sup>th</sup> August 2019

**PRESENT:-**

**Conservative Group**

Councillor Mrs. Brown (Chairman), Councillor and Councillors Angliss, Billings (substituting for...) Brady, Ford, Muller, Watson and Mrs. Wheelton

**Labour Group**

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

**In Attendance**

Councillor Mrs Coe

PL/53 **APOLOGIES**

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

PL/54 **DECLARATIONS OF INTEREST**

Councillor Mrs Brown declared a pecuniary interest in Item 1.2 on the Agenda by virtue of the applicant having previously purchased a property from a family member and she would leave the Chamber during discussion.

PL/55 **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/56 **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/57     **THE ERECTION OF A LIGHT INDUSTRIAL AND STORAGE/DISTRIBUTION UNIT (USE CLASSES B1(C) AND B8) ON LAND AT SK2828 2357 THE CASTLE WAY WILLINGTON DERBY**

The Planning Services Manager updated the Committee with amendments since the report's publication, namely to include two additional conditions to reduce the width of the driveway and to submit any proposed tree works for approval prior to the commencement of development. The Planning Services Manager outlined the application in detail, particularly the impact on neighbouring dwellings, the determination of applications outside of settlement boundaries for agricultural use, the amendments made to the design of the building, and the removal of permitted development rights.

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

The Planning Services Manager responded to points raised by the Objector, noting no obvious concerns relating to the validation process. He explained planning permission runs with the land, which has a requirement for some agricultural purposes to allow permission to be granted for the development of a building to serve the land; how the building and land would be utilised as the landowner sees fit.

Members raised comments and queries in relation to whether an acceptable use of the land for another farm's storage would be acceptable. They then queried: whether the positioning of the proposed building would cause the least amount of impact on neighbouring dwellings; if the design of the building was complimentary to neighbouring dwellings; and whether the proposed site was an adequate size to accommodate farm equipment. The Planning Services Manager and the Planning Delivery Team Leader responded to the queries, highlighting that agricultural units could be in multiple parcels of land and be used by different people; the proposed building is set within a reasonable location which would not adversely impact on the surroundings; impacts on views is not a material consideration. The Planning Services Manager reiterated an economic case for agricultural land is not required and the design of the building is typical of agricultural buildings across the District.

Councillor Mrs Coe, Ward Member for Woodville, disagreed with the recommendation as the benefits of the proposed site seemed to be without merit and would have a considerable impact. She raised her disappointment that the application was presented to Committee.

**RESOLVED:-**

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery) to take account of the amended drawing and the additional Condition for the submission of proposed tree works.***

PL/58 **CHANGE OF USE OF LAND FROM AGRICULTURAL AND EQUESTRIAN TO USE AS A FACILITY TO PROMOTE INTERACTION BETWEEN ANIMALS AND THE PUBLIC. THE ERECTION OF THREE BUILDINGS, TOGETHER WITH THE SITING OF A TEMPORARY CARAVAN TO PROVIDE MANAGER'S ACCOMMODATION, AND CONSTRUCTION OF ACCESS ROAD, CAR AND COACH PARK, PEDESTRIAN ACCESSES AND THE CREATION OF WALK WAYS TO THE INDIVIDUAL ANIMAL PADDOCKS AND WOODLAND AREAS AT LAND AT SK3724 0194 ON THE NORTH SIDE OF THE COMMON MELBOURNE 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 to Committee, noting an amendment to Condition 4 since the report's publication to include the wording of 'highway marginal verge.' It was brought to the Committee's attention that the Highway Authority and the character of the site included similar density to Park Lane.

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

Councillor Watson, as Ward Member for Aston-on-Trent, advised the Committee he did not feel able to support the application as the site was unsuitable for two additional bungalows and was a higher density than Park Lane. The drainage system was not appropriate to accommodate high rainfall and the parking bays provided were insufficient. The Councillor also expressed serious concern about highway safety.

Other Members expressed support for the application as there was a need for additional bungalows within the District.

***RESOLVED:-***

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery) with the amendments to Condition 4.***

Councillor Mrs Brown returned to the Chamber at 19:00.

Councillor Taylor left the Chamber at 19:00.

PL/59 **CHANGE OF USE FROM RETAIL (USE CLASS A1) TO BEAUTICIANS (USE CLASS SUI GENERIS) AT UNIT D TUTBURY AVENUE LITTLEOVER DERBY**

The Senior Planning Officer (Design) presented the report, detailing the layout of the internal access roads, noting an appropriate level of parking secured throughout the site, the affordable housing units were distributed throughout Site C and the design of the dwellings would be complimentary to the National Forest.

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

Members raised a query relating to the height of the boundary walls and sought assurances the properties would not be sold as leasehold. The Senior Planning Officer (Design) stated the heights of the boundary walls have been conditioned. The Planning Services Manager informed Committee he would clarify if these would be freehold properties at a later date.

**RESOLVED:-**

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

PL/60 **THE PRUNING OF TREES COVERED BY SOUTH DERBYSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER NO. 131 ON LAND ADJACENT TO 153 WESTON ROAD ASTON ON TRENT DERBY**

The Planning Services Manager presented the report.

**RESOLVED:-**

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

PL/61 **THE VARIATION OF CONDITION NOS. 2, AND 14 OF PERMISSION REF. 9/2018/0925 (RELATING TO THE ERECTION OF SIX TWO BEDROOM HOUSES WITH ASSOCIATED PARKING GARDENS AND ACCESS) TO VARY THE MATERIALS AND APPROVED PLANS TO INCORPORATE A RENDER FINISH ON THE DWELLINGS ON LULLINGTON ROAD OVERSEAL SWADLINCOTE**

The Planning Services Manager presented the report to Committee, noting the application would allow for further business opportunities.

Councillor Pearson, Ward Member for Midway, welcomed the report, though noted a sense of regret the original plans did not provide a multifunctional use.

**RESOLVED:-**

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

PL/62 **THE FELLING OF A SYCAMORE TREE COVERED BY SOUTH DERBYSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER NUMBER 417 AT 23 WALLFIELDS CLOSE FINDERN DERBY**

The Planning Services Manager presented the report to Committee and outlined following site investigations that the estimated costs to develop the site was more than originally estimated, which subsequently meant the costs of the Section 106 agreement could not be fully met. A revised solution had

been offered, which would ensure the supply of housing is maintained and the £500,000 sum in lieu of the 15% on-site affordable housing would remain for future bids for affordable housing within Church Gresley, he empathised that all but the waste contributions had been safeguarded in the agreement.

Councillor Southerd, Ward Member for Church Gresley, noted the site was well-known as a difficult development site. The offer as detailed within the report seemed appropriate and the sum can be used to secure to future affordable social housing elsewhere in the area.

**RESOLVED:-**

***The Committee endorsed the amendment to the agreement to accept £500,000 in lieu of the 15% on-site affordable housing and previously required (for the purchase of affordable housing units elsewhere in Church Gresley), £2,398,100 towards education, recreation and adoption of sustainable urban drainage on the site (see 4.1 below), and the acquisition and transfer to the adjacent primary school of adjacent land. It is recommended that the sums be expended as local to the site as possible.***

PL/63 **PLANNING AND OTHER APPEALS**

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

9/2017/0786	Osleston	Etwall	Dismissed	Delegated
9/2018/0709	Hartshorne	Woodville	Allowed	Delegated
9/2018/0867	Linton	Linton	Dismissed	Delegated
9/2018/0977	Castle Gresley	Linton	Dismissed	Delegated

PL/64 **AMENDMENT TO SECTION 106 AGREEMENT RELATING TO LAND AT COURT STREET, WOODVILLE**

**RESOLVED:-**

***In recognition of this scheme now containing 100% affordable homes, the Committee endorses the amendment to the agreement to accept a financial contribution of £27,500 in lieu of the previously required financial contributions. It is recommended that the sum be allocated towards the delivery of the Swadlincote Regeneration Route or improvements works to mitigate traffic congestion at Tollgate Island.***

PL/65 **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 7.35PM.

COUNCILLOR MRS L BROWN

CHAIRMAN