

PLANNING COMMITTEE

06 February 2024

PRESENT:

Labour Group

Councillor D Shepherd (Vice-Chair)

Councillors J Carroll, M Gee, I Hudson, A Jones, L Mulgrew, M Mulgrew (substituting for Councillor K Storey) and N Tilley (substituting for Councillor G Jones).

Conservative Group

Councillors A Kirke, K Haines and D Muller.

Liberal Democrats

Councillor J Davies.

Non-Grouped

Councillor A Wheelton.

In Attendance

Councillor G Andrew

Councillor S Taylor

Councillor A Tilley

PL/160 **APOLOGIES**

The Committee was informed apologies had been received from Councillor G Jones and K Storey (Labour Group).

PL/161 **TO RECEIVE THE OPEN MINUTES OF THE FOLLOWING MEETINGS:**

The Open Minutes of Planning Committee meetings held on 05 November 2019, 22 August 2023, 19 September 2023, 17 October 2023, 14 November 2023, 28 November 2023 and 12 December 2023 were noted, approved as a true record and signed by the Chair.

PL/162 **DECLARATIONS OF INTEREST**

The Committee was informed that Councillor Wheelton declared a personal, non-pecuniary interest in Item PL/165 by virtue of being chair of the Drakelow Development Bridge and Bypass Steer Group.

The Committee was informed that Councillor A Jones declared a personal, non-pecuniary interest in Item PL/168 by virtue of being Chair of the first consultation meeting and voting against the item. Councillor A Jones informed the Committee that he would leave the meeting and would not take part in the debate or vote on the item as he had predetermined the application.

The Committee was informed that Councillor Kirke declared a personal, non-pecuniary interest in Item PL/167 by virtue of being a member of Etwall Parish Council. Councillor Kirke informed the Committee that being a member of the Parish Council would not affect the debate on the item.

The Committee was informed that Councillor Carroll declared a personal, non-pecuniary interest in Item PL/170 by virtue of being a member of Melbourne Parish Council and Melbourne Civic Society. Councillor Carroll informed the Committee that she had not taken part in any discussions on this item during meetings of the Parish Council or Civic Society.

PL/163 **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/164 **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.

PL/165 **THE MODIFICATION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 DATED 24TH AUGUST 2021 AND RELATING TO PERMISSION REF. DMPA/2020/1460 (SEEKING TO RESET TRIGGER FOR WALTON BYPASS TO ALLOW FOR IT TO BE DELIVERED PRIOR TO OCCUPATION OF 785 DWELLINGS ON THE DRAKELOW ESTATE) ON LAND AT SK2420 2230, WALTON ROAD, DRAKELOW, SWADLINCOTE - DMOT/2023/1024**

The Head of Planning and Strategic Housing presented the application to the Committee and confirmed that since the deferral of the application at the last meeting, and the publication of the report, an amended Section 106 Funding Agreement had been agreed with the developer.

As Local Ward Member, Councillor A Tilley addressed the Committee raising concerns on behalf of the local residents.

As Local Ward Member, Councillor Wheelton addressed the Committee raising concerns on behalf of the local residents.

Members sought clarify on the timing for the Section 278 Highway Agreement, breaches and enforcement procedures, transport assessment impacts in Walton-on-Trent, changes to recommendations and additional milestones to be

negotiated by solicitors and the increase to the number of occupied homes agreed with the developer prior to completion of the bridge and by-pass.

The Head of Planning and Strategic Housing informed the Committee that the applicant had agreed to submit the technical approval application by 30 April 2024, that given the agreement of the developer to measurable milestones a failure to meet these milestones would result in a Stop or Legal Notice, that there had been no objections in principle from Staffordshire County Council to the application and that the developer had made a commitment to the trigger points in the Section 106 Funding Agreement which would approve the start and development of the bridge and by-pass.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) and the additional points agreed with the developer to be included in the Section 106 Agreement Funding. The additional points were: an increased escrow amount of £1.5m; the Technical Approval application for the bridge would be made by 30 April 2024; the requirement to commence development of the bridge/by-pass project prior to the occupation of 635 dwellings; provision of the following milestones for progress on the bridge to be included in the Section 106 Funding Agreement beginning with the start date of the Technical Approval for the bridge:

- Within one month – the bridge foundation would be started;***
- Within three months – the bridge deck construction would be started***
- Within nine months – the bride deck would be completed;***
- Within twelve months – Section 278 Highway Agreement tie-in works would be started.***

A clause would be included for both Highway Authorities to ensure best endeavours are used to determine applications within their remit in a timely manner.

The developer to pay £20,000.00 to the Highway Authorities to assist with the processing of the Technical Approval applications.

PL/166 **ERECTION OF TWO, TWO-STOREY DWELLINGS TO THE REAR OF 12 & 13 WILSON CLOSE, MICKLEOVER, DERBY, DE3 0DT - DMPA/2023/1346**

The Committee was advised that a site visit took place earlier that day.

The Planning Delivery Team Leader presented the details of the application to the Committee confirming that an additional objection had been received since the publication of the report. The Planning Delivery Team Leader informed the Committee that there had been no objections from statutory consultees and that the site was not in the settlement boundary of the Local Plan.

An Objector and the Applicant's Agent attended the meeting and addressed the Committee regarding the application.

As Local Ward Member, Councillor Muller addressed the Committee raising concerns on behalf of the local residents.

As Local Ward Member, Councillor Kirke addressed the Committee raising concerns on behalf of the local residents.

Members raised concerns that the application was contrary to the Local Plan and had an adverse impact to the neighbourhood amenity.

RESOLVED:

That planning permission be refused as the scheme was out of character to the area due to its bulk and design, and the loss of amenity to the surrounding properties.

PL/167 **RETENTION OF AN OUTBUILDING AT 20 MANSFIELDS CROFT, ETWALL, DERBY, DE65 6NJ - DMPA/2023/1376**

The Planning Delivery Team Leader presented the application to the Committee and confirmed that there had been no objections from Etwall Parish Council and a letter of objection had been received regarding the proximity of the outbuilding to the nearest property.

An Objector and the Applicant attended the meeting and addressed the Committee regarding the application.

As Local Ward Member, Councillor Muller addressed the Committee raising concerns on behalf of the local residents.

As Local Ward Member, Councillor Kirke addressed the Committee raising concerns on behalf of the local residents.

Members raised concerns about the intrusiveness of the building and requested that a condition be added to ensure the screening or fencing used provided protection for the neighbouring property.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) and that an additional condition be added to ensure that the screening or fencing erected provided protection to the property at number 22 Mansfields Croft, the wording of the condition was delegated to the Chair of the Planning Committee and the Head of Planning and Strategic Housing.

Councillor A Jones left the meeting.

PL/168 **DEMOLITION OF GROUND FLOOR STORE AND EXTENSIONS TO THE EXISTING ABATTOIR BUILDING AND ERECTION OF EXTENSIONS TO FORM ENCLOSED STOCK PENS, ENCLOSED STORAGE AREAS, NEW WATER TANKS AND A COVERED STOCK ENTRANCE WITH WIDENING OF**

ACCESS TO COAL LANE, ADDITIONAL ACCESS, THE ERECTION AND RETENTION OF NEW BOUNDARY TREATMENTS AND ASSOCIATED LAND GRADING AND ENGINEERING WORKS AND INSTALLATION OF HARDSTANDING AT PICKSTOCK ABATTOIR, 2 COAL LANE, HARTSHORNE, SWADLINCOTE, DE11 7FN - DMPA/2020/0599

The Head of Planning and Strategic Housing presented the application to the Committee and confirmed that an email had been received from local residents after the publication of the report requesting that the application be deferred due to the late submission of additional information to support the application.

RESOLVED:

That planning permission be deferred to allow objectors to respond to new information received in support of the application.

Councillor A Jones returned to the meeting.

PL/169 **CHANGE OF USE FROM A DWELLING (USE CLASS C3) TO A CHILDREN'S HOME (USE CLASS C3B) AT 37 WINCHESTER DRIVE, LINTON, SWADLINCOTE, DE12 6PP - DMPA/2023/1374**

The Planning Delivery Team Leader presented the application details to the Committee and confirmed that there had been no external changes to the property and that Environmental Health had recommended a noise mitigation strategy.

As Local Ward Member, Councillor A Tilley addressed the Committee raising concerns on behalf of the local residents.

Members raised concerns about the location details in the report and felt that a site visit was required.

RESOLVED:

That planning permission be deferred to allow the Committee to visit the site.

PL/170 **CONVERSION OF AGRICULTURAL BUILDINGS TO B8 USE (STORAGE AND DISTRIBUTION) AND RETENTION AND CHANGE OF USE OF 23 SHIPPING CONTAINERS TO B8 USE AT THE STABLES, COCKSHUT LANE, MELBOURNE, DERBY, DE73 8DG - DMPA/2023/1229**

The Committee was advised that a site visit took place earlier that day.

The Planning Delivery Team Leader presented the application details to the Committee confirming that a late item with further comments had been received and a summary was provided to Members.

The Planning Delivery Team Leader confirmed that no objections had been received from statutory consultees and that the County Highway Authority had recommended a vehicle weight restriction of 7.5 tonnes and that a condition had been applied as part of the Traffic Management Plan.

An Objector and the Applicant's Agent attended the meeting and addressed the Committee regarding the application.

As Local Ward Member, Councillor Carroll addressed the Committee raising concerns on behalf of the local residents.

Members raised concerns about the speed of the traffic in Cockshut Lane, the number of accidents, the detrimental view of containers to local residents, the classification of the land, the maintenance of the containers on site and if permitted development was included in the proposal.

The Head of Planning and Strategic Housing informed the Committee that all aspects relating to the containers and change of use of land required planning permission.

The Planning Delivery Team Leader confirmed that no objections had been received from the Highway Authority and that a landscaping scheme was included with the application.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/171 **INSTALLATION OF A WATER BOREHOLE, WATER STORAGE TANK, AND MECHANICAL AND ELECTRICAL EQUIPMENT KIOSK AT MELBOURNE SPORTING PARTNERSHIP , COCKSHUT LANE, MELBOURNE, DERBY, DE73 8DG - DMPA/2023/1517**

The Planning Delivery Team Leader presented the application details to the Committee and confirmed that no objections had been received from statutory consultees.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/172 **CONVERSION AND EXTENSION OF A GRADE II LISTED BARN IN THE GROUNDS OF CASTLE FARM TO A 3 BED DWELLING AT CASTLE FARM, CASTLE STREET, MELBOURNE, DERBY , DE73 8DY - DMPA/2022/0008**

The Head of Planning and Strategic Housing presented the application to the Committee and confirmed that no objections had been received from statutory consultees.

An Objector and the Applicant's Agent attended the meeting and addressed the Committee regarding the application.

As Local Ward Member, Councillor Carroll addressed the Committee raising concerns on behalf of the local residents.

Member raised concerns about the position of the conversion and the potential issue of loss of light to the neighbouring property and proposed a site visit.

RESOLVED:

That planning permission be deferred to allow the Committee to visit the site.

PL/173 **LISTED BUILDING CONSENT FOR CONVERSION AND EXTENSION OF A GRADE II LISTED BARN IN THE GROUNDS OF CASTLE FARM TO A 3 BED DWELLING AT CASTLE FARM, CASTLE STREET, MELBOURNE, DERBY, DE73 8DY - DMPA/2022/0111**

The Chair confirmed that the item would be deferred for a site visit as the application was linked to the previous item.

RESOLVED:

That planning permission be deferred to allow the Committee to visit the site.

PL/174 **PROPOSED EXTENSION TO EXISTING WORKSHOP AND PROVISION OF ADDITIONAL OFFICE SPACE, TOGETHER WITH A CHANGE OF USE OF EXISTING LAND AND TURNING HEAD RESULTING FROM THE DEVELOPMENT OF THE KILN WAY LINK ROAD FOR THE CREATION 47NO. CAR PARKING SPACES, INCLUDING 24NO. ELECTRIC VEHICLE CHARGING POINTS, ERECTION OF 10NO. CYCLE SPACES, STAFF SEATING AREA AND LANDSCAPING FOR FIRST FENCE LTD. (3 PARKING SPACES TO BE ALLOCATED FOR SHARPE'S BROTHERS AND CO LTD). (RESUBMISSION OF DMPA/2023/0177) AT FIRST FENCE LTD, KILN WAY, WOODVILLE, SWADLINCOTE, DE11 8EA - DMPA/2023/1368**

The Planning Delivery Team Leader presented the details of the application to the Committee and confirmed the proposal had industrial and storage uses and that no objections had been received from technical consultees.

An Objector attended the meeting and addressed the Committee regarding the application.

As Local Ward Member, Councillor Taylor addressed the Committee raising concerns on behalf of the local residents.

Members raised concerns about the uncertainty of the land ownership, the location was not within Woodville Parish, the site was previously a public open

space, details of the site that had approval for parking and that the plan was not clear enough to make decisions.

RESOLVED:

That planning permission be deferred for the Committee to fully understand the proposals in relation to previous decisions and applications at the site.

PL/175 **TREE PRESERVATION ORDER 556: STENSON FIELDS FARM AND INDUSTRIAL ESTATE**

The Planning Delivery Team Leader presented the application details to the Committee and confirmed that six trees were included in the Tree Preservation Order.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/176 **APPEALS**

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

Reference	Place	Ward	Outcome	Decision Level
DMPA/2023/0999	Overseal	Seales	Dismissed	Delegated Authority Part dismissed on the grounds of refusal
DMPA/2022/1000	Melbourne	Melbourne	Allow	Committee Decision
DMPA/2021/0394	Overseal	Seales	Allow	Committee Decision

PL/177 **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.

TO RECEIVE THE EXEMPT MINUTES OF THE FOLLOWING MEETING:

The Exempt Minutes of the Meeting held on 14 November 2023 were received.

The meeting terminated at 20:45hours.

COUNCILLOR D SHEPHERD

VICE-CHAIR