

PLANNING COMMITTEE

19 September 2023

**PRESENT:**

**Labour Group**

Councillor G Jones (Chair) and Councillor Shepherd (Vice-Chair)  
Councillors M Gee, S Harrison (substituting for Councillor J Carroll) I Hudson,  
A Jones, L Mulgrew and K Storey.

**Conservative Group**

Councillors K Haines, A Kirke and D Muller.

**Liberal Democrats**

Councillor J Davies

**Non-Grouped**

Councillor A Wheelton.

**In Attendance**

Councillor G Andrew  
Councillor D Corbin  
Councillor L Singh  
Councillor S Taylor

PL/61 **APOLOGIES**

The Committee was informed apologies had been received from Councillor J Carroll (Labour Group).

PL/62 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations of interest had been received.

PL/63 **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/64 **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/65 **THE CONSTRUCTION OF 2 X 2 STOREY HOUSEBLOCKS (WITH ADDITIONAL ROOFTOP PLANT), ADDITIONAL CAR PARKING, SUBSTATION AND GENERATOR AT HMP FOSTON HALL, UTTOXETER ROAD, FOSTON, DERBY, DE65 5DN - DMPA/2022/1594**

The Committee was informed that Members had attended a site visit earlier in the day.

The Senior Planning Officer presented the report to the Committee outlining the key aspects of the application that included a conditioned 21:30 hours curfew, parking arrangements and access. It was noted that the application had been called in by Councillor G Lemmon.

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

As a Local Ward Member Councillor G Andrew addressed the Committee raising concerns regarding parking arrangements on behalf of the local residents.

The Senior Planning Officer clarified that access was via a private road and was outside of the adopted highways and that the travel plan included plans to reduce private car use.

Members discussed the impact of parking arrangements on local residents, the fear of crime as a material consideration, lighting issues and improvements to landscaping. It was noted that Members requested that timber cladding be used on the building.

**RESOLVED:**

***That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to additional conditions regarding hard and soft landscaping and the requirement to ensure car parking was provided on site in advance of commencement of construction.***

PL/66 **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 45NO. CAR PARKING SPACES, INCLUDING 24NO. ELECTRIC VEHICLE CHARGING POINTS, ERECTION OF 10 NO. CYCLE SPACES, STAFF SEATING AREA AND LANDSCAPING FOR FIRST FENCE LTD. (3 PARKING SPACES TO BE ALLOCATED FOR SHARPE'S BROTHERS AND CO LTD) - DMPA/2023/0177**

The Senior Planning Officer presented the report to the Committee and summarised the key aspects of the application noting the carparking arrangements and landscaping with the retention of trees. The Committee was informed that the application had been called in by Councillor S Taylor.

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

Following comments from the Objector the Senior Planning Officer clarified that the landscaping proposals would be an improvement to what was currently on the site and that the movement of heavy goods vehicles would be covered by conditions.

As a Local Ward Member, Councillor S Taylor addressed the Committee and raised concerns on behalf of the local residents.

Members discussed the negative impact the proposals would have on a prominent gateway site, the public domain and the loss of open green space.

***RESOLVED:***

***That planning permission be refused contrary to the recommendations in the report of the Strategic Director (Service Delivery) due to the visual erosion of a significant landscaped gateway site which would result in an undue adverse impact on the character, appearance and visual amenity of the area. As such, the proposal failed to accord with Local Plan Part 1 policies BNE1 and BNE4 and the adverse impact was not considered to be outweighed by the increased in parking provision and additional planting proposed as part of the application.'***

PL/67

**CONSTRUCTION OF LANDSCAPED EARTH BUND AND ACOUSTIC FENCE DMPA/2022/1554**

The Senior Planning Officer presented the report to the Committee outlining the key aspects of the application that included the installation of fencing and proposed landscaping to the bund. The Committee was informed that the application had been called in by Councillor Corbin.

As Local Ward Member, Councillor Corbin addressed the Committee and raised concerns on behalf of local residents and the impact of the built wall.

Members supported the comments raised by Councillor Corbin regarding the impact on amenity and sought clarity regarding the heights of the bund and fencing and what had been approved at outline stage.

The Senior Planning Officer explained to the Committee that the in outline matters a bund had been approved that was the height of the proposed bund and fence combined.

**RESOLVED:**

***That planning permission be refused contrary to the recommendations in the report of the Strategic Director (Service Delivery) due to the visually intrusive nature of the fence, that would be out of keeping with the character and appearance of the area and would result in the loss of visual amenity.***

PL/68

**CONTINUED USE OF THE LAND FOR THE PARKING, STORAGE, DISPLAY AND SALES OF MOTOR VEHICLES – DMPA/2023/0436**

The Committee was informed that Members had attended a site visit earlier in the day.

The Head of Planning and Strategic Housing addressed the Committee and outlined the key areas of the application. The Committee was informed of a late item received raising objections in relation to the anti-social behaviour, operating outside of approved hours and access to the site. The Head of Planning and Strategic Housing highlighted Tree Preservation Orders, the proposed landscape buffer to the frontage of the site and better management of drainage.

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

As Local Ward Member, Councillor L Singh addressed the Committee and raised concerns on behalf of local residents.

As Local Ward Member, Councillor D Shepherd raised concerns regarding the operation of the site, the operating hours and complaints received in relation to late night car repairs.

Members raised queries regarding parking, the turning circle and the parking and unloading of car transporters on the roadside.

The Head of Planning and Strategic Housing clarified that there were clear demarcations for parking bays and the turning circle on site and that the unloading and parking of the car transporters on the roadside was not permitted as per the conditions and if this was breached then enforcement action could be taken.

**RESOLVED:**

***That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to amendments to conditions 3 and 7 to reduce the timeframe from six to three months.***

PL/69 **THE RETENTION OF THE EXISTING VEHICLE STORAGE AREA TO THE REAR OF THE SITE, INCLUDING AN OFFICE BUILDING – DMPA/2023/0415**

The Committee was informed that Members had attended a site visit earlier in the day.

The Head of Planning and Strategic Housing presented the report and summarised the application.

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

As Local Ward Member, Councillor L Singh addressed the Committee and raised concerns on behalf of local residents.

**RESOLVED:**

***That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to amendments to conditions 3 and 7 to reduce the timeframe from six to three months.***

PL/70 **CHANGE OF USE FROM A VEHICLES REPAIR WORKSHOP (USE CLASS B2) TO RESEARCH AND DEVELOPMENT AND/OR INDUSTRIAL PROCESSES (USE CLASS E)**

The Committee was informed that Members had attended a site visit earlier in the day.

The Head of Planning and Strategic Housing addressed the Committee and outlined the proposals within the report.

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

Councillor Singh addressed the Committee as Local Ward Member and raised concerns on behalf of local residents.

Members sought clarity regarding the difference between the Use Class B1 and Use Class E and requested more information regarding the intended use of the building.

**RESOLVED:**

***That planning permission be deferred for further information regarding Use Classes and clarity on the end user.***

PL/71 **PROPOSED TREE PRESERVATION ORDER 552 – 1- HOLDEN HOUSE, CANAL BANK, SHARLOW**

The Planning Delivery Team Leader presented the report to the Committee and sought approval for the Tree Preservation Order.

**RESOLVED:**

**1.1 The Committee confirmed the Tree Preservation Order 552.**

PL/72 **TREE PRESERVATION ORDER 553 – 7 CHAPEL STREET, TICKNALL, DERBY**

The Planning Delivery Team Leader presented the report to the Committee and sought approval for the Tree Preservation Order.

**RESOLVED:**

**1.1 The Committee confirmed the Tree Preservation Order 553.**

PL/73 **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.***

PL/74 **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 21:05 hours.

COUNCILLOR G JONES

CHAIR