

PLANNING COMMITTEE (EXTRAORDINARY)

28 November 2023

**PRESENT:**

**Labour Group**

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

**Conservative Group**

Councillors A Kirke, D Muller and P Watson (substitute for Cllr K Haines)

**Liberal Democrats**

Councillor J Davies

**Non-Grouped**

Councillor A Wheelton.

**In Attendance**

Councillors G Andrew and A Tilley

PL/112 **APOLOGIES**

The Committee was informed apologies had been received from Councillor K Haines (Conservative Group).

PL/113 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations had been received.

PL/114 **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/115 **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/116 **APPROVAL OF RESERVED MATTERS FOR PLOT 3 (APPEARANCE, LANDSCAPING, BIODIVERSITY ENHANCEMENT, LAYOUT, CAR PARKING AND SCALE) PURSUANT TO OUTLINE PERMISSION REF. DMPA/2021/0983 AT LAND TO THE REAR OF 69A AND 69B, REPTON ROAD, HARTSHORNE, SWADLINCOTE, DE11 7AF – DMPA/2023/1243**

The Planning Delivery Team Leader addressed the Committee and presented the report.

Committee Members considered the application and supported the officer's recommendations.

Councillor Wheelton requested that an increase of 10 years be considered regarding landscaping and plants.

**RESOLVED:**

***That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to an amendment to Condition 2 to increase the time period to 10 years for landscaping and plants.***

PL/117 **OUTLINE APPLICATION INCLUDING ACCESS, LAYOUT AND SCALE (MATTERS OF APPEARANCE AND LANDSCAPING RESERVED FOR LATER CONSIDERATION) FOR THE ERECTION OF 2 DWELLINGHOUSES ON LAND TO THE REAR AND NORTH-WEST OF THE COTTAGE AND 2 SAPPERTON LANE, CHURCH BROUGHTON, DERBY, DE65 5AU- DMPA/2020/1094**

The Planning Delivery Team Leader presented the report to the Committee outlining the key areas of the application and noted that it was not in a flood zone and the Local Lead Flood Agency had no objection to the application subject to conditions regarding surface water drainage.

An Objector and a Supporter on behalf of the applicant attended the meeting and addressed the Committee regarding the application.

Following comments from the Objector the Planning Delivery Team Leader confirmed that the flood risk had been considered many times and the Local Lead Flood Authority was content subject to conditions within the report.

As Local Ward Member, Councillor G Andrew attended the meeting and addressed the Committee raising concerns on behalf of local residents.

Councillor Kirke noted that the Local Lead Flood Risk Authority was content with the original flood risk assessment.

Members discussed the application and raised concerns regarding flooding from surface water runoff as the area had previously flooded and considered the proposal not to be infill due to the scale of the development.

**RESOLVED:**

***That planning permission be refused contrary to the recommendations in the report of the Strategic Director (Service Delivery) due to unacceptable risk of surface water flooding and inappropriate infill which would be harmful to the character and appearance of the rural character of the area.***

PL/118 **THE ERECTION OF A DWELLING ON LAND AT THE MANDARIN, ASTLEY GARDENS, EGGINTON LANE, HILTON, DE65 5FJ – DMPA/2023/0523**

The Head of Planning and Strategic Housing addressed the Committee and presented the report summarising the key areas of the application.

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

Following comments raised by the Objector the Head of Planning and Strategic Housing informed the Committee that Biodiversity Net Gain could be met via conditions and that Derbyshire Wildlife Trust had no objections to the proposal.

Members of the Committee considered the application and raised concerns regarding design and Biodiversity Net Gain.

**RESOLVED:**

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

PL/119 **DEMOLITION OF RESTAURANT (USE CLASS E) AND ERECTION OF RETAIL/COMMERCIAL UNIT (USE CLASS E) AT THE MANDARIN CHINESE RESTAURANT, EGGINTON ROAD, HILTON, DERBYSHIRE, DE65 5FJ – DMPA/2023/0528**

The Head of Planning and Strategic Housing presented the report to the Committee and outlined the salient points of the application, noting a late objection received from the Parish Council regarding the sequential assessment.

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

Following comments from the Objector the Head of Planning and Strategic Housing informed the Committee that sequential assessment complied with policy and that it was considered to be a suitable and acceptable scheme.

As Local Ward Member, Councillor G Andrew attended the meeting and addressed the Committee raising concerns on behalf of local residents.

Committee Members considered the application and raised concerns regarding the reduced marketing period, the type of units proposed, the location and visual impact the design would have on the area.

**RESOLVED:**

***That planning permission be refused contrary to the recommendations in the report of the Strategic Director (Service Delivery) due to its standard design in a key gateway site being out of keeping with the character and appearance of the area.***

PL/120 **THE ERECTION OF AN SINGLE STOREY SIDE EXTENSION AT 316 BURTON ROAD, MIDWAY, SWADLINCOTE, DE11 7LY – DMPA/2023/1272**

The Planning Delivery Team Leader addressed the Committee and presented the report.

The Committee Members considered the application and supported the officer's recommendations.

**RESOLVED:**

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

PL/121 **THE VARIATION OF CONDITION NO. 3B (BIODIVERSITY NET GAIN) OF PERMISSION REF. DMPA/2019/0931 ON LAND NORTH OF OCCUPATION LANE (WOODVILLE REGENERATION AREA), WOODVILLE, SWADLINCOTE - DMPA/2023/0583**

The Senior Planning Officer addressed the Committee and outlined the report and noted updated information submitted by the Applicant regarding the delivery of Biodiversity Net Gain as close as possible to the site which had been endorsed by the Derbyshire Wildlife Trust.

Members considered the report and raised concerns regarding the loss of habitat and wildlife on site and the possibility that the 10% Biodiversity Net Gain would not be achieved.

The Head of Planning and Strategic Housing addressed the Committee and advised that the applicant had addressed the key concerns previously raised by the Committee and that the 10% net gain could be achieved offsite which could be Condition that it be delivered within the Woodville area and it was noted that the Applicant would be bound by the Section 106 Agreement.

**RESOLVED:**

***That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to an amendment to the Conditions requiring 10% Biodiversity Net Gain to be delivered on site or in the Ward of Woodville.***

PL/122 **APPROVAL OF RESERVED MATTERS (LANDSCAPING, LAYOUT, SCALE AND APPEARANCE) PURSUANT TO PHASE 1 (RESIDENTIAL DEVELOPMENT OF UP TO 75 DWELLINGS) OF OUTLINE APPLICATION DMPA/2019/0931 FOR**

**THE RESIDENTIAL DEVELOPMENT OF UP TO 300 DWELLINGS, A LOCAL CENTRE COMPRISING A 1,600SQM FOOD STORE (CLASS A1 USE), 700SQM RESTAURANT/FAST FOOD (CLASS A3 USE) AND 550SQM PUB (CLASS A4 USE), TOGETHER WITH EMPLOYMENT LAND CONSISTING OF 2,000SQM CLASS B1(B) RESEARCH AND DEVELOPMENT AND/OR B1(C) LIGHT INDUSTRIAL USES, 4,000SQM CLASS B2 GENERAL INDUSTRIAL USES AND 8,000SQM CLASS B8 STORAGE AND DISTRIBUTION USES, TOGETHER WITH ACCESS FROM THE WOODVILLE REGENERATION ROUTE (TO BE DELIVERED BY OTHERS), AND PUBLIC OPEN SPACE, LANDSCAPING AND ASSOCIATED DRAINAGE INFRASTRUCTURE – DMPA/2022/1159**

The Senior Planning Officer presented the report to the Committee and outlined the application noting a late item received regarding the offsite compensatory habitat regarding Skylarks which subject to conditions the Derbyshire Wildlife Trust was content with.

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

As Local Ward Member, Councillor Gee addressed the Committee raising highway concerns during construction on behalf of local residents.

Councillor A Jones raised concerns regarding the access route during construction.

The Senior Planning Officer clarified that the County Highways Authority had raised no concerns.

***RESOLVED:***

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

PL/123 **THE ERECTION OF A SINGLE STOREY REAR EXTENSION TO PROVIDE GROUND FLOOR BEDROOM AND SHOWER ROOM AT 13 ALBION STREET, WOODVILLE, SWADLINCOTE, DE11 8DS – DMPA/2023/1155**

The Planning Delivery Team Leader addressed the Committee and presented the report.

The Committee Members considered the application and supported the officer's recommendations.

***RESOLVED:***

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

PL/124 **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/125 **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 19:55 hours.

COUNCILLOR G JONES

CHAIR