

PLANNING COMMITTEE

15 November 2022

PRESENT:

Labour Group

Councillors Tilley (Chair) and Shepherd (Vice-Chair)
Councillors Gee, L Mulgrew, Pearson and Southerd.

Conservative Group

Councillors Brown, Haines, Muller, Redfern, Smith and Watson.

Non-Grouped

Councillor Wheelton.

PL/95 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor Bridgen (substitute Councillor Watson) and Councillor Dawson (substitute Councillor Muller).

PL/96 **TO RECEIVE THE OPEN MINUTES OF THE FOLLOWING MEETING**

The Open Minutes of Meetings held on 7 December 2021, 11 January 2022, 8 February 2022 and 8 March 2022 were reviewed, considered as a true record and signed by the Chair.

PL/97 **DECLARATIONS OF INTEREST**

The Committee was informed that no Declarations of Interest had been received.

PL/98 **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/99 **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/100 **CHANGE OF USE OF LAND TO PROVIDE 7NO. CARAVANS FOR HOLIDAY LET ACCOMMODATION INCLUDING THE FORMATION OF A LAKE, ASSOCIATED PARKING AND LANDSCAPING AT THE CONIFERS, PARK ROAD, OVERSEAL, SWADLINCOTE, DE12 6JS**

The Senior Planning Officer presented the report to the Committee noting the objections received from the Parish Council.

Councillor Wheelton sought clarity regarding the position of the site in relation to the settlement boundary.

The Head of Planning and Strategic Housing confirmed that the site was inside the settlement boundary.

Members discussed the merits of bringing tourism into the area.

RESOLVED:

That planning permission be deferred until at site visit was arranged.

PL/101 **THE ERECTION OF 14 DWELLINGS WITH ACCESS FROM PENKRIDGE ROAD WITH PARKING AND ASSOCIATED WORKS ON LAND REAR OF 30 & 32 COMMON SIDE AND NORTH OF PENKRIDGE ROAD, CHURCH GRESLEY, SWADLINCOTE**

The Planning Delivery Team Leader presented the report to the Committee noting the Applicant's reluctance to sign the Section 106 Agreement due to the education contribution requested by Derbyshire County Council.

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

As Local Ward Member, Councillor Southerd addressed the Committee regarding the application and noted that previous reservations regarding the woodland had been resolved.

RESOLVED:

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

PL/102 **THE REMOVAL OF CONDITION NO. 3 OF PERMISSION REF. 9/2017/1262 (RELATING TO THE ACCESS) FOR THE CHANGE OF USE OF LAND FOR TOURISM PURPOSES AND RETENTION OF A YURT AND A TIPI WITH ASSOCIATED SAUNA AND COMPOST TOILET STRUCTURES WITH PARKING AND HARDSTANDING ON LAND AT SK3221 7095, TICKNALL ROAD, HARTSHORNE, SWADLINCOTE**

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

The Senior Planning Officer presented the report to the Committee and summarised the key points of the application noting the reasons for the removal of Condition 3 relating to access.

RESOLVED:

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

PL/103 **THE REMOVAL OF CONDITION NO. 6 OF PERMISSION REF. 9/2015/0440 (RELATING TO THE ACCESS) FOR THE ERECTION OF A LOG CABIN TO BE USED FOR HOLIDAY LETTINGS ON LAND AT SK3221 7095, TICKNALL ROAD, HARTSHORNE, SWADLINCOTE**

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

The Senior Planning Officer presented the report to the Committee and summarised the key points of the application noting that the blocking of the access point was not reasonable and was not enforceable.

RESOLVED:

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

PL/104 **THE VARIATION OF CONDITION NO.3 OF PERMISSION REF. DMPA/2019/0966 (RELATING TO SOLE VEHICULAR ACCESS) FOR CHANGE OF USE OF LAND FOR TOURISM PURPOSES AND RETENTION OF A YURT AND A TIPI WITH ASSOCIATED SAUNA AND COMPOST TOILET STRUCTURES WITH PARKING AND HARDSTANDING) ON LAND AT SK3221 7095 (ROWAN WOODS), TICKNALL ROAD, HARTSHORNE, SWADLINCOTE**

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

The Senior Planning Officer presented the report to the Committee and summarised the key points of the application noting the variation to Condition 3 relating to sole vehicular access.

RESOLVED:

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

PL/105 **THE ERECTION OF EXTENSIONS AT 20 TENNYSON AVENUE, MIDWAY, SWADLINCOTE, DE11 0DT**

The Planning Delivery Team Leader outlined the report to the Committee noting that it was before Members for consideration as the applicant was an employee of South Derbyshire District Council.

RESOLVED:

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

PL/106 **THE ERECTION OF A PROPOSED ROOF AND REAR EXTENSION, REPLACEMENT OF WINDOWS AND DOORS WITH ALUMINIUM AND RENDER ENTIRE PROPERTY AT 3 FISHPOND LANE, EGGINTON, DERBY, DE65 6HJ**

The Head of Planning and Strategic Housing presented the report to the Committee outlining the key areas of change following the refusal of a previous application that included scale, design and the impact on neighbours.

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

As Local Ward Member, Councillor Brown addressed the Committee raising concerns regarding privacy, amenity, the impact of the proposed outdoor kitchen area for neighbours and parking arrangements.

RESOLVED:

That planning permission be deferred to allow the applicants time to consider members concerns which related to the size of the first floor terrace, the smells associated with the outdoor kitchen area and the loss of privacy for neighbours.

PL/107 **REGULATION 77 APPLICATION AT SEALWOOD BARN, SEAL WOOD LANE, LINTON, SWADLINCOTE, DE12 6PA**

The Head of Planning and Strategic Housing presented the report to the Committee noting that the application was before Members as the Habitat Regulations were not included within the Council's Scheme of Delegation. The Committee was informed that information had been received from the Applicant which confirmed that designs would ensure no water runoff into the River Mease Special Area of Conservation.

Members discussed the implications of water runoff into the River Mease and agreed that the application should be considered on whether the proposed water treatment systems would be effective.

RESOLVED:

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

PL/108 **RESIDENTIAL DEVELOPMENT COMPRISING THE ERECTION OF 65 DWELLINGS, WITH OPEN SPACE, DRAINAGE AND ASSOCIATED WORKS AT ETWALL COMMON, LAND AT SK 2730 1591, EAST OF EGGINTON ROAD AND NORTH OF JACKSONS LANE, ETWALL COMMON, DERBY**

The Senior Planning Officer presented the report to the Committee, noting the amendments to the conditions following consultation feedback from Derbyshire Wildlife Trust. The Senior Planning Officer outlined the application highlighting the key features that included the uplift of 15 properties, location within the settlement boundary, access points to the site, the proposed layout, footpaths and attenuation basins. It was noted that the previously approved development had commenced.

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

As Local Ward Member, Councillor Brown addressed the Committee and raised a number of concerns regarding the proposed increased number of properties.

Members raised concerns regarding biodiversity, compliance with the Local Plan and the Section 106 Agreement contributions.

RESOLVED:

That planning permission be refused contrary to the officer's recommendation due to the scheme being contrary to the maximum figure set out in Policy H23B which would have a detrimental impact on the character and appearance of the area.

PL/109 **SECTION 106 VARIATION – HENSHALL DRIVE, CHELLASTON**

The Planning Delivery Team Leader addressed the Committee and summarised the key points within the report.

RESOLVED:

1.1 The Committee approved the request to amend the Section 106 Agreement by means of a Deed of Variation to include a standard Mortgagee in Possession clause into the agreement.

1.2 The Committee delegated authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the amendments to be secured under the Deed of Variation.

PL/110 **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.

TO RECEIVE THE EXEMPT MINUTES OF THE FOLLOWING MEETING

The Exempt Minutes of the Meeting held on 11 January 2022, were received.

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 hours 19:55 hrs

COUNCILLOR N TILLEY

CHAIR