

PLANNING COMMITTEE

14 November 2023

**PRESENT:**

**Labour Group**

Councillor G Jones (Chair) and Councillor Shepherd (Vice-Chair)  
Councillors J Carroll, J Jackson (substitute for Cllr I Hudson) A Jones, L  
Mulgrew, M. Mulgrew (substitute for Cllr M Gee) 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**

Councillors D Corbin, A Tilley and N Tilley

PL/91 **APOLOGIES**

The Committee was informed apologies had been received from Councillors  
I Hudson and M Gee (Labour Group).

PL/92 **TO RECEIVE THE OPEN MINUTES OF THE FOLLOWING MEETINGS:**

The Open Minutes of Planning Committee meetings held on 18 October 2022, 15  
November 2022, 10 January 2023, 07 February 2023, 07 March 2023, 21 March  
2023, 04 April 2023, 06 June 2023, 27 June 2023 and 08 August 2023 were noted,  
approved as a true record and signed by the Chair.

It was noted that in the Minutes of 08 August 2023 at PL/39 the Applicant did not  
attend the meeting and address the Committee.

PL/93 **DECLARATIONS OF INTEREST**

The Committee was informed that Councillor Muller declared a personal, non-  
pecuniary interest in Item PL/105 by virtue of being a County Councillor.

The Committee was informed that Councillor Muller declared a personal, non-  
pecuniary interest in Item PL/106 by virtue of being a County Councillor.

PL/94 **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/95 **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/96 **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 Head of Planning and Strategic Housing addressed the Committee and requested that Members consider deferring the application as it concerned biodiversity net gain which was a complex and evolving area and noted that the Council had scheduled an information session on the topic on 21 November 2023. In addition, it was explained that planning officers had received additional information from the applicant which would need to be considered by the Committee.

**RESOLVED:**

*That planning permission be deferred to allow Members to attend Biodiversity Net Gain Training on 21 November 2023.*

PL/97 **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 Head of Planning requested that the Committee considered deferring the item as it was intrinsically linked to the previous item.

**RESOLVED:**

*That planning permission be deferred to allow Members to attend Biodiversity Net Gain Training on 21 November 2023.*

PL/98 **THE ERECTION OF AN AMENITY BLOCK BROUGHTON CARAVAN PARK, PLOT 1A, SUTTON ROAD, CHURCH BROUGHTON, DERBY, DE65 5DB. DMPA/2022/1080**

The Head of Planning and Strategic Housing addressed the Committee and presented the report summarising the proposals.

As Local Ward Member, Councillor D Muller raised the concerns of former Ward Councillor J Patten.

Councillor J Jackson supported the application and considered the impact on diversity.

**RESOLVED:**

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

PL/99 **CHANGE OF USE OF AGRICULTURAL LAND TO A SINGLE PITCH TRAVELLER SITE AND CONSTRUCTION OF A NEW ACCESS ON LAND WEST OF CHURCH BROUGHTON CARAVAN PARK, SUTTON ROAD, CHURCH BROUGHTON, DE65 5DB. DMPA/2022/1498**

The Head of Planning and Strategic Housing addressed the Committee and presented the report noting late objections that had been received from Church Broughton Parish Council. The Head of Planning and Strategic Housing summarised the key areas of the application.

As Local Ward Member, Councillor D Muller addressed the Committee in support of the proposals.

Members considered the report and sought clarity regarding the proposed diversion of the footpath and the ownership of land.

**RESOLVED:**

***That planning permission be deferred to allow for the applicant to submit more information regarding the public right of way diversion and confirmation of land ownership.***

PL/100 **CHANGE OF USE TO SUI GENERIS (CAFE AND DRINKING ESTABLISHMENT) AND PROPOSED KITCHEN EXTRACT FLUE AT NOTSA, 7 DERBY ROAD, ASTON-ON-TRENT, DE72 2AE. DMPA/2023/1043**

The Planning Delivery Team Leader addressed the Committee and summarised the proposals.

As Local Ward Member, Councillor Corbin attended the meeting and addressed the Committee in support of the application.

Members considered the proposals 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/101 **RETROSPECTIVE APPLICATION FOR THE CREATION OF A MAINTENANCE TRACK ON LAND AT BADWAY LANE, CHURCH BROUGHTON, DERBY DMPA/2023/0979**

The Head of Planning and Strategic Housing presented the report and noted a late item received from the Parish Council in opposition to the application. The Head of Planning outlined the application noting letters of objection received from the public and the principles of the development.

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

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

Following concerns raised by Councillor J Davies, the Head of Planning and Strategic Housing clarified that it was for the Committee to determine if the proposal was visually acceptable and was excessive development.

Members discussed the harmful impact the proposal would have on the countryside.

**RESOLVED:**

***That planning permission be refused contrary to the recommendations in the report of the Strategic Director (Service Delivery) due to the unnecessary requirement of the track to allow for effective maintenance of the hedgerow. Furthermore, the track would intrude into the Countryside and have a detrimental impact on the appearance, biodiversity and amenity value of the hedgerow and rural location contrary to policies BNE3, BNE4 and BNE7.***

PL/102 **THE INSTALLATION OF A NEW ACCESS. DMPA/2023/0930**

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

The Planning Delivery Team Leader presented the report to the Committee noting the removal of hedgerows and that the County Highways Authority had no objection as long as the splays could be achieved. The Committee was informed that Derbyshire Wildlife Trust recommendations for offsetting had been included in Condition 3 and the maintaining as much of the hedgerow as possible was contained within Condition 8.

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

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

As Local Ward Member, the Chair of the Committee echoed the concerns raised by Councillor Wheelton.

Members discussed the issues of road safety, the impact on biodiversity, the reduction in the width and removal hedgerow and how the proposals were contrary to local planning policy.

**RESOLVED:**

***That planning permission be refused due to the significant loss of hedgerow which would be detrimental to the character, appearance and biodiversity value of the site contrary to policies BNE3, BNE4 and BNE7.***

PL/103 **DEMOLITION OF EXISTING AND ERECTION OF A REPLACEMENT BOWLS PAVILION AT EUREKA BOWLS CLUB, EUREKA PARK, NEWHALL ROAD, SWADLINCOTE DMPA/2023/1162**

The Planning Delivery Team Leader addressed the Committee and summarised the report and sought approval of the proposals.

The Committee considered the report 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/104 **INSTALLATION OF 1 X 48 SHEET GABLE MOUNTED DIGITAL ADVERTISING DISPLAY UNIT AT 1 HIGH STREET, WOODVILLE, SWADLINCOTE, DMPA/2022/1621**

The Head of Planning and Strategic Housing addressed the Committee and presented the report that had been updated following concerns raised by Councillor M Gee at a previous meeting. The Committee was informed that officers had met with the Highway Authority and the advance road markings would be reinstated.

Councillor M Mulgrew addressed the Committee on behalf of Councillor M Gee in objection to a permanent permission requested.

The Committee considered the application and discussed the length of permission requested.

**RESOLVED:**

***That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to an amendment so that permission would be granted for a five year period only.***

PL/105 **CONSULTATION FROM THE COUNTY COUNCIL ON APPLICATION REF. CW9/1022/22 SEEKING PERMISSION FOR THE PROPOSED CONSTRUCTION AND OPERATION OF THE SWADLINCOTE RESOURCE RECOVERY PARK (SRRP) COMPRISING AN ENERGY RECOVERY FACILITY (ERF) AND AGGREGATE RECOVERY FACILITY (ARF) TOGETHER WITH ANCILLARY INFRASTRUCTURE INCLUDING GRID CONNECTION CABLE AND WORKS, PRIVATE ELECTRICAL WIRE PROVISION, SUBSTATION, CHP OFF-TAKE PROVISION, INTERNAL VEHICULAR CIRCULATION AND YARD AREAS, WEIGHBRIDGES, CAR PARKING, NEW ACCESS ROAD, TEMPORARY CONSTRUCTION COMPOUND AND LAYDOWN AREA, SECURITY FENCING AND GATES, DRAINAGE, LANDSCAPING AND OFF-SITE HABITAT COMPENSATION AT LAND ADJACENT TO WILLSHEE'S WASTE AND RECYCLING LIMITED, KEITH WILLSHEE WAY, SWADLINCOTE, DE11 9EN. DMOT/2023/1110**

The Committee was informed that Members had attended a site visit earlier in the day which could not be completed due a misunderstanding regarding necessary arrangements.

The Senior Planning Officer presented the report to the Committee and outlined the Council's proposed consultation response of objection.

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

As Local Ward Member, Councillor A Tilley attended the meeting and addressed the Committee raising objections on behalf of the local residents.

Members raised concerns regarding the impact the proposals would have on local amenity and established woodland, industrialisation of the area, over development, the increase in Heavy Good Vehicles, noise, emissions and the overall detrimental impact on local residents.

Councillor Wheelton noted the close proximity of the Vital Energi waste plant and the impact of the proposed tower on surrounding areas.

Members requested that the Committee had sight of the draft letter prior to its submission to Derbyshire County Council.

**RESOLVED:**

***The Committee agreed to provide a written response of Objection to the County Council's consultation on the application drawing attention to the following key considerations:***

- ***Design and Landscape***
- ***Impact on Amenity***
- ***Access and Highway Safety***
- ***Ecology, Biodiversity and National Forest Planting***
- ***Flood Risk and Drainage***

***The Committee delegated authority to the Head of Planning in consultation with the Chair of the Committee to agree the finer detail and wording of the response.***

PL/106 **CONSULTATION FROM THE COUNTY COUNCIL ON APPLICATION REF. CW9/0623/15 SEEKING PERMISSION CONSOLIDATION APPLICATION TO COMBINE CURRENT PLANNING PERMISSIONS. FOR THE RETROSPECTIVE DEVELOPMENT OF SEVERAL INFRASTRUCTURE IMPROVEMENTS, THE FLOOD COMPENSATION SCHEME, REGULARISATION OF THE WEIGHBRIDGE OFFICE LOCATION AND RDF BUILDING ELEVATIONS, AND REGULARISATION OF THE PLANNING BOUNDARY TO INCLUDE UNAUTHORISED AREAS AT WILLSHEE'S WASTE AND RECYCLING LIMITED, KEITH WILLSHEE WAY, SWADLINCOTE, DERBYSHIRE, DE11 9EN. DMOT/2023/1060.**

The Committee was informed that Members had attended a site visit earlier in the day which could not be completed due a misunderstanding regarding necessary arrangements.

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

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

Members considered the report raised concerns regarding the loss of habitat and woodland and noted that the response should be a robust objection.

Members requested that the Committee had sight of the draft letter prior to its submission to Derbyshire County Council.

**RESOLVED:**

***The Committee agreed to provide a written response of Objection to the County Council's consultation on the application drawing attention to the following key considerations:***

- ***Design and Landscape***
- ***Impact on Amenity***
- ***Access and Highway Safety***
- ***Ecology, Biodiversity and National Forest Planting***
- ***Flood Risk and Drainage***

***The Committee delegated authority to the Head of Planning in consultation with the Chair of the Committee to agree the finer detail and wording of the response.***

PL/107 **DEED OF VARIATION – SITE A, CADLEY PARK**

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

**RESOLVED:**

- 1.1 That the Committee approved the request to amend the Section 106 Agreement (S106) to include amendments to be made to the definition of the Greenbank Leisure Centre Contribution which was payable in accordance with the fifth schedule of the Section 106 Agreement– Greenbank Leisure Centre Contribution & Off-Site Recreation Contribution. This was based upon recommendations that had been received from the Head of Cultural and Community Services.***
- 1.2 That the Committee delegated authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the obligations to be secured under the Deed of Variation.***

PL/108 **DEED OF VARIATION – SITE B, CADLEY PARK**

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

**RESOLVED:**

- 1.1 That the Committee approved the request to amend the Section 106 Agreement (S106) to include amendments to be made to the definition of the Greenbank Leisure Centre Contribution which was payable in accordance with the sixth schedule of the Section 106 Agreement – Recreation and Healthcare Contributions. This was based upon recommendations that had been received from the Head of Cultural and Community Services***
- 1.2 That the Committee delegated authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the obligations to be secured under the Deed of Variation.***

PL/109 **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 MEETINGS:**

*The Exempt Minutes of the Meeting held on 15 November 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 20:25 hours.

COUNCILLOR G JONES

CHAIR