

PLANNING COMMITTEE

02 April 2024

**PRESENT:**

**Labour Group**

Councillor Shepherd (Vice-Chair)

Councillors J Carroll, I Hudson, A Jones, L Mulgrew, M Mulgrew (substitute for Cllr K Story).G Rhind (substitute for Cllr G Jones), and A Tilley (substitute for Cllr M Gee)

**Conservative Group**

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

**Liberal Democrats**

Councillor J Davies

**Non-Grouped**

Councillor A Wheelton.

**In Attendance**

Councillor M Ford

PL/210 **APOLOGIES**

The Committee was informed apologies had been received from Councillor M Gee, G Jones and K Storey (Labour Group) and Councillor D Muller (Conservative Group).

PL/211 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations had been received.

PL/212 **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/ 213 **REPORT OF THE STRATEGIC DIRECTOR (SERVICE DELIVERY)**

The Chief Executive submitted reports for consideration and determination by the Committee and oral reports were presented at the Meeting to update Members as necessary. Consideration was then given thereto, and decisions were reached as indicated..

PL/214 **THE VARIATION OF CONDITION NO. 9 OF PERMISSION REF. DMPA/2022/1293 (FOR CHANGE OF USE AND CONVERSION OF THE EXISTING BUILDING INTO A HOLIDAY LET) TO INCORPORATE REFERENCE TO THE 'GARDEN PATH' INSTEAD OF 'FOOTPATH' AT 11 WILNE LANE, SHARDLOW, DERBY, DE72 2HA (DMPA/2024/0027)**

The Planning Delivery Team Leader presented the report to the Committee and outlined the variation to the condition to refer to a garden path and not footpath. It was noted that access for residents to the garden path would be retained. The Committee was asked to consider an amendment to Condition 8 to remove the window to ensure residential amenity.

The Applicant attended the meeting and addressed the Committee regarding the application.

Members considered the application and supported the officer's recommendation.

**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 8 to include: "Notwithstanding the plans hereby approved, the window shown on drawing 2111-BC01-P01 Rev B serving the kitchen area shall be removed and thereafter no new openings created in the rear elevation of the building, without the express consent of the local planning authority by way of a further planning application."***

PL/215 **THE VARIATION OF CONDITION NO. 13 (TIME LIMIT AND REINSTATEMENT OF THE LAND) AND CONDITION NUMBER 27 (LANDSCAPE MANAGEMENT PLAN) OF PERMISSION REF. DMPA/2021/0315 RELATING TO THE TIME LIMIT AND LIFESPAN OF THE DEVELOPMENT FOR THE INSTALLATION OF UP TO 10MWP OF SOLAR PHOTOVOLTAIC PANELS AND ASSOCIATED WORKS ON LAND AT SK1930 5212, SCROPTON ROAD, SCROPTON, DERBY, DE65 5PR (DMPA/2023/1494)**

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

The Planning Officer presented the report to the Committee and outlined the change requested which related to the extended use of the Solar Farm. A late item of objection from the Hilton Parish Council summarised for the Committee. The Planning Officer noted that the permitted animal grazing would be continued as per condition 13 of the report.

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

Following comments from the Objector, the Planning Officer clarified that conditions 28 to 30 related to flood management and drainage and that detail had previously been considered.

Councillor Wheelton raised concern that best and most versatile farming land was to be used for the solar farm.

Members sought clarity regarding the request to extend the solar farm by 10 years.

The Planning Officer explained how the life of solar panels had improved and could now last up to 40 years and that land was not being used to grow crops.

The Head of Planning and Strategic Housing clarified that the solar farm had approval for a 30 year period and the land was currently being used for grazing which would be continued.

**RESOLVED:**

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

PL/216 **THE ERECTION OF EXTENSION AND THE ERECTION OF OUTBUILDING (DMPA/2023/1526)**

The Chair addressed the Committee and proposed that the application be deferred to allow for additional information to be provided.

**RESOLVED:**

***That planning permission be deferred to allow for additional information to be considered.***

PL/217 **HEIGHT BARRIER AT ENTRANCE TO RUGBY END CAR PARK AT MELBOURNE SPORTS PARK OPENING ONTO COCKSHUT LANE, MELBOURNE (DMPA/2023/1660)**

The Planning Delivery Team Leader addressed the Committee and outlined the application.

**RESOLVED:**

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

PL/218 **THE REPLACEMENT OF TWO WINDOWS (DMPA/2024/0121)**

The Planning Delivery Team Leader addressed the Committee and summarised the application, noting that it was presented to the Committee as application belong to Councillor Atkin.

**RESOLVED:**

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

PL/219 **FORMATION OF AN INGRESS ONLY VEHICULAR AND PEDESTRIAN ACCESS WITH DROPPED KERBAND FOOTPATH CROSSOVER TO SERVE 247 HEARTHCOTE ROAD (DMPA/2024/0037)**

The Head of Planning and Strategic Housing presented the application to the Committee and outlined the key aspects.

As Local Ward Member for Swadlincote, Councillor M Mulgrew addressed the Committee and raised concerns regarding the lack of planting in front of the wall.

Members considered the application and sought clarity regarding what had previously been approved regarding landscaping and the boundary wall. Members requested confirmation about how the planting in front of the wall would be planted.

**RESOLVED:**

***That planning permission be deferred for plans to provide clarity as to what had been previously granted permission.***

PL/220 **ERECTION OF A FREESTANDING RESTAURANT WITH DRIVE-THRU FACILITY, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS, INCLUDING CUSTOMER ORDER DISPLAYS (COD) PLAY FRAME AND 4 ELECTRIC VEHICLE CHARGING POINTS (EVCP) (DMPA/2023/1350)**

The Planning Delivery Team Leader presented the report and informed the Committee of late items received which included support and objections of the application.

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

As Local Ward Members for Willington and Findern, Councillor I Hudson and Councillor M Ford addressed the Committee and raised concerns on behalf of local residents.

The Committee considered the application and Members raised concerns regarding amenity, highways, the lack of sustainable transport and the impact on the country side.

**RESOLVED:**

***That planning permission be refused contrary to the recommendations in the report of the Strategic Director (Service Delivery) due to reasons including the lack of an appropriate sequential assessment (contrary to Policy RTL1 of the LP P2 and the NPPF) and an unacceptable impact on residential amenity and the character and appearance of the area resulting in unacceptable levels of***

***harm which cannot be appropriately mitigated, contrary to Policies E7 and SD1 of the LP P1.***

PL/221 **APPROVAL OF RESERVED MATTERS FOR PLOTS 1 AND 2 (APPEARANCE, LANDSCAPING, BIODIVERSITY ENHANCEMENT, LAYOUT, CAR PARKING AND SCALE) PURSUANT TO OUTLINE PERMISSION REF. DMPA/2021/0983 (DMPA/2024/0062)**

The Planning Delivery Team Leader presented the report to the Committee and noted the key aspects within the report.

**RESOLVED:**

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

PL/222 **APPEALS**

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

Reference	Place	Ward	Outcome	Decision level
<u>DMPA/2023/0351</u>	Hilton	Hilton	Dismissed	Committee

PL/223 **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/224 **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 19:45 hours.

COUNCILLOR D SHEPHERD

VICE-CHAIR