

PLANNING COMMITTEE

26 July 2022

PRESENT:

Labour Group

Councillor Tilley (Chair), Councillor Shepherd (Vice-Chair) and Councillors Dunn, Gee, Pearson and Southerd

Conservative Group

Councillors, Bridgen, Brown, Dawson, Haines, Muller and Smith

Non-Grouped

Councillor Wheelton.

PL/34 **APOLOGIES**

The Committee was informed that apologies Councillor Redfern (sub Muller)

PL/35 **DECLARATIONS OF INTEREST**

The Committee was informed that Councillor Wheelton declared a personal interest in item PL/ (Solar Farm) by virtue of being Secretary of Lullington Parish Council Meeting.

PL/36 **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/37 **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/38 **DEMOLITION OF EXISTING SINGLE STOREY SHOP AND ERECTION OF NEW 2 STOREY BUILDING TO ACCOMMODATE 2 SELF CONTAINED FLATS AT 160B PARLIAMENT STREET, NEWHALL, SWADLINCOTE, DE1 0SG.**

The Planning Delivery Team Leader presented the report and informed the Committee that alternative parking arrangements had been considered and but were not possible and sought approval of the recommendations.

The Planning Delivery Team Leader read out a summary statement on behalf of Applicant who had previously addressed to the Committee.

Members were content that alternative parking arrangements had been fully considered.

RESOLVED:

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

PL/39 **APPROVAL OF DETAILS REQUIRED BY CONDITION 1 ATTACHED TO REF. DMPA/2020/0915 (TWO-STOREY SIDE AND SINGLE STOREY REAR EXTENSION ALONG WITH ATTACHED GARAGE) AT 247 HEARTH COTE ROAD, SWADLINCOTE, DE11 9DU**

It was reported that Members of the Committee had visited the site earlier in the day.

The Head of Planning and Strategic Housing outlined the appeal decision and the condition in relation to the development to both hard and soft landscaping to be approved by the Committee.

The Head of Planning and Strategic Housing read out summary of statements submitted by an Objector and the Applicant's Agent who attended a previous meeting and addressed the Committee.

Members discussed and considered the replacement of the Ash trees with an alternative species.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to a request to be submitted to the applicant to replace the Ash trees with an alternative species.

PL/40 **THE INSTALLATION OF GROUND MOUNTED SOLAR PHOTOVOLTAIC PANELS WITH ASSOCIATED INFRASTRUCTURE AND WORKS, INCLUDING SUBSTATIONS, CONVERTERS, INVERTERS, ACCESS TRACKS, SECURITY FENCING, BOUNDARY TREATMENT AND CCTV AT LAND NORTH OF LULLINGTON, SWADLINCOTE**

It was reported that Members of the Committee had visited the site earlier in the day.

The Senior Planning Officer addressed the Committee and presented updated information received from Derbyshire County Council and Natural England and confirmed that both had raised no objections. The Senior Planning Officer summarised the application's key points that included the area and type of land proposed to be used and the changes proposed.

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

As the Local Ward Member Councillor Wheelton addressed Committee and on behalf of the residents of Lullington. Councillor Wheelton raised many concerns that included the loss of Best and Versatile farming land that would impact on the lives of a number of tenant farmers, the loss of amenity and the impact on Lullington, one of the few heritage villages in South Derbyshire and a number of highway concerns.

Members commended the report but supported the issues raised by Councillor Wheelton and discussed the merits of the application along with the negative impact on Lullington, the farming land and future tourism.

The Senior Planning Officer addressed the Committee and advised that that the benefits would outweigh any impact and that the need to address the current climate emergency should be considered. It was also highlighted that the loss of agricultural land was temporary as it would be returned to the current state after 40 years.

Councillor Richards addressed the Committee and advised that DEFRA had warned local councils to stay away from the use of farming land that produced sustainable food productions in relation to solar farms and that along with the loss of farming land the Committee should also consider the number of other solar farms proposed in the area.

Members discussed the importance of green energy and considered the impact of the loss of good food production farming land and the impact on carbon footprints. Members also raised concern regarding the loss of local farming jobs and that the land could not be returned to its current condition following 40 years of use as a solar farm.

The Head of Planning and Strategic Housing informed the Committee that the information contained within the report was considered to be the best information available and that Natural England had paid due regard to the Best and most Versatile Land. The Committee was advised that the quality

of the other land proposed to be used in the application could be investigated further if needed and that it was considered that sufficient information was available to enable a decision to be reached on the application.

RESOLVED:

That planning permission refused contrary to the recommendations in the report of the Strategic Director (Service Delivery) due to the loss of Best and Most Versatile land, the impact of the landscape, the historic village and its listed church and that it was contrary to local plan policies in these regards.

PL/41 **THE ERECTION OF A REPLACEMENT PORCH AT 79 MAIN STREET, KINGS NEWTON, DERBY, DE73 8BX**

The report was presented by the Planning Delivery Team Leader who noted that it was before Committee at the request of Councillor Fitzpatrick.

The Committee was advised regarding late items received in relation to updated plans and the challenge of ownership that had been referred to Land Registry but advised that ownership of land was not for the Committee to consider. The Planning Delivery Team Leader summarised the plans that formed part of a previously refused application. It was noted that objections received related to parking, harm of a preserved historical nature and the loss of privacy. The Committee was advised that the Planning Delivery Team Leader considered that there would be no harm of a preserved historical nature and no loss of privacy.

An Objector attended the meeting and addressed the Committee regarding the application. The Planning Delivery Team Leader read out the statement on behalf of the Applicant's Agent.

As Local Ward Member Councillor Fitzpatrick addressed the Committee and raised concerns on behalf of the residents that included the size of the porch, proposed parking arrangements and the loss of light and privacy on a neighbouring property.

Members sought clarity regarding the registration of land.

The Head of Planning and Strategic Housing advised that because the Council sought confirmation of an issue of land registration it did not make the application invalid.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to amendment to condition 2 to include the updated plans.

PL/42 **CONSTRUCTION OF 2 PAIRS OF SEMI DETACHED HOUSES WITH ACCESS AND PARKING AREA AT 69 WOODVILLE ROAD, OVERSEAL, SWADLINCOTE, DE12 6LU**

It was reported that Members of the Committee had visited the site earlier in the day.

The report was presented by the Planning Delivery Team Leader to the Committee who highlighted key points of the development and advised that any impact on the River Mease could be mitigated.

As the Local Ward Member Councillor Wheelton addressed the Committee on behalf of local residents and raised concern of over development, access issues and the lack of green space.

Members considered Councillor Wheelton's concerns and discussed the merits of the application.

RESOLVED:

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

PL/43 **THE ERECTION OF A PROPOSED ROOF AND REAR EXTENSION AT 3 FISHPOND LANE, EGGINTON, DERBY, DE65 6HJ**

It was reported that Members of the Committee had visited the site earlier in the day.

The report was presented by the Head of Planning and Strategic Housing who informed the Committee that County Highways had raised no objections but objections had been received from a neighbouring property and members of the public. The Committee was advised that that the extension would increase the footprint but was of an acceptable design and was not within a conservation area. The Head of Planning and Strategic Housing noted that neighbouring amenity would be not impacted and that conditions would be in place to ensure that it would be a single residential property.

The Head of Housing and Strategic Housing read out a summary of the Objector's statement who had attended a previous meeting and addressed Committee.

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

Councillor Brown addressed Committee as the Local Ward Member and raised concerns of overbearing, loss of amenity for the neighbouring property and the design and scale of the proposals.

Members raised concerns regarding parking the design and the impact on the neighbouring amenity.

RESOLVED:

That planning permission be refused contrary to the recommendations in the report of the Strategic Director (Service Delivery) due to character and size of the proposal, the use of inappropriate materials, contrary to the Design Guide and Policy BNE1 and the impact on the neighbouring amenity.

PL/44 **RETAIN AN ADVENTURE PLAYGROUND WITH THE FOLLOWING EQUIPMENT: INCLUSIVE SWING, INCLUSIVE ROUNDABOUT, STANDING SWING, COMBINED CLIMBING TOWER AND SLIDE, 2 ZIP WIRES, 2 CLIMBING POLES AND A CALITHENICS CENTRE AS SHOWN ON UPLOADED DRAWING AT HILTON VILLAGE HALL, PEACROFT LANE, HILTON, DERBY, DE65 5GH**

The report was presented by the Planning Delivery Team Leader presented and highlighted the key points of the proposal including equipment and landscaping.

A Supporter attended the meeting and addressed the Committee regarding the application.

RESOLVED:

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

PL/45 **RETROSPECTIVE PLANNING PERMISSION FOR EXISTING STABLE BLOCK WITH EXTENSION TO PROVIDE A NEW TORTOISE HOUSE AND CHANGE OF USE OF LAND TO MIXED USE DEVELOPMENT TO INCLUDE ZOO AND ANIMAL SANCTUARY AT MELBOURNE HALL, CHURCH SQUARE, MELBOURNE, DERBY, DE73 8EN**

The report was presented to the Committee by the Head of Planning and Strategic Housing who outlined the key points within the report and noted that Councillor Fitzpatrick as Local Ward Member was in full support of the application. The Committee was advised of objections received from Historic England.

RESOLVED:

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

PL/46 **LISTED BUILDING CONSENT FOR RETROSPECTIVE PLANNING PERMISSION FOR EXISTING STABLE BLOCK WITH EXTENSION TO PROVIDE A NEW TORTOISE HOUSE (AMENDED DESCRIPTION) AT MELBOURNE HALL, CHURCH SQUARE, MELBOURNE, DERBY, DE73 8EN**

The report was presented by the Head of Planning and Strategic Housing and the key points we outlined for the Committee.

RESOLVED:

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

PL/47 **THE ERECTION OF LEISURE BUILDING WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING AT KNIGHTS LODGES, KNIGHTS LANE, BRETBY, BURTON ON TRENT, DE15 0RT**

The report was presented by the Head of Planning and Strategic Housing who informed the Committee of amended plans that increased internal and external areas. It was noted that the application was time driven due to the potential loss of grant funding. The Head of Planning and Strategic Housing informed the Committee that Bretby Parish Council had not enough time to consider plans and had requested that a decision be made after its meeting on 28 September. The Committee was advised that the proposed application's floor area was broadly correct and only marginally bigger to that approved. The Head of Housing and Strategic Housing outlined the additional landscaping proposal and advised that the previous refused applications were subject to appeal.

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

The Head of Planning and Strategic Housing read out a statement from the Local Ward Member, Councillor Churchill, that requested that the Committee considered the local community interest and the request by Bretby Parish Council.

RESOLVED:

That planning permission be deferred to allow for the consultation period to expire and to give time for the Parish Council to consider and respond.

PL/ 48 **DEED OF VARIATION – LAND AT THULSTON**

The report was presented by the Planning Delivery Team Leader to the Committee and the main points within the report were outlined and noted that

a decision would not be issued until July 2022 to enable an agreed way forward and the increased provision of 12% affordable housing.

RESOLVED:

1.1 The Committee approved an amendment to the Section 106 agreement (S106) by means of a Deed of Variation (DoV) to accept total financial contributions of £6,356,145 along with the provision of 12% on site affordable dwellings (66).

1.2 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 DoV.

PL/49 **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/50 **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. 21:15 hrs

COUNCILLOR N TILLEY

CHAIR