

PLANNING COMMITTEE

06 June 2023

PRESENT:

Labour Group

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

Conservative Group

Councillors N Atkin (substituting for Councillor P Watson), D Corbin (substituting for Councillor Haines) and J Lowe.

Non-Grouped

Councillor A Wheelton.

In Attendance

Councillor N Tilley

PL/01 **APOLOGIES**

The Committee was informed apologies had been received from Councillor M Gee (Labour Group) and Councillors K Haines and P Watson (Conservative Group).

PL/02 **TO RECEIVE THE OPEN MINUTES OF THE FOLLOWING MEETINGS:**

The Open Minutes of Planning Committee meetings held on 03 May 2022, 31 May 2022, 28 June 2022 and 26 July 2022 were noted, approved as a true record and signed by the Chair.

PL/03 **DECLARATIONS OF INTEREST**

The Committee was informed that Councillor A Wheelton declared a pecuniary interest in item PL/06.

The Committee was informed that Councillor N Atkin declared a personal interest in item PL/14 by virtue of being a County Councillor.

PL/04 **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/05 **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.

Councillor A Wheelton left the meeting.

PL/06 **CHANGE OF USE OF AGRICULTURAL LAND TO EQUESTRIAN LAND ON LAND TO THE REAR OF WALTON HALL SK2117 5882, COTON ROAD, WALTON ON TRENT, SWADLINCOTE, DE12 8LZ**

The Senior Planning Officer presented the application to the Committee noting that the report contained an incorrect location plan and that correct location plan was included in the presentation and was also available planning portal.

The Senior Planning Officer outlined the application and noted the objections received but confirmed that the restricted number of horses to be kept was 3 and the horses were not to be kept on the land between October and April each year.

The Senior Planning Officer outlined the late representations received from Councillor A Wheelton that included a detrimental effect and erosion of historic parkland, the loss of agricultural land and the impact on conservation.

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

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

Councillor D Corbin noted that as the biodiversity issues had been resolved and there were no outstanding concerns, he supported the application.

RESOLVED:

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

Councillor A Wheelton returned to the meeting.

PL/07 **FULL PLANNING APPLICATION PROPOSING THE ERECTION OF 2NO. EMPLOYMENT BUILDINGS (USE CLASS B8, B2 AND ANCILLARY E(G) AT PLOTS 3A AND 3B WITH ASSOCIATED LANDSCAPING, DRAINAGE (INCLUDING ATTENUATION BASIN), CAR PARKING, REFUSE STORES AND OTHER INFRASTRUCTURE AT PLOT 3, DOVE VALLEY PARK, FOSTON**

The Senior Planning Officer delivered the report and summarised the application informing the Committee that following an extended consultation period no further comments had been received.

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

Councillor N Atkin raised a query regarding the SUDS capacity.

The Senior Planning Officer clarified that the SUDS capacity allowed for a 1 in 100 year type of storm with silt catchers conditioned.

RESOLVED:

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

PL/08

CONVERSION OF EXISTING AGRICULTURAL BARN TO DWELLING AND INSTALLATION OF SEPTIC TANK AT LODGE HILL FARM , UNNAMED ROAD LEADING FROM LONGFORD LANE TO BARTON HALL, CHURCH BROUGHTON, DERBY, DE65 5AL

The Head of Planning and Strategic Housing addressed the Committee and summarised the remedial works that had been undertaken and outlined the proposals within the report.

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

Members discussed the merits of the conversion and supported the Applicant's reasons for the proposals.

RESOLVED:

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

PL/09

STOCKMANS REST CABIN AT LAND ADJACENT TO STOCK BUILDING, OFF HOON LANE, HILTON, DERBY

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

Members discussed the possible merits of a site visit.

Members discussed the loss of green space and the importance of increasing the implementation of electric vehicle charging points.

RESOLVED:

That planning permission be deferred to allow Members to visit the site.

PL/10 **INSTALLATION OF 1 X 48 SHEET GABLE MOUNTED DIGITAL ADVERTISING DISPLAY UNIT AT 1 HIGH STREET, WOODVILLE, SWADLINCOTE.**

The Head of Planning and Strategic Housing presented the report to the Committee and read out a statement on behalf of the Local Ward Member, Councillor M. Gee raising concerns about the proposal. The Committee was informed that no response had been received from the Highways Authority and that there was no objection from the Environmental Officer.

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

Members supported the concerns raised by Councillor M Gee and discussed the need to allow time for the Highways Authority to respond.

RESOLVED:

That planning permission be deferred to allow for further comments from the local Highways Authority.

PL/11 **CHANGE OF USE AND CONVERSION OF THE EXISTING BUILDING INTO A HOLIDAY LET AT 11 WILNE LANE, SHARDLOW, DERBY, DE72 2HA.**

The Head of Planning and Strategic Housing presented the report to the Committee and outlined the application noting objections and letters of support received.

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

Following the comments from the Objector the Head of Planning and Strategic Housing clarified that ownership was not a material consideration for the Committee.

As a Local Ward Member, Councillor D Corbin addressed the Committee and raised concerns on behalf of the local residents.

Members discussed the necessity of a site visit.

RESOLVED:

That planning permission be deferred to allow Members to visit the site.

PL/12 **RETENTION OF DETACHED GARAGE/OUTBUILDING FOR CHANGE OF USE TO A PERSONAL TRAINING STUDIO/GYM AT SHORTWOOD FARM, GREEN LANE, OVERSEAL, SWADLINCOTE, DE12 6JP**

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

The Head of Planning and Strategic Housing presented the report to the Committee and summarised the proposals which included the operating hours, parking arrangements and the turning space available for vehicles. The Head of Planning and Strategic Housing outlined a number of objections that had been received.

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

Members discussed a number of issues that included poor access to the site and the impact it would have on the area, the lack of available passing places and the proximity of the development to the neighbouring properties.

RESOLVED:

That planning permission be refused contrary to the officer's recommendations in the report of the Strategic Director (Service Delivery) as the Committee considered the development to be harmful to the amenities of nearby residents due to the activity associated with additional traffic at unsociable hours.

PL/13 **CHANGE OF USE OF LAND FROM AGRICULTURAL USE TO DOG EXERCISE PARK INCLUDING CUSTOMER PARKING AREA AT MIDDLE HAYES FARM, GREEN LANE, OVERSEAL, SWADLINCOTE, DE12 6JP.**

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

The Head of Planning and Strategic Housing addressed the Committee and outlined the retrospective application.

Councillor A Wheelton raised concerns regarding the amplified noise and the type of lighting used.

Councillor A Jones raised concerns regarding the operating times during weekends and the impact it would have on local residents.

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 3 restricting the hours of operation on Saturdays and Sundays to 09:00 hours to 17:00 hours. The Committee approved two additional conditions to restrict and prevent amplified noise and the type of lighting and maintenance to be approved.

Councillor N Atkin left the meeting.

PL/14 **LISTED BUILDING CONSENT FOR THE CONVERSION AND EXTENSION OF BUILDINGS TO PROVIDE COMMERCIAL, RECREATIONAL AND EDUCATIONAL USES, AND THE DEMOLITION OF A SECTION OF RETAINING WALL ELVASTON CASTLE COUNTRY PARK, BORROWASH ROAD, ELVASTON, DERBY, DE72 3EP.**

The Planning Delivery Team Leader presented the report to the Committee noting amendments to conditions 5 and 6. The proposed works were outlined and approval for the listed building consent was sought.

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

As Local Ward Member, Councillor D Corbin requested clarity regarding the removal of an historic wall and which buildings were to be restored.

The Planning Delivery Team Leader clarified which part of the wall was to be removed and which listed buildings were to be restored.

Members discussed the design features of the new build, the demolition of the historic wall and the impact on the conservation area.

RESOLVED:

That planning permission be refused contrary to the officer's recommendations in the report of the Strategic Director (Service Delivery) as the Committee considered the café to be of poor design and would impact on the heritage assets and that the loss of the historic wall would be contrary to Policies BNE2 and BNE10.

Councillor N Atkin returned to the meeting.

PL/15 **CHANGE OF USE OF PART OF THE AMENITY LAND AT EGGINGTON ROAD TO ALLOW FOR AN ACCESS DRIVEWAY AND DROPPED KERB TO HOUSES 77, 79 AND 81 EGGINGTON ROAD TO FACILITATE VEHICLE PARKING**

The Planning Delivery Team Leader addressed the Committee and delivered the report noting the objections received from the Parish Council, and highways. The Committee was requested to consider refusal of the application as laid out in the report.

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

RESOLVED:

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

PL/16 **ERECTION OF A SINGLE STOREY SIDE EXTENSION TO HOUSE A SHOWER ROOM AT PARK FARM, ASH LANE, ETWALL, DERBY, DE65 6HT**

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

RESOLVED:

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

PL/17 **THE ERECTION OF A SINGLE STOREY REAR EXTENSION AND ACCESS ADAPTATIONS AT 23 ARTHUR STREET, CASTLE GRESLEY, SWADLINCOTE, DE11 9HG**

The Senior Planning Officer delivered the report to 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/18 **INSTALLATION OF DROPPED KERB AND HARD STANDING INCLUDING ASSOCIATED ENGINEERING WORKS AT 60 COTON PARK, LINTON, SWADLINCOTE, DE12 6RE.**

The Head of Planning and Strategic Housing addressed the Committee and outlined the application, noting the gradient of the slope and the comments received by the Highways Authority.

RESOLVED:

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

PL/19 **PLANNING AND OTHER APPEALS**

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

Reference	Place	Ward	Outcome	Decision level
DMOT/2022/0641	Newhall	Newhall &	Dismissed	Delegated
DMPA/2022/0673	Melbourne	Stanton	Dismissed	Delegated
DMPA/2021/1442	Church	Melbourne	Allowed	Delegated
DMPA/2021/1196	Broughton Bretby	Hilton Repton	Allowed & no costs awarded	Committee

PL/20 **DEED OF VARIATION – LAND AT BROOMY FARM**

The Planning Delivery Team Leader addressed the Committee and presented the report regarding amendments to the Section 106 Agreement that included the figure payable for healthcare provision.

Councillor A Wheelton raised concerns regarding the loss of GP surgeries and the need to enhance the healthcare hubs to increase capacity.

RESOLVED:

2.1 The Committee approved the request to amend the Section 106 Agreement (S106) and subsequent Deed of Variation (DoV) to include amendments to be made to the definition of the Healthcare Contribution

which would be payable in accordance with the ninth schedule of the Section 106 Agreement– Healthcare Contribution. This was based upon recommendations that had been received from Swadlincote Primary Care Network.

2.2 *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 Deed of Variation.*

PL/21 **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/22 **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 21:20 hours.

COUNCILLOR D SHEPHERD

VICE-CHAIR