

PLANNING COMMITTEE

31 May 2022

PRESENT:

Labour Group

Councillor Tilley (Chair), Councillor Shepherd (Vice-Chair) and Councillors, Richards (Substitute, for Councillor Dunn) Rhind (Substitute for Councillor Pearson) Southerd and Taylor (Substitute for Councillor Gee)

Conservative Group

Councillors, Ackroyd (Substitute for Councillor Haines) Bridgen, Brown, Dawson, Lemmon (Substitute for Councillor Smith) and Redfern.

Non-Grouped

Councillor Wheelton.

In Attendance

Councillor Bambrick

PL/01 **APOLOGIES**

The Committee was informed that apologies had been received from Councillors Dunn, Gee and Pearson (Labour Group) and Councillors Haines and Smith (Conservative Group)

PL/02 **DECLARATIONS OF INTEREST**

The Committee was informed that Declarations of Personal Interest had been received from Councillor Tilley regarding PL/12 by virtue of the applicant being related to him.

The Committee was informed that Declarations of Personal Interest had been received from Councillor Brown regarding PL/05.

PL/03 **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/04 **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/05 **APPROVAL OF RESERVED MATTERS (LAYOUT, SCALE, APPEARANCE AND LANDSCAPING) PURSUANT TO OUTLINE PERMISSION REF. DMPA/2019/1143 ON LAND AT SK2531 3702, LUCAS LANE, HILTON**

The Senior Planning Officer updated the Committee regarding the response from the National Wildlife Trust in relation to the Great Crested Newts and the Ecological Plan and outlined additional conditions for the Committee to consider.

The Senior Planning Officer presented the report to the Committee noting that the Highways Agency raised no objections and that the landscaping and biodiversity 10 percent net gain with the offsite area of mitigation were acceptable to the National Wildlife Trust. The Committee was informed that there was a Tree Preservation Order in place and that an additional method statement had been received that would help to reduce the impact on the tree.

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

The Senior Planning Officer confirmed that there was license in place for the Great Crested Newts and that the design approach to noise attenuation has been acceptable to the Environment Officer.

Members raised concerns regarding the timing of the outline permissions approval in relation to the Local Neighbourhood Plan and comments made by the Local Flood Agency. Members also queried the number of trees to be planted.

The Senior Planning Officer confirmed that the outline permission was given prior to the approval of the Local Neighbourhood Plan and that there were conditions in place to address drainage concerns. The Committee was informed that there were no issues with the landscaping and the applicant had included additional trees in the play area.

RESOLVED:

That planning permission be approved as per the recommendations, in the report of the Strategic Director (Service Delivery). subject to three additional conditions regarding wheel washing facilities, highways construction details, drainage, bin collection and a condition regarding compliance with the LEMP.

PL/06 **THE PRUNING OF AN OAK TREE COVERED BY SOUTH DERBYSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER NO. 533 ON LAND AT SK2531 3702, LUCAS LANE, HILTON, DERBY**

The Senior Planning Officer presented the report to the Committee and advised of the amendment to condition 3 that would reduce the crown lift height to a maximum of 4 metres.

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 to stipulate a 4 metre crown lift.

PL/07 **APPROVAL OF RESERVED MATTERS (LAYOUT, SCALE, APPEARANCE AND LANDSCAPING) PURSUANT TO OUTLINE PERMISSION REF. 9/2014/0886 (RESIDENTIAL DEVELOPMENT FOR UP TO 68 DWELLINGS TOGETHER WITH ASSOCIATED HIGHWAY WORKS, PUBLIC OPEN SPACE, LANDSCAPING, ASSOCIATED DRAINAGE INFRASTRUCTURE AND CREATION OF PEDESTRIAN AND CYCLE WAYS) ON LAND AT SK2720 7907 (SITE A) PARK ROAD, CADLEY PARK, SWADLINCOTE**

The Senior Planning Officer presented the report and updated the Committee regarding amendments to Condition 1 and additional conditions regarding footways, drainage, parking spaces, gate openings and bin collection points.

The Senior Planning Officer informed the Committee that the landscaping and ecology were acceptable with conditions regarding bird and bat boxes. It was noted that surface water runoff would be dealt with via SUDS ponds and that there were strict conditions in place regarding the surface water mitigation that had been agreed at the outline permission stage.

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

Members raised concerns regarding the play area and sought clarity regarding biodiversity net gain.

The Senior Planning Officer informed the Committee that he would liaise with the Agent regarding the play area details and confirmed that the 10 per cent biodiversity net gain would be achieved and was subject to conditions to ensure it.

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 1 to refer to Plan Rev, N .and an additional condition in relation to highways construction details, parking, gates and bin collection points.

PL/08 **THE VARIATION OF CONDITION NOS. 2, 5, 6, 9, 10, 12, 14 AND 15 OF PERMISSION REF. DMPA/2020/1117 'FOR REMOVAL OF CONDITIONS 13 AND 15 AND VARIATION OF CONDITION 7 OF 9/2018/1375, FOR CHANGE OF USE FROM AGRICULTURAL LAND TO STORAGE AND DISTRIBUTION USE (USE CLASS B8) ALONG WITH DEMOLITION OF EXISTING BUILDINGS AND LAYING OF HARDSTANDING' AT FORMER MIDLANDS PIG PRODUCERS, WOODYARD LANE, FOSTON, DERBY, DE65 5DJ**

The Head of Planning and Strategic Housing presented the report to the Committee explaining that the amendments to the conditions would provide better access and remove the bund and that no objections had been received from the Highways Authority and the National Wildlife Trust.

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

Members raised concerns regarding the removal of the bund but noted that the changes to the access would improve safety to the site.

The Head of Planning and Strategic Housing noted that the removal of the bund would not have any significant ecological impact.

RESOLVED:

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

PL/09 **REPLACEMENT OF EXISTING RAISED DECKING TO REAR GARDEN AT 2 BISHOPS COURT, MELBOURNE, DERBY, DE73 8LN**

The Head of Planning and Strategic Housing presented the report to the Committee outlining the key points noting that no objections had been received.

RESOLVED:

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

PL/10 **PROPOSED SHOPFRONT AND FACADE REFURBISHMENT WITH MINOR INTERNAL ALTERATIONS. 1 HIGH STREET, SWADLINCOTE, DE11 8JG**

The Head of Planning and Strategic Housing presented the report to the Committee outlining the key points within the application.

RESOLVED:

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

PL/11 **THE PROPOSED CONSTRUCTION OF A DROPPED KERB, DRIVE ACCESS AND THE PROPOSED ERECTION OF BRICK PILLARS AND SINGLE STOREY DETACHED GARAGE AT 1 YEW TREE LANE, THULSTON, DERBY, DE72 3FG**

The Head of Planning and Strategic Housing presented to the report to the Committee and sought approval from the Members for the recommendations within the report.

RESOLVED:

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

Councillor Tilley left the Chamber at 19:45 hours.

PL/12 **OUTLINE APPLICATION (MATTERS OF ACCESS TO BE CONSIDERED NOW WITH MATTERS OF LAYOUT, SCALE, APPEARANCE AND LANDSCAPING RESERVED FOR LATER CONSIDERATION) FOR THE ERECTION OF THREE DWELLINGS AT LAND TO THE REAR OF 69A AND 69B, REPTON ROAD, HARTSHORNE, SWADLINCOTE, DE11 7AF**

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

The Head of Planning and Strategic Housing presented to the report to the Committee highlighting the Tree Preservation Order and key issues that included properties that whilst were outside the village boundary were very close to properties within the proximity of the village. It was noted that highways were content with parking, visibility and the hardstanding surface proposed and that the Wildlife Trust was content subject to conditions regarding bat/bird boxes. The Committee was informed that there would be no significant impact on neighbouring amenity.

Members raised concerns regarding height restrictions for the third property and sought clarity regarding Permitted Development Rights.

The Head of Planning and Strategic Housing confirmed that there would be a condition in place to limit the height of the third property and that Permitted Development Rights would be removed.

As a Local Ward Member, Councillor Taylor addressed the Committee and found the proposals to be acceptable.

RESOLVED:

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

Councillor Tilley returned to the Chamber 19:55 hours.

PL/13 **THE ERECTION OF A SINGLE STOREY REAR AND TWO STOREY SIDE EXTENSION AT 11 SANDCLIFFE PARK, MIDWAY, SWADLINCOTE, DE11 7PX**

The Head of Planning and Strategic Housing presented to the report to the Committee noting that the applicant was an employee of the Council and there would be no significant impact on existing property and the proposed design was acceptable.

RESOLVED:

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

PL/14 **DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS AND THE ERECTION OF TWO DWELLINGS AT BROADFIELD, THORN TREE LANE, NEWHALL, SWADLINCOTE, DE11 0LW**

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

The Head of Planning and Strategic Housing presented the report to the Committee it was explained that an appeal had been submitted prior to determination of the Committee. The Head of Planning and Strategic Housing outlined the key areas within the report noting that the County Highways had raised concerns regarding vehicle and pedestrian access and the increase of traffic from the site, that the Coal Authority deemed investigations necessary and that it would impact on the appearance of the countryside.

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

The Head of Planning and Strategic Housing clarified that the site could be accessed from the south with a number of appropriate conditions and that and construction management plan could also be subject to conditions.

Councillor Richards and Councillor Taylor addressed the Committee and raised concerns regarding the very narrow lanes that would be used for access and noted that it was in opposition to the Local Plan and urged Members to refuse the application.

As Local Ward Member Councillor Dunn addressed the Committee and raised concern that trees and hedgerows had been removed.

Members raised concerns regarding the vast amount of work that had already taken place on site.

RESOLVED:

That the Council advise the Planning Inspectorate that planning permission would have been refused as per the recommendations in the report of the Strategic Director (Service Delivery).

PL/15 **THE VARIATION OF CONDITION NO. 2 OF PERMISSION REF. 9/2016/1227 (THE CHANGE OF USE FROM FORMER FARM BUILDINGS TO WEDDING VENUE, FORMATION OF INCIDENTAL CAR PARKING AREAS, IMPROVEMENTS TO VEHICULAR ACCESS) AT GRANGEFIELDS FARM, LONG LANE, THURVASTON, ASHBOURNE, DE6 5BH**

The Head of Planning and Strategic Housing presented to the report to the Committee and outlined the proposal and noted that whilst noise was a key concern of the residents, the proposed Noise Assessment with a few minor changes had been found to be acceptable by the Environmental Health Officer.

Members requested that the Decision Notice not be published until after the close of the consultation period.

Councillor Bridgen addressed the Committee on the behalf of the Local Ward Member and sought confirmation that, as residents still had concerns regarding the impact of noise, the proposals would reduce the noise sufficiently.

The Head of Planning and Strategic Housing confirmed that the proposed noise mitigations would improve the situation.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery, subject publication of the Decision once consultation had expired on 4 June 2022,

PL/16 **THE ERECTION OF EXTENSIONS AND ALTERATION INCLUDING RENDER TO THE SIDE AND REAR ELEVATION OF 9B SOUTH STREET, WOODVILLE, SWADLINCOTE, DE11 7DW**

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

The Head of Planning and Strategic Housing delivered the report to the Committee and outlined the key points of the application that included the distance of the extension in relation to the neighbouring property.

Councillor Brown raised concern regarding the retention of the confer hedge.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to an additional condition safeguarding the conifer hedge.

PL/17 **NSIP CONSULTATION FOR OAKLANDS SOLAR FARM**

The Senior Planning Officer presented the report regarding consultation of a national solar farm proposal. The Senior Planning Officer sought comments from Members so that a joint response could be submitted with Derbyshire County Council.

The Senior Planning Officer outlined the impacts identified that included heritage assets, landscapes, biodiversity and the loss of agricultural land. It was further noted that noise was a concern and that Parish Councils felt that that there were other locations far more suitable.

Members raised concerns about Tenant Farmers and the loss of valuable agricultural land, the increase in traffic, noise pollution. It was suggested that there were other more suitable places that were not too far away that included brownfield sites. Members raised apprehension regarding the submission of a joint response and discussed the merits of the Council submitting its own response on behalf of its Members and residents. It was further noted by Members that technical assistance would help to strengthen the Council's response.

Members sought clarity regarding the assessment of consultation feedback and what weight the Local Plan would have. The Head of Planning and Strategic Housing informed the Committee that an inspector would have to look at all concerns and points raised that would need to be addressed and confirmed that courts would consider the weight of a Local plan.

RESOLVED:

The Committee delegated authority to the Head of Planning and Strategic Housing in consultation with the Chair to submit concerns raised by Members and all other consultees in time for the 6 June 2022 deadline.

PL/18 **CONSULTATION FROM THE COUNTY COUNCIL ON APPLICATION REF. CD9/0222/34**

The Head of Planning and Strategic Housing presented the report and noted that the planning application had been submitted in line with master plan and that Elvaston Castle would retain the listed buildings and would assist with attracting additional visitors to the area.

RESOLVED:

1.1 The Committee agreed to provide a response to the County Council's consultation on the application which drew attention to the following considerations:

- **Highways impact and the subsequent amenity impact on the residents of Thulston and Elvaston**
- **Impact on trees and biodiversity**
- **Drainage and land contamination**
- **Impact on Listed Buildings**

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

PL/19 **DEED OF VARIATION – LAND TO THE EAST OF ACRESFORD ROAD, OVERSEAL**

The Head of Planning and Strategic Housing presented the report and noted that the variation was a minor but sensible amendment.

RESOLVED:

1.1 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 Education Contribution to be payable in accordance with the Third Schedule of the Section 106 Agreement– Financial Contribution. This was based upon recommendations that had been received from Derbyshire County Council.

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 Deed of Variation.

PL/20 **DEED OF VARIATION – LAND ATSK3430 7732 DEEP DALE LANE,
BARROW ON TRENT**

The Senior Planning Officer presented the report to the Committee and outlined the amendments to the Section 106 Agreements.

RESOLVED:

1.1 The Committee approved the request to amend the Section 106 Agreement (S106) by means of a Deed of Variation (DoV) to include amendments to the Schedule Two (Management Company). This was based upon a request received from Taylor Wimpey Homes and following a discussion with colleagues at Derby City Council.

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 Schedule 2 of the Section 106 Agreement 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 20:40 hours.

COUNCILLOR N TILLEY

CHAIR