

PLANNING COMMITTEE

09 January 2024

**PRESENT:**

**Labour Group**

Councillor G Jones (Chair) and Councillor Shepherd (Vice-Chair)  
Councillors J Carroll, I Hudson, S Harrison (substitute for Cllr M Gee) A Jones,  
L Mulgrew, and. M Mulgrew (substitute for Cllr 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 A Haynes, A Tilley and N Tilley

PL/137 **APOLOGIES**

The Committee was informed that apologies had been received from Councillors M Gee and K Storey (Labour Group).

PL/138 **DECLARATIONS OF INTEREST**

The Committee was informed that Councillor A Kirke declared a pecuniary interest in item PL/142 and would therefore leave the meeting whilst the application was considered.

The Committee was informed that Councillor K Haines declared a personal interest in item PL/147 and would therefore leave the meeting whilst the application was considered.

PL/139 **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/140 **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/141 **THE FELLING AND PRUNING OF TREES COVERED BY SOUTH DERBYSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER NO. TPO 48 ON LAND AT SK2818 6245, BRAMLEY DALE, CHURCH GRESLEY, SWADLINCOTE – DMPA/2023/1487**

The Planning Delivery Team Leader addressed the Committee and presented the report noting that it was before the Committee for consideration as South Derbyshire District Council was the applicant.

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

***RESOLVED:***

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

PL/142 **ERECTION OF TWO, TWO-STOREY DWELLINGS TO THE REAR OF 12 & 13 WILSON CLOSE 13 WILSON CLOSE, MICKLEOVER, DERBY, DE3 0DT – DMPA/2023/1346**

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

Councillor Muller proposed a site visit due to a number of concerns.

***RESOLVED:***

***That planning permission be deferred to allow Members of the Committee to attend a site visit.***

Councillor A Kirke left the meeting.

PL/143 **ERECTION OF SINGLE STOREY REAR/SIDE EXTENSION AT 89 EGGINTON ROAD, ETWALL, DERBY, DE65 6NP - DMPA/2023/1385**

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

Members considered the application 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).***

Councillor A Kirke returned to the meeting.

PL/144 **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 presented the report and outlined the key elements of the application noting that the land in respect of the diverted public footpath was within the ownership of the applicant. The Head of Planning and Strategic Housing also clarified that the site was within Flood Zone 1 and would therefore not require consultation with the Local Flood Agency.

Members considered the application and sought clarity regarding approval of the footpath diversion and raised concern regarding the blocking of the diverted footpath.

The Head of Planning and Strategic Housing informed the Committee that the diversion of the public footpath would subject to an application to Derbyshire County Council Highways, as the Rights of Way Authority.

The Legal and Democratic Services Manager advised the Committee that if the diversion was permitted and the public footpath became blocked then Derbyshire County Council could take enforcement action.

**RESOLVED:**

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

PL/145 **THE FELLING OF A CEDAR TREE COVERED BY SOUTH DERBYSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER 507 AT HAWTHORN HOUSE, MAIN STREET, SCROPTON, DERBY, DE65 5PP – DMPA/2023/1341**

The Planning Delivery Team Leader presented the report to the Committee summarising the application and noting a late item received in objection to the proposals.

Councillor J Davies addressed the Committee on behalf of Local Ward Member, Councillor G Andrew regarding residents' concerns and objections to the felling of the tree.

Members discussed the proximity of the tree in relation to the house and parked cars.

**RESOLVED:**

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

PL/146 **PROPOSED CLUBHOUSE, LAUNDRY BUILDING AND 10-HOLIDAY APARTMENTS AT PETE ROBINSON HOLIDAY HOMES LTD, COLLIERY LANE, LINTON, SWADLINCOTE, DE12 6PB – DMPA/2022/1618**

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

The Senior Planning Officer addressed the Committee and presented the report, noting a late item of objection received, the key points raised included over development, trees and landscaping, the impact on the wildlife habitat, noise, highway concerns and the impact on neighbouring properties. The Senior Planning Officer summarised the key aspects of the application.

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

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

Members discussed the issue of inconsistent and inaccurate plans.

**RESOLVED:**

***That planning permission be deferred to allow for the submission of amended plans to provide clarification of the proposals.***

PL/147 **THE FORMATION OF A HARD SURFACE FOR VEHICULAR ACCESS ON LAND WEST OF 24, QUEENSWAY, MELBOURNE, DERBY, DE73 8FG – DMPA/2020/0970**

The Head of Planning and Strategic Housing addressed the Committee and outlined the application, noting that it was before the Committee for consideration as Derbyshire District Council was the owner of the land. The Committee was informed that the proposal would provide a soak away area and gave residents safe vehicle access to their properties.

Members discussed the application, the use of alternative materials and sought clarity regarding the width of the access.

The Head of Planning and Strategic Housing confirmed that 6 meters would be sufficient to vehicle allow access.

The Legal and Democratic Services Manager informed the Committee that Derbyshire District Council would need to give a license for access over the land and that if Grass Crete was used it would be hard to distinguish between the open space and the access way and therefore would be difficult to enforce.

**RESOLVED:**

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

Councillor K Haines left the meeting.

PL/148 **THE FELLING OF A SYCAMORE TREE AT 54 MAIN STREET, NEWTON SOLNEY, BURTON ON TRENT, DE15 0SJ – DMOT/2023/1423**

The Planning Delivery Team Leader presented the report and outlined the application.

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

**RESOLVED:**

***The Committee approved the works as per the recommendation in the report of the Strategic Director (Service Delivery).***

Councillor Haines returned to the meeting.

PL/149 **REPLACEMENT WINDOW AT 25 CHURCH STREET, SWADLINCOTE, DE11 8LE – DMPA/2023/1240**

The Planning Delivery Team Leader presented the report to the Committee and outlined the application noting that Councillor K Storey was the applicant.

Councillor A Wheelton sought clarity regarding Article 4.

The Planning Delivery Team Leader informed the Committee that it meant that the replacement window was not quite like for like and therefore required consent.

**RESOLVED:**

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

PL/150 **SECTION 106 VARIATION – LUCAS LANE, HILTON**

The Planning Delivery Team Leader presented the report to the Committee noting the Mortgage in Possession clause and the slight variation in relation to definitions.

Members considered the report and supported the officer's recommendations.

**RESOLVED:**

***1.1 The Committee approved the request to amend the Section 106 Agreement by means of Deed of Variation to include the model National***

***Housing Federation Mortgagee in Possession clause into the agreement and other strategic housing plan as considered relevant by the Strategic Housing Team including in relation to the changes to the housing mix approved by the Council pursuant to the reserved matters approval under application reference number DMPA/2021/1277 (RMA).***

***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/151 **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/ 152 **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 19:15 hours.

COUNCILLOR G JONES

CHAIR