

PLANNING COMMITTEE

11th January 2022

PRESENT:-

Labour Group

Councillor Tilley (Chair), Councillor Shepherd (Vice-Chair) and Councillors Dunn (substitute for Councillor Southerd), Pearson and Taylor (substitute for Councillor Gee).

Conservative Group

Councillors Bridgen, Brown, Lemmon, Patten (substitute for Councillor Muller) and Watson.

Independent Group

Councillors Angliss and Dawson.

Non-Grouped

Councillor Wheelton.

PL/96 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor Southerd and Councillor Gee, (Labour Group) and Councillor Muller (Conservative Group)

PL/97 **DECLARATIONS OF INTEREST**

The Committee was informed that Councillor Lemmon declared a personal interest in agenda item PL/100.

PL/98 **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/99 **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 Lemmon left the Council Chamber

PL/100 **APPROVAL OF RESERVED MATTERS (ACCESS, LAYOUT, SCALE, APPEARANCE AND LANDSCAPING) PURSUANT TO OUTLINE PERMISSION REF. DMPA/2020/0985 (THE VARIATION OF CONDITION NO. 9 (RELATING TO SKYLARK HABITAT COMPENSATION) OF PERMISSION REF. 9/2017/1191 (RELATING TO OUTLINE PERMISSION (ALL MATTERS RESERVED FOR FUTURE APPROVAL) FOR RESIDENTIAL DEVELOPMENT OF UP TO 50 DWELLINGS WITH OPEN SPACE, DRAINAGE AND ASSOCIATED WORKS) ON ETWALL COMMON, LAND AT SK 2730 1591, EAST OF EGGINTON ROAD AND NORTH OF JACKSONS LANE, ETWALL COMMON, DERBY**

The report was presented by the Planning Delivery Team Leader who informed the Committee of an amendment to Condition 1 to include an updated site plan that had been received. The Committee was informed that the Lead Local Flood Agency requested additional information which had been submitted by the applicant and noise mitigation measures proposed were over and above what was required.

Councillor Brown raised concerns regarding drainage and access to both the allotments and Jackson Lane.

The Planning Delivery Team Leader confirmed that additional drainage information had been requested which was being considered by the local flood agency and that the footpaths within the site were as required by the Local Plan but the applicant did not have control of footpaths outside of the site.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery), subject to an amendment to Condition1 to include the updated 'Site Plan Rev U'.

Councillor Lemmon returned to the Council Chamber.

PL/101 **THE INSTALLATION OF UP TO 10MWP OF SOLAR PHOTOVOLTAIC PANELS AND ASSOCIATED WORKS, INCLUDING SUBSTATIONS, INVERTERS, ACCESS TRACKS, SECURITY FENCING AND CAMERAS AT LAND AT SK1930 5342, HAWTHORN FARM, SCROPTON ROAD, SCROPTON, DE65 5PR**

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 noting the amendment to Condition 13 and summarised communications received in relation to water drainage, flood concerns, CCTV, the use of brownfield sites, noise and the loss of agricultural land.

The Head of Planning and Strategic Housing clarified that the agricultural land was deemed as of poor quality and that information had been circulated to Members in relation to the noise levels and that were acceptable to the Environmental Health Officer. It was further noted that benefits of renewable energy outweighed any minor harm to land, that there would be no impact on nearby heritage buildings and that the solar glare reflection would be less than 9% compared to window reflection of 19%.

As the Local Ward Member, Councillor Lemmon addressed the Committee in support of renewable energy but did not believe that the location was appropriate and enquired how Scropton would benefit from the energy produced on site.

Members raised concerns regarding flood risks, noise, light pollution and the independency of assessments carried out

The Head of Planning and Strategic informed the Committee that there would be an energy connection to local business and clarified that flood risks, light pollution and noise had been addressed by the applicant and would very little impact. It was also confirmed that the Lead Local Flood Agency assessment had been checked by the County Council and that South Derbyshire District Council's Environmental Officer was content.

Members discussed issues regarding the soil quality when returned to agricultural land, the type of development, the impact on the area and the appearance and scale of the application.

The Head of Planning and Strategic Housing reiterated the technical expertise involved in the consultation of the application the minimal impact on the land and the additional work to be contained in Condition 13 in relation to the return to agricultural land.

Councillor Pearson addressed the Committee confirming that use of concrete to cover the whole site was untrue and sought clarity regarding renewable energy and the Local Plan.

The Head of Planning and Strategic Housing confirmed that the Local Plan did support renewable energy and read out the Council's Renewable Energy Policy in relation to the use of Solar Panels.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to delegated authority being granted to the Chair of the Committee and the Head of Planning and Strategic Housing to agree the wording for the amendment

Condition 13 for additional works and returning existing agricultural land drainage after a 30 year period.

PL/102 **THE ERECTION OF 3 NO. DETACHED DWELLINGS, EXTENSIONS AND ALTERATIONS TO THE EXISTING BUNGALOW AND THE ERECTION OF A DETACHED DOUBLE GARAGE AT 53 CAULDWELL ROAD, LINTON, SWADLINCOTE, DE12 6RX**

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

The Planning Delivery Team Leader outlined that application noting the position and alignment of the footpath was within the settlement boundary and that the development would be in adherence to policy and was not considered to be overbearing and that obscured glass could be used for the window overlooking the neighbouring garden and sought approval for the recommendations within the report.

The Planning Delivery Team Leader read out a summary of concerns raised by the Objector at the previous Committee

Members requested that a condition be added regarding the window on the north face elevation of the property.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to an additional condition requiring the first floor window on the north face elevation be fixed shut and obscure glazing used.

PL/103 **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 38, HALL LANE, WILLINGTON, DERBY,**

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

The Planning Delivery Team Leader presented the report to the Committee and outlined the application noting the access to be considered and that the proposed development was surrounded by other developments. It was further noted that no objections had been received from Statutory Consultees whilst a number of objections had been received regarding the loss of open space. Members were asked to consider and approve the recommendations within the report including a slight amendment to condition 8.

An Objector and the Applicant's Agent 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), subject to an amendment to Condition 8.

PL/104 **THE ERECTION OF A REPLACEMENT PORCH AT 79 MAIN STREET, KINGS NEWTON, DERBY, DE73 8BX**

The Planning Delivery Team Leader informed the Committee that this application would be deferred to a future Committee meeting.

PL/105 **THE CREATION OF THREE PUBLIC PARKING SPACES FROM LAND UTILISED AS AMENITY OPEN SPACE AT LAND BETWEEN NO 37 LINTON ROAD AND BASS'S CRESCENT, CASTLE GRESLEY, SWADLINCOTE, DE11 9HW**

The Head of Planning and Strategic Housing outlined the report and informed the Committee that the application was before Members as the land was owned by the Council and 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/106 **CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO CARE HOME (USE CLASS C2) AT 4 PADSTOW CLOSE, STENSON FIELDS, DERBY, DE24 3LH**

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 outlining the change of use to a children's care home and noting that there would be not material or physical change to the property. It was confirmed that a condition would limit the number of children residing in the property and the number of staff which was expected to address the concerns raised by the Crime Officers.

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

Following concerns raised by the Objector the Head of Planning and Strategic Housing clarified that the highways concern was a judgement of Committee and that it was incumbent on the applicant to demonstrate ownership and that the Council was not aware that information supplied was incorrect.

As the Local Ward Member Councillor Singh attended the meeting and addressed the Committee in objection to the application raising concerns regarding the increase in traffic, parking, the comments made by Design Out Crime Officer and the number of objections submitted.

Members raised concerns regarding the lack of both a business plan and risk assessment, the impact on neighbourhood amenity, parking and access and the police objections.

RESOLVED:

That planning permission be refused contrary to the recommendations in the report of the Strategic Director (Service Delivery), due to inadequate parking, staffing, location and absence of significant documents such as a business case and risk assessment.

Abstention: Councillor Tilley

PL/107 **SECTION 106 VARIATION**

The Planning Delivery Team Leader presented the report and sought of approval of the recommendations.

RESOLVED:

- 1.1 That the Committee approves the request to amend the Section 106 Agreement (S106) by means of a further Deed of Variation (DoV) to include reference to the recently approved planning application for a one form entry (FE) school and amendments to the site area.***
- 1.2 That the Committee delegate authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the Deed of Variation.***

PL/108 **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.

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 FELLING OF A TREE COVERED BY TPO NO. 432 AT 59 JUBILEE
CLOSE, MELBOURNE, DERBY, DE73 8GR**

RESOLVED:

The Committee did not approve the recommendations within the report.

The meeting terminated at 20:30 hours.

COUNCILLOR N TILLEY

CHAIR