

PLANNING COMMITTEE

22nd September 2020

PRESENT:-

Conservative Group

Councillor Mrs. Brown (Chairman), Councillor Mrs. Bridgen (Vice-Chairman) and Councillors Angliss, Ford, Muller, Watson and Mrs. Wheelton

Labour Group

Councillors Dunn (substituting for Councillor Tilley), Dr Pearson, Gee, Shepherd and Taylor (substituting for Councillor Southerd).

In Attendance

Councillors Fitzpatrick and Mrs. Patten.

PL/61 **APOLOGIES**

The Committee was informed that apologies for absence had been received from Councillors Brady, Southerd and Tilley.

PL/62 **TO RECEIVE THE OPEN MINUTES OF THE FOLLOWING MEETING**

The Open Minutes of the following Meeting were reviewed, considered as a true record and approved by the Chairman.

Committee	Date	Minute References
Planning	30 th June 2020	PL/01 – PL/13

PL/63 **DECLARATIONS OF INTEREST**

The Committee was informed that no Declarations of Interest had been received.

PL/64 **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/65 **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/66 **THE ERECTION OF 46 DWELLINGS INCLUDING NEW VEHICULAR AND PEDESTRIAN ACCESS, GARAGES, PARKING, ROADS, FOOTPATHS, INFRASTRUCTURE, DRAINAGE AND ATTENUATION/DETENTION BASIN, FOOTBRIDGE, LANDSCAPING AND OPEN SPACE ON LAND AT SK3925 1974, STATION ROAD, MELBOURNE, DERBY**

The Planning Delivery Team Leader appraised the Committee of the proposal and sought approval for amendments within the report, and informed Members that the application was brought before Committee at the request of Councillor Fitzpatrick. Members were informed that the County Highway Authority had no objections to the proposal.

An Objector and the Applicant's Agent attended the Meeting and addressed Members regarding the application.

Following concerns raised by the Objector regarding the position of the footpath and footbridge the Planning Delivery Team Leader clarified that the location was chosen as it would be well-overlooked and linked to the pedestrian footpath network rather than the road. It was further noted that if the bridge was to be moved it would be in a less well-observed space which could potentially attract anti-social behaviour. It was clarified that the removal of a small area of hedgerow would be necessary and that landscaping conditions would apply.

Councillor Shepherd and the Chairman supported the request for a pedestrian crossing on Station Road and Councillor Fitzpatrick addressed the Committee raising concerns about speeding on Station Road.

The Planning Delivery Team Leader advised Members that the developer had voluntarily contributed £8,000 towards road improvements and safety on Station Road and that a detailed response from the County Highway Authority was included in the report which included the installation of traffic calming and speeding road markings, but the Highway Authority advised that the development of 46 dwellings would not result in the requirement for the provision of a crossing.

RESOLVED:

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

PL/67 **THE VARIATION OF CONDITION 39 OF OUTLINE PERMISSION REF. 9/2017/0349 (RELATING TO THE RESIDENTIAL DEVELOPMENT OF UP TO 1,100 DWELLINGS, AN EXTRA CARE FACILITY, A LOCAL CENTRE COMPRISING: A SMALL SUPERMARKET WITH A FLOORSPACE NOT EXCEEDING 1000 SQM (NET); A SMALLER RETAIL UNIT WITH A TOTAL FLOORSPACE NOT EXCEEDING 200SQM (NET); A CAFE/RESTAURANT WITH A FLOORSPACE NOT EXCEEDING 200 SQM (NET); A PUBLIC HOUSE WITH A FLOORSPACE NOT EXCEEDING 650 SQM (NET); A DOCTORS SURGERY OR CRÈCHE; AND A COMMUNITY FACILITY, AS WELL AS A PRIMARY SCHOOL TOGETHER WITH ASSOCIATED PLAYING FIELDS AND THE PROVISION OF ASSOCIATED INFRASTRUCTURE (INCLUDING ROADS, FOOTPATHS, CYCLEWAYS, SUSTAINABLE URBAN DRAINAGE AND OPEN SPACE)) ON LAND AT NEW HOUSE FARM, ETWALL ROAD, MICKLEOVER, DERBY, DE3 0DN**

The Senior Planning Officer appraised the Committee of the proposal and sought approval for an additional condition to restrict the number of housebuilders to two before July 2023 and an informative regarding the Greenway. The Senior Planning Officer highlighted a condition attached to the existing approval which would prevent the occupation of no more than 317 dwellings until the works at the Kingsway junction on the A38 were completed.

An Objector and the Applicant's Agent attended the Meeting and addressed Members regarding this application.

RESOLVED:

That planning permission be approved as per recommendation in the report of the Strategic Director (Service Delivery subject to a condition to restrict the number of housebuilders before July 2023 and an informative regarding the Greenway.

PL/68 **APPROVAL OF RESERVED MATTERS (LAYOUT, SCALE, APPEARANCE AND LANDSCAPING) FOR ERECTION OF 148 DWELLINGS ALONG WITH CREATION OF ROADS AND PUBLIC OPEN SPACE PURSUANT TO OUTLINE PERMISSION REF. 9/2016/0882 (PHASE 3) ON LAND AT BROOMY FARM (EAST OF LINCOLN WAY AND SALISBURY DRIVE), WOODVILLE ROAD, HARTSHORNE, SWADLINCOTE**

The Senior Planning Officer appraised the Committee of the proposal and sought approval to amend the date within condition 1 and the removal of Condition 13 regarding boundary treatments. Approval was also requested for the removal of Condition 7 following clarification from County Highways that this would be dealt with under different legislation. The Senior Planning Officer asked that the Committee approve an additional condition to secure detailed landscaping with timescales.

The Senior Planning Officer explained that the application had been called in by Councillor Taylor due to the lack of a school drop off and pick up area on the

site for Granville Academy but Members were asked to note that the applicant had approached the Academy who was not willing to create a new access to the Academy on the grounds of site security and safeguarding concerns.

An Objector and the Applicant's Agent attended the Meeting and addressed Members regarding this application.

Councillor Taylor addressed the Committee regarding the lack of involvement of Local Members, the necessity for the school drop off and pick up point and asked that the opportunity be given to address this and find the best way forward for the local community and a query was raised regarding the renegotiation of the Section 106 Agreement in relation to the traffic mitigation sum.

The Committee was informed that notification was carried out accordingly with residents, Parish Councillors and Local Members and that the drop off and pick up point had been explored fully with the Academy Trust. It was further noted that as the application was Reserved Matters there would be no renegotiation of the Section 106 Agreement.

RESOLVED:

That planning permission be deferred to allow for further discussions with the Academy Trust, pursuant to securing a school drop off/pick up area.

PL/69

OUTLINE APPLICATION CONSIDERING THE MATTER OF ACCESS AND THE MATTERS OF LAYOUT AND SCALE (IN PART) (MATTERS OF APPEARANCE AND LANDSCAPING RESERVED FOR LATER CONSIDERATION) FOR THE DEVELOPMENT OF UP TO 25 DWELLINGS WITH ASSOCIATED OPEN SPACE AND INFRASTRUCTURE AT LAND SOUTH OF CASTLE WAY, WILLINGTON, DERBY, DE65 6BT

It was reported that Members of the Committee had attended a virtual site visit.

The Senior Planning Officer appraised the Committee of the application outlining the reasons for refusal that included the impact to the environment. It was further noted that the proposal was contrary to Policy H1 as it was not an affordable led site and was outside of the settlement boundary and it was also not in line with the Local Development Plan.

Councillor Ford and Councillor Watson addressed the Committee supporting the reasons for refusal.

RESOLVED:

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

PL/70 **THE ERECTION OF A RURAL WORKERS DWELLING AND ASSOCIATED WORKS TO SUPPORT THE EXISTING KENNELS AND CATTERY AT ASH FARM KENNELS, INGLEBY LANE, TICKNALL, DERBY, DE73 7HW**

The Planning Delivery Team Leader appraised the Committee of the proposal seeking approval of an updated recommendation to defer the application to allow the applicant and officers to consider additional information received from the applicant and the response to the additional information from the Agricultural Consultant to ensure that recommendations were based on the most up to date information.

RESOLVED:

That planning permission be deferred to allow for officers to consider the additional information received and the response from the Agricultural Consultant.

PL/71 **PLANNING AND OTHER APPEALS**

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

9/2019/0491	Brook Lane, Scropton	Hilton	Dismissed	Delegated
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PL/72 **SECTION 106 INTERPRETATION AT PARK ROAD, NEWHALL**

The Planning Delivery Team Leader appraised the Committee of the report that related to Site A part of Swadlincote Woodlands and concerns raised about the interpretation of the affordable housing requirements on the site.

RESOLVED:

That the Committee approved the issuing of a 'letter of comfort' to the site owners to clarify interpretation of relevant clauses in the Section 106 Agreement (s106) relating to the delivery of affordable housing as recommended in the report of the Head of Planning and Strategic Housing (Service Delivery).

PL/73 **SECTION 106 VARIATION AT ACRESFORD ROAD, OVERSEAL**

The Planning Delivery Team Leader presented the report to the Committee regarding a variation to an application approved by the Committee in 2016.

RESOLVED:

That the Committee approved the request to amend the Section 106 Agreement (S106) by means of a Deed of Variation (DoV) to alter the tenure mix and affordable rent type on site to allow all of the affordable homes to be let at social rent levels instead of the affordable rent and shared

ownership mix originally proposed as recommended in the report of the Head of Planning and Strategic Housing (Service Delivery).

PL/74 **LAND AT SK2531 3702, LUCAS LANE, HILTON, DERBY**

The Senior Planning Officer presented the report to Members summarising why it was before them and explained that the previous resolution included the need to complete a Section 106 Legal Agreement before a decision could be issued. Members were also informed that the Council had been put on notice by Hilton Parish Council of their intent to seek a judicial review in respect to the weight that was afforded to the Neighbourhood Plan but it remained the officer's view that the advice given in July regarding the weight that could be afforded to the Neighbourhood Plan still stood.

The Chairman Moved to suspend standing orders at 20:29hrs

An Objector and the Applicant's Agent and attended the Meeting and addressed Members on this application.

Following comments made by the objector the Senior Planning clarified that the there was only a statutory obligation to publish a completed Section 106 Agreement and that as it was a legal agreement the parties who signed that agreement were the interested parties.

As the Local Ward Member Councillor Patten addressed Members and expressed concern about the delay to the Hilton Parish Neighbourhood Plan due to Covid-19.

The Head of Planning and Strategic Housing informed Members that the requirement to publish a number of hard copies of the plan at a number of locations did not happen due to Covid-19 but publication did take place at the earliest opportunity and that even though the plan was out for formal representation the officer's recommendation remained.

RESOLVED:

That the Committee ratified its previous resolution on this application, made at the meeting on 1 July 2020, and endorsed the issuing of planning permission as per that resolution as recommended in the report of the Head of Planning and Strategic Housing (Service Delivery).

PL/75 **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.

MINUTES

The Exempt Minutes of the Meeting held on 30th June 2020 were received.

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 21:00 hours.

COUNCILLOR MRS L BROWN

CHAIRMAN