

PLANNING COMMITTEE

26<sup>th</sup> November 2019

**PRESENT:**

**Conservative Group**

Councillors Mrs Brown (Chairman), Mrs Bridgen (Vice-Chairman), Brady, Ford, Muller, Patten (substituting for Councillor Angliss), Watson and Councillor Mrs Wheelton)

**Labour Group**

Councillors Gee, Dr. Pearson, Shepherd, Southerd and Tilley.

PL/107 **APOLOGIES**

Apologies for absence were received from Councillor Angliss, (Conservative Group).

PL/108 **DECLARATIONS OF INTEREST**

There were no Declarations of Interest received.

PL/109 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Committee was informed no questions from Members of the Council had been received.

**MATTERS DELEGATED TO COMMITTEE**

PL/110 **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 them as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/111 **OUTLINE APPLICATION (ALL MATTERS TO BE RESERVED) FOR THE RESIDENTIAL DEVELOPMENT FOR UP TO 550 UNITS, A TWO-FORM ENTRY PRIMARY SCHOOL, STRATEGIC ROAD LINKS (CONNECTING BOULTON MOOR PHASE 1 AND SNELSMOOR GRANGE) PUBLIC OPEN SPACE INCLUDING CHILDREN'S PLAY PROVISION, SURFACE WATER DRAINAGE AND LANDSCAPING AND ANCILLARY SUPPORTING INFRASTRUCTURE (BOULTON MOOR PHASE 2) ON LAND AT SK3931 2744 MILL HILL BOULTON MOOR DERBY**

The Planning Delivery Team Leader updated the Committee that since the report's publication there is now a Tree Preservation Order (TPO) on site. The Planning Delivery Team Leader informed the Committee that extensive work had been undertaken to address the off-site highways mitigation work required, with both the City and County Highway Authorities and Highways Agency now content. The Planning Delivery Team Leader reported that the Agent had the previous day lodged a letter raising concern over the wording of proposed condition 1 (time allowed to submit reserved matters), 11 (a culvert/watercourse assessment), conditions 24 and 25 (relating to the timing and phasing of the highway mitigation works) and condition 29 (dealing with links to the adjacent site in Derby City), and that the intention to deal with provision of a bus service should be done by condition instead of financial contribution through a planning obligation. The latter would ensure alignment of controls between South Derbyshire District Council and Derby City Council. The Planning Delivery Team Leader recommended amendments to conditions 1, 11, 24, 25 and 29, although it was noted that legal advice had been sought in respect of condition 29 to the degree that the condition should not be amended to the extent as proposed by the Agent. The Planning Delivery Team Leader also recommended that whilst the conditions remain substantive that Delegated Authority be sought for the Head of Service, in agreement with the Chairman, to allow for fine tuning of the amendments to the conditions as these were still subject to statutory notification with the Applicant.

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

Members raised comments or queries in relation to the phasing in of the bus service and requested clarity about the Section 106 funding for the service. The Planning Delivery Team Leader responded to the queries explaining that the bus service will be a phased service as it would not be viable to run a full service until there are the majority of residents in place. The Planning Delivery Team Leader informed the Committee that there would be Service Level Agreement in place with the Developer for the bus service rather than funding being included within the Section 106.

Councillor Dr. Pearson questioned whether it was appropriate to delegate authority for an extensive section 106 package. Councillor Southerd asked if it was possible to bring a report to the Committee regarding the outcome of the section 106 negotiations.

**RESOLVED:**

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery) to take account of the TPO with noted amendment to conditions 1, 11, 24 and 25 and the insertion of condition 29, and that a further report on the total section 106 'package' is to come to the Committee prior to approval.***

PL/112 **THE ERECTION OF A DETACHED DWELLING AT 1 YEW TREE LANE THULSTON DERBY**

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

The Senior Planning Officer presented the report to Committee, pointing out the proximity of the dwelling to neighbouring properties.

An Objector and the Applicant attended the Meeting and addressed Members.

Member raised comments and concerns regarding the look of the property, parking facilities, access onto the road and the possible retention of the current wall.

The Senior Planning Officer informed Members that the augment of the property would be a cascading approach and fits the criteria of the In-fill Policy. Following a traffic survey, the County Highway Authority has no objection to the development and the wall falls within permitted development allowance for removal outside of this planning application.

**RESOLVED:**

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

PL/113 **CHANGE OF USE FROM RETAIL (USE CLASS A1) TO BEAUTICIANS (USE CLASS SUI-GENERIS USE) AT 10 WEST STREET, SWADLINCOTE, DE11 9DE**

The Planning Delivery Team Leader presented the report to Committee.

The Applicant's Surveyor attended the Meeting and addressed Members.

**RESOLVED:**

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery) with the amendments to Condition 4.***

PL/114 **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 meeting terminated at 7.10PM.

COUNCILLOR MRS L BROWN

CHAIRMAN