

PLANNING COMMITTEE

23 August 2022

PRESENT:

Labour Group

Councillor Shepherd (Vice-Chair)
Councillors Dunn, Rhind, Richards, Southerd and Taylor

Conservative Group

Councillors, Bridgen, Brown, Dawson, Haines, Muller and Smith

Non-Grouped

Councillor Wheelton.

In Attendance

Councillor Fitzpatrick

PL/51 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor Tilley, Councillor Gee and Councillor Pearson (Labour Group) and Councillor Redfern (Labour Group)

PL/52 **DECLARATIONS OF INTEREST**

The Committee was informed that a declaration of personal interest had been received from Councillor Muller regarding item PL/62 by virtue of being a County Councillor.

The Committee was informed that declarations of personal interest had been received from Councillor Smith regarding items PL/58, PL/59 and PL/62 by virtue of being a County Councillor.

The Committee was informed that a declaration of personal interest had been received from Councillor Wheelton regarding item PL/60 by virtue of representations made.

PL/53 **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 COMMITTEEPL/54 **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/55 **APPROVAL OF DETAILS REQUIRED BY CONDITION 1 ATTACHED TO REF. DMPA/2020/0915 (TWO-STOREY SIDE AND SINGLE STOREY REAR EXTENSION ALONG WITH ATTACHED GARAGE) AT 247 HEARTH COTE ROAD, SWADLINCOTE, DE11 9DU**

The Head of Planning and Strategic Housing presented the report to the Committee noting that Members had previously raised concerns regarding the use of Ash trees and requested that the applicant considered building a boundary wall at the rear of the property.

Members were content with the proposed species of replacement trees suggested by the applicant but raised concern that the boundary wall had not been considered.

RESOLVED:

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

PL/56 **THE ERECTION OF LEISURE BUILDING WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING AT KNIGHTS LODGES, KNIGHTS LANE, BRETBY, BURTON ON TRENT, DE15 0RT**

The Head of Planning and Strategic Housing addressed the Committee and summarised the revised application which addressed concerns previously raised by Committee Members and reduced the size of the development, improved the visual impact and added additional tree planting.

The Head of Planning and Strategic Housing summarised points raised by the Applicant's Agent who had attended a previous Committee meeting and noted that the Parish Council raised no further objections following a full consultation period.

Members noted the amendments and improved proposals and discussed the possibility of restricting future permitted development rights.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to an additional condition that removed permitted development rights for any further external changes.

PL/57 **RETROSPECTIVE APPLICATION FOR THE ERECTION OF 8 HOLIDAY LODGES AT KNIGHTS LODGE, KNIGHTS LANE, BRETBY, BURTON ON TRENT, DE15 0RT**

The Head of Planning and Strategic Housing presented the report to the Committee in relation to a retrospective application, noting that the proposal involved larger lodges with increased landscaping and screening. The Committee was informed that a condition would limit the use to holiday lodges. The Head of Planning and Strategic Housing informed the Committee of comments made following consultation with the Parish Council and noted points previously raised by Councillor Churchill, as a Local Ward Councillor.

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

Members discussed the size, construction and impact of the lodges on the landscape.

RESOLVED:

That planning permission be refused contrary to the recommendations in the report of the Strategic Director (Service Delivery) as the lodges were considered to be contrary to policy, due to size, construction, materials and impact on the landscape character.

PL/58 **OUTLINE APPLICATION (MATTERS OF ACCESS TO BE CONSIDERED NOW WITH MATTERS OF LAYOUT, SCALE, APPEARANCE AND LANDSCAPING RESERVED FOR LATER CONSIDERATION) FOR A DISTRICT CENTRE COMPRISING A RETAIL FOODSTORE (USE CLASS E), RETAIL/CAFÉ/RESTAURANT/DRIVE-THRU UNITS/NURSERY (USE CLASS E/SUI GENERIS), A TRANSPORT MOBILITY HUB AND PETROL FILLING/ELECTRIC CHARGING STATION (SUI GENERIS). RESIDENTIAL DEVELOPMENT (USE CLASS C3), A CARE HOME (USE CLASS C2), A COMMUNITY FACILITY (USE CLASS F2), AND ASSOCIATED ROAD INFRASTRUCTURE, LANDSCAPING, SERVICES, AND ENGINEERING WORKS. LAND EAST OF CHELLASTON LANE AND SOUTH OF SHARDLOW ROAD, DERBY**

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 dialogue that had taken place with the applicant. The Head of Planning and Strategic Housing sought approval to amend the final condition to regarding delegated authority in relation to the finalising the Section 106 Agreement.

The Head of Planning and Strategic Housing outlined the key points of the application, noting that no concerns had been raised by the County Highways Authority and requested that the travel plan be covered by the Section 106 Agreement.

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

Councillor Brown addressed the Committee on behalf of the Local Ward Member, who raised concerns regarding primary school provision, the healthcare needs of the community and the environmental impact.

The Head of Planning and Strategic Housing informed the Committee that the Environmental Impact Assessment Screening decision had not raised any concerns and explained that education had been discussed with the Education Authority and would be delivered and that financial contributions would be made in relation to healthcare provision

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to an additional condition giving delegated authority to the Head of Planning and Strategic Housing in consultation with the Chair of the Committee to finalise the wording of the conditions and conclude the Section 106 Agreement.

PL/59 **CREATION OF A 4-ARM ROUNDABOUT AT CHELLASTON LANE, DERBY**

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 and summarised the content of the application noting that it was presented to the Committee at the request of Councillor Watson as local concern had been expressed.

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).

PL/60 **ERECTION OF FOOD STORE (USE CLASS E), WITH CAR PARKING, LANDSCAPING, AND ASSOCIATED WORKS AT LAND NORTH OF DRIFT ROAD, CASTLE GRESLEY, SWADLINCOTE, DE11 9FW**

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

The Senior Planning Officer addressed the Committee and sought approval for amendments to condition 2 in relation the approved listed plans and to the re-numbering of conditions within the report due to an administrative error. The Committee was informed that proposed development would be on a brownfield site

that had previous approval for industrial use. The Senior Planning Officer outlined the application and noted the number of parking spaces, layout, proposed store frontage and landscaping.

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

The Senior Planning Officer confirmed that 'Click and Collect' service would not be considered as part of the application and that there would be funding in relation to cycle route connectivity.

Members raised queries regarding the delivery times, the number of car parking spaces.

The Senior Planning Officer informed the Committee that the Delivery Management Plan was covered by condition 14 and that there would be a mechanism in place to consider residents and noted that the car parking facility was considered generous with plenty of space for manoeuvring.

Members raised concerns regarding the landscaping and discussed the benefit of using mature planting.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to an amendment to the approved listed of plans within condition 2, the renumbering of conditions due to an administrative error and an amendment to condition 6 to include an alternative planting scheme to enhance the landscaping to Drift Road frontage and to retain existing planting where possible.

PL/61

TEMPORARY USE OF LAND FOR GLAMPING AND OVERNIGHT TOURIST ACCOMMODATION AT MELBOURNE HALL, CHURCH SQUARE, MELBOURNE, DERBY, DE73 8EN

The Head of Planning and Strategic Housing presented the report to the Committee outlining the application and highlighted the planning merits set out within the report. It was noted that there were no highways objections, no environmental concerns and no flood risk

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

As Local Ward Member, Councillor Fitzpatrick addressed the Committee and raised concerns on behalf of the local residents.

RESOLVED:

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

PL/62 **PROPOSED CHANGE OF USE TO EXISTING LAND AND TURNING HEAD RESULTING FROM THE DEVELOPMENT OF THE KILN WAY LINK ROAD FOR THE CREATION 47NO. CAR PARKING SPACES, INC. 24NO. ELECTRIC VEHICLE CHARGING POINTS, ERECTION OF 10NO. CYCLE SPACES, STAFF SEATING AREA AND LANDSCAPING ON LAND ADJACENT TO FIRST FENCE LTD, KILN WAY / WOODHOUSE STREET, WOODVILLE, SWADLINCOTE, DE11 8EA**

The Head of Planning and Strategic Housing presented the report to the Committee and outlined the application to increase parking facilities that would include electric vehicle charging points and increase in hedges and soft landscaping. It was noted that concern was raised regarding the loss of landscaping and two mature trees.

As Local Ward Member, Councillor Taylor addressed the Committee and raised concerns on behalf of the local residents, noting the importance of the site's position at the gateway into Swadlincote.

Members discussed the impact of visual amenity the proposals on the local area, the loss of open space and how it would be contrary to the Local Plan.

RESOLVED:

That planning permission be refused contrary to the officer's recommendations in the report of the Strategic Director (Service Delivery) due to the undue adverse impact on the visual amenity of the area.

PL/63 **CONVERSION & EXTENSION OF EXISTING GARAGE INTO NEW 2 BEDROOM DWELLING AND ERECTION OF NEW FLAT ROOF GARAGE AT 57 EGGINTON ROAD, HILTON, DERBY, DE65 5FG**

The Head of Planning and Strategic Housing presented the report to the Committee and noted that although the garden size and car parking arrangements would be in conflict with the Neighbourhood Plan the application would reduce pressure on greenfield sites and no objection had been received from the Highways Authority in relation to the car parking arrangements.

As Local Ward Member Councillor Smith addressed the Committee regarding the conflict with the Neighbourhood Plan.

Councillor Muller supported some aspects of the application but raised concern regarding the conflict with the Neighbourhood Plan.

RESOLVED:

That planning permission be deferred to allow for the applicant to consider increased garden size and parking arrangements associated with the property.

PL/64 **LISTED BUILDING CONSENT FOR REINSTATEMENT OF FORMER BLOCKED-UP WINDOW OPENING AT GROUND FLOOR LEVEL TO THE REAR (EAST) ELEVATION AND TO CREATE BATHROOM/EN-SUITE AND WC FACILITIES AT FIRST AND SECOND FLOORS AT WALTON HALL, MAIN STREET, WALTON-ON-TRENT, SWADLINCOTE DE12 8LZ**

The Head of Planning and Strategic Housing presented the report and informed the Committee that advice given by statutory consultee, Historic England regarding the window and the stairs was inconsistent with the recommendation of the South Derbyshire Conservation Officer.

RESOLVED:

That planning permission be deferred to allow Members to visit the site.

PL/65 **DEMOLITION OF A BOUNDARY WALL AND THE ERECTION OF FENCING AND A REPLACEMENT GATE AND THE RETENTION OF AN ELECTRIC VEHICLE CHARGING POINT; AND LISTED BUILDING CONSENT FOR THE DEMOLITION OF A BOUNDARY WALL AND THE ERECTION OF A REPLACEMENT GATE AND THE RETENTION OF AN ELECTRIC VEHICLE CHARGING POINT AT TUDOR LODGE, 33 HIGH STREET, REPTON, DERBY, DE65 6GD**

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

RESOLVED:

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

PL/66 **DEMOLITION OF BUILDINGS, AND REDEVELOPMENT OF SITE TO PROVIDE ADDITIONAL CAR PARKING SPACES AND URBAN PARK. ALTERATIONS TO MARKET HALL, INCLUDING REMOVAL OF EXISTING ROOF; ERECTION OF PAINTED METAL CANOPY, BRICKWORK, FENCING AND SOLAR PANELS; INSTALLATION OF LIGHTING; AND ASSOCIATED LANDSCAPING; TO CREATE A MULTI-FUNCTIONAL SPACE FOR 42 CAR PARKING SPACES AND EVENTS SPACE FOR SPECIALIST MARKETS AND CULTURAL EVENTS. BANKS HOUSE/BRETRY VIEW, SABINES YARD AND MARKET HALL, MIDLAND ROAD, SWADLINCOTE, DE11 0AG**

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 and outlined the key points within the report. The Head of Planning and Strategic Housing sought approval for the recommendations within the report and with an amendment to condition 13. It noted that South Derbyshire District Council was the landowner and applicant.

Members fully supported the proposals and improvements that would be made to Swadlincote Town Centre.

RESOLVED:

That planning permission be approved as per the recommendations in the report of the Strategic Director (Service Delivery) subject to the removal of condition 13b.

PL/67 **DEED OF VARIATION – CHURCH STREET**

The Head of Planning and Strategic Housing presented the report to the Committee and outlined the Deed of Variation changes in relation to the transfer of the Sustainable Drainage System to the Residents Management Company.

Councillor Southerd raised concern regarding the commuted sum and what control the residents would have regarding oncosts.

The Head of Planning and Strategic Housing informed the Committee that there would be dialogue with Severn Trent to ensure that the Sustainable Drainage System would be managed correctly and if there were any concerns a report could be brought back to the Committee.

RESOLVED:

1.1 The Committee approved an amendment to the Section 106 Agreement (S106) by means of a Deed of Variation (DoV) to accept the transfer of the SUDs pond to the residents' management company.

1.2 The Committee delegated authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the DoV.

PL/68 **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/69 **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. 21:10 hrs

COUNCILLOR D SHEPHERD

VICE-CHAIR