

PLANNING COMMITTEE

30<sup>th</sup> June 2020

**PRESENT:-**

**Conservative Group**

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

**Labour Group**

Councillors Dr Pearson, Richards (substituting for Councillor Gee) Shepherd, Southerd and Tilley

PL/01 **APOLOGIES**

Apologies for absence were received from Councillor Gee (Conservative Group)

PL/02 **DECLARATIONS OF INTEREST**

It was noted that Councillor Ford declared that Items PL/05 and PL/08 to be of personal interest by virtue of being a County Councillor and would leave the Chamber prior to the Item PL/08 being discussed.

PL/03 **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/04 **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/05

**OUTLINE APPLICATION WITH ALL MATTERS RESERVED, EXCEPT FOR PART ACCESS INTO THE SITE FROM MOIRA ROAD, FOR THE RESIDENTIAL DEVELOPMENT OF UP TO 300 DWELLINGS, A LOCAL CENTRE COMPRISING A 1,600SQM FOOD STORE (CLASS A1 USE), 700SQM RESTAURANT/FAST FOOD (CLASS A3 USE) AND 550SQM PUB (CLASS A4 USE), TOGETHER WITH EMPLOYMENT LAND CONSISTING OF 2,000SQM CLASS B1(B) RESEARCH AND DEVELOPMENT AND/OR B1(C) LIGHT INDUSTRIAL USES, 4,000SQM CLASS B2 GENERAL INDUSTRIAL USES AND 8,000SQM CLASS B8 STORAGE AND DISTRIBUTION USES, TOGETHER WITH ACCESS FROM THE WOODVILLE REGENERATION ROUTE (TO BE DELIVERED BY OTHERS), AND PUBLIC OPEN SPACE, LANDSCAPING AND ASSOCIATED DRAINAGE INFRASTRUCTURE ON LAND NORTH OF OCCUPATION LANE (WOODVILLE REGENERATION AREA), WOODVILLE, SWADLINCOTE**

It was reported that Members of the Committee had attend a virtual site visit earlier in the day.

The Planning Delivery Team Leader outlined the application in detail and requested that the Committee considered amendments to condition 12 to include SuDS CIRIA standards.

An Objector attended the Meeting to address the Committee but joined the meeting after the Committee had reached a resolution.

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

Members raised queries regarding the ponds and SuDs, the lack of affordable housing and asked for clarity regarding the percentage profit. Concern was also raised in respect of additional traffic accessing Moira Road and the Tollgate Island. The Committee was informed that the existing pond would remain in place and finer details would be dealt with a later stage within reserved matters, whilst the proposal would assist in the delivery of the Regeneration Route which would assist in alleviating traffic problems in the area. The Planning Delivery Team Leader added that whilst Homes England funding could not be subject to a planning condition, Homes England had indicated that this site would qualify for funding but planning permission must be granted before funding would be considered. The Planning Delivery Team Leader also confirmed that the profit was modelled at 17.5% as per the national guidance.

Councillor Richards asked if a Community Levy would be placed on these properties. The Planning Delivery Team Leader explained that an obligation will be in place to ensure that any Service Charge in relation to the upkeep of open space and SuDs would be a reasonable one and any increases should be in line with inflation.

Councillor Mrs. Wheelton, raised concern about the impact on wildlife and asked if the Committee could be updated about the Homes England funding. The Planning Delivery Team Leader informed Members that an update could be brought to this Committee and Members were assured that the Wildlife Trust

had informed the application content regarding Biodiversity and that this would be covered through reserved matters and that conditions will be sufficient to ensure the biodiversity gain on this site.

**RESOLVED:**

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery), including amendment to condition 12.***

PL/06

**APPROVAL OF RESERVED MATTERS FOR LAYOUT, SCALE, APPEARANCE AND LANDSCAPING OF OUTLINE PERMISSION REF. 9/2015/0218 (FOR THE ERECTION OF 8 NO. DWELLINGS AND ASSOCIATED WORKS) ON LAND AT SK3826 7702 (OFF SMITH AVENUE), MAIN STREET, KINGS NEWTON, DERBY**

It was reported that Members of the Committee had attend a virtual site earlier in the day.

The Planning Delivery Team Leader addressed the Committee outlining the application and pointed out a minor correction to Condition1 which was a plan number error. The Committee was informed that two late representations had been received following the publication of the report. The Planning Delivery Team Leader summarised the project explaining that the site bordered the conservation area and access had been considered in detail. The Committee was then asked to consider landscaping, layout, scale and appearance as well as to take note of the purpose of each turning head and refuse collection point. It was further noted that the proposed new footpath included permissive routes already being walked.

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

The Planning Delivery Team Leader addressed some issues raised by the speakers and highlighted that the Conservation Officer had scrutinised the application and that the application was policy compliant.

Members raised concerns about the narrow lane to north of the site and the lack of openness from the end of the lane as well as the visibility of the garden wall at plot 8. Clarity was also requested regarding the number of properties that the refuse collection point would service.

The Planning Delivery Team Leader informed the Committee that brick walls are used as they are considered to be long lasting and unlikely to be moved or changed in the future and unfortunately feeling of openness will be limited due to the width of site.

Concerns were raised regarding the use and appearance of the bollards on the site and it was therefore suggested that a Condition be added about the

materials and appearance of the bollards to be worded “*that notwithstanding the plans hereby approved, a revised scheme for provision of bollards shall be submitted to be approved in writing by the Local Authority*”, which would then enable officers to seek the view of the County Highways Authority to ensure that the width for pedestrians is appropriate and to consider the bollards’ appearance.

**RESOLVED:**

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery), including amended condition 1 and the additional condition regarding style and position of bollards.***

PL/07

**EMPLOYMENT DEVELOPMENT COMPRISING THE ERECTION OF BUILDINGS TO PROVIDE USES WITHIN B1 AND B2 OF THE USE CLASSES ORDER AND OTHER ASSOCIATED ANCILLARY DEVELOPMENT INCLUDING EXTERNAL ALTERATIONS (TO UNIT D), DEMOLITION OF EXISTING STRUCTURES AND THE RECONFIGURATION OF EXISTING EXTERNAL HARD STANDINGS AND PARKING AREAS ON LAND OFF SINFIN LANE, BARROW UPON TRENT, DERBY**

The Planning Delivery Team Leader highlighted an amendment to condition 14, regarding the Biodiversity Offsetting Scheme. Members were informed that this was an application for industrial economic development which presented a strong business case supported with evidence gleaned from the South Derbyshire Economic Development Strategy and that the proposal would provide job opportunities currently lacking in the area. The Planning Delivery Team Leader added that there were no highway concerns, landscape, biodiversity, amenity or drainage issues that could not be appropriately mitigated through conditions.

An Objector attended the Meeting and addressed Members on this application.

Following concerns raised by the speaker the Planning Delivery Team Leader informed Members that flooding risks will be mitigated through the proposed drainage / storage crate system which controls the outflow from the site into the ditch and has the potential to improve the current situation which is unregulated. The Planning Delivery Team Leader added that the loss of a private view is not a material planning consideration and it was the opinion of Environmental Health that the proposed development is placed far enough away from residential properties that there would not be any demonstrable impact.

Cllr Shepherd asked for clarity regarding the pedestrian refuge improvement, cycle facilities and concern regarding the position of the weight restriction signage on Deep Dale Lane. The Planning Delivery Team Leader informed the Committee that the footpath and pedestrian refuge would be widened and included provision for cyclists and the Highway Authority were responsible for the position of Weight Restriction signage.

Cllr Wheelton asked that we could make sure that the high quality lowland meadow habitat will happen and raised concerns regarding the protection of pond life. The Planning Delivery Team Leader informed the Committee that there will be a detailed management plan for a 15 year period in relation to the site and there is a detailed scheme for dewatering and as part of the proposals there will be toad habitat proposed on the site as it is known that toads are in the vicinity. There is also a Method Statement for removing fish and other pond life that the applicants must adhere to.

**RESOLVED:**

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery), including amendment to condition 14 and condition 17 to include a watching brief in relation to the pond drainage.***

Councillor Ford left the Committee Meeting

PL/08 **THE VARIATION OF CONDITION 1 AND REMOVAL OF CONDITION NO. 4 OF PERMISSION REF. 9/2018/0959 (RELATING TO THE ERECTION OF A SUN CANOPY) AT 11 THE GREEN, WILLINGTON, DERBY**

It was reported that Members of the Committee has attend a virtual site earlier in the day.

The Planning Delivery Team Leader outlined the variation to Condition 1 to include the re-installation of the hedgerow along the boundary to the canal and sought authority to add a condition to allow the retention of low powered decorative lighting and the restriction of any additional lighting in the future.

**RESOLVED:**

***That planning permission be granted as recommended in the report of the Strategic Director (Service Delivery), including amendment to add a condition relating to lighting.***

Councillor Ford re-joined the Committee Meeting

PL/09 **THE RETENTION OF A SEPTIC TANK AND FORMATION OF A VEHICULAR ACCESS TO SERVE TIDDLY FROG BARN, UNNAMED ROAD FROM TWYFORD ROAD TO BUCKFORD LANE, STENSON, DERBY, DE73 7GB**

It was reported that Members of the Committee has attend a virtual site earlier in the day.

The Planning Delivery Team Leader presented this application informing Members that part of track had already installed under temporary Permitted Development Rights and the application seeks retention of that part and for the track it be extended up to Buckford Lane. The applicant is willing to plant trees between the existing and proposed tracks. The Highway Authority has no safety concerns and supports the additional access.

A Supporter on behalf of the Applicant attended the Meeting to address the Committee but lost internet connection and therefore the Planning Delivery Team Lead read out the speaker's statement.

Members supported this application and agreed that the tree planting would be of benefit

***Councillor Brown suspended standard items***

**RESOLVED:**

***Contrary to the recommendation in the report of the Strategic Director (Service Delivery), planning permission was granted subject to conditions in relation to approved plans and planting and species of trees.***

PL/10 **PLANNING AND OTHER APPEALS**

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

9/2018/0911	Dish Lane, Sutton on the Hill	Hilton	Dismissed	Delegated
9/2019/0583	The Castle Way, Willington	Willington & Findern	Allowed	Committee
9/2019/0651	St. Brides, Stanton by Bridge	Melbourne	Allowed (costs refused)	Delegated
E/2018/00110	Acresford Road, Netherseal	Seales	Upheld with variation to Notice	Delegated

PL/11 **TREE PRESERVATION ORDER 519: LAND NORTH OF SNELSMOOR LANE, BOULTON MOOR, DERBY**

The Planning Delivery Team Leader addressed the Committee explaining that due to Covid-19 this had been carried out under the powers of the Chief Executive and asked the Committee for its endorsement.

***RESOLVED:-***

***That the Committee endorsed the use of emergency powers in confirming this Tree Preservation Order subject to the modifications as set out in the report***

PL/12 **TREE PRESERVATION ORDER 526: PRIMAVERA, TRENT LANE, NEWTON SOLNEY**

The Planning Delivery Team Leader addressed the Committee regarding this Tree Preservation Order.

***RESOLVED:-***

***That the Committee confirmed that the Tree Preservation Order be subject to the modifications set out in the report.***

PL13 **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 7.45 pm.

COUNCILLOR MRS L BROWN

CHAIRMAN