

# ITEM 4b

Time commenced – 6.00pm

Time finished – 7.48pm

## PLANNING CONTROL COMMITTEE 16 DECEMBER 2010

Present: Councillor Wood (Chair)  
Councillors Bolton, Carr, Grimadell, Harwood, Hickson, S  
Khan, Richards and Shanker.

In attendance: Councillor Davis

### 86/10 Apologies for Absence

No apologies for absence were received.

### 87/10 Late Items Introduced by the Chair

There were no late items.

### 88/10 Declarations of Interest

Councillor Harwood declared a personal and prejudicial interest in application 06/10/00788, 14 Arlington Road, Derby (Twelve Trees) as he knew the applicant.

### 89/10 Confirmation of the minutes of the meeting held on 21 October 2010

The minutes of the meeting held on 21 October 2010 were agreed as a correct record and signed by the Chair.

### 90/10 Applications dealt with under Building Regulations and associated legislation

The Committee considered a report from the Director of Planning and Transportation on Applications dealt with under Building Regulations and Associated Legislation. Appendix 2 gave details of the decisions taken.

**Resolved to note the decisions taken in the last month.**

### 91/10 Enforcement Report: Monthly Report

The Committee considered a report from Director of Planning and Transportation on enforcement action. The report gave brief details of enforcement actions authorised in the last month.

**Resolved to note the enforcement action taken in the last month.**

## 92/10 Appeals Decisions Report

The Committee considered a report from the Director of Planning and Transportation on planning appeal decisions. The attached appendix gave details of the decisions taken. Councillor Hickson praised the professionalism, impartiality and support of officers involved in the Sinfin Lane planning Public Inquiry.

**Resolved to note the decisions on appeals taken in the last month.**

## 93/10 Review of Local validation lists

The Committee considered a report of the Director of Planning and Transportation informing Members of a review of the local validation lists. The lists were the documents that each applicant had to provide when submitting a planning application. The proposed changes brought the local validation lists into line with Government guidance.

**Resolved to note the report.**

## 94/10 Development Control Monthly Report

The Committee considered a report on planning applications to be determined by the Committee, and the applications determined of the Director of Planning and Transportation under delegated powers.

### 1. DER/09/10/01187

Residential Development (five dwelling houses) and formation of vehicular access at Land at side and rear of 21 - 25 Weston Park Avenue, Shelton Lock, Derby

It was reported that two additional representations had been received; one from the agent and one from an objector.

Mr Jenkin addressed the Committee in support of the application. Mr Bailey addressed the Committee in objection to the application.

**Resolved to refuse the application for outline planning permission.**

### **Reasons**

1. The proposal by reason of its backland location, its layout and density, would result in an unacceptable form of development which would be out of character with and detrimental to the character and appearance the wider area. A development of this type would preclude a more acceptable comprehensive form of development for the wider area and would set an undesirable precedent for other backland development in the locality. As such the proposal is contrary to policy GD5, GD7 and H13 of the adopted City of Derby Local Plan Review.

2. The proposal, by reason of the use of massed parking provision, would result in a development visually dominated by motor cars to the detriment of the streetscene of the development itself and to the detriment of the visual amenity and the residential amenity of neighbouring residents, who would be also be affected by the noise, disturbance and air pollution that the cars would create. As such the proposal is contrary to policies GD4, GD5, H13 and E23 of the adopted City of Derby Local Plan Review.
3. The proposal, by reason of the position and design of the vehicular access, would be incapable of safely accommodating the turning of large vehicles within the site. As such the proposal is contrary to policy T4 of the adopted City of Derby Local Plan Review.
4. The proposal, by reason of the close proximity of the vehicular access to the dwellings at 21 and 23 Weston Park Avenue, would be detrimental to the residential amenity of those properties through noise and disturbance and air pollution. As such the proposal is contrary to policy GD5 and H13 of the adopted City of Derby Local Plan Review.
5. The proposed development by reason of its density and layout would be result in poor levels of privacy between dwellings within the site and result in unacceptable overlooking of those adjoining the site. As a consequence it would result in poor living conditions for existing and future residents. As such the proposal is contrary to policy GD5 and H13 of the adopted City of Derby Local Plan Review.
6. The proposal by reason of the proximity of the development to trees both within and outside of the application site could be detrimental too and affect the health of those trees. The inadequate submission of information with regard to the trees, with the application, means that there is insufficient information to assess the impact of the proposal on trees. As such the proposal is contrary to policy E9 of the adopted City of Derby Local Plan Review.

## 2. DER/05/10/00533

Use of roof space as sheesha bar and erection of dual pitched roof and fencing at 174-176 Normanton Road, Derby

The comments of the Environmental Health Officer were reported to the meeting and his revised noise assessment.

Mr Bookbinder addressed the Committee in support of the application. Despite having registered his intention to address the Committee Mr Aslam did not attend.

**Resolved to refuse the application for planning permission.**

### **Reasons**

1. The proposal by reason of late night activity and disturbance likely to be generated by the proposal, exacerbated by its first floor position and open sided construction, combined with the cumulative impact of late night

disturbance from other late night opening venues in the immediate vicinity, would result in an unacceptable loss of residential amenity to neighbouring occupiers and as such the proposal is contrary to saved policy GD5 of the adopted City of Derby Local Plan Review.

2. The proposal by reason of its size and position close to the boundary with adjoining neighbouring properties would result in massing, overbearing and overshadowing impacts that would be detrimental to the level of residential amenity enjoyed by those properties and as such it is contrary to saved policy GD5 of the adopted City of Derby Local Plan Review.
3. The proposal by reason of the over intensification of use of the rear yard area for storage waste recycling facilities and the general activity that would be associated with the use of the yard would be detrimental to the level of residential amenity enjoyed by neighbouring residents and as such it is contrary to saved policy GD5 of the adopted City of Derby Local Plan Review.

*Councillor Harwood left the chamber while the Committee considered the next item. He re-entered once the debate on the item ended.*

### 3 . DER/06/10/00788

Extensions to dwelling house (breakfast room, conservatory, kitchen, lounge, 2 bedrooms and 2 en-suite bathrooms) and formation of room in roof space (playroom) - amendment to previously approved planning application Code No. DER/09/09/01148 at 14 Arlington Road, Derby (Twelve Trees)

It was reported that an additional letter of support for the application had been received from the agent.

Mr Coulton and Mr Gibson addressed the Committee in objection to the proposal.

#### **Resolved:**

- A. To grant planning permission with the conditions contained in the report and two additional conditions; one excluding the dormer extension in the side extension south west roof plane facing number 12 Arlington Road and the other requesting further details of the drainage on site.**
- B. To authorise appropriate enforcement action to secure the removal of the unauthorised dormer extension in the side extension south west roof plane facing number 12 Arlington Road**

### 4. DER/10/10/01318

Erection of 14.8 metre high monopole, antennae and equipment cabinet at land adjacent carpark, east corner of Park Farm Drive, Allestree, Derby

Councillor Davis addressed the Committee in objection to the proposal.

It was moved by the Chair, that the Committee should raise no objection to the proposal in line with the recommendation proposed by officers.

The motion was put to the meeting and lost.

**Resolved to raise an objection to the proposed monopole and antenna on the grounds of an inappropriate siting and location and inadequate consultation carried out.**

5. DER/07/10/00948

Installation of windows at 158 Mansfield Road, Derby

**Resolved to grant planning permission with the conditions contained in the report.**

6. DER/10/10/01239

Residential development at Land at side of 255 Keldholme Lane, Alvaston, Derby

The comments of an objector, Mr Bolton, who was unable to attend the meeting, were reported to the Committee.

**Resolved to grant outline planning permission with the conditions contained in the report.**

7. DER/10/10/01328

Erection of skate park at Land at Bass Recreation Ground, St. Alkmunds Way, Derby

It was reported that this application was not a full application but was considered a regulation three application because it had been submitted by the Council.

The comments of the Council's natural environment, parks and sport and leisure teams were reported to the Committee.

**Resolved to grant planning permission with the conditions contained in the report.**

8. DER/07/08/01081

Residential Development (700 Dwellings), erection of offices (Use Class B1), retail units (Use Classes A1, A2 and A3), business units and associated infrastructure (roads, footpaths, open space and allotments) and installation of wood fuel (Biomass) CHP Energy facility at the site of and land at Kingsway Hospital, Kingsway, Derby

**Resolved:**

- A. To authorise the Director of Planning and Transportation to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in section 11.6 of the report and to authorise the Director of Legal and Democratic Services to enter into such an agreement.**
- B. To authorise the Director of Planning and Transportation to grant permission upon conclusion of the above Section 106 Agreement.**
- C. To incorporate three additional conditions into the outline permission relating to;**
  - 1. Require approval in writing from the planning authority should the applicant wish to demolish Bramble House;**
  - 2. Details on the goods permitted to be sold at the retail development**
  - 3. The maximum limit on the floorspace to be used by buildings classified as A1, A2 and A3**

9. DER/10/10/01330

Extension to industrial unit and formation of car parking area at Unit 9 and land adjacent, Victory Court Development, Victory Road, Derby

- A. To authorise the Director of Planning and Transportation to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in section 11.6 of and to authorise the Director of Legal and Democratic Services to enter into such an agreement.**
- B. To authorise the Director of Planning and Transportation to grant permission upon conclusion of the above Section 106 Agreement.**

## 95/10      Consideration of major application site visits

The Committee was advised that there were four future major application site visits to report.

**Resolved to not visit any of the proposed major application sites.**

MINUTES END