

Meeting commenced: 6.00pm
Meeting concluded: 8.08pm

PLANNING CONTROL COMMITTEE 14 MARCH 2013

Present: Councillor Bolton (Chair)
Councillors Afzal, Bailey, Carr, Harwood, J Khan, S Khan, Naita,
Pegg, Roberts and Wood

Councillor Pegg was absent for consideration of application number DER/11/12/01333 (Site of Mackworth College Buildings, Prince Charles Avenue, Mackworth, Derby, DE22 4LR) under minute number 110/12.

102/12 Apologies for Absence

Apologies for absence were received from Councillors Hickson and Turner.

103/12 Announcements from the Chair

The Chair reported that the recent presentation delivered by Hugh Richards had been filmed and copies would be ready to be distributed to Members shortly.

The Chair informed Members that the first meeting of the working group on sprinklers was due to meet on the following week. Members noted that the Chair had liaised with the Chief Fire Officer of Derbyshire Fire and Rescue and was informed that he had attended the Local Government Association (LGA) fire conference in Brighton. The Chair was informed that the Fire Minister had indicated at the LGA conference that he was in support of sprinklers and could see the merit of them in relation to the prevention and reduction in deaths.

The Chair informed Members that the Planning Summer School was due to be held in Leeds 6 – 9 September 2013.

The Chair reported that from the April or May meeting of the Planning Control Committee, there would be a new format for the Development Control Monthly Report. Members noted that this was to make it as succinct as possible.

The Chair reminded Members that a date needed to be set for the agreed sit visit in respect of the following application:

DER/01/13/00059 (Faraday House and Hartley House, RTC Business Park, London Road, Derby).

104/12 Late Items

There were no late items.

105/12 Declarations of Interests

There were no declarations of disclosable pecuniary interest. Councillor Pegg, however, notified the committee that he would not take part in the decision on application number DER/11/12/01333 – Site of Mackworth College Buildings, Prince Charles Avenue, Mackworth College, Derby, DE22 4LR as he wished to speak on the application as a ward Councillor.

106/12 Minutes of the Meeting held on 7 February 2013

The minutes of the meeting held on 7 February 2013 were agreed as a correct record and signed by the Chair.

107/12 Minutes of the Meeting of the Conservation Area Advisory Committee held on 17 January 2013

The minutes of the Conservation Area Advisory Committee meeting held on 17 January 2013 were received and noted by the Committee.

108/12 Appeal Decisions Report

The Committee received a report of the Director of Planning and Facilities Management on the appeal decisions taken in the last month. The report was presented by the Development Control Manager.

Resolved to note the report.

109/12 Enforcement Report

The Committee received a report of the Director of Planning and Facilities Management on Enforcement. Members noted that the report summarised the work load of the enforcement officer in January and February 2013.

The Chair reported that there had been 13 Member enquiries since the start of the year and they were made up of the following:

- 7 unauthorised developments;
- 3 untidy land;
- 1 unauthorised use; and
- 2 unauthorised advertisements.

Resolved to note the report.

110/12 Development Control Monthly Report

The Committee considered a report from the Strategic Director of Neighbourhoods on planning applications which were to be determined by the Committee, together with applications determined by the Strategic Director of Neighbourhoods under delegated powers.

- (a) DER/08/12/01056 – Change of use of building from offices (Use Class B1) to school (Use Class D1) and formation of associated parking, access and recreational space at Midland House, 1 Nelson Street (adjacent to railway station), Derby DE1 2SA.

A draft Al-Madinah School road safety policy and a Midland House transport safety statement, provided by the applicant, were circulated to the Committee. Members noted that the documents gave details of the schools strategy for dealing with pupils' safety on the site and the public highway. The Principal Planning Officer reported that the intended policy for the movement of pupils between the school and the car park and play areas was specified in more detail than previously provided. It was further reported that the documents contained a policy for dealing with Network Rails right of access across the play area at the southern end of the site. If acceptable to Members, it was reported that the documents could be used as the basis for a management plan for the safety of pupils, which would be secured through conditions 9 and 10 of the report.

Members noted that Network Rail had supplied further comments, following a meeting with the applicants on 12 March 2013 and these were circulated to the Committee. It was reported that Network Rail still had concerns over the potential conflict of the proposed pedestrian traffic and the existing vehicular movements in the area and that these fell into three main areas:

1. the control/ drop off of pick up arrangements;
2. the safety and management of pupils to and from the drop off/pick up points in the car park and to the playground to the south of the site; and
3. the free flow of traffic around Nelson Street and Hulland Street leading to the station car park to the south of Midland House.

It was reported that Network Rail had Operational Teams that needed to have 24/7 access to maintenance yards and rail land to the south of the playground and that these were used by a variety of service vehicles. The officer explained that Network Rail had concerns that access to the south was on to operational railway land and that this carried risks of potential trespass or objects being thrown on to the railway. Network Rail felt that robust management plans needed to be adopted to address these issues, particularly over pupil safety. Members noted that Network Rail recommended a number of planning conditions and informative notes to be attached to the permission, to overcome their concerns. It was reported that, with Members agreement, some of these could be incorporated into conditions 8, 9 and 10 of the report. It was further reported that extra conditions would be needed to deal with new fencing to the south of Midland House, to secure the width of gates for access for

maintenance vehicles and to secure a playground policy to prevent encroachment on to adjacent railway land.

Mr McKay, Headteacher – Al Madinah School, addressed the Committee in support of the application. Mr Unadkat, Signalling Solutions Ltd, who was registered to address the committee as a public speaker, had withdrawn.

Resolved:

- 1. to grant planning permission subject to the conditions listed in section 11.3 of the report; and**
- 2. to agree the amendments to conditions 8, 9 and 10 and extra conditions and informative notes as outlined by the officer.**

(b) DER/06/12/00727 and DER/08/12/01033 – Change of use from restaurant (Use Class A3) to public house (Use Class A4), external alterations to front and rear elevations and erection of an outdoor bar servery and smoking shelter at 27 Wardwick, Derby, DE1 1HA (Former Kwao Thai Restaurant).

Mr Sandhu addressed the Committee in support of the application. Mr Raybould addressed the Committee in objection to the application.

Resolved to grant planning permission and listed building consent subject to the conditions listed in section 11.3 of the report.

(c) DER/12/12/01527/PRI and DER/12/12/01528/PRI – Demolition of Mill and associated outbuildings and erection of 82 Extra Care apartments with associated communal facilities and formation of car park at Bath Street Mills, Bath Street, Derby, DE1 3BU.

The Principal Planning Officer reported that further comments had been received from the Environment Agency in relation to flood risk management and contaminated land and these were circulated to the Committee. Members noted that the Environment Agency considered that the proposed development would only be acceptable if recommended planning conditions were attached to any permission and that these should be read in conjunction with a clause in the Section 106 Agreement to secure maintenance of the integrated flood defence in perpetuity. The Environment Agency recommended various conditions to control the design and construction of the flood defence, surface water drainage, landscape management for the proposed bund and land contamination.

Member noted that an extra condition would also be needed to control the implementation of the agreed Flood Risk Assessment.

It was reported that further comments had also been received from the Land Drainage Officer on flood risk and that the officer now considered that the scheme could be covered by planning conditions to deal with any information lacking in the application.

It was reported that further comments had been received from Highways Development Control in relation to the layout plan and these were circulated to the Committee. Highways Development Control considered that the Revised Drawing No. 2082-P02D was acceptable in highway terms as:

1. The access had been improved in terms of its width to 5.6m wide with a 1.25m pedestrian entrance; and
2. 35 car parking spaces were adequate including provision for the disabled plus an Ambulance/disabled space.

Mr Swan, Montague Architects Ltd, addressed the Committee in support of the application. Mr Meehan addressed the Committee in objection to the application.

Members agreed the addition of a condition to control construction traffic accessing the site.

Resolved:

- 1. to authorise the Director of Planning and Facilities Management to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in 11.6 of the report and to authorise the Director of Legal and Democratic Services to enter into such an agreement;**
- 2. to authorise the Director of Planning and Facilities Management to grant permission upon conclusion of the above Section 106 Agreement;**
- 3. to agree a clause in the Section 106 Agreement to secure maintenance of the integrated flood defence;**
- 4. to agree the extra conditions as outlined by the officer; and**
- 5. to agree the addition of a condition to control construction vehicle access to the site.**

(d) DER/08/12/00990 – Extensions and change of use from dwelling house (Use Class C3a) to a house in multiple occupation (Sui Generis use) at 55 Westbury Street, Derby, DE22 3PP.

Mrs Beresford, Prestbury Homes Derbyshire Ltd, addressed the Committee in support of the application. Ms Smalley, who was registered to address the committee as a public speaker, had withdrawn.

Resolved to grant planning permission subject to the conditions listed in section 11.3 of the report.

(e) DER/11/12/01333 – Residential Development (up to 221 dwellings), Community Facilities, Access and Open Space at the site of Mackworth College Buildings, Prince Charles Avenue, Mackworth, Derby, DE22 4LR.

The Development Control manager reported that further comments had been received from Sport England and these were circulated to the Committee, to supplement the comments on pages 126 and 130, which also indicate that Sport England object to the application.

Members noted that to be procedurally correct, a further press advert had been devised to advertise the fact that in addition to the proposal being a major application, it was also a departure from the existing local plan.

It was reported that an informative note would be added regarding domestic sprinklers being fitted in dwellings on the site, in line with the Council objective.

Councillor Pegg, as a ward Councillor, addressed the Committee in support of the application. After addressing the Committee, Councillor Pegg left the Council Chamber during consideration of this planning application.

Resolved:

- 1. to refer the application and all supporting information to the National Planning Casework Unit (NPCU);**
- 2. subject to the NPCU being satisfied with the content of the application and associated recommendation, to authorise the Director of Planning and Facilities Management to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in 11.6 of the report and to authorise the Director of Legal and Democratic Services to enter into such an agreement;**
- 3. to authorise the Director of Planning and Facilities Management to grant permission upon conclusion of the above Section 106 Agreement; and**
- 4. to agree that an informative note be added regarding domestic sprinklers as outlined by the officer.**

Council Pegg returned to the Council Chamber after consideration of this planning application.

- (f) DER/12/12/01519 – Erection of 95 dwellings with access via Elton Road, Glossop Street and Hawthorn Street on land at Glossop Street and between Elton Road and Cotton Lane, Derby.

The Development Control Manager reported that the Environment Agency had withdrawn their objection, providing a condition was attached relative to surface water drainage. The letter from the Environment Agency was circulated to the Committee.

Resolved to grant planning permission subject to the conditions listed in section 11.3 of the report and the extra condition as outlined by the officer.

- (g) DER/10/12/01240 – Erection of 100 dwelling houses (Manor Kingsway Phase 1) on land west of Manor Park Way, Derby.

The Development Control Manager reported that a late comment had been received from the Derbyshire Fire and Rescue Service and had been circulated to the Committee. The officer suggested that an informative note to the applicant be added, indicating that dialogue continued with the Derbyshire Fire and Rescue Service over the juxtaposition of the various land uses within their station and training facility.

It was reported that under 5.3 of the report, officers in Highways Development Control had supplied a range of conditions and informative notes to control the scope and timing of highway improvement to service development and the adjoining development of the blue edged land. The officer suggested that the final wording of the additional Highways conditions be agreed by officers in consultation with the Chair and Vice Chair.

Members noted that the Section 106 objectives were set out in 11.6 of the report and not 11.5.

Resolved:

- 1. to authorise the Director of Planning and Facilities Management to finalise the terms of a Section 106 Agreement to achieve the objectives set out in 11.6 of the report and to authorise the Director of Legal and Democratic Services to enter into such an agreement;**
- 2. to authorise the Director of Planning and Facilities Management to grant permission upon conclusion of the above Section 106 Agreement; and**
- 3. to agree the additional conditions and informative notes as outlined by the officer and that officers liaise with the Chair and Vice Chair to agree the final wording of the additional Highways conditions.**

(h) DER/00/12/00334 – Formation of access road to serve proposed residential development on land off Stenson Road (submitted as an Outline Planning Application to South Derbyshire District Council under reference 09/2007/0655/M) on land in front of 3 – 5 Primula Way, Littleover, Derby, DE23 7FU.

Members noted that on page 5 of the report, the highways width should read 5.5 metres and not 2.5 metres.

Resolved to grant planning permission subject to the conditions listed in section 11.3 of the report.

- (i) DER/11/12/01395 – Replacement of two first floor windows at 3 The Square, Mickleover, Derby, DE3 5DD.

Resolved to defer the planning application to the next meeting of the Committee for proposed drawings to be displayed at meeting.

MINUTES END