

Time commenced – 6.00pm
Time finished – 7.30pm

PLANNING CONTROL COMMITTEE 9 APRIL 2009

Present: Councillor Wood (Chair)
Councillors Banwait, Baxter, Bolton, Care, Carr, Grimadell,
Harwood and Richards

133/08 Apologies for Absence

Apologies for absence were received from Councillor Shanker.

134/08 Late Items Introduced by the Chair

The Chair updated the Committee on the progress of prosecution proceedings currently being taken against the owners of the Hippodrome Theatre, Green Lane by the Council.

135/08 Declarations of Interest

Councillor Care declared a personal interest in application number DER/09/08/01322 as she knows the resident at 48 Pastures Hill.

136/08 Confirmation of the minutes of the meeting held on 19 March 2009

The minutes of the meeting held on 19 March 2009 were agreed as a correct record and signed by the Chair.

137/09 To receive the Minutes of the Conservation Area Advisory Committee held on 12 March 2009

The minutes of the Conservation Area Advisory Committee meeting held on 12 March 2009 were received as a correct record and noted by the Committee.

138/08 Enforcement Report: Monthly Report

The Committee considered a report from Assistant Director – Regeneration on Enforcement Action: Monthly Report. The report gave brief details of enforcement actions authorised in the last year. The intention is that an updated report will be taken to a Committee meeting each month.

Councillor Carr asked for an update on the enforcement action taken on the 32 Friar Gate. Officers stated that they would inform the Member in writing.

Resolved that the Committee noted the enforcement action taken in the last year and that Officers provide Councillor Carr with a written update of the progress of the enforcement notice on 32 Friar Gate.

139/08 Applications dealt with under Building Regulations and associated legislation

The Committee considered a report from Assistant Director – Regeneration on Applications dealt with under Building Regulations and Associated Legislation. Appendix 2 gave details of the decisions taken. The intention is that a report will be taken to a Committee meeting each month.

Resolved that the Committee noted the decisions taken in the last month.

140/08 Appeals Decision Report

The Committee considered a report from Assistant Director – Regeneration on Appeals Decision Report. The attached appendix gave details of the decisions taken.

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

141/08 Proposal to introduce charging for pre-application advice on planning applications

The Committee considered a report recommending the introduction of charging fees in return for the provision of the pre-application advice.

Resolved to:

- A. endorse the introduction of a charging structure for pre-application advice based on the charges outlined in paragraph 13.1 of the report; and**
- B. recommend that the report be referred to Cabinet for approval.**

142/08 Proposed amendments to the Constitution to amend the Scheme of Delegation arrangements

The Head of Development Control informed the Committee of a series of amendments to the planning department's procedures and the Constitution's Scheme of Delegation to improve the efficiency of the department. The Chair informed members that all three parties had considered this report along with the Cabinet Member and senior officers. He informed the Committee that the Chief Executive had advised that this report be considered at a later date because of the current public sentiment. The Committee considered this

advice and the Chair decided to open up the decision to consider this item to Members. It was put to the vote and:

Resolved to consider the report at this meeting of the Planning Control Committee.

(The above resolution was carried on the casting vote of the chair).

The Committee then considered each section of the report in turn and;

Resolved to recommend that Council:

- 1. Amend paragraph 2 of the Planning Control Committee's Scheme of Delegation by;**
 - A. Deleting paragraph 2b which requests that applications for planning permission and advertisement control or any other application made under planning legislation must be determined by the Planning Control Committee where "four or more objections have been received and the officer recommendation is to approve."**
 - B. Amending the remainder of paragraph 2 by inserting the words shown underlined so it now reads;**
 - '2. determining individual applications for planning permission and advertisement control and any other application made under planning legislation where:**
 - a. The application is contrary to a Local Plan allocation and the officer recommendation is to approve; or**
 - b. A Member of the Council has provided a written request, giving reasons, to the Director of Regeneration and Community, within three weeks of being sent the weekly list of planning applications which will highlight ward member specific planning applications, that it be determined by the Committee. Where the member concerned does not attend the meeting in person, or submit written representations, the application will be deemed to be determined in accordance with the recommendation of the Director of Regeneration and Community.'**
- 2. Retain the three week Planning Control Committee meeting cycle;**
- 3. Review the amendment in the new paragraph 2(b) in twelve months;**
- 4. Approve the following amendments to the Regeneration and Community Department's procedures;**

- A. Provide training annually for all Members informing them of the planning processes and the list of planning applications they receive;**
- B. No longer include enclosures or items in the Political Group Rooms or the Council Chamber Foyer and instead make these available on the Council's website;**
- C. Inform Members in each Committee report after the Section 106 information any reason for potentially missing target dates at the time of writing the report and that developers will be informed that the application will be refused if the agreement is not signed by the target date;**
- 'D. In the event of an objection to an application by the Conservation Area Advisory Committee and this is subsequently resolved through officer negotiation then this application would not be brought before the Planning Control Committee. In the case of a remaining objection then this would still be brought before the Committee's consideration. This practice to be reviewed in 12 months; and'**
- E. Consult with Members of Conservation Area Advisory Committee on whether they would prefer to receive an e-link to view plans and details.**

143/08 Bi-monthly Report

The Committee considered a report on planning applications to be determined by the Committee, and the applications determined by the Assistant Director – Regeneration under delegated powers.

1. DER/09/08/01322

Application for outline planning permission for a residential development (two dwellings) at land to the rear of 48 and 50 pastures Hill, Littleover.

Mr Gibbins and Mrs Sarlah addressed the Committee in objection to the proposal.

Resolved to grant outline planning permission with the conditions contained in the report and include an advisory note regarding drainage with the permission.

2. DER/01/09/00025

Application for planning permission to erect 10 dwelling houses, garages and demolition of former residential home at the site of Sancroft Court, 48-84 Harpur Avenue, Littleover.

It was reported that this was a resubmission of an application submitted in October last year. Members were asked to consider if their previous grounds for refusal had now been addressed.

Mr Lewis addressed the Committee in objection to the proposal.

Resolved;

- A. To grant outline planning permission with the conditions contained in the report.**
- B. An advisory note to be sent to the applicant informing them of the need to get an order to stop up the public highway prior to commencing development.**
- C. Officers be given delegated authority to negotiate with the applicant to improve the aspect of the gable wall facing Harpur Avenue.**

3. DER/02/09/00159

Application for planning permission to erect an observation wheel for a temporary period until September 2009 at the Market Place.

It was reported that objections to the scheme have been received from English Heritage and the Conservation Area Advisory Committee who feel there will be a detrimental effect on the conservation area and the nearby grade II listed War Memorial. An additional letter has been received from the applicant stating that there will be no damage to the Market Square or the War Memorial resulting from vibrations from the operation of the observation wheel. This view has been supported by a review carried out by the Council's structures team. It was reported that revised plans had been received since the application had been submitted showing the location of ancillary buildings which means that condition 3 contained in the report is no longer required.

Resolved to grant outline planning permission with the conditions contained in the report but without condition 3 and subject to condition 2 being amended so it reads:

- '2. The structures hereby permitted shall be removed by 30 September 2009, unless otherwise agreed in writing by the Local Planning Authority, and the land restored to its former condition within one month of that date.'**

4. DER/02/09/00107

Application for planning permission for an extension of a hot food shop to form two hot food shops and an extension to the walls and roof height of second floor bed-sit at 41 Duffield Road.

It was reported that eight letters and a petition containing 76 signatures had been received in objection to the proposal. Their concerns covered issues such as parking, litter, the proposal undermining the vitality of the area and pedestrian and highway safety.

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

144/08 Consideration of major application site visits

The Committee were advised that there was one future Major Application Site Visit to report.

Resolved to visit the major application site suggested at Site of Asterdale Leisure Centre, Borrowash Road, Spondon.

MINUTES END