

Time commenced – 6.00pm

Time finished – 8.45pm

## PLANNING CONTROL COMMITTEE

11 MAY 2006

Present: Councillor Baxter – Chair  
Councillors Bolton, Care, Chera, Khan, Liversedge, Travis

### 189/05 Apologies for Absence

Apologies for absence were received from Councillors Carr, Samra and Wynn.

### 190/05 Late Items Introduced by the Chair

There were no late items.

### 191/05 Declarations of Interest

There were no declarations of interest.

### 192/05 Minutes of the Meeting held on 23 March 2006

The minutes of the meeting held on 23 March 2006 were approved as a correct record and signed by the Chair.

### 193/05 Minutes of the Meeting of the Conservation Area Advisory Committee held on 16 March 2006

**Resolved to receive the minutes of the Conservation Area Advisory Committee meeting held on 16 March 2006.**

### 194/05 Enforcement Action: Monthly Update

A report of the Assistant Director – Regeneration was considered giving details of enforcement action authorised in the last year.

**Resolved to note the report.**

### 195/05 Tree Preservation Order 2005 No 440 – (5 Abbey Lane, Darley Abbey)

A report of the Assistant Director – Regeneration was considered which sought approval for the confirmation of Tree Preservation Order 2005 Number 440.

**Resolved to confirm the Tree Preservation Order 2005 Number 440 (5 Abbey Lane, Darley Abbey)**

196/05     Tree Preservation Order 2005 No 441 – (Sinfin  
Central Business Park, Sinfin Lane)

A report of the Assistant Director – Regeneration was considered which sought approval for the confirmation of Tree Preservation Order 2005 Number 441.

**Resolved to confirm the Tree Preservation Order 2005 Number 441  
(Sinfin Central Business Park, Sinfin Lane)**

197/05     Tree Preservation Order 2005 No 443 – (111  
Duffield Road, Derby)

A report of the Assistant Director – Regeneration was considered which sought approval for the confirmation of Tree Preservation Order 2005 Number 443.

**Resolved to confirm the Tree Preservation Order 2005 Number 443 (111  
Duffield Road, Derby)**

198/05     Applications dealt with under Buildings  
Regulations and Associated Legislation

**Resolved to note the report of the Assistant Director – Regeneration  
setting out the summary of applications determined under Building  
Regulations and Associated Legislation during the period of 1 March to  
31 March 2006.**

199/05     Planning Applications – Dealing with Late  
Representations

A joint report of the Corporate Director of Corporate and Adult Services and the Assistant Director – Regeneration was considered outlining a policy for dealing with late representations. The policy involved not reporting public representations at the Planning Control Committee if it was received after 5pm, two business days before the relevant Committee meeting.

**Resolved to:**

- 1. To adopt a policy of not reporting public representations on an application to be considered at the Planning Control Committee if it is received after 5.00pm two business days before the relevant Committee meeting.**
- 2. To authorise the Assistant Director Regeneration in consultation with the Chair to allow representations received outside of the time period specified in (1) to be considered by the Committee in exceptional circumstances.**

## 200/05 Safety Advisory Group

A report of the Assistant Director – Regeneration was considered, asking the Committee to endorse that the Head of Building Consultancy become Chair of the Safety Advisory Group, and that the Principal Building Control Surveyor assumes the role of Lead Technical Officer.

**Resolved to approve the recommendation as written in the report.**

## 201/05 Development Control Performance, Quarter October – December 2005

A report of the Assistant Director – Regeneration was considered based on the contents of the Office of the Deputy Prime Minister's statistical report on planning applications and decisions relating to Derby for the period of October to December 2005. Councillor Bolton congratulated the officers on maintaining performance levels above the national average.

**Resolved to note the report.**

## 202/05 Planning and Advertisement Applications

**Resolved to note the applications for Planning Permission determined by the Assistant Director – Regeneration under delegated powers and detailed in Section E (Delegated) of the report and the applications detailed in Section B1 of the report be dealt with in accordance with the Assistant Director – Regeneration's, recommendations or as determined by the Committee as follows:**

**a) Applications Recommended for Approval or that no objections be raised by the Council subject to any conditions set out in the report and**

**b) Applications determined by the Committee**

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| 1. DER/206/345 | Display of internally fascia sign and illuminated hanging sign. |
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**Resolved to grant advertisement consent with conditions as set out in the report.**

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| 2. DER/1105/1917 | Erection of retail unit including garden centre and two industrial units. Land at south west junction of London Road and Ascot Drive. |
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**Resolved:**

- 1. to refer the application to the Secretary of State under the Town and Country Planning (Shopping Development) Direction 1993 to enable consideration to whether the application should be called – in.**

2. to authorise the Assistant Director – Regeneration to negotiate the terms of a Section 106 Agreement to contribute to off-site highway improvements and public art, and to authorise the Director of Corporate and Adult Social Services to enter into such an agreement.
3. subject to the Secretary of State not calling – in the application, to authorise the Assistant Director – Regeneration to grant planning permission on the conclusion of the above agreement, subject to conditions as set out in the report.

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| 3. DER/206/258 | Site of Mackworth College buildings, Prince Charles Avenue, Mackworth. |
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**Resolved to defer determination of this application to a future meeting to enable traffic implications and affordable housing targets to be pursued.**

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| 4. DER/206/316 | Erection of bungalow. Land north side of 133 Chaddesden Lane, Chaddesden. |
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Mr Francom in objection to the application and Mr Wren on behalf of the applicant addressed the Committee.

**Resolved to grant planning permission with conditions as set out in the report.**

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| 5. DER/406/609 | Erection of six dwelling houses and associated garages. Land at 81 Chestnut Avenue, Chellaston. |
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Councillor Tittley and Mr Bowden in objection to the application and Mr Cotton on behalf of the applicant addressed the Committee.

**Resolved to grant planning permission with conditions as set out in the report, with an additional condition preventing the later insertion of dormer windows.**

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| 6. DER/306/491 | Erection of 11 dwelling houses and nine apartments. Site of 101 Burnaby Street, 113 and garage court adjacent 133 Brighton Road. |
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It was reported that a petition had been received at the start of the meeting.

Mr Stacey and Mr Shabir in objection to the application and Mr Wood on behalf of the applicant addressed the Committee.

**Resolved:**

1. to authorise the Assistant Director – Regeneration to negotiate the terms of a Section 106 Agreement to contribute towards off site public open space and improvements to public transport, cycling, pedestrian facilities and mobility housing, and to authorise the Director of Corporate and Adult Social Services to enter into such an agreement.

2. **to authorise the Assistant Director – Regeneration to grant planning permission on the conclusion of the above agreement with conditions as set out in the report, with an additional condition relating to the restriction of permitted development rights.**
  3. **if the applicant fails to sign the Section 106 Agreement by the expiry of the 13 week target period, consideration be given in consultation with the Chair, to refusing the application.**
7. DER/206/299                      Demolition of existing dwelling houses (bungalows) and erection of 12 apartments. Site of 181 and 185 Station Road, Mickleover.

It was reported that a late letter of objection from Councillor Jones had been distributed to the Committee.

Mr Lamb in objection to the application addressed the Committee.

**Resolved:**

1. **to authorise the Assistant Director – Regeneration to negotiate the terms of a Section 106 Agreement to provide incidental public open space, mobility housing and highways contributions, and to authorise the Director of Corporate and Adult Social Services to enter into such an agreement.**
  2. **to authorise the Assistant Director – Regeneration to grant planning permission on the conclusion of the above Agreement subject to conditions as set out in the report.**
  3. **if the applicant fails to sign the Section 106 Agreement by the expiry of the 13 week target period, consideration be given in consultation with the Chair, to refusing the application.**
8. DER/106/74                      Retention of existing temporary art block and changing rooms for a further temporary period of two years and siting of an additional teaching block for a temporary period of two years. Land at Derby Grammar School for Boys, Rykneld Road.

Mrs Eccles in objection to the application and Mr Endsor on behalf of the applicant, addressed the Committee.

**Resolved to grant planning permission with conditions as set out in the report.**

9. DER/106/176                      Extension to dwelling house (alteration to roof).  
135 City Road.

**Resolved to grant planning permission with conditions as set out in the report.**

- 10 DER/206/354                      Erection of 28 apartments and car parking. Site  
of 34 – 36 Brook Street, Derwent Crystal  
Factory, Little Bridge Street and Carlier Garage,  
Bridge Street.

**Resolved:**

- 1. to authorise the Assistant Director – Regeneration to negotiate the terms of a Section 106 Agreement to provide affordable housing contributions, mobility housing, public open space, highway works and improvements to Markeaton Brook, and to authorise the Director of Corporate and Adult Social Services to enter into such an agreement.**
- 2. to authorise the Assistant Director – Regeneration to grant planning permission on the conclusion of the above agreement, with conditions as set out in the report.**
- 3. if the applicant fails to sign the Section 106 Agreement by the expiry of the 13 week target period, consideration be given in consultation with the Chair, to refusing the application.**

11. DER/206/244                      Erection of 147 dwelling houses, garages and  
ancillary works. Site of former Baseball Ground  
and adjoining land, Shaftesbury Crescent.

Mr Yarwood in objection to the application addressed the Committee.

**Resolved to defer determination of this application to a future meeting to enable officers to pursue full affordable housing targets.**

12. DER/206/217                      Retrospective application for change of use to  
coffee shop/recreational centre on ground floor.  
89 – 91 Upper Dale Road.

**Resolved:**

- 1. refuse planning permission.**
- 2. to authorise all necessary enforcement proceedings, subject to Director of Corporate and Adult Social Services being satisfied as to the evidence, to secure the cessation of the unauthorised use.**

13. DER/306/370                      Extension to apartments (two kitchens) and formation of four additional apartments. Epworth Villas, Duffield Road.

**Resolved to grant planning permission with conditions as set out in the report.**

14. DER/206/333 and                      Demolition of buildings, change of use, alterations and extensions to form 53 apartments with associated parking. Churnet House and 112 Carrington Street, corner of Nelson Street.

Dr D'Arcy in objection to the application and Mr Callaghan on behalf of the applicant addressed the Committee.

**Resolved:**

**In relation to DER/206/333**

- 1. to authorise the Assistant Director – Regeneration to negotiate the terms of a Section 106 Agreement to set minimum threshold for affordable housing, public transport, cycling and pedestrian facilities, off-site public open space and mobility units, and to authorise the Director of Corporate and Adult Social Services to enter into such an agreement.**
- 2. to authorise the Assistant Director – Regeneration to grant planning permission on the conclusion of the above agreement, subject to conditions as set out in the report, with additional conditions regarding dropped kerbs instead of radius kerbs and the reinstatement of redundant crossings.**
- 3. if the applicant fails to sign the Section 106 Agreement by the expiry of the 13 week deadline, consideration be given, in consultation with the chair, to refusing the application.**

**In relation to DER/206/334**

- 1. to grant conservation area consent subject to the condition that none of the buildings shall be demolished until the Local Planning Authority has been provided with evidence of a contract for the redevelopment work granted under code number DER/206/333.**

15. DER/206/329                      Vary condition six on approval of DER/1002/1513 to allow permanent unrestricted retention of vehicular (Entrance C). The City Hospital, Uttoxeter New Road.

**Resolved to refuse the application for the reason that a more general public use of this access could lead to unacceptable dangers and difficulties to users of the footpath and cycle routes within the Highway.**

## 204/05 Appeals

<b>Code No</b>	<b>Proposal</b>	<b>Location</b>	<b>Decision</b>
DER/605/1055	Felling of Ash tree protected by Tree Preservation Order 2000 No. 247 (trees in Oakwood)	5 Amesbury Lane, Oakwood	Dismissed
DER/605/1060	Erection of wall and decking	The Woodlands Hotel, Blenheim Parade, Allestree.	Dismissed
DER/1005/1717	Display of 1 x 48 sheet	Land adjacent Railway Bridge, Mansfield Road	Allowed

## 205/05 Consideration of Major Site Visits.

**Resolved to visit the following site before the 22 June 2006 meeting of the Planning Control Committee:**

- **Site of 346 Uttoxeter New Road (Royal Manor Nursing Home)**
- **The Crest Development, Pastures Hill, Derby**
- **Land off Crompton Street**

MINUTES END