

Time commenced – 6.00pm

Time finished – 8.40pm

PLANNING CONTROL COMMITTEE

17 JANUARY 2008

Present: Councillor Wood – Chair
Councillors Ahern, Banwait, Baxter, Bolton, Care, R Khan,
S Khan and Willoughby

105/07 Apologies for Absence

No apologies for absence were received.

106/07 Late Items Introduced by the Chair

There were no late items.

107/07 Declarations of Interest

Councillor Care and Councillor Carr both declared a personal and prejudicial interest in Tree Preservation Order 2007 No. 492. The tree in question was clearly visible from the living room of Councillor Care's father. The site was very close to Councillor Carr's house and the objector Dr Edworthy was known to him. Both Members agreed to leave the Council Chamber for the duration of the item.

108/07 Minutes of the Meeting held on 29 November 2007

The minutes of the meeting held on 29 November were agreed as a correct record and signed by the Chair with the following addition to the narrative of Minute 92/07:

Councillor Bolton requested an update on the Enforcement Notice served to 169 Derby Road, Chellaston on 22 March 2007. Officers advised that the Notice had been appealed. The appeal was due to be heard by Inspectors on 12 December 2007.

109/07 Minutes of the Meeting of the Conservation Area Advisory Committee on 1 November 2007

Resolved to receive the minutes of the Conservation Area Advisory Committee held on 1 November 2007.

110/07 Enforcement Report: 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.

111/07 Applications dealt with under Building 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 December 2007 to 31 December 2007.

112/07 Tree Preservation Orders

Five reports of the Assistant Director – Regeneration were considered which sought approval for the following:

- 1) Confirmation of Tree Preservation Order 2007 Number 506 (Coney Grey, South Drive).
- 2) Confirmation of Tree Preservation Order 2007 Number 497 (11a Western Road, Micklover)
- 3) Confirmation of Tree Preservation Order 2007 Number 502 (6 Constable Drive, Littleover)
- 4) Confirmation of Tree Preservation Order Number 494 (83 Merchant Avenue, Spondon)
- 5) Confirmation of Tree Preservation Order Number 492 (42 Middleton Avenue, Littleover)

Having declared a personal and prejudicial interest, Councillors Care and Carr left the Chamber for the duration of Item 5: Confirmation of Tree Preservation order Number 492 (42 Middleton Drive, Littleover). It was reported that a late letter of objection had been received to the Confirmation of Tree Preservation Order Number 492.

Resolved

- 1) to confirm the Tree Preservation Order 2007 Number 506 (Coney Grey, South Drive).**
- 2) to confirm the Tree Preservation Order 2007 Number 497 (11a Western Road, Micklover)**
- 3) to confirm the Tree Preservation Order 2007 Number 502 (6 Constable Drive, Littleover)**
- 4) to confirm the Tree Preservation Order Number 494 (83 Merchant Avenue, Spondon)**

- 5) to defer consideration of the confirmation of the Tree Preservation Order Number 492 (42 Middleton Avenue, Littleover) until the meeting of 31 January.

113/07 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

1. DER/10/07/01873

Erection of two dwellings and detached garages. Land at 25 Chatsworth Crescent, Allestree.

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

2. DER/10/07/01950

Erection of dwelling house. Land west of 20 Medway Drive, Allestree.

Resolved to approve reserved matters with conditions set out in the report

3. DER/10/07/01988

Residential development, 5 dwelling houses, 1 bungalow, 2 flats and formation of access. Land at 32 Morley Road, Chaddesden.

Mr Moss and Mrs Lamb in objection to the proposal addressed the committee.

Resolved to refuse planning permission as the proposed development was out of character with the surrounding area.

4. DER/10/07/01934

Residential development (one dwelling house). Land at rear and side of 156 Station Road, Mickleover.

Mr Stokes and Councillor Jones in objection to the proposal addressed the committee. Mr McPhee in support of the application addressed the committee.

Resolved to refuse planning permission due to the creation of unacceptable living conditions for future residents as a result of the overshadowing trees

Councillor Baxter requested that his vote in favour be recorded.

5. DER/10/07/01980 & DER10/07/1981

Erection of 74 apartments, offices (Use Class B1) and commercial uses (A1, A2, A3 and A4), associated basement car parking, alterations to vehicular access and conversion of Magistrates Court to form 51 apartments and residents gym. Former Police Station and Magistrates Court, Full Street/Derwent Street.

It was reported that a late letter of representation had been received from the Environment Agency. This stated the Agency would object to the scheme in its current form due to the risk of flooding.

The Committee was minded to approve the recommendations of Officers set out in the report. It was resolved to refer the application to the Government Office, given the EA objection, but with unanimous support for the proposal from the Committee

6. DER/09/07/01793

Erection of hotel, 89 apartments, casino, restaurant/bar (Use Class A3) and car parking. Site of former BMW car showroom, King Street.

It was reported that a late letter of objection had been received. Mr Wynn and Mr Pursey in objection to the proposal addressed the committee. Mr Stephens in support of the proposal addressed the committee.

Resolved:

- A) to authorise the Assistant Director – Regeneration to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in 11.5 and to authorise the Director of Corporate Services to enter into such an agreement.**
- B) to authorise the Assistant Director – Regeneration to grant planning permission on the conclusion of the above agreement, subject to conditions set out in the report.**
- C) that if the applicant fails to sign the Section 106 Agreement by the expiry of the 13-week target period (21 February 2008) consideration to be given in consultation with the Chair, to refuse the application.**

7. DER/11/07/02079

Erection of offices (Use Class B1) and restaurant / café (Use Class A3), Cathedral Road (Former Sixt Kenning Car Hire).

- A) to authorise the Assistant Director – Regeneration to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in 11.5 and to authorise the Director of Corporate Services to enter**

into such an agreement.

B) to authorise the Assistant Director – Regeneration to grant planning permission on the conclusion of the above agreement, subject to conditions set out in the report.

114/07 Special Items

1. Various appeals.

Resolved to note the contents of the report.

115/07 Major site visits undertaken

A report from the Assistant Director – Regeneration was considered giving details of Committee site visits to 24-28 and buildings behind 30-54 Walbrook Road, and to Former Allotments north of Ashbourne Road Derby. These visits took place on 6 November 2007 and 13 December 2007 respectively.

Resolved to note the report.

116/07 Consideration of major application site visits

Resolved that no major site visits would be required before the meeting on 31 January 2008.

MINUTES END