

Time commenced – 6.00pm  
Time finished – 7.15pm

## PLANNING CONTROL COMMITTEE 15 JANUARY 2009

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

### 98/08 Apologies for Absence

Apologies for absence were received from Councillor Banwait.

### 99/08 Late Items Introduced by the Chair

There were no late items.

### 100/08 Declarations of Interest

Councillor Care declared a Personal and Prejudicial Interest in planning application DER/09/08/01397 as it forms part of her Portfolio Area as Cabinet Member for Planning and Transportation.

### 101/08 Confirmation of the minutes of the meeting held on 18 December 2008

The minutes of the meeting held on 18 December 2008 were agreed as a correct record and signed by the Chair.

### 102/08 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.

The Chair asked for an update on the enforcement action taken on the Hippodrome Theatre, Green Lane. The Head of Development Control informed the Committee that the enforcement action had been of great benefit to the Council. He stated that the applicant was now at a point where he could submit a planning application for the site, however, the enforcement action has prevented him from raising the finance required to submit a planning application. The Council has now formally withdrawn the enforcement notice and an application is expected to be submitted in the coming weeks.

Councillor Carr asked for an update of the status of the enforcement action taken on 58 Burnaby Street, Alvaston. The Councillor asked why

Environmental Health were still classed as being in negotiations with the applicant when the enforcement notice was issued in 2007 and the last date for compliance was around January 2008. The Head of Development Control informed the Member that he would investigate and write to the Councillor providing an update.

Councillor Baxter asked for an update on 5 Becher Street, Normanton. The Assistant Director – Legal stated that the Council's court case against the owner had been adjourned until 8 January 2009, however, he had not turned up to this hearing. The Officer stated that the owner had in fact attended a court case today and pleaded guilty. He was given a conditional discharge for 12 months and ordered to pay more than £600 costs. The Officer told Members that there is a continuing obligation for the applicant to comply with the enforcement notice and if he does not then the Council will consider further prosecution proceedings.

**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 58 Burnaby Street, Alvaston.**

#### 103/08 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.**

#### 104/08 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.**

#### 105/08 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/09/08/01385

Application for planning permission to erect an extension to the existing school (two class rooms) together with adjacent play area at St Joseph's

School, Mill Hill Lane.

The Officer informed the Committee that two conditions had mistakenly been numbered the same, standard condition 51 should be condition four and the accompanying reason should be the same as condition two and three. Condition three should also include a concluding sentence that reads: 'The method statement shall be followed in the implementation of the development.' The fifth paragraph of the Officer opinion section of the report also needs to include the following comment: 'The arboricultural advice agrees that the works could be carried out without being too prejudicial to the tree provided that fully detailed specifications for ground protection, fencing and pilling rigs have been submitted and agreed.'

The Officer informed the Committee that on 9 January 2009 a new method statement was submitted that included a different foundation solution for the proposed extension and that was included as a worst case scenario that deviated from the original statement. The Arboricultural Officer advised that this would not be an acceptable foundation solution and the developer will need to provide detailed specifications to satisfy conditions two, three and four. The Council's arboricultural officers and structural engineers will need to be satisfied with these specifications before development takes place. An informative note can be sent to the applicant to highlight the importance of this tree.

Mrs Floyd-Sessions addressed the Committee in objection to the proposal.

**Resolved that**

- A. planning permission be granted with the conditions contained in the report, the amendments stated by the case officer at the meeting and seek to secure the use of a green roof to improve the rainwater run-off; and**
- B. a guidance note be sent to the applicant highlighting the importance of ensuring the safety of the tree during the building works.**

2. DER/07/08/01048

Application for planning permission for an extension to the front elevation of a dwelling at 40 Chapel Lane, Spondon.

Mr Sellors addressed the Committee in objection to the proposal.

**Resolved to grant planning permission with conditions.**

3. DER/11/08/01610

Application for planning permission for alterations and an extension to a café/wine bar (external fire escape and enlargement of kitchen) at 5 George Street.

## **Resolved to grant planning permission with conditions.**

4. DER/10/08/01500

Application for planning permission for the erection of offices, a hotel, retail units and associated development including a piazza at land off Traffic Street, Siddals Road and Copeland Street.

The Officer informed the Committee that an additional objection letter had been received but had not specifically referred to the application site but to development in Castle Ward in general. This was treated as a policy objection. The objector had resubmitted their representation referring directly to the application site. Their concerns were that this site should not take precedence over redevelopment of the Cathedral quarter.

The Architect has considered the comments of Opun, the East Midlands branch of the Commission for Architecture and the Built Environment, but he stands by his scheme.

The access officer has no objections as he feels his requirements can be met through the building regulations. The Arboricultural Officer welcomes the planting scheme rather than retaining the two existing trees on site. The Crime Prevention Officer has maintained dialogue with the applicant throughout the process and has added in points relating to security. There has been no response from English Heritage.

### **Resolved that:**

- A. The Assistant Director – Regeneration be authorised to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in section 11.4 of the report and that the Director of Corporate and Adult Services be authorised to enter into such an agreement; and**
- B. The Assistant Director – Regeneration be authorised to grant planning permission on the conclusion of the above agreement with the conditions contained in the report and the following additional conditions:**
  - i. An extra conditional headline on Section 106 agreements would be for a possible condition relating to air quality mitigation measures. This is covered in condition 18. At the moment the scheme does not generate a concern for air quality but we would like to be sure that the developer monitors the air quality as the development progresses and understand what steps they will put in place to remedy the situation if air quality does become an issue.*
  - ii. Condition 16 – To be expanded to include everything in policy S9 which covers goods that cannot be sold in premises.*
  - iii. Condition 21 – To introduce cycle parking provision.*

- iv. Condition 22 – This is a Highway condition regarding a 3.5 metre wide footway and cycleway, built to adoptable standards, along Traffic Street to the frontage of the site.*
- v. Condition 23 – As the scheme progresses through each phase Officers require the details of the ground and finished floor levels and how they relate to each other throughout each part of the development.*
- vi. Condition 24 – Officers require the details of any exposed walls due to any phasing.*

5. DER/10/08/01525

Application for planning permission for a residential development (one dwelling house) at land adjacent to 2 West Park Road.

The Head of Development Control informed the Committee that two additional letters of objection had been received. They state that their previous grounds refusal still stand and that the land is owned by someone else. The Officer informed the Committee that the second objection was not a Planning Control matter. Councillor Repton also objected to the application as it will result in a loss of amenity space and overlooking. The agent has contacted the Council and stated that since the earlier objections the depth of amenity space has been increased as the building has been reduced to one bedroom. He stated there is now no overlooking of neighbouring properties.

**Resolved to grant permission subject to the conditions contained in the report.**

6. DER/09/08/01397

Application for planning permission for alterations to the road layout at the junction of at the junction of Great Northern Road, Curzon Street, Stafford Street, Talbot Street and Uttoxeter New Road to provide access to the Friar Gate Station development site.

Councillor Care left the chamber prior to the commencement of the debate on this item.

The Officer informed the Committee that the Conservation Area Advisory Committee had declined to comment on this application as they felt they could only comment upon it at the same time as they received the listed building application. Whilst this is normally encouraged it is not mandatory.

**Resolved that:**

- A. The Assistant Director – Regeneration be authorised to determine the application on the resolution of drainage issues; and**
- B. The Assistant Director – Regeneration be authorised to determine**

**the listed building consent application in consultation with the Chair and Vice Chair.**

**106/08      Consideration of major application site visits**

The Committee were advised that there were two future Major Application Site Visits to report.

**Resolved that the Committee does not wish to visit the two future major application sites.**

MINUTES END