

Time commenced: 6.00pm
Time finished: 6.28pm

PLANNING CONTROL COMMITTEE 15 MAY 2014

Present: Councillor Bolton (Chair)
Councillors Bailey, Carr, Harwood, Hickson, J Khan, S Khan, Nawaz,
Pegg, Sandhu and Wood

116/13 Apologies for Absence

Apologies for absence were received from Councillors Naitta and Turner.

117/13 Announcements from the Chair

The Chair reported that there been minor amendments to the Holmleigh Way scheme. The Committee wished to send their congratulations to Ian Woodhead on the birth of his son.

118/13 Late Items

There were no late items.

119/13 Declarations of Interest

There were no declarations of interest.

120/13 Minutes of the Meeting Held on 17 April 2014

The minutes of the meeting held on 17 April 2014 were agreed as a correct record and signed by the Chair.

121/13 Minutes of the Meeting of the Conservation Area Advisory Committee Held on 6 March 2014

The minutes of the meeting of the Conservation Area Advisory Committee held on 6 March 2014 were received and noted by the Committee.

122/13 Development Control Performance (Quarter Jan – March 2014)

The Committee received a report of the Strategic Director of Neighbourhoods on the statistical performance reported to the Department and Local Government (CLG) on decisions made during the period January to March 2014.

The Committee requested that officers pass on their congratulations to the department.

Resolved to note the report.

123/13 Enforcement Report

The Committee received a report of the Strategic Director of Neighbourhoods on the current workload of the enforcement officer.

Resolved to note the report.

124/13 Appeal Decisions

The Committee received a report of the Strategic Director of Neighbourhoods on the appeal decisions taken in the last month.

Resolved to note the report.

125/13 Tree Preservation Order 2014 Number 578 (512 Kedleston Road, Derby)

The Committee received a report of the Strategic Director of Neighbourhoods on the comments and objections received in relation to a Tree Preservation on a cedar tree at 512 Kedleston Road, Derby.

Resolved to approve confirmation, without modification, of Tree Preservation Order 2014 Number 578 (512 Kedleston Road).

126/13 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/07/08/01081 – Residential Development (580 Dwellings), erection of offices (Use Class B1), retail units (Use Classes A1, A2 and A3), business units and associated infrastructure (roads, footpaths, open space and allotments) on the site of and land at Kingsway Hospital, Kingsway, Derby.

The planning officer reported that the masterplan covered the whole site which included 700 houses; of which 100 were currently under construction to the south of the site.

The Planning Officer advised the removal of condition 6 as suggested in the report as condition 25 sufficiently covered tree protection and requests for a tree survey would be included at reserve matters phase in more detail. She also suggested the rewording of condition 16 as follows:to

“that no more than 200 dwellings (including 100 dwellings permitted under of Phase 1 under code no. DER/10/12/01240) shall be occupied until the proposed improvement to the 38/A5111 ‘Grand Canyon’ junction broadly indicated in drawing A030618/61 had been completed to the satisfaction of the Local Planning Authority in conjunction with the Highways Agency.”

It was reported that page 12 referred to the Housing and Communities Agency, this should be the Homes and Communities Agency.

The Committee noted that a letter of comment had been received from Derbyshire Healthcare Trust who made the following points:

- Would welcome the improvements to the highway and access
- The retention of existing trees and further tree planting
- Would ask that the privacy of residents was maintained

The officer stated that Members may recall this application from a previous committee. It was brought before you as there have been changes in the

- Red edge
- The submission of a smoke plume assessment and air quality assessment.

It was reported that the application area had been amended in order to remove a third party land owner who resists signing the Section 106 Agreement. Therefore in order to progress the application the applicant has removed this area of land. This also resulted in a loss of up to 20 dwellings. The proposal was now for 580 dwellings. The applicant was continuing discussions with this land owner in order to bring this area of land forward in the future. Therefore a conscious decision had been made that there would be no revisions to the indicative masterplan or the phasing plan which formed part of the submission in order to reinforce the commitment to deliver a comprehensive development.

It was noted that there were no other changes to the proposal in respect of open space provision, access arrangement and open space. Where possible the Section 106 had been pro rotated and where this was not possible contributions remain. The site remained to achieve 28% affordable houses which equates to 168 units across the development site.

It was stated that further assessment work had been carried out in respect of the smoke plume created from the Fire Service who carry out training from the Kingsway Fire Station. This assessment considered health effects and the subjective matter of impact on residential amenity. The officer noted that Environmental Health officers were satisfied with this assessment work and accepted the conclusions it made in respect of human health.

The Committee noted that a further statement had been provided in respect of amenity, assessing amenity could be a difficult issue as it could be very subjective.

Officers in Environmental health have accepted the conclusions of the report and welcomed the inclusion of the 34 metre buffer zone to the rear of the fire service. The inclusion of this buffer had been welcomed by Fire Service along with the inclusion of condition 31.

It was noted that that the previous Air Quality Assessment was carried out in 2008 and an updated survey had been submitted. The report concluded that subject to suitable mitigation which could be secured by way of condition for each phase there were no overriding air quality impacts arising as a result of the proposed development.

It was reported that the proposal had been re-screened under the 2011 Environmental Impact Assessment Regulations and an Environmental Statement was not required.

The officer stated that following the various changes to this application they had taken the decision to issue a Press Notice which didn't expire until 23 May, therefore the recommendation before Committee was to allow officers to resolve the Section 106 and grant planning permission upon the conclusion of the consultation period unless further material considerations were raised.

Members requested that an informative note be attached to the recommendation requesting that the developer consider the installation of sprinklers in the dwellings.

Resolved:

Subject to no further material considerations being received prior to the expiry the 23 May 2014:

- 1. to authorise the Director of Planning and Property Services to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Legal and Democratic Services to enter into such an agreement; and**
- 2. to authorise the Director of Planning and Property Services upon conclusion of the above Section 106 Agreement to grant planning permission in accordance with the recommendation and subject to the conditions set out in the report but with the deletion of condition 6 and amendments to condition 16 as suggested by the planning officer.**

(b) DER/01/14/00014 – Installation of replacement windows and door at 143 City Road, Derby.

The officer reported that the application sought the replacement of ground floor and first floor windows these were of casement design with top hung openings rather than a traditional sash window. Objections had been received from the Conservation Areas Advisory Committee to the windows, but not the doors on design grounds; their comments being circulated to members at the meeting. Since the drafting of the report the conservation officer had worked with the applicant's joiner to try and secure a traditional sash window. As this had not proved possible Officers had sought to

improve the design of the casement windows and the applicant had agreed to reduce the size of the glazing units. However planning officers had not been furnished with amended plans. It was noted that similar designed windows had been approved within this locality and as such the recommendation was to grant planning permission.

Members requested that an additional condition be included with the recommendation which should restrict the opening of the ground floor window for pedestrian safety.

Resolved to grant planning permission in accordance with the recommendation and subject to the conditions as set out in the report together with an additional condition to restrict the opening of the ground floor window.

- (c) DER/01/14/00048 – Variation of condition 1 of previously approved permission Code No. DER/10/12/01313 to amend plans to include erection of detached storage building at land of rear of 21 Penny Long Lane, Derby.

Resolved to grant planning permission in accordance with the reasons and subject to the conditions as set out in the report.

- (d) DER/02/14/00191 –Felling of Willow tree protected by Tree Preservation Order No 250 at Willow Lodge, 9 Thorndon Close, Mickleover.

Resolved to grant consent conditionally in accordance with the reasons and conditions set out in the report.

127/13 Major Application Site Visits

The committee was advised that there weretwo future major applications.

Resolved not to undertake a site visit in relation to planning applications DER/04/14/00465 (site of Reigate Primary School, Reigate drive, Mackworth) and DER/03/14/00406 (Land adjacent to Pump House, Sinfin Lane, Sinfin).

MINUTES END