

Time commenced: 18:02  
Time finished: 20:04

## PLANNING CONTROL COMMITTEE 17 November 2022

Present: Councillor Potter (Chair)  
Councillors Care, Carr, M Holmes, Jennings, Nawaz, Rawson,  
West

In Attendance: James Bathurst – Senior Planning Technician  
Paul Clarke – Chief Planning Officer  
Andy Gibbard – Group Manager – Planning, Transportation  
and Engineering  
Arran Knight – Senior Planning Officer  
Steven Mason – Democratic Services Officer  
Laura Neale – Major Projects Officer  
Chloe Oswald – Conservation Officer  
Stephen Teasdale – Solicitor  
Ian Woodhead – Development Control Manager

### 37/22 Apologies for absence

Apologies were received from Councillors S Khan and T Pearce.

### 38/22 Late items

There were none.

### 39/22 Declarations of interest

There were none.

### 40/22 Minutes of the meeting held on 6 October 2022

The minutes of the meeting held on 6 October 2022 were agreed.

### 41/22 Minutes of the meeting of the Conservation and Heritage Advisory Committee held on 7 September 2022.

The minutes of the meeting held on 7 September 2022 were noted.

## 42/22 Appeals

The Committee received a report of the Chief Planning Officer summarising appeal decisions taken in the last month.

**Resolved to note the decisions on appeals taken.**

## 43/22 Development Control Performance – Quarter 2 (Jul. – Sept. 2022)

The Committee received a report of the Chief Planning Officer on Development Control Performance – Quarter 2 (Jul. - Sept. 2022).

**Resolved to note the report.**

## 44/22 Applications to be Considered

The Committee considered a report from the Chief Planning Officer on planning applications which were to be determined by the Committee.

### 22/00792/FUL - Land at St Peters Churchyard, St Peters Churchyard, Derby

(Use of the land as an outdoor street food market including erection of 12 market stalls, seating area and associated ancillary structures, decking and ramps)

The Chief Planning Officer addressed the Committee. It was reported that on page 19 of the report, it should read “a level of harm” and not “harm level of harm”. Members noted that an Economic Statement had been supplied by Lathams Architects and had been circulated to the Committee. It was also reported that a statement from the site visit had been received and circulated to the Committee.

Mr Wardle, Burton Abbey Developments Ltd, addressed the Committee.

**Resolved to refuse planning permission for the reasons as set out in the report.**

### 22/00793/LBA – Land at St Peters Churchyard, St Peters Churchyard, Derby

(Insertion of access into boundary wall)

The Chief Planning Officer addressed the Committee. It was reported that on page 19 of the report, it should read “a level of harm” and not “harm level of harm”. Members noted that an Economic Statement had been supplied by Lathams Architects and had been circulated to the Committee. It was also reported that a statement from the site visit had been received and circulated to the Committee.

Mr Forkin, Marketing Derby, addressed the Committee.

**Resolved to refuse planning permission for the reasons as set out in the report.**

22/01168/FUL – 26 Highfield Road, Derby DE22 1GZ

(Change of use from dwelling house (Use Class C3) to an eight bedroom (eight occupant) house in multiple occupation (Sui Generis) together with a single storey rear extension.)

The Major Projects Officer addressed the Committee and introduced the item.

Councillors Repton and Martin, as Ward Members, addressed the Committee and made representations against the application.

**Resolved:**

- 1. to reject the officer recommendation and refuse planning permission; and**
- 2. to nominate Councillor West to represent the Committee at any future appeal.**

### **Reasons for Refusal**

In the opinion of the Local Planning Authority, the proposal would have a detrimental impact on the character of the immediate area and the residential amenities enjoyed by existing neighbours; in terms of increased activities, associated disturbance and the over-intensification of the use of this dwelling house. The proposal would also serve to increase pressure on existing on street parking levels on surrounding highways which would also, as a result, detrimentally impact on neighbouring amenities. For these reasons, the proposal is contrary to saved policy GD5 of the adopted City of Derby Local Plan Review and the over-arching guidance in the National Planning Policy Framework which seeks to protect the amenities of individuals who are affected by the development of land and buildings.

22/00861/FUL – 38 Prince George Drive, Kingsway, Derby

(Change of use from dwelling (Use Class C3) to residential care home (Use Class C2))

The Senior Planning Officer addressed the Committee. It was reported that late comments had been received from the agent and these were read out by the officer.

Mr Fryatt addressed the Committee and made representations against the application.

**Resolved:**

- 1. to reject the officer recommendation and refuse planning permission; and**

- 2. to nominate Councillor Care to represent the Committee at any future appeal.**

### **Reasons for Refusal**

In the opinion of the Local Planning Authority, the proposed change of use would materially harm the surrounding residential environment due to the increased activity and general disturbance from the property and intensify parking demand on and around the unadopted and uncontrolled private access drive adjacent to the property. Taken together, these impacts would have a detrimental impact on the amenities of the surrounding residents on Prince George Drive. Accordingly, for these reasons, the proposed development is contrary to saved Policy GD5 of the adopted City of Derby Local Plan Review and the over-arching guidance in the National Planning Policy Framework which promotes health and well-being, with a high standard of amenity for existing and future users.

#### 22/00674/VAR – 79 Rykneld Road, Littleover

(Variation of conditions 2 (approved plans), 4 (operating hours) and 5 (parking provision) of previously approved planning permission ref: 06/18/00822, which approved the demolition of the previous Retail Building and the Erection of a twostorey building for use as a Dental Clinic and Retail / Financial and Professional Services uses.)

**Application withdrawn from the agenda before the meeting.**

### **45/22 Potential Future Site Visits**

**Resolved to undertake a site visit in relation to the following applications:**

- **22/01519/FUL - 43 Irongate, Derby; and**
- **22/01598/FUL - Waterfall, Midland Railway, Institute Building, Railway Terrace, Derby.**

**Resolved not to undertake a site visit in relation to the following applications:**

- **22/01508/FUL - Former Go Outdoors Ltd, Ascot Drive, Derby;**
- **22/01617/FUL - Crown and Arrows, Sinfin Avenue, Sinfin; and**
- **22/01403/FUL - 110 Ashbourne Road, Derby.**

MINUTES END