

Time commenced - 6.00 pm
Time finished - 9.50 pm

PLANNING CONTROL COMMITTEE 28 APRIL 2005

Present: Councillor Smalley – Chair
Councillors Baxter, Bolton, Chera, Liversedge, Marshall,
Rehman, Travis and Wynn.

115/04 Apologies for Absence

An apology for absence was received from Councillor Care.

116/04 Late Items Introduced by the Chair

There were no late items.

117/04 Declarations of Interest

Councillor Baxter declared a personal prejudicial interest in item 11 as he was a member of the Standards Committee

Councillor Travis declared a personal prejudicial interest in item DER/105/135 as she had made written representation on this item.

118/04 Minutes of Previous Meeting

The Minutes of the meeting held on 24 March 2005 were approved as a correct record and signed by the Chair.

118/04 Minutes of the Conservation Area Advisory Committee – 10 March 2005

**Resolved to receive the minutes of the Conservation Area Advisory
Committee meeting held on 10 March 2005.**

119/04 Enforcement Action: Monthly Update

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

Resolved to note the report.

120/04 Development Control Performance Quarters July – September and October - December 2004

A report of the Assistant Director – Development was considered which set out statistical information from the Office of the Deputy Prime Minister on Planning

Applications and decisions relating to Derby for the periods July – September and October - December 2004.

Resolved to note the report.

121/04 Applications dealt with under Building Regulations and Associated Legislation

Resolved to note the report of the Assistant Director – Development setting out the summary of applications determined under Building Regulations and Associated Legislation during the period 1 March 2005 – 31 March 2005.

122/04 Planning and Advertisement Applications

Resolved to note the applications for Planning Permission determined by the Assistant Director – Development 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 – Development, 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/205/244 - Residential development. Land at 102 Mayfield Road, Chaddesden.

Mrs Doohan in objection to the application addressed the Committee.

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

2. DER/205/168 - Erection of four dwellings. 55 Morley Road.

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

An additional letter of representation was reported.

Resolved to grant approval with conditions as set out in the report, with an additional condition relating to obscure glazing on plot 1. It was requested that a letter be sent to the applicant recommending that hedge planting, as part of the landscaping scheme, would be appropriate.

3. DER/205/163 - Demolition of existing dwelling and erection of 13 flats and ancillary car parking. 63 Burnside Street, Alvaston.

Councillor Graves in objection to the application addressed the Committee.

Resolved:

- 1. to authorise the Assistant Director – Development to negotiate the terms of a Section 106 Agreement to achieve a contribution to off-site public open space and one mobility unit as set out in the report. To authorise the Director of Corporate Services to enter into such an agreement.**
- 2. to authorise the Assistant Director – Development to grant planning permission on the conclusion of the above agreement, with conditions set out in the report with an additional condition requiring further car parking details. Should the Section 106 Agreement not be concluded within 13 weeks of the application's life, the Assistant Director-Development to give consideration, in consultation with the Chair, to refusal of the application.**
4. DER/205/208 & DER/205/238 - Extension to dwelling (dining room, sitting room, WC, bathroom and enlargement of kitchen and bedroom) formation of vehicular access and demolition of wall. 51 Church Lane, Darley Abbey

Ms McCoy in objection to the application and Mr McNeil, the applicant, addressed the Committee.

An additional letter of representation was reported.

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

5. DER/1104/2280 - Erection of Primary Care Centre. Land at Tennis Courts of former Village Community School, off Browning Street.

The views of Sport England were reported.

Resolved:

- 1. to grant planning permission with conditions as set out in the report**
- 2. to recommend that a letter be sent to the applicant suggesting that an employee be appointed to coordinate the travel plan and annual monitoring of the Plan be carried out.**
6. DER/205/241 - Installation of 2 windows in side elevation. Strutts Park House, Chevin Road.

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

7. DER/205/335 - Erection of 3 garages. Land adjacent 110 Albert

Road, Chaddesden.

Amended plans were received on 19 April 2005.

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

8. DER/205/89 - Residential development – erection of one dwelling house. Land rear of 154 and 156 Derby Road, accessed via Ashleigh Drive, Chellaston.

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

Having declared a personal prejudicial interest in the following item, Councillor Travis left the meeting during the consideration of the matter.

9. DER/105/135 - Removal of 8 Scots Pine trees protected by Tree Preservation Order (2004 No. 399) and reduction of Horse Chestnut tree protected by Tree Preservation Order (1992 No. 69). 120 Belper Road.

Mr Bushby, the applicant, addressed the Committee.

Resolved:

- 1. to refuse consent to remove 8 Scots Pine trees protected by Tree Preservation Order (2004 No. 399)**
- 2. to grant consent for the crown reduction of the Horse Chestnut tree protected by Tree Preservation Order (1992 No. 69) with a condition to control the extent of pruning to be agreed in consultation with the Arboricultural Officer, Chair and Vice Chair.**

10. DER/305/426 - Erection of 9 x 2 bedroomed flats. Site of former Library, Greenwood Avenue, Chaddesden.

Father Page, Mr Mosely and Councillor Roberts, in objection to the application and Mr Monkhouse, on behalf of the applicant, addressed the Committee.

Seven letters of representation were reported.

Resolved to refuse permission on the grounds that the proposal was out of character with the area, would cause problems of massing, overlooking and would impact adversely on the street scene.

It was agreed that, in the event of an appeal being made against the decision, Councillor Wynn would present the Councils case.

Councillor Bolton left the meeting after the consideration of the above item.

11. DER/205/225 - Erection of 24 dwellings and garages. Land at front of St Benedicts RC School, Duffield Road.

Mrs Gregory in objection to the application, addressed the Committee.

Resolved:

- 1. to authorise the Assistant Director – Development to negotiate the terms of a Section 106 Agreement to provide off-site public open space contribution, education contribution, highways contribution towards alternative modes of transport and mobility housing as set out in the report. To authorise the Director of Corporate Services to enter into such an agreement.**
- 2. to authorise the Assistant Director – Development to grant permission on the conclusion of the above agreement, with conditions set out in the report with a variation to condition 9 relating to service runs and the addition that the Chair and Vice Chair be consulted on any amended plans resulting from highway requirements. Should the Section 106 Agreement be not concluded within 13 weeks of the application's life, the Assistant Director – Development to give consideration, in consultation with the Chair, to refusal of the application.**

12. DER/205/166 - Erection of 73 flats. Anglers Lane, Nottingham Road, Spondon.

Resolved:

- 1. to authorise the Director of Corporate Services to enter into an Agreement to ensure the provision of £20,000 for the enhancement of the Willowcroft Road traffic light control system.**
 - 2. to approve the details with conditions set out in the report, with the insertion, in condition 1, of drawing numbers 33249-1Rev C, 33249-2, 33249-3, 33249-4 Rev B, 33249-5 Rev B, 33249-6 Rev B, 33249-7 Rev C, 33249-8 Rev A and 33249-9 Rev A.**
 - 3. to remind the applicants of the outstanding conditions from the outline permission and that full engineering details of the retaining wall to Anglers' Lane are required.**
13. DER/305/351 - Felling of Cherry tree, crown raising of Holly tree and Horse Chestnut tree, crown cleaning of Willow tree and Apple tree, reduced crown of Cherry tree, raise crown of Holly tree, reduce branches of Cherry tree, clean crown of Sycamore tree and trimming of Hawthorn hedge. Trees at David Wilson Homes development, Chain Lane, Littleover.

Resolved to grant consent with conditions as set out in the report.

14. DER/205/308 & DER/205/309 - Display of internally illuminated fascia sign and externally illuminated hanging sign. 3 Market Place.

Resolved:

- 1. to grant advertisement consent with conditions as set out in the report.**
- 2. to grant listed buildings consent.**

15. DER/205/248 - Erection of security fencing and gates. The Leylands Estate, Broadway.

The views of the Police were reported.

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

16. DER/205/265 - Formation of three apartments within roof space of previously approved building. Site of 8 Louvain Road.

Resolved to refuse permission on the grounds that the proposals were out of character with the area would be an over intensive form of development and would give rise to high levels of traffic movement.

17. DER/1204/2419 - Erection of non-food retail unit (Use Class A1),

builders yard, garden centre and dairy (duplicate application). Land south west of Supermarket, off Peak Drive (including site of MCS Dairies)

A letter of representation was reported.

Resolved:

- 1. to refer the application to the Secretary of State under the Town and Country Planning (Shopping Development) Director 1993 to enable consideration of whether the application should be called-in.**
- 2. to authorise the Assistant Director – Development to negotiate the terms of a Section 106 Agreement to provide off-site public transport, cycling and pedestrian improvements, and junction capacity improvements to the Osmaston Park Road corridor, the security of the completion of the B1, B2 and B8 industrial units within 18 months of the non-food retail unit being brought into use and contributions towards public art/public realm improvements and to ensure that the store operates in line with the particular ‘business model’ in the retail assessment. To authorise the Director of Corporate Services to enter into such an agreement.**
- 3. to authorise the Assistant Director – Development to grant planning permission on the conclusion of the above agreement, with conditions, subject to the Secretary of State not calling-in the application**

18. DER/205/209 - Demolition of part of boundary wall to incorporate two car spaces. 20 North Parade.

A letter of representation was reported.

Resolved to grant consent with conditions as set out in the report.

123/04 Special Item

19. DER/599/591 - Residential development, variation of drainage details. Land corner of Kedleston Road and Markeaton Lane.

Ms Heard and Councillor Webb in objection to the application and Mr Hepwood, on behalf of the applicant, addressed the Committee.

1. **Resolved to agreed the proposed changes to the drainage scheme, subject to a requirement before work commences for agreement of a construction management scheme.**
2. **The management scheme should include:**
 - **details of the machines, protective fencing, areas of work**
 - **access and protection of wildlife**
 - **Markeaton Lane hedgerow details**
 - **timetable of monitoring of water quality and levels in the marsh, ponds and Markeaton Brook, including monitoring of performance to ensure no bypassing of any feature of the SUDS system, except where agreed**
 - **monitoring of flora and fauna in consultation with the Derbyshire Wildlife Trust**
 - **that the reprofiling of the ditch A-B by hand digging only**
3. **to the continue the negotiations during the initial maintenance period over the commuted maintenance sum to be paid by the Developer.**
4. **the commuted maintenance sum for the drainage scheme to be agreed by the Chair and Vice Chair in consultation with the ward councillors.**

124/04 Appeal Decisions

Code No	Proposal	Location	Decision
DER/404/738	Extensions to dwelling house (kitchen, playroom, WC, porch and two bedrooms)	5 Rowsley Avenue	Dismissed

125/04 Prior Notifications

20. DER/305/337 - Installation of 12.2m monopole, three antennas and two equipment cabinets. Land at junction of Holbrook Road/Holt Avenue.

Agreed that the City Council does not wish to control the details of siting and appearance.

Councillor Rehman left the meeting.

126/04 Workload and Organisational Issues

A joint report of the Directors of Corporate Services and Development and Cultural Services was considered that set out proposals relating to changing the frequency

of Planning Control meetings. It also suggested changing Part E of Part 3 of the Constitution which contains the delegated powers of the Planning Control Committee.

It was also reported that a new multi-media system was being installed in the Council Chamber as an e-Derby, e-Democracy initiative. It was hoped that the system would be ready for use at the Committee's next meeting on 26 May 2005.

Resolved:

- 1. to change the frequency of meetings to twice a month, except in January and August, with effect from the 2005/06 municipal year, for a trial period of six months.**
- 2. to recommend full Council to amend paragraph 2c of the delegations to the Planning Control Committee, set out in Part E of Part 3 of the Constitution, to read:**

"A Member of the Council has, within three weeks of being sent notification of an application, written to the Director of Development and Cultural Services requesting its determination by the Committee, giving reasons for the request. Where the member concerned does not attend the meeting in person, or submit written representations, the application will be deemed to be determined in accordance with the recommendation of the Director of Development and Cultural Services."

Having declared a personal prejudicial interest in the following item, Councillor Baxter left the meeting during the consideration of the matter.

127/04 Planning Protocol

A report of the Director of Corporate Services was considered which detailed the proposed Planning and Development Control Protocol for Councillors and the recommendation to Council from the Standards Committee to adopt the Planning Protocol.

Resolved to note the recommendation to Council from the Standards Committee to adopt the Planning Protocol.

128/04 Consideration of major application site visits

Resolved to visit the following sites before the next meeting of the Planning Control Committee:

- 1. Site of 1238 – 1242 London Road**
- 2. Site of 215a and 217 Duffield Road**
- 3. 163 Baker Street**

4. 97 Empress Road

MINUTES END