

Time commenced: 18:00
Time finished: 19:23

PLANNING CONTROL COMMITTEE 17 February 2022

Present: Councillor S Khan
Councillors Bettany, Care, Carr, M Holmes, Jennings, Nawaz,
T Pearce, Pegg, Potter, Prosser

In Attendance: Sara Coleman - Enforcement & Compliance Officer
Emma Humpston – Planning Officer
Andy Gibbard – Group Manager – Traffic & Transportation
Steven Mason – Democratic Services Officer
Laura Neale – Major Projects Officer
Stephen Teasdale – Solicitor
Ian Woodhead – Development Control Manager

59/21 Apologies for absence

Apologies were received from Councillor West.

60/21 Late items

There were none.

61/21 Declarations of interest

Councillor Potter wished it to be noted that in relation to application 21/01997/FUL - Land Between 42 And 46 Middleton Avenue Derby, he had been approached by the objectors but that he would approach the application with an open mind.

Councillor Care wished it to be noted that in relation to application 21/01997/FUL – Land between 42 and 46 Middleton Avenue, Derby, it was close to but did not abut her father's house.

62/21 Minutes of the meeting held on 20 January 2022

The minutes of the meeting held on 20 January 2022 were agreed.

63/21 Confirmation of TPO No. 602

The Committee received a report of the Director of Planning, Transport and Engineering on Confirmation of TPO No. 602.

Members considered an objection to the making of TPO No. 602.

Resolved to authorise the Director of Planning, Transport and Engineering to confirm the Tree Preservation Order (TPO) No. 602 without modification.

64/21 Development Control Performance – Quarter 3 (Oct. – Dec. 2021)

The Committee received a report of the Chief Planning Officer on Development Control Performance – Quarter 3 (Oct. – Dec. 2021).

Resolved to note the report.

65/21 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.

21/01997/FUL - Land Between 42 And 46 Middleton Avenue Derby

(Erection of a dwelling (Use Class C3), part retrospective application)

The Development Control Manager addressed the Committee. It was reported that photographs had been received and had been circulated to the Committee. Members noted that the application had been considered at the last meeting and had been deferred. It was noted that the case officer had subsequently visited neighbouring properties on Heath Avenue to assess the issue of perceived overlooking from the eastern face of the building and that given the potential to improve boundary treatment on that particular boundary and to address all site boundaries, the following updated condition was recommended:

Notwithstanding the submitted boundary treatment details, prior to the occupation of the dwelling, further plans shall be submitted to and approved by the Local Planning Authority which accurately demonstrate the proposed boundary treatment of the site to prevent any potential overlooking and loss of privacy. The further plans shall indicate fence heights and ground levels.

Mrs Bennett, Ms Donoghue and Councillor Lonsdale, as Ward Member, addressed the Committee and made representations against the application.

It was proposed that an informative note be added in relation to building regulations being in place.

Resolved to grant planning permission for the reasons and with the recommendations as outlined in the report.

21/00193/FUL - 947 London Road, Derby

(Change of use from dwelling house to 2 x 1 bed flats and 1 x 5 person House in Multiple Occupation)

The Senior Planning Officer addressed the Committee. It was reported that at 7.8 of the report it should read “a 4 bedroom house in multiple occupation” and not “a 5 bedroom house in multiple occupation”. Members noted that final comments had now been received from the Housing Standards team, who offered no overall objection to the proposal, but had recommended that Planning officers were happy with the natural light being provided to each of the bedrooms. It was also noted that this had been looked at and that Planning officers were happy that it complied with policy. It was reported that colleagues in Housing had also highlighted the need to protect the fire escape route from bedroom 4, which was located within the roof space and to ensure adequate fire safety precautions were incorporated. It was proposed that an informative note be added in relation to this matter.

Councillor AW Graves, as Ward Member 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 M Holmes 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 result in the over development of no. 947 London Road, a semi-detached dwelling house, to the detriment of highway safety. The proposal fails to provide sufficient and adequate off street car parking for occupiers and their visitors which will lead to on-street parking and congestion on London Road, a main transport and public transport corridor which links the directly into the City Centre. The proposal therefore fails to comply with paragraph 109 of the National Planning Policy Framework, saved policy H13 of the City of Derby Local Plan Review and policy CP23 of the Derby City Local Plan Core Strategy – Part 1.

21/00819/FUL - Former Pizza Hut 3, Wyvernside

(Full planning for the change of use from Class E (previously Class A3) to a Sui Generis Use consisting of a coffee shop/restaurant selling food and drink for consumption on and off the premises. Installation of a drive-thru lane and associated engineering works. Relocation of the bin store and minor alterations to car parking and servicing arrangements and associated changes to landscaping. Demolition and alterations to the building and elevations including recladding.)

The Development Group Manager addressed the Committee. It was reported that additional letters of support had been received, including one from Mr Hydes, Tim Hortons Ltd, on behalf of the applicant.

Mr Hydes, Tim Hortons Ltd, on behalf of the applicant, addressed the Committee.

Resolved to reject the officer recommendation and grant planning permission.

Summary of Reasons for Granting Permission:

The proposed use and operational development is acceptable and the benefits of bringing the site back into productive use, and the associated job creation benefits and improvements to the design of the building would, in this case, outweigh the perceived negative impact of traffic generated by the development on the local highway network. As such, the proposal accords with the Development Plan when considered as a whole.

66/21 Potential Future Site Visits

The Committee was advised of future major applications.

Resolved not to undertake a site visit in relation to the following planning application:

- **22/00052/FUL – Land at Rykneld Road Derby.**

MINUTES END