

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

## PLANNING CONTROL COMMITTEE 07 April 2022

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

In Attendance: Karl Suschitzky – Senior Environmental Health Officer  
Andy Gibbard – Group Manager – Traffic & Transportation  
James Bathurst – Senior Planning Technician  
Sara Hodgkinson – Development Control Team Leader  
(DCTL)  
Stephen Teasdale – Solicitor  
Ian Woodhead – Development Control Manager (DCM)  
Councillor A W Graves – Alvaston Ward  
Councillor Lonsdale – Littleover Ward

### 67/21 Apologies for absence

Apologies were received from Councillors Pegg and Bettany.

### 68/21 Late items

There were none.

### 69/21 Declarations of interest

Councillor M Holmes wished it to be noted that in relation to application 21/00204/FUL - Royal Derby Hospital, Uttoxeter Road, Derby, whilst having work connections with the Royal Derby Hospital he has no involvement directly or indirectly with the application and therefore is sufficiently remote from such as to be able to approach the application with an completely open mind.

### 70/21 Minutes of the meeting held on 17 February 2022

The minutes of the meeting held on 17 February 2022 were agreed.

### 71/21 Minutes of the meeting of the Conservation and Heritage Advisory Committee held on 13 January 2022.

The minutes of the meeting held on 13 January 2022 were noted.

## 72/21 Appeals Decisions

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.**

## 73/21 Confirmation of TPO No. 603

The Committee received a report of the Director of Planning, Transport and Engineering on Confirmation of TPO No. 603.

Members considered an objection to the making of TPO No. 603.

**Resolved to authorise the Director of Planning, Transport and Engineering to confirm the Tree Preservation Order (TPO) No. 603 without modification.**

## 74/21 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.

### 21/00204/FUL - Royal Derby Hospital, Uttoxeter Road, Derby

(Erection of a Multi-Storey Car Park)

The Development Control Manager (DCM) addressed the Committee advising that there were no longer any public speakers on this item as the concerns raised by them had been addressed. Those concerns had related to the potential access from the site onto Owlers Lane to the south and the future of a substation in that area. The Council, however, had received clarification from the agent that no access was proposed onto Owlers Lane, and the substation was not affected by the proposal. It was reported that both these elements were covered by conditions 12 and 14.

The DCM reported that; the proposed MSCP was located near to the common boundary of the hospital site, in close proximity to residential properties on Constable Avenue, Constable Lane/Queen Drive and Owlers Lane occupying the current site of car park 6, comprising a split level 5 storey car park set around two access cores with stairs and lift access to all floors along with a main core at the pedestrian entrance adjacent to the car parking office. It would provide 875 car parking spaces, although not all new spaces on the hospital site and that some spaces would replace those lost or that would be lost as a result of consented development.

The car park measured approximately 19 metres to highest point (access cores) and approximately 17 metres when considering the main bulk of the car park. With a footprint of approximately 109 metres by approximately 48 metres.

The DCM advised key issues included the traffic arrangements of the proposal on the on-site internal access system; the impact on the surrounding highway network and its capacity; the Hospital's ongoing travel plan commitments; the need for a temporary car parking solution elsewhere prior to the implementation of this development; and the proposed s106 agreement to secure monies for a wider mitigation scheme on the network. The DCM advised that he was satisfied that all traffic issues had been fully and properly addressed.

Members proposed amendments to the suggested conditions, to make further provision for electric car charging ports, charging ports for electrical bicycles and mobility scooters, improved pedestrian routes and to ensure sound barrier materials are provided.

**Resolved:**

- 1. to authorise the Director of Planning, Transportation and Engineering to negotiate the terms of a Section 106 Agreement to achieve the objectives as outlined in the report and to authorise the Director of Legal, Procurement and Democratic Services and Monitoring Officer to enter into such an agreement.**
- 2. to authorise the Director of Planning, Transportation and Engineering, upon conclusion of the above Section 106 Agreement, to grant permission for the reasons and subject to the amendments in paragraph 3 below with conditions as set out in the report.**
- 3. to amend the conditions as the DCM considers appropriate so as to make suitable provision for electric car charging ports, changing ports for electrical bicycles and mobility scooters, pedestrian routes and to secure sound barrier materials.**

21/02064/FUL - 295 - 297 Brighton Road, Derby

(Change of use from dwelling house (Use Class C3) to a seven bedroom (seven occupant) house in multiple occupation (Sui Generis) including installation of new windows to the side elevation.)

The Development Control Team Leader (DCTL) reported that;

- the proposal sought full permission for change of use of a 6-bedroom dwelling house at 295-297 Brighton Road, to form a HMO, with seven bedrooms for seven occupants;
- the plans had been amended during the life of the application to remove one bedroom on ground floor and enlarge the communal kitchen/ dining room.

- the only external alterations proposed were the formation of 3 windows to en-suite bathrooms and a new door to bedroom 3. there were four car parking spaces proposed to the front of the dwelling, which were currently used for parking.
- cycle parking rack for residents would also be sited to the rear.
- in terms of an increased occupancy and parking, the Highways Officer had raised no objections to the provision of 4 parking spaces for the property and was satisfied that there would not be unacceptable impacts on highway safety.
- in terms of the HMO use, the proposed 7 occupants would be one more than a small HMO of 6 bedrooms and 6 occupants, which could operate as a permitted residential use, and as such did not consider the increase in residents to 7, would not be significantly more harmful on the residential character or highway safety in the local area, than that of a single dwelling.
- that with the revisions to the proposed layout and removal of one bedroom, the proposed HMO, the DCTL considered that the proposal would provide a high-quality living environment for the future occupants and would not result in harm to residential amenity of existing residents.
- It was DCTL's opinion that overall, the proposed 7-bedroom HMO use was considered to be acceptable in this residential location, delivering additional new housing, with no adverse impacts on the highway, on local character or on residential amenity and accorded with the relevant Local Plan policies, as well as the overarching guidance in the NPPF.

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 West 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 a detrimental impact on the residential character of the local area and the residential amenities enjoyed by existing neighbours, by reason of the over intensification of the use of the 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

overarching guidance in the NPPF which seeks to protect the amenities of individuals who are affected by the development of land and buildings.

22/00241/FUL - 85 Haven Baulk Lane, Derby

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

The Development Control Manager (DCM) reported that;

- a Amanda Solloway MP had forwarded to the DCM \correspondence received from a constituent raising concerns relating to potential amenity issues and criminal activity associated with the use. The letter hadn't been circulated in this case given its content and some of the personal details included.
- there were no external alterations proposed as part of this application.
- the proposed use would provide a home for two children between the ages of 6 and 18 years old and that each child would have their own bedrooms.
- staff would be on site 24 hours a day 365 days a year and would be suitably qualified and that staffing could be amended to take account of the individual needs of a child.
- the application had attracted objections and some concerns were summarised in the report
- there were no specific policies which restricted the overall number of care homes that could or should be provided within the City at a certain time, and separate legislation would ensure that the wider needs of the occupants could be met, and the management monitored. .
- the application site was in a sustainable location and future occupiers would have good access to services and public transport links in the area.
- planning permission had been previously granted for the change of use of this property from a dwelling house (use class C3) to a care home (use class C2) for two children with associated staff, under code number 03/13/00304. Since the approval of this application there had been no substantive change in planning policy that would prompt a different determination.
- there were no highways or environmental health issues.

Councillor Lonsdale, as Ward Member addressed the Committee and made representations against the application.

Members considered a proposal to amend conditions to require sound insulation. This proposal was rejected.

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

22/00392/FUL - 2 Repton Avenue, Derby

Roof alterations including installation of a dormer to the rear elevation, single storey rear extension to dwelling house (kitchen/dining area and lounge) and erection of outbuilding (garden room) – retrospective application)

The Development Control Team Leader (DCTL) reported that;

- that full permission was sought for extensions to 2 Repton Avenue, Sunnyhill, . including a single storey rear extension, an outbuilding in rear garden, and a roof extension to form flat roof rear dormer, some of the works which had been partially completed.
- permissions were granted in 2018 and 2019 and that a subsequent application was refused in 2020, when the cumulative scale of extensions was considered to be harmful to residents' amenity. A roof extension and rear dormer had also been built without permission during this period.
- the application sought to regularise permissions for the extensions which had been constructed, with alterations to the garden room and roof extension, to make them acceptable in terms of impacts on visual and residential amenity
- the existing overhanging roof of the garden building was to be removed, to reduce impacts on neighbouring properties and the current roof extension was to be set in 200mm from the eaves line and faced in tiling to match the main roof material to form a normal dormer extension. These alterations to the garden room and roof extension as constructed on site, would mean that they were similar to works that could be carried out under permitted development rights.
- five objections had been received to the application, raising concerns about impacts on residential amenity and that works have taken place without permission.

that the DCTL considered that with the exception of the dormer extension, the alterations would have a very limited visual impact on the local streetscene and the dormer as amended would be similar to other such roof extensions, which could be undertaken without permission and  
for these reasons, the proposed extension would accord with the intentions of the relevant Local Plan policies in relation to design and amenity, as well as the overarching design guidance in the NPPF.

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

## 75/21      Potential Future Site Visits

The Committee was advised of future major applications.

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

- **22/00421/FUL – Sir Peter Hilton Court, Agard Street, Derby**

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

- **22/00201/FUL - Land at Brook Medical Centre, 183 Kedleston Road, Derby**
- **22/00326/VAR - Former Rolls Royce Works, Nightingale Road, Derby**
- **22/00342/OUT - Field House, 90 Uttoxeter Old Road, Derby**
- **22/00345/VAR - Land at Holmleigh Way, Chellaston**
- **22/00301/VAR - Middleton House, 27 St Marys Gate, Derby**
- **22/00369/VAR - Land North of Snelsmoor Lane, Chellaston**
- **22/00401/VAR - Land to the South of Victory Road, Victory Park, Derby**

MINUTES END