

Time commenced – 6.00pm
Time finished – 8.25pm

PLANNING CONTROL COMMITTEE 18 MARCH 2010

Present: Councillor Wood (Chair)
Councillors Baxter, Bolton, Care, Carr, Grimadell, Harwood,
Shanker and Richards.

In attendance: Councillors Jennings and Latham

125/09 Apologies for Absence

Apologies for absence were received from Councillor Hickson.

126/09 Late Items Introduced by the Chair

There were no late items.

127/09 Declarations of Interest

Councillor Bolton declared a personal and prejudicial interest in application DER/06/09/00627 as she was previously the Cabinet Member who proposed this scheme at Cabinet.

Councillor Shanker declared a personal interest in application DER/06/09/00627 as his place of employment is situated adjacent to the application site.

128/09 Confirmation of the minutes of the meeting held on 4 February 2010

The minutes of the meetings held on 4 February 2010 were agreed as a correct record and signed by the Chair.

129/09 To receive the minutes of the meeting of the Conservation Area Advisory Committee held on 11 February 2010

The minutes of the Conservation Area Advisory Committee meeting held on 11 February 2010 were received as a correct record and noted by the Committee. The Chair drew the Committee's attention to application DER/01/10/00071 Public Information Screen, Market Place Derby to display two single sided banner signs which was considered by the Conservation Area Advisory Committee. He requested officers clarify why enforcement action has not been taken as the signs have been built despite not having been granted planning consent. It was reported that a planning application had been submitted and therefore it would be unwise to take enforcement

action at the moment.

130/09 Appeals Decisions Report

The Committee considered a report from Assistant Director – Regeneration on Appeals Decision Report. The attached appendix gave details of the decisions taken.

Resolved to note the decisions on appeals taken in the last month.

131/09 Applications dealt with under Building Regulations and associated legislation

The Committee considered a report from Assistant Director – Regeneration on Applications dealt with under Building Regulations and Associated Legislation. Appendix 2 gave details of the decisions taken. The intention is that a report will be taken to a Committee meeting each month.

Resolved to note the decisions taken in the last month.

132/09 Enforcement Report: Monthly Report

The Committee considered a report from Assistant Director – Regeneration on Enforcement Action: Monthly Report. The report gave brief details of enforcement actions authorised in the last year. It was reported that the owner of the Hippodrome has been convicted and awaits sentencing.

Resolved to note the enforcement action taken in the last year.

133/09 Tree Preservation Order 2010 No. 551 (283 Morley Road)

The Committee considered a report from Assistant Director – Regeneration seeking the confirmation of Tree Preservation Order 2010 No.551.

Resolved to confirm Tree Preservation Order 2010 No.551.

134/09 Bi-monthly Report

The Committee considered a report on planning applications to be determined by the Committee, and the applications determined of the Assistant Director – Regeneration under delegated powers.

1. DER/06/09/00627

Erection of a waste management facility at Phase 2, Raynesway East Development, Raynesway, Derby

Councillor Bolton left the room during the consideration of this item.

It was reported that GOEM had issued an Article 14 direction pursuant to the

Town and Country Planning (General Development Procedure) Order 1995 directing the Council not to grant permission without special authorisation and that the recommendation contained in the report needed to be amended to take this into account.

Ms Beech and Ms Wigley addressed the Committee in objection to the proposal. Councillors Bayliss, Berry, Graves, Poulter and Williams also addressed the Committee in objection to the proposal.

It was reported that 27 letters of objection had been duly received with a further two letters of objection, a petition and a letter from Celanese being submitted after the deadline.

Mr Watkins addressed the Committee in support of the proposal.

Resolved to refuse the application for planning permission.

Reasons

1. The proposal would result in significant harm to the environment by virtue of the emissions from the plant, based on an unproven technology, which would result in a severe detriment to residential amenity in the area, including increasing public perception of associated health risks and accordingly the proposal would be contrary to saved policies W4, W5 and W6 of the Derby and Derbyshire Waste Local Plan and Policies GD2, GD5, EP14 and E12 of the adopted City of Derby Local Plan Review.
2. The proposal would result in a significant and unacceptable adverse impact on air quality to the local Air Quality Management Area by reason of the emissions from the plant, which would have a knock on effect on the air quality for local residents. The proposal would therefore be contrary to the saved policies W4, W5 and W6 of the Derby and Derbyshire Waste Local Plan and Policies GD5, EP14 and E12 of the adopted City of Derby Local Plan Review.

Councillor Shanker was nominated to represent the Council on any future appeal with Councillor Grimadell acting as a reserve.

2. DER/02/10/00105

Erection of 90 dwellings with associated accesses, car parking, landscaping and balancing facility for surface water drainage at site of the former Merrill College, off Jubilee Road, Shelton Lock, Derby

It was reported that a late objection had been received raising concerns with regard to adverse traffic issues and the provision of new schools to serve residents of the proposed development..

It was reported that new plans had been submitted for the application. The main amendments to the proposals being that; the three storey apartment block in the North-Eastern corner of the application site, was reduced to two storeys; and the removal of the footway/cycleway proposed along the southern boundary of the site to accommodate views expressed by the Police.

Further consultations were reported as follows: The Arboricultural Officer had withdrawn his objection as the amended plans remove the danger to the protected trees on the site. The Police Liaison Officer has stated his comments have been duly noted and the layout of the site appropriately amended. It was reported no comments had been received from either the Environmental Services Parks Team or the Derby & Sandiacre Canal Trust.

Mr Clarke and Mrs Nixon addressed the Committee in objection to the proposal. Councillor Holmes also addressed the Committee in objection to the proposal.

Mr James addressed the Committee in support of the proposal.

Resolved:

- A. To authorise the Assistant Director – Regeneration, subject to being satisfied with the nature of any representations submitted within a 14 day period following the re-notification of neighbours in relation to amended drawings / details and in consultation with the Chair, Vice Chair and Ward Members, to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in 11.5 below and to authorise the Director of Corporate Services to enter into such an agreement.**
- B. To authorise the Assistant Director – Regeneration to grant permission upon conclusion of the above Section 106 Agreement;**
- C. If the applicant fails to sign the Section 106 Agreement by the expiry of the 13 week target period (3 May 2010) consideration be given, in consultation with the Chair, to refuse permission;**
- D. To amend condition eight so that the work referred to in this condition is completed by the time the first dwelling is occupied;**
- E. That an advisory note be sent to the applicant requesting that the properties be built to Code Four of the Sustainable Homes Standard. and to incorporate an additional note relative to the provision of solar power hot water and uPVC photovoltaic cells;**

3. DER/08/09/00986

Erection of a School of Nursing at Royal Derby Hospital, Uttoxeter New Road, Derby

Mrs Bowes and Mr Frey addressed the Committee in objection to the proposal.

Mr Brooksbank addressed the Committee in support of the proposal.

Resolved in order to be able to assess the travel and transportation impacts of the proposal to defer determination of the planning application so as to enable information relating to Royal Derby Hospital's Travel Plan to be obtained.

135/09 Consideration of major application site visits

The Committee were advised that there were three future Major Application Site Visits to report.

Resolved to not visit any of the proposed major application sites.

MINUTES END