

Time commenced - 6.00 pm
Time finished - 9.30 pm

PLANNING CONTROL COMMITTEE 26 FEBRUARY 2004

Present: Councillor Smalley – Chair
Councillors Ahern, Bolton, Care, Chera, Crosby, Lowe,
Samra, Travis, Willits and Wynn

95/03 Apologies for Absence

An apology for absence was received from Councillor Baxter.

96/03 Late Items Introduced by the Chair

The Chair introduced one late item, DER/703/1250, Land off Northmead Drive, site of disused allotments, on grounds of urgency, so that implementation could begin, to meet the needs of the already commenced hospital building programme.

97/03 Declarations of Interest

Councillor Care declared a personal interest in code no DER/1203/2236, as she knew the applicant. Councillor Lowe declared a personal prejudicial interest in code no DER/1103/2012 as he was involved in a previous application on the same site.

98/03 Minutes of Previous Meeting

The Minutes of the meeting held on 22 January 2004 were approved as a correct record and signed by the Chair.

99/03 Minutes of the Conservation Area Advisory Committee – 8 January 2004

**Resolved to receive the minutes of the Conservation Area Advisory
Committee meeting held on 8 January 2004.**

100/03 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 and record the nomination of Councillor Bolton
to put forward the Council's case on the Wellesley Avenue appeal.**

101/03 Publicity for Telecommunication Proposals

A report of the Assistant Director – Development was considered giving details of the revised arrangements for publicity for telecommunications proposals.

Resolved

- 1. to agree the revised publicity arrangements**
- 2. to extend public speaking at Committee to Prior Notification proposals**
- 3. to refer the report to Cabinet for approval**

102/03 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 January 2004 – 31 January 2004.

103/03 Development by Local Authorities

The Assistant Director – Development report (Section A) (Local Authority)

Derby City Council

Code No	Property/Site	Proposal
DER/104/39	London Road, frontage to Alvaston Park	Erection of a school

An additional letter of objection and 3 letters of support had been received.

It was reported that the Environmental Health Officer considered that the application would affect air quality and generate noise. It was noted that a consultation from Sport England was still outstanding.

Resolved to refer the application to the Secretary of State with a supporting statement setting out why the City Council considers that planning permission should be granted.

In the event of the Secretary of State not calling in the application, to authorise the Assistant Director – Development, to issue an outline planning permission for the purposes of Regulation 4 of the Town and Country Planning General Regulations 1992, subject to conditions.

Appropriate officers to develop a strategy for ensuring that the school facilities that are made redundant for their current purpose by the proposal are used for the benefit of the community either in themselves or by any receipt from disposal bringing into use as public open space land in this sector of the City which could better meet local needs.

104/03 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

1. DER/603/1176 - Erection of primary care centre. Former tennis Courts, Browning Street.

2. DER/1003/1954 - Erection of 22 apartments. Land at former depot and to rear of 2-8 Brook Street.

It was noted that the Environment Agency had withdrawn its holding objection to the application.

Resolved to authorise the Assistant Director – Development to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in the report and to authorise the Director of Corporate Services to enter into such an agreement.

To authorise the Assistant Director – Development to grant permission on the conclusion of an Agreement, subject to conditions.

3. DER/1103/2133 - Erection of a 20m high tapered timber monopole and ancillary development. Land to the north of North Avenue, Allestree.

4. DER/1103/2018 - Erection of a disabled children's nursery/respite care centre. St Mark's Road, site of Armstrong Day Nursery.

5. DER/1004/71 - Reduction in height of 2 Willow trees and crown reduction of 1 Willow tree, within Allestree Conservation Area. 2 Cornhill, Allestree.

6. DER/1203/2177 - Erection of dwelling house. Land to rear of 77 Derwent Avenue and fronting Farnborough Gardens, Allestree.
7. DER/1203/2218 - Demolition of existing hall and erection of 2 semi-detached houses. Land at WI hall off Fowler Avenue, Spondon.
8. DER/1203/2154 & DER/703/1239 - Erection of 17 apartments with associated parking (amendment to previously submitted application). Site of 36-48 Reginald Street.

To authorise the Assistant Director – Development to negotiate the terms of a Section 106 Agreement to require provision of 2 mobility units and provision of a commuted sum payment in lieu of providing public open space on site and to authorise the Director of Corporate Services to enter into such an agreement.

To authorise the Assistant Director – Development to grant planning permission on the conclusion of an Agreement, subject to conditions, together with an accompanying letter to the developer regarding the encouragement of recycling facilities on the site.

9. DER/503/881 - Extension to ground and first floor of existing offices. 3 Friar Gate.

It was noted that late comments had been received from English Heritage.

10. DER/1203/2159 - Erection of 9 dwelling houses, garages and construction of access road. Land fronting Corden Avenue and to the rear of 299-315 Uttoxeter Road, Mickleover.
11. DER/1003/1922 - To demolish existing mill and erection of 18 x 2 bedroomed apartments with courtyard parking. Site of former Brookside Mill, 77 Boyer Street.

Subject to the submission of a flood risk assessment for this site that is accepted and agreed in writing with the Environment Agency, to authorise the Assistant Director – Development to negotiate the terms of a Section 106 Agreement to secure the provision of a commuted sum in lieu of on site incidental open space provision and to secure the provision of 2 mobility units.

To authorise the Assistant Director – Development to grant planning permission on the conclusion of an Agreement, subject to conditions.

12. DER/1203/2161 - Erection of 16 apartments in two blocks. Land to the rear of 33 South Street.

It was reported that 1 late letter of objection had been received.

It was noted that the awaited comments from the Arboricultural Officer had been received on 25 February 2004.

Mr Leach in objection to the application and Mr Lombardo, on behalf of the applicant, addressed the Committee.

To authorise the Assistant Director – Development to negotiate the terms of a Section 106 Agreement to provide mobility housing and public open space commuted sum and to authorise the Director of Corporate Services to enter into such an Agreement.

To authorise the Assistant Director – Development to grant planning permission to the conclusion of an Agreement, subject to conditions.

b) Applications determined by the Committee

1. DER/1103/2100 - Extensions to dwelling house (porch, garage, utility room, bedroom and enlargement of existing kitchen and bathroom). 82 Portreath Drive, Allestree.

Mr Sinclair, on behalf of Mrs Gisbon, in objection to the application addressed the Committee.

To grant permission subject to an additional condition requiring the provision of 2 car parking spaces on the site.

2. DER/204/196 - Erection of 27 dwelling houses and 29 apartments. Site of Bennetts Ironmongery and Phoenix Healthcare on land north of Roman Road.

It was noted that 5 additional letters of objection had been received, together with the views of the Police, County Archaeologist, and the Conservation Area Advisory Committee.

Mr Vine and Mrs Hoskins in objection to the application, and Mr Ingle the applicant addressed the Committee.

To authorise the Assistant Director – Development to negotiate the terms of a Section 106 Agreement to provide affordable housing, open space and mobility housing and to authorise the Director of Corporate Services to enter into such an agreement.

To authorise the Assistant Director – Development, to grant planning permission on the conclusion of an agreement, subject to additional conditions, relating to highway surface treatment, details of site entrance, kerb treatment, boundary treatment, archaeological work programme, amended plans and the alteration of condition 10 to preclude further windows.

3. DER/1003/1902 - Erection of 27 dwellings. Land to the north of Blenheim Drive, Allestree.

Mr Warren in objection to the application and Mr Galij, the applicant addressed the Committee.

To grant permission subject to the addition of two further conditions relating to further tree planting and type of fencing to be used on the east boundary.

4. DER/1003/1837 - Erection of 24 apartments in four blocks and associated parking. Land at eastern end of Drage Street.

The views of the Conservation Area Advisory Committee were reported.

To authorise the Assistant Director – Development to negotiate the terms of a Section 106 Agreement to provide mobility housing and public open space and to authorise the Director of Corporate Services to enter into such an agreement.

To authorise the Assistant Director – Development to grant planning permission on the conclusion of an agreement, subject to conditions including provision for motor cycle, cycle parking and recycling facilities.

5. DER/1103/2005 - Demolition of existing dwellings and erection of 13 dwellings and five apartments and construction of access. 2 and 2a Baslow Drive, Allestree.

It was noted that 5 additional letters had been received in relation to amended plans.

Mr Gaulton and Mr Thelwell in objection to the application and Mr James, on behalf of the applicant addressed the Committee.

To authorise the Assistant Director – Development to negotiate the terms of a Section 106 Agreement to provide off-site public open space and mobility housing and to authorise the Director of Corporate Services to enter into such an agreement.

To authorise the Assistant Director – Development to grant permission on the conclusion of an agreement subject to conditions, including boundary treatments.

6. DER/1203/2236 - Erection of 20 two bedroomed apartments, access road, car parking, cycle store and amenity area. Land to the rear of 398-418 Uttoxeter New Road.

It was reported that a late petition had been received and was circulated to Members. The Director of Corporate Services (Health) were reported orally in respect of Air Quality.

Mr Kay in objection to the application addressed the Committee.

To authorise the Assistant Director – Development to negotiate the terms of a Section 106 Agreement to provide mobility housing, off-site public open space, an off-site bus shelter and cycle signage and to authorise the Director of Corporate Services to enter into such an agreement.

To authorise the Assistant Director – Development to grant planning permission on the conclusion of an agreement, subject to conditions, to include recycling and cycle parking provision.

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

- 7. DER/1103/2012 - Erection of 7 x 2 storey 2 and 3 bedroomed houses and 12 x 1 and 2 bedroomed flats in 3 storeys. Part of former St Georges Works, south of Faire Street.

It was reported that a letter from Bob Laxton had been received and circulated to Members.

Mrs Murphy and Mr Strange in objection to the application and Mr Hall, the applicant addressed the Committee.

Resolved to defer the decision on the application to allow the Committee to hold a site visit.

- 8. DER/1103/2144 - Erection of 43 flats in 5 storey block, together with associated works. Former Alexandra Hosiery Mills, Great Northern Road.

To authorise the Assistant Director – Development to negotiate the terms of a Section 106 Agreement to provide affordable housing, major and incidental open space financial contributions, mobility housing and minor highways works, including two bus shelters, signs for the strategic cycle network and refurbishment of the site's frontage. To authorise the Director of Corporate Services to enter into such an agreement.

To authorise the Assistant Director – Development to grant planning permission on the conclusion of an agreement, subject to conditions, including the removal of kerb stones and a condition relating to highways.

- 9. DER/1203/2158 - Change of use to sports ground, formation of cricket pitch, vehicular access and parking areas and erection of a clubhouse. 144 Locko Road, Spondon.

It was reported that amended plans had been received and had been sent to all those who had made representations. Following this, 3 further responses had been received.

Mr Kitchen and Mrs Trelfa in objection to the application and Mr Tainton, the applicant addressed the Committee.

To grant permission subject to conditions, including a change to condition 5 requiring approval of finished levels on the access drive, a change to condition 4 – Revision G and conditions for boundary treatment details, cycle and motor cycle parking.

10. DER/1203/2269 - Use of Agricultural land as playing field. Part of field OS No. 1400, eastern side of Locko Road, Spondon.

To grant permission subject to changing condition 2 from Standard condition 38 to a Special Condition requiring details of land drainage.

11. DER/703/1250 - Use of land for temporary period for recycling plant and concrete batching plant. Land off Northmead Drive, site of disused allotments.

To grant permission subject to amended wording to condition 9 to include the deletion of the words after 'site for allotments,' and the insertion of the words 'unless otherwise agreed by the Local Planning Authority'.

c) Applications Refused

1. DER/1103/2122 - Change of use to a mixed use of living accommodation, and office, library, utensil store, laundry and meeting room associated with the adjoining temple at 14 St James Road. 16 St James Road.

Mr Rowe in objection to the application addressed the Committee.

Resolved to refuse the application for change of use on the following grounds:

- **It was considered by the Local Planning Authority that the use of the dwelling house would, through the cumulative impact of the combined uses, result in a loss of residential amenity to nearby residential properties by reason of the increased activity, noise and disturbance of a non-domestic nature.**

- In view of the lack of off-street parking provision available for all uses in the immediate neighbourhood, the additional traffic that is generated by the visits made to 16 St James Road would further increase the pressure on the limited on-street parking available, resulting in increased highway difficulties for the neighbouring residents.

It was agreed that, in the event of an appeal being made against the decision, Councillor Bolton would present the Council's case.

105/03 Appeal Decisions

Code No	Proposal	Location	Decision
DER/1102/1695	Unauthorised garage	442 Stenson Road, Littleover	Dismissed
DER/702/947	Extensions to dwelling house (garage, WC, Store and bedroom)	22 Breedon Avenue, Littleover	Dismissed
DER/303/415	Extensions to dwelling house (garage, bin store, porch and 2 bedrooms)	223 Nottingham Road, Spondon	Dismissed
DER/303/500	Extensions to dwelling	28 Hindscarth Crescent	Allowed
DER/703/1341	Appeal against a condition imposed on advertisement consent	Former Mackworth College, Normanton Road	Dismissed

MINUTES END