

Time commenced – 6.00pm
Time finished – 9.00pm

PLANNING CONTROL COMMITTEE 21 OCTOBER 2010

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

60/10 Apologies for Absence

Apologies for absence were received from Councillors Grimadell and S Khan.

61/10 Late Items Introduced by the Chair

There were no late items.

62/10 Declarations of Interest

Councillor Harwood declared a personal interest in applications
DER/10/09/1267 and DER/10/09/01268 as he was chairman of the football
league that the club who use the site.

63/10 Confirmation of the minutes of the meeting held on 2 September 2010

The minutes of the meeting held on 2 September 2010 were agreed as a
correct record and signed by the Chair.

64/10 To receive the minutes of the meeting of the Conservation Area Advisory Committee held on 9 September 2010

The minutes of the Conservation Area Advisory Committee meeting held on 2
September 2010 were received as a correct record and noted by the
Committee.

65/10 Applications dealt with under Building Regulations and associated legislation

The Committee considered a report from the Director of Planning and
Transportation on Applications dealt with under Building Regulations and
Associated Legislation. Appendix 2 gave details of the decisions taken.

Resolved to note the decisions taken in the last month.

66/10 Enforcement Report: Monthly Report

The Committee considered a report from Director of Planning and Transportation on enforcement action. The report gave brief details of enforcement actions authorised in the last year.

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

67/10 Appeals Decisions Report

The Committee considered a report from the Director of Planning and Transportation on planning appeal decisions. The attached appendix gave details of the decisions taken.

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

68/10 Building Consultancy – The Building (Local Authority Charges) Regulations

The Committee considered a report from the Director of Planning and Transportation on revisions to the Building (Local Authority) charges regulations and the requirements placed on the authority.

Resolved to note the changes to the Building Regulations Charges that took effect from 1 October 2010.

69/10 Tree Preservation Order 2010 No. 559 (19 Ford Lane, Allestree)

The Committee considered a report from the Director of Planning and Transportation seeking the confirmation of Tree Preservation Order 2010 No.559.

Resolved to confirm Tree Preservation Order 2010 No.559.

70/10 Tree Preservation Order 2010 No. 560 (Mackworth College, Prince Charles Avenue)

The Committee considered a report from the Director of Planning and Transportation Regeneration seeking the confirmation of Tree Preservation Order 2010 No.560.

Resolved to confirm Tree Preservation Order 2010 No.560.

71/10 Application to register land as a town or village green at land at Sturgess Fields, Kedleston Road

The Committee considered a report from the Director of Planning and Transportation on an application to register land as a town or a village green at Sturgess Fields, Kedleston Road.

Resolved

To accept the Inspector's recommendations and the reasons for those recommendations as outlined in her report of 10 July 2010, namely:

- 1. To refuse the application to register the whole of Sturgess Fields, Kedleston Road, Derby as a Town Green.**
- 2. To refuse the application to register Field B at Sturgess Fields, Kedleston Road, Derby as a Town Green.**
- 3. To accept the application to register Fields A and C at Sturgess Fields, Kedleston Road, Derby as a Town Green.**
- 4. To accept that the boundaries of the area to be registered are as shown on Plan 2 so that so far as Field A is concerned, the southern bank of Mackworth Brook, should be its division from Field B and, so far as Field C is concerned, the western bank of the drainage ditch between Mill Dam Pond and Mackworth Brook should be its division from Field B.**
- 5. To welcome the University's commitment to produce a community based management plan for the site and to note the Director's commitment to offering City Council staff time to assist, in an advisory role, in its production, subject to availability of resources.**

72/10 Development Control Monthly Report

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

1. DER/10/09/01267

Change of use and extension of the Leisure Centre Building (Use Class D2) to Offices (Use Class B1) and formation of access road and car parking at the site of the Asterdale Leisure Centre, Borrowash Road, Spondon, Derby

And

2. DER/10/09/01268

Change of use of the Leisure Centre Building (Use Class D2) to Offices (Use Class B1) and formation of access road and car parking at the site of the Asterdale Leisure Centre, Borrowash Road, Spondon, Derby

Officers recommended amending the description on both applications to clarify that the change of use was limited to the building.

It was reported that the floor space of the proposal had been reduced. Therefore the both applications no longer met the threshold which would require a section 106 contribution towards improvements to public transport, cycling and pedestrian facilities. It was also reported that three further letters of objection to the applications had been received.

Mr Brailsford addressed the Committee in support of the applications. Mr Peat, Mr Dickens and Councillor Davis addressed the Committee in objection to the applications.

Resolved in respect of both applications:

- A. To authorise the Director of Planning and Transportation to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in section 11.5 of the report and to authorise the Director of Legal and Democratic Services to enter into such an agreement.**
- B. To authorise the Director of Planning and Transportation to grant permission in terms of the amended description upon conclusion of the above Section 106 Agreement.**
- C. To approve an additional condition requiring obscure glazing to the toilet areas.**

3. DER/04/10/00413

Erection of student accommodation (389 units) and associated parking spaces at the site of the Builder Centre, Brook Street, Derby

Mr East and Mr Smith addressed the Committee in support of the proposal. Mr Ellis addressed the Committee in objection to the proposal.

Resolved:

- A. To authorise the Director of Planning and Transportation to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in section 11.5 of the report and to authorise the Director of Legal and Democratic Services to enter into such an agreement.**
- B. To authorise the Director of Planning and Transportation to grant permission upon conclusion of the above Section 106 Agreement.**
- C. To request that the relevant Neighbourhood Board monitors the situation regarding Anti-Social Behaviour in the surrounding area.**

4. DER/08/10/00964

Extensions and alterations to nursing home (17 bedrooms) at 2 Church Street, Alvaston, Derby (The Yews)

The comments of the Built Environment Team were reported at the meeting.

Mr Bhalla addressed the Committee in support of the proposal. Mr Gale addressed the Committee in objection to the proposal

Resolved to refuse the application for planning permission.

Reasons

1. The proposed development introduces a large element of flat roof to the Church Street elevation which is an alien and intrusive feature in the street scene. This concern is compounded by the proximity of 3 grade II listed buildings opposite this part of the proposal. The removal of the outbuildings on the west side of the site that positively contribute towards the setting of the adjacent heritage assets and replacement with extensions with inappropriate roof forms has not been justified and is a missed opportunity to take into account local distinctiveness and use of them in place shaping. Accordingly the development would erode the historic character of the streetscene and be detrimental to the setting of the nearby listed buildings. The proposal is accordingly contrary to adopted City of Derby Local Plan Review saved policies GD4, E19, E23 and Policy HE10 of PPS 5.
2. The architectural fenestration and regimented vernacular is considered uninteresting and out of character with the local qualities of the immediate street scene. The proposal fails to achieve the high standard of design necessary to complement the surrounding area. It is essential that new development does not impose monotonous and bland elevations onto an otherwise varied and interesting street scene. The proposal is accordingly contrary to adopted City of Derby Local Plan Review policies GD4, E23, H13.
3. The proposed two storey extensions would be very close to the Church Street / Elvaston Lane junction. They would appear as a mostly unrelieved large and bulky addition and would not reflect the small scale architecture of the surrounding properties, particularly the Listed Buildings directly opposite. The proposed extensions would accordingly be unduly prominent to the detriment of the local street scene generally. The proposal is accordingly contrary to adopted City of Derby Local Plan Review policies GD4, E19, E23, H13.

5. DER/06/10/00744

Change of use from dwelling house (Use Class C3) to dental surgery (Use Class D1) including formation of car park, alterations to elevations and extension (2 offices and lobby) at 2 Main Avenue, Allestree, Derby

Additional conditions concerning the requirement for the car park to be completed first and the protection of a tree on the site, the implementation of obscure glazing and to condition the requirements of the method statement were reported to the Committee.

The Committee were informed that the report should have stated that the proposal had six car parking spaces and not four. The submission of an objector who could not attend was circulated in advance of the meeting.

Mr Heathcote addressed the Committee in support of the proposal. Mrs

Hutchinson spoke in objection to the proposal.

Resolved to grant planning permission with the conditions contained in the report and the additional conditions proposed by officers.

6. DER/08/10/00989

Extension to dwelling house (dining room, kitchen, shower, two bedrooms and en-suite) and erection of detached garage in rear garden - amendments to previously approved application DER/01/09/00041 and erection of detached store at 3 Crich Avenue, Littleover, Derby

It was reported that revised drawings had been received to illustrate the changes to the site and therefore required an amendment to condition two. In addition condition four to ensure '...storage purposes and other purposes...' contained in the report was also proposed.

Mr Christie spoke in objection to the proposal.

Resolved to refuse planning permission and to authorise enforcement action.

Reasons

On the grounds of scale, massing and design as is intrusive to the visual amenity of the adjoining properties and the surrounding area.

Councillor Carr was nominated to represent the Council on any future appeal.

7. DER/09/08/01276

Demolition of bungalow and erection of detached dwelling house at site of 73 Field Rise, Littleover, Derby

It was reported that a revised design and access statement had been submitted. Neither Derbyshire Wildlife Trust nor Natural England had submitted an additional letter on Great Crested Newts; therefore this issue could be covered by condition six of the report.

Councillor Skelton and Mr Holt spoke in objection to the proposal.

Resolved to grant planning permission with the conditions contained in the report and subject to an additional condition removing future permitted development rights.

8. DER/06/10/00752

Erection of two schools and alterations to landscaping, access and demolition of school buildings at Noel Baker Community School and Language College, Bracknell Drive, Alvaston, Derby

It was reported that updated transport statements had been submitted. The comments of Sport England were reported to the Committee. An additional condition requiring a travel plan was proposed.

Resolved to grant planning permission with the conditions contained in

the report and the additional condition requiring a travel plan be created.

9. DER/05/10/00563

Variation of use of part of ground floor unit (Use Class D1) previously approved under Code No DER/1206/2025 for use as retail (Use Class A1) at Site of 574 Burton Road, Littleover, Derby (former Ken Ives site)

It was reported that for the avoidance of confusion the description of the planning application be amended from; 'Variation of use of ground floor unit to retail (Use Class A1) with remaining ground floor space to provide a doctor's surgery and/or veterinary practice (Use Class D1)', to that quoted in the previous paragraph.

Resolved to grant planning permission in terms of the amended description with the condition contained in the report.

10. DER/08/10/00971

Erection of dwelling house Land at between 19 and 21 Keswick Avenue, Sunnyhill, Derby

It was reported that conditions two, four and six could be deleted and an additional condition proposed requiring implementation of the shared vehicular access.

Resolved to approve details and reserved matters with conditions 1, 3 and 5 as set out in the report.

11. DER/07/10/00955

Change of use from retail (Use Class A1) to bookmakers (Use Class A2), installation of shop front, air conditioning units and 4 satellite dishes

It was reported that eight letters of objections had been received.

Resolved to refuse planning permission.

Reasons

1. In the opinion of the Local Planning Authority the proposed use would lead to an excessive concentration of non-shopping uses that will fragment and undermine this important retail frontage along Corn Market. As such, the proposed use would have an unacceptable impact upon this primary shopping frontage and damage the retail integrity of the immediate locality. Accordingly, this element of the scheme is contrary to saved policy CC3 of the adopted City of Derby Local Plan Review.
2. In the opinion of the Local Planning Authority the proposed shop front, by virtue of its design and modern materials, would be visually intrusive within the street scene and detrimental to the appearance and character of this prominent Grade II Listed building. As such, the proposed shop front would be harmful to the character and appearance of the Conservation Area, contrary to saved policies E18, E19 and E23 of the adopted City of Derby Local Plan Review.

Councillor Hickson was nominated to represent the Council on any future appeal.

12.DER/07/10/00825

Extensions to dwelling house (dining room, bathroom, study, reception, 2 bedrooms, Juliet balcony and enlargement of hall) at 367 Burton Road, Derby

Resolved to grant planning permission with the conditions contained in the report.

13.DER/06/10/00743

Change of use from public house (Use Class A4) to place of worship (Use Class D1) at 6 Village Street, Derby (Former Sherwood Forester Public House)

Resolved:

- A. To authorise the Director of Planning and Transportation to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in 11.6 below and to authorise the Director of Legal and Democratic Services to enter into such an agreement.**
- B. To authorise the Director of Planning and Transportation to grant permission upon conclusion of the above Section 106 Agreement.**

73/10 Consideration of major application site visits

The Committee was advised that there were four future major application site visits to report.

Resolved not to visit the proposed major application sites.

MINUTES END