

Time commenced: 18:01
Adjourned: 19:46
Reconvened: 19:54
Time finished: 20:40

PLANNING CONTROL COMMITTEE 7 September 2023

Present: Councillor Pearce (Chair)
Councillors Bolton, Bonser, Care, Evans, Hassall, M Holmes,
Morgan-McGeehan, Nawaz, Onuoha, Prosser, Rawson

In Attendance: James Bathurst – Senior Planning Technician
Paul Clarke – Chief Planning Officer
Andy Gibbard – Group Manager – Planning, Transportation
and Engineering
Rory Hillman – Planning Officer
Steven Mason – Democratic Services Officer
Laura Neale – Major Projects Officer
Chloe Oswald – Conservation Officer
Julia Stewart – Senior Planning Officer
Karl Suschitzky – Senior Environmental Health Officer
Stephen Teasdale – Solicitor
Ian Woodhead – Development Control Manager

20/23 Apologies for absence

There were none.

21/23 Late items

There were none.

22/23 Declarations of interest

There were none.

23/23 Minutes of the meeting held on 13 July 2023

The minutes of the meeting held on 13 July 2023 were agreed as a correct record.

24/23 Minutes of the Meeting of the Conservation and Heritage Advisory Committee held on 8 July 2023

The minutes of the meeting of the Conservation and Heritage Advisory Committee held on 8 July 2023 were noted.

25/23 Appeal 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.

26/23 Development Control Performance – Quarter 1 (Apr. – Jun. 2023)

The Committee received a report of the Chief Planning Officer on Development Control Performance – Quarter 1 (Apr. - Jun. 2023).

Resolved to note the report.

27/23 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.

23/00008/OUT - Land North of Chaddesden Wood Lime Lane Derby

(Residential development (up to 150 dwellings))

Application withdrawn from the agenda before the meeting.

23/00605/FUL - Derby Dance Academy Lynton Street Derby

(Change of use from dance studio (Use Class E) to two six bedroom (six occupant) flats in multiple occupation (Use Class C4) together with alterations to fenestration)

The Senior Planning Officer addressed the Committee. It was reported that on page 148 of the report, 6.2 Applications involving the provision of housing, the second to last paragraph should read “3.69 years” and not “3.17 years”.

Miss Hearn and Councillor Ashby, as Ward Member, addressed the Committee and made representations against the application.

Resolved to defer the application to a future meeting.

23/00086/OUT - Eagle Market, Derby Theatre, Castle and Falcon Public House Morledge, Theatre Walk, East Street Derby

(Demolition or part demolition of existing Eagle Market building, public house and theatre. Erection of a phased mixed-use development, including residential and commercial floorspace (Use Classes C3 and E); new public square; servicing; car and cycle parking provision; hard and soft landscaping works; provision of new pedestrian routes, and other associated works.)

The Major Projects Officer addressed the Committee. It was reported that letters of support had been received from the University of Derby, Wavensmere Homes, Showcase Cinema and Russell Rigby and had been circulated to the Committee. It was also reported that an objection had been received from the Dean of Derby Cathedral and had been circulated to the Committee. Members noted that comments had been received from the applicant requesting an amendment to Condition 35, relating to air quality, and had been circulated to the Committee.

Mr Esguevillas, Eurofund, and Mrs Bembenek, Lichfields, addressed the Committee. Mr Allen, Heritage England, addressed the Committee and made representations against the application.

Resolved:

A. To refer the application to the Secretary of State for Department for Levelling Up, Housing and Communities, in accordance with Paragraph 6 of the Town & Country Planning (Consultation) (England) Direction 2021 due to the objection from Historic England.

B. Subject to that referral not generating a call-in for determination by the Secretary of State, to authorise the Director of Planning, Transport and Engineering to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Legal, Procurement and Democratic Services and Monitoring Officer to enter into such an agreement.

C. To authorise the Director of Planning, Transport and Engineering to grant permission upon conclusion of the above Section 106 Agreement.

23/00429/FUL - 109 Brighton Road Derby

(Change of Use from house in multiple occupation (Use Class C4) to a six bedroom (eight occupant) house in multiple occupation (Sui Generis use))

The Planning Officer addressed the Committee and introduced the item.

Mr Burnett and Councillor Kus, 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 Evans to represent the Committee at any future appeal.**

Reasons for Refusal

” The local planning authority considers that there is an over-intensification of Houses in Multiple Occupation (HMOs) in the vicinity of the application site, and that the proposed intensification of the site’s residential use would result in a loss of general amenity for existing residents through increased activity, noise, disturbance and parking demand. This impact in combination with the over-intensification of HMOs in the area would constitute unacceptable harm to the residential amenity of nearby areas in conflict with local plan policy GD5 (Amenity) and the over-arching guidance of the National Planning Policy Framework which seeks to promote high standards of amenity in all development.”

22/01233/FUL - Land On the West Side Of Vicarage Road Mickleover Derby

(Change of use of barns into 3 no. dwellings, together with erection of 6 linked dwellings and associated ground works)

Application withdrawn from the agenda before the meeting.

23/00822/FUL - 26 Highfield Road Derby

(Change of use from a six bedroom (six occupant) house in multiple occupation (Use Class C4) to a eight bedroom (eight occupant) house in multiple occupation (Sui Generis))

The Planning Officer addressed the Committee. It was reported that additional representations had been received from the applicant’s agent, including photos of the work carried out so far.

Ms. Dukes, RG&P Ltd, agent for the applicant, addressed the Committee. Councillor Martin, 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 Prosser to represent the Committee at any future appeal.**

Reasons for Refusal

” In the opinion of the Local Planning Authority, the proposal would have a detrimental impact on the character of the immediate area and the residential amenities enjoyed by existing neighbours; in terms of increased activities, associated disturbance and the over-intensification of the use of this 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. The proposal is therefore contrary to saved policy GD5 of the adopted City of Derby Local Plan Review and the over-arching guidance in the National Planning Policy Framework which seeks to protect the amenities of individuals who are affected by the development of land and buildings.”

28/23 Potential Future Site Visits

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

- **23/01102/FUL – Land and former Bonded Warehouse and Engine House, Former Friar Gate Goods Yard, Friar Gate, Stafford Street and Great Northern Road, Derby.**

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

- **23/00716/FUL – Wilderslowe House, London Road and 121 Osmaston Road, Derby;**
- **23/00880/VAR – Derby High School, Hillsway, Littleover;**
- **23/00970/FUL – The Manor House, Residential Home, 137 Manor Road, Littleover; and**
- **23/01003/RES – Land North of Snelsmoor Lane, Chellaston.**

MINUTES END