

Time commenced – 6.00pm

Time finished – 7.20pm

## PLANNING CONTROL COMMITTEE 14 JANUARY 2010

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

### 99/09 Apologies for Absence

There were no apologies for absence received.

### 100/09 Late Items Introduced by the Chair

There were no late items.

### 101/09 Declarations of Interest

Councillor Baxter declared a personal and prejudicial in application DER/09/09/01047 because he lives opposite the application site.

Councillor Care declared a personal and prejudicial in application DER/08/08/01236 as she is a member of the Climate Change Board which has been monitoring and encouraging this scheme.

Councillor Shanker declared a personal and prejudicial interest in application DER/11/09/01312 as he is employed by the applicant.

### 102/09 Confirmation of the minutes of the meeting held on 26 November 2009

The minutes of the meetings held on 26 November 2009 were agreed as a correct record and signed by the Chair.

### 103/09 To receive the minutes of the meeting of the Conservation Area Advisory Committee held on 3 December 2009

The minutes of the Conservation Area Advisory Committee meeting held on 3 December 2009 were received as a correct record and noted by the Committee.

### 104/09 Special Extinguishment Order on Public Footpath No.1 Darley Abbey

The Committee considered a report of the Chief Executive on an application by the Head Teacher of St. Benedict Catholic School to make a Special Extinguishment Order under Section 118B of the Highways Act 1980 (as amended) for Public Footpath No.1 Darley Abbey on the grounds of it being a threat to the safety and security of staff and pupils at the school.

It was reported that two additional letters had been received requesting that the footpath be retained since the report had been written and that a letter in support of the closure had been received from Bob Laxton the local MP and a further letter from the headmaster disagreeing with the findings of the report.

**Resolved to refuse the request by St. Benedict Catholic School to make a Special Extinguishment Order under Section 118B of the Highways Act 1980 (as amended) for Public Footpath No.1 Darley Abbey on the grounds that it would not be expedient to make such an Order.**

## 105/09 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/09/09/01047

Demolition of a residential care home and the erection of 98 flats and communal spaces including restaurant and kitchen, lounge, café, car, gym, shop, beauty salon, meeting rooms and additional activity rooms, offices and ancillary spaces at the site of Arthur Neale House, Hanwell Way, Derby  
Councillors Carr and Grimadell left the Council Chamber during the consideration of the above item.

It was reported that amended plans had been received which removed from the application the proposed alterations to the turning head on Hanwell Way. It was reported that following a recommendation by the Derbyshire Wildlife Trust (DWT) a bat survey had been carried out on the site. No evidence of bats was found but in line with DWT's recommendations an additional condition was proposed by officers to require emergence surveys prior to the demolition of the buildings.

Officers also recommended an additional condition requiring the precise details of any proposed bin storage area for the site.

Councillor Baxter left the Council Chamber during the consideration of the above item after addressing the Committee as a ward member making comment on the proposal. Mr Peake also addressed the Committee in opposition to the proposal.

### **Resolved:**

**A. To authorise the Assistant Director – Regeneration to negotiate the terms a Section 106 Agreement to achieve the objectives set out in 11.6 of the report and to authorise the Corporate Director of**

**Corporate and Adult Services to enter into such an agreement.**

- B. To authorise the Assistant Director – Regeneration to grant permission upon completion of the s106 Agreement with the conditions contained in the report and additional conditions requiring emergence- surveys on bats and details of bin storage.**
- C. To send an advisory note to the applicant suggesting the possibility of a communal car ownership car scheme and that the applicant be minded to retain the link to the Arthur Neale name in the development.**

2. DER/11/09/01312

Erection of power plant, including turbine, generator, control room and storage area at land adjacent to power station at Celanese Acetate Ltd, Holme Lane, Spondon, Derby

Councillor Shanker left the Chamber during the consideration of the above item.

It was reported that Erewash Borough Council, The Health and Safety Executive, and the Council's Environmental Health Officer (EHO) had no objection to the proposal, although the EHO suggested additional conditions relating to noise and contamination assessments. Comments from the adjoining operation and the Applicant were also reported.

Mr Power addressed the Committee in objection to the proposal. Mr Radlitt addressed the Committee in support of the proposal.

**Resolved to grant planning permission with the conditions contained in the report and two additional conditions as suggested by officers relating to contamination of the ground and to a noise survey**

3. DER/08/08/01236

Installation of hydro electric power generator at Longbridge Weir, Riverside Gardens adjacent to St. Alkmunds Way, Derby

Councillor Care left the Chamber during the consideration of the above item.

It was reported that since incorporating the recommendations of the Environment Agency the projected saving of 1000 tonnes of CO2 per year has dropped to roughly 700 tonnes per year. The power generation has also dropped from 1.3million KWH to 1.25million KWH. It was also reported that the growing of plants on the walls of the structure was not likely to be appropriate due to Environment Agency concerns. The Environment Agency had withdrawn their objection to the proposal so far as it related to the effects on fisheries. Officers were still awaiting the Environment Agency's comments on flood grounds

It was reported that Derbyshire Wildlife Trust (DWT) had advised that they welcomed the changes to the screens so as to stop smaller fish from reaching

the turbines. Pursuant to DWT's advice officers proposed additional conditions; to require the river ecology to be monitored for a period of five years; tree felling to be avoided in the bird nesting season; the Bluebells and Ramsons to be translocated and the invasive Giant Hogweed to be eradicated.

**Resolved to authorise the Assistant Director – Regeneration to grant planning permission, subject to the conditions in the report and with the additional conditions recommended by the officers in consultation with the Chair and subject to no adverse comments from the Environment Agency on flooding grounds. The additional conditions to relate to the revised plans received on 12 January 2010 and to the wildlife, management issues raised by the DWT in their consultation response subject to the resolution of any outstanding flood risk issues.**

4. DER/10/09/01225

Installation of a commemorative plaque on the proposed south boundary wall at St. Helen's House, King Street, Derby

Members welcomed in principle the use of appropriate well designed plaques and memorials that provide historical information and details relating to the buildings of Derby. That whilst the current proposal was welcomed they considered there were more important historical uses of the building that could be commemorated and accordingly felt that a plaque with a more comprehensive history of the building should be considered.

**Resolved to grant listed building consent, but to request officers to the raise with the applicant that a plaque with a more comprehensive history of the building may be considered.**

5. DER/07/09/838

Retention of the use of land for a car park for a temporary period of 12 months at land at Cathedral Road, Derby (Former Sixt Kenning Car Hire)

This application was withdrawn from the agenda.

6. DER/07/09/00758

Formation of temporary public car park (one calendar year) at land at the junction of Willow Row, Walker Lane, and Cathedral Road, Derby

**Resolved to refuse planning permission and to authorise, as the Chief Legal Officer considers appropriate, enforcement action to secure the cessation of any unauthorised use.**

## 106/09 Consideration of major application site visits

The Committee were advised that there was one future Major Application Site Visit to report at 2 Church Street, Alvaston

MINUTES END