

Time commenced: 18:00
Time finished: 18:57

PLANNING CONTROL COMMITTEE 16 December 2021

Present: Councillor S Khan
Councillors Bettany, Care, Carr, Jennings, Nawaz, T Pearce,
Pegg, Potter, Prosser, West

In Attendance: Laura Neale – Major Projects Officer
Emma Humpston – Planning Officer
Stephen Teasdale – Solicitor
Ian Woodhead – Development Control Manager
Karl Suschitzky – Senior Environmental Health Officer

45/21 Apologies for absence

Apologies were received from Councillor M Holmes.

46/21 Late items

There were none.

47/21 Declarations of interest

Councillor Pegg wished it to be noted that he had called in application 21/01356/FUL Units D and E Kingsway Park Close Derby but that he would approach it with an open mind.

Councillor Potter wished it to be noted that application 21/01956/VAR 46 Quorn Drive, Derby was in his Ward but that he would approach it with an open mind.

48/21 Minutes of the meeting held on 18 November 2021

The minutes of the meeting held on 18 November 2021 were agreed.

49/21 Minutes of the meeting of the Conservation Area Advisory Committee held on 14 October 2021

The minutes of the meeting of the Conservation Area Advisory Committee held on 14 October 2021 were noted.

50/21 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.

21/01956/VAR – 46 Quarn Drive Derby

(Change of use of part of dwelling house from domestic garage (Use Class C3) to hairdressing salon (Use Class E) (retrospective application) – Removal of conditions 2 and 14 and variation of conditions 4 and 5 of previously approved planning permission code no 21/00154/FUL

The Development Control Manager addressed the Committee. It was reported that updates to the report had been circulated by e mail and that on page 8 of the report condition 4 the opening hours should say 7.30pm not 7pm as stated in the report.

The Senior Environmental Health Officer reported on noise complaints received prior to this application but it was noted that no complaints had been received since July 2021 from the complainants.

Mr Burley, Mrs Altaf and Councillor Webb as Ward Councillor, addressed the Committee and made representations against the application

Resolved to refuse the proposed variations for the reasons set out in the original decision and to protect amenities.

21/01356/FUL – Units D and E Kingsway Park Close Derby

Change of use from storage and distribution (Use Class B8) to mixed use storage and distribution (Use Class B) with retail sales (Use Class E).

The Major Projects Officer addressed the Committee to say the change of use had already taken place and the unit was currently occupied by Trusty Pet Supplies Ltd. Therefore, the description of the proposal needed amending to state, 'retention of'. There was additional information circulated relating to the proposals for compliance with policies CP10 and CP 13. The additional information had considered viability and provided further information about the vacant units on the Kingsway Retail Park, which the applicant had confirmed were not readily available to them and were not of an acceptable design and layout and therefore did not meet their needs. The applicant had not previously shared this information with the Local Authority and therefore it was not considered within the committee report. Updated comments had now been received from planning policy colleagues who no longer supported a reason for refusal on sequential test grounds and do not consider the application to be contrary to policies CP10 and CP13. Great weight is applied to applications meeting the retail sequential test and the local authority would not amend a recommendation without acceptable or robust justification for doing so. The proposal could not be reasonably accommodated in the sequentially preferable location. The application, as updated, would address

the policy issues previously raised and protect the council's retail strategy as set out in the report.

Other matters to be considered related to highways, access and land drainage. Car parking and access was located to the front of the unit and was acceptable in highways terms, the full comments of highways colleagues and their recommended condition were set out on page 13 of the report. Cllr Care had previously raised concerns about pedestrian access and this matter would be discussed with highways colleagues and weaved into the suggested conditions, where supported by the Highways Authority. No objections had been sustained from colleagues in land drainage subject to the recommendations of the flood risk assessment being observed and in light of the further justifications provided by the applicant, the application could now be supported subject to conditions. Given the updated policy comments being received today there had been no opportunity to draft recommended conditions, therefore the update recommendation was to grant planning permission with conditions which have been previously agreed with the Chair and Vice Chair. The application was requested to be brought to Committee by Councillor Pegg and there was a speaker however, as the recommendation had been changed, they would not normally be allowed to speak.

Resolved to grant planning permission with conditions to be agreed by the Chair and Vice Chair.

51/21 Potential Future Site Visits

The Committee was advised of future major applications.

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

- 21/02027/FUL – Pektron, Alfreton Road, Derby;
- 21/02056/RES – Former Celanese Site, Holme Lane, Spondon, Derby;
- 21/02055/FULPSI – Kingsway Hospital, Kingsway, Derby.

MINUTES END