

Time commenced: 18:00pm
Time finished: 19:48pm

PLANNING CONTROL COMMITTEE 13 February 2020

Present: Councillor Hassall
Councillors Bettany, Care, Carr, S Khan, McCristal, Nawaz,
Pearce, P Pegg, Potter, West

In Attendance: James Bathurst – Senior Planning Technician
Paul Chamberlain - Group Manager - Traffic and
Transportation
Paul Clarke – Chief Planning Officer
Sara Claxton – Development Control Team Leader
Andrew Gibbard – Acting Group Manager
Greg Jennings – Director of City Development and Growth
Steven Mason – Democratic Services Officer
Rachel Reid – Senior Planning Officer
Karl Suschitzky – Senior Environmental Health Officer
Stephen Teasdale – Solicitor
Rosie Watson – Implementation Team Leader
Ian Woodhead – Development Control Manager

50/19 Apologies for absence

There were none.

51/19 Late items

There were none.

52/19 Declarations of interest

There were none.

53/19 Minutes of the meeting held on 9 January 2020

The minutes of the meeting held on 9 January 2020 were agreed as a correct record, subject to the following amendment.

That at 48/19 – Applications to be considered – 19/01164/FUL – The County Hotel, Sinfin Lane, Derby, the following reasons for refusal be added:

In the opinion of the Local Planning Authority the proposed development would create, by virtue of the site area, scale and bland/functional design of the proposed buildings, an unacceptable form of development in design terms

that would be an inferior quality to the existing host building and, as a result, would detract from the wider character and visual amenities of the local street-scene. In terms of the impact on the role and character of the Neighbourhood Centre the proposed industrial development would not provide any shopping/leisure function to serve the local population and it would, as a result, adversely impact on the vitality and viability of the Neighbourhood Centre. The proposed development would also result in the unacceptable proliferation of MOT testing Stations and hand car wash services in the local area. Therefore, the proposed development is an unacceptable form of development in design terms and is contrary to saved policy GD5 of the adopted City of Derby Local Plan Review, policies CP3 and CP4 of the adopted Derby City Local Plan - Part 1: Core Strategy and the over-arching guidance in the National Planning Policy Framework which seeks to achieve well designed places. The proposed development is also an unacceptable form of development in the context of the scale, role and function of the Neighbourhood Centre and is contrary to policy CP12 of the adopted Derby City Local Plan – Part 1: Core Strategy.

54/19 Minutes of the meeting of the Conservation Area Advisory Committee held on 5 December 2019

The minutes of the meeting of the Conservation Area Advisory Committee held on 5 December 2019 were noted.

55/19 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.

56/19 Development Control Performance – Quarter 3 (October – December 2019)

The Committee received a report of the Chief Planning Officer on Development Control Performance – Quarter 3 (October – December 2019).

Resolved to note the report.

57/19 Confirmation of Tree Preservation Order – Rykneld Road, Littleover

The Committee received a report of the Chief Planning Officer on Confirmation of Tree Preservation Order – Rykneld Road, Littleover.

Resolved to confirm Tree Preservation Order 591 (Land at Rykneld Road, Derby) without modification.

58/19 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.

19/00723/FUL – 3 Mansfield Road, Derby

(Change of use from public house (Use Class A4) with flat above to an office (Use Class B1(a)) and four flats (Use Class C3) together with associated external alterations including the installation of new windows.)

The Development Control Manager addressed the Committee. It was reported that a full consultation response had been received from the Council's Land Drainage team and had been circulated to the Committee. Members noted that on page 82 of the report, paragraph 3, 'that no detriment would arise' should be replaced with 'that no harm would arise'. It was reported that a letter of support, submitted on behalf of the applicant, had been circulated to the Committee. It was noted that the recommendation was in two parts and that permission would only be granted once the necessary ecological survey work had been carried out within the May – September survey window, been duly assessed by Derbyshire Wildlife Trust and that any survey revealed no substantive issues in relation to bat activity.

Councillor Repton, as Ward Councillor addressed the Committee and made representations against the application.

Resolved, subject to the carrying out of an ecological survey during May – September, that demonstrates to the Council's satisfaction that there are no substantive issues in relation to bat activity, for the reasons as set out in the report: :

- A. To authorise the Director of Strategy Partnerships, Planning and Streetpride to negotiate the terms of a Section 106 Agreement to achieve the objectives as set out in the report and to authorise the Director of Governance to enter into such an agreement.**
- B. To authorise the Director of Strategy Partnerships, Planning and Streetpride to grant permission upon conclusion of the above Section 106 Agreement, subject to the conditions as set out in the report together with additional conditions in relation to cycle parking for incidental usage and biodiversity enhancement (potentially bat boxes).**

19/01245/OUT - 'Becketwell' Land Off Victoria Street, Green Lane, Macklin Street, Becket Street, Colyear Street And Becketwell Lane, Derby

(Hybrid application for: Full Planning permission – Demolition of United Reform Church and associated ground floor units and the creation of a new public square with associated works. Outline Planning Permission – Phased demolition of remaining buildings and structures (with the exception of those fronting Green Lane and the former stable block to the rear of Green Lane). Erection of a phased mixed-use development (Use Classes A1, A2, A3, A4,

A5,B1,C3,D1, D2), with all matters reserved for future consideration with the exception of access.)

The Development Control Manager addressed the Committee. It was reported that there was one minor error in the index for the main report, in the omission of 'Use Class C1 (hotels)' in the description for the outline application. It was noted that a letter of support had been submitted by the Central United Reformed Church and circulated to the Committee.

It was reported that as the Council currently owned part of the application site which was to be transferred to the applicant after permission had been granted the recommendation would need to be amended to reflect the process required for securing the necessary planning obligations. Mr Frudd, on behalf of the applicant, addressed the Committee. Mr Goodwin, on behalf of Derby Civic Society, addressed the Committee and made representations against the application.

Resolved, for the reasons as set out in the report:

- A. to authorise the Director of Planning and Transportation to negotiate the terms of the requisite planning obligations as outlined in the report and to authorise the Director of Governance to enter into the necessary agreements; and**
- B. upon conclusion of the agreements securing the requisite planning obligations as outlined in the report to authorise the Director of Planning and Transportation to grant permission, subject to the conditions as set out in the report together with additional conditions in relation to cycle parking hierarchy and the addition of Markeaton Brook to condition 13.**

03/18/00313 – Middleton House, 27 St. Marys Gate, Derby

(Change Of Use from Offices (Use Class A2) to 52 residential apartments (Use Class C3). Conversion and extensions of caretakers lodge to form 1 dwelling and conversion of the garage block to form cycle and bin storage together with associated car parking and landscaping.)

It was reported that as the Council currently owned the application site which was to be transferred to the applicant after permission had been granted the recommendation would need to be amended to reflect the process required for securing the necessary planning obligations.

Resolved, for the reasons as set out in the report:

- A. to authorise the Director of Planning and Transportation to negotiate the terms of the requisite planning obligations as outlined in the report and to authorise the Director of Governance to enter into the necessary agreements; and**

B. upon conclusion of the agreements securing the requisite planning obligations as outlined in the report to authorise the Director of Planning and Transportation to grant permission, subject to the conditions as set out in the report.

19/01698/FUL – 72 Radbourne Street, Derby

(Change of use from a dwelling house (Use Class C3) to an eight bedroom house in multiple occupation (Sui Generis Use) including a single storey rear extension, raising of the roof height, hip to gable roof alteration, installation of a rear dormer and roof lights.)

The Development Control Team Leader addressed the Committee. It was reported that a bat survey had been submitted and the comments of Derbyshire Wildlife Trust had been circulated to the Committee.

Councillor A Pegg, as Ward Councillor, 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 P Pegg to represent the Committee at any future appeal.**

Reasons for Refusal

The local planning authority are of the view that the internal layout of the proposed House in Multiple Occupation would create a poor living environment for future occupants, by virtue of both sub-standard bedroom sizes and lack of adequate communal living space. Consequently, the proposal would not provide a high quality environment or a satisfactory level of amenity within the building, and would be contrary to Policy CP3 of the Derby City Local Plan - Part 1 Core Strategy and Saved Policies H13 and GD5 of the City of Derby Local Plan Review.

18/01795/RES – Site of 50 Sitwell Street, Spondon, Derby

(Residential development (four dwellings) - approval of reserved matters of access, appearance, landscaping, layout and scale under outline permission Code no. DER/03/17/00333.)

The Development Control Team Leader addressed the Committee. It was reported that condition 2 in the report had been attached in error. Members noted that on page 148 of the report, paragraph 1, 'would not use / own cars / park locally' should be replaced with 'from using own cars and parking locally'.

Councillor Williams, 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 P Pegg to represent the Committee at any future appeal.**

Reasons for Refusal

1. In the opinion of the Local Planning Authority the proposed development would create, by virtue of the siting of the proposed dwelling on the northern part of the site and its proximity to a protected Beech tree beyond the rear boundary, an unacceptable form of development as a result of the shading/overbearing nature of the tree over the rear garden of that dwelling and the likely undue pressure from future occupants to prune and manage the tree. Therefore, the proposal is contrary to saved policies GD5 and H13 of the adopted City of Derby Local Plan Review and policies CP3 and CP4 of the Derby City Local Plan – Part 1: Core Strategy.
2. In the opinion of the Local Planning Authority the proposed development would create, by virtue of the 'car free' form of development and the nature of existing on-street parking conditions in the local area, an unacceptable form of development that would exacerbate parking pressures in the local area to the detriment of other highways users. Therefore, the proposal is contrary to saved policy GD5 of the adopted City of Derby Local Plan Review and policy CP23 of the Derby City Local Plan – Part 1: Core Strategy.

59/19 Potential Future Site Visits

The Committee was advised of future major applications.

Resolved not to undertake site visits in relation to the following planning applications:

- **19/01744/FUL – Allestree Hall, Allestree Park, Allestree;**
- **19/01766/FUL – Car Park, Liversage Street, Derby;**
- **20/00027/FUL – Florence Nightingale Nursing Home, 60 Village Street, Derby; and**
- **20/00072/FUL – Bramble House, Kingsway Hospital, Kingsway.**

MINUTES END