

Item 04

Time commenced: 6.02pm
Time finished: 8.26pm

PLANNING CONTROL COMMITTEE 12 September 2019

Present: Councillor Hassall (Chair)
Councillors Bettany, Care, S Khan, McCristal, Nawaz, P Pegg,
Pearce, 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
Arran Knight – Planning Officer
Steven Mason – Democratic Services Officer
Stephen Teasdale - Solicitor
Chris Thorley – Traffic and Transport Engineer
Ian Woodhead – Development Control Manager

18/19 Apologies for absence

Apologies were received from Councillor Carr

19/19 Late items

There were none.

20/19 Declarations of interest

There were none.

21/19 Minutes of the meeting held on 18 July 2019

The minutes of the meeting held on 18 July 2019 were agreed as a correct record.

22/19 Minutes of the meeting of the Conservation Area Advisory Committee held on 4 July 2019

The minutes of the meeting of the Conservation Area Advisory Committee held on 4 July 2019 were noted.

The following amendment was required:

That on the last page of the minutes, under George Rennie Award, St Peter's Square should be changed to St Peter's Street.

23/19 Appeal Decisions

The Committee received a report of the Director of Strategic Partnerships, Planning and Streetpride summarising appeal decisions taken in the last month.

Resolved to note the decisions on appeals taken.

24/19 Development Control Performance – Quarter 1 (April – June 2019)

The Committee received a report of the Director of Strategic Partnerships, Planning and Streetpride on Development Control Performance – Quarter 1 (April – June 2019).

Members wished their thanks and appreciation to the team for all their hard work, to be noted.

Resolved:

- 1. to note the report; and**
- 2. to agree that the Committees' thanks and appreciation to the team for all of their hard work, be noted.**

25/19 Applications to be Considered

The Committee considered a report from the Director of Strategic Partnerships, Planning and Streetpride on planning applications which were to be determined by the Committee.

02/18/00286 - Vacant land at Uttoxeter New Road/Talbot Street, Derby

(Erection of Foodstore (Use Class A1) with Access, Car Parking, Landscaping and Associated Works.)

The Planning Officer addressed the Committee. It was reported that on page 21 of the report, the fourth line should read, "there are no objections to development on highway grounds." Members noted that in reason 2 on page 27, the second line should read, "setting and significance".

Mr Longley of the Pegasus Group, on behalf of the applicant, addressed the Committee.

Resolved to refuse planning permission for the reasons as set out in the report.

19/00997/FUL - Land at the front of 163A Pastures Hill, Littleover

(Retention of a dormer bungalow (Use Class C3) and front boundary wall.)

The Development Control Manager addressed the Committee. It was reported that the policies listed on page 34 were incorrectly titled. Members noted that policies GD5, H13 and E17 were CDLPR policies and the list of policies from CP1A through to CP23 were DCLP policies. It was also noted that the reason for condition 6 on page 38 was labelled '7' and that this simply needed deleting.

It was reported that Members had been circulated copies of correspondence from Mr Bilan of 169 Pastures Hill and his legal representatives, Knights and that this correspondence dealt in detail with issues relating to deviations from the original planning permission, the nature and adequacy of amended plans following the grant of permission and the Council's failure to effectively accept and deal with the unauthorised development in this case. It was also reported that Mr Bilan had also submitted details of other enforcement cases relating to the unauthorised works to new dwellings in other parts of the country and that these had also been circulated.

Members noted that the site visit referred to on page 30 of the report was carried out on Tuesday 10 September 2019, in the evening and was attended by the Chair and Councillors Potter and West and Stephen Teasdale.

It was reported that in terms of the material considerations in the officer opinion section, the impact of the development on the public highway should be addressed in part 7.4 of the report. It was also reported that the application had been assessed by colleagues in Highways Development Control and that there were no objections to the development on highways grounds subject to the revised wording of conditions as included at the bottom of page 33 and that therefore, the proposal accorded with policy CP23 of the DCLP.

Mr Bilan, Mr Pattison of Knights and Councillor Ashburner, as Ward Member, addressed the Committee and made representations against the application. Mr Foote on behalf of the applicant addressed the Committee.

Resolved to grant planning permission with the conditions and for the reasons as outlined within the report, together with amended conditions to address the discharge of surface water from the site onto the neighbouring land and to specify the planting of conifers in terms of boundary treatment.

19/00914/FUL - 7 Pelham Street, Derby

(Change of Use from Dwelling house (Class C3) to 13-bed House in Multiple Occupation (HIMO) for student accommodation (sui generis) and external changes, including insertion of new ground and first floor windows and demolition of part of existing raised patio area.)

The Development Control Team Leader addressed the Committee. It was reported that two additional letters of objection from Ward Councillors had been circulated to the Committee.

Mrs Bradley and Ms Pearce addressed the Committee and made representations against the application. Mr Berry of JSA Architects, on behalf of the applicant, addressed the Committee. Councillor Atwal, as Ward Member, addressed the Committee and made representations against the application.

Resolved:

- 1. to reject the officer recommendation and refuse to grant planning permission; and**
- 2. to nominate Councillor Shiraz Khan to represent the Committee at any future appeal.**

Reasons for Refusal

In the opinion of the Local Planning Authority the proposed change of use to a large House in Multiple Occupation (HIMO) would in the context of the short residential street, of Pelham Street in which the building is situated, create an unacceptable form of intensive residential use, which would be out of character with this residential area, which comprises largely of traditional terraced housing and would be harmful to the amenities enjoyed by local residents, due to the increase in noise disturbance and additional on-street car parking arising from future occupants, on an already congested public highway. For these reasons the proposal is contrary to adopted Policies CP4 and CP23 of the Derby City Local Plan - Part 1 (Core Strategy) and saved Policies GD5 and H13 of the City of Derby Local Plan Review.

11/15/01451 – Site of 8 – 14 Agard Street, Derby

(Erection of student accommodation block containing 71 bedrooms within 60 units and associated works including demolition of existing buildings on site.)

The Development Control Manager addressed the Committee. It was reported that minor revision to s106 HoT were required to accommodate payment for a TRO to control loading and unloading on Agard Street at peak times and that this was included on page 70 of the report and had been agreed by the agent.

Mrs Garratt addressed the Committee and made representations against the application. Mr Dwan of DLP Planning Ltd, on behalf of the applicant, addressed the Committee.

Resolved:

- 1. to reject the officer recommendation and refuse to grant planning permission; and**
- 2. to nominate Councillor West to represent the Committee at any future appeal.**

Reason for Refusal

In the opinion of the Local Planning Authority the proposed development would create, by virtue of its siting on the Agard Street frontage, its overall height from

ground level and its relationship to the existing student accommodation located opposite at Sir Peter Hilton Court, an unacceptable form of development in air quality terms. The results of the submitted air quality assessment clearly demonstrate that the construction of such a development in this location has the potential to cause unacceptable increases in air pollutants, particularly Nitrogen Dioxide, due to the enhanced 'street canyon' effects along this part of Agard Street. Although air quality mitigation for future occupants of the proposed development could be secured through conditional control there is no similar mitigation proposed to protect the health and amenities of the existing/future residents located opposite this site. Therefore, the proposal is an unacceptable form of development in air quality terms and it is, accordingly, 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 advocates high standards of amenity for existing and future users in well-designed places.

26/19 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:

- **19/00734/RES – Site of California works, Parliament Street, Derby**
- **19/00980/VAR – Land at Holmleigh Way, Chellaston**
- **19/01065/RES – Land east of Deep Dale Lane, Sinfin (South of Moy Avenue/Watten Close/Loyne Close)**

MINUTES END