

DEVELOPMENT CONTROL COMMITTEE

14th September 2004

**PRESENT:-**

**Labour Group**

Councillor Dunn (Chair), Councillor Shepherd (Vice-Chair) and Councillors Isham (substitute for Councillor Southerd), Richards, Southern and Whyman, M.B.E.

**Conservative Group**

Councillors Bale, Ford, Hood, Mrs. Hood (substitute for Councillor Bladen) and Lemmon.

**Independent Member**

Councillor Mrs. Walton.

[The following Members also attended the Meeting and, with the approval of the Chair, spoke to the Minutes Nos. indicated:-

Councillor Atkin – Minutes Nos. DC/53(a) and DC/54

Councillor Harrison – Minute No. DC/51(e)

Councillor Taylor – Minutes Nos. DC/53(b) and DC/53(c)]

**APOLOGIES**

Apologies for absence from the Meeting were received from Councillors Bambrick and Southerd (Labour Group) and Councillor Bladen (Conservative Group).

DC/44. **DECLARATIONS OF INTEREST**

Councillor Lemmon declared a prejudicial interest in planning application 9/2004/0936/M (Minute No. DC/51(f)) as a non-executive member of the applicant. He also declared a prejudicial interest relating to the alleged unauthorised work at No. 88 Egginton Road, Etwall (Minute No. DC/47) as an acquaintance of an interested party.

Councillor Whyman, M.B.E. declared a prejudicial interest in planning applications 9/2004/0679/U (Minute No. DC/51(a)) and 9/2004/0749/M (Minute No. DC/51(c)), as an employee of the applicant company.

DC/45. **MEMBERS' QUESTIONS AND REPORTS**

Councillor Whyman reported his recent communication with Mark Todd, M.P., regarding the erection of telecom masts. He provided details of the content of his letter, together with the response received and also enquired on progress concerning a "hierarchy" system, as raised at the last Meeting. The

Planning Services Manager advised that research was continuing and it was hoped to submit a report to the next Meeting, if possible.

**MATTERS DELEGATED TO COMMITTEE**

DC/46. **UNAUTHORISED RESIDENTIAL OCCUPATION OF STORAGE BUILDING AT CHAPEL FARM MARINA, WILNE LANE, SHARDLOW**

It was reported that a complaint on this matter had been received from Shardlow Parish Council early in 2004 and accordingly a site inspection had been carried out. The site was a well established marina and canal boat basin on the northern bank of the Trent and Mersey Canal and was accessed from Wilne Lane. It was situated within the South Derbyshire Green Belt and immediately adjoined the Trent and Mersey Canal Conservation Area.

A wooden building of apparently recent construction was found to be in evidence on land adjoining the canal and in close proximity to a cruising boat undergoing evident repair and refurbishment. Following inspection, the building revealed signs of occupation and initial contact with the occupier confirmed this was the case.

The owner of the land confirmed that the building was occupied on a residential basis. He confirmed that the occupier initially arrived on the marina approximately seven years ago to refurbish a narrow boat for a friend. The boat was subsequently sold and it was the occupier's intention to obtain his own boat to cruise the canal system with the building being temporarily occupied whilst he adopted this course of action. At this time, his health deteriorated badly involving a period in hospital. The owner had alleged that to his knowledge, the occupier had no relatives or alternative accommodation. However, he was fully aware that the use was unauthorised and untenable in the long-term. A full site inspection and interview was subsequently carried out and it was ascertained that the building contained the occupier's bed, sink, shower, means of cooking and was also carpeted and heated.

The occupier had confirmed that his health was very poor and necessitated regular visits to hospital. This had prevented him from refurbishing a nearby boat which would enable it to be reoccupied in its intended manner. He had stated that a period of three months would be sufficient for him to complete the work, at which point the shed could then revert to its workshop status. Further site inspections had revealed that whilst some progress had been made with the refurbishment of the boat, it appeared to be minimal and the residential occupation of the shed was persisting.

The residential use of the shed was clearly unauthorised and had been persisting for some time. A reasonable amount of time had been allowed for the occupier to vacate the shed in accordance with assurances given. The use was contrary to various policies of the Derby and Derbyshire Joint Structure Plan and the South Derbyshire Local Plan.

**RESOLVED:-**

***That an Enforcement Notice be issued under the provisions of Section 172 of the Town and Country Planning Act 1990, requiring the cessation of the use of all the storage building for residential occupation together with the removal of all domestic chattels.***

**DC/47. ALLEGED UNAUTHORISED COLUMNS, SUPPORTING BRICKWORK AND WOODEN PANELS AT NO. 88 EGGINTON ROAD, ETWALL**

It was reported that No. 88 Egginton Road, Etwall was a semi-detached house of some considerable age. The property was originally bounded on the road frontage by a capped brick wall approximately one metre in height. This was breached to form a vehicular access authorised under planning permission 9/1097/591/F dated 12th December 1997. Columns or gateposts were indicated on the approved plans accompanying this application, but no specific height was indicated.

An initial site inspection revealed that the boundary wall fronting the highway had been raised in height by the addition of a series of wooden panels and two columns in excess of one metre in height had been erected on either side of the authorised access. A conifer hedge, planted at the rear of the original brick boundary walls, was in evidence, being appreciably higher than the panels and columns.

The complaint, initially relating to the alleged unauthorised garage, which subsequently proved to be permitted development, was extended to include the wall bounding the adjoining property to the south. This wall had been raised during the erection of the garage, allegedly to reduce the impact of glare from vehicle headlights on the highway into the garden of No. 88 Egginton Road.

The owner of the adjoining property had complained that both the party wall and the columns and wooden panels on the highway frontage were unauthorised by virtue of their height exceeding one metre, within two metres of the highway. The County Highways Authority was contacted and considered that the walls and pillars restricted visibility and pedestrian intervisibility for drivers emerging from No. 88 Egginton Road. The owner of No. 88 Egginton Road was duly approached and provided information indicating that the work to the pillars, including supporting brickwork to the pillar on the boundary of No. 90, may well have been completed before or during the summer of 1999. A series of letters had been received which confirmed that the presence of the columns and other fencing works at No. 88 Egginton Road was relatively long-standing.

The erection of the columns and supporting brickwork, together with the installation of the wooden panels, would have required the submission of a planning application in the normal course of events.

The evidence supplied suggested that the erection of the initial column was carried out more than four years ago and was therefore immune from enforcement action. It was this particular column that was responsible for obstructing the view from cars and other vehicles emerging from No. 90 Egginton Road. The other front boundary works which were carried out at a later date would have required planning permission, but removal of these works would not improve visibility for vehicles emerging from No. 90.

Additionally, that part of the raised boundary wall which adjoined the original supporting brickwork for the southern column consisted of a relatively small area which, in itself, could not reasonably justify enforcement action.

**RESOLVED:-**

***That no action be taken on the matter but the owner of the property be advised of the Committee's strong concern in respect of the unauthorised development.***

(Councillor Lemmon declared a prejudicial interest in this matter as an acquaintance of an interested party and withdrew from the Meeting during the consideration and determination thereof.)

DC/48. **NON-COMPLIANCE WITH UNTIDY SITE NOTICE – LAND OPPOSITE RAILWAY COTTAGES, FINDERN LANE, STENSON**

It was reported that the untidy condition of the above land had been the subject of long-standing complaints. Prolonged contact and negotiation with the owner had resulted in the submission of an application for the erection of a storage building on the land, which received conditional permission in April 2003. The permission remained unimplemented and notwithstanding further contact with the owner, the condition of the land had deteriorated. An Untidy Site Notice was issued on 14th May 2004 and a site inspection carried out at the expiration of the period allowed for compliance had revealed that its requirements had not been undertaken and that the land was still grossly untidy.

It was noted that the current condition of the land materially affected the amenity of the properties opposite and, particularly in view of its position adjoining a classified road, that of the area in general. The Notice had expired without positive action from the owner and whilst development was authorised on the site, there was no requirement on the owner to implement that development.

A Member raised the untidy condition of an area of land opposite the site.

**RESOLVED:-**

- (1) That legal proceedings be instituted in connection with non-compliance of the Untidy Site Notice, subject to the availability of the necessary evidence.***
- (2) That the reported area of untidy land opposite the site be investigated by the Planning Services Manager.***

DC/49. **NON-COMPLIANCE WITH UNTIDY SITE – SITE OF FORMER HORSE AND JOCKEY PUBLIC HOUSE, MEADOW LANE, NEWHALL**

It was reported that the untidy condition of the above land, which was currently subject to an appeal against a refusal of planning permission for residential development, had been the subject of complaint since Autumn 2003. The Public Inquiry relating to the appeal was due to take place in March 2005.

Various site inspections and subsequent correspondence with the owners had resulted in the issue of an Untidy Site Notice on 7th May 2004. The site was inspected at the end of the expiration period of the Notice, which revealed that the requirements had not been implemented. Further correspondence

and negotiations with the owner's agent had failed to produce an improvement in the condition of the site.

It was noted that the current condition of the site materially affected the amenity of the surrounding properties and the area in general. The Public Inquiry to determine the appeal would not take place until March 2005 and therefore the site was likely to remain undeveloped for a relatively long period.

**RESOLVED:-**

***That legal proceedings be instituted in connection with non-compliance of an Untidy Site Notice, subject to the availability of the necessary evidence.***

DC/50. **REPORT OF THE PLANNING SERVICES MANAGER**

The Planning Services Manager submitted reports for consideration and determination by the Committee and presented oral reports to the Meeting to update them as necessary. Consideration was then given thereto and decisions were reached as indicated. The following items were noted:-

**Appeals Dismissed**

- (a) The erection of a detached dwelling at Woodville Car Shop, High Street, Woodville (9/2003/1355/F).
- (b) The erection of a two storey detached dwelling at Saxonby, No. 11a Repton Road, Willington (9/2003/0741/O).
- (c) The erection of a detached dwelling on land to the west of Ferry Green, Willington (9/2003/0703).
- (d) The conversion into four residential units of two outbuildings at Blakelow Farm, Sutton Lane, Hilton (9/2002/1223/U).

DC/51. **PLANNING APPROVALS**

**RESOLVED:-**

***That the following applications be granted, subject to the conditions set out in the reports of the Planning Services Manager and to any matters annotated:-***

- (a) ***The storage of materials at Drakelow Power Station, Walton Road, Drakelow (9/2004/0679/U) – reference was made to additional correspondence received from the County Highways Authority.***

(Councillor Whyman declared a prejudicial interest in this application as an employee of the applicant company and withdrew from the Meeting during the consideration and determination thereof.)

- (b) ***Amendment to planning permission 9/1097/0580 to allow the subdivision of a ground floor flat into two flats at land adjacent to Bretby Hall, Bretby Park, Bretby (9/2004/0715/F).***

- (c) *The erection of an extension to the industrial building at Express, 3, Roger Bullivant Ltd, Walton Road, Drakelow (9/2004/0749/M) – reference was made to additional correspondence received from the County Highways Authority and the applicant company.*

(Councillor Whyman declared a prejudicial interest in this application as an employee of the applicant company and withdrew from the Meeting during the consideration and determination thereof.)

- (d) *The variation of condition No. 1 of planning permission 9/2003/0671/R for the extension of time for the retention of a water detention pond, sump and soak-away system at Holly Bank Farm, Scropton Road, Scropton (9/2004/0859/R) – subject to temporary permission being reduced to a period of twelve months. Reference was made to additional correspondence received from the Environment Agency which confirmed that the applicant company had applied for an IPPC permit.*
- (e) *The erection of an extension and change of use to offices and flat at No. 55 Derby Road, Melbourne (9/2004/0925/U).*
- (f) *The demolition of the existing clinic and the provision of a new three storey primary care centre and associated parking at former ambulance station and clinic, Civic Way, Swadlincote (9/2004/0936/M) – subject to additional conditions to requiring the setting-out of the adjoining land for car parking and the provision of dust suppression methods. Reference was made to additional correspondence from the County Highways Authority and the applicant.*

(Councillor Lemmon declared a prejudicial interest in this application as a non-executive member of the applicant and withdrew from the Meeting during the consideration and determination thereof.)

**DC/52. AMENDMENTS TO PERIMETER PLANTING AND BUNDING SCHEME PREVIOUSLY APPROVED UNDER PLANNING PERMISSION 9/1993/0445/D AT THE PERIMETER LANDSCAPING AT DOVE VALLEY PARK, FOSTON (9/2004/0796/M)**

**RESOLVED:**

*That the Committee is minded to refuse planning permission pending further discussions with the applicant company to ascertain whether the erection of the mound could be deferred to a later date within a more meaningful context.*

**DC/53. APPLICATIONS DEFERRED FOR SITE VISITS**

**RESOLVED:**

- (1) *That consideration of the following applications be deferred for the reasons indicated to enable Members of the Committee to visit the sites prior to the next Meeting:-*

- (a) *The reconstruction of former railway station building to form dwelling at Railway Cottage, Trent Lane, Weston-on-Trent (9/2004/0732/F) – to assess the size of the development. Members requested that the accuracy of the planned dimensions be checked prior to the site visit. Reference was made to additional correspondence from the Environmental Health Manager.*
- (b) *The erection of 36 apartments (amendment to plots 66 to 89 inclusive approved under planning permission 9/2003/0911/D) and associated works at Qualitas Bathrooms, Hartshorne Road, Woodville (9/2004/0937/DM) – to assess the implications of the development.*

(Councillor Bale left the Meeting at 7.20 p.m.)

- (c) *The construction of underground foul water pump station adjacent to Butt Farm, No. 163 High Street, Woodville (9/2004/0940/F) – to assess the implications of the proposal outside of the development site. Members requested that discussions be held with the developer to explore the possibility of locating the facility on the main housing site.*

(Councillor Ford left the Meeting at 7.25 p.m.)

- (d) *Outline application (all matters to be reserved) for the erection of a detached dwelling at land adjoining No. 15 Main Street, Linton (9/2004/0927/O) – to assess the highway implications.*
- (2) *That Members be authorised to consider any ancillary matters which might arise.*
- (3) *That the local representatives be invited to be present in a representative capacity, as appropriate.*

DC/54. **THE ERECTION OF AN EXTENSION AT THE ROACHES, WOODSHOP LANE, SWARKESTONE (9/2004/0610/FH)**

**RESOLVED:-**

*That planning permission be refused for the reason set out in the report of the Planning Services Manager.*

W. DUNN

CHAIR

The Meeting terminated at 7.55 p.m.