

DEVELOPMENT CONTROL COMMITTEE

19th November 2002

PRESENT:-

Labour Group

Councillor Brooks (Chair), Councillor Dunn (Vice-Chair) and Councillors Richards (substitute for Councillor Bambrick), Rose, Mrs. Rose, Shepherd, Southerd and Whyman.

Conservative Group

Councillors Bale, Bladen, Mrs. Walton and Mrs. Wheeler (substitute for Councillor Lemmon).

(Councillor Hood also attended the Meeting).

APOLOGIES

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

DC/90. **MINUTES**

The Open Minutes of the Meetings held on 8th October and 29th October 2002 were taken as read, approved as true records and signed by the Chair.

DC/91. **REPORT OF MEMBER**

Further to Minute No. DC/89 of 29th October 2002, Councillor Whyman queried progress on the Enforcement Notices relating to the gypsy sites at the former Castle View Service Station, Foston and Caldwell Road, Linton. The Planning Services Manager advised that responses were still awaited to the Requisitions for Information served and Members requested that the Enforcement Notices be issued as soon as possible.

MATTERS DELEGATED TO COMMITTEE

DC/92. **THE ERECTION OF 65 DWELLINGS ON LAND AT CORONATION STREET, SWADLINCOTE (9/2002/0622/F)**

Further to Minute No. DC/87 of 29th October 2002, it was reported that Members of the Committee had visited the site prior to the Meeting. Reference was made to additional correspondence received.

RESOLVED:-

- (1) *That the applicant Company be advised that the Council agrees with the principle of development and that the proposal is such as may be permitted, subject to appropriate conditions, as part of an Agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) to secure a commuted sum in respect of the maintenance of the public open space for a period of 10 years.*

- (2) *That the Chief Executive be authorised to conclude the Agreement on the above basis.*
- (3) *That the conditions set out in the report of the Planning Services Manager to the Meeting held on 29th October 2002 be approved for imposition on the issue of any planning permission.*

DC/93. **TOWN AND COUNTRY PLANNING ACT 1990, SECTION 172 (AS AMENDED)**
ENFORCEMENT ACTION – UNAUTHORISED ENGINEERING WORKS TO FACILITATE THE ERECTION OF A BUNGALOW AT BARRATT MILL, OVERSEAL

It was reported that this site, the majority of which was situated within the district of North West Leicestershire, was that of a former farm together with other buildings which had been demolished by the Coal Board. Subsidence had formed a depression in the land which had filled with water, forming a large pond. Planning permission had been granted by North West Leicestershire District Council in 1994 for the erection of a dwelling on the site and this permission had been subsequently renewed in 1999.

In May 2002, complaints had been received that unauthorised works were allegedly occurring on the land and accordingly, site inspections were undertaken. It was ascertained that the pond had been drained (this had now re-filled) and that a considerable quantity of graded stone had been imported with the effect of significantly raising the levels of both the site of the proposed dwelling and the immediate surrounding land. The dwelling was now in the course of construction. Whilst the majority of the land was situated in Leicestershire, that part of the site within South Derbyshire had been affected by the works to the extent where a material engineering operation to raise the land had occurred.

The matter had been considered by the Planning and Environmental Group of North West Leicestershire District Council on 12th June and 3rd July 2002. As no detailed information was held by that Authority relating to former land levels at the site and that some importation of material would have been necessary to allow access to the approved garage to serve the dwelling, it was considered that enforcement action to remove the material would not be expedient. However, in the interests of mitigating the harm caused to the area, the Group had authorised the service of a permissive enforcement notice requiring the submission of a landscaping scheme, including measures for habitat reinstatement.

The landowner had been contacted in respect of the unauthorised engineering operation within South Derbyshire but had neither removed the material nor submitted an application for its retention. However, written confirmation had been received that a bund formed of imported crushed stone situated within this Authority's area would be removed as part of the landscaping of the pond and the land would be seeded to allow it to return to a natural appearance as soon as possible.

In view of the approach taken by North West Leicestershire District Council and the undertaking provided by the landowner, it was considered that the issue of an Enforcement Notice to remove the imported material would not be expedient. However, due to the sensitive nature of the site, it was considered

appropriate to monitor the land to ensure that the undertaking provided was being implemented to a satisfactory standard. If insufficient progress was made within a reasonable period, the matter could be referred back to this Committee for further consideration.

RESOLVED:-

That no action be taken at the present time but the site be monitored and should the remedial work proposed by the owner not be implemented within six months, a further report be submitted to the Committee at that time.

DC/94. **TREE PRESERVATION ORDER NO. 199 – REAR OF 113 WOOD LANE, NEWHALL**

It was reported that this Tree Preservation Order had been made on 31st May 2002 relating to 16 individual trees consisting of oak, horse chestnut, ash and poplar and 5 groups of trees consisting of apple, hawthorn and holly. The site was an old orchard and the 53 apple trees were spread evenly across the orchard and the other trees were situated on the boundary. The reasons for making the Order were detailed to the Committee and in response to the consultation exercise, the owner had commissioned a report, which concluded that there was insufficient amenity value to warrant protection of the orchard. The main points were summarised, together with the comments of the Council's tree specialist in support of the Tree Preservation Order. The Council had also commissioned a fruit specialist to consider the orchard and his comments were summarised to Members.

The National Forest Company had stated that it was keen to promote orchards and fruit growing revival in the area. Although the Forest was never a commercial fruit growing area, there were traditionally many small orchards on farms, smallholdings and in gardens which created local trade. Many of the old pear, plum, apple and damson trees had survived, but countless others had been lost and the Forest hoped to raise awareness of fruit trees and orchards and help in their future protection.

The organisation Common Ground had provided orchard advice notes with information on the importance of orchards, especially traditional orchards. It had advised that those containing dead or unproductive trees were actually wonderful wildlife habitats and could be home to rare species so therefore they were just as important as productive new orchards. They may also contain old fruit varieties that were an important part of local heritage.

The Government's guidance on making and confirming Tree Preservation Orders stated that Local Planning Authorities should be able to demonstrate that a reasonable degree of public benefit would accrue before Tree Preservation Orders were made or confirmed. Trees should normally be visible from a public place, although the inclusion of other trees may be justified. The benefit may be present or future and the trees had been identified as having amenity value relating to visual, scarcity, wildlife and historical factors. Whilst parts of the orchard were in decline, specialist advice had indicated that this was not irreversible under proper management.

A summary of two opposing reports regarding apple identification was reported and it was stressed that the Tree Preservation Order was not dependent on the rarity of any species on the site.

RESOLVED:-

That the Tree Preservation Order be confirmed without modification.

DC/95. **TREE PRESERVATION ORDER NO. 201 – LAND AT NO. 12 MOIRA ROAD, OVERSEAL**

It was reported that this Tree Preservation Order had been made on 6th June 2002 in respect of a group of trees consisting of four sycamore trees and one horse chestnut tree in the side garden of No. 12 Moira Road, Overseal. The Order had been made as the mature trees were highly visible and both individually and as a group formed an important group of the established street scene by providing relief and contrast in an otherwise built-up area.

The neighbour had requested that several matters be considered prior to confirmation of the Order and the response of the Council's tree specialist was summarised to Members. Outline planning permission with all matters except access, which was reserved for subsequent approval, had been granted for residential development on the site on 23rd July 2002.

The trees with the most amenity value were the two sycamores at the front of the property closest to the road and it was considered that these should remain in the Order. According to the conclusions of the Council's tree specialist, the remaining trees were potentially unsafe and should therefore be deleted from the Order.

RESOLVED:-

That the Tree Preservation Order be modified upon confirmation to exclude two sycamore trees and a horse chestnut tree from the group but to retain the two sycamore trees at the front of the property.

DC/96. **PUBLIC HEALTH ACT 1925, SECTION 17**
STREET NAMING - WOODVILLE

It was reported that a street name was required for a development under construction at Thorn Street, Woodville by William Davis Homes. The suggested name was "Mistletoe Drive", which had been agreed by the Royal Mail and the Parish Council.

RESOLVED:-

That, in accordance with the provisions of Section 17 of the Public Health Act 1925, no objections be raised to the suggested name "Mistletoe Drive".

DC/97. **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.

DC/98. **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 demolition of an existing bungalow and the erection of three houses and a bungalow at No. 45 Stanhope Road, Swadlincote (9/2002/0818/F).***
- (b) The erection of three dwellings with detached garages at the former Railway Goods Yard, Trent Lane, Weston-on-Trent (9/2002/0961/D) (Approval of Details) – Reference was made to a bat survey.***
- (c) The variation of condition No. 1 of planning permission 9/2002/0108 to permit the continued use for storage of land at Samuel Jackson Growers Ltd, Cross House, Trent Lane, Kings Newton (9/2002/0987/R).***
- (d) The industrial use (Classes B1 and B8), and use as an Auction room (unit 8) and A1 Use (to be limited to aquatic and pet wholesale) of Units 8 & 9, Aults Industrial Estate, Midland Road, Swadlincote (9/2002/1011/U).***
- (e) The use for a casual clay pigeon shoot of the walled garden, Repton Preparatory School, Foremark Hall, Foremark, Milton (9/2002/1015/U) – Subject to an additional condition precluding shooting on Sundays or after daylight hours. Reference was made to additional objections received.***
- (f) Convert garage to living accommodation for relatives at Barehurst Farm Barn, Scropton Road, Hatton (9/2002/1072/F) – Reference was made to correspondence from the Parish Council.***

DC/99. **THE ERECTION OF A SINGLE RESIDENTIAL DWELLING FORMING A COUNTRY RESIDENCE ON LAND TO THE NORTH OF THE GABLES, INGLEBY, STANTON-BY-BRIDGE (9/2002/1022/O)**

Reference was made to a holding objection from the Environment Agency relating to flood risk and the lack of assessment.

RESOLVED:-

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

L.J. BROOKS
CHAIR

The Meeting terminated at 7.15 p.m.