

DEVELOPMENT CONTROL COMMITTEE

27th June 2006

PRESENT:-

Labour Group

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

Conservative Group

Councillors Bale, Bladen, Ford and Lemmon.

(Councillor Taylor also attended the Meeting and, with the approval of the Chair, spoke to Minute Nos. DC/15(a) and DC/17(a)).

APOLOGIES

Apologies for absence from the Meeting were received from Councillors Bambrick and Richards (Labour Group), Mrs. Renwick (Conservative Group) and Mrs. Walton (Independent Member).

DC/9. **DECLARATION OF INTEREST**

Councillor Shepherd declared a personal interest in planning application No. 9/2006/0405/FH (Minute No. DC/15(b)) as a relative of the applicants was known to him as an acquaintance.

MATTERS DELEGATED TO COMMITTEE

DC/10. **PRESENTATION – PUBLIC SPEAKING AT DEVELOPMENT CONTROL COMMITTEE**

Sabrina Dann from Entek UK attended the Meeting and gave Members a presentation on her submitted report “Public Speaking at Development Control Committee”. The report had already been considered by the Environmental and Development Services Committee and would also be considered by the Standards Committee on 4th July 2006 prior to final consideration by Full Council on 6th July 2006.

RESOLVED:-

- (1) That Council be recommended to adopt a scheme for allowing public speaking at the Development Control Committee, as contained within Section 3 of the consultant’s report, for a trial period of six months, as soon as the necessary literature, procedures and equipment are in place.***
- (2) That, five months into the trial period, a report be submitted to Members, in order to determine whether or not the scheme should***

continue on a permanent basis, either as existing or in an amended form.

DC/11. **SITE VISITS**

The siting of a temporary dwelling on land off Castle Way, Willington (9/2006/00411/F)

The erection of a 6000 bird free range organic egg production unit on land off Castle Way, Willington (9/2006/0412/M)

The erection of a 6000 bird free range organic egg production unit on land off Castle Way, Willington (9/2006/0413/M)

Further to Minute No. DC/5 of 6th June 2006, it was reported that Members of the Committee had visited the sites prior to the Meeting.

Consideration was given to the applications and, it was,

RESOLVED:-

That the applications be granted, subject to the conditions set out in the reports of the Head of Planning Services.

(Councillor Ford wished it to be recorded that he had voted against this decision).

DC/12. **NON-COMPLIANCE WITH UNTIDY SITE NOTICES – LAND FRONTING AND TO THE REAR OF OVERSETTS ROAD, NEWHALL**

It was reported that this area of land consisted of three separate parcels, which had been the subject of long standing complaint with respect to its untidy condition. The owner had tidied the road frontage to some extent on several occasions but the appearance had deteriorated and the condition of the remainder of the site seriously affected local amenity.

To address the untidy state of the remaining land and buildings, following contact with the landowner, three Notices under Section 215 of the Town and Country Planning Act 1990 were issued on 26th January 2006. An 84 day compliance period was specified in view of the considerable amount of work that would be entailed in carrying out the steps as specified in the Notices. A site inspection carried out on 26th May 2006 revealed that there was little evident improvement to the land covered by the Notices, although it was apparent that some of the accumulated drinks cans on the road frontage had been removed. It was noted that in the light of this evidence, substantial compliance with the Notices could not be recorded.

Reference was made to additional correspondence from the owner of the site, which was read to the Committee.

RESOLVED:-

That, subject to the availability of the necessary evidence, the Head of Legal and Democratic Services be authorised to institute legal proceedings in respect of non-compliance with three Notices served under Section 215 of the Town and Act Country Planning 1990 relating to land fronting and to the rear of Oversetts Road, Newhall.

DC/13. **NON-COMPLIANCE WITH TEMPORARY STOP NOTICE RELATING TO THE USE OF THE FORMER BRANDONS POULTRY FARM, HEATH TOP, CHURCH BROUGHTON, FOR B1/B8 LIGHT INDUSTRY AND WAREHOUSE USE**

At the Meeting on 16th May 2006, the Committee authorised the issue of a Temporary Stop Notice to secure the cessation of the unauthorised use of the premises for B1/B8 light industry and warehouse use. The Notice was duly served on 24th May 2006, taking effect on 30th May 2006.

A further complaint was received alleging continued use of the affected buildings with associated access by heavy goods vehicles in contravention of the Notice and a site inspection was carried out on 8th June 2006 to address these concerns.

Whilst full internal access to the buildings was not possible, it was possible to view any contents via windows in the flanks. The inspection revealed that one of the four buildings was empty and a second building was largely empty, with a small number of cars and caravans in evidence. The third building appeared to be partly occupied by racks of stored materials and the fourth was in use for the storage of packaging materials. At the time of the inspection, all buildings were secured and no vehicle arrived at the site affected by the Notice.

At the commencement of the inspection, the owner supplied a copy of a duly receipted invoice from Derbyshire County Council for the junction works required by the outstanding condition, the non-implementation of which had resulted in the issue of the Temporary Stop Notice. The matter had been progressed with the Highways Design Team and advice had been received that the design work was complete and arrangements were in place for the work to be carried out. A start date of 1st August 2006 was quoted, although it was considered likely that the works would be commenced at an earlier date.

Woodyard Lane was currently undergoing extensive surface repairs, the execution of which had given rise to a prolonged period of closure. The effect of this was that a relatively high proportion of vehicles accessing the site had taken an alternative route via Broughton Heath Road and Sutton Lane.

The use of the two northernmost poultry buildings and the open fronted agricultural building for storage purposes was, as indicated in the earlier report, authorised under planning permission 9/2004/877/U and was being implemented with associated generation of access traffic.

Reference was made to additional correspondence received from the owner.

RESOLVED:-

That, subject to the availability of the necessary evidence, the Head of Legal and Democratic Services be authorised to institute legal proceedings in respect of non-compliance with the Temporary Stop Notice, but any action to be deferred until the first week in August 2006 to enable the required highway works to be carried out to the road junction between Woodyard Lane, Cotebottom Lane and Heath Top, Church Broughton.

DC/14. REPORT OF THE HEAD OF PLANNING SERVICES

The Head of Planning Services 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 content of the following report was noted:-

Appeal Dismissed/Allowed (Split Decision)

The erection of a first floor house extension and pergola (dismissed) and porch (allowed) at No. 22 Burton Road, Coton-in-the-Elms (9/2005/0568/FH).

DC/15. 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) Outline application (all matters to be reserved except for means of access) for the demolition of the existing dwelling and the erection of a residential development at land at and adjoining No. 1 Frederick Street, Woodville (9/2006/0202/M) - subject to a Unilateral Undertaking or Section 106 Agreement to secure contributions towards local education, health facilities and public open space and to an additional condition to allow the re-design of part of the highway works and an additional informative advising the applicant of the need to test for rubber derivatives in the site investigation report.***
- (b) The erection of an extension at No. 20 Nairn Close, Stenson Fields (9/2006/0405/FH).***

(Councillor Shepherd declared a personal interest in this application as a relative of the applicants was known to him as an acquaintance).
- (c) The erection of a garage at No. 104 Duck Street, Egginton (9/2006/0597/FH).***
- (d) The approval of reserved matters of planning permission 9/2004/1515/M for the erection of 272 units with associated road and sewers at Area H23 and H24 at the former Hilton Depot, Hilton (9/2006/0652/MD).***

DC/16. THE PRUNING OF EIGHT TAXUS TREES AT NO. 3 COLVILLE CLOSE, LULLINGTON (9/2006/0687/TC)

It was reported that it may be necessary to prune more than eight trees. The period allowed for representations would expire on 17th July 2006.

RESOLVED:-

That planning permission be granted for as many trees as necessary to be pruned and the Head of Planning Services be authorised to issue a planning permission following the expiration of the consultation period.

DC/17. **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 erection of a residential development comprising of the conversion of an existing Listed Building into a dwelling and the erection of apartments and houses with associated external works at Brethby Art Pottery, Swadlincote Road, Woodville (9/2006/0278/MR) – for clarification by demonstration of the condition of the site and implications relating to consistency of decision-making.***
 - (b) Outline application (all matters reserved except for access) for the erection of a dwelling to provide two flats at No. 2 Hawthorn Crescent, Findern (9/2006/0544/O) – for clarification by demonstration of the condition of the site.***
 - (c) Outline application (all matters to be reserved) for the demolition of existing buildings and the construction of an assisted living development (comprising a maximum of 13,000 square metres of class C2 floor space) and a maximum of 70 assisted living accommodation units at Aston Hall Hospital, Maple Drive, Aston-on-Trent (9/2006/0625/M) – for clarification by demonstration of condition of site. It was reported that a unilateral undertaking had now been submitted and reference was made to additional correspondence from a neighbour, the Parish Council and the Environment Agency.***
- (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.***

T. SOUTHERD

CHAIR

The Meeting terminated at 7.45 p.m.