

DEVELOPMENT CONTROL COMMITTEE

14th August 2001

PRESENT:-

Labour Group

Councillor Brooks (Chair), Councillor Dunn (Vice-Chair) and Councillors Bambrick, Ford, Rose, Shepherd, Southerd, Southern and Whyman.

Conservative Group

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

(The following Members also attended the Meeting and, with the approval of the Chair, spoke to the Minute No. indicated:-

Councillor Bell

Councillor Carroll – Minute No. DC/19(a)

Councillor Richards

Councillor Routledge)

APOLOGY

An apology for absence from the Meeting was received from Councillor Bladen (Conservative Group).

DC/17. **MINUTES**

The Open Minutes of the Meetings of the Development Control Sub-Committee held on 26th June 2001 and of the Development Control Committee held on 24th July 2001 were taken as read, approved as true records and signed by the Chair.

MATTERS DELEGATED TO COMMITTEE

DC/18. **PRESENTATION ON SUSTAINABLE DRAINAGE**

The Committee received a presentation on this matter by Mr. P. Haslock, an Environmental Protection Officer at the Environment Agency, which included a video.

DC/19. **SITE VISITS**

- (a) The erection of a detached garage/workshop at the rear of the premises of J. Parkinson Pharmacy, No. 1 Potter Street, Melbourne (9/2001/0144/F)

Further to Minute No. DC/11 of 24th July 2001, it was reported that Members of the Committee had visited the site prior to the Meeting. Consideration was given to the application and, it was,

RESOLVED:-

That planning permission be refused for the reason set out in the report of the Planning Services Manager to the Meeting held on 24th July 2001.

(Councillor Brooks declared a non-pecuniary interest in this application and withdrew from the Meeting during the consideration and determination thereof – Councillor Dunn (Vice-Chair) assumed the Chair for the item).

- (b) The erection of a dwelling and attached garage in substitution of planning permission 9/0698/0263/F on land to the south of No. 42 Weston Road, Aston-on-Trent (9/2001/0401/F)

Further to Minute No. DC/11 of 24th July 2001, it was reported that Members of the Committee had visited the site prior to the Meeting. Reference was made to a further letter from a neighbour. Consideration was given to the application and, it was,

RESOLVED:-

That consideration of the application be deferred to enable further negotiations to be undertaken with the applicants regarding the siting of the proposed dwelling away from the nearby patio window of the adjoining dwelling.

- (c) The erection of a two-bedroomed bungalow at Hilton Primary School, Uttoxeter Road, Hilton (9/2001/0511/F)

Further to Minute No. DC/11 of 24th July 2001, it was reported that Members of the Committee had visited the site prior to the Meeting. Consideration was given to the application and, it was,

RESOLVED:-

- (1) ***That, contrary to the recommendation, planning permission be granted, subject to conditions to be prepared by the Planning Services Manager.***

- (2) ***That, if appropriate, the Planning Services Manager be authorised to refer the application to the Secretary of State for his consideration as a departure to the Development Plan.***

- (d) The erection of a detached house on land at No. 2A Jacksons Lane, Egginton Road, Etwall (9/2001/0500/F)

Further to Minute No. DC/11 of 24th July 2001, it was reported that Members of the Committee had visited the site prior to the Meeting. Reference was made to a letter from the applicant. Consideration was given to the application and, it was,

RESOLVED:-

- (1) *That, contrary to the recommendation, planning permission be granted, subject to conditions to be prepared by the Planning Services Manager.*
- (2) *That, if appropriate, the Planning Services Manager be authorised to refer the application to the Secretary of State for his consideration as a departure to the Development Plan.*
- (e) The renewal of planning permission 9/0698/0202/F for the retention of a mobile home at No. 2a Jacksons Lane, Egginton Road, Etwall (9/2001/0488/R)

Further to Minute No. DC/11 of 24th July 2001, it was reported that Members of the Committee had visited the site prior to the Meeting. Reference was made to a letter from the applicant. Consideration was given to the application and, it was,

RESOLVED:-

- (1) *That planning permission be granted, subject to the condition set out in the report of the Planning Services Manager to the Meeting held on 24th July 2001, with the limited period being extended to 31st January 2003.*
- (2) *That the reason for the condition be amended to reflect the decision under Minute No. DC/19(d) above.*

DC/20. **NON-COMPLIANCE WITH CONDITION NO. 3 OF PLANNING PERMISSION 9/0296/0747/U RELATING TO THE USE AS A HOT FOOD TAKEAWAY OF THE GROUND FLOOR SALES AREA AND THE CONVERSION INTO A FLAT OF THE FIRST FLOOR OFFICES AT THE PREMISES OF J.T. LEAVESLEY, UNION ROAD, NEWHALL (NEWHALL BALTI)**

It was reported that condition no. 3 of this planning permission dated 10th February 1997 stated that prior to the commencement of the development, details of the fume extraction system and flue should be submitted to and approved in writing by the local planning authority, that the fume extraction system and flue should be fitted into the premises in accordance with these approved details prior to the first use of the takeaway and that the equipment should be operated and maintained in accordance with the manufacturer's instructions.

An application to retain a flue installed at the premises without the benefit of planning permission had been submitted. However, the submitted scheme was unacceptable and attempts to obtain additional information with a view to obtaining the implementation of an alternative scheme had not been successful. The application had therefore been refused on the basis that the submitted scheme was unacceptable. The Environmental Health Department remained concerned at the lack of odour control measures at the premises but the occupier had taken no action to remedy the situation.

There was a clear breach of condition no. 3 of the permission and it was considered that its implementation was important to ensure that the hot food takeaway use did not prejudice the enjoyment of neighbouring properties.

RESOLVED:-

That a Breach of Condition Notice be served under the provisions of Section 187A of the Town and Country Planning Act 1990 (as amended) requiring the provision of full details of the fume extraction system and flue and its satisfactory installation and maintenance.

DC/21. **SWADLINCOTE HERITAGE ECONOMIC REGENERATION SCHEME**

Members were reminded that at its Meeting held on 19th April 2001, the former Planning and Economic Development Committee approved the submission of a bid to English Heritage for a Heritage Economic Regeneration Scheme for Swadlincote Conservation Area. The bid took the form of an 'Implementation Programme' which set out the importance of the Conservation Area, defined its conservation problems and the need for grants. It set out the authority's conservation policies and the regeneration aims of the scheme and also detailed how the scheme would be operated if the Council was successful with the bid.

The bid was approved by English Heritage on 23rd May 2001, since which the scheme had been publicised and the interest generated had been very encouraging. The first applications were expected imminently and accordingly, it was now necessary to establish a decision-making body. The approved Implementation Plan, based on previous similar grant schemes such as the Melbourne Conservation Area Partnership and the Shardlow Town Scheme, proposed the following:-

'...applications should be determined by a committee..... The committee would comprise the following with voting rights:-

- four South Derbyshire Elected Members
- such members as may be nominated by English Heritage

and the following representatives with voting rights:-

- one representative of the Chamber of Trade and Commerce
- one representative of the SRB 'Made in Swadlincote Partnership'
- one representative of the Sharpe's Pottery Heritage and Arts Trust

The most appropriate forum in the new committee structure would be the establishment of a sub-committee of this Committee on a task and finish basis for the specific purpose of distributing funds in accordance with the Implementation Plan. The grant scheme was for a period of three years and it would be possible to establish a sub-committee for this period. There was no provision in the Council's constitution to allow voting rights for co-opted Members on this type of committee and accordingly, English Heritage would not be entitled to nominate a voting representative. The suggested terms of reference of the sub-committee were as follows:-

- to determine grant applications in accordance with the Implementation Plan

- to consider annual reviews of or other amendments to the Implementation Plan
- to determine requests to start work without prejudice to grant applications
- to determine requests that grants should not be repaid upon resale
- to determine whether grants should be paid in the event of non-compliance with a condition

RESOLVED:-

- (1) That a sub-committee be established on the basis proposed to determine grant applications under the Swadlincote Heritage Economic Regeneration Scheme (HERS).***
- (2) That Councillors Brooks, Dunn, Hood and Southerd be appointed as this Council's representatives on the sub-committee.***

DC/22. **REPORT OF THE PLANNING SERVICES MANAGER**

The Planning Services Manager submitted reports for consideration and determination by the Sub-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 reports were noted:-

Appeals Allowed

- (a) The erection of twenty, two bedroomed apartments and sixteen one bedroom apartments on land on Phase II of the Redrow development at Mickleover Country Park, former Pastures Hospital, Mickleover.
- (b) The erection of a detached bungalow and detached house (all matters except access to be reserved) on land adjoining No. 30 Belfield Road, Etwall.
- (c) The erection of a conservatory at 'The Sycamores', 1 The Old Waterworks, Meadow Lane, Milton.

Appeals Dismissed

- (a) The use as a dwellinghouse of a building at the recreational livery yard at O.S. Field No. 9830, Coton Park, Linton.
- (b) The erection of a detached house on land to the north of Myrtle Lodge, Main Street, Smisby.

DC/23. **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 construction of an extended landscaped earthbund on land adjacent to A6 Alvaston By-pass (9/2001/0441/F).***
- (b) The conversion, including rebuilding, into two flats of the building at No. 7 High Street, Woodville (9/2001/0474/F).***

- (c) *Proposed change of use of part of rear gardens for car parking at land to the rear of Nos. 126 and 128 Swadlincote Road, Woodville (9/2001/0542/U).*
- (d) *The retention of a portable building for use as an office at Denaco Ltd.,, Units 4-5, Station Yard, Station Road, Hatton (9/2001/0566/F).*
- (e) *The erection of a dwelling on the site of a barn at Sycamore Farm, Repton Road, Willington (9/2001/0612/F).*

DC/24. **THE ERECTION OF TWO GARAGES AT SPRING COTTAGE, NO. 42 HIGH STREET, TICKNALL (9/2001/0206/F)**

RESOLVED:-

That consideration of this application be deferred to enable further negotiations to be undertaken with the applicants relating to the height of the proposed garage roofs and the provision of pervious materials to form the hardstanding.

DC/25. **APPLICATIONS DEFERRED FOR SITE VISITS**

RESOLVED:-

- (1) *That consideration of the following applications be deferred for the reasons outlined to enable Members of the Sub-Committee to visit the sites prior to the next Meeting:-*
 - (a) *The erection of a two-storey extension at the front of No. 65 Park Road, Newhall (9/2001/0575/F) – to assess the distance and impact between the proposed extension and the windows of the neighbouring property.*
 - (b) *The erection of 32 houses on plots nos. 14-17, 24, 200-226 on land to the south of Eureka Road, Midway (9/2001/0580/F) – due to concern at the increasing size of the application site.*
 - (c) *The retention of a boundary wall (including the installation of panels between the wall pillars) at No. 128 Church Street, Church Gresley (9/2001/0621/F) – to assess the effect on the neighbouring property.*
- (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/26. **THE RETENTION OF A FREE-STANDING ILLUMINATED SIGN ON LAND AT THE FRONT OF THE SNOOTY FOX, WOODVILLE ROAD, HARTSHORNE (9/2001/0499/A)**

Reference was made to correspondence from the County Highways Authority, advising that the amended proposals had omitted the message display of the

sign, which was part of the finished scheme and was considered unacceptable.

RESOLVED:-

- (1) That advertisement consent be refused for the reason set out in the report of the Planning Services Manager.***
- (2) That, subject to the Legal and Members' Services Manager being satisfied as to the availability of the necessary evidence, legal proceedings be instituted to secure the removal of the sign.***

DC/27. RESTORATION OF LAND USING IMPORTED TOPSOIL AT LAND ADJOINING SHAKESPEAR COTTAGE, MAIN STREET, REPTON (CW9/0601/0029/CW)

RESOLVED:-

That the County Planning Authority be advised that this Council raises no objections to the proposal, subject to no further materials being brought onto the site and any requirements of the Environment Agency being incorporated into any approval granted to retain the restored levels.

DC/28. LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

WORKS TO PROTECTED TREE AT BRETBY (Paragraphs Nos. 12 and 14)

The Committee considered evidence available in connection with this matter and agreed to take no action.

L.J. BROOKS

CHAIR