

DEVELOPMENT CONTROL COMMITTEE

31st May 2005

PRESENT:-

Labour Group

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

Conservative Group

Councillors Atkin, Bale, Bladen, Ford 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 Harrison – Minute No. DC/7(c)

Councillor Isham – Minute No. DC/4(a)

Councillor Taylor – Minute No. DC/4(a) and DC/4(b)

Councillor Mrs. Wheeler – Minute No. DC/7(e))

APOLOGY

An apology for absence from the Meeting was received from Councillor Richards (Labour Group).

DC/1. **MINUTES**

The Open Minutes of the Meetings held on 19th April and 10th May 2005 were taken as read, approved as true records and signed by the Chair.

DC/2. **DECLARATIONS OF INTEREST**

Councillor Atkin declared a personal interest in planning applications Nos. 9/2005/0305/U (Minute No. DC/7(d)) and 9/2005/0351/M (Minute No. DC/7(f)), as he was known to the applicant/owner and owner respectively and a prejudicial interest in application No. 9/2005/0161/U (Minute No. DC/9), as he farmed the land concerned.

DC/3. **REPORTS OF MEMBERS**

(a) Abattoir at Church Broughton Road, Foston

Further to Minute No. DC/129(a) of 19th April 2005, Councillor Whyman queried progress on negotiations concerning this site. It was reported that the site had been visited by the Development Control Manager and the Enforcement Officer and a progress report would be submitted to the next Meeting.

(b) Parking Provision

Councillor Southern referred to applications relating to change of use and commented that there should be adequate parking provision in place.

(c) Head of Planning Services

The Chair welcomed Gill Hague, the newly appointed Head of Planning Services to the Meeting.

(d) Local Plan

The Head of Planning Services reported that as the emerging Local Plan had been withdrawn by the Council, references to that document in reports to this evening's Committee should be disregarded. However, the Officer reported that whilst policy references were no longer applicable, the reasons given for approval/refusal of applications were still considered to be sound, as they were based upon the Development Plan that comprised the Regional Spatial Strategy, the Derby and Derbyshire Joint Structure Plan and the adopted South Derbyshire Local Plan. Where appropriate, there was also regard to Supplementary Planning Guidance and National Planning Policy Guidance/Statements.

(e) Proposed New Power Station at Drakelow

The Chair reported that a new power station was proposed to be built at Drakelow and an application to the Secretary of State was expected in September. He also reported an offer made by the applicant company for a fact-finding visit to a similar site in North Wales and Members considered that such a visit would be useful.

(f) Planning Training

The Chair reminded Members of the annual planning training session update which would be held on 5th July 2005.

MATTERS DELEGATED TO COMMITTEE

DC/4. **SITE VISITS**

- (a) The demolition of the existing dwelling and erection of 17 apartments including relocation of existing vehicular access at No. 147 Burton Road, Woodville (9/2005/0398/M)

Further to Minute No. DC/146(b) of 10th May 2005, it was reported that Members of the Committee had visited the site prior to the Meeting. Reference was made to correspondence received from three neighbours, the Chief Education Officer, the County Highways Authority, Severn Trent Water and the applicant's agent.

Consideration was given to the application and, it was,

RESOLVED:-

- (1) *That the applicant 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 the provisions set out in the report of the Head of Planning Services, subject to (4) below.*
 - (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 Head of Planning Services be approved for imposition on the issue of any planning permission.*
 - (4) *That the reduced contribution towards local school facilities now advised by the Chief Education Officer be clarified.*
 - (5) *That the County Highways Authority be requested to consider the future cumulative effect of development on the A511 between the Granville School and Butt Lane, Woodville.*
- (b) The demolition of the existing shop and premises and the erection of six new dwellings at No. 109 Swadlincote Road, Woodville (9/2004/1495/F)

Further to Minute No. DC/146(a) of 10th May 2005, it was reported that Members of the Committee had visited the site prior to the Meeting. The County Highways Authority had advised that it was unable to comment on the scheme submitted at the present time as further details were required. The Head of Planning Services advised the Meeting that a building control issue also required investigation.

Consideration was given to the application and, it was,

RESOLVED:-

That consideration of this application be deferred pending receipt of comments from the County Highways Authority and the Fire Authority.

DC/5. **TREE PRESERVATION ORDER NO. 233 – HILL FARM COTTAGE, BRETBY LANE, NEWTON SOLNEY**

It was reported that this Tree Preservation Order had been made on 2nd December 2004 in respect of an Ash tree located at Hill Farm Cottage, Bretby Lane, Newton Solney. The Order had been made as it was considered that the roadside Ash tree was young, healthy and was highly visible, providing a valuable focus to the village edge rural location within the Newton Solney Conservation Area. An application had been submitted for the felling of the Ash tree and in view of its amenity value, it was considered expedient that the Order be made.

Comments had been received from the occupier of Hill Farm Cottage, relating to the following issues:-

- The unsuitable location of a tree of this type adjacent to the road and in close proximity to the house.
- Its potential interference with a nearby power line and subsequent need for continual pruning.
- The future proportions of the tree and potential for blocking light to the house.
- The heavily restricted route architecture of the tree and possible effect on the tree's wellbeing and stability and damage to the bank.

The occupier of Hill Farm Cottage had confirmed that they would be willing to replace the tree with an alternative specimen.

The Council's Landscape Architect had responded with the following comments:-

- The tree could be accommodated in the roadside hedge. There were many other trees in this roadside hedge, including mature Ash trees.
- The power line could be accommodated by minor pruning to the tree.
- The roots of this semi-mature tree appeared to be stable and would pass beneath the road hardsurfacing.
- The tree and cottage integrated well with the country lane landscape.

Members were advised that applications to undertake works would be considered in the interests of ensuring that the tree's amenity value to the area was not diminished. Dead, dying or dangerous trees within the Order were exempt from such control, provided replacement trees were planted.

RESOLVED:-

That the Order be confirmed without modification.

DC/6. **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 following report was noted:-

Appeal Allowed

The erection of 24 two bedroom apartments and associated external works at the Horse and Jockey, Meadow Lane, Newhall (9/2003/1180) – Members expressed their disappointment at this decision and thanked Officers who had worked on the case.

DC/7. **PLANNING APPROVALS**

RESOLVED:-

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

- (a) ***The erection of a two-storey building containing two apartments and two duplexes with private driveway at Old Forge Nursery, The Green, Findern (9/2004/1623/F) – subject to additional conditions requiring details of fencing to ensure separation of vehicle areas and further details for the reorganisation of the car park in front of the nursery to avoid conflict of traffic movements with vehicles accessing the new development. Councillor Bale expressed concern at the presence of ragwort on the site, which Members of the Committee had visited prior to the Meeting and Councillor Dunn advised that he had alerted the owners to this during the site visit.***
- (b) ***The formation of a temporary car sales display area on land at Burnaston Garage, Grassy Lane, Etwall (9/2005/0112/U).***
- (c) ***The erection of a primary school on land at Forrester Avenue, Weston-on-Trent (9/2005/0150/F). It was reported that Members of the Committee had visited this site prior to the Meeting. Reference was made to the comments of Councillor Harrison.***
- (d) ***The use as a 24 hour taxi base of land/building at Bridge Farm, Sinfin Lane, Barrow-on-Trent (9/2005/0305/U).***

(Councillor Atkin declared a personal interest in this application, as he was known to the applicant/owner).

(At this point, Councillor Whyman, M.B.E. left the Meeting).

- (e) ***The demolition of 2 pairs of semi-detached houses and the erection of 6 detached houses on land at Nos. 22-28 Askew Grove, Repton (9/2005/0324/F) – it was reported that Members of the Committee had visited this site prior to the Meeting. The planning history was amended and reference was made to a letter received from the County Highways Authority.***
- (f) ***Outline application (all matters reserved except for siting and access) for the erection of a storage building at the premises of East Midlands Self Storage Ltd., Sinfin Lane, Barrow-on-Trent (9/2005/0351/M) – subject to the amendment of condition no. 4 to reflect the “open” storage of goods or materials. Reference was made to a letter received from the County Planning Authority.***

(Councillor Atkin declared a personal interest in this application, as he was known to the owner).

DC/8. **OUTLINE PLANNING (ALL MATTERS TO BE RESERVED) FOR INDUSTRIAL AND BUSINESS DEVELOPMENT AT AREA E5 AT FORMER HILTON DEPOT, HILTON (9/2004/1514/M)**

RESOLVED:-

That the Government Office for the East Midlands be advised that the Council is minded to grant planning permission, subject to the conditions set out in the report of the Head of Planning Services and to the submission of a Green Travel Plan to include consideration of the routing of vehicles.

- DC/9. **THE CHANGE OF USE OF AGRICULTURAL BUILDINGS TO THE STORAGE OF PLANT, EQUIPMENT AND MATERIALS AT POPLARS FARM, TWYFORD ROAD, BARROW-ON-TRENT (9/2005/0161/U)**

RESOLVED:-

That consideration of this application be deferred for clarification of the relevance of the existing permission on the site and the enforcement of conditions.

(Councillor Atkin declared a prejudicial interest in this application, as he farmed the land concerned and withdrew from the Meeting during the consideration and determination thereof).

- DC/10. **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.

UNAUTHORISED FELLING OF TREES AT WOODVILLE (Paragraphs 12 and 14)

The Committee authorised the institution of legal proceedings in respect of the unauthorised felling of trees within a Tree Preservation Order, together with the service of a Tree Replacement Notice.

T. SOUTHERD

CHAIR