

DEVELOPMENT CONTROL COMMITTEE

13th December 2005

PRESENT:-

Labour Group

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

Conservative Group

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

Independent Member

Councillor Mrs. Walton.

(Councillor Mrs. Littlejohn also attended the Meeting and, with the approval of the Chair, spoke to Minute No. DC/81).

APOLOGY

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

DC/80. **MEMBERS' QUESTIONS AND REPORTS**

Councillor Richards referred to the ongoing untidy condition of an area of land on the corner of Oversetts Road and Main Street, following a recent refusal of planning permission for residential development. He requested a progress report on the enforcement action and the Head of Planning Services agreed to provide an update to Councillor Richards.

MATTERS DELEGATED TO COMMITTEE

DC/81. **SITE VISIT**

The retention of a new door and front windows at No. 46 Main Street, Hilton (9/2005/1135/F)

Further to Minute No. DC/79 of 25th October 2005, 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 granted, subject to the conditions set out in the report of the Head of Planning Services to the Meeting held on 25th October 2005.

(Councillor Mrs. Walton withdrew from the Meeting during the consideration and determination of this application, as she had submitted a representation).

DC/82. **TREE PRESERVATION ORDER NO. 246 – LAND AT NO. 27B ROSE TREE LANE, NEWHALL**

It was reported that this Tree Preservation Order (TPO) was made on 14th July 2005 in respect of an ash tree and two sycamore trees. The Order was made as it was considered that the ash tree was a fine specimen of high amenity value. The sycamores were also considered worthy of conserving. All three of the trees could be seen from properties around No. 27B Rose Tree Lane.

The owner of a neighbouring property had requested the placing of the Order to be reconsidered. She had asked for several points to be taken into account, including that the ash tree was only half the size of a fully mature ash, 50% of the branches overhung her property, the roots were well established and approaching her patio area, she considered the tree to be dangerous, and she would hold the owner of the tree responsible for any damage it may cause to her property.

The Council's tree specialist considered there to be insufficient evidence to condemn the tree on dangerous grounds and he was unable to identify with the problems described during his site visit. He added that there was no reason why a reasonable amount of branch thinning could not take place by means of a further application.

Government guidance on making and confirming Tree Preservation Orders stated that Local Planning Authorities should be able to show that a reasonable degree of public benefit would accrue before TPO's were made or confirmed. It continued to advise that 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.

The trees had been identified as being publicly visible. There were presently insufficient grounds to justify not confirming the TPO. There were no obvious signs of infection to indicate that the tree was potentially dangerous or that it was unreasonably interfering with the private amenity of neighbouring occupiers. If the Order was confirmed, the neighbour would have the opportunity to apply to prune or fell the tree and provide a case to justify the work. If such an application was refused, the applicant would have a right of appeal. Equally, if compelling evidence was provided which confirmed that the tree was dead, dying or dangerous, the tree could be felled providing the authority was given the appropriate notice. Compensation could not be claimed from the Council as a result of a tree causing damage following the confirmation of a Tree Preservation Order. This could only occur if damage was caused following the refusal of consent to undertake work to the tree, which would not have happened if the consent had been granted.

RESOLVED:-

That this Tree Preservation Order be confirmed without modification.

DC/83. **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 contents of the following reports were noted:-

Appeals Dismissed

- (a) The replacement of temporary amenity buildings with permanent brick and tile constructions to include fishery manager's accommodation at Springwood Fisheries, Ashby Road, Melbourne (9/2005/0024/F).
- (b) The erection of a two-storey detached bungalow with garage on land adjoining No. 15 Main Street, Linton (9/2005/0246/F).
- (c) The change of use into a drive and garden of land adjoining Cuttle Bridge Cottage, Derby Road, Swarkestone (9/2005/0168/U).
- (d) The formation of an access at No. 62 Mount Pleasant Road, Castle Gresley (9/2005/0065/FH).
- (e) The erection of a detached four-bedroom dwelling on land adjacent to No. 51 Pool Street, Church Gresley (9/2005/0269/F).

DC/84. **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) *Formation of a vehicular access and retention of windows in garage at Cuttlebridge Cottage, Derby Road, Swarkestone (9/2005/0011/U).*
- (b) *The erection of a packaging store at Elbar Services Ltd., Hay Lane, Foston (9/2005/0927/F).*
- (c) *The erection of a wind turbine at Common Farm, No. 81 Bretby Lane, Bretby (9/2005/1083/F).*
- (d) *The erection of an extension at No. 7 Windsor Avenue, Melbourne (9/2005/1195/FH).*
- (e) *The change of six touring caravan pitches to static holiday home pitches (revised part scheme for 9/2004/1570/R) at Shardlow Marina, London Road, Shardlow (9/2005/1214/U).*
- (f) *The erection of an entrance porch and the repositioning of a shed at No. 9 Gresley Woodlands, Church Gresley (9/2005/1275/FH).*

DC/85. **THE ERECTION OF AN EXTENSION AND NEW BUILDING FOR LIGHT INDUSTRIAL B1/STORAGE AND DISTRIBUTION B8 USE AT THE OLD DAIRY, BLADON PADDOCKS, NEWTON ROAD, NEWTON SOLNEY (9/2005/0518/FI)****RESOLVED:-**

- (1) That consideration of this application be deferred to enable Members of the Committee to visit the site prior to the next Meeting for clarification purposes which may be achieved by a site visit.***
- (2) That Members be authorised to consider any ancillary matters which may arise.***
- (3) That the local representative be invited to be present in a representative capacity.***

DC/86. **APPLICATION FOR CONSENT TO CONSTRUCT AND OPERATE A COMBINED CYCLE GAS TURBINE POWER STATION ON THE SITE OF DRAKELOW POWER STATION, WALTON ROAD, DRAKELOW (9/2005/1066/J)**

An addendum to the report was circulated to Members.

This application had been made to the Secretary of State under Section 36 of the Electricity Act 1989 for the construction of a power station and for deemed permission under the Town and County Planning Act (TCPAct). Since the application sought deemed permission under the TCPAct, it was requested that the matters of concern raised in the report be dealt with by the Secretary of State, as appropriate with the possibility of the inclusion of a list of conditions and notes to applicant. The Council had been advised that prior to issuing a consent, the Department of Trade and Industry would hold discussions with both the applicant and the local authority to agree planning conditions. It was not therefore necessary to suggest precise details at this stage.

With regard to the height of the building, revised photomontages had been received showing the new building works as a worse case scenario (i.e. at 45 metres high). The amended photomontages showed that if the power station buildings were 45 metres high, there would not be a significantly worse visual effect on the surrounding countryside than if they were 25 metres high. When assessed against the existing structure, there would be a significant reduction in their impact.

RESOLVED:-

- (1) That the Secretary of State be advised that this Council raises no objection to the principle of redevelopment of the site.***
- (2) That it be requested that the matters of concern raised in the report be dealt with by the Secretary of State by way of appropriate conditions in consultation with the local planning authority.***

T. SOUTHERD

CHAIR

The Meeting terminated at 7.05 p.m.