

DEVELOPMENT CONTROL COMMITTEE

28th May 2002

PRESENT:-

Labour Group

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

Conservative Group

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

(The following Members also attended the Meeting and, with the approval of the Chair, spoke to the Minutes Nos. indicated:-

Councillor Taylor – Minute No. DC/8

Councillor Mrs. Wheeler – Minute No. DC/12)

The Chair welcomed Councillors Lemmon and Mrs. Rose to the deliberations of the Committee, being newly-appointed Members at the recent Annual Council Meeting. The Leader also paid tribute to the efforts of Councillor Ford over many years, who was no longer a member of the Committee.

APOLOGIES

Apologies for absence from the Meeting were received from Councillor Dunn (Vice-Chair) and Councillor Southerd (Labour Group) and Councillor Mrs. Walton (Conservative Group).

DC/1. MINUTES

The Open Minutes of the Meetings held on 26th March, 16th April and 7th May 2002 and the Exempt Minutes of the Meeting held on 26th March 2002 were taken as read, approved as true records and signed by the Chair.

The Planning Services Manager referred to the refusal of planning application 9/2002/0129 at the Blue Post Caravan Site, Burton Road, Egginton at the Meeting held on 7th May 2002 and sought instructions on the instigation of enforcement action. In this regard, Members requested the submission of a formal report to the next Meeting of the Committee.

MATTERS DELEGATED TO COMMITTEE

DC/2. SITE VISITS

- (a) Change of use of redundant farm buildings to workshops/offices (B1 Use Class only) at Blakenhall Farm, Caldwell (9/2001/0328)

Further to Minute No. DC/153 of 7th May 2002, it was reported that Members of the Committee had visited the site prior to the Meeting. Reference was made to further correspondence from the neighbour. Consideration was given to the application and, it was,

RESOLVED:-

That, contrary to the recommendation, planning permission be refused due to the unacceptable impact upon the neighbouring property.

- (b) The residential development of land to the north of Field House, Coton Park, Linton (9/2002/0292)

Further to Minute No. DC/153 of 7th May 2002, it was reported that Members of the Committee had visited the site prior to the Meeting. Reference was made to further correspondence following the advertisement of the application as a departure from the Development Plan together with an additional letter from the applicant's agent. It was reported that an amended plan had now been received. Consideration was given to the application and, it was,

RESOLVED:-

That planning permission be refused for the reasons set out in the report of the Planning Services Manager to the Meeting held on 7th May 2002.

(Councillors Bambrick, Richards and Southern declared prejudicial interests in this application and withdrew from the Meeting during the consideration and determination thereof).

DC/3. SWADLINCOTE HERITAGE ECONOMIC REGENERATION SCHEME SUB-COMMITTEE

The Committee received the Minutes of the Swadlincote Heritage Economic Regeneration Scheme Sub-Committee held on 25th March 2002.

RESOLVED:-

That the Minutes of the Swadlincote Heritage Economic Regeneration Scheme Sub-Committee held on 25th March 2002, a copy of which is attached at Annexe 'A' to these Minutes, be received and noted.

DC/4. ENFORCEMENT ACTION – LAND AT O.S. FIELD NO. 3932, DERBY ROAD, STANTON-BY-BRIDGE

It was reported that planning permission 9/2001/0298/F had been granted in June 2001 for the repositioning of a field access and the erection of a stable block at the above location. The two elements of the development were mutually exclusive and there was no requirement for the new access to be provided prior to the stables being used, nor any sustainable safety reason why this should be the case. Condition no. 6 required the existing access to be sealed prior to the new access being used and condition no. 7 required a hawthorn hedge to be planted along the line of the existing access upon completion of the stable block. The stable had been constructed but the new access had not been formed.

A complaint had been received regarding non-compliance with condition no. 7 but if this condition was now applied, this would secure the sealing of the existing access even if the new access was not formed. This would be manifestly unreasonable to the extent that the existing parking and access to

the field would be lost and the only location for vehicles to park would be on the highway. Such a situation would be most hazardous, having regard to the alignment of the highway at this point. If the new access was subsequently formed, it would then be reasonable to enforce conditions nos. 6 and 7 concurrently.

RESOLVED:-

That no action be taken at the present time but the site be monitored to enable the condition to be enforced if the new access is formed.

DC/5. TREE PRESERVATION ORDER NO. 192 (2002) - LAND AT NO. 21 ALEXANDRA ROAD, OVERSEAL

It was reported that this Tree Preservation Order had been made on 1st March 2002 relating to a woodland in the garden of No. 21 Alexandra Road, Overseal. The Order had been made as the mixed species woodland provided a wooded edge to a built-up area and was visible from Alexandra Road and Public Footpaths Nos. 1 and 5. The woodland was also a source of food and shelter for wildlife and an enquiry had been made to develop the area.

An outline planning application for the residential development of the garden was pending and a letter of objection to the making of the Order had been received from the owner's agent on several grounds detailed to the Committee. A letter had also been received from a local resident supporting the imposition of the Order which was also outlined, together with the Planning Services Manager's comments on the issues raised.

The planning assessment advised that it was expedient in the interests of amenity to subject this small wood to a Tree Preservation Order. The wood had been planted by the houseowner in his garden and the Tree Preservation Order Guide to Law and Best Practice advised that the woodland classification was unlikely to be appropriate in gardens. However, due to the density of planting, the identification of each tree and its location had not been possible and therefore the woodland classification was considered to be the most appropriate classification in this case.

Following a further survey of the site, several additional tree species had been identified within the protected area and it was intended to modify the Order to include these additional species. The authority would not resist the proper management of the wood and confirmation of the Order would not prevent such work from being undertaken, subject to planning permission being granted upon the submission of an application.

RESOLVED:-

That the Tree Preservation Order be confirmed, subject to the extension of the list of species to include alder, wild cherry, acer, horse chestnut, hawthorn, mountain ash and willow.

DC/6. 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/7. 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) Alterations and extensions including the change of use of a school outbuilding at No. 41 High Street, Repton (9/2002/0170).***
- (b) The erection of eleven dwellings (2 flats and 9 houses) on land being the site of No. 37 Granville Street, Woodville (9/2002/0230).***
- (c) The erection of a detached double garage and conservatory at The Old Stables, Lees Lane, Dalbury Lees (9/2002/0253).***
- (d) The erection of an extension at Yew Tree Cottage, Mount Road, Bretby (9/2002/0332).***
- (e) The erection of a replacement dwelling at The Bungalow, Lodge Road, Netherseal (9/2002/0421).***
- (f) The erection of one bungalow (all matters to be reserved except means of access) at No. 167 Burton Road, Overseal (9/2002/0433).***

DC/8. PROPOSED RESIDENTIAL DEVELOPMENT AND ADDITIONAL PARKING TO ADJACENT DOCTOR'S SURGERY AT QUALITAS BATHROOMS, HARTSHORNE ROAD, WOODVILLE (9/2001/0730)

Further to Minute No. DC/149(c) of 7th May 2002, it was reported that a recent meeting arranged with the Primary Care Trust had been postponed and had now been re-arranged to be held on 30th May 2002.

RESOLVED:-

That consideration of the application be deferred until the Meeting has been held with the Primary Care Trust.

DC/9. THE ERECTION OF A 15M HIGH MONOPOLE TOGETHER WITH AN EQUIPMENT CABINET AND ANCILLARY DEVELOPMENT ON LAND AT SUTTON LANE, HILTON (9/2002/0379)**RESOLVED:-**

That the applicant company be advised that the Council raises no objections to the proposal.

DC/10. THE SITING OF A 15M HIGH MONOPOLE, 3 DISHES AND 3 ANTENNAS TOGETHER WITH ASSOCIATED EQUIPMENT CABIN ON O.S. FIELD NO. 0084, SWAYFIELD CLOSE, MICKLEOVER (9/2002/0445)

Reference was made to further letters of objection together with a petition and a letter from a Member of Derby City Council. Members were also advised of the applicant's negative response to requests for re-siting.

RESOLVED:-

That, contrary to the recommendation, the applicant company be advised that the Council objects to the proposal due to the unacceptable visual intrusion, as outlined in the consultation response from Derby City Council.

(Councillor Whyman left the Meeting at 7.30 p.m.)

- DC/11. THE ERECTION OF A FIRST FLOOR BEDROOM OVER THE EXISTING BALCONY AT ARCH FARM HOUSE, NO. 88 MAIN STREET, TICKNALL (9/2001/1212)
THE ERECTION OF A FIRST FLOOR EXTENSION TO PROVIDE AN ADDITIONAL BEDROOM OVER THE EXISTING BALCONY AT ARCH FARM HOUSE, NO. 88 MAIN STREET, TICKNALL (9/2001/1213)

RESOLVED:-

- (1) That consideration of these applications be deferred to enable Members of the Committee to visit the site to assess the effect of the rear extension.***
- (2) That Members be authorised to consider any ancillary matters which might arise.***
- (3) That the local representative be invited to be present in a representative capacity.***

- DC/12. THE REMOVAL OF CONDITIONS NOS. 2 AND 3 OF PLANNING APPROVAL 9/1096/0507/U FOR THE USE AS A RESTAURANT AT NO. 42-42B HIGH STREET, REPTON (9/2002/0302)

RESOLVED:-

- (1) That planning permission be refused for the reasons set out in the report of the Planning Services Manager.***
- (2) That the Economic Development Manager be requested to assist the applicant in obtaining suitable alternative premises.***

(Councillor Bladen declared a personal interest in this application).

- DC/13. ALTERATIONS AND EXTENSIONS AT BRIAR LEE, ETWALL LANE, BURNASTON (9/2002/0355)

It was reported that this application had been withdrawn.

L.J. BROOKS

CHAIR

The Meeting terminated at 7.35 p.m.