

DEVELOPMENT CONTROL COMMITTEE

4th March 2003

**PRESENT:-**

**Labour Group**

Councillor Brooks (Chair), Councillor Dunn (Vice-Chair) and Councillors Bambrick, Rose, Mrs. Rose, Shepherd, Southerd, Southern and Wilkins (substitute for Councillor Whyman, M.B.E.)

**Conservative Group**

Councillors Bale, Bladen, Lemmon and Mrs. Walton.

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

Councillor Bell – Minute No. DC/126(b).

Councillor Hood

Councillor Taylor – Minute No. DC/126(b)

Councillor Mrs. Wheeler – Minute No. DC/126(b))

**APOLOGY**

An apology for absence from the Meeting was received from Councillor Whyman, M.B.E. (Labour Group).

DC/125. **MINUTES**

The Open Minutes of the Meeting held on 11th February 2003 were taken as read, approved as a true record and signed by the Chair.

**MATTERS DELEGATED TO COMMITTEE**

DC/126. **SITE VISITS**

- (a) The erection of a detached house (amended scheme) on land adjoining No. 37 Mount Pleasant Road, Castle Gresley (9/2002/1301/F)

Further to Minute No. DC/123 of 11th February 2003, 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 Planning Services Manager to the Meeting held on 11th February 2003.***

(Councillor Southern wished it to be recorded that he was not in favour of this decision).

- (b) The erection of 143 dwellings with associated infrastructure on land forming part of the former Mount Pleasant Works and Woodville Pipeworks, Off Moira Road, Woodville (9/2002/1033/F and 9/2002/1034/F).

Further to Minute No. DC/123 of 11th February 2003, it was reported that Members of the Committee had visited the site prior to the Meeting. Reference was made to additional correspondence from the Environment Agency, the County Highways Authority and the applicant company.

**RESOLVED:-**

- (1) That the applicant company 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 issues set out in the report of the Planning Services Manager to the Meeting held on 11th February 2003 together with an additional matter relating to a management scheme in the absence of the adoption of highways.***
- (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 Planning Services Manager to the Meeting held on 11th February 2003 together with the additional conditions now suggested by the Environment Agency and the County Highways Authority be approved for imposition on the issue of any planning permission.***

DC/127. **DELEGATION AGREEMENT FOR DEVELOPMENT CONTROL**

The Committee received a report seeking corrections in the Delegation Agreement to remove ambiguities that had become apparent since the Agreement was last revised. The Delegation Agreement was reviewed bi-annually and was previously considered approximately twelve months beforehand, when it was modified to accommodate the Government's target of 90% of cases being dealt with under delegated powers. It had become apparent that an ambiguity existed in the wording of the authority given to Officers to determine cases. The definition and distinction relating to minor applications was not clear and whether the definition of 'significant controversy' should apply or not in minor cases was also difficult to make. As a result, it was unclear whether to deal with certain cases or refer them to the Committee for determination.

The anomalies could be resolved by substituting the word 'major' for 'other' in paragraph 10(iii) under the heading 'Planning Matters' and also for 'non-minor' in paragraph 3 under 'Matters not delegated'. The definitions of 'major' and 'minor' would need to be clarified under that heading. Major applications were defined in the General Procedure Order 1995 as those involving development of more than ten dwellings or on sites of more than 0.5 hectare, or buildings of more than 1,000 square metres or on sites of more than one hectare.

To make more sense, the words 'Planning Policy' should also be included after the word 'established' in paragraph 3. The words 'planning applications' in the sentence under the heading 'The Framework' also needed to be clarified to achieve consistency. In the context of the intended interpretation of the last revision, this should refer to 'major planning applications'.

The effect of these clarifications would enable the Committee to continue to deal with those applications that fell outside of established planning policy or supplementary guidance, as well as all major applications where there was significant controversy. Effectively, this was how Officers had proceeded during the previous year.

Care had been taken to avoid issues being determined by Officers where there was any prospect of problems arising as a consequence. This often resulted in taking more care to refer matters to the Committee than strictly required, but creating less work than may subsequently arise from any investigation.

The Delegation Agreement had operated as intended in allowing the required 90% level of cases to be determined by Officers, which it did not achieve prior to the last review. No incident of failure to consider matters properly had occurred, causing any complaint from Members, parish councils or the general public. By removing any ambiguity, the Delegation Agreement would operate more efficiently and effectively and avoid complaints arising from such ambiguities.

**RESOLVED:-**

***That the Delegation Agreement be amended, as outlined in the report.***

DC/128. **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/129. **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 erection of a stable block and the change of use of land to pony paddock on land adjoining Shakespear Cottage, Main Street, Repton (9/2002/0778/F) – subject to an additional condition to exclude commercial use.***
- (b) The erection of an animal shelter, one hay store and one tack room on land at Miry Lane, Church Broughton (9/2002/1294/F) – subject to condition No. 2 being amended to include horses. Reference was made to additional correspondence from the applicant.***

- (c) *The erection of extensions and improvements at Scaddows Farmhouse, Scaddows Lane, Ticknall (9/2002/1357/F).*
- (d) *Outline application (all matters except means of access to be reserved) for the erection of five bungalows on land at the rear of Nos. 45, 47 and 49 Gresley Wood Road, Church Gresley (9/2003/0017/O).*
- (e) *The erection of an extension and double garage at No. 16 Catton Lane, Rosliston (9/2003/0023/FH).*
- (f) *The erection of a garage at Potlock Cottage, Boggy Lane, Church Broughton (9/2003/025/FH).*
- (g) *The erection of a two-storey side extension and conservatory at the rear of No. 18 Woodlands Way, Melbourne (9/2003/0052/FH).*
- (h) *The erection of extensions at No. 2 Chapel Lane, Barrow-on-Trent (9/2003/0074/FH).*

(Councillor Shepherd wished it to be recorded that he was not in favour of this decision).

- (i) *Alterations to the farmhouse and the conversion of barns, including extensions, into three dwellings together with the erection of garages and the formation of a vehicular access at Cedar Farm, Dalbury Lees (9/2003/0086/U).*
- (j) *The formation of a footpath/cycleway link on land between Darklands Lane and William Nadin Way, Swadlincote (9/2003/0116/S).*

DC/130. **THE REMOVAL OF CONDITION NO. 4 (REQUIREMENT TO PROVIDE TEMPORARY ACCESS) OF PLANNING PERMISSION 9/2002/0228/F AT ALL SAINTS CHURCH HALL, STATION ROAD, HATTON (9/2002/1324/R)**

**RESOLVED:-**

- (1) *That planning permission be refused for the reason set out in the report of the Planning Services Manager.*
- (2) *That all necessary action be taken under the provisions of Section 187A of the Town and Country Planning Act 1990 (as amended) and associated legislation to secure compliance with the condition, including any subsequent legal proceedings necessary.*

DC/131. **THE ERECTION OF A SINGLE-STOREY EXTENSION AT THE FRONT OF SINGH NEWSAGENTS, NO. 194 STATION ROAD, HATTON (9/2002/1237/F)**

**RESOLVED:-**

- (1) *That consideration of this application be deferred to enable Members of the Committee to visit the site prior to the next meeting to assess parking and other associated issues.*

- (2) That Members be authorised to consider any ancillary matters which might arise.***

DC/132. **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 LOPPING AND TOPPING OF A CHERRY TREE (TREE PRESERVATION ORDER NO. 195) (Paragraphs 12 and 14)**

The Committee authorised the institution of legal proceedings in connection with the unauthorised lopping and topping of a cherry tree within Tree Preservation Order No. 195.

L.J. BROOKS

CHAIR