

DEVELOPMENT CONTROL COMMITTEE

29th July 2003

PRESENT:-

Labour Group

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

Conservative Group

Councillors Atkin, Bladen, Hood, Lemmon and Mrs. Walton.

(Councillor Mrs. Wheeler also attended the Meeting and, with the approval of the Chair, spoke to Minute No. DC/34(d))

APOLOGIES

Apologies for absence from the Meeting were received from Councillor Southerd (Labour Group) and Councillor Bale (Conservative Group).

MATTERS DELEGATED TO COMMITTEE

DC/26. **SITE VISITS**

- (a) The erection of an extension to the south side of Singh Newsagents, No. 194 Station Road, Hatton (9/2003/0627/F)

Further to Minute No. DC/25 of 8th July 2003, it was reported that Members of the Committee had visited the site prior to the Meeting.

RESOLVED:-

That, contrary to the recommendation, planning permission be refused due to the detrimental effect to the amenities of the occupiers of the adjoining dwelling.

- (b) The relocation of the existing gate at the vehicular entrance to Gunby Farm, Gunby Hill, Netherseal (9/2003/0636/F)

Further to Minute No. DC/25 of 8th July 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 applicants, the local Ward Member and the local Member of Parliament.

RESOLVED:-

- (1) That, contrary to the recommendation, planning permission be refused due to the detrimental effect to the amenities of the occupiers of the adjoining dwelling.***
- (2) That all necessary action be taken under the provisions of Section 172 of the Town and Country Planning Act 1990, including any subsequent legal proceedings, to secure the removal of the gate.***

DC/27. SWADLINCOTE HERITAGE ECONOMIC REGENERATION SCHEME SUB-COMMITTEE

The Committee received the Minutes of the Swadlincote Heritage Economic Regeneration Scheme Sub-Committee held on 31st March 2003.

RESOLVED:-

That the Minutes of the Swadlincote Heritage Economic Regeneration Scheme Sub-Committee held on 31st March 2003, a copy of which is attached at Annexe 'A' to these Minutes, be received and noted.

DC/28. ALLEGED UNAUTHORISED BLOCKING OF ACCESS SERVING SHARDLOW MARINA, LONDON ROAD, SHARDLOW

It was reported that following a complaint received from the Parish Council, a site inspection at the above location had ascertained that a second access to the Marina, via an underpass to the bridge over the River Trent had been closed by means of a locked gate. This access was indicated on the approved plan when the Marina was established and its provision and availability was a requirement of the Regional Controller for Highways and Transportation. In view of the changed nature of traffic density on the A6 trunk road following the construction of the A50, the views of the Highways Agency were sought. The Agency had advised that, in view of the greatly reduced traffic flows on this section of road, enforcement action by the Council could not be supported. The County Highways Authority was also consulted as it would be responsible for that length of the highway when it was de-trunked on completion of the Alvaston bypass. That Authority considered that there was no evidence of highway detriment caused by the closure of the access.

Notwithstanding the original requirement that the access should remain available for use, highway grounds for its retention would be of primary importance in justifying enforcement action. As both highway authorities involved had offered no objection to the closure of the access, enforcement action did not appear to be viable.

RESOLVED:-

That no action be taken on the matter.

DC/29. UNAUTHORISED SITING OF MENU BOARD AT SCARECROWS RESTAURANT, NOS. 12-14 DERBY ROAD, MELBOURNE

It was reported that the unauthorised siting of a menu board occupying the boarded lower half of a ground floor window at the above location was initially reported to the Council during 2001 by Melbourne Civic Society. The matter was pursued with the occupier of the property and an application for express consent for the retention of the menu board was submitted in late June 2002. Permission to retain the board was refused on 13th August 2003 and no appeal was submitted within the statutory period of six months. The occupier had been contacted regularly during the ensuing period but had taken no action to remove the unauthorised board.

RESOLVED:-

That, subject to the Legal and Democratic Services Manager being satisfied with the availability of the necessary evidence, legal proceedings be instituted to secure the removal of the menu board and wooden backing and its replacement with a half sash window to match the upper portion of the window remaining.

DC/30. UNAUTHORISED REMOVAL OF TREE PROTECTED BY TREE PRESERVATION ORDER NO. 132 AT THE FORMER PASTURES HOSPITAL, MICKLEOVER (PARISH OF BURNASTON)

It was reported that following a complaint received, a site inspection was carried out at the above location which now formed part of the curtilage of a detached dwelling known as No. 34 Sandpiper Lane. The inspection ascertained that a Fir tree situated within a group of similar trees protected by Tree Preservation Order No. 132 had been felled. The site was subsequently visited by the Council's retained Landscape Architect and Arboriculturalist who considered that provided a suitable replacement tree was planted, the removal of the original had caused little loss of amenity.

The owner of the property had been contacted and had agreed to plant a Himalayan Cedar of a height of not less than one metre and transplanted from a ten litre pot during the forthcoming planting season commencing 1st November 2003. In view of the comments of the Landscape Architect and Arboriculturalist together with the undertaking provided by the owner of the property to plant a suitable replacement tree, it was considered that a prosecution would be inappropriate in the circumstances. However, monitoring of the site to ensure that the necessary replacement tree was planted was considered appropriate in the circumstances.

RESOLVED:-

That no formal action be taken on the matter but the site be monitored to ensure that the replacement tree is planted.

**DC/31. PUBLIC HEALTH ACT 1925, SECTION 17
STREET NAMING - NEWHALL**

It was reported that a new street name was required for a development under construction on land off The Leys, Newhall. The suggested name was “Leys Court” and the Royal Mail had raised no objections.

RESOLVED:-

That, in accordance with the provisions of Section 17 of the Public Health Act 1925, no objection be raised to the suggested name “Leys Court”.

DC/32. 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/33. 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 renewal of planning permission (9/2001/0332/F) for the retention of a water detention pond, installation of a sump and soakaway system at Brandons Poultry Limited, Hollybank Farm, Scropton Road, Scropton (9/2003/0671/R) – subject to an additional condition to secure the approval of a Method Statement for the emptying of the main lagoon. Reference was made to additional correspondence from the applicant company’s agent and the Environmental Health Manager.***
- (b) Change of use of garage to office and workshop for repairing and building computers at No. 9 Tavistock Close, Stenson Fields (9/2003/0679/U) – subject to additional conditions restricting the hours of operation requested by the Environmental Health Manager and relating the permission on a personal basis to the applicants only.***

- (c) ***The variation of Condition 1 to extend the time period for the submission of reserved matters of planning permission 9/1294/0792/0 for the use of business/industrial/storage and distribution purposes (Use Classes B1, B2 and B8) of approximately 4.8 hectares of land to the east of Station Road, Melbourne (9/2003/0725/R).***

DC/34. **APPLICATIONS DEFERRED FOR SITE VISITS**

RESOLVED:-

- (1) ***That consideration of the following applications be deferred to enable Members of the Committee to visit the sites prior to the next Meeting to assess the various implications involved with the applications:-***
- (a) ***The erection of 5 detached houses and garages together with the formation of an access on land being the former car park, The Factory, Cockshut Lane, Melbourne (9/2003/0035/F).***
- (b) ***The erection of two detached dwellings and a chalet bungalow at No. 83 Egginton Road, Etwall (9/2003/0477/F).***
- (c) ***The erection of an extension at No. 14 Risborrow Close, Etwall (9/2003/0684/FH).***
- (d) ***Conversion into a dwelling of a farm building at Home Farm, Foremark, Milton (9/2002/1222/F) – reference was made to additional correspondence from the applicant’s agent.***
- (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.***

W. DUNN

CHAIR

The Meeting terminated at 6.55 p.m.