

DEVELOPMENT CONTROL COMMITTEE

20th April 2004

**PRESENT:-**

**Labour Group**

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

**Conservative Group**

Councillors Bale, Bladen, Ford, Hood, 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 Atkin - Minute No. DC/133(b)

Councillor Bell - Minute No. DC/139

Councillor Isham

Councillor Taylor - Minutes No. DC/132(a) and DC/139]

**APOLOGY**

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

DC/126. **MINUTES**

The Open Minutes of the Meetings held on 2nd and 23rd March 2004 were taken as read, approved as true records and signed by the Chair.

**MATTER REFERRED TO COMMITTEE FOR RECOMMENDATION**

DC/127. **ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE - REVIEW OF POLICY AND DECISION MAKING (IMPLICATIONS)**

It was reported that the Local Government Act 2000 required all councils to revise their political management arrangements to make decision-making more open, efficient and accountable. In July 2001, the Council adopted a new structure based on a 'streamlined' committee system for a trial period. The Overview Committee was responsible for reviewing the interim arrangements, prior to formal adoption and this work was informed by an independent assessment conducted by the District Auditor. The Committee reported to the Council in May 2002 and at that Meeting, the Council confirmed the new arrangements and agreed an Action Plan for addressing issues raised during the review, including decision-making by policy committees. In September 2003, the Overview Committee invited the Environmental and Development Services Committee to participate in a pilot project designed to review the extent to which decision-making may be streamlined further and develop proposals to enable the Committee to perform a more strategic, policy-orientated role.

A small Working Panel was established to manage the project, comprising the Chair and Vice-Chair of the Environmental and Development Services Committee together with Councillor Bladen. Following the first Meeting on 18th September 2003, it was agreed to invite the Chair and Vice-Chair of this Committee to join the Panel in view of potential areas of common interest. Further Meetings of the enlarged Panel were held on 12th November and 9th December 2003 and 6th January 2004. A report detailing the Panel's conclusions and recommendations had been considered by the Environmental and Development Services Committee on 15th April 2004.

The Working Panel noted that historic building and conservation area grants were of common interest between this Committee and the Environmental and Development Services Committee. At the present time, this Committee was responsible for administering the Swadlincote Heritage Economic Regeneration Scheme (HERS) and other historic building and conservation area grants. However, the Panel considered that the determination of these grants was essentially a policy matter, rather than a quasi-judicial process as applied to the determination of planning applications. Accordingly, Members concluded that responsibility for this function should be transferred to the Environmental and Development Services Committee.

The Working Panel also considered other proposals for streamlining and strengthening the way in which this Committee made decisions. These considerations included street naming and numbering and the administration of Enforcement and Untidy Site Notices. These issues would be the subject of a further report in due course.

It was noted that if Members were minded to accept the Working Panel's considerations, it would be necessary to refer the decision to the Council as changes would be required to the Constitution.

**RECOMMENDED:-**

- (1) That responsibility for the Swadlincote Heritage Economic Regeneration Scheme (HERS) and historic building and conservation area grants be transferred to the Environmental and Development Services Committee.**
- (2) That a report outlining further proposals for streamlining and strengthening decision making by this Committee be submitted in due course.**

**MATTERS DELEGATED TO COMMITTEE**

DC/128. **SITE VISIT**

- (a) The erection of 15 dwellings at Yew Tree Farm, The Hays, Hatton (9/2003/1460/F).

Further to Minute No. DC/123 of 23rd March 2004, 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 23rd March 2004 and to an additional condition requiring child-proof railings or walling on the watercourse boundary and to further negotiations being held with the applicant company to attempt to extend some smaller gardens.***

DC/129. **DEVELOPMENT CONTROL STATISTICS FOR THE THIRD QUARTER OF 2003/04 (OCTOBER TO DECEMBER 2003)**

It was reported that statistics had recently been released by the Government indicating the speed of decision-making of local planning authorities in England for the quarter ending 31st December 2003. For this quarter, the figures indicated that nationally, 73% of all planning applications had been determined within eight weeks, which represented an increase of 6% on the corresponding quarter in 2002. This Council had determined 80% of its applications within eight weeks during this period, which was the third highest in Derbyshire for the quarter and the figure also compared well to other authorities in the Council's CIPFA group.

For the year to 31st December 2003, the figures indicated that nationally, 73% of all planning applications had been determined within eight weeks. This Council had determined 80% of its applications within eight weeks during this period which was better than six other Derbyshire authorities. It was also noted that the number of decisions made was only exceeded by Derby City Council.

New information had now been provided to the Committee relating to application site visits within 15 working days, permitted development enquiries answered within 10 working days and decision notices despatched within 2 days.

Members again expressed their gratitude to the staff within the planning department for their efforts in maintaining these excellent figures.

**RESOLVED:-**

***That the report be noted.***

DC/130. **PUBLIC HEALTH ACT 1925, SECTION 17**  
**STREET NAMING**

(a) Newhall

It was reported that a new street name was required for a development under construction at Wood Lane/rear of Bretby Business Park, Newhall. The suggested names were "Bretby Heights", "Bretby Rise", "Wood Heights", "Wood Rise" and "The Heights" which had been submitted by the Developer. The Royal Mail had no objections to any of the suggested names.

**RESOLVED:-**

***That, in accordance with the provisions of Section 17 of the Public Health Act 1925, no objections be raised to the above-mentioned suggested names.***

(b) Swadlincote

It was reported that a new street name was required for a development under construction on land off William Nadins Way, Swadlincote. The suggested names were “Josiah Ford Way” and “Wilfred Heape Way” and the Royal Mail had no objections to these names.

**RESOLVED:-**

***That, in accordance with the provisions of Section 17 of the Public Health Act 1925, no objections be raised to the suggested names.***

(Members requested consideration to be given to the allocation of a future street name after the late William Lord, a former Midway Ward Councillor and Chair of the Council.)

**DC/131. 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. The following items were noted:-

**Appeals Dismissed**

- (a) Enforcement Notice relating to the unauthorised storage of touring caravans at Seale Lodge Farm, Burton Road, Acresford on land outside the area permitted under planning application 9/2001/0055/U.
- (b) Outline application (all matters to be reserved) for a dwelling in the side garden of No.60 Yew Tree Cottage, Main Street, Ambaston.

**Appeal Allowed**

The erection of a 20 metre high mono-telecommunications pole, three antennas, one dish and one equipment cabinet on field off Arleston Lane, Stenson Fields – Councillor Shepherd expressed his disappointment at this decision.

**DC/132. 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) ***Removal of four trees closest to the north side of the building addressed as No. 8 Moira Road covered by South Derbyshire District Council Tree Preservation Order No. 217 at No. 8 Moira***

*Road, Woodville (9/2003/1503/TP) – reference was made to a further report of an independent structural engineer.*

- (b) Residential development including the erection of three detached dwellings, the conversion of Eureka Lodge to six flats and extension to provide two flats and an apartment block of three flats with access from Shelley Road (flats) and Newhall Road (houses) at Eureka Lodge, Newhall Road, Swadlincote (9/2004/0073/M) – subject to an additional condition to control the timing of deliveries to the site during construction. Reference was made to additional correspondence from the applicant company relating to a bat report and the County Highways Authority.*
- (c) Extension to existing manege at Mill Farm, Porters Lane, Findern (9/2004/0223/F).*
- (d) Outline application (all matters to be reserved) for the erection of a detached dwelling in the garden at No. 17 Station Road, Melbourne (9/2004/0271/O).*

DC/133. **APPLICATIONS DEFERRED FOR SITE VISITS**

**RESOLVED:-**

- (1) That consideration of the following applications be deferred for the reasons indicated to enable Members of the Committee to visit the sites prior to the next Meeting:-*
  - (a) The erection of a two-storey side extension and detached single garage at No. 60 Lullington Road, Overseal (9/2004/0036/FH) – to assess the objections raised by the Parish Council.*
  - (b) The provision of new floodlights and external lighting at Crewe and Harpur Arms, Derby Road, Swarkeston (9/2004/0214/F) and (9/2004/0215/L) – to assess the impact of the lighting.*
  - (c) The display of an illuminated double sided pole sign at Crewe and Harpur Arms, Derby Road, Swarkeston (9/2004/0321/A) and (9/2004/0322/L) – to assess the impact of the illuminated sign. Reference was made to the receipt of a petition objecting to the proposal.*
- (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.*

DC/134. **THE ERECTION OF A BUNGALOW AND DETACHED GARAGE AT FARM BUILDINGS AT CEDAR FARM, DALBURY LEES (9/2004/0048/F)**

**RESOLVED:-**

*That, contrary to the recommendation, planning permission be refused as the proposal is considered contrary to Housing Policy HI of the emerging Local Plan by virtue of the green field site location together with an excess of more than two dwellings on the site*

DC/135. **THE RAISING OF GROUND LEVEL TO PROVIDE A PARKING/PLAY AREA TOGETHER WITH THE ERECTION OF A DETACHED DOUBLE SECTIONAL GARAGE AT FORMER CASTLE VIEW SERVICE STATION, UTTOXETER ROAD, FOSTON (9/2004/0138/F)**

Reference was made to additional correspondence from the Parish Council.

**RESOLVED:-**

*That planning permission be refused for the reason set out in the report of the Planning Services Manager.*

DC/136. **THE ERECTION OF A GARDEN STORE AND EXTENSION OF RESIDENTIAL CURTILAGE AT NO. 3 WALNUT CLOSE, BURNASTON (9/2004/0222/U)**

**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, including any legal proceedings, be taken under the provisions of Section 172 of the Town and Country Planning Act 1990 (as amended) to secure the incorporation of the material tipped on the land into land within the ownership of the applicants or its removal.*

DC/137. **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 HARTSHORNE (Paragraphs 12 and 14)**

***The Committee authorised the institution of legal proceedings in respect of the felling of trees at Hartshorne within a Tree Preservation Order.***

W. DUNN

CHAIR