

DEVELOPMENT CONTROL COMMITTEE

10th February 2004

PRESENT:-

Labour Group

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

Conservative Group

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

[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/106(b)

Councillor Bell - Minute No. DC/107(a)

Councillor Harrison

Councillor Jones - Minute No. DC/107(a)]

APOLOGIES

Apologies for absence from the Meeting were received from Councillors Bladen and Hood (Conservative Group).

DC/98. **MINUTES**

The Open Minutes of the Meetings held on 18th November and 16th December 2003 and 13th January 2004 were taken as read, approved as true records and signed by the Chair.

MATTERS DELEGATED TO COMMITTEE

DC/99. **SWADLINCOTE HERITAGE ECONOMIC REGENERATION SCHEME SUB-COMMITTEE**

The Committee considered the Minutes of the Meetings of the Swadlincote Heritage Economic Regeneration Scheme Sub-Committee held on 13th November and 18th December 2003.

RESOLVED:-

That the Minutes of the Meetings of the Swadlincote Heritage Economic Regeneration Scheme Sub-Committee held on 13th November and 18th December 2003, copies of which are attached to these Minutes at Annexes 'A' and 'B' respectively, be received and noted.

DC/100. **DEVELOPMENT CONTROL STATISTICS FOR THE SECOND QUARTER OF 2003/04 (JULY TO SEPTEMBER)**

It was reported that statistics had recently been released by the Government setting out the speed of decision making of local planning authorities in England for the quarter ending 30th September 2003. These revealed that

nationally, 73% of all planning applications had been determined within a period of eight weeks, which represented a rise of 8% on the corresponding quarter in 2002. This Council had determined 79% of its applications within eight weeks during this period and was positioned fourth in Derbyshire for the quarter. The figure also compared well to other authorities in the Council's CIPFA group.

For the year to 30th September 2003, the figures indicated that nationally, 73% of all planning applications had been determined within eight weeks. This Council had determined 79% of its applications within eight weeks during the year, which was better than four authorities in Derbyshire. However, the number of decisions made was only exceeded by Derby City Council.

RESOLVED:-

That the report be noted.

DC/101. **NON-COMPLIANCE WITH UNTIDY SITE NOTICE – LAND AT NO. 25 STATION STREET, CASTLE GRESLEY**

It was reported that following the service of a Notice under the provisions of Section 215 of the Town and Country Planning Act 1990 to secure the tidying of land at the above property, a site inspection after the period allowed for compliance revealed that no action had been taken. The owner had been given an opportunity to provide details of any circumstances that may have precluded action but no response had been received.

RESOLVED:-

That, subject to the Legal and Democratic Services Manager being satisfied with the availability of the necessary evidence, legal proceedings be instituted in respect of non-compliance with the Untidy Site Notice.

DC/102. **PUBLIC HEALTH ACT 1925, SECTION 17 STREET NAMING**

(a) Church Gresley

It was reported that a new street name was required for a development under construction on land off Gresley Wood Road, Church Gresley. The suggested name was "Hall Wood Close" and the Royal Mail had no objections.

RESOLVED:-

That, in accordance with the provisions of Section 17 of the Public Health Act 1925, no objections be raised to the suggested name "Hall Wood Close".

(b) Overseal

It was reported that a new street name was required for a development under construction on land adjoining No. 21 Alexandra Road, Overseal. The suggested name was "Alexandra Court" and the Parish Council and the Royal Mail had no objections.

RESOLVED:-

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

DC/103. **TREE PRESERVATION ORDER NO. 212 – LAND AT NO. 23 CHELLASTON LANE, ASTON-ON-TRENT**

It was reported that the Chair had approved consideration of this matter as urgent, as the Order had to be confirmed, or otherwise, prior to the next Meeting. The Provisional Order had been made on 20th August 2003, following a request by the owner who considered that the tree was under threat from works undertaken by a neighbour. The Order related to a mature ash tree, which was felt to have significant individual amenity value when viewed from Chellaston Lane.

The owner of the adjoining property had objected to the Order and his comments were outlined to Members. The Council’s consultant Arboriculturist had commented on the objections, advising that the tree was set in a large garden and was not regarded as a safety risk. The wall had cracked due to direct damage by the tree trunk and it would need to be re-built in this area. If it was re-built, provision could be made to prevent any further damage from the tree. The tree could be seen from the adjacent road and from surrounding houses and had amenity and wildlife value. There was also no evidence of any significant disease.

The neighbour would be entitled to submit an application under the terms of the Order for consent to undertake works and the Order would not prevent proper consideration of safety issues. In the event of the tree being dangerous, it would be lawful to undertake emergency works and the Order would not have any direct impact on the issues of safety, damage and nuisance raised by the owner.

RESOLVED:-

That the Order be confirmed without modification.

DC/104. **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) The erection of an extension to the south side of Singh Newsagents, No. 194 Station Road, Hatton.
- (b) The pruning of a lime tree covered by Tree Preservation Order No. 160 at No. 3 St. James Court, Swarkestone.

DC/105. **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 formation of a silage clamp at Cromwell House Farm, Boggy Lane, Church Broughton (9/2003/0965/F)***
- (b) The erection of a new temple on the old swimming pool site at Tara Buddhist Centre, Ashe Hall, Ash Lane, Etwall (9/2003/1347/M) – subject to an additional condition requiring fencing to protect appropriate trees. Reference was made to additional correspondence from the County Council's Arboriculturist.***
- (c) The felling of a horse chestnut tree protected under South Derbyshire District Council Tree Preservation Order No. 198 at No. 89 Chestnut Avenue, Midway (9/2003/1358/TP).***
- (d) The erection of a two-storey extension to provide 11 bedrooms to the rear of The Melbourne Arms, Ashby Road, Melbourne (9/2003/1509/F).***
- (e) The erection of a two-storey extension to provide 11 bedrooms to the rear of The Melbourne Arms, Ashby Road, Melbourne (9/2003/1497/L) (Listed Building Consent).***
- (f) Substitution of house types on plots four and seven on land to the east of Lawn Avenue, Etwall (9/2004/0001/F) – reference was made to additional correspondence from the Parish Council.***

(Councillor Lemmon declared a prejudicial interest in this application and withdrew from the Meeting during the consideration and determination thereof).

DC/106. **PLANNING REFUSALS****RESOLVED:-**

That the following applications be refused for the reasons set out in the reports of the Planning Services Manager and to any matters annotated:-

- (a) The variation of condition no. 5 of 9/0589/0271 to permit shooting for four hours on alternative Sundays at Lowes Shooting Ground, Lowes Lane, Swarkestone (9/2003/0319/F).***

(Councillors Ford and Mrs. Wheeler declared personal interests in this application.)

- (b) The erection of a second-storey extension at No. 2 Barrons Court, Elvaston (9/2003/0981/FH).***

- (c) *The erection of an agricultural dwelling together with the installation of four fish breeding/growing ponds and breeding shed at Springwood Fisheries, Ashby Road, Melbourne (9/2003/1450/F) – reference was made to additional correspondence from the Melbourne Civic Society.*

DC/107. **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 bedroom dwelling, the erection of a garage and stables and the blocking of Rose Lane to Main Street and opening Rose Lane to Ingleby Lane, Slade House, Rose Lane, Ticknall (9/2003/0999/U) – to assess the impact on the surrounding area and the Conservation Area. Reference was made to additional correspondence from a neighbour.*
- (b) *The erection of a garden wall at No. 15 Fishpond Lane, Egginton (9/2003/1384/FH) – to assess the impact of the proposed wall.*
- (c) *The erection of a new farm building and greenhouse together with relocation of mobile homes at Bridge Farm, Barrow-on-Trent (9/2003/1510/F) – to assess the impact of massing on the site and the surrounding area. Reference was made to additional correspondence from a neighbour.*

(Councillor Atkin declared a prejudicial interest in this application and withdrew from the Meeting during the consideration and determination thereof).

- (d) *The reconstruction of the former blacksmith's cottage at The Gables, Ingleby, Stanton-by-Bridge (9/2003/1435/F) – to assess the impact of the proposal on the surrounding area.*
- (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/108. **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.

MINUTES

The Exempt Minutes of the Meetings held on 18th November and 16th December 2003 were received.

W. DUNN

CHAIR