

DEVELOPMENT CONTROL COMMITTEE

16th December 2003

PRESENT:-

Labour Group

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

Conservative Group

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

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

Councillor Isham

Councillor Taylor - Minutes Nos. DC/86 and DC/87

Councillor Mrs. Wheeler - Minute No. DC/76(a)]

APOLOGIES

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

DC/75. **REPORT OF MEMBER**

Councillor Whyman expressed concern at the lack of progress on landscaping works at Tetron Point, Swadlincote, in particular on the approach into Swadlincote from William Nadins Way. He referred to a condition on the grant of planning permission relating to the provision of landscaping but considered that little works had been undertaken on the periphery of the site. The Planning Services Manager advised Members that a comprehensive landscaping management plan had recently been received which indicated structured tree planting on the periphery of the site to be undertaken during the current planting season. The Company had confirmed that it had encountered difficulties in attracting an operator to manage the golf course as a going concern and Meetings were ongoing in this regard. Members requested that all efforts be made to enforce the conditions of the planning permission relating to landscaping and a further report may be required relating to progress on the golf course.

Arising from the above matter, Councillor Southern also expressed concern at mud and clay on William Nadins Way in connection with adjacent development and the Planning Services Manager advised that the County Council and the Police had been notified in this regard. Road sweeping had also been undertaken to attempt to improve the situation.

MATTERS DELEGATED TO COMMITTEEDC/76. **SITE VISITS**

- (a) The Erection of a Detached Garage and a Building to provide Self Contained Living Accommodation at No. 87 Main Street, Milton (9/2003/1123/F)

Further to Minute No. DC/70 of 18th November 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 applicant.

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 18th November 2003 and to condition No. 4 being clarified.

- (b) The formation of a Silage Clamp at Cromwell House Farm, Boggy Lane, Church Broughton (9/2003/0965/F)

Further to Minute No. DC/70 of 18th November 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 the application be deferred further to enable negotiations to be held with the applicants to attempt to secure an alternative location further away from the properties on Broughton Close.

DC/77. **DEVELOPMENT CONTROL STATISTICS FOR THE FIRST QUARTER OF 2003/04 (APRIL TO JUNE 2003)**

It was reported that statistics had recently been released by the Government on the speed of decision making of Local Planning Authorities in England for the quarter ending 30th June 2003. These indicated that nationally, 72% of all planning applications had been determined within eight weeks, representing a rise of 5% on the corresponding quarter in 2002. This Council had determined 76% of its applications in eight weeks within this quarter and was positioned fourth in Derbyshire. The figure also compared well to other authorities in the Council's CIPFA Group.

In the year to 30th June 2003, the figures indicated that nationally, 72% of all planning applications had been determined within eight weeks. This Council had determined 76% of its applications within this period which was better than four authorities in Derbyshire but it was noted that the number of decisions made was only exceeded by Derby City Council.

Members again expressed their gratitude to the Officers concerned for their ongoing efforts in achieving the figures outlined above.

DC/78. **UNAUTHORISED PAINTING OF THE EXTERIOR WALLS OF APRIL COTTAGE, NO. 19 POTTER STREET, MELBOURNE**

It was reported that following a complaint received, site inspections were undertaken at the above property, which was a semi-detached cottage situated within Melbourne Conservation Area and affected by the Melbourne Article 4 Direction. This Direction removed specified 'permitted development' rights, one of which related to external painting, in the interests of maintaining the special architectural and historic character of the area.

It was noted that the exterior walls of the dwelling had been painted lime green, which did not appear in the approved schedule of external finishes listed in Section 7 of the Supplementary Planning Guidance Note relating to the Article 4 Direction. The owners of the property had been contacted and advised of the requirements of the Direction but had claimed that they were in receipt of advice that the property was not situated within the area covered by the Direction. Accordingly, they considered that they had acted correctly within the parameters of the advice provided.

Notwithstanding any allegations to the contrary, the property was clearly situated within the confines of the Melbourne Article 4 Direction, as indicated on a plan circulated to Members. By virtue of its inappropriate appearance, the painting of the walls was in contravention of Environment Policy 9 of the Derby and Derbyshire Joint Structure Plan, Environment Policy 12 of the adopted South Derbyshire Local Plan and Policy ENV 20 of the Revised Deposit Draft South Derbyshire Local Plan.

RESOLVED:-

That an Enforcement Notice be issued requiring the exterior walls of the dwelling to be painted a colour from within the range specified in Section 7 of the Supplementary Planning Guidance Notes relating to the Melbourne Article 4 Direction within a period of six months from the effective date of the Notice.

DC/79. **UNAUTHORISED PRUNING OF PROTECTED TREES – THE HILL HOUSE, SINFIN LANE, BARROW-ON-TRENT**

It was reported that following a complaint received, a site inspection undertaken by the Council's retained Arboriculturist and Landscape Architect had revealed that nine trees forming part of the eastern side of an avenue lining the access roadway to the above property had been pruned, allegedly to permit the free flow of service and other vehicles visiting the property. The avenue of trees was protected by South Derbyshire Tree Preservation Order No. 17 dated 4th August 1980.

The pruning work undertaken was generally of a minor nature, taking the form of crown raising and whilst its quality was relatively poor, it was not bad enough to kill the trees. However, there was a large square pruning wound to a horse chestnut tree and certain stubs remaining that could allow infection into the tree, if left extant. The owner's representative had stated that the work was incomplete at the time of the visit and that the owner was unaware that an application was required solely for maintenance purposes. If an

application had been submitted, it was likely that it would have been permitted.

It was clear that unauthorised work had been undertaken on the protected trees without notification to the Local Planning Authority and although the work was generally of a minor nature, it still constituted an offence. In addition, some work had been undertaken in a relatively poor manner which could prove detrimental to the health of the trees in the long term.

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 the unauthorised work undertaken on the protected trees.

DC/80. **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:-

Appeal Allowed

The removal of Conditions Nos. 1 and 2 (to permit unrestricted occupancy of the site) of planning permission 9/988/663 at Blue Post Caravan at Burton Road, Egginton.

Appeals Dismissed

- (a) The erection of a detached house and two detached garages at No. 1 Burton Road, Castle Gresley.
- (b) The erection of a detached dwelling on land forming part of the side garden of No. 15 Canal Bridge, Willington.
- (c) The erection of one detached dwelling and garage on land adjoining No. 79 Ashby Road East, Bretby.

DC/81. **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 replacement reservoir at Smisby Reservoir, Heath Lane, Boundary (9/2003/1140/F) – reference was made to the receipt of an amended landscaping scheme with additional tree planting.***
- (b) The erection of a two storey extension and formation of a new access at No. 59 Main Street, Hilton (9/2003/1160/FH).***

- (c) Outline application (all matters to be reserved) for the erection of a dwelling on land adjoining No. 149 Hillside Road, Linton (9/2003/1171/O).**
- (d) Conversion/extension to form 10 units comprising of four houses and eight apartments at Longlands Hotel, Longlands Lane, Findern (9/2003/1182/M).**

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

- (e) The erection of a building for the sale of motor vehicles and agricultural supplies, equipment and machinery and repairs and servicing associated with the uses at Etwall Garage, Derby Road, Etwall (9/2003/1195/F).**
- (f) The siting of a modular building to provide a classroom and toilet facilities at The Paddocks, Highfield Farm, Heage Lane, Etwall (9/2003/1215/F).**
- (g) Outline application (all matters to be reserved except for siting and means of access) for the erection of a single dwelling at Foston Mill Farm, Church Broughton (9/2003/1231/O).**
- (h) Outline application for the erection of four log cabins with associated amenity space and access (all matters except siting and means of access to be reserved) on land to the south of Rosliston Forestry Centre, Burton Road, Rosliston (9/2003/1299/O) – subject to the imposition of an additional condition to secure tourist accommodation only. Reference was made to additional correspondence from the Parish Council and a neighbour.**
- (i) Approval of reserved matters of application 9/2000/1109 for the erection of twenty-five dwellings on land at Butt Farm, High Street, Woodville (9/2003/1303/F) – reference was made to additional correspondence from the County Highways Authority and amended plans from the applicant company.**
- (j) The erection of a lean-to storage building at The Byre, Gunby Hill, Netherseal (9/2003/1304/FH) – reference was made to additional correspondence from the Parish Council and a neighbour.**
- (k) Outline application (all matters to be reserved except for means of access) for the erection of two semi-detached dwellings on land to the north of Percy Wood Close, Hilton (9/2003/1309/O) – subject to condition No. 2 being amended to secure the boundary and landscaping of the access drive in the interests of the safety of elderly local residents.**
- (l) Variation of condition No. 6 of planning permission 9/2000/0602/U to allow for permanent residential use at Workshop adjoining No. 24 Mill Green, The Wharf, Shardlow (9/2003/1378/F) – subject to the Planning Services Manager being authorised to deal with any comments received during the period for response to the statutory notices.**

- (m) *The erection of one log cabin with associated amenity space and access at land to the south of Rosliston Forestry Centre, Burton Road, Rosliston (9/2003/1401/F).*

DC/82. **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 dwelling on land to the rear of Nos. 216-218 High Street, Newhall (9/2003/1211/F) – to assess the size of the plot.*
 - (b) *The erection of a dwelling at No. 3 Hill Street, Newhall (9/2003/1281/F) – to assess the size of the plot.*
 - (c) *Outline application (all matters to be reserved) for the erection of a three bedroomed bungalow at No. 2 Yew Tree Road, Hatton (9/2003/1319/O) – to assess the size of the plot.*
 - (d) *The erection of a detached house and garage on land at the rear of No. 2 Linton Road, Castle Gresley (9/2003/1250/F) – to assess the impact of the proposal. Reference was made to additional correspondence from the applicants' agent.*

(Councillor Bambrick declared a personal interest in this application)

- (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/83. **CHANGE OF USE FROM SHOP TO USE FOR THREE PRIVATE HIRE VEHICLES INCLUDING OFFICE AND WAITING ROOM AT NO. 121 HIGH STREET, NEWHALL (9/2003/1216/U)**

RESOLVED:-

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

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

DC/84. **PROPOSED LANDFILL AND RESTORATION TO AGRICULTURE OF OLD MINERAL WORKINGS USING INERT WASTE ON LAND TO THE SOUTH-EAST OF OAKLANDS FARM, COTON ROAD, WALTON-ON-TRENT (9/2003/0132/CW)**

RESOLVED:-

That the County Planning Authority be advised that this Council objects to the scheme due to the environmental impact of HGV movements on the local area, particularly the villages, which are not deemed to be warranted.

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

DC/85. **PROPOSED LANDFILL AND RESTORATION TO AGRICULTURE OF OLD MINERAL WORKINGS USING INERT WASTE MATERIALS ON LAND TO THE EAST OF OAKLANDS FARM, COTON ROAD, WALTON-ON-TRENT (9/2003/0133/CW)**

RESOLVED:-

That the County Planning Authority be advised that this Council objects to the scheme due to the environmental impact of HGV movements on the local area, particularly the villages, which are not deemed to be warranted.

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

DC/86. **PROPOSED CHANGE OF USE TO SCRAP METAL AND WASTE RECYCLING FACILITY AND ERECTION OF BUILDING FOR THE PROCESSING OF END OF LIFE VEHICLES AT THE PREMISES OF DONALD WARD, MOIRA ROAD, WOODVILLE (9/2003/0140/CW)**

RESOLVED:-

That the County Council be advised that this Council recommends the refusal of the application for the reasons set out in the report of the Planning Services Manager and an additional informative also be included relating to the presence of Japanese Knotweed on the site.

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

DC/87. **ERECTION OF BUILDING TO HOUSE WASTE MATERIALS RECYCLING ACTIVITY AT DONALD WARD, MOIRA ROAD, WOODVILLE (9/2003/0141/CW)**

RESOLVED:-

- (1) That the County Council be advised that this Council recommends the refusal of the application due to the detrimental impact on the visual amenity of the area and the increase in HGV movements.***
- (2) That, in the event of the County Council being minded to grant permission, this Council considers that boundary landscaping should be undertaken along Swadlincote Road.***

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

DC/88. **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.

NON-COMPLIANCE WITH CONDITION RELATING TO THE ERECTION OF TWO-STOREY EXTENSIONS (Paragraph 12)

The Committee agreed that no enforcement action be taken in respect of an issue concerning obscure glazing of windows on a rear extension.

TREE PRESERVATION ORDER NO 159 (1999) – SCROPTON (Paragraphs 12 and 14)

The Committee authorised the institution of legal proceedings relating to the felling of a protected tree, subject to the availability of the necessary evidence.

W. DUNN

CHAIR