OPEN

DEVELOPMENT CONTROL COMMITTEE

22nd March 2005

PRESENT:-

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

Conservative Group
Councillors Bale, Bladen, Ford and Lemmon.

Independent Member
Councillor 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/122(e)
Councillor Bell – Minute No. DC/116(a)
Councillor Jones –Minute No. DC/122(d)]

APOLOGIES

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

DC/115. **DECLARATIONS OF INTEREST**

Councillor Atkin declared a prejudicial interest in planning application 9/2005/0040/FH (Minute No. DC/117(a) as he farmed adjacent land, Councillor Shepherd declared a prejudicial interest in planning applications 9/2005/0141/F and 9/2005/0142/F (Minutes Nos. DC/123 and DC/124) as his election expenses were sponsored by the applicant company and Councillor Mrs. Walton declared a prejudicial interest in planning application 9/2005/0079/U (Minute No. DC/122(c) as she was known to the applicant.

DC/116. **REPORTS OF MEMBERS**

(a) Woodville Woodlands Development – Adoption of Highways

Councillor Bell queried whether the roads in phase one of this development were to be adopted. It was reported that as far as Officers were aware, following some relatively minor engineering re-designs, a Section 38 Agreement had been signed and therefore the roads would be adopted.

(b) Cranberry Foods, Scropton

Councillor Bale reported that putrid smells were evident in connection with this business. It was alleged that the company had been illegally pumping waste water onto adjacent fields and photos were circulated to Members. Councillor Whyman, M.B.E. supported the comments made and the Head of

Planning Services reported that although the current conditions of the planning permission had not been breached, the Head of Environmental Services could be advised of the serious concerns of the Committee. This course of action was agreed accordingly.

(c) Gypsy Encampment, Linton

Councillor Southern expressed his thanks to the Planning Officers for their prompt action in dealing with a gypsy encampment at Linton.

MATTERS DELEGATED TO COMMITTEE

DC/117. **SITE VISITS**

(a) The retention of windows in the garage approved under 9/2003/0480/FH at the Hill Lodge, Deep Dale Lane, Barrow-on-Trent (9/2005/0040/FH)

Further to Minute No. DC/113(b) of 1st March 2005, it was reported that Members of the Committee had visited the site prior to the Meeting. The Chair advised that the building under construction on the site bore no resemblance to the submitted plans. Consideration was given to the application and, it was,

RESOLVED:-

(1) That consideration of the application be deferred to enable the applicant company to resubmit amended plans reflecting the current construction.

(2) That any non-compliance on the site be investigated.

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

(b) The erection of five dwellings on plots 37-41, Phase 4 of the development at land between Nos. 145 and 153 Oversetts Road, Newhall (9/2004/1453/F)

Further to Minute No. DC/113(a) of 1st March 2005, 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 Head of Planning Services to the Meeting held on 1st March 2005.

DC/118. **TREE PRESERVATION ORDER NO. 230 – LAND AT NOS. 12 AND 14 ALDERSLADE CLOSE, ASTON-ON-TRENT**

It was reported that this Tree Preservation Order (TPO) was made on 14th October 2004 in respect of two Silver Birch trees located at Nos. 12 and 14 Alderslade Close, Aston-on-Trent. The Order was made as it was considered

that the two Silver Birches had a good amenity value, were well seen from the road, had a reasonable wildlife value and were therefore worthy of TPO status. The TPO had been made at the request of Aston-on-Trent Parish Council.

Comments had been received from the occupier of No. 12 Alderslade Close indicating that it was her intention to cut down the tree due to root disturbance to the surface of her tarmac drive and to the frequent necessity to prune the tree due to its proximity to adjacent telephone wires. In response to these comments, Officers advised that an application to fell or prune the trees would be considered on its own merits.

In conclusion, it was considered expedient in the interests of amenity to protect these two Silver Birch trees by a Tree Preservation Order. As the trees were located in the front garden of No.14 and on the driveway of No. 12 Alderslade Close respectively, they were considered to be of good amenity value within the Close. Applications to undertake works to the trees would be considered by the Authority in the interests of ensuring that the trees' amenity value to the area were not diminished.

It was reported that several days still remained in the consultation period relating to the Order.

RESOLVED:-

(1) That, subject to no new issues being raised within the remaining period of the consultation procedure, the Tree Preservation Order be confirmed without modification.

(2) That any new issues raised within the consultation period be delegated to the Head of Planning Services in consultation with the Chair of the Committee.

DC/119. **THE UNAUTHORISED USE FOR THE SITING OF RESIDENTIAL GYPSY CARAVANS, TEMPORARY STRUCTURES AND CHATTELS AND THE PARKING OF TOWING AND OTHER VEHICLES ON LAND TO THE NORTH SIDE OF UTTOXETER ROAD, HILTON**

It was reported that at the Meeting on 1st March 2005, the Committee refused planning permission 9/2004/1472/U to regularise the unauthorised use of land to the north of Uttoxeter Road, Hilton for the siting of residential gypsy caravans.

The decision notice was issued to the applicant on 8th March 2005 and a site inspection carried out on 10th March 2005 revealed that the caravans were still present on the land. The site therefore remained in unauthorised residential occupation, notwithstanding the issue of a refusal notice and accordingly, there was a clear and continuing breach of planning control.

RESOLVED:-

That all necessary action be taken under the provisions of Section 172 of the Town and Country Planning Act 1990 (as amended) to secure the cessation of the use of the land for the purposes of siting residential gypsy caravans, temporary structures and chattels and the parking of towing and other vehicles, the removal of hardstandings and the

restoration of the land to agricultural use within a period of three months.

DC/120. **REPORT OF THE HEAD OF PLANNING SERVICES**

The Head of Planning Services 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 reports were noted:-

Appeals Dismissed

(a) The erection of a detached bungalow in the side garden of Friary House, Hilton Road, Etwall (9/2003/1549).

(b) The conversion of the existing garage into a dwelling at No. 71 Barley Cottage, Ashby Road, Ticknall (9/2004/0141).

(c) Outline application (all matters except siting to be reserved) for the residential development of part of gardens at Nos. 1 and 2 The Green, Weston-on-Trent (9/2003/1550).

Appeal Allowed

Outline application (all matters to be reserved except for access) for the residential development of land to the rear of No.127 Station Road, Hatton (9/2004/0026).

DC/121. **PLANNING APPROVALS**

RESOLVED:-

That the following applications be granted, subject to the conditions set out in the reports of the Head of Planning Services and to any matters annotated:-

(a) The construction of temporary site offices and welfare units (for construction of new sewers in the area) with associated car parking on existing hardstand at land to the West of Stenson Road, Stenson (9/2004/1595/F) – reference was made to an e-mail received from the Environmental Health Officer and a subsequent response from the applicant company.

(b) The use of the premises as a call centre for drain clearance company and the retention of gate at No. 61 Derby Road, Melbourne (9/2005/0014/U) – subject to an additional condition stipulating that no plant or machinery is to be brought to the site and to condition No. 2 being amended to require the painting of the gate. It was reported that Councillor Harrison had no objections to this application.

DC/122. **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) Outline application (all matters to be reserved) for residential development with access off James Street (involving narrowing part of James Street) at land to the rear of No. 477a Burton Road, Midway (9/2004/1212/O) – to assess the impact on highway safety. Reference was made to correspondence received from two neighbours.

(b) The erection of an extension at The Abbatoir, Church Broughton Road, Foston (9/2004/1628/F) – to assess the implications of the proposal together with the landscaping shielding the site from the A511 and those issues raised by local residents.

(c) The change of use from agricultural building to warehouse/storage with car parking and service area at Newlands Farm, Hatton Fields, Hilton (9/2005/0079/U) – to assess the impact on the countryside and as far as possible, further details of the proposed use and the impact also be clarified.

(Councillor Mrs. Walton declared a prejudicial interest in this application as she was known to the applicant and withdrew from the Meeting during the consideration and determination thereof.)

(d) The erection of a dwelling, the blocking of Rose Lane to Main Street and opening Rose Lane to Ingleby Lane and provision of a turning head on Rose Lane at Slade House, Rose Lane, Ticknall (9/2005/0089/F) – to assess the impact on highway safety. Reference was made to correspondence from the County Highways Authority.

(e) The change of use from farm land into a drive and garden at Cuttlebridge Cottage, Derby Road, Swarkestone (9/2005/0168/U) – to assess the impact on the countryside together with public safety issues.

(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/123. **THE ERECTION OF A NEW CONVENIENCE STORE AND A3 UNIT AT GREENFIELD STORE SERVICE STATION, MAIN STREET, ROSLISTON (9/2005/0141/F)**

RESOLVED:-

(1) That, contrary to the recommendation, planning permission be refused on the grounds of highway safety.

(2) That an informative be included advising that the Council is willing to negotiate in respect of the redevelopment of the site.

(Councillor Shepherd declared a prejudicial interest in this application as his election expenses were sponsored by the applicant company and withdrew from the Meeting during the consideration and determination thereof.)

DC/124. **THE DEMOLITION OF THE EXISTING STORE AND THE ERECTION OF TWO 4 BEDROOM HOUSES AT GREENFIELD STORE SERVICE STATION, MAIN STREET, ROSLISTON (9/2005/0142/F)**

RESOLVED:-

(1) That, contrary to the recommendation, planning permission be refused on the grounds of the loss of the neighbourhood shop.

(2) That an informative be included advising that the Council is willing to negotiate in respect of the redevelopment of the site.

(Councillor Shepherd declared a prejudicial interest in this application as his election expenses were sponsored by the applicant company and withdrew from the Meeting during the consideration and determination thereof.)

DC/125. **SITE VISITS PRIOR TO FUTURE MEETINGS**

Following a discussion, the Committee approved an amended procedure for requesting site visits prior to future Meetings. This would involve a system whereby Committee Members could request a site visit prior to the Meeting, following receipt of the agenda. All Members of the Council would be advised accordingly.

W. DUNN

CHAIR

The Meeting terminated at 7.10 p.m.