

DEVELOPMENT CONTROL COMMITTEE

24th July 2001

PRESENT:-

Labour Group

Councillor Brooks (Chair) and Councillors Bambrick, Dunn, Ford, Rose, Southerd, Southern and Whyman.

Conservative Group

Councillors Bale, Bladen, 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 Carroll – Minute No. DC/18(c)

Councillor Lemmon – Minutes Nos. DC/11, DC/17(c) and DC/18(b)

Councillor Mrs. Wheeler – Minutes Nos. DC/15, DC/17(l) and DC/22)

APOLOGY

An apology for absence from the Meeting was received from Councillor Shepherd (Labour Group).

DC/1. **APPOINTMENT OF VICE-CHAIR**

RESOLVED:-

That Councillor Dunn be appointed Vice-Chair of the Committee for the ensuing year.

DC/2. **MINUTES**

The Open Minutes of the Meetings of the Development Control Sub-Committee held on 8th May and 29th May 2001 were taken as read, approved as true records and signed by the Chair.

DC/3. **REPORT OF MEMBER**

Councillor Southern retracted comments made at the last Meeting in connection with planning applications at Brandons Poultry Limited, Hollybank Farm, Scropton Road, Scropton.

MATTERS DELEGATED TO COMMITTEE

DC/4. **SITE VISIT**

The proposed residential development comprising of the erection of 33 dwellings (Phase 4) on land at Hospital Lane, Mickleover (9/2000/0277/D)
Proposed residential development comprising of 33 new dwelling houses known as Phase 4 on land at Hospital Lane, Mickleover (9/2000/0290/D)

Further to Minute No. DC/6 of 26th June 2001, it was reported that Members of the Committee had visited the site prior to the Meeting. The Committee considered a supplementary report and reference was also made to further letters from the applicant company.

RESOLVED:-

That planning permission 9/2000/0277/D and 9/2000/0290/D be granted, subject to the conditions set out in the report of the Planning Services Manager to the Meeting held on 26th June 2001 and to the additional condition relating to levels set out in the supplementary report.

DC/5. **TOWN AND COUNTRY PLANNING ACT 1990, SECTION 215**
UNTIDY SITES

(a) Passageway Separating Nos. 19 and 23 High Street, Swadlincote

It was reported that following a complaint received, site inspections had been carried out at the above location, which consisted of a covered passageway separating a retail unit and a financial services office. The passageway provided access to an open area of land at the rear of High Street, which was currently used mainly for car parking purposes to serve the adjoining and other retail establishments. The site inspection had revealed several accumulations of litter along the margins of the passage and although the owner had been contacted, no action had been taken to remove the litter.

The passageway was not prominent and the amount of litter currently on the site was relatively insignificant. However, with the unrestricted access, it was possible that without appropriate maintenance, the condition of the land could deteriorate to a point where formal action could be justified.

RESOLVED:-

That no action be taken on the matter at the present time but the site be monitored regularly during the next six months and if necessary, a further report be submitted to the Committee in due course.

(b) Land at No. 45 Nelson Street, Swadlincote

It was reported that following a complaint received, site inspections at the above property had revealed that an old bed and mattress were in evidence in the front garden. The occupier had been contacted but had taken no action to remove these items.

However, Members were now advised that since the preparation of the report, the items had been removed and no further action was necessary.

RESOLVED:-

That no further action be taken on the matter.

(c) Land at No. 167 Oversetts Road, Newhall

It was reported that following a complaint forwarded by the Environmental Health Department, site inspections at the above property had revealed that the rear of the house was insecure and the rear yard and part of the garden was badly affected by an accumulation of domestic rubbish, including an old cooker. The remainder of the garden area was also badly affected by overgrown grass and weed. The owner had been contacted but had taken no action to improve the appearance of the property, which had a materially adverse effect on the amenities of surrounding properties.

RESOLVED:-

That an Untidy Site Notice be served under the provisions of Section 215 of the Town and Country Planning Act 1990 requiring the removal of the domestic and all other rubbish, the cutting and clearing of the overgrown grass and weed from the rear garden and the maintenance of the land in a tidy condition.

DC/6. **TOWN AND COUNTRY PLANNING ACT 1990, SECTION 172 (AS AMENDED)**
ENFORCEMENT ACTION - UNAUTHORISED FENCE ON THE FRONTAGE AND PART OF THE FLANK BOUNDARIES OF THE FRONT GARDEN AT NO. 1 LONG ROW, SHARDLOW

It was reported that following a complaint received, site inspections at the above property had revealed that a timber close-boarded fence in excess of one metre in height had been erected on the frontage of the property. The fence was marginally in excess of two metres in height for part of its length on the flanks of the garden. An application to retain the fence had been refused under delegated powers on 18th April 2001 and no appeal against this decision had yet been lodged, although the applicant had a period of six months from the date of the decision to do so. At the present time, the fence remained extant.

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 a reduction in the height of the fence adjoining the highway to a height not exceeding one metre and a reduction on the flanks of the garden to a height not exceeding two metres.

DC/7. **UNAUTHORISED DISPLAY OF FASCIA SIGN AT THE FRONT OF THE CAFÉ AT NO. 7 WEST STREET, SWADLINCOTE**

It was reported that these premises formed the central unit of a range of retail units fronting The Delph, Swadlincote and had recently been converted into a café. The property was situated within Swadlincote Conservation Area and a site inspection had revealed that a fascia sign displayed in connection with the use was both appreciably larger than those displayed on the adjoining units and contained a character materially in excess of 0.75 metre in height. Accordingly, the sign required the consent of the Council to be displayed. The occupier of the property had been advised of the situation but no action had been taken to either remove or modify the sign or to submit a regularising application for express consent for its retention.

It was considered that the display of the advertisement was harmful to the appearance of Swadlincote Conservation Area due to its inappropriate design and size, contrary to development plan policies.

RESOLVED:-

That legal proceedings be instituted to secure the removal of the sign, subject to the Legal and Members' Services Manager being satisfied as to the availability of the necessary evidence.

DC/8. **PUBLIC HEALTH ACT 1925, SECTION 17**
STREET NAMING – BRETBY

It was reported that street names were required for the development under construction in the grounds of the former Bretby Hospital. The suggested names were “Lakeside Court”, “Carnarvon Court” and “Park Row”, which were acceptable to the Post Office. However, the Parish Council preferred “Carnarvon Court” and “Park Row”.

RESOLVED:-

That, in accordance with the provisions of Section 17 of the Public Health Act 1925, the names “Carnarvon Court” and “Park Row” be preferred by this Council.

DC/9. **REPORT OF THE PLANNING SERVICES MANAGER**

The Planning Services Manager submitted reports for consideration and determination by the Sub-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/10. **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 conversion of agricultural buildings to create three domestic dwellings at Park Farm, Repton (9/2001/0085/F) – subject to an additional condition requiring the provision of passing places on the access road in accordance with a request by the County Highways Authority.***
- (b) The retention of a field shelter/hay store on land forming part of O.S. Field No. 1660, Main Road, Elvaston (9/2001/0253/F).***
- (c) The demolition of the existing lodge and the erection of a two storey building with associated parking to provide corporate headquarters at Bakum Lodge, Etwall Road, Burnaston***

- (9/2001/0363/F) – reference was made to a letter from the applicant company.**
- (d) The extension and conversion into a dwelling of the garage at Crimond, Scropton Road, Scropton (9/2001/0376/U).**
 - (e) The formation of a new access and menage, the erection of a stable block, the conversion into a dwelling of the stable to the north east of Mill House without complying with condition no. 7 of planning permission 9/1096/0544/F issued on 11th December 1996 and the extension and alteration of the stable, Mill House, Repton Road, Hartshorne (9/2001/0386/F).**
 - (f) Single storey rear extension to form library and IT resource room, spiral staircase and porch to baby unit entrance at Woodend Day Nursery, No. 136 Main Street, Repton (9/2001/0397/F).**
 - (g) The erection of a conservatory at No. 31 West End Drive, Shardlow (9/2001/0459/F).**
 - (h) The erection of a two-storey extension and alterations at Mill House, Repton Road, Hartshorne (9/2001/0462/F) – reference was made to a letter from the Parish Council.**
 - (i) The retention of a single-storey building at Foston Farm Produce, Hay Lane, Foston (9/2001/0463/F).**
 - (j) The erection of one detached dwelling on land at the rear of Nos. 56-64 High Street, Melbourne (9/2001/0478/F).**
 - (k) The erection of a two-storey extension and a detached garage at No. 28 Brook Road, Thulston (9/2001/0492/F) – subject to the imposition of an informative requiring the bridge to be build to a specification that would be agreeable to the Environment Agency and which would not prevent the free flow of the brook in times of flood.**
 - (l) The variation of condition no. 3 of planning permission 9/988/585 as amended under planning permission 9/0598/0014/R to permit the parking of six heavy goods vehicles at the premises of Hornsby Plant Hire, The Yard, Middle Place, Sunnyside, Newhall (9/2001/0497/R).**
 - (m) The conversion of outbuilding to dwelling at No. 45 Main Street, Milton (9/2001/0521/U).**
 - (n) The retention of a pergola attached to rear of dwelling at No. 35 Oxford Street, Church Gresley (9/2001/0526/F) – subject to the imposition of a condition requiring the pergola to remain as an open structure.**
 - (o) The erection of a detached garage and an extension at No. 61 Swarkestone Road, Barrow-on-Trent (9/2001/0543/F).**

DC/11. **APPLICATIONS DEFERRED FOR SITE VISITS****RESOLVED:-**

(1) That consideration of the following applications be deferred for the reasons outlined to enable Members of the Committee to visit the sites prior to the next Meeting:-

(a) Erection of a dwelling and attached garage in substitution of planning permission 9/0698/0263/F on land to the south of No. 42 Weston Road, Aston-on-Trent (9/2001/0401/F) – due to concern at the close proximity of the proposal to the neighbouring dwelling. Reference was made to a letter from the Parish Council.

(b) The renewal of planning permission 9/0698/0202/F for the retention of a mobile home at No. 2a Jacksons Lane, Egginton Road, Etwall (9/2001/0488/R) – due to the location of the proposal within a group of buildings.

(c) The erection of a detached garage/workshop at the rear of the premises of J. Parkinson Pharmacy, No. 1 Potter Street, Melbourne (9/2001/0144/F) – to assess the impact on the highway.

(Councillor Brooks declared a non-pecuniary interest in this application and withdrew from the Meeting during the consideration and determination thereof – Councillor Dunn (Vice-Chair) assumed the Chair for the item).

(d) The erection of a detached house on land at No. 2a Jacksons Lane, Egginton Road, Etwall (9/2001/0500/F) – due to the location of the proposal within a group of buildings.

(e) The erection of a two-bedroomed bungalow at Hilton Primary School, Uttoxeter Road, Hilton (9/2001/0511/F) – to assess the impact of the house in the countryside in relation to a brownfield site. Reference was made to a further letter of objection.

(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/12. **OUTLINE APPLICATION FOR TWO DWELLINGS (ALL MATTERS RESERVED) AT THURVASTON FARM, DALBURY LEES (9/2001/0400/O)**

Members of the Committee had visited the site prior to the Meeting.

RESOLVED:-

That planning permission be refused for the reasons set out in the report of the Planning Services Manager and to the incorporation of Policy EV8 into the reasons for refusal.

DC/13. **THE ERECTION OF AN EXTENSION TO THE GARAGE AND A 2 METRE HIGH BOUNDARY WALL IN SUBSTITUTION FOR THAT PERMITTED UNDER PLANNING PERMISSION 9/2000/1094/F AT NO. 2 TULLA CLOSE, STENSON FIELDS (9/2001/0564/F)**

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 be taken under the provisions of Section 172 of the Town and Country Planning Act 1990 (as amended) to secure the reduction in the height of the wall as approved under planning permission 9/2000/1094/F.*

DC/14. **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.

WORKS TO PROTECTED OAK TREE AT BRETBY (Paragraphs Nos. 12 and 14)

The Committee agreed that a further report be submitted on the available evidence in respect of works to a protected Oak tree at Bretby.

UNAUTHORISED FELLING OF AN ASH TREE AT SWADLINCOTE (Paragraphs Nos. 12 and 14)

The Committee authorised the institution of legal proceedings in respect of the felling of a protected Ash tree at Swadlincote, subject to the Legal and Members' Services Manager being satisfied as to the availability of the necessary evidence.

(Councillor Southern declared an interest in this matter and withdrew from the Meeting during the consideration and determination thereof).

CHAIR