

DEVELOPMENT CONTROL COMMITTEE

13th January 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, 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

Councillor Lauro - Minute No. DC/92(a)

Councillor Shaw - Minutes Nos. DC/96(g) and 96(h)]

DC/91. **REPORT OF MEMBER**

(a) Land at Cauldwell Road, Linton

Councillor Southern expressed his gratitude to the appropriate staff in the Planning and Legal Divisions for their speedy response in connection with the Enforcement Notice relating to the unauthorised siting of gypsy caravans on land at Cauldwell Road, Linton. The matter would now be the subject of court proceedings on 22nd January 2004.

(b) Landscaping at Tetron Point, Swadlincote

Further to Minute No. DC/75 of 16th December 2003, Councillor Whyman queried progress on this matter. The Planning Services Manager reported that the submitted landscaping scheme had been approved and was due to be implemented during February/March 2004. Councillor Whyman would be acquainted with details of the scheme.

MATTERS DELEGATED TO COMMITTEE

DC/92. **SITE VISITS**

(a) The Erection of a Detached House and Garage on land at the rear of No. 2 Linton Road, Castle Gresley (9/2003/1250/F)

Further to Minute No. DC/82 of 16th December 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:-

- (1) ***That, contrary to the recommendation, the applicants be advised that the Council agrees with the principle of development as it***

would not harm the location and would not appear unduly intrusive in the countryside and that the proposal is such as may be permitted, subject to appropriate conditions, as part of an Agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) to secure tree planting on that part of the application site to the rear of the dwelling and garden land.

- (2) *That the Chief Executive be authorised to conclude the Agreement on the above basis.***
- (3) *That the Planning Services Manager be authorised to determine appropriate conditions in consultation with the Chair and Vice-Chair of the Committee.***

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

- (b) The Erection of a Dwelling on land to the rear of Nos. 216 and 218 High Street, Newhall (9/2003/1211/F)**

Further to Minute No. DC/82 of 16th December 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's agent.

RESOLVED:-

That, contrary to the recommendation, planning permission be refused as the application site is too small, does not comply with Supplementary Planning Guidance and would result in the loss of frontage garden space.

- (c) The Erection of a Dwelling at No. 3 Hill Street, Newhall (9/2003/1281/F)**

Further to Minute No. DC/82 of 16th December 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's agent.

RESOLVED:-

That, contrary to the recommendation, planning permission be refused as the application site is too small, does not comply with Supplementary Planning Guidance and the development would unacceptably diminish the street's character and increase vehicular activity, conflicting with its perceived function as a quiet pedestrian through route.

- (d) Outline Planning 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)**

Further to Minute No. DC/82 of 16th December 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, contrary to the recommendation, planning permission be refused as the application site is too small and the development would not relate to the pattern of development either on Yew Tree Road or Station Road.

DC/93. **UNAUTHORISED ERECTION OF DETACHED TRIPLE GARAGE - RIO VISTA, SWARKESTONE ROAD, WESTON-ON-TRENT**

It was reported that following a complaint received, site inspections at the above property had revealed that a detached garage to replace an earlier wooden structure was in the course of erection on land adjoining the highway boundary. By virtue of the building's location, a planning application was required to authorise the work and the owner was contacted accordingly. However, the owner had declined to submit an application and the work had proceeded, being completed in the form of a blockwork detached triple garage with a tiled roof.

The development was clearly unauthorised but the garage was set at a lower level than the adjoining highway and was reasonably well screened. It had no more impact than a garage of similar size which had been erected at the neighbouring dwelling and there was evidence of a previous garage on the site. The building complied with the policy framework and Planning Policy Guidance stated that it would generally be regarded as unreasonable for the local planning authority to issue an Enforcement Notice if there was no significant planning objection to the breach of control alleged in the Enforcement Notice.

Members expressed serious concern at current legislation which precluded action in connection with the owner's refusal to submit a planning application and the Leader advised that he intended to pursue this matter with the local Member of Parliament.

RESOLVED:-

That no action be taken on the matter but the owner be advised of the Committee's concern at the breach of control.

DC/94. **PUBLIC HEALTH ACT 1925, SECTION 17**
STREET NAMING - WOODVILLE

It was reported that a request had been received to provide a street name for a development under construction at the former car sales premises at High Street, Woodville. The suggested name was "Majolica Mews" and the Royal Mail and the Parish Council 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 "Majolica Mews".

DC/95. **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 item was noted:-

Appeal Allowed - The erection of two dwellings with garages at Cedar Farm, Dalbury Lees, Ashbourne.

(Councillor Bale expressed his disappointment at this decision.)

DC/96. **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 use for B1 (business) and B8 (storage) purposes of Riding Bank Farm, Cockshut Lane, Melbourne (9/2003/0699/U).***
- (b) Alterations to premises and conversion of former stables into hotel letting rooms at the Crewe & Harpur Arms, Derby Road, Swarkestone (9/2003/0931/L)(Listed Building Consent).***
- (c) Alterations to premises and conversion of former stables to hotel letting rooms and formation of paved area at the Crewe & Harpur Arms, Derby Road, Swarkestone (9/2003/0932/U).***
- (e) The demolition of the existing house and the erection of a new dwelling at No. 3 Walnut Close, Burnaston (9/2003/1385/F) – subject to the inclusion of an informative advising of the existence of a public footpath across the application site. Reference was made to the receipt of an amended plan.***
- (f) The erection of a dwelling on land forming part of the garden of The Rectory, Rectory Gardens, Aston-on-Trent (9/2003/1420/F) – reference was made to additional correspondence from a neighbour.***
- (g) The installation of an automated operating mechanism and the re-hanging of the gate at the entrance to the parking and garage area serving the converted barns and farmhouse at Gunby Farm, Gunby Hill, Netherseal (9/2003/1431/F) – reference was made to additional correspondence from the applicant and a neighbour.***
- (h) The retention of a gate at the entrance to the parking and garage area serving the converted barns and the farmhouse at Gunby Farm, Gunby Hill, Netherseal (9/2003/1432/F) – reference was made to additional correspondence from a neighbour.***

(Councillor Lemmon left the Meeting at 7.05 p.m.)

DC/97. **THE ERECTION OF SIX RESIDENTIAL UNITS WITH ASSOCIATED CAR PARKING - NOS. 1 AND 2, THE GATEHOUSE AND PART OF CAR PARK. MOUNT PLEASANT INN, MOUNT PLEASANT ROAD, CASTLE GRESLEY (9/2003/1464/F)**

Reference was made to additional correspondence from three neighbours and the Parish Council.

RESOLVED:-

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

W. DUNN

CHAIR

The Meeting terminated at 7.10 p.m.