

DEVELOPMENT CONTROL COMMITTEE

27th November 2001

PRESENT:-

Labour Group

Councillor Brooks (Chair), Councillor Dunn (Vice-Chair) and Councillors Bambrick, Ford, Rose, Shepherd, Southerd, Whyman and Wilkins (substitute for Councillor Southern).

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 Lemmon – Minutes Nos. DC/72(a) and DC/78

Councillor Taylor – Minutes Nos. DC/72(b) and DC/72(c)

APOLOGY

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

DC/71. **REPORT OF MEMBER**

Land at the former Castle View Service Station, Hatton

Councillor Whyman advised that following the grant of planning permission on appeal for the siting of a portable home on the above land, four touring caravans together with ancillary equipment were now positioned on the land. Residents had expressed concern at this activity on the main approach road from Foston into Hatton.

RESOLVED:-

That the matter be investigated by the Planning Services Manager and a report be submitted to the Committee in due course.

MATTERS DELEGATED TO COMMITTEE

DC/72. **SITE VISITS**

- (a) The erection of four dwellings at Longlands Hotel, Longlands Lane, Findern (9/2001/0451/F)

Further to Minute No. DC/66 of 6th November 2001, it was reported that Members of the Committee had visited the site prior to the Meeting. Reference was made to correspondence from the Derbyshire Bat Group and the applicant had now advised that he was prepared to upgrade the condition of Longlands Lane, which would necessitate an amendment to proposed condition no. 5.

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 6th November 2001 with the necessary revision to condition no. 5, as outlined above.

- (b) The erection of one detached house and garage on land to the rear of No. 36 Hartshorne Road, Woodville (9/2001/0636/F)

Further to Minute No. DC/66 of 6th November 2001, 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 Planning Services Manager to the Meeting held on 6th November 2001.

- (c) The retention of car parking and change of use of dwelling to offices at Donald Ward, Moira Road, Woodville (9/2001/0852/F)

Further to Minute No. DC/66 of 6th November 2001, 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 Planning Services Manager to the Meeting held on 6th November 2001

- (d) Use as operating base for 5 private hire cars and the erection of a six metre high radio mast attached to the roof apex of the dwelling at No. 199 High Street, Newhall (9/2001/0715/U)

Further to Minute No. DC/66 of 6th November 2001, 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, subject to the applicant providing a unilateral undertaking that planning permission 9/2001/0272 for the erection of two dwellings will not be implemented, planning permission be granted subject to the conditions set out in the report of the Planning Services Manager to the Meeting held on 6th November 2001.

- (e) The erection of a detached dwelling on land off Cheviot Close, Swadlincote (9/2001/0919/F)

Further to Minute No. DC/66 of 6th November 2001, 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 it is considered that the application site represents a landscaping strip which should be protected.

DC/73. **TOWN AND COUNTRY PLANNING ACT 1990, SECTIONS 172 AND 187A (AS AMENDED)**
ENFORCEMENT ACTION

- (a) Alleged unauthorised retail use of Units Nos. 5, 6 and 27 George Holmes Industrial Estate, Swadlincote

It was reported that investigations had been made following a complaint received that three units on the George Holmes Industrial Estate in Swadlincote were in use for retail activities. The units had an extant consent for use as industrial premises, including storage or warehousing of products. Information had been obtained and a Planning Contravention Notice (PCN) had been served on the owners, requesting information on the activities on the site. This had revealed that some level of retailing activity was taking place from units 5 and 6, which had not been disputed. Unit 27 was only used for the storage of materials. However, the applicant had stated in the information provided in response to the PCN that no more than 10% of sales from the two units took the form of retail sales, with the remainder being in the form of wholesale activity. Significant weight should be attached to the information provided on the PCN, as not only had it been completed by a solicitor but could also form the basis of prosecution proceedings if not completed correctly. The retailing activity had only been in operation for a period of ten months and therefore, there were no accounts that could confirm the assertions of the owner.

In general terms, it had been accepted that if 10% of sales were through retail business, this was considered ancillary to the main business operation. In such cases, the activity did not require planning permission.

RESOLVED:-

That no further action be taken on the matter.

- (b) Unauthorised installation of PVC windows at No. 46 Derby Road, Melbourne

Further to Minute No. DC/30 of 4th September 2001, it was reported that subsequent contact with the owner of the land had resulted in the insertion of acceptable windows in the requisite elevation of the property.

RESOLVED:-***That no further action be taken on the matter.***

- (c) Breach of Condition Notice – Land and premises at No. 145 Mount Pleasant Road, Castle Gresley

Further to Minute No. DC/169(d) of the former Development Control Sub-Committee held on 29th May 2001, it was reported that a site inspection after the period allowed for compliance with the terms of the Breach of Condition Notice had revealed that substantial compliance had been achieved with conditions Nos. 5 and 6 of planning permission 9/1194/0668/U relating to adequate provision of parking and manoeuvring area within the above site.

RESOLVED:-***That no further action be taken on the matter.***

DC/74. **TOWN AND COUNTRY PLANNING ACT 1990, SECTION 215**
UNTIDY SITES

- (a) Land being the site of the former Newhall Co-operative Shop at No. 51 High Street, Newhall

Further to Minute No. DC/151(a) of the former Development Control Sub-Committee held on 10th April 2001, it was reported that a dwelling had now been constructed on the above site, which was nearing completion.

RESOLVED:-***That no further action be taken on the matter.***

- (b) Land at the junction of Cockshut Lane and Robinson's Hill, Melbourne

Further to Minute No. DC/161(c) of the former Development Control Sub-Committee held on 8th May 2001, it was reported that contact with the owners of the property had resulted in a significant improvement in the appearance of the land to the extent that further action was no longer considered necessary.

RESOLVED:-***That no further action be taken on the matter.***

DC/75. **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 40 bed residential care home on land forming part of O.S. Field No. 4732, Burton Road, Repton.

- (b) The erection of a detached dwelling and garage on land forming part of the garden of Willow Farm Cottage, Main Street, Rosliston.
- (c) The display of two single-sided free-standing illuminated advertising display units at The Cottage Filling Station, Swarkestone Road, Swarkestone.

DC/76. **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 an extension at No. 6 Penn Lane, Melbourne (9/2001/0806/F).***
- (b) ***The provision of a new commercial facility falling within classification B1, B2 and B8 of the Use Classes Order (approval of reserved matters of application 9/0595/0170/O) at Plot 5000, Dove Valley Park, Foston (9/2001/0884/D) (Approval of Reserved Matters) – subject to the imposition of conditions requiring landscaping and the protection of trees during construction. Reference was made to correspondence from the applicant’s agent.***
- (c) ***The use of land for B1 (light industry) and B8 (storage and distribution) purposes at Stenson Road, Stenson (9/2001/0891/U).***
- (d) ***The display of an illuminated sign on the south elevation of Plot 1000, Pakenham Avenue, Dove Valley Park, Foston (9/2001/0916/A).***
- (e) ***The erection of a double garage at Seal Inn, No. 43 Main Street, Netherseal (9/2001/0932/F) – subject to an additional condition requiring the garage to be used for domestic purposes only.***
- (f) ***Extensions and alterations to provide ensuite bathroom and bedroom at No. 9 Silvertown Drive, Stenson Fields (9/2001/0948/F) – reference was made to the submission of amended plans.***
- (g) ***The renewal of planning permission 9/2000/0672/U at Willington Sports and Social Club, Twyford Road, Willington (9/2001/0959/R).***
- (h) ***The erection of an extension at No. 11a Belfield Road, Etwall (9/2001/0979/F).***
- (i) ***The erection of a conservatory and a block of two stables and a tackroom/store at No. 60 Lullington Road, Overseal (9/2001/0993/F) – subject to no new comments being raised within the consultation period and to an additional condition restricting the use of the stables to a domestic use only. Reference was made to correspondence from the applicant and the Highway Authority.***

- (j) *The renewal of planning permission 9/0796/0272/F to permit the continued siting of a store (removal of condition no. 1) at No. 2 Shirley Park, Aston-on-Trent (9/2001/0994/R).*

DC/77. **OUTLINE APPLICATION (ALL MATTERS TO BE RESERVED) FOR THE RESIDENTIAL DEVELOPMENT OF YEW TREE FARM, STATION ROAD, HATTON (9/2001/0976/O)**

This application was considered as the first item in the report of the Planning Services Manager. Reference was made to a letter from twelve objectors.

(Councillor Whyman left the Meeting at 7.10 p.m.)

RESOLVED:-

That, contrary to the recommendation, planning permission be refused due to the site's location within an area of flooding and the propensity of the new development to exacerbate the flooding problems of the area.

DC/78. **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.

REMOVAL OF A HEDGEROW – LAND TO THE SOUTH-WEST OF WILLINGTON (Paragraphs Nos. 12 and 14)

The Committee authorised the service of a Hedgerow Replacement Notice following the removal of a stretch of hedgerow adjoining a footpath to the south-west of Willington.

L.J. BROOKS

CHAIR