

DEVELOPMENT CONTROL COMMITTEE

24th August 2004

PRESENT:-

Labour Group

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

Conservative Group

Councillors Bale, Bladen, Ford, Hood and Lemmon.

Independent Member

Councillor Mrs. Walton.

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

Councillor Atkin – Minute No. DC/40

Councillor Jones

Councillor Mrs. Wheeler – Minute No. DC/34(a)]

APOLOGY

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

DC/31. **MINUTES**

The Open Minutes of the Meetings held on 13th July and 3rd August 2004 were taken as read, approved as true records and signed by the Chair.

DC/32. **DECLARATIONS OF INTEREST**

Councillor Ford declared a personal interest in planning application 9/2004/0875/R (Minute No. DC/40) as an occasional visitor to the application site.

Councillor Lemmon declared a prejudicial interest in planning application 9/2004/0945/FH (Minute No. DC/38(e)), as the applicant.

Councillor Mrs. Walton declared a personal interest in planning application 9/2004/0370/M (Minute No. DC/34(a)), as an employee of the potential future recipient of the land.

Councillor Mrs. Wheeler declared a personal interest in planning application 9/2004/0878/U (Minute No. DC/38(h)), as an acquaintance of the applicant.

Councillor Whyman, M.B.E. declared a prejudicial interest in planning application 9/2004/0761/FI (Minute No. DC/38(f)), as an employee of the applicant company.

DC/33. **MEMBERS' QUESTIONS AND REPORTS**

Councillor Richards referred to the site of the former Horse and Jockey public house at Newhall, advising that the site was untidy and was currently being used for dumping rubbish. The Chair reported that he had already raised the matter and a report would be submitted to the next Meeting of the Committee.

Councillor Whyman, M.B.E. enquired on progress concerning a "hierarchy" system with regard to the erection of telecom masts. The Planning Services Manager confirmed that consideration was ongoing and a report would be submitted to the Committee in the near future.

MATTERS DELEGATED TO COMMITTEE

DC/34. **SITE VISITS**

- (a) Outline application (all matters except means of access to be reserved for a school at LCH2 and Area H22 on land north of Welland Road, former Hilton Depot, Hilton (9/2004/0370/M))

Further to Minute No. DC/28(a) of 3rd August 2004, it was reported that Members of the Committee had visited the site prior to the Meeting. Members expressed a wish that the pedestrian route to the school should be surfaced and lit appropriately and the Planning Services Manager advised that these issues would be covered as part of a later application.

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 3rd August 2004.

(Councillor Mrs. Walton declared a personal interest in this application as an employee of the potential future recipient of the land.)

- (b) Outline application (all matters to be reserved except for means of access) for residential development at LCH2 and Area H22 on land north of Welland Road, former Hilton Depot, Hilton (9/2004/0553/M)

Further to Minute No. DC/28(b) of 3rd August 2004, 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 the applicant company be advised that the Council agrees with the principle of development 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***

contributions towards affordable housing, school and health provision and the maintenance of open space.

- (2) That the Chief Executive be authorised to conclude the Agreement on the above basis.***
- (3) That the conditions set out in the report of the Planning Services Manager be approved for imposition on the issue of any planning permission, together with an additional condition requiring the provision of a wildlife corridor on the southern boundary.***
- (4) That a Tree Preservation Order be made in respect of the appropriate trees within the hedgerow.***
- (c) The removal of existing commercial enterprise and replace with the erection of two dwellings to the rear of land at the rear of 70-72 Scropton Road, Hatton (9/2004/0589/F)***

Further to Minute No. DC/28(c) of 3rd August 2004, 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 3rd August 2004.

DC/35. MEMBERS' PLANNING CODE OF GOOD PRACTICE

It was reported that at the Planning Training Update held on 7th June 2004, reference was made to a Planning Code of Good Practice which was in the course of preparation for future consideration by the Committee.

The proposed Code of Good Practice was presented for Members' consideration. This had been adapted for this Council's purposes from the model Code prepared by the Association of Council Secretaries and Solicitors and was designed to assist and protect Members during their involvement in the various stages of the planning process. The Code would supplement the existing Members' Code of Conduct, which all Members had agreed to observe in a written undertaking.

Members suggested that following a site visit, any additional information raised on the site should be summarised to all Members at the Committee Meeting. It was recognised that whilst it was important not to fetter any discretion Members should continue to listen to the viewpoints of constituents prior to the Meeting.

It was felt that Members should not participate in any discussion at any Parish Council Meeting relating to planning matters, including those Members who were also Parish Councillors.

The Monitoring Officer confirmed that at the start of each municipal year, specific planning training, including any updates, would continue to be arranged for Members.

RESOLVED:-

That the Members' Planning Code of Good Practice be referred to the Standards Committee for comments prior to consideration and adoption by the Full Council.

DC/36. **PUBLIC HEALTH ACT 1925, SECTION 17**
STREET NAMING - NEWHALL

It was reported that a new street name was required for a development under construction on land off Oversetts Road, Newhall. The suggested names submitted by the developer were 'The Swans Rest', 'Swans Nest Close', 'The Swans End', 'Swan Close' and 'Swan Rise Close'. The Royal Mail had no objections to the suggested names.

RESOLVED:-

That, in accordance with the provisions of Section 17 of the Public Health Act 1925, no objections be raised to the suggested names.

DC/37. **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.

DC/38. **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 as domestic garden of land to the north of Station Road, Melbourne (9/2004/0736/U).***
- (b) The creation of two additional tennis courts and erection of fencing at Grangewood Hall, Grangewood, Netherseal (9/2004/0878/U).***

(Councillor Mrs. Wheeler declared a personal interest in this application as an acquaintance of the applicant.)

- (c) Application for approval of reserved matters of planning permission 9/2003/1299 for the erection of three log cabins with associated amenity space and access on land to the south of Rosliston Forestry Centre, Burton Road, Rosliston (9/2004/0905/D).***
- (d) Flood alleviation works including the widening of the watercourse by up to 3.0 metres and the replacement of bridges and culverts from section from Turflands to south east corner of Nestle factory, Salt Brook, Hatton (9/2004/0924/F) – reference was made to additional correspondence received from the Environment Agency,***

Network Rail and the County Highways Authority. Councillor Southern requested that Members be provided with details of those areas previously affected by flooding. Councillor Mrs. Walton requested that consideration be given to implications associated with ditches, drains and culverts under the responsibility of the Environmental and Development Services Committee.

- (e) The erection of an extension at 16 Lawn Avenue, Etwall (9/2004/0945/FH).**

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

- (f) The erection of a concrete batcher at Roger Bullivant Ltd, Walton Road, Drakelow (9/2004/0761/FI) – Members requested that trees within the development area of the site be monitored.**

(Councillor Whyman declared a prejudicial interest in this application as an employee of the applicant company and withdrew from the Meeting during the consideration and determination thereof.)

DC/39. **THE INSTALLATION OF AN 18 METRE MONOPOLE, 3 ANTENNAS, 2 DISHES, AN EQUIPMENT CABIN AND ANCILLARY DEVELOPMENT AT HALL PASTURES FARM, MOORWAY LANE, LITTLEOVER (9/2004/0891/F)**

Members continued to express serious concern in connection with the increased number of proposed masts in the District and the associated implications.

RESOLVED:-

- (1) That planning permission be granted, subject to the conditions set out in the report of the Planning Services Manager.**

(Councillor Ford wished it to be recorded that he was not in favour of this decision.)

- (2) That the possibility of engaging consultants to assess future applications for masts be investigated and if appropriate, a Service Development Proposal be submitted for budget consideration.**

- DC/40. **THE VARIATION OF CONDITION NO. 5 OF PLANNING PERMISSION 9/0589/0271 TO ENABLE A WINTER SCHEDULE OF 20 SUNDAYS PER YEAR AND 8 SUMMER SUNDAYS THAT ARE ALL REDUCED TO FINISHING AT 1.30 P.M. AND ALSO REDUCE THE HOURS OF WEEKDAY OPERATION AT LOWES SHOOTING GROUND, LOWES LANE, SWARKESTONE (9/2004/0875/R)**

RESOLVED:-

That, contrary to the recommendation, planning permission be granted on a temporary basis for a period of six months, subject to appropriate conditions.

(Councillor Ford declared a personal interest in this application as an occasional visitor to the application site.)

- DC/41. **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.

MINUTES

The Exempt Minutes of the Meeting held on 3rd August 2004 were received.

UNAUTHORISED DAMAGE TO TREES AT LAND ADJACENT TO NO. 21 ALEXANDRA ROAD, OVERSEAL (Paragraphs 12 and 14)

The Committee authorised the institution of legal proceedings in respect of unauthorised damage to trees within a Tree Preservation Order, subject to the availability of the necessary evidence.

W. DUNN

CHAIR