

DEVELOPMENT CONTROL SUB- COMMITTEE

29th May 2001

**PRESENT:-**

**Labour Group**

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

**Conservative Group**

Councillors Bale, Bladen, Mrs. Robbins and Mrs. Walton.

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

Councillor Evens - Minute No. DC/174

Councillor Harrison - Minute No. DC/176(e)

Councillor Lemmon - Minutes Nos. DC/176(h) and DC/176(i)).

**APOLOGY**

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

DC/167. **MINUTES**

The Open Minutes of the Meetings held on 27th February, 20th March and 10th April 2001 were taken as read, approved as true records and signed by the Chair.

DC/168. **SITE VISIT**

The conversion into a dog grooming parlour of part of the garage at No. 29 Wilmot Road, Swadlincote (9/2001/0217/U)

Further to Minute No. DC/165 of 8th May 2001, it was reported that Members of the Sub-Committee had visited the site prior to the Meeting. Reference was made to correspondence from the applicant and from an objector. Consideration was given to the application and, it was,

**RESOLVED:-**

***That planning permission be refused for the reason set out in the report of the Planning Services Manager to the Meeting held on 8th May 2001.***

DC/169. **TOWN AND COUNTRY PLANNING ACT 1990, SECTIONS 172 AND 187A**  
**(AS AMENDED)**  
**ENFORCEMENT ACTION**

- (a) Land at Woodville Nursing Home, No. 145 Burton Road, Woodville

It was reported that planning permission for the retention of a storage building at the above address had been refused under delegated powers and enforcement action taken to secure its removal. A recent site inspection had revealed that the building and its foundations had now been satisfactorily removed and the ground reinstated.

**RESOLVED:-**

***That no further action be taken on the matter.***

- (b) Land at No. 4 The Mansion, Aston Hall Drive, Aston-on-Trent

Further to Minute No. DC/80 of 14th November 2000, it was reported that a site inspection after the expiration of the period allowed for compliance with the terms of the Enforcement Notice had revealed that the shed had been removed and the site reinstated satisfactorily.

**RESOLVED:-**

***That no further action be taken on the matter.***

- (c) Land opposite Railway Cottages, Findern Lane, Stenson

Further to Minute No. DC/48(d) of 5th September 2000, it was reported that a recent site inspection had revealed that the portable building had now been appropriately located and painted in accordance with the requirements of the Notice relating to compliance with condition no. 1 of planning permission 9/2000/0076/F. Accordingly, full compliance had been achieved with the condition.

**RESOLVED:-**

***That no further action be taken on the matter.***

- (d) Non-compliance with Conditions Nos. 5 and 6 of Planning Permission 9/1194/0668/U relating to the use for the sale and hire of 4 x 4 vehicles together with associated parking and maintenance of the premises at No. 145 Mount Pleasant Road, Castle Gresley

It was reported that following a complaint received, site inspections had been undertaken at the above premises, which were formerly a haulage and storage depot. These revealed that several heavy goods vehicles were in evidence, including a low-loader in addition to the 4 x 4 vehicles which were the subject of the application.

Condition no. 5 of planning permission 9/1194/0668/U required the laying out of an additional visitor parking area. Condition no. 6 stated that the areas shown on the submitted plans as reserved for the parking, garaging,

circulation and standing of vehicles whilst they were being unloaded, should be used for those purposes and no others and in particular should not be used for the open storage of goods or materials of any kind. The yard was congested with vehicles to the point where vehicles were parking in the access to the A444 and accordingly, there was no apparent provision for the free circulation of traffic within the site or customer parking as required by the above conditions.

The owner of the site had been contacted and had stated that whilst appreciating that the premises were congested, arrangements were in hand to transfer part of the operation to alternative premises in Castle Gresley, being the former Davis Plant depot on Burton Road. In this regard, an application to vary the use of these premises had recently been granted.

**RESOLVED:-**

***That a Breach of Condition Notice be served under the provisions of Section 187A of the Town and Country Planning Act 1990 (as amended) requiring full compliance with conditions nos. 5 and 6 of planning permission 9/1194/0068/U within 28 days of the effective date of the Notice.***

DC/170. **UNAUTHORISED WARNING SIGNS RELATING TO THE HARDINGE ARMS, KINGS NEWTON DISPLAYED AT THE COTTAGE FILLING STATION, SWARKESTONE**

Further to Minute No. DC/128 of 6th February 2001, it was reported that following the Sub-Committee's authorisation to institute legal proceedings to secure the removal of these advance warning signs, a site inspection had revealed that the large plastic banner sign had been removed, but the small free-standing sign was still in evidence. However, it was considered that this sign was relatively unobtrusive and was therefore not material to the situation.

**RESOLVED:-**

***That no further action be taken on the matter.***

DC/171. **UNAUTHORISED DISPLAY OF ADVERTISEMENT AWNINGS ATTACHED TO THE RAILINGS AT THE FRONT OF THE NAVIGATION INN, LONDON ROAD, SHARDLOW**

It was reported that following a complaint received, site inspections were undertaken at the above property, which consisted of a public house being a Grade II Listed building fronting London Road together with an associated car park accessed from Wilne Lane. The premises were situated within the Shardlow Conservation Area. The London Road frontage was bounded by a low wall surmounted by steel railings and the inspections had revealed that a series of advertisement awnings had been affixed to the railings without the benefit of the necessary consent.

The Licensee of the premises was advised of the situation and an application to retain the awnings was submitted. However, the application was of an insufficient standard to register and requests to rectify the deficiencies in the

submission had produced no response. Subsequent site inspections had revealed that the awnings had been reduced in size but were still in evidence.

It was considered that the advertisements were seriously harmful to the setting of the Grade II Listed Navigation Inn and to the character and appearance of the designated Shardlow Conservation Area due to their inappropriate design, size and siting, contrary to Environment Policies 9 and 10 of the Derbyshire Structure Plan and Environment Policies 12 and 13 of the South Derbyshire Local Plan.

**RESOLVED:-**

***That, subject to the availability of the necessary evidence, legal proceedings be instituted to secure the removal of the awnings.***

DC/172. **UNAUTHORISED DISPLAY OF TWO BANNER SIGNS ON THE EASTERN FLANK OF THE GRADE II LISTED PUBLIC HOUSE KNOWN AS THE SHAKESPEARE INN, LONDON ROAD, SHARDLOW**

It was reported that following a complaint received, site inspections were undertaken at the above premises, which consisted of a Grade II Listed public house situated within Shardlow Conservation Area with an associated car park on the eastern flank. The inspections had revealed that two plastic banner signs were displayed on the eastern flank of the building overlooking the car park and their condition appeared to suggest that they had been displayed for a considerable period of time. The Licensee of the premises had been advised of the situation but no action had been taken to remove the signs or submit regularising applications for the retention of the signs.

It was considered that the advertisements were harmful to the appearance of the Grade II Listed Building due to their inappropriate design, size and siting, contrary to Environment Policies 9 and 10 of the Derbyshire Structure Plan and Environment Policies 12 and 13 of the South Derbyshire Local Plan.

**RESOLVED:-**

***That, subject to the availability of the necessary evidence, legal proceedings be instituted to secure the removal of the awnings.***

DC/173. **TOWN AND COUNTRY PLANNING ACT 1990, SECTION 215 UNTIDY SITES**

- (a) Land At the Cottage Inn Public House, No. 46 Regent Street, Church Gresley

Further to Minute No. DC/103 of 19th December 2000, it was reported that a site inspection had revealed that the car park had been tidied satisfactorily and the public house itself had also been refurbished extensively. Accordingly, substantial compliance with the terms of the Notice had been achieved.

**RESOLVED:-**

***That no further action be taken on the matter.***

(b) Land At No. 31 New Street, Church Gresley

Further to Minute No. DC/96(d) of 30th November 1999, it was reported that the ownership of the property had proved difficult to trace, but finally the Notice had been served successfully. A site inspection after the period allowed for compliance with the terms of the Notice had revealed that substantial compliance had been achieved.

**RESOLVED:-**

***That no further action be taken on the matter.***

(c) Land At No. 51 Wood Street, Church Gresley

Further to Minute No. DC/79(a) of 14th November 2000, it was reported that further contact with the owners had resulted in the gardens being tidied satisfactorily. The owners also intended to dispose of the property in the immediate future.

**RESOLVED:-**

***That no further action be taken on the matter.***

DC/174. **BRIDLEWAY NO. 11 - PARISH OF WILLINGTON**

Further to Minute No. DC/158(c) of 8th May 2001, the Sub-Committee considered a progress report on this matter. Members were advised that complaints had been received that the bridleway concerned had been obstructed by a wall and fenced erected within its defined width. The matter had been investigated and it appeared that a wall and fence, together with a small number of other materials, had been erected in an area of land to the west of residential development at Willington.

The area of land enclosed by the wall and fence had been the subject of a recent planning application refused by the Sub-Committee for the incorporation of the area of land within the domestic curtilage of the nearest residential property. Notwithstanding this, the erection of walls and fences up to a height of two metres, as in this case, was permitted development not requiring the consent of this Council.

There was a dispute between the County Council, as Highway Authority, and the Parish Council together with others relating to the extent and the line of the bridleway. The County Council had confirmed the line of the bridleway to this Council and had indicated that the bridleway extended to a width of 36 feet. However, the line was disputed by the Parish Council and local residents and the matter was currently under further investigation by the County Council. This Council had been advised by the County Council that the outcome of this further investigation required would not be available before July. Although it was recognised that this Council's role in maintaining public highways on behalf of the County Council was very important, the matter could not be resolved by this Council without clarification from the Highway Authority itself and it was therefore inappropriate at this stage to commit resources to the investigation. It was noted that the bridleway had recently been reopened following its closure due to the recent outbreak of foot and mouth disease.

Members expressed grave concern at the lack of progress on the matter, particularly the delay in any further outcome until July and it was suggested that Members may also wish to pursue this issue with local County Councillors. It was also requested that a plan should accompany the report when the matter was next considered by this Council.

**RESOLVED:-**

***That the report be noted and representations be made to the County Council, expressing the Sub-Committee's serious concern at the apparent lack of urgency shown in this instance.***

DC/175. **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/176. **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 into an office of the barn at Kings Newton Hall, Main Street, Kings Newton (9/2000/1154/U).***
- (b) The erection of a two storey extension and front porch at No. 20 Mayfair, Newhall (9/2001/0138/F).***
- (c) The siting of three portable buildings and the use as a day nursery of unit 8, E. & J. Lake Ltd., Park Road, Newhall (9/2001/0198/U).***
- (d) The erection of a two-storey extension at the rear of No. 6 Repton Road, Willington (9/2001/0247/F).***
- (e) The use as a base for agricultural engineering/light commercial vehicle repair business of outbuildings at No. 246 Station Road, Melbourne (9/2001/0248/U) – subject to the amendment of condition no. 2 to 0700 hours to 1800 hours on Monday to Friday and 0700 hours to 1200 hours on Saturday.***
- (f) The use of buildings as a cattery together with the erection of kennels at Doveside, Monks Bridge, Egginton (9/2001/0260/F) – reference was made to correspondence from the County Planning Authority, Severn Trent Water and the Environment Agency.***
- (g) The continued siting of a mobile home together with the erection of an extension at Doveside, Monks Bridge, Egginton (9/2001/0267/F).***

- (h) The erection of a 61 metre high replacement radio broadcast mast on land at Findern Lane, Burnaston (9/2001/0266/F).*
- (i) The renewal of planning permission 9/2000/0044/F for the erection of an agricultural building for egg grading storage and packing on land at Liberty Farm, Findern Lane, Burnaston (9/2001/0289/R).*
- (j) The conversion and extension of the farmhouse, barn and outbuildings into two dwellings at Mill Farm, Porters Lane, Findern (9/2001/0356/F).*

DC/177. **PLANNING REFUSALS**

**RESOLVED:-**

*That the following applications be refused for the reasons set out in the reports of the Planning Services Manager:-*

- (a) The erection of a conservatory at No. 1 Willow Drive, Newhall, Swadlincote (9/2001/0170/F).*
- (b) The erection of a two-storey front extension at No. 65 Park Road, Newhall (9/2001/0333/F).*
- (c) The conversion of garage to part of dwelling and erection of new garage at Elmtree House, Duck Street, Egginton (9/2001/0341/F) - reference was made to receipt of amended plans.*

DC/178. **HOUSING FOR EFFLUENT TREATMENT UNIT, ASSOCIATED SLUDGE TANK AND PROVISION OF A REED BED FILTRATION SYSTEM AT BRANDONS POULTRY LIMITED, HOLLYBANK FARM, SCROPTON ROAD, SCROPTON (9/2001/0082/F)**  
**THE RETENTION OF A WATER DETENTION POND, INSTALLATION OF A SUMP AND SOAKAWAY SYSTEM AT BRANDONS POULTRY LIMITED, HOLLYBANK FARM, SCROPTON ROAD, SCROPTON (9/2001/0332/F)**

**RESOLVED:-**

- (1) That consideration of this application be deferred to enable Members of the Sub-Committee to visit the site prior to the next Meeting to assess the proposals and the associated implications in detail.*
- (2) That Members be authorised to consider any ancillary matters which might arise.*
- (3) That a representative of the Environmental Health Manager be invited to attend the site visit.*

DC/179. **THE SITING OF A MOBILE HOME ON LAND FORMING PART OF O.S. FIELDS NOS. 4644 AND 4556, WILLOW PIT LANE, HILTON (9/2001/0355/U)**

**RESOLVED:-**

*That consideration of this application be deferred to enable further negotiations to be held with the applicant in connection with alternative access arrangements.*

DC/180. **THE ERECTION OF AN ORGANIC EGG PRODUCTION UNIT TO BE KNOWN AS UNIT 2 ON LAND FORMING PART OF O.S. FIELDS NOS. 4644 AND 4556, WILLOW PIT LANE, HILTON (9/2001/0352/F)**

**RESOLVED:-**

*That consideration of this application be deferred to enable further negotiations to be held with the applicant in connection with alternative access arrangements.*

DC/181. **THE ERECTION OF AN ORGANIC EGG PRODUCTION UNIT TO BE KNOWN AS UNIT 1 ON LAND FORMING PART OF O.S. FIELDS NOS. 4644 AND 4556, WILLOW PIT LANE, HILTON (9/2001/0353/F)**

**RESOLVED:-**

*That consideration of this application be deferred to enable further negotiations to be held with the applicant in connection with alternative access arrangements.*

DC/182. **THE ERECTION OF A BARN ON LAND FORMING PART OF O.S. FIELDS NOS. 4644 AND 4556, WILLOW PIT LANE, HILTON (9/2001/0354/F)**

**RESOLVED:-**

*That consideration of this application be deferred to enable further negotiations to be held with the applicant in connection with alternative access arrangements.*

DC.183. **PROPOSED CONTINUED NON-COMPLIANCE WITH CONDITIONS 18 AND 19 OF PLANNING PERMISSION 9/586/726 AT ELVASTON QUARRY, BELLINGTON HILL, ELVASTON (CM9/2001/0010/CM)**

The comments of Shardlow and Great Wilne Parish Council were reported to the Sub-Committee.

**RESOLVED:-**

*That the County Council be informed that this Council raises no objections to the proposal and the Parish Council's comments also be forwarded to the County Council.*

T. SOUTHERD

CHAIR

The Meeting terminated at 7.10 p.m.