

DEVELOPMENT CONTROL COMMITTEE

18th December 2001

PRESENT:-

Labour Group

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

Conservative Group

Councillors Bale, Bladen and Hood.

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

Councillor Mrs. Rose – Minute No. DC/86

Councillor Mrs. Wheeler – Minutes Nos. DC/85(f), DC/86 and DC/89)

APOLOGY

An apology for absence from the Meeting was received from Councillor Mrs. Walton (Conservative Group).

DC/80. **MINUTES**

The Open Minutes of the Meetings held on 6th and 27th November 2001 were taken as read, approved as true records and signed by the Chair.

MATTERS DELEGATED TO COMMITTEE

DC/81. **UNAUTHORISED INSTALLATION OF REPLACEMENT WINDOWS IN THE FRONT ELEVATION OF THE TERRACED DWELLING AT NO. 5 BURTON ROAD, TICKNALL**

It was reported that a site inspection at the above property, which was the centre dwelling of a terrace of three houses, had revealed that the ground and first floor windows in the front elevation had been replaced without the benefit of planning permission. The design of these windows was inappropriate in the Conservation Area and the windows were detrimental to its character. Subsequent investigations had revealed that three windows on the rear elevation had also been replaced. However, as these windows were not readily visible from public vantage points, the impact on the Conservation Area was not significant and any harm would be mitigated by painting the windows white.

The property was covered by the Ticknall Article 4 Direction, which effectively removed permitted development rights from the dwelling. The owners of the property had been contacted but had taken no action to rectify the situation.

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 the removal of the two unauthorised windows installed in the front elevation of the dwelling, their replacement by two windows of a defined specification, the painting white of the unauthorised replacement windows installed in the rear elevation and the removal of all building materials resulting from the works.

DC/82. TREE PRESERVATION ORDER NO. 184 (2001) – LAND AT THE BUNGALOW, WATERY LANE, SCROPTON

It was reported that this Tree Preservation Order had been made on 13th July 2001 in respect of two individual trees (ash and willow) on land at The Bungalow, Watery Lane, Scropton. The reasons for the Order were outlined and the owner of the land upon which the trees were situated had objected to the ash tree forming part of the Order. His objections were summarised to the Committee and the owner had stated that he would be willing to replace the ash tree with a more decorative type at the edge of the plot.

The planning assessment advised that this well formed relatively young ash tree was in the centre of an open plot of land that adjoined the highway and was some distance away from any permanent structures. It was clearly visible from Watery Lane when approaching from the north and from the village green road junction. The tree had sufficient amenity value to be worth of Tree Preservation Order status and this value was likely to increase as the tree matured. Planning permission had recently been refused for one dwelling on the site and it was considered that the Order should be confirmed without modification to safeguard the amenities of the area.

RESOLVED:-

That this Tree Preservation Order be confirmed without modification.

DC/83. HISTORIC BUILDING AND CONSERVATION AREA GRANT APPLICATION – NO. 47 THE WHARF, SHARDLOW

It was reported that this property was a red brick three storey late Georgian house which was Listed Grade II and situated prominently on The Wharf overlooking the Trent and Mersey Canal in the heart of the Shardlow Conservation Area. An application had been submitted for the replacement of three modern windows with sash windows of authentic Georgian design to match a surviving original on the ground floor. One of the existing windows was a modern obscure glazed casement, which had a very disfiguring effect on the external appearance of the house and the other two windows were poor quality, crudely detailed twentieth century sashes. The total cost of the work based on the lower of competitive estimates was in the sum of £1,815.38 (£1,545.00 plus £270.38 VAT). These works would constitute restoration and would considerably enhance the appearance of this elegant building, therefore falling into a priority category for grant aid.

The current outstanding balance on the budget for Historic Building and Conservation Area Grants in this financial year was in the sum of £1,500.

RESOLVED:-

That a 40% grant of £726 be offered in respect of the replacement of three sash windows at the property towards the eligible costs, subject to the usual conditions and to the following additional conditions:-

- (a) That the external colour scheme be approved and the windows painted in accordance with the agreed scheme before the grant is paid.***
- (b) That the windows be fitted to the satisfaction of the Council.***
- (c) That the windows be glazed with clear glass, unless otherwise approved in writing by the Council.***

DC/84. 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:-

Appeal Dismissed – Application for a Certificate Of Alternative Development at Ashby Road, Boundary.

Appeal Allowed – The conversion into a Dog Grooming Parlour of part of the garage at No. 29 Wilmot Road, Swadlincote.

DC/85. 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 replacement of the existing house with a new dwelling and the erection of a detached garage at Point-Look-Out, Swarkestone Road, Weston-on-Trent (9/2001/0992/F) – subject to two additional conditions relating to time limit and the requirement to submit levels. Reference was made to correspondence from the Parish Council together with two additional letters of objection.***
- (b) The erection of extensions at the front, side and rear, the conversion of the loft (including the provision of dormer windows) and the erection of a garage at No. 57 Derby Road, Aston-on-Trent (9/2001/1041/F) – Reference was made to correspondence from the Parish Council.***
- (c) The conversion of the existing garage to a study and additional kitchen area at No. 1 The Lees, Boulton Moor (9/2001/1045/F).***
- (d) The erection of a two-storey side extension at No. 25 Long Row, Shardlow (9/2001/1079/F).***

- (e) *The erection of a two-storey rear extension at No. 5 Trent Lane, Newton Solney (9/2001/1088/F).*
- (f) *The erection of a two-storey rear extension at No. 4 Trent Lane, Newton Solney (9/2001/1089/F).*
- (g) *The erection of a detached house and garage on land to the west of No. 9 Dog Lane, Netherseal (9/2001/1091/F).*

(Councillor Southerd declared a non-pecuniary interest in this application and withdrew from the Meeting during the consideration and determination thereof).

- (h) *The change of use to garden at Chapel Farm, Wilne Lane, Shardlow (9/2001/1093/U).*

DC/86. **OUTLINE APPLICATION (AND ENVIRONMENTAL IMPACT ASSESSMENT), (ALL MATTERS OTHER THAN MEANS OF ACCESS TO BE RESERVED) FOR THE USE OF LAND FOR BUSINESS (BI USE CLASS), INDUSTRIAL (B2 USE CLASS), STORAGE AND DISTRIBUTION (B8 USE CLASS) AND LEISURE USE (HOTEL, DRIVE-THROUGH RESTAURANT AND GOLF COURSE INCLUDING ANCILLARY FACILITIES) ON LAND AT TETRON POINT (FORMER NADINS SITE), WILLIAM NADIN WAY, SWADLINCOTE**

Reference was made to correspondence from Councillor Stone.

RESOLVED:-

- (1) *That the Planning Services Manager and the Legal and Members' Services Manager be authorised to deal with outstanding matters and negotiate the settlement of an Agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:-*
 - (a) *The execution by the applicant company and all future occupiers of the site to the Green Transport Plan as drafted by Longden Design Associates (Doc. ref. ML/Tpnt/102).*
 - (b) *A contribution of a maximum of £75,000 (index linked) for the improvement of junctions/other highway improvements highlighted for attention by the County Highways Authority.*
 - (c) *A contribution towards subsidising a bus route to serve the development, where possible.*
- (2) *That, subject to (1) above, the Government Office for the East Midlands be advised that the Council is minded not to refuse permission for the development, subject to the conditions set out in the report of the Planning Services Manager.*

DC/87. **THE ERECTION OF ONE DWELLING (TO BE USED AS AN ANNEX/GRANNY FLAT TO WOODSHOP LANE HOUSE) AND ASSOCIATED GARAGE AT WOODSHOP LANE HOUSE, WOODSHOP LANE, SWARKESTONE (9/2001/0587/F)**

RESOLVED:-

- (1) That consideration of this application be deferred to enable Members of the Committee to visit the site prior to the next Meeting to assess the impact of this proposal, which would increase development substantially on the curtilage of the site.*
- (2) That Members be authorised to consider any ancillary matters which might arise.*
- (3) That the local representative be invited to be present in a representative capacity.*

DC/88. **THE SITING OF A 15 METRE HIGH MONOPOLE, THREE ANTENNAE, TWO TRANSMISSION DISHES AND ASSOCIATED EQUIPMENT CABIN ON LAND FORMING PART OF O.S. FIELD NO. 3253, STENSON ROAD, STENSON (9/2001/1096/NM)**

RESOLVED:-

That no objections be raised to the proposal.

DC/89. **ALTERATIONS TO THE FARMHOUSE AND THE CONVERSION OF BARN, INCLUDING EXTENSIONS, INTO THREE DWELLINGS TOGETHER WITH THE ERECTION OF GARAGES AND THE FORMATION OF A VEHICULAR ACCESS AT CEDAR FARM, DALBURY LEES (9/2001/1020/F)**

RESOLVED:-

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

(Councillor Bale declared a personal interest in this application and withdrew from the Meeting during the consideration and determination thereof).

DC/90. **THE DISPLAY OF A POLE MOUNTED SIGN BOARD ON LAND AT THE JUNCTION OF COTON ROAD AND LINTON ROAD TO THE NORTH WEST OF BEEHIVE FARM, ROSLISTON (9/2001/1074/A)
THE DISPLAY OF AN ADVANCE SIGN FOR BEEHIVE FARM ON LAND AT O.S. FIELD NO. 8124 FRONTING LINTON ROAD TO THE NORTH WEST OF BEEHIVE FARM, ROSLISTON (9/2001/1075/A)**

It was noted that these applications were situated in the Walton Ward.

RESOLVED:-

- (1) That permission be refused for the reasons set out in the reports of the Planning Services Manager.*

- (2) That, if necessary, legal proceedings be instituted to secure the removal of the signs, subject to the availability of the necessary evidence.***
- (3) That the applicant be encouraged to submit a further application to site the signs in appropriate positions.***

DC/91. **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 Committee received the Exempt Minutes of the Meetings held on 6th November and 27th November 2001.

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 215
UNTIDY SITE NOTICE – LAND AT NO. 25 STATION STREET, CASTLE GRESLEY
(Paragraphs 12 and 14)

The Committee authorised the institution of legal proceedings in respect of non-compliance with an Untidy Site Notice.

L.J. BROOKS

CHAIR