

DEVELOPMENT CONTROL COMMITTEE

16th September 2003

**PRESENT:-**

**Labour Group**

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

**Conservative Group**

Councillors Atkin, Bale, Bladen, Hood, Mrs. Walton and Mrs. Wheeler (substitute for Councillor Lemmon).

[Councillor Taylor also attended the Meeting and, with the approval of the Chair, spoke to Minute No. DC/46(a)].

**APOLOGIES**

Apologies for absence from the Meeting were received from Councillors Bambrick and Southerd (Labour Group) and Councillor Lemmon (Conservative Group).

DC/42. **REPORT OF MEMBER**

The Chair advised that he had received a letter from Woodville Parish Council requesting the establishment of a Liaison Committee relating to the proposed development at Woodville Woodlands. This request was agreed by the Committee.

**MATTERS DELEGATED TO COMMITTEE**

DC/43. **THE RESTORATION OF THE FOOTBRIDGE AT THE UCI SITE AT FINDERN**

The Committee received a progress report on negotiations relating to contributions towards the restoration of the footbridge over the A38 between the UCI site and Findern. Members were reminded that at its Meeting held on 8th July 2003, the Committee had agreed to the principle of development for the erection of a warehouse on the UCI site following a site visit, subject to a Section 106 Agreement to secure the restoration of the footbridge over the A38, including its future adoption as a public right of way.

During the course of negotiations, it had become apparent that the Highways Authority could not sign a Section 106 Agreement. It needed to be a signatory as the Agency was the Authority responsible for the maintenance of the A38. Whilst not doubting the willingness of the Atkins Family Trust to enter into the Agreement, the company had emphasised its need for certainty and an ability to start the development in the short term. This, together with an uncertainty about costs, had led the applicants to offer a Unilateral Undertaking to pay for the costs of the restoration of the bridge. Members

received a copy of the Undertaking and the works to restore the bridge were identified in the schedule accompanying the document. The applicants would also meet the reasonable additional costs up to a limit of £6,000, if it was proven that the bridge was capable of economic repair following a full internal survey of the bridge to be undertaken by the applicants.

If the survey revealed that the bridge was capable of economic repair, then the works identified would be undertaken. The applicants would then approach the Highways Agency and the landowners on the other side of the road with a view to transferring the bridge to the Highways Agency for adoption as a public right of way under the provisions of Section 94 of the Highways Act 1980. The Undertaking made provision for the dedication of the necessary land to facilitate public access. If the survey revealed that the bridge was not capable of economic repair, the consequence may be the removal of the bridge unless other agencies committed funds towards its restoration.

As the Highways Agency had indicated that it could not sign any Agreement for legal reasons, it had suggested that the matter could be progressed through Sections 94 and 278 of the Highways Act 1980. On this basis, this Authority would have no control over the restoration of the footbridge, which was the primary objective. The applicants had also expressed concern about several issues, which were outlined to the Committee.

In conclusion, there was clearly a risk that the bridge would be removed if the costs were significantly beyond those already identified. The applicants were aware that if the bridge was restored, the negotiations undertaken with the Highways Agency were likely to include an element of funding for future maintenance. Alternatively, the bridge would not get transferred and the current owners would bear the future maintenance liability, or the transfer to public ownership would progress smoothly.

The Planning Services Manager reported the receipt of a letter from the applicants.

**RESOLVED:-**

***That the Unilateral Undertaking accompanying the report be accepted and the planning permission be issued in accordance with the recommendation to the Committee on 17th June 2003.***

DC/44. **PUBLIC HEALTH ACT 1925, SECTION 17**  
**STREET NAMING – WOODVILLE**

It was reported that a request had been received for a new street name for a development under construction on land adjoining No. 143 Burton Road, Woodville. The suggested names were 'Olders Valley', 'The Olders' and 'Olders Brook' on the basis of a connection to an old brickyard on the site, dating back to the 1700's. The Royal Mail had raised no objections to any of the suggested names.

**RESOLVED:-**

***That, in accordance with the provisions of Section 17 of the Public Health Act 1925, the name 'Olders Valley' be preferred by this Council.***

DC/45. **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/46. **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 one hundred dwellings at Qualitas Bathrooms, Hartshorne Road, Woodville (9/2003/0911/D) – subject to additional conditions relating to additional information on levels and a scheme of netting on the boundary of the Cricket Club.*
- (b) The erection of extensions at No. 2 Utah Close, Hilton (9/2003/0929/FH)*

DC/47. **APPLICATIONS DEFERRED FOR SITE VISITS****RESOLVED:-**

- (1) That consideration of the following applications be deferred for the reasons indicated to enable Members of the Committee to visit the sites prior to the next Meeting:-*
  - (a) The demolition of an existing barn and the erection of a new dwelling at Arleston Farm, Arleston Lane, Barrow-on-Trent (9/2003/0831/F) – to assess overbearing and amenity issues.*
  - (b) The erection of a part two-storey rear extension at No. 11 Hall Park, Barrow-on-Trent (9/2003/0904/FH) – to assess overbearing issues and the relationship with surrounding developments. Reference was made to additional correspondence from a neighbour.*
- (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/48. **THE CONVERSION INTO FOUR RESIDENTIAL UNITS OF TWO OUTBUILDINGS AT BLAKELOW FARM, SUTTON LANE, HILTON (9/2002/1223/U)****RESOLVED:-**

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

DC/49. **THE RETENTION OF A CAR PORT IN THE FRONT GARDEN OF NO 44 COTON PARK, LINTON (9/2003/0975/FH)**

**RESOLVED:-**

- (1) That planning permission be refused for the reason set out in the report of the Planning Services Manager.***
- (2) 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 structure from the land.***

DC/50. **INCIDENTAL COAL EXTRACTION AS PART OF LAND REMEDIATION WORKS IN PREPARATION FOR REDEVELOPMENT OF SITE FOR HOUSING AND OPEN SPACE ON LAND ADJOINING FORMER MOUNT PLEASANT WORKS AND WOODVILLE PIPEWORKS OFF MOIRA ROAD, WOODVILLE (CM9/2001/0108/CM)**

**RESOLVED:-**

***That the County Minerals Authority be advised that this Council raises no objection in principle to the application provided that the necessary safeguards are incorporated into conditions recommended by the Environmental Health Manager and those considered necessary by the County Minerals Authority together with additional comments expressing concern regarding the control of blasting and the need for dust suppression.***

W. DUNN

CHAIR

The Meeting terminated at 6.45 p.m.