
REPORT TO: DEVELOPMENT CONTROL
COMMITTEE

AGENDA ITEM:

6

DATE OF
MEETING:

CATEGORY:

REPORT FROM: DEPUTY CHIEF EXECUTIVE

RECOMMENDED
OPEN/EXEMPT
PARAGRAPH NO:

MEMBERS'
CONTACT POINT: R M Shirley (596750)

DOC:

SUBJECT: Unauthorised engineering works to
facilitate the erection of a bungalow
at Barratt Mill, Overseal
Overseal

REF: RMS/E/2002/95

WARD
AFFECTED:

TERMS OF
REFERENCE: DC01

1.0 Reason for Exempt (if appropriate)

1.1 Not Applicable

2.0 Recommendations

2.1 That the Development Control Committee takes no action at present but authorises the site to be monitored and should the remedial work proposed by the owner of the land not be implemented within six months, that any deficiencies be made the subject of a further report at that time.

3.0 Purpose of Report

3.1 To obtain the Committee's instructions.

4.0 Executive Summary

4.1 Not applicable

5.0 Detail

5.1 The site, the majority of which is within North West Leicestershire, is that of a former farm and other buildings which were demolished by the Coal Board. Subsidence formed a depression in the land which filled with water giving rise to the formation of a large pond.

5.2 Planning permission was granted by North West Leicestershire District Council in 1994 for the erection of a dwelling on the site and this permission was subsequently renewed in 1999.

5.3 In May 2002 complaints were received that allegedly unauthorised works were taking place on the land and site visits were carried out.

5.4 It was ascertained that the pond had been drained (this has now re-filled) and that a

Considerable quantity of graded stone had been imported with the effect of significantly raising the levels of both the site of the proposed dwelling and the immediately surrounding land. The dwelling is now in course of erection.

- 5.5 Whilst the major part of the land is in Leicestershire, that part of the site which lies in South Derbyshire was affected by the works to the point where a material engineering operation to raise the land had taken place.
- 5.6 The matter was considered by the Planning and Environmental Group of North West Leicestershire District Council on 12th June and 3rd July 2002 and the view was taken that, as no detailed information was held by that Authority with respect to former land levels at the site and that some importation of material would have been necessary to allow access to the garage approved to serve the dwelling, enforcement action to remove the material would not be expedient.
- 5.7 However, the Group did resolve, in the interests of mitigating the harm caused to the area, to authorise the service of a permissive enforcement notice requiring the submission of a landscaping scheme including measures for habitat reinstatement. The notice required the scheme to be submitted within three months and implemented within six months of approval.
- 5.8 The landowner was contacted with respect to the unauthorised engineering operation that had taken place within South Derbyshire but has neither removed the material nor submitted an application to retain it. However, written confirmation has been received that a bund formed of imported crushed stone situated within this Authority's area will be removed as part of the landscaping of the pond and the land will be seeded to allow it to return to a natural appearance as soon as possible.
- 5.9 A plan of the area is attached at Annexe A.

6.0 Financial Implications

- 6.1 None

7.0 Corporate Implications

- 7.1 None

8.0 Community Implications

- 8.1 None

9.0 Conclusions

- 9.1 In the light of the approach taken in the matter by North West Leicestershire District and the undertaking provided by the landowner the service of an enforcement notice to remove the imported material would not be expedient.
- 9.2 However, bearing in mind the sensitive nature of the site, it would be appropriate to monitor the land to ensure that the undertaking provided by the owner is being satisfactorily implemented. Should insufficient progress be made within a reasonable period the matter should be referred back to the Committee for further consideration.

10.0 Background Papers

- 10.1 Enforcement File E/2002/95