

DEVELOPMENT CONTROL COMMITTEE

17th June 2003

PRESENT:-

Labour Group

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

Conservative Group

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

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

Councillor Ford – Minutes Nos. DC/11(b) and DC/18(b)

Councillor Harrison – Minute No. DC/20

Councillor Lane - Minute No. DC/17

Councillor Shaw – Minute No. DC/11(c)

Councillor Taylor – Minute No. DC/17)

APOLOGY

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

DC/10. **REPORT OF MEMBER**

Councillor Bale expressed serious concern at the increasingly unpleasant odour arising from the premises of Brandons Poultry at Hollybank, Scropton, particularly during the recent warm weather conditions. This was endorsed by Councillor Whyman and it was noted that the Parish Council had also raised the matter. Members recognised that this may be an environmental issue rather a matter relating to planning conditions and Officers were requested to investigate the matter urgently and act accordingly.

MATTERS DELEGATED TO COMMITTEE

DC/11. **SITE VISITS**

- (a) The erection of a 20 metre high mono telecommunications pole, three antennas, one dish and one equipment cabinet at field off Arleston Lane, Stenson Fields (9/2002/1350/FT).

Further to Minute No. DC/8 of 20th May 2003, 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, contrary to the recommendation, planning permission be refused for reasons concerning visual intrusion together with the adverse impact on the countryside.

(Councillor Atkin declared a personal interest in this application, being the owner of adjoining land).

- (b) Application for approval of reserved matters pertaining to trunk road service area including 100 bed hotel, public house restaurant, filling station, food outlets and associated parking, access and landscaping on land to the north of the farm buildings at Hill Farm, Willington (9/2003/0261/D).

Further to Minute No. DC/8 of 20th May 2003, it was reported that Members of the Committee had visited the site prior to the Meeting. Reference was made to additional correspondence from neighbours and the applicants.

RESOLVED:-

That approval of reserved matters be granted, subject to the conditions set out in the report of the Planning Services Manager to the Meeting held on 20th May 2003 and to an additional condition requiring an on-site survey of protected species.

- (c) Use of land for the storage of touring caravans at Seale Lodge Farm, Burton Road, Acresford (9/2003/0053/U).

Further to Minute No. DC/8 of 20th May 2003, it was reported that Members of the Committee had visited the site prior to the Meeting. Reference was made to correspondence from the applicant's agent.

RESOLVED:-

That planning permission be refused for the reasons set out in the report of the Planning Services Manager to the Meeting held on 20th May 2003.

DC/12. **DEVELOPMENT CONTROL STATISTICS FOR THE FOURTH QUARTER OF 2002 (OCTOBER TO DECEMBER)**

It was reported that statistics had recently been released by the Government regarding the speed of decision making of local planning authorities in England for the quarter ending 31st December 2002. For this quarter, the figures indicated that nationally, 67% of all planning applications had been determined within eight weeks, representing a rise of 2% on the corresponding quarter in 2001. This Council had determined 77% of applications in eight weeks during this period, which was the highest in Derbyshire for the quarter and the figure also compared well to other authorities in the Council's CIPFA group.

For the year to 31st December 2002, the figures indicated that nationally, 66% of all planning applications had been determined within eight weeks. This Council had determined 64% of its applications in eight weeks during

this period which was higher than Erewash, equal with Amber Valley and below all other authorities in Derbyshire.

It was noted that the figure for the quarter ending 31st December 2002 indicated a marked improvement on the previous two quarters, due mainly to a full staffing complement and the settlement of full time Area Officers. Nevertheless, it also represented the continuing commitment of all staff in the Division to the delivery of a quality service at a time when applications received continued to rise and workloads increased accordingly.

RESOLVED:-

That the report be noted.

DC/13. **UNAUTHORISED SALE OF MOTOR VEHICLES AT NO. 53 HIGH STREET, NEWHALL**

It was reported that following a complaint received, site inspections were carried out at the above property, which was a shop dealing mainly in used domestic items with associated residential accommodation. There was also a detached outbuilding in apparent use as a store/workshop.

On the occasion of the initial visit, one car was displayed for sale with four other cars in various conditions stored within the site. Subsequent visits had revealed three cars displayed for sale on the frontage of the property with evidence of movement of stock. The owner had been contacted but had failed to complete a Planning Contravention Notice and the unauthorised use was ongoing. The County Highways Authority had advised that in view of the severely substandard visibility at the site, it was unlikely that a favourable response would be forthcoming in the event of the submission of a formal application.

RESOLVED:-

That all necessary action be taken be taken under the provisions of Section 172 of the Town and Country Planning Act 1990 (as amended), including any subsequent legal proceedings necessary, requiring the cessation of the unauthorised sale of motor vehicles from the land, the removal of all vehicles displayed for sale or for intended sale and the removal of any scrap materials or vehicle parts resulting from the above-mentioned requirements.

DC/14. **HISTORIC BUILDING AND CONSERVATION AREA GRANT APPLICATIONS**

It was reported that for the previous three financial years, the Historic Building and Conservation Area Grant budget had, as this year, been set at £5,000. In order that this limited amount was distributed to the most worthy projects, grants had been allocated on the basis of agreed priorities and only those applications falling into a priority category had been determined in the first six months of the financial year. As it was a condition of the grant scheme that works should not commence prior to a written grant offer, any non-priority work must proceed without grant assistance or wait for determination. Funds remaining after 1st October had then been made available for any eligible application, regardless of its category. Last year's

priorities were repairs to 'buildings at risk', and works of restoration, which had operated well and continued to be applicable.

(a) Outbuilding at No. 23 Market Place, Melbourne

At its Meeting held on 17th December 2002, the Committee had offered a 40% grant of £573 for joinery repairs at No. 23 High Street, Melbourne. It was also agreed to consider a further grant of £1,961 for repairs to a rear outbuilding during the current financial year, subject to the availability of funds. The work on the windows was due to commence imminently.

The eligible works included re-roofing, rebuilding the apex of one gable wall, the chimney stack and an area of loose brickwork above the door, providing cast iron rainwater goods and replacing the door frame. There would still be other repairs to be undertaken to the joinery in the future but currently, the proposed works were designed to address the major faults and would secure the structure in a sound condition.

Only one quote was submitted with the original application, which had been checked by the Council's Quantity Surveyor and was considered to be reasonable. The cost of the eligible works was £4,903.28 (£4,173 + £730.28 VAT) and a 40% grant would amount to £1,961. Although the building was not currently on the 'Buildings at Risk' list, its condition was such that it would qualify for inclusion and it was therefore considered that the application should be classed in a priority category for grant aid. The outbuilding was not visible from public vantage points, although it was visible from the rear of the terrace. However, it was a significant historic building within the curtilage of the Listed house and the works were required urgently to prevent its loss. As it was not part of the house, there was little incentive without grant assistance for the owners to make the investment required for it to survive.

(b) No. 40 Derby Road, Melbourne

It was reported that a grant of £774 had already been made towards the cost of restoring historic joinery to the front elevation of the above property. The works had been completed last year and the new door and windows had transformed the appearance of this terraced house. The owner was now keen to continue with the improvements and had submitted an application for the restoration of a stone plinth wall and railings to the front of the house. The cost of the reinstatement works, based on the lowest of competitive estimates, was £2,503.17, including VAT. A 40% grant would be £1,001 but additional costs could be incurred involving the finer details of the railings. The works fell into a priority category for grant aid.

The boundary was situated at the rear of the public highway and therefore the works would be highly visible and would enhance the character of the Melbourne Conservation Area. The works may also act as a catalyst for other householders to make similar improvements to their boundaries.

(c) Bladen Castle Lodge, Newton Solney

It was reported that Bladen Castle Lodge was a pretty, early 19th century Gothic style building situated on the western edge of Newton Solney Conservation Area in a prominent position elevated from the road.

The application related to the removal of a disfiguring 20th century window on the south elevation and the reinstatement of an original lancet window which was thought to have been removed from the building when the extension was constructed and subsequently stored in an outbuilding. Only one quotation had been submitted to date but the applicant was in the process of obtaining a further quote. The cost of the works on the submitted estimate was £1,915 including VAT and a 40% grant would be £766. The work involved restoration and therefore fell into a priority category for grant aid.

The new window would enhance the appearance of the listed building but would have no impact on the character of the Conservation Area as it was situated on the south side and would not be visible from the road.

(d) Broughton House, Shardlow

It was reported that this property was a fine late Georgian residence situated imposingly on the main London Road through Shardlow. However, the sash windows were crudely detailed modern replacements of poor quality timber, which was now rotting.

It was proposed to replace the three first-floor windows on the front elevation. An original sash window survived to the rear which would be used as a pattern to ensure that the replacements were authentically detailed. Only one quote had been submitted to date but the applicant was in the process of obtaining a further quote. The cost of the eligible work, based on the submitted quote, was in the sum of £3,096 including VAT and a 40% grant would be £1,238. The works involved restoration and therefore the application fell into a priority category for grant aid.

The proposal would enhance the character of the listed building, restoring the finer detail that the quality of the building deserved but the improvements would be less noticeable from outside and therefore the impact on the character of the Conservation Area would be less significant.

(e) No. 8 The Wharf, Shardlow

It was reported that this property formed part of a long attractive late 19th century terrace running northwards from London Road. At the beginning of a Shardlow dedicated grant scheme originally started in the 1980's, only one of these terraced houses had its original external joinery. During the course of the grant scheme, several sash windows and front doors were restored to the original pattern, thus enhancing the appearance of the row.

The applicant proposed to replace the existing modern and dilapidated joinery on the front elevation that detracted from the character of the row comprising two windows and a door and the replacements would restore the original pattern. The cost of the eligible works based on the lowest of three competitive estimates, was £2,156.12, including VAT and a 40% grant would be £862. As the works involved restoration, the application fell into a priority category for grant aid.

The proposals would transform the appearance of the property and would have a substantial impact on the character of the Shardlow Conservation Area.

(f) No. 36 Main Street, Ticknall

It was reported that this property was a pretty brick and stone cottage on the Main Street within Ticknall Conservation Area. Its appearance had been spoilt by unsympathetic 20th century window alterations. It was proposed to change all the windows and to replace both the front and rear doors to a traditional boarded pattern. The cost of the eligible works, based on the lowest of competitive estimates, was £6,660 and a 40% grant would be £2,664. The cost of the new joinery on the front elevation only, comprising five windows and the front door was £3,770 and a 40% grant would be £1,508. As the works involved restoration, the application fell into a priority category for grant aid.

The works to the front elevation would have a substantial impact on the character of the Conservation Area and may act as a catalyst for other owners in the vicinity to undertake similar works.

RESOLVED:-

(1) That priority for grant aid from the 2003/04 fund be given to:-

- (a) Repairs to 'buildings at risk', and***
- (b) Works of restoration.***

(2) That, for the first six months of the financial year only, applications falling within the above priority categories be determined and should there be any remaining funds, non-priority applications be determined after 1st October 2003 and grants be awarded according to the merits of each case.

(3) That Mr. and Mrs. M. and C. McAleese be offered a 40% grant up to a maximum of £1,961 towards eligible costs of £4,903.28 towards repairs to the outbuilding at No. 23 Market Place, Melbourne, as set out in the estimate from W.B. Bradford (Measham) Ltd. of 23rd March 2002, subject to the usual conditions and to the following additional conditions:-

- (a) That samples be approved of any replacement bricks or tiles.***
- (b) That a lime mortar be used, a specification for which shall be agreed and a sample panel of pointing be approved prior to the commencement of works.***
- (c) That the rainwater goods be painted (black) before fixing.***

(4) That Mr. D. Sutheran be offered a 40% grant up to a maximum of £1,001 towards eligible costs of £2,503.17 for the restoration of a stone plinth and railings at No. 40 High Street, Melbourne, as set out in the estimates from Bentley Fabrications and Realstone dated 4th September and 20th November 2002, subject to the usual conditions and to the following additional conditions:-

- (a) *The precise pattern, fixing method and finish of the ironwork be approved prior to the commencement of works.*
 - (b) *That the finish of the stone be agreed and a sample approved.*
- (5) *That the application relating to works at Bladon Castle Lodge, Newton Solney be refused due to lack of funds.*
- (6) *That the application relating to Broughton House, Shardlow be refused due to lack of funds.*
- (7) *That Mrs. F. Harrison be offered a 40% grant up to a maximum of £862 towards eligible costs of £2,156.12 for the restoration of two sash windows and a front door and frame at No. 48 The Wharf, Shardlow as set out in the estimate from Bartrams dated 22nd May 2003, subject to the usual conditions and to the following additional condition:-*
- (a) *That the windows are a precise copy of those at No. 16 The Wharf, the door is a precise copy of that at No. 6 The Wharf and the door ironmongery and colour scheme are agreed.*
- (8) *That Mr. and Mrs. J. and B. Dunbavand be offered a flat rate grant up to a maximum of £1,176, being the remainder of the 2003/04 fund, towards eligible costs of £3,770 for the restoration of five horizontally sliding sash windows and a front door and frame at No. 36 Main Street, Ticknall, as set out in the estimate from Winters dated 13th April 2003, subject to the usual conditions and to the following additional conditions:-*
- (a) *That the precise pattern of the replacement joinery be agreed prior to the commencement of works.*
 - (b) *That the door ironmongery and colour scheme are agreed.*

DC/15. **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 Allowed

The change of use of touring caravan park to use for static holiday homes and touring caravans at Shardlow Marina, London Road, Shardlow.

Appeals Dismissed

- (a) The erection of four dwellings on land at the side and rear of No. 113 Wood Lane, Newhall.
- (b) The installation of a roof light in the south elevation of the Grade II Listed Shaw House, Robinson's Hill, Melbourne.
- (c) The residential development of land adjoining Castle Court, Elvaston.

DC/16. **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 renewal of planning permission 9/0498/0086/O for the erection of a public house, restaurant and motel at the farm and public house known as the Every Arms Hotel, Burton Road, Egginton (9/2002/0567/R) – it was noted that this application was situated within the Etwall Ward.*
- (b) The erection of 28 dwellings on land being the former car park at Bretby Business Park, Ashby Road East, Bretby (9/2002/1339/D) – particular care of the protected trees on the site was requested.*
- (c) The construction of a new section of access road and change of use of tree planting areas to domestic gardens and public open space at the rear of plots Nos. 5, 6 and 20-27 inclusive of the residential development site at the rear of Nos. 143 – 195 Wood Lane, Newhall (9/2003/0544/U).*
- (d) The erection of a replacement dwelling on the south side of the public footpath at Twisses Bank, Church Broughton (9/2003/0166/F) – reference was made to correspondence from the County Highways Authority.*
- (e) The erection of extensions at No. 7 Ash Close, Aston-on-Trent (9/2003/0422/FH).*
- (f) The erection of a conservatory and garage at The Hill Lodge, Deep Dale Lane, Barrow-on-Trent (9/2003/0480/FH).*

DC/17. **THE ERECTION OF A FOOD RETAIL STORE, CAR PARK, RAISED CAR PARK, PETROL FILLING STATION, CAR WASH (CAR WASH AND PETROL FILLING STATION TO BE LOCATED BETWEEN DERBY ROAD AND HILL STREET) AND ASSOCIATED ENGINEERING WORKS TOGETHER WITH THE CONVERSION OF OFFICES TO TWO HOUSES AT THE FORMER WRAGGS PIPES, HEPWORTHS, COPPICE SIDE, SWADLINCOTE (9/2003/0165/F)**
THE DEMOLITION OF 20TH CENTURY INDUSTRIAL BUILDINGS, A BEHIVE KILN, A 19TH CENTURY WORKSHOP BUILDING AND A SQUARE PLAN CHIMNEY AT WRAGGS PIPES, HEPWORTHS, COPPICE SIDE, SWADLINCOTE (9/2003/0168/CC)

Plans of the proposal were displayed for Members' information. Reference was made to additional correspondence from a noise consultant, the Environmental Health Manager, the County Highways Authority, English Heritage, agents on behalf of local landowners and the County Archaeologist. It was noted that several minor amendments to the application were ongoing and any further advertisements necessary would be undertaken in accordance with the Council's policy.

Members expressed concern at the potential traffic implications on Swadlincote Road and Derby Road and considered that a roundabout should be investigated as an alternative to traffic lights.

RESOLVED:-

- (1) That the Planning Services Manager and the Legal and Democratic Services Manager be authorised to deal with any further issues raised as a result of further amendments to be considered, an incomplete statutory consultation and neighbour notification period together with legal issues surrounding the submission of certificates under Section 65 of the Town and Country Planning Act 1990.***
- (2) That, subject to the satisfactory conclusion of (1) above, the applicant companies be advised that the Council agrees with the principle of development and is minded to grant planning permission 9/2003/0165/F, 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 the following matters together with the provision of highway works, including appropriate signalling and commuted sums for maintenance as appropriate:-***
 - (a) The sum of £105,000 for Sharpe's Pottery (in lieu of loss of industrial archaeology on the site).***
 - (b) A town centre study (in order to facilitate integration of the development with future enhancement and management of the town centre and Conservation Area by planning for strong locally distinctive physical and visual links). This may only be part funded by the applicant.***
 - (c) The sum of £100,000 for environmental improvements (to enable the implementation of (b) above).***
 - (d) Historic Buildings – the listed chimney stack, attached workshops and offices on Coppice Side and all works to be completed to the Council's satisfaction prior to the first trading of the store in accordance with a detailed specification previously approved in writing by the local planning authority.***
 - (e) Re-surfacing of Ernest Hall Way.***
 - (f) A restriction on the commencement of trading until the Hazardous Substances Consent on the adjoining site has been revoked.***
 - (g) The provision by the applicants of an interpretation panel on the site relating to the historical/archaeological context of the site and the provision of a 'Welcome to Swadlincote' sign.***
- (3) That the Legal and Democratic Services Manager be authorised to conclude the Agreement on the above basis.***
- (4) That the conditions set out in the report of the Planning Services Manager be approved for imposition on the issue of any planning permission.***

- (5) That further investigation be made into the possibility of providing a roundabout on Derby Road as an alternative to traffic lights.***
- (6) That consent 9/2003/0168/CC be granted, subject to the conditions set out in the report of the Planning Services Manager.***

DC/18. **APPLICATIONS DEFERRED FOR SITE VISITS**

RESOLVED:-

- (1) That consideration of the following applications be deferred for the reasons outlined to enable Members of the Committee to visit the sites prior to the next Meeting:-***
 - (a) The erection of 101 apartments and houses (reserved matters application submitted under condition No. 2 of outline permission 9/2001/0730) at the former Qualitas Bathrooms, Hartshorne Road, Woodville (9/2003/0268/D) – to assess the density of the proposed development in particular, on the Burton Road frontage. It was noted that a further period of neighbour consultation was necessary.***
 - (b) The erection of two warehouse units with ancillary parking, vehicle wash and fuelling facilities at UCI Logistics, Burton Road, Findern (9/2003/0447/F) – to assess the visual impact. Reference was made to the confirmed receipt of an amended plan.***
 - (c) Extensions and alterations at No. 59 Crowtrees, Church Lane, Barrow-on-Trent (9/2003/0169/FH) – to assess the implications of the application.***
- (2) That Members be authorised to consider any ancillary matters which might arise.***
- (3) That the local representatives be invited to be present in a representative capacity, as appropriate.***

DC/19. **THE ERECTION OF A BOUNDARY WALL AT NO. 1 BRAEMAR CLOSE, STENSON FIELDS (9/2003/0410/FH)**

It was reported that Members of the Committee had taken the opportunity to visit the site prior to the Meeting whilst in the vicinity.

RESOLVED:-

That, contrary to the recommendation, planning permission be refused for reasons of the introduction of an alien feature in the streetscene and the loss of amenity to the neighbouring property.

(Councillor Shepherd declared a personal interest in the application, as a colleague and friend of the occupier of the adjacent property).

- DC/20. **THE DEMOLITION OF THE MONARCH ROOM (FUNCTION SUITE TO THE REAR) AND THE REFURBISHMENT OF THE PUBLIC HOUSE AT KINGS NEWTON LTD., NO. 4 MAIN STREET, KINGS NEWTON (9/2003/0433/L)**
THE DEMOLITION OF THE MONARCH ROOM (FUNCTION SUITE TO REAR) AND THE REFURBISHMENT OF THE PUBLIC HOUSE AND THE BED AND BREAKFAST ROOMS AND THE ERECTION OF EIGHT DWELLINGS AT KINGS NEWTON LTD., HARDINGE ARMS, MAIN STREET, KINGS NEWTON (9/2003/0434/F)

Councillor Harrison now withdrew his objections outlined in the report.

RESOLVED:-

- (1) That Listed Building Consent 9/2003/0433/L be granted, subject to the conditions set out in the report of the Planning Services Manager.***
- (2) That, subject to the applicant entering into a unilateral undertaking not to request the adoption of the internal road and to form a management company to maintain the road, planning permission be granted, subject to the conditions set out in the report of the Planning Services Manager.***

W. DUNN

CHAIR

The Meeting terminated at 8.15 p.m.