

DEVELOPMENT CONTROL COMMITTEE

12th February 2002

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, Hood and Mrs. Walton.

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

Councillor Mrs. Robbins – Minutes Nos. DC/113 and DC/116

Councillor Mrs. Rose – Minutes Nos. DC/108(g) and DC/108(k)

Councillor Mrs. Wheeler – Minute No. DC/110)

DC/102. **MINUTES**

The Open Minutes of the Meetings held on 18th December 2001 and 15th January 2002 were taken as read, approved as true records and signed by the Chair.

MATTERS DELEGATED TO COMMITTEE

DC/103. **DEVELOPMENT CONTROL STATISTICS FOR THE YEAR ENDING 30TH SEPTEMBER 2001 AND THE THIRD QUARTER OF 2001 (JULY TO SEPTEMBER)**

It was reported that statistics had recently been released regarding the speed of decision making of local planning authorities in England for both the year ending 30th September 2001 and for the quarter ending 30th September 2001. For the quarter to 30th September 2001, these indicated that nationally, 65% of all planning applications had been determined within eight weeks, which represented a 2% increase on the corresponding quarter in 2000. However, only forty-two authorities had surpassed the Government's target of determining 80% of applications within eight weeks. It was noted that this authority had determined 72% of applications within the eight week period and was positioned fifth in Derbyshire and fifth in the Council's CIPFA group.

For the year to 30th September 2001, the figures indicated that nationally, 63% of all planning applications had been determined within eight weeks. This Council had determined 75% of its applications in the eight week period and was positioned joint first in Derbyshire and third in the Council's CIPFA group.

The Government had now determined that the speed of decision-making of local planning authorities would be measured in an amended form from April 2002. The targets set by central government were the determination of 60%

of major applications within thirteen weeks of receipt, 65% of minor applications within eight weeks of receipt and 80% of all other applications within eight weeks of receipt.

The Committee again commended officers on their efforts.

RESOLVED:-

That the report be noted.

DC/104. **PLANNING AND BUILDING CONTROL DELEGATION AGREEMENT**

It was reported that the current delegation agreement was due to expire on 30th April 2002 and the Committee received a report on proposed modifications to the current agreement with a view to the adoption of a revised agreement for a period of two years expiring on 30th April 2004.

Members were reminded that the delegation agreement was last renewed in February 2000 and permitted the scheme of delegation to officers to be carried forward until the end of April 2002. Since that time, there had been some minor modifications to the general agreement and the inclusion in October 2000 of delegated powers for many enforcement issues. It was considered that the current scheme of delegation had worked well, despite increases in the complexity of the planning system and in workloads for both development control (increase of 23% in three years) and enforcement services. Specifically, it had enabled the Council to continue to determine in excess of 70% of planning applications within eight weeks and to continue to deliver a reactive enforcement service. Additionally, the scheme of delegation was considered to be a major positive feature of the service in the Best Value Review of Development Control in 2000.

The scheme of delegation had worked on the basis that all cases involving significant controversy or which were contrary to the Council's planning policies and/or its Supplementary Planning Guidance (SPG) had been submitted to the Committee for determination. More recently, the Members' role had been strengthened in the planning process by the submission of letters of notification on all applications within their respective Ward. During the period of the operation of the scheme of delegation, the Ombudsman had found no cases of maladministration against the Council.

The use of the delegation scheme had continued to be advocated by the Government and it remained a Best Value Indicator. However, the Government intended that in the near future, 90% of planning applications should be determined under delegated powers and it was intended that this would become the new indicator of Best Value. The Government considered that this would provide more time for elected Members to consider larger and more complex applications in detail, which would have a significant bearing on the wellbeing of areas for which they were elected.

The operation of the delegation scheme had increased during the last ten years, with 588 applications being determined under delegation in 1991/92 (50%), 736 in 1996/97 (72%) and 648 in 1998/99 (78%). In the quarter to September 2001, the Council had determined 86% of applications under delegation and this increase reflected the increasing need to determine applications under delegated powers in the interests of efficiency as well as

the recent increase in the submission of less complex applications. Notwithstanding this, the scheme of delegation needed to be monitored continually and in view of the increasing workloads of the Development Control and Enforcement Sections, required updating to enable the section to continue to provide a complete service that was responsive to its customers. Accordingly, further changes were now proposed.

Currently, minor matters relating to household applications in particular were referred to the Committee when either a statutory consultee had objected or more than two letters of objections had been received. This had often resulted in minor applications being submitted to the Committee that were fully in accordance with the Council's planning policies and Supplementary Planning Guidance (SPG) and which were otherwise acceptable. Considering the additional resources required to service the Committee and the pressure to achieve the Government's targets both for delegation and efficiency, it would be more effective for officers to deal with these matters under delegated powers, irrespective of consultations received but strictly in accordance with the SPG. This would relate primarily to householder applications or minor residential development where strong SPG existed at present. If matters were considered to be significantly controversial, the Planning Services Manager would still refer them to the Committee.

Currently, the delegation agreement gave delegated powers to officers to deal with controversial matters concerning Tree Preservation Orders, the notification of works to trees within Conservation Areas and telecommunication related proposals in consultation with the Chair of the Committee. This was not in line with the other delegated powers and it was proposed to amend this to allow officers to deal with this matter under delegation, providing that no more than two letters contrary to the recommendation were received. If more than two letters were received or comments were received from a statutory consultee contrary to the recommendation, then reference to the Chair would remain the recourse.

Currently, any matter requiring a Section 106 Agreement required referral to the Committee. Where otherwise minor matters would be determined under delegation, this often necessitated a referral to the Committee. Whilst this would need to be treated carefully to ensure compliance with probity, it was proposed to allow officers to determine applications accompanied by Section 106 Agreements.

Some minor drafting changes were also proposed to the planning delegation scheme but these did not affect the general working of the agreement in its current form. Minor changes were also proposed to the building control delegation scheme to reflect arrangements to work co-operatively in partnership with other local authorities and users of the service.

There were no financial implications from the renewal of the delegation agreement or any extension. However, it would enable the current resources to adapt more readily to the increase in application numbers and the continuing complexity of planning legislation.

RESOLVED:-

That the delegation agreement attached at Annexe 'A' to these Minutes be adopted for the period to 30th April 2004.

DC/105. **TOWN AND COUNTRY PLANNING ACT 1990, SECTION 215**
UNTIDY CONDITION OF LAND BEING THE SITE OF IVY COTTAGE, NO. 10 DALE END ROAD, HILTON

Members were reminded that at its Meeting held on 6th February 2001, the former Development Control Sub-Committee had agreed to take no action in respect of the alleged untidy condition of the above site, which enjoyed the benefit of planning permission for three bungalows. However, it was also agreed that in the absence of any development within six months, a further site inspection be undertaken to assess the situation.

Accordingly, a site inspection had been undertaken shortly after the expiration of a period of six months, which revealed that development had not commenced and the appearance of the land had deteriorated. Several attempts had been made to contact the owner with a view to seeking clarification on the matter but no response had been received. The land had now been vacant for a period of approximately two years and there appeared to be no immediate prospect of development commencing. The situation had now deteriorated to the extent that formal action was considered appropriate.

RESOLVED:-

That an Untidy Site Notice be served under the provisions of Section 215 of the Town and Country Planning Act 1990 requiring the following steps to be taken:-

- (a) The removal of all scrap timber including discarded advertisements, the road cone and the blue drum together with the old domestic appliance.***
- (b) The relocation of the pile of bricks on the pallet at the front of the site to the southern boundary or within the existing garage building.***
- (c) The removal of the pile of rubble at the front of the site or its relocation for re-use on the southern boundary having regard to the amenity of adjoining properties.***
- (d) The cutting and clearing of the overgrown grass and weed.***
- (e) The maintenance of the land in a tidy condition.***

DC/106. **PUBLIC HEALTH ACT 1925, SECTION 17**
STREET NAMING

- (a) Newhall***

It was reported that a street name was required for a new development between numbers 145 and 153 Oversetts Road, Newhall. The suggested name was "Warren Hill", which had been agreed by the Royal Mail.

RESOLVED:-

That, in accordance with the provisions of Section 17 of the Public Health Act 1925, no objections be raised to the suggested name “Warren Hill”.

(b) Willington

It was reported that a street name was required for a new development off Twyford Road, Willington. The suggested names were “Wheatfield Court” or “Alexander Court”, both of which had been agreed by the Royal Mail. It was noted that the Parish Council had recommended “Wheatfield Court”.

RESOLVED:-

That, in accordance with the provisions of Section 17 of the Public Health Act 1925, the suggested name “Wheatfield Court” be preferred by this Council.

DC/107. **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 item was noted:-

Appeal Dismissed – The erection of an extension to the garage and a 2.0 metre high boundary wall in substitution for that permitted under 9/2000/1094/F at No.2 Tulla Close, Stenson Fields.

DC/108. **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 an extension, alterations and the erection of a detached garage at No. 19 Church Street, Melbourne (9/2001/0797).***
- (b) The demolition of a lean-to together with the erection of an extension and detached garage and alterations at No. 19 Church Street, Melbourne (9/2001/0798) (Listed Building Consent).***
- (c) The erection of 7 detached houses, 8 semi-detached houses and 3 apartments (single three-storey block) on the site of Castle Gresley Victory Club, Bridge Street, Castle Gresley (9/2001/0894) – subject to appropriate amendments to conditions numbers 3 and 11 following comments made by the County Highways Authority together with additional conditions concerning the provision of wheel washing facilities, the introduction of traffic calming on Bridge Street (subject to the County Highways Authority being***

satisfied that this is appropriate) and fencing up to 2.0 metres in height around the residential properties prior to the commencement of development.

- (d) The formation of a screening earth bund together with associated planting on land at the premises of Roger Bullivant Ltd, Walton Road, Drakelow (9/2001/0922).**

(Councillor Whyman declared an interest in this application and withdrew from the Meeting during the consideration and determination thereof.)

- (e) The formation of a community recreation area at the former Coal Stocking Yard, Coton Park, Linton (9/2001/1127) – subject to additional conditions reflecting the comments of the Environmental Health Manager and the County Highways Authority together with a condition requiring boundary fencing.**
- (f) The erection of a bungalow and garage on land adjoining No. 18 Valley Road, Overseal (9/2001/1132) (Approval of Details) – subject to an additional condition ensuring that forward visibility is maintained.**
- (g) The conversion into two flats of the dwelling at No. 2a Weston Street, Swadlincote (9/2001/1207).**
- (h) The formation of an exercise paddock at Oaklands Farm, Sutton Road, Church Broughton (9/2001/1216).**
- (i) The erection of a barn at Oaklands Farm, Sutton Road, Church Broughton (9/2001/1217).**
- (j) The erection of extensions and the subdivision of the premises into two dwelling units at No. 6 Cote House Farm, Watery Lane, Scropton (9/2001/1225).**
- (k) The erection of 49 dwellings on land at Coronation Street, Swadlincote (9/2001/1227) – the Chief Executive advised Members of ongoing negotiations between the District Council and the County Council to achieve the most satisfactory land use, involving community usage and partnership working. The submission of a unilateral undertaking was reported and the Planning Services Manager was authorised to deal with any further representations received within the prescribed period.**
- (l) The erection of two dwellings and extension to access road and creation of new parking courtyard and public open space on land at Weston Road, Aston-on-Trent (9/2001/1229) – subject to the imposition of an additional informative advising the applicant company to consult with residents on the layout of the courtyard.**
- (m) The erection of four apartments and the erection of a one-storey dwelling on land at Weston Road, Aston-on-Trent (9/2001/1230).**

- (n) *The provision of an additional parking area and the extension and conversion of an outbuilding into a single dwelling unit at Manor Farm, Church Close, Coton-in-the-Elms (9/2001/1247) – reference was made to the comments of the Parish Council.*
- (o) *The provision of an additional parking area and the extension and conversion of an outbuilding into a single dwelling unit at Manor Farm, Church Close, Coton-in-the-Elms (9/2001/1248) (Listed Building Consent) – reference was made to the comments of the Parish Council.*
- (p) *The erection of a car sales facility at Plot E 1, The Mease, Hilton (9/2002/0017) – reference was made to the comments of the Parish Council, the County Highways Authority, the Derbyshire Wildlife Trust together with nine letters of objection. Additional conditions were agreed to reflect the advice received.*

DC/109. **THE RETENTION OF A 2.7 METRE HIGH RETAINING WALL AT NO. 18 CLAMP DRIVE, SWADLINCOTE (9/2001/1143)**

It was noted that this application site was situated in the Gresley Ward.

RESOLVED:-

That consideration of this application be deferred to enable further investigations to be undertaken relating to the structural condition of the wall.

DC/110. **THE ERECTION OF FIVE BUNGALOWS AND SEVEN HOUSES ON LAND TO THE EAST OF SPRINGFIELD ROAD, REPTON (9/2001/1150)**

It was reported that Members of the Committee had visited the site prior to the Meeting.

RESOLVED:-

- (1) *That the applicant be advised that the Council agrees with the principle of the development and that the proposal is such as may be permitted, 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 benefits of low cost housing for the local community.*
- (2) *That the conditions set out in the report of the Planning Services Manager be approved for imposition on the issue of any planning permission.*
- (3) *That the applicant be requested to consider the Parish Council being represented on the Selection Panel.*
- (4) *That the Legal and Members' Services Manager be authorised to conclude the Agreement on the above basis.*
- (5) *That investigations be made into the possibility of obtaining Listed status for the Pill Box.*

DC/111. **THE ERECTION OF AN AGRICULTURAL WORKER'S DWELLING AT OAKLANDS FARM, SUTTON ROAD, CHURCH BROUGHTON (9/2001/1221)**

RESOLVED:-

- (1) That the applicants be advised that the Council agrees with the principle of development and that the proposal is such as may be permitted, 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 retention of the dwelling to the owner/occupied land on the holding.*
- (2) That the conditions set out in the report of the Planning Services Manager be approved for imposition on the issue of any planning permission, subject to condition No. 1 being amended to require the commencement of development before the expiration of one year from the date of the permission.*
- (3) That the Legal and Members' Services Manager be authorised to conclude the Agreement on the above basis.*

DC/112. **THE EXTENSION TO THE RETAIL SALES AREA AND THE ERECTION OF A 2.5 METRE HIGH FENCE/WALL AT THE PREMISES OF SAMUEL JACKSON GROWERS, LOWES LANE, SWARKESTONE (9/2001/0924)**

RESOLVED:-

That, contrary to the recommendation, planning permission be granted subject to conditions to be determined by the Planning Services Manager in consultation with the Chair of the Committee.

DC/113. **THE ERECTION OF A PORCH AT PARK COTTAGE, LONDON ROAD, SHARDLOW (9/2001/1104)**

RESOLVED:-

That, contrary to the recommendation, planning permission be granted subject to conditions to be determined by the Planning Services Manager in consultation with the Chair of the Committee.

(Councillors Ford and Shepherd left the Meeting at 7.35 p.m.)

DC/114. **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 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 paragraph 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 18th December 2001 and 15th January 2002.

UNAUTHORISED FELLING OF ONE YEW TREE AND LOPPING OF BRANCHES FROM A BEECH TREE (TPO131) - REAR GARDEN OF NO. 8 HOLLY COURT, ASTON-ON-TRENT (Paragraphs 12 and 14)

The Committee authorised the institution of legal proceedings in respect of unauthorised works to trees which were the subject of a Tree Preservation Order, subject to the availability of the necessary evidence.

L. J. BROOKS

CHAIR