

DEVELOPMENT CONTROL COMMITTEE

11th February 2003

PRESENT:-

Labour Group

Councillor Brooks (Chair), Councillor Dunn (Vice-Chair) and Councillors Lauro (substitute for Councillor Mrs. Rose), Richards (substitute for Councillor Bambrick), Rose, Shepherd, Southerd, Southern and Whyman M.B.E.

Conservative Group

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

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

Councillor Taylor – Minute No. DC/123(a)
Councillor Mrs. Walton)

APOLOGIES

Apologies for absence from the Meeting were received from Councillors Bambrick and Mrs. Rose (Labour Group) and Councillors Lemmon and Mrs. Walton (Conservative Group). It was noted that Councillor Mrs. Walton was attending the Meeting in a representational capacity.

DC/115. **MINUTES**

The Open Minutes of the Meetings held on 19th November and 17th December 2002 and 14th January 2003 were taken as read, approved as true records and signed by the Chair.

DC/116. **REPORT OF MEMBER**

Enforcement Notice – Gypsy Site at the former Castle View Service Station, Foston

Further to Minute No. DC/100(a) of 17th December 2002, Councillor Whyman queried progress on compliance with the Enforcement Notice issued. The Planning Services Manager advised that as an appeal had been lodged, the Notice would be of no effect pending the final determination or withdrawal of the Appeal. The appeal process was explained and the Planning Services Manager agreed to provide Councillor Whyman with a full written response on the current position together with details of the timescales and compliance period.

MATTERS DELEGATED TO COMMITTEE**DC/117. DEVELOPMENT CONTROL STATISTICS FOR THE THIRD QUARTER OF 2002 (JULY TO SEPTEMBER)**

The Committee received a summary of statistics recently released by the Government regarding the speed of decision making of local planning authorities in England for the quarter ending 30th September 2002. In this quarter, the figures indicated that nationally, 65% of all planning applications had been determined within eight weeks, representing no change on the corresponding quarter in 2001. This Council had determined 56% of applications within eight weeks during this period, which was marginally the lowest in Derbyshire for the quarter but better than three other authorities in the Council's CIPFA group.

For the year to 30th September 2002, the figures indicated that nationally, 66% of all planning applications had been determined within eight weeks. This Council had determined 63% of its applications in eight weeks within this period, which was equal lowest in Derbyshire.

It was noted that the figure relating to this quarter corresponded with the forecast outlined in the report to the Committee on 17th December 2002 and marked the final period affected by staff vacancies and the subsequent introduction of new Officers. Members also received figures which monitored the performance of the development control function. This was the first occasion that such figures had been reported since the introduction of the Development Control Charter and detailed three of the eight target results. Of the remaining five targets not reported, one related to an enforcement performance target to be reported later in the year with other enforcement data and three related to consultation and acknowledgement response times. It was difficult to report on these issues at the present time due to the current software but further work on this was ongoing. The remaining target related to replies to informal advice or information which was currently not recorded.

DC/118. TOWN AND COUNTRY PLANNING ACT 1990, SECTIONS 172 AND 187A (AS AMENDED) ENFORCEMENT ACTION**(a) Land at No. 66 Valley Road, Overseal**

It was reported that planning permission for the retention of a close-boarded boundary fence on the corner plot at the above property had been granted last September, subject to a condition requiring that it should be stained to match the original darker colour of the fence previously erected further into the site. Only a small section of the original fence was still open to view and compliance had not yet been achieved with the condition within the permitted time period. The matter was the subject of ongoing correspondence and the owner did not wish to comply with the condition as he considered that the fence was toning down naturally and the darker colour was not to his liking, nor would it be more in keeping. He also intended to erect a garage for which permission had been granted which would affect the fence and require its partial removal and making good. The older part would be removed and he considered that the discontinuity in colouring would continue to be apparent after this work had been

undertaken, when the fence was completed following the erection of the garage. He intended to commence this work in February but the Parish Council had requested that the condition be enforced.

The original fence was stained dark brown and the new fence was a new wood light brown. If it was not intended to remove the older part of the fence, a justification could be made for achieving a continuous colour throughout. However, the proposed works would remove the bulk of the discrepancy in colour in the fence. Secondly, fences in the immediate vicinity ranged in colour from almost black to light grey and included green together with various shades of brown. There was therefore no justification for insisting on a dark colour and in any event, the new appearance inevitably faded in time and was subject to the growth of algae, tending toward a grey/green colour that was prevalent.

RESOLVED:-

That no action be taken on the matter at the present time but the situation be monitored regarding the erection of the proposed garage and the associated removal of the fence.

- (b) Unauthorised siting of caravan at Springwood Fisheries, Ashby Road, Melbourne

It was reported that following a complaint received regarding the unauthorised siting of a caravan on the above land, an application was submitted for its retention. Several objections were received and the application had been refused under delegated powers due to the impact on the estate farmland landscape of the countryside to the detriment of its character and appearance.

The caravan was still in evidence on the land.

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 caravan from the land and any subsequent legal proceedings necessary also be authorised.

DC/119. **TOWN AND COUNTRY PLANNING ACT 1990, SECTION 215 (AS AMENDED)**
UNTIDY SITE – LAND AT NO. 36 EGGESFORD ROAD, STENSON FIELDS AND THE INSIDE OF THE COVERED WAY PROVIDING ACCESS TO THE CAR PARKING AREA AT THE REAR OF NO. 36 EGGESFORD ROAD

It was reported that following a complaint received in respect of an alleged unauthorised garage, against which enforcement action was not considered expedient, it was noted that an unroadworthy 'Luton' type van was parked on the frontage of the above property and that the front garden and a covered access to a parking area at the rear were affected by stored scrap timber and various items of domestic rubbish to the detriment of local amenity.

The owner of the property had been contacted but had taken no action to remove the van or tidy the land.

RESOLVED:-

That all necessary action be taken under the provisions of Section 215 of the Town and Country Planning Act 1990 to secure the tidying of the land as set out in the report and any subsequent legal proceedings necessary also be authorised.

DC/120. **HISTORIC BUILDING AND CONSERVATION AREA GRANT APPLICATION – NO. 23 HIGH STREET, TICKNALL**

It was reported that this property was a large and imposing Victorian villa set back behind a short front garden bounded by a wall along High Street, Ticknall. The house was unlisted but was of high townscape value and contributed towards the special historic and architectural character of Ticknall Conservation Area. Apart from a modern timber window in an adjoining recessed single-storey range (to the pantry), the front of the house was largely unaltered but to the rear its character had been spoiled by the installation of plastic windows. The current owner wished to restore these and the pantry window to their original pattern.

The eligible works were outlined and the total cost was £6,285.36, based on the lowest of three competitive estimates. The works to the windows constituted restoration and therefore were classed into a priority category for grant aid. With the exception of the pantry window, none of the new or repaired joinery would be visible from the High Street and therefore the works would have little impact on the character of the Conservation Area. Nonetheless, the works would safeguard the character of a building of 'local list' quality which, although too recent to be considered worthy of listing, could now become a listed building in the future.

The balance of the current year's budget was insufficient to offer a 40% grant (£2,514) and it was therefore suggested that the balance of the fund in the sum of £2,458 be offered to the applicant.

RESOLVED:-

That the applicant be offered a flat rate grant up to a maximum of £2,458, being the balance of the 2002/03 fund, towards eligible costs of £6,285.36 for the replacement of seven windows and one door at No. 23 High Street, Ticknall as set out in the estimate dated 5th December 2002, subject to the usual conditions and to the following additional conditions:-

- (a) The pantry window shall be sub-divided into three lights and the precise pattern of the replacement joinery in general, including ironmongery, shall be approved by the Council prior to the commencement of works.***
- (b) All external joinery shall be painted to an agreed colour scheme before the grant is paid.***

DC/121. 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:-

Appeals Dismissed

- (a) The erection of a detached dwelling on land adjacent to Rose Cottage and Meadowside Barn (east of A514) at Derby Road, Stanton-by-Bridge.
- (b) The formation of a vehicular access to serve the new dwelling on land to the rear of No. 36 Vine Cottage, Twyford Road, Barrow-on-Trent.

Prosecution relating to the unauthorised felling of trees within Tree Preservation Order No. 185 on land on the former Barrett Mill Farm to the rear of The Ashes and No. 185 Shortheath, Swadlincote.

DC/122. 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 ten flats on land at the corner of Church Street and Thorpe Downs Road, Church Gresley (9/2002/1061/D).***
- (b) ***The change of use of existing pasture land to ancillary school use for the provision of additional play area and staff parking at Newton Solney C of E Infant School, Trent Lane, Newton Solney (9/2002/1165/F).***
- (c) ***The removal of condition No. 5 of planning permission 9/2002/0626/F to permit the use for commercial purposes of the stable and manege on land at the rear of No. 7 Manor Croft, Lullington Road, Coton-in-the-Elms (9/2002/1204/R) – subject to the enforcement of previous landscaping conditions.***
- (d) ***The formation of a hardstanding and access on land adjoining the stables at The Hill Lodge, Deep Dale Lane, Barrow-on-Trent (9/2002/1211/F).***
- (e) ***The demolition of existing bungalow, carport and garage and the erection of a house and attached garage at No. 3 Ingleby Road, Stanton-by-Bridge (9/2002/1215/F).***
- (f) ***The erection of a detached bungalow at No. 4 The Woodlands, The Green, Aston-on-Trent (9/2002/1271/F) – subject to the imposition of additional conditions requiring the refurbishment of the wall and the removal of permitted development rights. Reference was made to additional correspondence from a neighbour.***

- (g) The demolition of an existing building and the erection of a dwelling at the outbuilding to the north-west of Arleston Farm, Arleston Lane, Barrow-on-Trent (9/2002/1272/F).***
- (h) The change of use of the garage into living accommodation at No. 23 Hope Street, Melbourne (9/2002/1279/F).***
- (i) The erection of extensions at the front, side and rear including a balcony together with the conversion of the loft (including the provision of dormer windows) and the erection of a garage in substitution for that approved under permission 9/2001/1041 at No. 57 Derby Road, Aston-on-Trent (9/2002/1319/F).***

DC/123. 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 143 dwellings with associated infrastructure on land forming part of the former Mount Pleasant Works and Woodville Pipeworks off Moira Road, Woodville (9/2002/1033/F and 9/2002/1034/F) – to assess the traffic impact on the proposed development together with other issues involved. Reference was made to additional correspondence from the County Highways Authority and the applicant company.***
 - (b) The erection of a detached house (amended scheme) on land adjoining No. 37 Mount Pleasant Road, Castle Gresley (9/2002/1301/F) – to assess the impact on the neighbour.***
- (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/124. THE FORMATION OF A GYPSY CARAVAN SITE WITH THREE CARAVANS (TWO FAMILIES) AT BLUE POST CARAVAN SITE, BURTON ROAD, EGGINTON (9/2002/1292/U)

RESOLVED:-

- (1) That planning permission be refused for the reasons set out in the report of the Planning Services Manager.***
- (2) That, subject to the Legal and Democratic Services Manager being satisfied with any associated financial implications, all necessary action be taken under the provisions of Section 172 of the Town and Country Planning Act 1990 (as amended) to secure the restoration of the site, as described in the report of the Planning Services Manager and any subsequent legal proceedings necessary also be authorised.***

L.J. BROOKS

CHAIR

The Meeting terminated at 7.10 p.m.