

DEVELOPMENT CONTROL COMMITTEE

16th April 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 Richards
Councillor Taylor – DC/138
Councillor Mrs. Wheeler –DC/145[d])

DC/136. **MR. A. KIRKHAM – DEVELOPMENT CONTROL MANAGER**

The Chair referred to the forthcoming departure of Mr. Kirkham from the Council's employment and paid tribute to his service. This was endorsed by several other Members and Mr. Kirkham responded accordingly, thanking Members for their support.

MATTERS DELEGATED TO COMMITTEE

DC/137. **SITE VISIT**

The erection of one new house, alterations and restoration of existing cottage, restoration of existing garden wall at Bower Lodge, Well Lane, Repton (9/2001/1261)

Further to Minute No. DC/131 of 26th March 2002, 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 as the proposal is contrary to Housing Policies.

(Councillors Bladen and Mrs. Wheeler (Local Representative) declared prejudicial interests in this application and withdrew from the Meeting during the consideration and determination thereof).

DC/138. **TOWN AND COUNTRY PLANNING ACT 1990, SECTION 215**
UNTIDY CONDITION OF PROPERTIES KNOWN AS NOS. 12, 14 AND 16
HIGH STREET, WOODVILLE

It was reported that following a complaint received, site inspections were carried out at the above properties, which consisted of a former shop/office (No. 12) and two adjoining terraced dwellings (Nos. 14 and 16). The

properties were in a state of dilapidation to the detriment of local amenity with untidy frontages and evidence of dumped rubbish at the rear of Nos. 14 and 16. The owner had been contacted but had taken no action on the matter and it was noted that the sites were prominent, fronting the A511 major road.

RESOLVED:-

That Untidy Site Notices be served under the provisions of Section 215 of the Town and Country Planning Act 1990 (as amended) to secure the tidying of the sites, as set out in the report of the Planning Services Manager.

DC/139. TOWN AND COUNTRY PLANNING ACT 1990, SECTION 187A (AS AMENDED)
UNAUTHORISED SITING OF STORAGE CONTAINER – NO. 132
SWADLINCOTE ROAD, WOODVILLE

It was reported that since the preparation of the agenda, this storage container had been removed from the land and no further action was required.

RESOLVED:-

That the report be noted and no further action be taken on the matter.

DC/140. TREE PRESERVATION ORDER NO. 189 (2001) – NOS. 27, 29 AND 31
WILNE LANE, SHARDLOW

It was reported that this Tree Preservation Order had been made on 30th November 2001 in respect of one individual tree (weeping ash) on land at No. 31 Wilne Lane, Shardlow together with a group of trees (one birch, one weeping birch, one willow, one holly and one rowan) on land at Nos. 27 and 29 Wilne Lane. The reasons for the Order were outlined and four letters of objection had been received to the making of the Order, which were outlined to the Committee. A further representation had also been received from British Waterways and in response to the comments made, the views of the Planning Services Manager were detailed to Members.

The primary concern of the objectors related to a birch tree, which was of high amenity value both visually in the street scene and in terms of the contribution it made to the setting of the canal within the Shardlow Wharf Conservation Area. The blockages to drains and gutters and the scattering of twigs, leaves, sap and seeds was common when residential properties were so close to trees and was normally a matter of routine garden and building maintenance. Whilst these matters were clearly inconveniencing the occupier, they were not sufficient reason to justify removing the tree with the resultant loss of amenity. The tree was mature and therefore past its vigorous growth stage. This, combined with its position on sandy soil, was unlikely to result in the tree damaging the property from below ground activity. The top tip of the tree had been snapped in the gales and was well lodged high in the canopy. It would be advisable for this to be removed and the occupier had been informed accordingly. With the exception of the small twigs, there was no evidence to suggest that larger branches would fall from the tree that could be a threat to life and property. There was some slight

disturbance at the base of the boundary wall next to the tree, but this was only minor and could be rectified if necessary.

RESOLVED:-

That a site visit be carried out by the Planning Services Manager and the Chair of the Committee and the Planning Services Manager be authorised to determine the confirmation of the Order in consultation with the Chair.

DC/141. **FOOTPATH LINK AT WOODS MEADOW, ELVASTON**

It was reported that outline planning permission for this development had been granted in 1995 and access to the site would be gained from the re-aligned Snelsmoor Lane following construction of the A50 Derby Southern Bypass. Approval of reserved matters had been granted in February 1997. Concerns had been raised by the Highway Authority and Derby City Council regarding the provision of pedestrian links into the city. Following negotiations, the applicant had agreed to provide a footpath link from the development that would cross an area of open land in the adjacent Castle Court development in the city. The application was approved on the basis of the amended plan indicating the footpath link which would provide a convenient route to the shops and public house in Bembridge Drive approximately 300 metres from the site. The alternative route involving the use of grass verges along Snelsmoor Lane and the A6 would involve a distance of approximately 950 metres and would be less attractive to prospective users.

Within South Derbyshire District, the footpath was provided concurrent with the approved residential development and had been surfaced and provided with street lighting. The remainder of the path within the city had recently been constructed and the link was now complete. The City Council had granted planning permission for the section of the footpath in its area in July 2000 following protracted discussions relating to land ownership and rights of way. Complaints relating to incidences of crime and general nuisance in the area were received during the middle of last year. It had been alleged that the perpetrators were attracted by and used the footpath link. Requests had been made to close the path and following complaints relating to crime in the area, Elvaston Parish Council had made representations, as outlined to the Committee. The comments of the Highway Authority were also outlined and Derby City Council had maintained its view that it was desirable to provide the footpath link as the footpath would provide reasonably convenient access to the nearest shops, public house and bus service. The higher frequency of buses into the city from Bembridge Drive was also considered to be important. The closure of the path would eradicate any possibility of a convenient footpath link to the services in Bembridge Drive. Government policy in PPG3 and PPG13 strongly encouraged provision for people on foot and good access to bus services. Closure of the link would clearly be contrary to this guidance and furthermore, those pedestrians who currently used the link would be forced to use a less commodious route or travel by car.

The crime problems encountered by local residents were a matter for the Police and the closure of the path would only be likely to transfer problems elsewhere. It would also result in a residual problem of a spur of metalled

and lit footpath that led nowhere, together with potential problems for the maintenance of any fence at the city boundary. It was unlikely that such a spur of footpath would be considered for adoption. The developer would also need to be persuaded to bear the cost of any restoration works and there could be no compulsion in this regard.

RESOLVED:-

That no further action be taken and the footpath link be retained.

DC/142. **HISTORIC BUILDING AND CONSERVATION AREAS GRANT APPLICATIONS**

(a) 2002/03 Priorities

It was reported that for the past two financial years, the Historic Building and Conservation Areas grant budget had been fixed in the sum of £5,000. This amount had again been fixed for the current year and in order to distribute this to the most worthy projects, grants had been allocated on the basis of agreed priorities. 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 work should not commence before a written grant offer had been made, non-priority work must proceed without grant assistance or be delayed pending a decision. After 1st October, any remaining funds had been made available for any eligible application, regardless of its category. Past priorities were outlined and it was noted that more stringent requirements had been set for priority applications in Melbourne due to the substantial amount of funding that had been invested in the town previously through the Melbourne Conservation Area Partnership and its predecessor, the Melbourne Town Scheme. It was now approximately four years since the last scheme finished and it was therefore proposed that applications involving any works of restoration in Melbourne should qualify as priority works, thereby giving applicants in Melbourne an equal priority with those in other conservation areas.

RESOLVED:-

- (1) That priority for grant aid from the 2002/03 budget be given to repairs to buildings at risk and works of restoration.***
- (2) That, for the first six months of the financial year, only those applications falling within the above priority categories be determined and in the event of any remaining funds, non-priority applications be determined after 1st October 2002 and grants awarded according to the merits of each case.***

(b) Grant Application – No. 5 The Green, Ashby Road, Ticknall

It was reported that this property was one of a pair of attractive rendered cottages and the application related to repairs to the surviving 19th century outbuilding to the rear. By virtue of being situated within the curtilage of the listed house, the outbuilding was protected by the listing and could not be demolished without Listed Building Consent. Small structures such as this were important for their group value in association with the principal listed building and for what they represented in terms of historic patterns of use.

The outbuilding was in very poor condition and one section was in danger of collapse.

The application related to assistance towards the cost of rebuilding part of the rear, side and front walls, re-roofing and guttering, re-pointing, underpinning the rear corner and replacing three windows, two doors and one door frame. The total cost of the work based on the lowest of three competitive estimates was in the sum of £4,430.93 including VAT, which included a provisional sum of £350 for the underpinning. If the condition of the outbuilding had been known previously, it would have warranted inclusion on the Buildings at Risk list with a highest risk category. Without the proposed works, at least partial collapse was likely and its repair and retention would enhance the setting of the listed house and conserve the character of the Conservation Area. Accordingly, on this basis, this application qualified as a priority for grant purposes.

RESOLVED:-

That a 40% grant of £1,772 be offered to Ms. S. Carr for re-roofing, partial rebuilding and joinery replacements to the outbuilding to the rear of No. 5 The Green, Ashby Road, Ticknall towards eligible costs of £4,430.93 as set out in the estimate from J. & T. Kavanagh dated 24th February 2002, subject to the usual conditions and to the additional conditions set out in the report of the Planning Services Manager.

DC/143. **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/144. **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 dwelling (outline application with all matters reserved for further approval) on land adjacent to No. 128 Hartshorne Road, Woodville (9/2001/0910).***
- (b) The erection of stables on land to the south of Ashleigh House, Grassy Lane, Etwall (9/2002/0031).***
- (c) The removal of condition No. 3 of planning permission 9/0796/0264/F to permit the unrestricted occupancy of the converted stable at Brookfields House, Heage Lane, Etwall (9/2002/0052).***

- (d) The erection of a lean to barn for hay storage and handling/shelter of grazing livestock on land forming part of O.S. Field No. 0033, Stanton Hill, Ticknall (9/2002/0063).**
- (e) The removal of condition No. 1 of planning permission 9/2000/0821/U to permit the continued use for off road purpose built vehicles on land forming part of O.S. Field No. 4470, Heage Lane, Etwall (9/2002/0099) – subject to an additional informative advising that the site should be maintained in a tidy condition.**
- (f) The erection of an extension at No. 7 Tedworth Avenue, Stenson Fields (9/2002/0241).**

DC/145. **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 erection of 100 dwellings, vehicular access off Burton Road and Hartshorne Road, extended parking area for Doctor's Surgery and open space (amended site layout and house types) at Qualitas Bathrooms, Hartshorne Road, Woodville (9/2002/0055) – To clarify the issues raised in the report of the Planning Services Manager.**
 - (b) Proposed residential development and additional parking to adjacent Doctor's Surgery at Qualitas Bathrooms, Hartshorne Road, Woodville (9/2001/0730) – To clarify the issues raised in the report of the Planning Services Manager.**
 - (c) The erection of eighteen dwellings on land to the north of Thorn Street, Woodville (9/2001/0905) – To clarify the issues raised in the report of the Planning Services Manager.**
 - (d) The demolition of the dwelling, workshops and outbuildings and the erection of a new dwelling and associated landscaping at The Hollies, Hilton Road, Egginton (9/2002/0136) – To assess the position of the site in the countryside and the close proximity of the proposal to a listed building.**
- (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, as appropriate.**

DC/146. **OUTLINE APPLICATION FOR THE RESIDENTIAL DEVELOPMENT AT YEW TREE FARM, STATION ROAD, HATTON (9/2002/0146)**

RESOLVED:-

- (1) That the applicant company 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) relating to the provision of £2,000 per dwelling towards the cost of flood alleviation works around the settlement of Hatton.***
- (2) That the Chief Executive be authorised to conclude the Agreement on the above basis.***
- (3) That the conditions set out in the report of the Planning Services Manager be approved for imposition on the issue of any planning permission.***
- (4) That an additional informative be imposed relating to the discharge of surface water to a water course.***

DC/147. **ALTERATIONS AND EXTENSIONS AT BRIAR LEE, ETWALL LANE, BURNASTON (9/2001/1208)**

It was reported that this application had been withdrawn.

L.J. BROOKS

CHAIR

The Meeting terminated at 6.45 p.m.