

DEVELOPMENT CONTROL COMMITTEE

30th October 2007

**PRESENT:-**

**Conservative Group**

Councillor Bale (Chairman), Councillor Ford (Vice-Chairman) and Councillors Bladen, Lemmon, Roberts (substitute for Councillor Mrs. Plenderleith), Stanton, Watson and Wheeler (substitute for Councillor Jones).

**Labour Group**

Councillors Dunn, Shepherd and Southerd.

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

Councillor Mrs. Farrington  
Councillor Mrs. Gillespie  
Councillor Harrison – Minute No. DC/53(b).  
Councillor Hewlett – Minute No. DC/53(b).  
Councillor Taylor – Minute No. DC/53(a).

**APOLOGIES**

Apologies for absence from the Meeting were received from Councillors Jones and Mrs. Plenderleith (Conservative Group) and Councillor Mrs. Brown (Independent Member).

**MATTERS DELEGATED TO COMMITTEE**

DC/53. **SITE VISIT**

- (a) Outline application (all matters except means of access to be reserved for the residential development of Land To The Rear of 33 – 59 Court Street, Woodville (9/2007/0823/M).

Further to Minute No. DC/52 (a) of 9th October 2007, it was reported that Members of the Committee had visited the site prior to the Meeting. The Head of Planning Services reported a summary of comments made by the Objector to the Committee at the previous Meeting.

Consideration was given to this application, and it was,

**RESOLVED:-**

***That, planning permission be granted, subject to the conditions set out in the report of the Head of Planning Services together with additional conditions requiring three parking spaces per dwelling and each dwelling to be no greater than two storeys in height.***

***An informative was also required advising that the submitted illustrative scheme would be favoured.***

***It was also agreed to write to Derbyshire County Council Highways to request Traffic Management measures for the Court Street area.***

- (b) Demolition of existing dwelling and the erection of seven new dwellings with associated garaging and parking, together with the rebuilding of the front boundary wall at 50 Commerce Street, Melbourne (9/2007/0892/F).

Further to Minute No. DC/52 (b) of 9th October 2007, it was reported that Members of the Committee had visited the site prior to the Meeting. The Head of Planning Services reported a summary of comments made by the Objector and the Applicants Agent to the Committee at the previous Meeting.

Consideration was given to this application, and it was,

**RESOLVED:-**

***That this application be deferred for renegotiation with the Applicant for a less dense scheme with an increase in off-street parking.***

DC/54. **TREE PRESERVATION ORDER NO. 280 – BASFORD HILL FARM, ASHBY ROAD, TICKNALL**

It was reported that a Tree Preservation Order was made on 4th May 2007 in respect of a Cedar tree at Basford Hill Farm, Ashby Road, Ticknall. Following the receipt of notification to remove the Cedar tree, situated within a conservation area, a Tree Preservation Order was made, as this semi-mature tree within Ticknall Conservation Area was in a publicly visible position on the southern approach to the village. There was no evidence to confirm the occupier's concerns of property damage being caused by the tree or that it would fall over in high winds. In view of the public amenity provided by the tree, the Council considered it expedient that the Tree Preservation Order was made.

Several letters of objection had been received from the owner of the site commenting:-

- The Council had failed to address the owner's main concern that the tree roots would cause damage to the main sewer from the house.
- The Council, in stating that "there was no evidence to confirm the occupier's concerns of property damage being caused by the tree if it were to fall over in a high wind" had not qualified what evidence was required.
- There were no objections to the felling of the tree from any of the neighbours.

In response, the Council's landscape architect made the following comments:-

- The objections mainly relate to the tree roots causing possible damage to the sewer from the house. The applicant provided no evidence of this damage. Tree roots did not typically break into sound pipes

unless the drain was flawed and faulty in the first place. However, old sewers have pipes and joints that could fail and tree roots may invade such unsound pipes. A solid plastic modern drain was not a target for tree roots to invade.

- The tree was a mid-sized, young and healthy Cedar with 150 years future ahead of it. Cedar trees were sound trees in strong winds. At full maturity branches can fall off old trees (approximately 200 years old) but this was perhaps in 100-150 years time. It was unusual and rare for young Cedars to fall over in winds. This tree was young, being approximately 30 years old. The tree was also sited well away from the building.
- The tree was a Himalayan Cedar which had relatively low spread. It was a fine amenity specimen and worth of protection.

In addition, the Head of Planning Services read the summary of a letter received from the site owner.

**RESOLVED:-**

***That this Tree Preservation Order be confirmed without modification.***

DC/55. **TREE PRESERVATION ORDER NO. 286 – 16 STATION LANE, WALTON-ON-TRENT**

It was reported that a Tree Preservation Order was made on 24th July 2007 in respect of 5 trees within the curtilage of 16 Station Lane, Walton-on-Trent. The trees within the order were one Holly, three Beech and one Sycamore.

The order had been made as the trees were clearly visible from the surrounding area and made a valuable contribution to the visual amenity of the locality. In view of the visual amenity provided by these trees, the Council considered it expedient that this Tree Preservation Order was made.

The Tree Preservation Order was made because the trees were under threat from development in the form of an application to extend 16 Station Lane.

Comments had been made by the agent on behalf of the owner of the property. The points raised were as follows:-

- The property owner wished to remove the Holly tree and replace it elsewhere on the site.
- It was considered that one of the Beech trees was a late mature specimen with no more than 10 years life left and that although healed, there was damage around ground level. The tree also leant and parts of the roots were in the flood plane and outside of the curtilage to the property. The Agent requested that 6m diameter groundwork exclusion zone could be implemented when carrying out development on the site and confirmed that they would also consider less invasive pile foundations when close to the 6m boundary.
- The Sycamore was wholly in the flood plane. It was suggested that a wall would make a better boundary and water defence in light of the recent river behaviour and the new causeway that would run in close proximity to the property. It was requested that this tree be removed from the Order.
- It was agreed to keep any development at least 6m from the trunk of the Beech trees identified on the plan as T4 and T5.

In response, the Council's Consultant Landscape Architect made the following comments:-

- The Holly must be retained for its amenity value, and its size did not result in the tree being exempt from protection.
- The positioning of the tree upon the boundary did not result in the tree being unsuitable for protection. Although the tree leant, it had not affected its safety. Protection zones around trees should be discussed with the Tree Consultant and Planning Officer and were not relevant to confirming a Tree Preservation Order.
- The Sycamore could be removed from the Order as it was not felt by the tree consultant to be of great importance to retain it.
- The protection zones around trees were not relevant to confirming a Tree Preservation Order and should be discussed with the Tree Consultant and Planning Officer.

**RESOLVED:-**

***That this Tree Preservation Order be confirmed without modification.***

DC/56. **REPORT OF THE HEAD OF PLANNING SERVICES**

The Head of Planning Services 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.

Appeals Allowed

- (a) Change of use to a gypsy caravan site for 3 families at Land north of Cauldwell Road, Linton (9/2005/1390/U).
- (b) The demolition of single storey outbuildings and erection of 3 dwellings, the erection of a double garage for The Old Hall and new vehicular access on Land at The Old Hall, Lower Green, Findern (9/2006/0623/O).
- (c) The demolition of existing workshop and site clearance and development of site with the construction of 7 dwellings and parking, access and gardens at Site on corner of Cadley Hill Road and Appleby Glade, Swadlincote (9/2006/1162/F).

Appeals Dismissed

- (a) Formation of vehicular access at 30 Main Street, Overseal (9/2007/0171/FH).

DC/57. **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) Outline application (all matters reserved except for means of access) for the demolition of existing dwelling and the erection of a block of eight flats on Land at 34 Oversetts Road, Newhall (9/2007/1023/O) – to enable further issues of principal to be clarified other than those specified in the***

***report of the Head of Planning Services, which arise from a Members personal knowledge of circumstances on the ground, and to consider implications that may be demonstrated on site for consistency of decision making in other similar cases.***

***(b) The erection of a dwelling in the garden of 41 Doles Lane, Findern (9/2007/1072/F) - to enable further issues of principal to be clarified other than those specified in the report of the Head of Planning Services, which arise from a Members personal knowledge of circumstances on the ground, and to consider implications that may be demonstrated on site for consistency of decision making in other similar cases.***

Mr. Spencer-Smith (objector) attended the Meeting and addressed Members on this 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.***

DC/58. **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 (as amended), 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 paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.***

**POTENTIAL ENFORCEMENT ACTION FOR NON-COMPLIANCE WITH A PLANNING CONDITION (Paragraph 7)**

***The Committee resolved that no enforcement action should be taken with regard to non-compliance with a planning condition.***

M.J.P. BALE

CHAIRMAN