

DEVELOPMENT CONTROL COMMITTEE

4th March 2008

PRESENT:-

Conservative Group

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

Labour Group

Councillors Bambrick (substitute for Councillor Southerd), Dunn, Richards and Shepherd.

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

Councillor Mrs. Farrington
Councillor Grant – Minute No. DC/98(b)
Councillor Mrs. Patten – Minute No. DC/102
Councillor Wilkins – Minute No. DC/107(1)(b)

APOLOGIES

Apologies for absence from the Meeting were received from Councillor Southerd (Labour Group) and Councillor Mrs. Brown (Independent Member).

DC/96. **MINUTES**

The Open Minutes of the Meeting held on 5th February 2008 were taken as read, approved as a true record and signed by the Chairman.

DC/97. **DECLARATIONS OF INTEREST**

Councillor Ford declared a personal interest in planning application 9/2008/0033/FH (Minute No. DC/107(1)(a)), as an acquaintance of the applicant.

Councillor Mrs. Plenderleith declared a prejudicial interest in the item on Tree Preservation Order No. 292 – The Old Mill, Mill Lane, Hilton (Minute No. DC/102), as an acquaintance of the affected party.

MATTERS DELEGATED TO COMMITTEE

DC/98. **SITE VISITS**

(a) The erection of two dwellings at Haresfield Moor Lane, Aston-on-Trent (9/2007/1464/F).

Further to Minute No. DC/93(1)(b) of 5th February 2008, it was reported that Members of the Committee had visited the site prior to the Meeting.

The Development Control Manager reported additional correspondence received from the applicant's Consultant Structural Engineer and the Council Estates Officer.

Mr. M. Lacey (applicant) attended the Meeting and addressed Members on this application.

Consideration was given to the 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 and to an additional condition requiring specialised excavation to be undertaken where the site is in close proximity to the cemetery.

(b) Extension of existing gypsy caravan site to accommodate three families with a total of six caravans including erection of three amenity blocks on land at Park Road, Overseal (9/2007/0804/F).

Further to Minute No. DC/93(1)(a) of 5th February 2008, 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 planning permission be granted, subject to the conditions set out in the report of the Head of Planning Services and to the re-wording of appropriate conditions to ensure that compliance with the conditions is monitored.

(Councillor Jones wished it to be recorded that he had voted against this decision).

DC/99. **NEW SCHEME FOR THE VALIDATION OF PLANNING APPLICATIONS**

Members were advised that the Government was planning to introduce a standard national planning application form in April 2008, known as the 1APP project. New information requirements would be introduced for the validation of planning applications by local planning authorities. The new requirements included a national list of statutory requirements and local lists of additional requirements drawn from a nationally defined list. The consultation process for this Authority's proposed local list closed on 3rd March 2008. Local requirements would vary according to the type and scale of the development and further details would be provided in the advice notes. The pre-application advice would help applicants to meet the necessary requirements and the information provided would be used to assess the impact of developments. Applicants would still be able to exercise their right of appeal under Section 78 of the Town and Country Planning Act 1990.

Once all comments had been received, any necessary amendments would be made to the scheme, which would then be published and adopted for use on all planning applications. It was considered that the adoption of the suggested scheme would ensure a higher quality of planning application submissions.

RESOLVED:-

- (1) That delegated powers be granted to the Head of Planning Services to consider and assess any comments and representations from consultees in relation to the planning process.***
- (2) That a revised 1APP planning application validation scheme be adopted by the Council.***
- (3) That Members be provided with a copy of the revised scheme following adoption.***

DC/100. TREE PRESERVATION ORDER NO. 295 – NO. 1 MILL GREEN, THE WHARF, SHARDLOW

It was reported that this Tree Preservation Order was made on 11th October 2007 in respect of one Plum tree and two Silver Birch trees at No. 1 Mill Green, The Wharf, Shardlow. The Order was made as the trees made a valuable contribution to the amenity of the area, being visible from several adjacent properties and public highways. The Plum tree was subject to a notification of intent to fell (planning application 9/2007/966) and the trees were therefore under threat.

A letter of objection had been received from the occupier of No. 1 Mill Green, which raised concerns regarding the following issues:-

- Effect on shrinkable soil beneath the property due to the close proximity of the Plum tree.
- Damage to the property's lawn and patio.
- Potential water supply problems to No.1 Mill Green and other neighbouring properties due to the Plum tree being situated over a water easement.
- Obscuring of light to the house.
- Potential danger to the public caused by fallen fruit from the Plum tree.

The owner of the property had stated that she was elderly and not in a financial position to pay for any resulting or potential issue that might arise.

An objection had also been received from the occupier of No.2 Mill Green in relation to the potential danger to the public caused by fallen fruit from the Plum tree.

Members were advised of the Head of Planning Service's comments in response to the objections raised.

RESOLVED:-

That Tree Preservation Order No. 295 be confirmed without modification.

DC/101. TREE PRESERVATION ORDER NO. 294 – THE WALNUTS, MAIN STREET, ETWALL

It was reported that this Tree Preservation Order was made on 19th October 2007 in respect of an Ash tree at The Walnuts, Main Street, Etwall. The Order was made as the tree, which was highly visible from Main Street and a number of neighbouring properties, had a high amenity value. It was also under threat from a current planning application to fell the tree.

An objection had been received from the occupier of Walnut Cottage, which raised concerns regarding the following issues:-

- The Planning Officer had commented that the Ash tree was ‘not appropriate’ in a garden and especially so close to the house.
- Tree Preservation Orders appeared to be selective and inconsistent.
- Neighbouring development had hindered the protection of the tree and conditions attached to the planning approval had been ignored.
- No responses had been received during the consultation period, therefore negating the claim that the tree had a high amenity value.
- Potential damage to the property.

Members were advised of comments made by the Council’s Landscape Architect in response to the objections raised.

RESOLVED:-

That Tree Preservation Order No. 294 be confirmed without modification.

DC/102. TREE PRESERVATION ORDER NO. 292 - THE OLD MILL, MILL LANE, HILTON

It was reported that this Tree Preservation Order was made on 12th October 2007 in respect of three Lime trees at The Old Mill, Mill Lane, Hilton. The Order was made due to the importance of the trees, being visible from a number of neighbouring properties and having good amenity value. The land was soon to be the subject of a planning application and the retention of the trees could only be secured through the imposition of the Order.

Objections had been received from the occupiers of The Old Mill, which raised concerns regarding the following issues:-

- The trees were not highly visible from public vantage points and the proposed development would screen their visibility further.
- The trees were leaning and their protection was therefore questioned.
- Indication had not been given on site that the trees were worthy of preservation.

Members were advised of comments made by the Council’s Landscape Architect in response to the objections raised.

RESOLVED:-

That Tree Preservation Order No. 292 be confirmed without modification.

(Councillor Mrs. Plenderleith declared a prejudicial interest in this matter as an acquaintance of the affected party).

DC/103. **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. The contents of the following reports were noted:-

Appeals Allowed

- (a) The erection of three detached four-bedroom dwellings and access road formed off Dale Close at No.18 Watery Lane, Newhall (9/2007/0769/F).
- (b) The erection of a double garage extension at The Cart Hovel, Lowes Lane, Swarkestone (9/2007/0918/FH).

(Members expressed concern regarding the number of recent appeals allowed and requested that this issue be raised with the Planning Inspectorate and the local MP).

DC/104. **PLANNING APPROVALS**

RESOLVED:-

That the following applications be granted, subject to the conditions set out in the report of the Head of Planning Services and to any matters annotated:-

- (a) The demolition of the existing dwelling and the erection of three dwellings at No. 25 Clifton Road, Netherseal (9/2007/1439/F) – subject to an additional condition requiring specialist excavation in the area adjacent the cemetery.***

Mr. P. Diffey (agent) attended the Meeting and addressed Members on this application.

- (b) The relocation of the existing workshop, the erection of an apartment block for holiday lets, the erection of demountable timber cabins, the provision of hard standings for touring caravans together with the erection of an office/store/shower facility and associated works at Stenson Marina, Derby Road, Stenson (9/2007/1443/M) – subject to the landscaping condition being amended to incorporate details relating to the bridleway. Reference was made to additional correspondence from the agent.***

- (c) The partitioning off of the existing retail store to form a hot food takeaway (change of use from class A1 to class A5) at No. 23 Salisbury Drive, Midway (9/2007/1453/U) – subject to an additional condition requiring the provision of additional litter bins on the site.***

Mr. P. Murray (objector) and Mr. D. Kana (applicant) attended the Meeting and addressed Members on this application.

(d) The pruning of an Ash tree at Green Bank Leisure Centre, Civic Way, Swadlincote (9/2008/0096/TC).

DC/105. **OUTLINE APPLICATION (ALL MATTERS EXCEPT LAYOUT, SCALE AND MEANS OF ACCESS TO BE RESERVED) FOR THE DEVELOPMENT OF RETAIL UNIT A1, A1/A2 AND A5 PLUS 16 APARTMENTS (MINIMUM 14 TWO BEDROOM UNITS), ASSOCIATED CAR PARKING, LANDSCAPING AND ACCESS AT LAND OFF GLAMORGAN WAY, CHURCH GRESLEY (9/2007/1161/M)**

RESOLVED:-

That, contrary to the recommendation, planning permission be refused, due to the proposals being out of keeping with the area and having an adverse effect on the amenities of neighbouring properties, contrary to Shopping Policy 3 of the Local Plan.

DC/106. **DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A CONTINUING CARE RETIREMENT COMMUNITY (CLASS C2) COMPRISING 60 CARE BEDROOMS, 75 CARE SUITES AND 140 CARE APARTMENTS AT ASTON HALL HOSPITAL, MAPLE DRIVE, ASTON-ON-TRENT (9/2007/1402/MR)**

The Development Control Manager recommended an additional condition requiring the implementation of a suitable crime reduction scheme.

RESOLVED:-

- (1) That consideration of the application be deferred to enable Members of the Committee to visit a similar site at Nantwich prior to the next Meeting.***
- (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/107. **APPLICATIONS DEFERRED FOR SITE VISITS**

RESOLVED:-

- (1) That consideration of the following applications be deferred, to enable Members of the Committee to visit the sites prior to the next Meeting to enable further issues of principle to be clarified other than those specified in the reports of the Head of Planning Services arising from a Member's personal knowledge of circumstances on the ground and due to implications that may be demonstrated on site for consistency of decision making in other similar cases:-***

- (a) The erection of a detached garage to the front of The Haven, No. 6 Main Street, Findern (9/2008/0033/FH).***

(Councillor Ford declared a personal interest in this application as an acquaintance of the applicant)

- (b) The erection of a bungalow on land adjacent to No. 22 Pear Tree Avenue, Newhall (9/2008/0055/F).**
- (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.**

M.J.P. BALE

CHAIRMAN

The Meeting terminated at 8.05 p.m.