

DEVELOPMENT CONTROL COMMITTEE

29th July 2008

PRESENT:-

Conservative Group

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

Labour Group

Councillors Dunn, Richards, Shepherd and Southerd.

Independent Member

Councillor Mrs. Brown.

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

Councillor Mrs. Farrington
Councillor Harrison – Minute No. DC/21(b)
Councillor Hewlett – Minute No. DC/21(b)
Councillor Lane – Minute No. DC/20
Councillor Mrs. Lane – Minute No. DC/20
Councillor Taylor
Councillor Mrs. Wheeler

APOLOGY

An apology for absence from the Meeting was received from Councillor Mrs. Plenderleith (Conservative Group).

DC/15. **MINUTES**

The Open Minutes of the Meeting held on 10th June 2008 were taken as read, approved as a true record and signed by the Chairman.

DC/16. **DECLARATION OF INTEREST**

Councillor Stanton declared a prejudicial interest in planning application 9/2008/0260/F (Minute No. DC/21(b)), as an acquaintance of the applicant.

MATTERS DELEGATED TO COMMITTEE

DC/17. **TREE PRESERVATION ORDER NO. 302 – REAR OF NO. 9 HIGH STREET, SWADLINCOTE**

It was reported that this Tree Preservation Order was made on 12th February 2008 in respect of one holly tree at the rear of No. 9 High Street, Swadlincote. The Order was made as the tree made a valuable contribution to the visual amenity of the area, being visible from several adjacent properties and public rights of way, and was excellent screening for the unsightly substation in

close proximity. A planning application to fell the tree had also been submitted and its retention could only be secured through the imposition of an Order.

Comments had been received from the landowner's agent, which raised concerns regarding the following issues:-

- The tree was in close proximity to the party wall and the roadway.
- Parking was obstructed by the tree.
- The tree would not block the substation.

Members were advised of comments made by the Council's Consultant Arboriculturist in response to the comments raised.

RESOLVED:-

That Tree Preservation Order No. 302 be confirmed without modification.

DC/18. **TREE PRESERVATION ORDER NO. 303 – NO. 21 BEECH AVENUE, WILLINGTON**

It was reported that this Tree Preservation Order was made on 29th February 2008 in respect of one weeping willow tree at No. 21 Beech Avenue, Willington.

The Order was made as the tree made a valuable contribution to the amenity of the area, being visible from public vantage points. The tree was under possible threat due to a potential planning application and the retention of the tree could only be secured through the imposition of an Order.

Comments had been received from the occupier of No. 2 North Close, Willington, which raised concerns regarding the following issues:-

- Historic problems with the maintenance of the tree.
- It was understood that protected trees could not be lopped, pruned or felled and there was therefore a consequential concern for the maintenance of the tree.
- The responsibility for any damage caused by the tree was questioned.

Members were advised of comments made by the Council's Consultant Arboriculturist in response to the comments raised.

RESOLVED:-

That Tree Preservation Order No. 303 be confirmed without modification.

DC/19. **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:-

Appeal Allowed (With Costs)

The erection of eight semi detached houses, three detached houses and twelve flats on land at Frederick Street, Woodville (9/2007/0394/MD).

Appeal Dismissed

The erection of a first-floor extension at No. 1 Spilsbury Close, Willington (9/2007/0705/FH).

DC/20. **THE DEVELOPMENT FOR NON-FOOD RETAIL, LEISURE (INCLUDING MULTI-PLEX CINEMA) FOOD AND DRINK USES INCLUDING RETENTION/EXTENSION OF EXISTING BUILDINGS, HOUSING, MEANS OF ACCESS AND CAR PARKING AT FORMER WRAGGS PIPES, HEPWORTHS, COPPICE SIDE, SWADLINCOTE (9/2006/1430)**

Members of the Committee had visited the site and surrounding area prior to the Meeting.

The Head of Planning Services reported a response received from the Derbyshire Wildlife Trust which had requested a further condition to be added requiring a bat survey to be undertaken. The District Council's Contaminated Land Officer had raised no objections to the proposal, subject to appropriate conditions. It was also reported that condition No. 6 should also include plan No. 00 22 PL2 and the issue regarding the mezzanine floors should be deleted from condition No. 16.

Mr. M. Pardoe (agent) attended the Meeting and addressed Members on this application.

RESOLVED:-

That the Secretary of State be advised that the Council is minded to grant planning permission, subject to the conditions set out in the report of the Head of Planning Services, amended as indicated above and to the additional requirements raised by Members listed below together with an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure the satisfactory provision of a contribution towards medical facilities, a contribution towards education facilities, on-site 25% affordable housing, a contribution towards heritage facilities in the town, a satisfactory pedestrian/cycle link to the town centre from the west/north-western boundary, and the satisfactory retention/repair and conversion of the historic buildings described as A-D prior to the first opening of any retail/leisure unit to the public:-

- ***CCTV (condition No. 42) – use best endeavours to secure in discussions with the developer, police and Crime Prevention Officer if this is deemed to be an appropriate option.***
- ***Parking – use best endeavours to secure unrestricted parking in the main car park, although this cannot be required legally.***
- ***TV receptions – non-interference to be conditioned where necessary.***
- ***Traffic calming/restricted parking on local roads – ask County Highways Authority to consider in consultation with Local Members.***
- ***Development access – ask developer to use best endeavours to provide a temporary access scheme to avoid housing construction traffic using residential roads to the south of the site.***
- ***Construction noise – advise Pollution Manager of Members' wishes to***

restrict working hours during the development phase, particularly during the evenings, early mornings and Sundays.

- ***Establishment of Liaison Committee – include as part of the Section 106 Agreement requirements, which preferably should be chaired by an independent representative.***
- ***Condition No. 45 – insert occupation of the first building as the trigger point.***
- ***Condition No. 47 – consider and clarify maintenance arrangements.***
- ***Exposed retaining wall – request scheme for screening via a condition.***
- ***Walkway to Rink Drive – require the erection of bollards via a condition.***
- ***Links – report back for Committee approval if Head of Planning Services considers it necessary.***

At this point, Councillors Mrs. Farrington, Lane, Mrs. Lane, Taylor and Mrs. Wheeler (all in attendance) left the Meeting.

DC/21. **PLANNING APPROVALS**

RESOLVED:-

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

- (a) The erection of two detached dwellings in the garden of Rakehill, No. 5 Egginton Road, Etwall (9/2008/0164/FX) – Members of the Committee had visited the site prior to the Meeting.***

(Councillor Mrs. Brown wished it to be recorded that she was not in favour of the decision).

- (b) The erection of shop, office and residential units at land at Nos. 10-14 Derby Road, Melbourne (9/2008/0260/F) – subject to additional conditions now requested by the Environmental Health Officer to secure hours of working and odour control.***

(Councillor Ford wished it to be recorded that he was not in favour of the decision. Councillor Stanton declared a prejudicial interest in this application, as an acquaintance of the applicant and withdrew from the Meeting during the consideration and determination thereof).

At this point and in accordance with Council Procedure Rule No. 9, the Committee approved the continuation of the Meeting after a period of 2½ hours.

- (c) The change of use of paddock into residential curtilage at The Hill Lodge, Deep Dale Lane, Barrow-on-Trent (9/2008/0579/U) – Members of the Committee had visited the site prior to the Meeting. The Head of Planning Services summarised the responses received from Mr. J. Wren (on behalf of the objectors) and Mr. C. Thorp (agent) who had attended the previous Meeting on 1st July 2008 and addressed Members on this application. A response received from a planning consultant representing a neighbour was also reported.***

M.J.P. BALE

CHAIRMAN

The Meeting terminated at 8.35 p.m.