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Supplementary Agenda



**North East
Derbyshire**
District Council

Our Ref:

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Date: Monday, 14 September 2020

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 22 September 2020 at 2.00 pm by Conference Call**. Access credentials to the meeting will be sent to you separately. The public parts of the meeting will be streamed from the Council's website.

Virtual Attendance and Hybrid Meetings

I have provided the Leader and Deputy Leader with advice on the holding of "hybrid" meetings outlining the risks including to employees dealing with the Chamber and to Members. Hybrid meetings are those where some attendance is in person in the Council Chamber and some is virtual.

I would encourage you all to attend virtually.

Accordingly if you attend in person you will be deemed to have accepted the following disclaimer as applying.

Risk Assessment Disclaimer

When attending this meeting in person, I confirm that I have read and understood the contents of each of the following risk assessments and agree to act in line with its content.

- ☐ RA – Return to Work Mill Lane Covid 19 V9
- ☐ Mill Lane Coronavirus Control Measures V4

Both documents have been emailed to Members and are available on the Modern.Gov App library.

The same advice is given to officers who are also encouraged to participate in the meeting remotely.

Yours sincerely

A handwritten signature in cursive script that reads "Sarah Skeneberg".

Joint Head of Corporate Governance and Monitoring Officer

Members of the Committee

Conservative Group	Labour Group
Councillor Diana Ruff Councillor William Armitage Councillor Peter Elliott Councillor Mark Foster Councillor Carol Huckerby Councillor Maureen Potts Councillor Alan Powell	Councillor Jayne Barry Councillor Tracy Reader Councillor Jacqueline Ridgway Councillor Kathy Rouse
Liberal Democrat Group	Independent Group
Councillor Ross Shipman	Councillor Andrew Cooper

Any substitutions required are to be made to Alan Maher, Senior Governance Officer by 4.00 pm on the day before the Committee meeting.

For further information about this meeting please contact: Alan Maher 01246 217391

AGENDA

(d) Late Representations - Summary Update Report (Pages 4 - 12)
To Follow



North East
Derbyshire
District Council

***We speak
your language***

Polish

Mówimy Twoim językiem

French

Nous parlons votre langue

Spanish

***Hablamos su
idioma***

Slovak

***Rozprávame Vaším
jazykom***

Chinese

我们会说你的语言

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**01246
217753**

If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.

Planning Committee 22nd September 2020 - PM

SUMMARY OF LATE COMMENTS/REPORT UPDATE

The aim of this report is to seek to avoid the need for lengthy verbal updates that Planning Officers have sometimes needed to provide in the past at the Planning Committee. In consultation with the Chair, it has been decided that on the evening before committee a summary of all the late comments/representations received so far will be emailed to the Committee Members by the Governance Team.

It is possible that verbal updates will still be required at the meeting as sometimes comments are received at the last minute or Officers may wish to amend their recommendations: however Officers will seek to keep verbal updates to a minimum.

At the meeting Officers will only refer briefly to any key points of the case in the summary that has been emailed, as well as providing the usual verbal update for any additional last minute items.

If Members have any queries about the comments or the application itself please feel free to contact the relevant case officer given beneath the title of each summary below.

PARISH: Tupton Parish

APPLICATION: 20/00506/TPO

CASE OFFICER: Alice Lockett

1. SOURCE OF COMMENTS: Neighbour comments (Muldoon)

DATE RECEIVED: 15th September 2020

SUMMARY:

I am concerned that the Applicant has not given any valid reason for the removal of these 41 trees other than a supposition that they have assumed that the risk is high when only 2 years ago they were classified as viable to remain under the protection of the original TPO. In my humble opinion the only reasonable way to determine the trees are so far diseased is to take a sample number say max 10% to be felled and photographed by an independent witness and a decision then taken on the rest. If it is decided to remove all of the trees then the felling should be witnessed by photograph and recorded so as to hold to task anyone who should be proved to be wrong on the assumption. The Government policy is to plant trees not fell established ones that are under TPO's. It is apparent that one of the reasons to fell these trees is that (other than if proved dangerous) it will be more difficult to sell the properties with trees subject to TPO within the curtilage of the residence. This is good reason why any replacement trees should also be given TPO status should the

Application be approved. Were the replacements not be restricted by TPO the owners could fell as they pleased.

The existing established trees and hedgerows are a bountiful source of wildlife with a varied number of different bird and bat species and should be retained if possible, enough trees have already been removed on the land opposite this Application with reckless abandon and will probably never be replaced. (I have not seen a planting plan that includes the replanting of oak, elm, chestnut ,silver birch to name but a few of the ones felled) by the Applicant.

Prior to the works starting on the site we had fox, badger and numerous rabbits and several hedgehogs in our garden. We have seen none of these since the hedgerows and trees have been removed. We should be protecting fauna and wildlife not causing their extinction.

Please reject this Application.

CASE OFFICER COMMENTS:

- The reasons for removal of the trees are dealt with in the report section 7.9,
- Replacement trees will be covered by the TPO as mentioned in the report conclusion,
- The impact on Biodiversity is dealt with in section 7.10 of the report to members,
- This application is for the area TPO trees only and cannot deal with other trees on the site.

Text of Speeches to the Committee

Those registering to speak have been requested to provide the text of their speech to the Committee. These will be read out on their behalf by the Clerk to the Committee if they are unable to join the meeting the meeting through the electronic conferencing call facility

NED/20/00349/FL – Outline application with all matters reserved except for access, layout and scale for single storey sectional detached log cabin within existing equestrian facility for holiday let accommodation land at the Northern junction of Hillhouses Lane and New Road, Wingerworth for Mr John Cocker.

Jo Firminger

I am speaking in support of the planning application for holiday let accommodation:-

There is very little holiday accommodation within Wingerworth village currently. This is a shame due to the lovely surroundings and recreational facilities that are available in the area and it also means that if extra accommodation is needed by Wingerworth residents for visiting relatives this accommodation has to be sourced outside of the village.

The application we submitted initially was for a 3 bedroom lodge, however concerns were raised regarding the size of the unit so after consultation with the planning department it was agreed to reduce the size of the original unit applied for by 40% from a 3 bedroom 20m x 6.5m to a 2 bedroom 12.3m x 6.8m lodge. We are happy that this size unit will be commercially viable and we also took the opportunity to source the building from a local company who have many years experience of supplying these lodges in Derbyshire. The lodge is built off site which means that there will be minimal construction traffic other than the initial delivery of the unit to the site.

The holiday let will lead to job creation for someone to handle the administration and bookings and the changeover and cleaning.

Concerns were raised over the smell produced by the equestrian use of the site. The fields have a small number of ponies grazing. In inclement winter weather they or during very hot weather they use the stables to provide shelter from the wet or shade from the sun. Any manure produced whilst the ponies are stabled is removed by trailer from the site as agreed in the previous planning for the stables. Therefore there is very little smell arising from the horses and I think most people would love to be able to see ponies grazing from their accommodation. Prospective customers will certainly be advised of this as for many people this will be a selling point. It is not intended to allow guests to bring their own horses as the equestrian facilities are for private use only as specified in the previously granted planning permission.

With regard to concerns over future development, as a family we are committed to this site being maintained as a green space within the village and to preserving the unimproved flower rich hay meadow in the bottom area of the site. This is an important habitat for many plant and animal species and the land very different from much of the local grassland which is fertilised and sown with single species protein rich grasses suitable for cow silage and lacks the diversity so important to the natural environment.

Stephen Bright

Planning Statement - For presentation to the Planning Committee 22 September 2020 Re : Application Number 20/00349/OL

The proposed development seeks Outline permission for the provision of a single storey 2 bed Log Cabin for holiday let purposes on land at New Road, Wingerworth.

The site forms part of a private equestrian facility comprising stabling, ménage, grazing land and associated uses.

The proposed Log Cabin is the "2 bed Glade - with a central living area", which will be provided by Pinelog Bakewell who supply the same units on the Darwin Forest holiday village near Matlock. The original application detailed a 3 bed cabin, but following concerns that it was too large it was revised to a 2 bed cabin. This reduced the overall size of the unit from 19.62m x 6.42m to 12.3m x 6.8m and also allowed for the proposed curtilage around the cabin to be similarly amended and the number of parking spaces reduced from 3 to 2.

The cabins are constructed off-site at the Company's factory from timber obtained from renewable sources and the use of a local company will enhance the sustainability of the project.

The cabin has been designed to sit within the natural contours of the site to ensure that it is not visible from New Road. The retention of existing hedgerows will also provide additional screening.

In addition, the timber construction will fit sympathetically within the site and compliment the existing stable complex.

A future reserved matters application will determine the final appearance of the Log Cabin, site layout and landscaping of the immediate curtilage.

We understand from conversations and information provided by the local Tourist Information centre in Chesterfield that demand for this type of holiday accommodation will be high, due to its location within easy reach of the Peak District National Park and surrounding places of interest.

In conclusion, it is considered that the development will have no detrimental impact on the area and provides a satisfactory design solution which will blend sensitively within the semi-rural surroundings.

We therefore support the Officers recommendation and commend the proposal to the committee for your approval.

Thank you

Stephen Bright – Agent for Mr & Mrs J Cocker

NED/20/00506/TPO – Application for removal of 41 poplars covered by TPO No 6, in various stages of decline with previous failures. Risk now associated with these trees re-evaluated as high, in proximity to development and with only a short viable life expectancy. (Amended Plans) on land to the north and west of the Poplars, Ankerbold Road, Old Tupton for Mr Edward Chandler – TEP Ltd.

Cllr David Hancock

Firstly I would like to thank the Chair for permitting to submit written representation as I'm currently attending an appeal hearing on a historic planning application.

I have numerous concerns in regard to this application. Most significantly in regard to the impact removal of these trees will have on local biodiversity. I have already questioned the legitimacy of contradictory reports which have been used to justify this application, versus that originally submitted. At the very least I would urge members to defer any decision pending a wholly independent report being provided. Given the planning authority's vested financial interest in this development any report submitted by the Park's Department - no matter how much faith we have in the integrity of individual officers - cannot, in any meaningful sense, be considered not to be a conflict of interest.

As members will appreciate, even trees in a state of decay are vital to an area's biodiversity and should only legitimately be removed where they present a threat to safety. Only two weeks ago, I was taken on a tour of the perimeter of this site by the project manager and there is absolutely no evidence of that being the case.

I also wish to take issue with our planning officers who, in their report, have attempted to dismiss my concerns about flooding as irrelevant. That is a complete distraction, even an infant is aware of the vital role that trees play in water absorption and flood mitigation. The attempt to divert the planning committee's attention from such a vital function is a huge concern and I would urge members to use their own common sense when assessing that aspect.

Disruption of wildlife is an inevitability of building works, and over the past few weeks the site clearance has had a devastating impact on what was one of the main centres of wildlife in my ward. Hedgehogs, foxes, badgers, bats and birds were all frequent visitors to neighbouring gardens along Wingfield Road, Station New Road and Ankerbold Road. Visits from the land mammals have reduced to almost nothing over the past few weeks. Removal of these trees en masse, as proposed, will destroy the habitats of what little remains.

Committee also needs to look at the long term future. The applicant is proposing to replace 41 trees with just 14, a reduction of almost two-thirds. Aside from the obvious impact on wildlife and the sustainability of natural habitat, it will have a significant impact on the amenity of those existing neighbouring properties and those they are proposing to erect. There is no possible winner in this scenario beyond saving the developer a bit of inconvenience - our wildlife, habitat, existing residents and those who will ultimately move into the new homes will all be poorer should this application be approved.

I urge members to reject officer recommendations and to agree only to the removal of any trees which absolutely need to be removed on health and safety grounds, following a truly

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independent assessment from an organisation that has no financial interest in this development at all.

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Cllr Ross Shipman

NED/20/00166/OL – Outline application (all matters reserved) for the erection of one detached dwelling (affecting setting of a listed building) at land between Overton Lodge and Brookside Cottage, Fallgate, Milltown, Ashover.

David Thomas

Good Afternoon

I have twice written to the Planning Dept about this application, regarding what I perceived to be the serious risk of collateral damage to the local environment and heritage.

Firstly, I had fears about the flooding risk and it is gratifying that the DCC Flood Risk team, in their report of 14 July, called for a Flood Risk Assessment to be carried out, fully assessing the level of exposure. Until the arrival of DCC's report this kind of focus was conspicuous by its absence.

Comment was also made about the 'potential presence of engineered bunds in the locality' aimed at identifying whether these formed parts of the River Amber defences and their original purpose. This was my second concern.

This bund, which is directly opposite the proposed development, is in fact an embankment of the former Ashover Light Railway and if heavy construction vehicles were to be allowed through the narrow width of Jetting Street alongside the bund then the potential for significant damage is easy to envisage. Indeed, this is understood to have been the reason why an Application in October 2003 for work near the bund was refused. It was recognised this was a very special area and needed to be protected. A more recent follow-up was again refused on similar grounds.

A report by the Derbyshire Wildlife Trust stated had the area not been razed immediately before the planning application it would have been contributing to the overall diversity of the Local Wildlife Site. It would seem this is what led to the Off-site Biodiversity Enhancement Scheme report.

Whilst in-principle this scheme has attractions I have concerns about whether it would be delivered. I say this because on a nearby site in Jetting Street this Applicant had stated at both Application and Reserved Matters stages that a nearby permissive footpath would be reopened, post construction and that an adjacent heritage station would be protected and on view. This undertaking was not honoured. The footpath has been permanently closed, diverting pedestrians on to a narrow lane while appreciation of the heritage building is lost to the community.

The purpose of highlighting the above is to demonstrate that the concern about threats to local heritage is real. Hopefully the Committee will refuse this Application. If it is given further consideration then the land opposite the development must be protected and with strict timing deadlines requiring the bund to be fully re-instated to preserve the environment, mitigate the risk of flooding and protect the social history of the area. There must also be a formal condition put in place to ensure undertakings to create an Off-site Biodiversity Enhancement Scheme are properly honoured.

David (Mike) Thomas

21 September 2020

Charlotte Stainton