

## **PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON TUESDAY, 21 SEPTEMBER 2021**

#### **Present:**

Councillor Diana Ruff (Chair) (in the Chair)  
Councillor Alan Powell (Vice-Chair)

Councillor William Armitage  
Councillor Peter Elliott  
Councillor Roger Hall  
Councillor Jacqueline Ridgway  
Councillor David Hancock  
Councillor Lee Hartshorne

Councillor Andrew Cooper  
Councillor Mark Foster  
Councillor Heather Liggett  
Councillor Kathy Rouse  
Councillor Maggie Jones

#### **Also Present:**

R Purcell	Assistant Director of Planning
A Lockett	Senior Planning Officer
J Fieldsend	Legal Team Manager (non contentious)
N Calver	Governance Manager
D Stanton	Governance Officer
A Maher	Senior Governance Officer

#### **PLA/ Apologies for Absence and Substitutions**

**22/2**

**1-22** Councillor L Hartshorne substituted for Councillor T Reader, Councillor M Jones substituted for Councillor J Barry.

#### **PLA/ Declarations of Interest**

**23/2**

**1-22** There were no Declarations of Interest.

#### **PLA/ Minutes of Last Meeting**

**24/2**

**1-22** RESOLVED - The minutes of the meeting held on 20 July 2021 were approved as a true record.

#### **PLA/ NED/21/00125/TPO - ASHOVER**

**25/2**

**1-22** The report to Committee explained that an Application had been submitted affecting four of the trees covered by Tree Preservation Order (TPO) 280 at The Bourne, Moor Road, Ashover.

The Application had been referred to the Committee by Local Ward Member, Councillor W Armitage, who had raised concerns about it.

Committee was recommended to approve the proposed felling of Tree 1 and Tree 34, with replacement trees then planted. Committee was recommended to reject the proposal to fell Tree 32 and agree that it be pruned instead. Finally, Committee was recommended to accept the proposal to prune Tree 8.

The report to Committee explained why Members were asked to approve the recommendations. As part of this, Members were informed that Tree 1, which dated back to the mid to late nineteenth century, was now showing signs of infection in its upper parts. The tree had also grown at an angle and was leaning towards the highway. There was a danger that if the tree fell it would put at risk people, neighbouring properties and vehicles on the highway. If it was not removed then it might cause further damage to the surrounding built environment. Officers had concluded, therefore, that the tree should be removed, subject to the condition that a suitable replacement for it be planted.

Before Members discussed the Application those registered to speak were asked to address the Committee. A Petrie spoke to oppose the felling of Tree 1. P Brabbing spoke in favour of felling the tree. The Agent, W Anderson spoke in support of the Application as a whole.

Committee considered the Application. It took into account the relevant Planning Issues. These included the visibility of the trees to the public, the impact on their 'amenity value' to the local area and their contribution to the Special Landscape Area.

Members discussed the Application. They heard about the damage to the highway wall, immediately next to Tree 1. They discussed whether this damage could be rectified and what impact this might have on the plant. They heard about the damage to the drains and The Bourne property which had occurred.

They reflected on the concerns expressed about Tree 1, its probable longevity, its state of health and the serious safety implications if it was to fall. Some Members queried whether additional information to clarify these points might be required. Other Members contended that the Committee had sufficient information on which to make its determination.

At the conclusion of the discussion Councillor J Ridgway and Councillor D Hancock moved and seconded a motion to defer the Application, so that additional information could be obtained to inform the Committee's determination. The motion was put to the vote and was defeated.

Councillors D Ruff and A Cooper then moved and seconded a motion to accept officer recommendations, with an additional condition that a management scheme for the replacement and pruned trees be put in place. The motion was put to the vote and approved by Committee.

#### RESOLVED-

- (1) That the Application be partly and conditionally approved in line with officer recommendations.
- (2) That approval be subject to the proposed conditions and reason for refusal in relation to Tree 32.
- (3) That final wording of the conditions and reason for refusal be delegated to the Planning Manager (Development Management).

Conditions:

1. The work hereby granted consent shall be completed within two years from the date of this decision notice.
2. Notwithstanding the submitted details, the work hereby approved shall be restricted to the following:
  - i. The Felling of tree(s) T1 & T34
  - ii. The Crown Reduction of tree T8 by a maximum of 1/3
  - iii. The pruning of Tree T8 to reduce the height and spread by approximately 20%
  - iv. The Pruning of Tree T32 to reduce the height and spread by approximately 25%
3. The work shall be carried out in accordance with the appropriate recommendations contained in BS 3998:1989 (Tree Works) and in general shall in no way prejudice the health, balance and natural appearance of the tree.
4. Prior to the felling of the trees (T1 and T34) hereby approved, details of the position, size and species of two replacement trees shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter, the replacement trees shall be planted in accordance with the approved scheme in the next planting season following the felling works.
5. Before the replacement trees approved in condition 4 above are planted a detailed 20 year management plan for both trees shall be submitted and approved in writing by the Local Planning Authority.

**PLA/ NED/21/00380/RM - WINGERWORTH**

**26/2**

**1-22**

The report to Committee explained that a Reserved Matters Application had been submitted for a single storey dwelling at Cedar End, Wingerworth Hall Estate, Wingerworth. This would be pursuant to application 18/00703/OL and would affect the setting of a listed building.

The Application had been referred to Committee by Local Ward Member, Councillor D Ruff, who had raised concerns about it.

Committee was recommended to approve the Application and grant full Planning Permission, subject to conditions.

The report to Committee explained why Members were asked to approve the recommendations. Officers had concluded that the design and building materials used for the structure meant that it would not draw attention away from the nearby larger listed building. The report also explained that there would be a high level of vegetation screening it and that the structure would not be visible from areas open to the public.

Before Members discussed the application those registered to speak were asked

to address the Committee. The Applicant, S Armstrong, spoke in support of the application. The Agent, S Bright also spoke in favour of it.

Committee considered the application. It was reminded that the only issue for determination was the design of the building. The other matters had been decided as part of the previous application. Committee took into account the relevant Planning Issues in considering the Application. These included the location and visibility of the site, the materials used, the potential impact of the development on the neighbouring listed building and the adjacent trees covered by a Tree Preservation Order.

Members discussed the Application. They were informed that the Applicant had submitted amended plans, which had removed the installation of windows from the proposed roof area. It was confirmed that these would not now form part of the development. Members considered what impact the building might have on the surrounding area and especially on the listed building. They noted the location of the site, how the development would be screened and how it would not be in public view.

At the conclusion of the discussion Councillors D Ruff and P Elliot moved and seconded a motion to accept officer recommendations. The motion was put to the vote and approved by Committee.

#### RESOLVED -

- (1) That planning permission is conditionally approved in accordance with officer recommendations.
- (2) That final wording of the conditions be delegated to the Planning Manager (Development Management).
1. The development hereby approved shall be carried out in accordance with the details shown on drawing numbers CE/003/A, CE/004/A uploaded 26/5/2021 and CE002/B uploaded 20/7/2021 unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures.

***Reason - For clarity and the avoidance of doubt.***

2. Before above ground work commences, precise specification or samples of the walling and roofing materials to be used shall be submitted to and approved by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

***Reason - In the interest of the appearance of the site and the surrounding area, and to preserve the setting of the setting of the neighbouring listed buildings.***

3. Notwithstanding the submitted details, before above ground work commences a plan to show the position, design, materials, height and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be

completed prior to the occupation of the dwelling hereby approved and shall be maintained as approved for the lifetime of the development.

**Reason** - *In the interest of the appearance of the site and the surrounding area, and to preserve the setting of the setting of the neighbouring listed buildings.*

4. Before development starts, the following shall be submitted to and approved in writing by the Local Planning Authority:
  - a) a scheme of landscaping, which shall include indications of all existing trees, including the position, species and crown spread, and hedgerows on the site;
  - b) the details of any trees and hedgerows to be retained, together with measures for their protection during development;
  - c) a schedule of proposed plant species, size and density and planting locations and
  - d) an implementation programme.

**Reason** - *In the interest of the amenity of the area and in accordance with Policies NE7 of the North East Derbyshire Local Plan.*

**PLA/ NED/21/00606/TPO - ASHOVER**

**27/2**

**1-22**

The report to Committee explained that an application had been submitted to fell one Ash Tree on land at Moor Road, Ashover. The tree was covered by Tree Preservation Order (TPO) 264T1.

The application had been referred to Committee by Local Ward Member, Councillor W Armitage, who had raised concerns about it.

Committee was recommended to grant permission to remove the tree, subject to conditions.

The report to Committee explained why Members were asked to approve the recommendations. Committee was informed that the tree was old, large and visibly suffering from Ash die-back disease. Members were informed that planning permission had been granted for the site, and that as part of this development the tree would be located in the garden of one of the new houses. Officers had concluded that the tree would be a safety risk if it fell on this property and its residents, and so ought to be removed. Felling the diseased tree now would also enable a replacement tree to be planted in advance of the construction work.

Members were informed that no one had registered to speak on this Application.

Committee considered the Application. It took into account the relevant planning issues. These included the visibility of the tree, what impact its removal would have on the surrounding area and the possible loss of amenity if it was removed.

Members discussed the Application. They discussed the health of the tree and the possible safety implications if it was not felled. Committee also discussed the replacement tree. Some Members stressed that this should not be allowed to

become a safety hazard in its own right, but rather that it needed to be managed to ensure this did not happen.

At the conclusion of the discussion, Councillor M Foster and P Elliot moved and seconded a motion to approve officer recommendations, with the imposition of an additional condition that the replacement tree be subject to a Tree Management Plan.

The motion was put to the vote and approved by Committee.

**RESOLVED -**

- (1) That planning permission is conditionally approved in accordance with officer recommendations.
- (2) That an additional condition for Tree Management Plan for the replacement tree be imposed.
- (3) That final wording of the conditions be delegated to the Planning Manager (Development Management).

Conditions

**TPO completion of work**

1. The work hereby granted consent shall be completed within two years from the date of this decision notice.

**Reason** – For clarity and the avoidance of doubt.

**TPO Scheme for Replacement**

2. Prior to the felling of the tree hereby approved, details of the position, size and species of the replacement trees shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the replacement tree shall be planted in accordance with the approved scheme in the next planting season following the felling works.

**Reason** - In the interest of the appearance of the area and in accordance with Policy NE7 of the North East Derbyshire Local Plan, policies SDC2 and SDC3 of the Publication Draft Local Plan and AP15 of the Ashover Neighbourhood Plan.

**Tree Protection**

3. The replacement tree hereby approved shall be subject to the same protections afforded to existing trees as laid out in the landscaping details submitted to discharge condition 6 pursuant of 16/00071/OL. The means of protection shall be installed in accordance with the approved scheme before any other works commence on site and retained in position until all the building works, as approved, have been completed. The area within the relevant fenced/protected areas shall not be used for storage or the parking of machinery or vehicles and the ground levels shall not be altered.

**Reason** - In the interest of the amenity of the area and in accordance with Policies NE7 of the North East Derbyshire Local Plan, policies SDC2 and SDC3 of the Publication Draft Local Plan and AP15 of the Ashover Neighbourhood Plan.

**General TPO Conditions**

4. The work shall be carried out in accordance with the appropriate recommendations contained in BS 3998:2010 (Tree Works).

**Reason** - In the interest of the appearance of the area and the health of the tree and in accordance with policy NE7 of the North East Derbyshire Local Plan, policies SDC2 and SDC3 of the Publication Draft Local Plan and AP15 of the Ashover Neighbourhood Plan.

5. Upon completion of the works hereby approved, all branches shall be removed and the site left in a clean and tidy condition.

**Reason** - In the interest of the appearance of the area and in accordance with policy NE7 of the North East Derbyshire Local Plan, policies SDC2 and SDC3 of the Publication Draft Local Plan and AP15 of the Ashover Neighbourhood Plan.

**PLA/ 28/2** **Planning Appeals - Lodged and Determined**

- 1-22** The report to Committee informed Members that three appeals had been lodged. No appeals had been allowed. One appeal had been partly allowed and partly dismissed and one appeal had been dismissed.

**PLA/ 29/2** **Matters of Urgency**

- 1-22** There were no matters of urgency.