

PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 22 FEBRUARY 2022

Present:

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

Councillor Pat Antcliff
Councillor Andrew Cooper
Councillor Lee Hartshorne
Councillor Maggie Jones
Councillor Jacqueline Ridgway

Councillor Stephen Clough
Councillor Peter Elliott
Councillor David Hancock
Councillor Heather Liggett
Councillor Kathy Rouse

Also Present:

| | |
|----------------|---|
| A Kirkham | Planning Manager - Development Management |
| J Fieldsend | Legal Team Manager (non contentious) |
| N Calver | Governance Manager |
| M E Derbyshire | Members ICT & Training Officer |
| A Maher | Senior Governance Officer |

PLA/ Apologies for Absence and Substitutions **68/2**

1-22 Apologies were received from Councillor W Armitage, who was substituted by Councillor P Antcliff and Councillor M Foster, who was substituted by Councillor S Clough. Apologies were also received from Councillor R Hall.

PLA/ Declarations of Interest **69/2**

1-22 There were no Declarations of Interest

PLA/ Minutes of Last Meeting **70/2**

1-22 The minutes of the meeting held on 18 January 2022 were approved as a true record.

PLA/ NED/21/01216/TPO - CLAY CROSS **71/2**

1-22 The report to Planning Committee explained that an Application had been submitted to carry out work on trees covered by Tree Preservation Order (TPO) 276, at land opposite 24 to 44 Clay Lane, Clay Cross. The Application had been referred to the Committee at the request of Cllr R Shipman, who had raised concerns about it.

Committee was recommended to approve the Application, subject to the conditions set out in the report.

The report to Committee explained why Members were asked to approve the recommendations. As part of this, they were informed that although the proposals to fell two trees (T1) and (T2) had been included in the Application, this work had

now taken place, as allowed by law, so that the previously agreed permission for a residential development on the site could be progressed. Officers felt that the proposals for managing the remaining trees would help repair the damage caused to them by storms and the construction work on the site, and so should be approved.

Before Members discussed the Application, those registered to speak were asked to address the Committee. Cllr R Shipman, as the Member who had referred the Application to Committee spoke against the Application, as did R Eden. J Kirk and the applicant, D Abbott, spoke in support of it.

Committee considered the Application. It took into account the location of the trees covered by the TPO and the implications of the planning permission already granted for the development on the site and which had allowed trees T1 and T2 to be removed. Committee considered the relevant national and local planning policies. It took into account the account the National Policy Framework and Council policies, SDC3 – Landscape Character and SDC2, Trees, Woodlands and Hedgerows. It also considered the impact of the proposed works on the amenity of the trees as a group.

Members discussed the Application. Some Members expressed regret that the Committee had not been asked to determine whether trees T1 and T2 should be removed. They sought clarification and expressed concern about the method by which they had been felled. They also sought clarification about the proposed Crowning of specific trees and whether alternative approaches might be possible. Some Members expressed concern about the damage which had taken place as a result of the construction work on the residential development, which made necessary the proposed, retrospective, remedial measures.

Members noted that the site had been affected by recent heavy rainfall and that photographs showing the impact of this rainfall had been emailed to Planning Committee Members from outside of the Council. The Planning Manager (Development Management) explained that these photographs had been prepared in relation to the residential development and the flood risk. They did not deal with the proposals in the Application to carry out works on trees covered by the TPO. Consequently, they had not been included in the Late Representations report, which had been published as part of the Committee's agenda and circulated to Members.

Some Members expressed their regret that the two trees had been felled. They hoped that in addition to two suitable replacement trees, four more appropriate trees could also now be planted in the area covered by the TPO. They asked that this be included as a specific condition for the Committee's approval of the Application.

At the conclusion of the discussion Councillor D Ruff and Councillor P Elliot moved and seconded a motion to approve officer recommendations, subject to an additional condition requiring the planting of a suitable number of appropriate replacement trees.

The motion was put to the vote and was carried.

RESOLVED -

- (1) That Planning permission is conditionally approved in accordance with officer recommendations and with an additional condition requiring the planting of six suitable trees in the area covered by TPO 276.
- (2) That the final wording and content of the conditions be delegated to the Planning Manager (Development Manager).

Conditions

- 1 The work hereby granted consent shall be completed within two years from the date of this decision notice.
- 2 The works hereby approved shall be in accordance with the submitted Tree Works Plan 9610-T-03 revision B; Tree; Tree Works Recommendations Revision A and Tree Works Schedule Revision A with the exception of the crown lifting proposed in the north west corner of the site (in the area outlined in red on the attached plan) where no works of crown lifting shall take place.
- 3 The works 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 Within 6 months of the date of this permission a scheme for the planting of 6no. semi mature trees, of native species, including a timetable for implementation and long term care and maintenance, shall be submitted to and be approved in writing by the Local Planning Authority. The agreed details shall then be implemented fully as approved.
- 5 No works shall be undertaken at any time so as to disturb nesting birds

Reasons:

- 1 For clarity and the avoidance of any doubt
- 2 For clarity and the avoidance of any doubt
- 3 For clarity and the avoidance of any doubt
- 4 For the avoidance of any doubt and to supplement the tree cover in the area following the loss of other trees and the impact on the tree canopy from the other works undertaken.
- 5 To protect the ecology of the area.

PLA/ 72/2

NED/21/01387/FL - KILLAMARSH

1-22

The report to Planning Committee explained that an Application had been submitted to allow for four, mid-terrace bungalows, to be constructed as 1.5

storey dwellings. This would form part of the existing planning permission, under NED/21/00834/FL, to build 13 bungalows at The Old Station, Station Road Killamarsh.

The Application had been submitted by Local Ward Member, Councillor S Clough, who had raised concerns about it.

Committee was asked to approve the Application, subject to the conditions set out in the report.

The report to Committee explained why Members were asked to approve the recommendations. Officers felt the proposal would only require a minor alteration to the existing scheme. They contended that it would not have a greater material impact and so should be approved.

Before Members discussed the Application those registered to speak were asked to address the Committee. The Agent, Daniel Bull spoke in support of the Application. There were no other speakers.

Committee considered the Application. It took into account the relevant Planning Issues. It considered the Principle of Development, the site's location within the Killamarsh settlement development limits and its allocation for housing within the adopted Local Plan.

Members discussed the Application. They sought and received clarification that the proposed changes would only affect the specified four dwellings. They discussed what impact the changes might have on the amenity on neighbouring properties and if this would be different to the impact of the existing application.

At the conclusion of the discussion Councillor A Cooper and P Antcliff moved and seconded a motion to approve the Application, in line with officer recommendations.

The motion was put to the vote and was agreed.

RESOLVED -

- (1) That Planning permission is conditionally approved in accordance with officer recommendations.
- (2) That the final wording and content of the conditions be delegated to the Planning Manager (Development Manager).

Conditions.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with

the details shown on the following plans:-

2801-001 CURRENT LEVELS SITE PLAN A1
2801-002 CURRENT SITE PLAN A1
2801-003 CURRENT SITE SECTIONS & 3D VIEW A1
2801-004 CURRENT HOUSE TYPE C A1
2801-005 CURRENT HOUSE TYPE D A1
2801-006 PROPOSED SITE LEVELS
2801-007 PROPOSED SITE PLAN
2801-008 PROPOSED SITE SECTIONS & 3D VIEW
2801-009 PROPOSED HOUSE TYPE C A1
2801-010 PROPOSED HOUSE TYPE D A1

unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice.

REASON: For Clarity and the avoidance of doubt.

3. Before any above ground works commence, the following shall be submitted to and approved in writing by the Local Planning Authority:
 - o a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,
 - o the details of any trees and hedgerows to be retained, together with measures for their protection during development,
 - o details of the removal of the existing chain link fence and concrete pots on the boundary with the Trans-Pennine Trail (TPT)
 - o a schedule of proposed plant species, size and density and planting locations including hedgerow enhancement details adjacent to the TPT
 - o an implementation programme.

Reason: In the interest of the appearance of the area and in accordance with policies SS1 and SDC12 of the North East Derbyshire Local Plan

4. All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of buildings or the completion of the development, whichever is the sooner. Any plants or trees which within a period of 5 years from the completion of development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of the appearance of the area and in accordance with policies SS1 and SDC12 of the North East Derbyshire Local Plan

5. Before any above ground works commence details of the proposed boundary treatments shall be submitted to and approved in writing by the Local planning Authority. The approved scheme shall be implemented prior to the first occupation of the dwellings.

Reason: In the interest of the appearance of the area and in accordance with policies SS1 and SDC12 of the North East Derbyshire Local Plan

6. Before any above ground works starts, precise specifications (including the manufacturer, range and colour details where applicable) of the walling and roofing materials to be used shall be submitted to and approved in writing 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 area and in accordance with policies SS1 and SDC12 of the North East Derbyshire Local Plan

7. Construction works on site and deliveries to the site shall be undertaken only between the hours of 7:30 to 6pm Monday to Friday and 7:30 to 12pm on Saturday. There shall be no work undertaken on site or deliveries to the site undertaken on Sundays or public holidays.
8. Prior to the first occupation of the dwellings hereby approved a scheme of sound mitigation shall be submitted to and approved in writing the local planning authority. The scheme shall be designed following the completion of a sound survey undertaken by a competent person. The scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the following criteria. The scheme shall be designed to achieve the following criteria with the ventilation operating:

Bedrooms 30 dB LAeq (15 Minutes) (2300 hrs - 0700 hrs)

Living/Bedrooms 35 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)

All Other Habitable Rooms 40 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)

All Habitable Rooms 45 dB LAmax to occur no more than 6 times per hour (2300 hrs - 0700 hrs)

Any outdoor amenity areas 55 dB LAeq (1 hour) (0700 hrs - 2300 hrs)

The scheme as approved shall be validated by a competent person and a validation report submitted to and approved in writing by the local planning authority. The approved scheme shall been implemented in full and retained thereafter.

Reason In the interests of the amenity of the future residents, and in accordance with SDC12 of the North East Derbyshire Local Plan.

9. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be

present on site to oversee works.

f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy SDC4 of the North East Derbyshire Local Plan.

10. Prior to the commencement of work on site (including clearance of refugia piles, vegetation or groundworks), a Reptile Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include reasonable avoidance measures and a watching brief. The Method Statement shall be implemented in full and a short statement of compliance submitted at the end of site clearance works.

Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy SDC4 of the North East Derbyshire Local Plan.

11. Prior any above ground works commencing, a Biodiversity Management Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity. Such approved measures shall be implemented in full and maintained thereafter. This management plan should provide details, but not limited to: wildlife friendly fencing, bat and bird boxes and their locations, native planting including hedgerow planting.

Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy SDC4 of the North East Derbyshire Local Plan.

12. Prior to the commencement of development, including preparatory site clearance, a detailed badger survey for any recently excavated badger setts on the site or within 30 metres of the site boundary should be undertaken. The results and any appropriate mitigation/licensing requirements shall be submitted to and approved in writing by the Local Planning Authority for approval. Such approved measures must be implemented in full.

Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy SDC4 of the North East Derbyshire Local Plan.

13. No removal of hedgerows, trees, shrubs other vegetation shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved

in writing by the Local Planning Authority and then implemented as approved.

Reason: To safeguard the ecology of the site and ensure ecological interest is conserved in accordance with Policy SDC4 of the North East Derbyshire Local Plan.

14. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

REASON: In the interests of highway safety and in accordance with policy ID3 of the North East Derbyshire Local Plan

15. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

REASON: In the interests of highway safety and in accordance with policy ID3 of the North East Derbyshire Local Plan

16. The carriageway of Station Road and the proposed footway fronting the site shall be constructed in accordance with details first to be submitted and agreed, in writing, by the Local Planning Authority up to and including at least base level, prior to any above ground works commencing. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling.

REASON: In the interests of highway safety and in accordance with policy ID3 of the North East Derbyshire Local Plan

17. Highway surface water shall be disposed of via a positive, gravity fed system (i.e. not pumped) discharging to an approved point of outfall (e.g. existing public sewer, highway drain or watercourse).
18. No dwelling shall be occupied until space has been laid out within the site in accordance with the application drawing for cars to be parked (spaced

being of minimum dimensions 2.4m x 5.5m). Once provided, the spaces shall be maintained free from any impediment to their designated use for the life of the development.

REASON: In the interests of highway safety and in accordance with policy ID3 of the North East Derbyshire Local Plan

19. The proposed driveways to Station Road shall be no steeper than 1:14
REASON: In the interests of highway safety and in accordance with policy ID3 of the North East Derbyshire Local Plan

20. Prior to first occupation, details of the proposed arrangements for future management and maintenance of the proposed street i.e. the unadopted section of Station Road and new footway fronting the development shall be submitted to and approved in writing by the Local Planning Authority. The street shall thereafter be maintained in accordance with the approved management and maintenance details.

REASON: In the interests of highway safety and in accordance with policy ID3 of the North East Derbyshire Local Plan

21. Prior to first occupation of the dwellings a scheme for the storage of bins and collection of waste shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation and retained as such thereafter.

REASON: In the interests of highway safety and in accordance with policy ID3 of the North East Derbyshire Local Plan

22. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with good practice guidance, and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

PLA/ 73/2 **Planning Appeals - Lodged and Determined**

- 1-22** The report to Committee informed Members that 2 appeals had been lodged, 3 appeals had been withdrawn and 2 had been dismissed.

PLA/ 74/2 **Matters of Urgency (Public)**

- 1-22** None.

PLA/ 75/2 **Exclusion of Public**

- 1-22** **RESOLVED** – That the public be excluded from the meeting during the discussion

of the following items of business to avoid the disclosure to them of exempt information as defined in Paragraphs 2, 3 and 5, Part 1 of Schedule 12A to the Local Government Act 1972, (as amended by the Local Government (Access to Information) (Variation) Order 2006.

PLA/ Section 106 (Legal) Agreements Update

76/2

1-22 The report to Committee provided information on specific 'Section 106' Agreements, or agreements reached between the Council as Planning Authority with developers to carry out specific work to help offset the impact of new developments on local people. This information had been requested by Committee at its meeting on 18 January 2022.

By Acclamation

RESOLVED -

That Committee noted the information.

PLA/ Approval not to pursue a Section 106 Agreement Debt

77/2

1-22 The report to Committee sought approval not to pursue a specific Section 106 Agreement Debt. Members noted and accepted the reasons for not approving the debt.

By Acclamation

RESOLVED -

That Planning Committee agreed that no further action be taken to recover the outstanding monies under the Section 106 Agreement referred to in the report.

PLA/ Matters of Urgency (Private)

78/2

1-22 None.