

PLANNING COMMITTEE
11TH June 2024

CORRESPONDENCE RECEIVED AFTER PREPARATION OF THE AGENDA

ITEM 5.1 –23/00463/FUL

Following the publication of the Committee report the following responses have been received from residents:

Received 7th June 2024 (Julia Petters, 8 Blachthorn Close), citing the following points:

- The recently published Local Plan review highlights that proposed building sites need to be re-considered as more than 3000 homes could be made available which is more than is needed up to 2040. For me it would be logic to approve any Brownfield land only, given by definition these are “abandoned or underutilized due to pollution from industrial use”. Why would Greenfield sites even be considered given that the Derbyshire Dales attract people, as tourist or to live, due to its countryside?!
- There is concern about the impact this potential development will have on the scenery and local wildlife. I believe these two factors are the main reason tourists are attracted to the area, therefore in minimising these attributes you take away the attractiveness of the village and possible income streams for the few businesses located in Brailsford.
- An additional 33 houses will put the environment under even greater pressure. Agricultural land is needed for food production now more than ever. Again, please chose Brownfield sites over Greenfield sites!
- Furthermore, the Local Plan review leaflet gives commentary about economic, environmental and social areas that it is preferred to build up market towns like Matlock, Wirksworth and Ashbourne. Coincidentally, the various Brownfield sites are located around these three places. There are scarce facilities in the village to support new residents e.g., retail or workplaces nearby, resulting in the fact that people will have to travel. There is an insufficient infrastructure for people without transportation given that there is only transport through bus possible. The bus availability is currently once an hour, unacceptable given the facts that there is a high probability that people will have to travel for medical care, work and to school. I base this assumption on the fact that the primary school in Brailsford as well as neighbouring villages are full, and no further children can be accommodated at present as well as the GP surgery has reached capacity, and no further patients can be accommodated at present. Utilising the Brownfield sites closer to the market town will ensure that existing established infrastructure will be used better.
- At the start of 2023 a residents meeting for Brailsford and Ednaston was held. The main topic discussed was the GP surgery inadequate rating and what needs to be done to improve it. During the meeting however, it become obvious that all the residents agreed that they do not want further housing developments. Since

then, the residents have successfully objected against two developments already. This planning application is the third one. There are 35 objections of residents listed against this application. It seems that no-one is really listening to or seriously considering the views and genuine concerns of those within the community. Furthermore, the Local Plan feedback deadline is set for the 20th of June. I do not understand why this planning application is considered before results are not evaluated to see what residents' opinion actually is. Why do all these feedback requests when they are completely ignored?!

- The quality of Luke Lane has dramatically deteriorated with the building of the two developments off Luke Lane (Acorn Meadows and Dairy Mews), poor maintenance and potential increased traffic from the 33 new houses will only make this worse. In general, the carbon footprint is a major concern in this village due to the high volume of traffic passing through.
- The proposed site access for an additional 33 homes is at a location opposite the primary school with access onto Luke Lane just before a sharp bend leading onto Mercaston Lane. This is creating even more difficulty to navigate safely, especially with added school traffic. There was even an incident involving a car and HGV on the 10th of May 2023. There have been multiple near misses involving children which have been reported to the police. The proposal to move the change of speed with marking on the road is a great step in the right direction but will probably be ignored, just as it is the case now.
- Blackthorn Close is of a width which supports a limited amount of traffic, certainly not 33+ cars potentially introduced with the new development. The close cannot be made wider since pavements are not full width on either side. Consideration must be given to families with young children walking, elderly and other members of the community.
- The builders of the original site have contributed very little to the community even so funding for the GP surgery and the primary school are desperately needed. A further development will destroy the well-balanced village atmosphere which currently exists. There are no benefits, which this new development might claim to bring, that outweigh those that the residents of Brailsford currently enjoy.

Received 6th June 2024 (Mr R. Makosz), citing the following points:

- After reading the latest documents, although not being an expert on flooding and sewage disposal, it seems that the developers have provided very little additional information regarding how to mitigate potential problems as outlined in the full report from the Development Manager.

Received 9th June 2024 (Marie Ferris & Nick Longfield), citing the following points:

- The proposed site is on a busy main road and the primary school is full to capacity, so where are the children going to be schooled, the numbers that have been estimated for children to attend the primary school from the proposed site are very low and the actual figures would be much larger, with family homes being built.

- There are huge safety concerns over the road , site access and the concrete works traffic consisting of a HGV type lorry, they regularly use Luke lane thus making it difficult to cross the road and children to stay safe.
- The wildlife has just returned after four years. The birds , insects and small rodents are finally finding their way back. The trees shown in the plan are heritage oak trees and could be in danger of having root damage due to digger works close by.
- The site wants access through a cul de sac , it's narrow and has a block paving which is on a tight bend, making lorry access impossible, especially as parents use this as a parking area too.
- The cul de sac has many small children as residents, so this would be considered dangerous.
- The water drainage on site is insufficient and is often be cleared and the drains being pumped or repaired.

Foul Water

- It states in the Development managers report that no connection into the foul water sewer connection be made without the full permission of the adjacent developer's permission.
- Who is the adjacent developer (this is not mentioned anywhere) and there does not seem to be any mention of that permission being granted?

Surface Water Drainage

- This section of the report mentions under Section H of the Building regulations 2010 the disposal of surface water by means of soakaways should be considered as the primary method.
- The report then goes on to say that If following testing, it is demonstrated that soakaways would not be possible on the site, satisfactory evidence will need to be submitted from the SI consultant (extractor a supplementary letter)
- Has this testing been carried out and if so where is the evidence?

Highway matters

- Have any of this section been actioned?
- They only seem to have concentrated on the area around the proposed development, rather than looking at the impact on the village. Indeed, photos have been provided by a resident showing flooding on the area near to the proposed development.

Other matters

No mention in the latest documents of impact on the following areas:

- The school is full.
- Impact of extra traffic from the development.
- The medical centre is still experiencing problems.
- Cameron homes seems to think that painting red circles with numbers on the road surface will stop speeding, when traffic currently ignore traffic speed signs.
- I was also under the impression from the last meeting that they were to address the issue of lack of solar panels on the proposed houses, if so, no mention in any documentation at all.

Agent Update

Following the deferral of the application, the applicants' agent has submitted additional information following consultations with the relevant consultees. The information relates to the following:

Drainage

Our drainage consultant has prepared a response letter to clarify the impact of connecting phase 2 on to the phase 1 drainage network. Note that two assets on phase 1 are to be changed as part of the phase 2 works, this includes increasing the size of the attenuation pond as well as an increased discharge rate allowing water to leave the network faster (increasing from 16l/s to 22.5l/s). Please note that there is an error at para 4.2.6 of the original Drainage Strategy which was referred to by one of the Councillors at Committee. It currently reads that the discharge rate will be increased from 16l/s to 6.5l/s. Clearly this is not correct, as it should read 16l/s to 22.5l/s. For completeness I therefore attach an updated version of the Drainage Strategy with this error corrected (being the only change).

Highways

There is some local concern with regards to the speed of vehicles travelling along Mercaston Lane and Luke Lane near to the site's access, particularly around the bend which is near to the primary school. The 30mph zone ends just to the north of the existing phase 1 access, with the bend currently beyond the 30mph zone and being subject to the national speed limit (as is the rest of Mercaston Lane).

Whilst this was not necessarily an issue raised by the Highways Authority, we would be happy to offer an extension to the 30mph speed limit zone to help alleviate local concerns on the matter. We propose extending the 30mph zone further north east along Mercaston Lane to ensure vehicles are travelling much slower around the bend and into the village where the site access is located. I attach a plan showing the proposed speed limit relocation which includes new road features/markings on Mercaston Lane to clearly distinguish when you enter the 30mph zone as well as creating a new gateway feature for this part of Brailsford.

Trees

The landscape plan is currently showing 33 street/garden trees, plus 36 trees within the other open spaces across the site (the landscape buffer and around the pond). Whilst this is already a substantial amount, we would be happy to increase the number of street/garden trees to 40 (an additional 7 trees - 10%).

This is reflected in the updated landscape plan.

Sustainability

Finally, there were a couple of queries at committee with regards to how the proposed development is responding to climate change and what sustainability measures are being proposed. All the new properties will have:

- Solar PV panels
- Storage batteries
- Improved fabric in walls and floors
- High quality glazing to windows and doors
- Advanced ventilation systems
- Water reducing technologies fitted to showers and toilets
- Smart apps such as HIVE heating systems
- LED lighting
- Electric vehicle charging points

Consultation responses

In regard to consultation responses, Chesterfield Royal Hospital NHS Foundation Trust have responded and requested a combined contribution of £55,987.00 towards health care provision.

Based on the above, it is proposed to revise the recommendation to read as follows:-

8.0 RECOMMENDATION

That authority be delegated to the Development Manager or Principal Planning Officer to approve any amendments to conditions as deemed necessary and grant planning permission subject to the completion of a S.106 planning obligation agreement that secures the delivery of 10 affordable dwellings of an appropriate tenure (a minimum of 25% of which should be first homes), £55,987.00 towards health care provision, £138,089.35 contribution towards the provision of 3 infant and 4 junior places at Brailsford CE (Controlled) Primary School (and additional education facilities), £5613.30 to be used to upgrade or enhance existing children's play facilities in the area and £1950.30 towards the delivery of allotments in the area or wider district and subject to the following conditions:

2. The development hereby permitted shall not be carried out other than in accordance with the following approved plans and documents, subject to the following conditions:

- Site Location Plan – 2328-01
- Proposed Site Layout – 2328-03-U
- Materials Plan – 2328-04 Rev E
- Storey Heights Plan – 2328-05 Rev E
- Boundary Treatments Plan – 2328-06 Rev E
- Landscape Masterplan – FPCR-XX-XX-DR-L-0001 P04
- House Types:
 - o Housetype 535 – H-1-535-RURAL
 - o Housetype 761 – H-2-761-RURAL
 - o Housetype 920 – H-3-920-RURAL
 - o Housetype Annesley – H-2-783-ANNESLEY-RURAL
 - o Housetype Barton – H-2-838-BARTON-RURAL
 - o Housetype Chapman – H-3-1009-CHAPMAN-RURAL
 - o Housetype Godwin – H-4-1327-GODWIN-RURAL
 - o Housetype Denver – H-3-1383-DENVER-FORMAL 1
 - o Housetype Heywood – H-4-1425-HEYWOOD-RURAL
 - o Housetype Birch – reference TBC
- FRA and Drainage Strategy – LLBR-BSP-XX-XX-D-C-0190 P04
- Design and Access Statement, prepared by White Ridge
- Transport Statement, prepared by Rappor
- Proposed Speed Limit Relocation & Gateway feature – 220855-RAP-XX-XX-DR-TP-6000
- Refuse Tracking Plan 220855-TP-4102 P03
- Fire Tender Tracking Plan 220855-TP-4101 P03
- Estate Car Tracking Plan 220855-TP-4100 P03
- Internal Visibility Assessment and Geometric Plan 220855-TP-3200 P03
- Travel Plan, prepared by Rappor
- Flood Risk Assessment and Drainage Strategy, prepared by BSP
- Ecological Appraisal Rev A Dated December 2023, prepared by FPCR
- Proposed Habitat Enhancement Plan
- Baseline Habitat Plan
- BNG Metric
- Arboricultural Assessment, Tree Survey and Tree Schedule, prepared by FPCR
- Desktop Archaeological Statement, prepared by Cgms
- Landscape and Visual Assessment, prepared by FPCR
- Site Investigation – prepared by asl
- Affordable Housing Statement – prepared by Evolve Planning
- Statement of Community Engagement – prepared by Evolve Planning
- Climate Change Statement, prepared by Evolve Planning

Addition of a condition requiring the installation of electric vehicle charging points.

ITEM 5.2 –23/00592/FUL

Officer response:

An extension until 14th June 2024 was agreed on 5th June 2024

The agent wishes to extend the working days and has suggested variations to the two relevant conditions as set out below:

3. *viii. hours of construction work to be 0800 to 1800 Monday to Friday, 0900 to 1800 Saturdays and not at all on Sundays, Bank Holidays and Public Holidays unless otherwise agreed in writing with the Local Planning Authority in advance of specific construction activities requiring a temporary variation to these working hours.*

4. *No attendance on site shall be outside of the following hours:*

Monday to Friday 0730 to 1800

Saturday: 0730 to 1800

And not at all on Sundays, Bank Holidays of Public Holidays unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of specific construction activities requiring a temporary variation to these working hours or in the event of an emergency.

A reply from the County LLFA still required further information and to date no reply has been forthcoming. Accordingly, the relevant condition remains unchanged.

If changed change to:

The approved development shall be carried out in complete accordance with the A7W12990-GHD-XX-ZZ-RP-C-0001 - Drainage Strategy Report (April 2023) and the A7W12990-GHD-XX-ZZ-RP-C-0010 GHD River Modellings Technical Note (April 2024) and retained thereafter.

Reason: For the avoidance of doubt and in the interests of flood risk and drainage management in accordance with Adopted Derbyshire Dales Local Plan Policy PD8.

An Arboricultural Method Statement was submitted on 3rd June 2024 and DDDC Tree Officer has no objections. The County Tree officer also has no objections and accordingly condition X is modified to:

7. *The development hereby approved shall be carried out in accordance with the Ramms Sanderson Arboricultural Impact Assessment dated July 2021 until all development works at the site have been completed and all equipment, plant, machinery, surplus materials and waste have been removed from the site*

Reason: To protect retained trees during the development phase in the interests of safety, stability and health of the trees and to ensure continuity of their

contribution to visual amenity, wildlife and biodiversity benefits in accordance with Adopted Derbyshire Dales Local Plan Policies PD3, 5 and PD6.

ITEM 5.3 - ERECTION OF 4NO. DWELLINGHOUSES AND ASSOCIATED GARAGES WITH DEMOLITION OF EXISTING DWELLINGHOUSE AND OUTBUILDINGS AT IVY HOUSE FARM, MAIN ROAD, WYASTON, DERBYSHIRE DE6 2DR.

One letter has been received from Jonathan Edwards.

Having now read the supplied Case Officer report, it is clear that submissions by interested parties including Statutory Consultees have been disregarded and ignored by the Planning Department. The only areas that the report has ensured are protected are wildlife and trees. The recommendations of Environmental Health DDDC, Development Control Archaeologist DCC, District Councillor Mr. Bates DDDC. Parish Council Edlaston and Wyaston, local residents and ourselves being the next-door neighbour most impacted have been ignored. The Case Officer has taken the view that the issues raised do not need to be covered by planning conditions but can be encompassed into the Building Regulations at a later date. Once the planning permission has been approved, the DDDC has no power with regard to building regulations.

In early May I was in contact with Environmental Health who informed me that the department would reassess the surface water proposal once the matter had been reallocated by the new case officer. The assessment would be with the assistance and advice of the LLFA from Derbyshire County Council. I was also informed that the previous case officer was no longer an employee of DDDC. There appears to be no case officer. At the March meeting of the Parish Council, a district councillor who attended informed the meeting that the case officer, had left the DDDC. If this is correct it would explain why the more recent submissions have been disregarded. The guidance issued by the LLFA , with regard to surface water disposal, is quite clear in that it is an offence to engineer a system that causes or is likely to cause flooding to neighbouring properties. The proposal in this application does just that and the position of the DDDC aids and abets the offence. I ask that Planning Department obtains the advice of the Environmental Health Department before this application proceeds.

Officer Response

The drainage plan has been reviewed by Environmental Health and their comment related to any changes to the drainage plan would require further review. The drainage plan has not changed and includes surface water drainage to the rear of properties to soakaways in the garden areas and foul to connect to the existing foul sewer in the south eastern corner.

ITEM 5.6 - ERECTION OF 1NO. DWELLINGHOUSE AT 57 STARKHOLMES ROAD MATLOCK, DERBYSHIRE DE4 3DD.

A letter has been received from Catherine Lambe.

As a member of family living next door u strongly object to the erection of another dwelling next door. This peaceful cull de sac has already been disrupted enough with the permission gained for 7 bungalows. My property was at the end of the cull de sac for years and is no longer. The proposed build would be intrusive and I am concerned that the proposed builder would not upkeep the private road as he has not done for the bungalows he has built next door. He took no responsibility for bricks and mortar

damage to my property whilst using heavy machinery next door and I am sure this would be the case again. I just want to say I strongly object to this application.

An email from Carol Bacon has been received.

With reference to the agenda for the upcoming Planning Committee meeting to be held on 11th June 2024, I wish to bring your urgent attention to items 6.1 and 7.21 (the non-attributable objection) relating to the ownership dispute of the above property.

Please note that this has NOT yet been "satisfactorily resolved" as stated, the matter is still currently ongoing and in the hands of Solicitors.

Officer Response

Planning permission does not override legal issues relating to land ownership.

A letter from the applicant, James Neville has been received.

Further to the site meeting today, would it be possible to bring the following comments to the attention of the Planning Committee Members :-

Amenity Space

The proposed dwelling will benefit from a relatively generous amenity space of 80m sq at the rear of the dwelling. This is significantly greater than many new build developments approved by Derbyshire Dales District Council in recent years with garden areas of 40 to 50m sq for 2 and 3 bedroom dwellings.

Mature Wild Flower Bed at Front of the property

During the site meeting it was raised by one of the Committee Members that there is a bed of wild flowers including foxgloves within the site. Having checked the block plan then this bed of flowers can be retained. This area is already identified on the block plan for landscaping area but the existing wild flower bed can be retained.

Materials not in-keeping with the area

The suggested materials are coursed Derbyshire Gritstone and timber cladding for the walls and blue slate for the roof. Robert Evans of Evans Vettori Architects designed the house and lives just up the hill from the site. He believes these are suitable material choices with these materials extensively used on existing Pump Close properties. We would be happy for external materials to be continued for agreement with the Planning Officer.

Property Levels

The property is built at a significantly lower level than 57 Starkholmes Road. A survey drawing has been submitted with the planning application (Drg No. 009). The ground floor level of the proposed dwelling is 1.95m below the ground floor of number 57 – almost a full storey height. At the rear the property is one and a half storey's to follow the site contour.

Property Location

The property is set back approximately 7.5m from Pump Close. This is 4.5m back from the front of Number 57 so that it prevents impact on 57 Starkholmes Road. It has been confirmed in writing to the Case Planning Officer that the landing window will be fixed and obscured to ensure no overlooking.

Properties to the South

The nearest properties to the South are 22m from the proposed dwelling and are separated by a 3.5m high beech hedge. The Case Officer states, "the beech hedge to the South Boundary cannot be relied upon to mitigate the issue of overlooking towards the residential properties to the South". We have no intention of removing the hedge and are happy for this to be conditioned. In addition the land behind the hedge is 1m higher and therefore neighbours could erect a 2m high fence if they were concerned about the hedge being removed. The hedge will be retained.

Biodiversity

We are happy for it to be Conditioned that we will employ consultants to design a landscape scheme to ensure no loss in Biodiversity. There are only one tree and two shrubs requiring removal and these will be replaced through new planting.

Merits of development

The majority of the site is brownfield consisting of an asbestos garage (formally in semi commercial use) and a concrete driveway. The construction of this property will enhance the area, provide a valuable family home in a sustainable location close to facilities.

We will construct the house using the highest quality materials and using our team of local tradesman, all of whom live in the Matlock Area with the exception of my Plasterer who lives in Tupton.

Individual building plots are very important to local construction businesses providing access to construction works which larger sites do not often employing trades from outside of Derbyshire.

Sustainability

The property will be fitted with solar panels, battery storage, air source heat pump and car charging points. It will have an exceptionally highly insulated fabric and achieve the highest level of EPC.

Construction Period

The construction period will be six months and during this time we will work closely with neighbours to minimise any disruption.

Conclusion

Our proposal has been designed by award winning Architect, Robert Evans who lives in Starkholmes and endorses his design and choice of materials. The dwelling will provide a quality, sustainable family home on a part brownfield site within the Settlement Framework. We will use local tradesman to build the home, ensure that hedges are retained to protect the privacy of neighbours. We will employ a BNG Consultant ensure no loss in Biodiversity.

Officer response

Covered in section 7 of the report.

ITEM 5.7 – OUTLINE APPLICATION FOR DEMOLITION OF OUTBUILDINGS AND ERECTION OF 1NO. DWELLINGHOUSE AS A RURAL WORKER’S DWELLING WITH APPROVAL BEING SOUGHT FOR ACCESS, LAYOUT AND SCALE, AT UPPERWOOD BOARDING KENNELS, THE MOORLANDS, BACK LANE, DARLEY MOOR, MATLOCK, DERBYSHIRE

Two further letters of support have been received which are included below.

We have been using Upperwood Kennels for a couple of years now. Without the service provided, my family would not be able to go on holiday as we have very little options as to where we can leave our dogs safely without worrying about them. The proposed development of Upperwood kennels in conjunction with a rural dwelling would mean that someone would be living onsite and if this was not the case, we would feel very uneasy leaving our pets there.

Considering the service that is provided, the owner should be allowed to develop his facilities in a way which is in keeping with the local surroundings but also in a way which is fully functional for the service that he needs to provide.

As a regular customer of the adjacent kennels, I am reassured that the animals are being cared for by there being a continuous presence day and night. The proposed development would improve the general appearance of the premises and would not result in any additional traffic or disturbance. Overall I believe the development would enhance the amenities and overall utility of the location

Officer Response

The principle of development section of the committee report outlines why refusal is recommended. The need for a dwelling on site to serve the 24 care needs of the business is fulfilled by the existing dwelling and this dwelling (or part in which the applicant resides) is currently suitable and available.

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