

PUBLIC PARTICIPATION AND REPRESENTATIONS / CONSULTATION RESPONSES RECEIVED FOLLOWING PUBLICATION OF THE AGENDA

PLANNING COMMITTEE MEETING HELD ON 10 NOVEMBER 2020

COMMENTS RECEIVED RE. ITEM 5.1 – PLANNING APPLICATION

1. THE FOLLOWING COMMENTS FROM TRICIA LAMB, RESIDENT OF STARKHOLMES, MATLOCK RE PLANNING APPLICATION 19/01050/REM HAVE BEEN RECEIVED

We strongly object to the proposed location of this bin store. It is proposed to site this monstrosity approximately 10 metres from our property and 30 metres from our front lounge windows and front bedroom. Instead of having our present rural view of hedgerow and fields we will be treated to a view of a refuse bin store capable of holding 10 refuse bins. There will be the accompanying odours and misplaced refuse in and around the store.

We wish to remind you that the children who visit and live along Pump Close, play along the roadway and it is undesirable to have this store located alongside their play area.

This proposal is not at all acceptable and the entire ill thought out planning application should be withdrawn and proper attention given to existing residents and their needs.

RESPONSE:

The bin store is for the storage of bins on collection day only and they would be stored within the curtilages of individual properties at all other times.

2. THE FOLLOWING COMMENTS FROM SIMON EDWARDS, RESIDENT OF STARKHOLMES, MATLOCK RE PLANNING APPLICATION 19/01050/REM HAVE BEEN RECEIVED

I write again for your assistance in respect of the above application scheduled for discussion at next week's Committee. In my opinion it is being rushed through without proper allowance for the understandably high levels of local concern. All of the particular technical matters have been set out in letters by residents and, up to the date of 30 October are summarised in the planning officer's report.

However, following the issue of the officer's report, additional technical details have been added. It is vital for the purposes of local democracy, that all substantive matters are available for consideration by elected representatives and that local representatives have their opportunity to speak.

The fact that this application is neither sustainable nor “thought through” is illustrated by the fact that it has been down to local residents to request vital information on the proposal when it has been patently apparent that the development does not meet regulations and guidance.

Important examples of this are:

- Only one of the interested residents was informed of the recent application documents.
- No swept-path traffic analysis was prepared for refuse vehicles. Until residents pointed out (13 October) that it was impossible under the design for vehicles to make a safe turn, this was overlooked by planning officers.
- Consequent upon our submission, officers requested the analysis and when it was demonstrated that vehicles could not turn, no action was recommended, contrary to guidance.
- Only after this, and the fact that a bin store would be required was pointed out to officers (30 October), was a revised layout, already recommended for approval by planners, released to residents showing that a bin store would be required.
- The location of the bin store means that four of the proposed properties will not meet the standard of Building Regulations Part H. I have pointed this out to officers (2 November) but have had no reply or acknowledgement.
- The bin store is on the immediate boundary of a neighbour, who would never have even known of its presence had I not carried out the necessary enquiries and has not had sufficient time to consider the application.
- Only after residents pointed out the ecological survey was more than 4 years out of date did Planners request an update.
- Residents have strong evidence including photographic evidence that the update Ecological survey was not conducted properly/ independently
- Comments on badgers activity has been redacted from residents submissions and, contrary to specific request for assurance that committee will have access to unredacted copies of letters, this has not been received.
- Response to my email of 14 October requesting the full legal basis for redaction has not been received.
- Response to my email of 2 November concerning the ability to speak at the meeting and the lack of necessary technical resources by residents has not been received.

In the context of all of these points, which I am sure you will wish to check with officers, we consider that taking this application to committee is premature and any decision made will be open to appeal to the local authority ombudsman on grounds of the numerous administrative faults cited.

3. THE FOLLOWING COMMENTS FROM RICHARD SHACKLADY, RESIDENT OF STARKHOLMES, MATLOCK RE PLANNING APPLICATION 19/01050/REM HAVE BEEN RECEIVED

I have only just seen Site Plan P01 Rev F , I believe it was only put on the Planning Application site this afternoon.

Why are residents who will be affected by the proposed development in the field adjoining our properties given so little notice and time to allow proper consideration to relevant documents ? There is a stated cut-off for objections of 30th November and i understand you are proposing to consider this Application at a Planning Meeting next Tuesday 10th November.

This isn't the only document published for this case with little notice given for public scrutiny and comment . I understand that this Application from the Agent James Neville has been under discussion with your department since February 2020 and now it has all the signs of being railroaded through by DDDC Planning at the last minute in order to minimise and/or avoid public scrutiny .

In fact I understand that were it not for a fellow resident ,Site Plan Rev F would still not be published ; interestingly the drawing shows P01 Rev F as being completed on 08/10/20 . Why has it been withheld for so long ?

My wife and I strongly object to a bin store being sited along OUR garden boundary hedge . This proposal is totally out of character with Pimp Close and Starkholmes Village generally. Such a facility will have to take 10 bins on alternate weeks when blue and green bins are emptied on the same day . Such a store will have to be around 10 feet long and 8 feet deep and as tall as our hedge What sort of monstrosity are DDDC Planning giving support to ? Such a facility would not be acceptable on low grade housing sites . Additionally we and our neighbours will have to endure the smells and pestilence of other peoples refuse and the reality is that no-one will want to keep the area clean and orderly. Is this really the sort of welcome the Developers want to give to would be purchasers on a new private housing development.

We strongly suggest that DDDC Planning , Evans Vittori and Mr Neville stop trying to cut corners and cut costs and do the proper thing by accommodating refuse trucks on the site as originally requested by DDC Highways. The refuse trucks are often smaller than removal trucks , furniture , household goods and garden supplies trucks ; these are often 7 or 10 tonne trucks and occasionally larger and will need to park at their delivery point .

I was not able to comment on the revised Ecology Survey document because it only appeared on the Planning site on 30th October.

- Having read the document it is full of misleading and inaccurate statements much of which originates from a 6 year old survey and report by the same consultant . At least 2 of the photographs and a number of paragraphs in this Report are 6 years old.
- Why on Page 3 does it state that Planning Design Ltd requested a Phase 1 Survey ; PDL are not involved in this particular Planning Application?
- We witnessed the consultant visit the site on 23rd October accompanied at all times by Mr J. Neville, the Agent . At no time did they go further into the field than approx. 10 metres from the gate ; a very superficial visit lasting no more than 20 minutes.
- A bat survey was not undertaken . It is now the wrong time of year for bats to emerge from roosts . However it is a matter of fact, supported by the D.W.F.

appendix , that bats roost in the loft of 57 Starkholmes Road . This is less than 100 metres from the Field and they can be seen on summer evenings flying and feeding above the Field. Why wasn't this survey undertaken in Summer ?

- The original survey in 2014 by Whitcher Wildlife did not report on Badger activity which had been reported by residents . The new survey now accepts the presence of Badgers but downplays the importance, of badger activity . Without the Field Badgers will lose foraging territory and their tracks across the Field to Pump Close.
- At least 15% of the report discusses great Crested Newts with numerous dated photographs of the farm pond . This subject matter is long since irrelevant .
- There are hedges along the western boundary that are all planted within respective gardens. There is a post and rail fence along the boundary of Nos. 43 and 37 . The boundary of 43 has hedges of beech & thorn plus privet kept trimmed at approx. 6 feet high. Along the boundary of 37 there are Leyland Cypress trees inside the boundary fencing .
- Most of the trees and hedgerow along the eastern boundary are in the farmers field . There are 4 , not 3 Lombardy Poplar trees. The boundary line is a ditch which collects groundwater from the hillside from about halfway down the Field. The dead trees along the farm field are elm and ash and form part of the farm field hedge.
- The southern boundary hedge is owned by No 73 and has at least 4 other species of tree not mentioned. As well as hawthorn, there is hazel, field maple, blackthorn, corylus.
- There is no fence along the northern boundary ; the boundary is the centre of the stream that originates in the NE corner of the Field collecting water from the ditch along the eastern boundary as well as groundwater from Netherclose Farm.
- The water from the spring in the Field plus the drainage water from No 73 , merge near the top of the Field and flow into the stream on the northern boundary .The stream flows past number 37 , it is then culverted underneath a pair of garages , before emerging as a stream in the gardens of Nos 33 and 31 . It is then culverted again at the entrance gate of the Primary School and flows down to the River Derwent via Bentley Brook.
- The 4 trees identified as common lime in Appendix 111 are not common lime , they are goat willow with a strange growth shape because they were flailed annually when the Field was in agricultural use.
- The survey reported to have been undertaken in October would not have discovered nesting birds , out of season. It should be noted that Woodhall's flailing in June 2019 ripped out birds nests from the hedge along the southern boundary .

Given the elapsed time from 2014 , it perhaps would have been better to have started afresh with “ a new pair of eyes”.

With reference to your Report to the Planning Committee ; myself and fellow residents do not understand what is meaning in the last 2 sentences in Point 7.7.

The hedges bounding No. 43 and No. 37 are also outside the application site planted within the respective gardens ; and per your wording “ any boundary treatment on this boundary would be 10 metres from the hedge with a buffer....”

It is clear from the plans submitted that Plot 1 and Plot 7 are well within 10 metres of the respective hedges.

Please explain why there is a difference in your treatment of the boundary to No.73 and the boundaries to Nos. 53 and 43 .

On a related matter, none of the plans submitted show a tree in our garden , No.43, located at the S.E. corner of our garden 6 feet in from the boundary fence with the Field . This is adjacent to the proposed Plot 7 . We planted this specimen variegated acer tree in 1977 and it is now approx. 25 feet tall with branches extending 6-7 feet into the Field with corresponding root growth. When this tree is in leaf it is clearly visible from the top of Chesterfield Road .

RESPONSE:

The additional information such as the bin store being added to the layout plan and the updated Ecology Survey were as a result of consultation with the relevant consultees.

The Highways Authority had advised that a bin store may be acceptable if the current arrangement for refuse collection was that the refuse vehicles reverse down Pump Close. Therefore if this was the case, turning within the site for a refuse vehicle was not necessary, however, the applicant sought to illustrate through the swept path that delivery vehicles would be able to turn within the site.

The Ecology Survey was updated in consultation with Derbyshire Wildlife Trust who confirmed that they had records of Badgers in the area. Advice from the Trust was also sought in relation to the redaction of Ecological information and on the basis of their recommendations as the survey and objections did not allow the identification of a sett location only foraging the Survey and objections were published in full.

Section 7.7 in relation to the southern boundary hedge is stating that the rear boundaries of Plots 1, 2 and 3 would be 10 metres from this hedge.

4. THE FOLLOWING CONSULTATION RESPONSE FROM THE HIGHWAYS AUTHORITY RE PLANNING APPLICATION 19/01050/REM HAVE BEEN RECEIVED

The bin store is acceptable subject to it being confirmed by the refuse collection that they currently reverse down Pump Close, if this is the current situation there are no highway objections to the bin store in this location and it will need to be suitably conditioned.

The access will need to be amended in accordance with the outline consent 16/00941/OUT.

The parking and manoeuvring will need to be provided prior to the first occupation in accordance with the revised drawings, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

RESPONSE:

See response below and Condition 6 of the Outline permission 16/00941/OUT relates to the access requirements and Condition 7, the parking and turning.

5. THE FOLLOWING CONSULTATION RESPONSE FROM THE COUNCIL'S WASTE AND RECYCLING MANAGER RE PLANNING APPLICATION 19/01050/REM HAVE BEEN RECEIVED

The Council's Contractors Serco have confirmed that the refuse crew do reverse down Pump Close so a bin collection point at the edge of the new estate would be acceptable.

RESPONSE:

This confirms a bin store is acceptable as required by the Highway Authority.

6. THE FOLLOWING CONSULTATION RESPONSE FROM COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY RE PLANNING APPLICATION 19/01050/REM HAVE BEEN RECEIVED

I believe you are the case officer for the above planning application. We have already responded to the consultation request with "No Comment" given that it was a minor application and we are not statutory obliged to do so. However, I have received an email from a resident highlighting several flooding concerns in relation to this proposed development, which does raise a few questions for me, particularly as it is stated that existing properties have been flooded in the past. I see on the decision notice that Condition 10 does relate to the requirement of a detailed strategy relating to the presence of a spring on site, and that this has also been discussed in a site meeting with yourself and the applicant.

However, there aren't any details as of yet as to how the developer intends to manage the surface water from the proposed development, to ensure that the flood risk isn't increased to these existing properties. If the existing properties have been affected by flooding in the past, then I would say that a Flood Risk Assessment is required, to ensure that the existing flood risk has been accounted for, and also how the applicant intends to manage this, including the SW management from the proposed development.

RESPONSE:

The applicant seeks to address these comments below and this relates to the discharge of Condition 10 of the outline permission.

7. THE FOLLOWING REPRESENTATION FROM THE APPLICANT JAMES NEVILLE RE PLANNING APPLICATION 19/01050/REM HAVE BEEN RECEIVED

He accompanied the Ecologist Derek Whitcher on site on the 23rd October 2020 where a full site survey was carried out. During this visit it was noted that there had been no changes of significance from the previous report.

An email was received from the Drainage Engineers Rodgers Leask who have been commissioned to produce a drainage strategy for the site and road design with the work planned post approval. The following is stated:-

A spring is identified to the South West of the site at a higher elevation. This may be the source of the underground water heading toward your site. Online mapping shows that during heavy rainfall events, runoff is predicted to flow toward your site, albeit this does have a 'low risk' classification.

Whilst some of the higher land would shed water toward your site during heavy rainfall events, the topography changes near the junction with High Tor Road and from here runoff would head toward the River Derwent to the west. It is anticipated that a relatively straightforward set of calculations can be undertaken to estimate the catchment heading toward your site such that a pipe can be sized to safely route it to the ditch on the boundary. The site is in Flood Zone 1 from fluvial sources, so the lowest risk.

The agent states that from the initial work completed by Rodgers Leask, the issue of water on the site can be accommodated within the design and construction process and we would therefore request that this matter is dealt with via a planning condition.

RESPONSE:

Condition 10 of the Outline requires discharge prior to commencement of development.

COMMENTS RECEIVED RE. ITEM 5.4 – PLANNING APPLICATION

8. THE FOLLOWING COMMENTS FROM SUSAN LEWIS, RESIDENT OF CLIFTON, ASHBOURNE RE PLANNING APPLICATION 20/00714/FUL HAVE BEEN RECEIVED

I am emailing you to express serious concerns that I have with Clifton Coal yard as a proposed storage site.

I have been resident at Tollgate House for 21 years, which corners both the A52 and Green Lane. This has provided me with a catalogue of knowledge regarding the only access to the proposed site on Watery Lane.

The only access because there is no turning scope available in front of Clifton Church for longer vehicles to come down through the village.

1/

The A52 is a fast busy road.

I have lost count of the accidents at this junction, as a result of people trying to pull out. Also because of the bend in the road at the junction, I've seen countless cars rear ended.

2/

There are no pavements from the A52 down to the coal yard, making this a very hazardous as a lane which people often walk. A school boy was involved in a very serious accident at the junction about 40yrs ago suffering life changing injuries.

3/

The road junction is particularly narrow. It can be seen from the positioning of the rear tyres on my 2nd attached picture that there is insufficient room for two small cars to pass. The school bus has taken to dropping children off in the village because they refuse to attempt the junction!

4/

Property damage. The differing shades of render in pictures 3 and 4 clearly depict the ongoing damage that my property has endured as a result of longer, wider or bigger vehicles trying to get around the corner as fast as possible, out of the traffic flow. On two occasions I have also had damage to the guttering.

5/

In order to enlarge the turning circle and get onto Green Lane, long vehicles heading towards Mayfield have to pull onto the opposite side of the road alongside of Tollgate Cottages facing oncoming traffic head on. I did read in one report that Green Lane-Watery Lane were classed as quiet country lanes. I'm afraid this is a nonsense, it is in reality used as a rush hour rat run leading to the A515 for Sudbury/ Uttoxeter in the same way that the B5057 is used from Darley Dale to Chesterfield.

6/

By sharp contrast pictures 5,6 and 7 are of Mr F Harrison's drive.

A few years ago, he was granted planning permission to put a driveway across one of his fields and gateway opening onto the A52. I have measured the opening for Mr Harrison's gates, against the width of the Green Lane junction.

They are more than 3 times the width of the Green Lane junction.

They are a width that was deemed safe by the relevant engineers and council planners. Safe for lorries and trucks to be pulling into and out of dense traffic on a busy main road.

The car in the 7th photograph, still behind the white dotted line that marks the boundary of the A52, and gives a clear indication of the width of junction that would be deemed safe!

It's certainly a very different situation to large vehicles holding up or pulling into busy fast traffic on a bend, and pedestrians/hikers going into town via a rat run with no pavements and around a blind corner that has already seen one seriously injury.

7/

The next issue is of course the flooding. A young woman lost her life in Henmore Brook just metres from Clifton Coal yard, in December 2018. This last week we have seen the River Dove burst its banks again. In October 2019 it hit its highest level on record. Yes the coal yard is elevated, but the only access for vehicles is Watery Lane which is a grade 3 flood zone. The entrance to the coal yard running in close parallel with the River Dove. In 2019 a woman lost her life in floods at Darley Dale. We all know that flooding isn't scheduled to improve. But annual deaths by flooding in the Derbyshire Dales is a really cold call.

8/

The final issue for me is that Ashbourne is part of the Derbyshire Dales and should be preserved and protected as such. Clifton village is much sought after and an asset to Ashbourne and the Dales, enjoying the best local primary school for many years. The lovely view of the Station House is the first side of the village that I saw before I move down here. The coal yard isn't tucked away on a quiet lane, it's a busy rat run where it will be viewed by all and sundry.

I was shocked to read that the recommendation for this planning permission is granted with conditions.

Exactly what conditions are going to make safe the vehicular access for this application?

Exactly what conditions are going to protect my house from future damage?

Exactly what conditions are going to protect pedestrians?

Exactly what conditions are going to prevent further RTA's on a blind corner, as large vehicles attempt to squeeze their way down a narrow lane?

These documents are matter of public record.

Further to a conversation earlier this week regarding my objections to storage units at Clifton Coal Yard.

I would like to clarify that if the 'granted with conditions' status were to include:

No servicing of the business with vehicles on tow, long wheel base vehicles, or wide loaded vehicles.

I would then be in agreement with the proposal to grant with conditions.

I believe that this will help prevent traffic jams and accidents at the junction, and support free flow of traffic. In addition to protecting my property from being repeatedly clipped by inappropriately large vehicles on a narrow lane.

RESPONSE:

Officers recommend that the comments of the local resident are noted. However, the applicants' have confirmed that the use of the building would remain ancillary to the applicants' existing coal business, on a part of the site already used for storage. Given the established use of the site and the proposed use of the building for purposes associated with the business and conditions to control such use it is not considered there would be any significant increase in traffic or disturbance to local residents. No objections have been received from the Local Highway Authority, based on the proposed use of the building. The comments relating to flooding / land drainage are covered in the officers report.