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Supplementary Agenda Item



**North East
Derbyshire**
District Council

Our Ref:

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Date: Monday, 9 March 2020

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 10 March 2020 at 1.00 pm in the Council Chamber**, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield S42 6NG.

A number of parking spaces will be reserved for Member use on the day of the meeting.

Yours sincerely

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

Joint Head of Corporate Governance and Monitoring Officer

Members of the Committee

Conservative Group	Labour Group
Councillor Diana Ruff Councillor Pat Antcliff Councillor William Armitage Councillor Stephen Clough Councillor Peter Elliott Councillor Roger Hall Councillor Carol Huckerby Councillor Heather Liggett Councillor Maureen Potts Councillor Alan Powell	Councillor Jayne Barry Councillor Maggie Jones Councillor Tracy Reader Councillor Jacqueline Ridgway Councillor Kathy Rouse
Liberal Democrat Group	Independent Group
Councillor David Hancock	Councillor Andrew Cooper

Any other Member can be requested to act as a substitute for this meeting.

All substitutions to be made in writing to the Governance Team by 12 Noon on the day of the Committee meeting.

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

AGENDA

- 6(a) Summary of Late Comments/Update Report - 10 March 2020 (Pages 4 - 13)
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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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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 10th March 2020

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: Ashover

APPLICATION: 19/01179/FL

CASE OFFICER: Emily Cartwright

1. SOURCE OF COMMENTS: Portal comments from Mr McCann

DATE RECEIVED: 24.02.2020

SUMMARY:

I would like to register an observation regarding this application.

A number of local people, including myself, have been following the process of this application with interest, and it's connection with another ongoing planning application ref 19/00868/RM

During the processing of application 17/00200/OL you will know that I questioned the robustness of the planning process, and involved not only the local complaints procedure, but also the Local Government & Social Care Ombudsman, who both found at the time in their opinion that the process was indeed fit for purpose

During the process of investigating the details of this application 19/01179/FL, and having studied information received due to a request for further details to be supplied under The Freedom of Information Act, I am once again somewhat perturbed to discover that, in my opinion, there does seem to be a number of apparent anomalies

in the flow of information, and the actions taken on such information, which lead me to question the robustness of the process, and the validity and accuracy of information provided, or both.

In addition, it appears that the information supplied under the Freedom of Information Act request, is by no means complete, and chunks of information, which may or may not be pertinent, have not been supplied

My local colleagues and I are continuing to investigate, and are escalating where we have the ability to do so. We will be making appropriate response at the public planning committee meeting on the 10th March, but I would like to point out that irrespective of any conclusions that might be drawn at that meeting, we will continue to investigate and insist that all information is made available, and that we are satisfied that these applications are handled in a proper way in the interests of the public, and local residents. Please acknowledge receipt of this communication.

CASE OFFICER COMMENTS:

This objection raises no new material planning considerations which are not already covered in the report to members.

2. SOURCE OF COMMENTS: Email correspondence from Mr Evans

DATE RECEIVED: 27.02.2020

SUMMARY:

Thanks very much for your response,

I must admit I am very surprised that the application is being recommended for approval given the information we have passed onto yourself and your department and how we have managed to show many of the supporting documents submitted are inaccurate and don't represent what happened last September.

Can I ask what actions have been taken regarding what appears to be (sic), The anomaly regarding site ownership, the top soil being removed from the site, the missing facts about the importation of materials etc and what consideration has been given to our comments regarding the inaccurate drawings and documents submitted with the application?

CASE OFFICER COMMENTS:

The comment raises no new material planning considerations which are not already covered in the report to members.

3. SOURCE OF COMMENTS: Portal comment from Mr Evans

DATE RECEIVED: 28.02.2020

SUMMARY:

The submitted document THE LOCATION PLAN shows the extent of land in the ownership of the applicant outlined in blue. This blue outline is incorrect and shows land in ownership of another party has been included.

CASE OFFICER COMMENTS:

An email has been sent to the agent seeking confirmation that the correct certificate and ownership has been served/demonstrated. Land ownership has been confirmed by the applicant.

4. SOURCE OF COMMENTS: Email correspondence from Mr Evans

DATE RECEIVED: 28.02.2020

SUMMARY:

I am returning to the land ownership regarding application 19/01179/FL.

I have emailed you previously regarding the land ownership. I mentioned that I have seen emails from the agent to a planning officer where it was stated that the land relating to the development site, 17/00200/OL had changed hands. I believe you passed this information to Mr Kirkham but nothing further has been done to ascertain the true owner of the land.

Application 19/01179/FL submitted document, "THE LOCATION PLAN" shows the extent of land in ownership of Mr Hollingworth, the applicant. This includes the above mentioned site and the site relating to the releveling works.

The application form shows section 25. Ownership Certificates and Agricultural Land Declaration has been completed.

This declaration is describe on the Governments web site:

["https://www.gov.uk/guidance/making-an-application"](https://www.gov.uk/guidance/making-an-application):-

Ownership certificate and agricultural land declaration

What is an ownership certificate?

A certificate which applicants must complete that provides certain details about the ownership of the application site and confirms that an appropriate notice has been served on any other owners (and agricultural tenants). The forms of notice are in Schedule 2 to the Town and Country Planning (Development Management Procedure (England) (Order) 2015.

An application is not valid, and therefore cannot be determined by the local planning authority, unless the relevant certificate has been completed. It is an offence to

complete a false or misleading certificate, either knowingly or recklessly, with a maximum fine of up to £5,000.

Certificate A – Sole Ownership and no agricultural tenants

This should only be completed if the applicant is the sole owner of the land to which the application relates and there are no agricultural tenants.

I have no doubt that there are no tenants on this site however I believe the applicant, Mr Hollingworth is not the sole owner of this land. I have seen documentation which does show the land is in joint ownership.

I believe this would invalidate the application and therefore it cannot be determined by NEDDC and a possible offence has been committed in submitting the certificate with incorrect details. Could you take a look into this please and advise accordingly on the action deemed to be appropriate.

CASE OFFICER COMMENTS:

As mentioned above, land ownership has been confirmed by the applicant.

5. SOURCE OF COMMENTS: Email correspondence from Mr Evans

DATE RECEIVED: 02.03.2020

SUMMARY:

I am writing to you all again regarding the proposed development relating to applications 17/00200/OL, 19/00868/RM and 19/01179/FL.

You have appeared as a department to have chosen not to act upon the information supplied to you to verify our findings and to seek any justice and fair play towards the public you serve.

I will now go into greater detail with you relating to the possible lies relating to the site strip which took place last September.

As you are aware yourself, colleagues and the planning process were repeatedly told by the landowner/developer/agent that the stripping of the top soil was necessary to allow investigation to the historic lead mining and archaeological features on the site.

This is evident in email exchanges and documents submitted into the NEDDC planning portal.

I can show that this information is not correct and indeed not related to such investigations.

Application 17/00200/OL does have outstanding conditions (22.23 and 24) where an archaeological survey has been requested by the Derbyshire County Council (DCC) Archaeology Dept.

This condition has yet to be submitted by the applicant for discharge however the DCC archaeologists are happy the conditions had been met with the last archaeological dig which took place back in late 2018 where a 30x30 metre investigation took place, The DCC lead archaeologist commented that the company contracted to carry out the survey and dig work had done a reasonable job and he was happy no more physical investigations were required.

The draft report had been commented on around February 2019 and all that was outstanding to fulfil these conditions was the final version of the report for submission for final sign off.

It was also commented that the strip of the field was not a requirement of the condition relating to the archaeology.

These conditions are the only conditions requested relating to the lead veins, historic mining and archaeology at the site. Therefore as these conditions were satisfactorily met with the final dig in late 2018 and its subsequent draft report, the stripping of the site in September 2019 was not related to any outstanding conditions and the landowner/developer/agent have been shown to (possibly) (sic) to gain advantage in making a material start to the development prior to official planning permission or to sterilise the site of possible lead contamination relating to a contamination condition which is still outstanding.

I am more than happy to share with you the evidence and information we have gathered relating to all of the irregularities we have mentioned over the past weeks relating to this development.

I trust you will act upon this and the other information we have supplied. Your departments credibility, that of the Local Authority and the official Planning Process has been shown here to of been taken advantage of, to the benefit of a developments easy ride through the process without due diligence, scrutiny taking place and the appropriate approvals being in place.

CASE OFFICER COMMENTS:

Comments relating to the 17/00200/OL and 19/00868/RM are not considered to be material to the application been determined at planning committee.

6. SOURCE OF COMMENTS: Correspondence from Mr Middleton

DATE RECEIVED: 05.03.2020

SUMMARY:

I object to this application on the grounds that all of the submitted forms and documentation appear to be lacking in detail, accuracy and in places what may appear to be the truth. This is totally inadequate for proper and just determination to take place.

CASE OFFICER COMMENTS:

The comment raises no new material planning considerations which are not already covered in the report to members and Officers consider that sufficient information has been submitted to allow a decision to be made.

7. SOURCE OF COMMENTS: Correspondence from Mr Evans

DATE RECEIVED: 07.03.2020

SUMMARY:

Photographic evidence has been submitted by a local resident showing evidence of badger activity on the site which was source of the soil.



CASE OFFICER COMMENTS:

Members should note that in determining application 17/00200/OL for 10 dwellings it was confirmed that badgers used the site and that before development commences a badger survey should be undertaken on site. Development has not commenced on site and no badger survey has been submitted to the LPA.

The photograph raises no new material planning considerations which are not already covered in the report to members and Officers consider that sufficient information has been submitted to allow a decision to be made. Furthermore badgers are protected by law.

PARISH: Holmesfield

APPLICATION: 19/00786/FL

CASE OFFICER: Colin Wilson

1. SOURCE OF COMMENTS: Cllr.Huckerby

DATE RECEIVED: 26.02.2020

SUMMARY:

A further request for the application to be heard at Planning Committee based on the following reasons:

- 1- 8 Letters of objection from immediate neighbours.
- 2- Holmesfield Parish Council objections.
- 3- Overdevelopment in a conservation area.
- 4 - Access from the main road to site is very narrow.
- 5 - Access on this road is the start of the bridleway from Holmesfield, to Barlow, which is well-used by walkers on foot.

CASE OFFICER COMMENTS:

The comment raises no new material planning considerations which are not already covered in the report to members.

2. SOURCE OF COMMENTS: Footpath secretary for Chesterfield and North East Derbyshire + Bolsover Ramblers Association.

DATE RECEIVED: 28.02.2020

SUMMARY:

In August of 2019 I submitted an objection to the planning application referred to above. This morning I have received information indicating that the planning

application may be granted without formally addressing the question of the definitive line of Holmesfield footpath 26. Should this be the case then may I request that this be reconsidered. We have enough outstanding problems in Derbyshire relating to the building over or unofficial diversion of footpaths without adding more.

CASE OFFICER COMMENTS:

The comment raises no new material planning considerations which are not already covered in the report to members.

3. SOURCE OF COMMENTS: Email from local resident

DATE RECEIVED: 03.03.2020

SUMMARY:

This site is not suitable for more housing development for a number of very valid reasons.

The main concern is the outlet onto Millthorpe Lane/Cartledge Lane which is very dangerous. As a resident of this lane I speak from experience. Turning right onto the lane coming from Millthorpe you take your life in your hands. You cannot see traffic coming towards you on the blind bend. This junction has seen quite a few accidents over the years, in fact the wall at the end is currently awaiting repair from a collision a few weeks ago.

Coming out of the junction is also difficult. You have to venture onto the right hand side of the road to be able to see any traffic coming up the hill. The speed of vehicles going up and down this road is a big concern.

The width of the lane at the end is a problem for increased traffic. The front grass verge of our house has been spoiled with farm traffic and people parking. More traffic would only increase the problem.

The entrance to the farm is very narrow, joining into the bridal path with walkers and riders emerge. No consideration has been made to address these issues. Public safety is at risk here.

The plans do not seem to provide enough space for parking, turning or deliveries which would lead to parking on the lane which is very narrow as it is. The issues of the conservation area, public footpath, wildlife, including bats & badgers, lighting, which the residents in the area have already chosen not to have, and the overall character of the area seems to have been completely disregarded.

I would like these views to be aired at the meeting. I would have liked to attend but have only just been informed. Very short notice if I may say.

CASE OFFICER COMMENTS:

The comment raises no new material planning considerations which are not already covered in the report to members.

4. SOURCE OF COMMENTS: Email from local resident

DATE RECEIVED: 02.03.2020

SUMMARY:

I meant to send this with my comment about the dangerous junction in the vicinity of Cartledge Hall Farm, the subject of planning application 19/00786/FL. It shows the most recent incident at the junction of Cartledge Lane and Millthorpe Lane.



CASE OFFICER COMMENTS:

The comment raises no new material planning considerations which are not already covered in the report to members.

5. SOURCE OF COMMENTS: Portal comment from local resident

DATE RECEIVED: 07.03.2020

SUMMARY:

It is essential that any scheme on this site has sufficient vehicle parking arrangements to ensure there is no over spill onto Cartledge Lane. The adjacent Cartledge Grange Farm is an active farm serviced by large delivery lorries and farming machinery. The lane is not wide enough to accommodate both roadside parking and passage of large vehicles. In fact it would be helpful to the existing residents if the scheme was obliged to provide parking for ramblers as a condition of approval.

The amended scheme has still failed to address this essential need for adequate car parking. For instance just two parking spaces for the existing (at least 4 bedroom) farm house is a prime example.

If it is not possible to accommodate parking requirements within the footprint of the scheme, the density should be reduced to three new build units to resolve the problem.

The other factor which I highlighted in my previous comments is the sighting problem for vehicles exiting onto the main road at the top of Millthorpe Lane. To check for vision of oncoming traffic from the left, the driver has to venture into the centre of the main road. I am surprised that the Highway Authority has not picked up on the fact that the scheme will create a greater volume of traffic to encounter this potentially dangerous situation.

CASE OFFICER COMMENTS:

The comment raises no new material planning considerations which are not already covered in the report to members.