

Public Document Pack

SUPPLEMENTARY AGENDA



**North East
Derbyshire**
District Council

Our Ref:

Contact: Alan Maher

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Date: Monday, 17 August 2020

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 25 August 2020 at 1.00 pm By Conference Call**. Access credentials to the meeting will be sent to you separately. The public parts of the meeting will be streamed from the Council's website.

Virtual Attendance and Hybrid Meetings

I have provided the Leader and Deputy Leader with advice on the holding of "hybrid" meetings outlining the risks including to employees dealing with the Chamber and to Members. Hybrid meetings are those where some attendance is in person in the Council Chamber and some is virtual.

I would encourage you all to attend virtually.

Accordingly if you attend in person you will be deemed to have accepted the following disclaimer as applying.

Risk Assessment Disclaimer

When attending this meeting in person, I confirm that I have read and understood the contents of each of the following risk assessments and agree to act in line with its content.

- RA – Return to Work Mill Lane Covid 19 V9
- Mill Lane Coronavirus Control Measures V4

Both documents have been emailed to Members and are available on the Modern.Gov App library.

The same advice is given to officers who are also encouraged to participate in the meeting remotely.

Yours sincerely

A handwritten signature in black ink that reads "Sarah Steuberg".

Joint Head of Corporate Governance and Monitoring Officer

Members of the Committee

| Conservative Group | Labour Group |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| Councillor Diana Ruff Councillor William Armitage Councillor Peter Elliott Councillor Mark Foster Councillor Carol Huckerby Councillor Maureen Potts Councillor Alan Powell | Councillor Jayne Barry Councillor Tracy Reader Councillor Jacqueline Ridgway Councillor Kathy Rouse |
| Liberal Democrat Group | Independent Group |
| Councillor Ross Shipman | Councillor Andrew Cooper |

Any substitutions required to be made to Alan Maher, Senior Governance Officer by 4.30 pm on Monday 24 August 2020.

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

AGENDA

4(d) Late Representations - Summary Update Report (Pages 4 - 43)



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

If you require
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us on

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217753

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 25th August 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: Wessington

APPLICATION: NED/18/01278/OL

CASE OFFICER: Adrian Kirkham

1. SOURCE OF COMMENTS: Officer

DATE RECEIVED: 20th August 2020

SUMMARY:

The Officer report identified that the recommended conditions and proposed section 106 agreement heads of terms would be finalised and reported to Members in the late comments report.

Set out below, therefore, are the recommended conditions, should consent be granted, and the outline of the section 106 agreement proposed to cover highway matters. There is no longer considered any requirement for any off site play area contribution.

It is therefore recommended that consent is granted for the application subject to the following conditions and outline Heads of Terms with any final amendments, as required, delegated to the Planning Manager (Development Management)

Heads of Terms:

Investigation of a pedestrian crossing facility to Matlock Road: £50,000.

Investigation into a subsequent implementation of traffic management on the local highway network to implement speed reduction measures for the benefit of the development: £10,000.

Travel Plan monitoring fee: £1,015 pa x 5 years. Total £5,075 (indexed).

Conditions:

1. Applications for Approval of reserved matters are required before development can start and shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be started within two years from the date of the approval of the last of the reserved matters to be approved.

To comply with the provision of Section 92 (as amended) of the Town and Country Planning Act 1990.

2. Approval of the details of the layout, scale and appearance of the buildings and the landscaping of the site (called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is started.

The application is in outline only and not accompanied by detailed plans.

3. The development hereby approved shall be carried out in accordance with the following plans:
OS Location Plan – 16.117/02/E
Proposed Site and Roof Plan – Masterplan (colour) – 16.117/MP12/Rev.K
Proposed Site Masterplan – Technical – 16.117/MP15/Rev.F

unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.

For clarity and the avoidance of doubt

4. The development hereby approved shall be undertaken solely in connection with the zoning as set out on the approved Masterplan – 16.117/MP15/Rev K. The extent of development for each particular use(s) shall not exceed the general land area as shown on that drawing.

For clarity and the avoidance of doubt and as that is what specifically consent was sought.

5. No new building on the site shall be greater than a single storey in height and not exceed a maximum height of 4 metres.

In the interest of the character of the area.

6. The details to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters shall include details of the existing site ground levels, the proposed finished floor levels of any buildings/structures for which consent is sought and the proposed finished ground levels of the site, relative to a datum point which is to remain undisturbed during development. The development shall then be carried out in accordance with the approved details and the levels shall be retained as such thereafter.

For clarity, the avoidance of doubt and in the interest of the appearance of the area.

7. 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 the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the 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, unless the Local Planning Authority gives written consent to any variation.

In the interest of the appearance of the area.

8. The details to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters shall include details of the proposed boundary treatments throughout the site. The boundary treatments scheme shall include a timetable for implementation. The scheme shall then be implemented in full in accordance with the approved details and be retained as such thereafter.

In the interest of the appearance of the area.

9. The details to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters shall include details of all/any external lighting proposed to be placed/installed/erected on the site. Only that lighting then so approved shall be installed/placed or erected on the site and no other external lighting shall be provided in any form.
10. Prior to any development taking place on the site a detailed Ecological Mitigation, Enhancement and Management Plan (EMEMP) shall be submitted to and be approved in writing by the Local Planning Authority. The EMEMP shall cover all land making up the application site and adjoining land (the land edged in red and blue within the application details). The approved EMEMP shall then be implemented fully in accordance with the agreed details.

In the interest of promoting ecological enhancement in the area and ensuring the development provides a net biodiversity gain.

8. No development shall take place (including ground works and 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 shall include the following:
- o Risk assessment of potentially damaging construction activities
 - o Identification of "biodiversity protection/buffer zones" to include ponds, hedgerows, woodland, trees and other habitat as required.
 - o Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on habitats and species during construction.
 - o The location and timing of sensitive works to avoid harm to habitats and species.
 - o The times during construction when specialist ecologists need to be present on site to oversee works.
 - o Responsible persons and lines of communication
 - o The role and responsibilities on site of an ecological clerk of works or similarly competent person (as required)
 - o 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.

In order to protect all protected species that may be affected by the development.

9. 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.

In the interests of protecting the amenity of the area.

10. Prior to the development, hereby approved, commencing the exact internal layout and uses of the building, identified on the approved plans as "Farm Shop and Garden Sales" shall be submitted to and be approved in writing by the Local Planning Authority. Specifically, the retail uses within the building shall not exceed 495sqm (net). The building shall then be laid out as approved and be retained and used as such thereafter.

To avoid any doubt, as agreed by the applicant and to ensure that the retail activities on the site are restricted such that they do not adversely impact on other retail activities in the area.

11. Other than the retail activities taking place within the building, identified on the approved plans as “Farm Shop and Garden Sales”, and/or any retail sales proposed as part of the Village Hall, no other retail activity shall take place from within the site (save any .

To avoid any doubt, as agreed by the applicant and to ensure that the retail activities on the site are restricted such that they do not adversely impact on other retail activities in the area.

12. Prior to any part of the development, hereby approved, taking place, all/any areas of outside storage, and the height of that storage, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter, all/any on site storage shall only take place in accord with the approved details and no other outside storage shall take place.

For the avoidance of doubt and in the interest of the character and appearance of the area.

13. Where the submitted site investigation identifies unacceptable levels of contamination, a detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to CLR 11 and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The developer shall give at least 14 days' notice to the local planning authority (Environmental Health) prior to commencing works in connection with the remediation scheme.

To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water

- 14 The buildings hereby approved shall not be occupied until:

- a) The approved remediation works required by 13 above have been carried out in full in compliance with the approved methodology and best practice.
- b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of

contamination. The suspect material shall be re-evaluated through the process described in the Phase I report submitted with the application (Eastwood & Partners Phase 1 Geotechnical and Geo-Environmental Site Investigation Matlock Road Wessington Alfreton for Trinity Park Estates (Project Ref: 42673-001; dated 8th October 2018) and through the process described in 1 above and,

- c) Upon completion of the remediation works required by 13 above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water

- 15 Before the development hereby approved commences, a scheme to enhance and maximise employment and training opportunities during the construction stage (and post construction stage) of the project, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full in accordance with the approved timetable.

In order to secure employment opportunities for local people.

- 16 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and be retained as such thereafter. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 17 No part of the development, hereby approved, shall commence, until a scheme, including a timetable for its implementation, for the disposal of highway surface water has been submitted to and been approved in writing by

the Local Planning Authority. The scheme shall then be implemented in accordance with the approved details and retained accordingly thereafter.

In the interest of highway safety.

18. The details to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters shall include detailed designs indicating the provision of a 2m wide footway across the frontage of the site, linking to the existing footway to the southeast and a timetable for its implementation.. The proposed works shall then be completed as agreed and be maintained as such thereafter.

In the interest of highway safety.

18. No part of the development, hereby approved, shall be commenced until a temporary access for construction purposes has been provided in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the entire construction period, free from any impediment to its designed use.

In the interest of highway safety.

19. Before any part of the development hereby approved commences a construction management plan shall be submitted to and be approved in writing by the Local Planning Authority. The plan shall include for:- site accommodation, the storage of plant and materials, the parking of contractors and visitors vehicles associated with the construction activities and the timing of deliveries to and from the site.
The approved scheme shall be implemented in full before any other works begin and retained as such until all elements of construction/works are completed.

In the interest of highway safety.

20. Notwithstanding any submitted details, prior to any building/activity, hereby approved being first occupied/taken into use, a new street junction providing access to that building/activity shall be constructed to Matlock Road (A615) generally in accordance with the application drawings but more specifically in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. [For the avoidance of doubt the developer will be required to enter into a Highway Act 1980 Section 278 Agreement with the Highway Authority in order to comply with the requirements of this condition.]

In the interest of highway safety.

21. The site, the subject of the application, shall not be taken into use/occupied until space has been provided within the site curtilage for the parking, loading and unloading, and manoeuvring of residents, staff, customers and service and delivery vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

In the interest of highway safety.

22. The proposed accesses to A615 Matlock Road shall be no steeper than 1 in 15 for the first 10m from the nearside highway boundary and measures shall be implemented to prevent the flow of surface water onto the adjacent highway. Once provided any such facilities shall be maintained in perpetuity free from any impediment to their designated use.

In the interest of highway safety.

23. The premises, the subject of the application, shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable), to promote travel by sustainable modes which are acceptable to the Local Planning Authority, and shall be implemented in accordance with the timetable set out therein, unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually, on each anniversary of the date of the planning consent, to the Local Planning Authority for approval for a period of five years from first occupation of the development.

In the interest of highway safety.

24. Prior to the first use of the site for any activity hereby approved, adequate bin storage and/or bin dwell areas for use on refuse collection days shall be provided in accordance with a scheme that shall be submitted to and approved in writing by the LPA. The agreed scheme shall then be retained as such thereafter.

In the interest of highway safety.

25. Notwithstanding the provisions of Part C, Class C3 "Dwelling House" to the Schedule of the Town and Country Planning (Use Classes) Order 1987, (or any Order revoking or re-enacting that Order), the premises shall be used for the purpose of holiday accommodation only and for no other purpose, including any

other purpose within Class C3 of the Order, without the prior written permission of the Local Planning Authority.

The property shall not be occupied by any persons for a total period exceeding 28 days in any calendar year.

The owner shall maintain a register of occupiers for each calendar year including names, addresses and length of stay, and a copy of the register shall be supplied to the Local Planning Authority by 31st January each year.

As the application has been made specifically for tourism accommodation, the provision of full time residential accommodation would raise different planning considerations and to protect the character of the area.

CASE OFFICER COMMENTS:

Not applicable.

2. SOURCE OF COMMENTS: Cllr B. Lewis.

DATE RECEIVED: 11th August 2020

SUMMARY:

I am writing to object to the above application, due primarily to its scale, density and speculative nature. Many others have objected on many valid material considerations so I will try not repeat them.

I would make the following points: this application, is clearly using the Outline Application process to mask a multitude of complexities, ill-thought out aspects, poor design and layout, poor access/egress to the development, and does not address agreed national and local targets to reduce CO2 and, in my opinion, is trying to establish a precedent for high density development that could be changed on subsequent iterations and applications to potentially remove lodges in favour of houses and so on.

Whilst I accept that you and the committee can only judge the application before you and elements of what I have pointed out are not considered material, I would challenge back that in the spirit of sustainable development this application would fail that test for the community of Wessington, our Peak Fringe countryside and impact adversely on our local highways infrastructure and significantly increase CO2.

I can accept that there are established elements to the development, including some housing, the village hall and a local shop from a previous successful application and

I can even accept and welcome some aspects of the development that would provide much needed (broadly but not necessarily locally where we have some oversupply) tourism accommodation and employment opportunities to the locality. However, developments that seek to provide high quality tourism and accommodation complexes are usually well thought out, with well-considered landscaping, have a well-considered internal layout, of an appropriate density, give thought to sustainability and think forward to providing green transport infrastructure for cycles and other low carbon transport - this clearly fails all those tests.

Such places, when done by considerate developers, working in conjunction with local communities, consulting with them to allay concerns and giving a sense of solid credentials to deliver such an ambitious plan, might consider themselves hubs and gateways to reduce car usage and encourage visitors to the area and the Peak District by other means. Or at least seek to provide some green infrastructure, such as solar charging ports for EVs, solar panels or wind generators for buildings, I cannot find or see any evidence that this application would do that and therefore would challenge the green credentials of a site that clearly relies on all its business to come by car. Given the very ambitious targets set by all Derbyshire councils, including NEDDC, to reduce CO2 and encourage sustainable tourism and transport, this application again fails.

I would also reiterate there is no sense of ownership of the proposals, or credible public facing entity, to ostensibly build and deliver any of this. An important consideration for local resident and local authority confidence, as well as the ongoing sustainability of the project.

I would also make the point that the landowner/developer to date, despite being granted permission to build housing and a successful bid to the National Lottery scheme, has so far failed to deliver either the housing or a village hall. What they have done however is establish form for speculative development applications.

As a minimum, there are many key issues that need addressing; I am dismayed this is being considered as an outline application, for all the reasons I have described - this clearly should be a full and detailed application to address many key issues that have become apparent in yet another weak application and creating further issues that are wasting peoples time. Further, the application, in the context of the fast moving situation with regard to national and local government plans for reducing CO2 and decarbonising the economy, is out of date.

Finally, I would point out that I understand that Derbyshire CC, as the highways authority, have several unaddressed concerns, which clearly need to be looked at in detail before being considered by any committee, which reinforces my point about needing a full and detailed application.

CASE OFFICER COMMENTS:

The issues set out by Cllr Lewis are generally covered in the Officer report. The Highway Authority have been in discussion with Officers concerning the scheme and consider it acceptable subject to the recommended conditions and section 106.

3. SOURCE OF COMMENTS: Lucy Milburn, Wistanes Green, Wessington

DATE RECEIVED: 11th August 2020

SUMMARY:

I formally object to the planning application 18/01278/OL.

I previously objected to this proposal and my views outlined in the previous letter still stand. I do not wish to repeat the various valid concerns my fellow villagers have raised but I would like to expand on a couple of issues I raised initially.

Noise Pollution

Noise is included in the National Planning Policy Framework (NPPF) and therefore should be considered in assessing the environmental acceptability of this proposal.

This application is a mixed use site with commercial premises and residential dwellings and therefore it is classed as noise sensitive. There has been no mention of the impact this development will have on noise in the surrounding area. The NPPF states that planning decisions should aim to 'avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development' and 'identify and protect areas of tranquillity which have remained relatively undisturbed.' (Para 123 NPPF)

The Noise Policy Statement for England (NPSE) states that noise policy on sustainable development should:

- Avoid significant adverse effects on health and quality of life;
- Mitigate and minimise adverse effects on health and quality of life;
- Where possible contribute to the improvement of quality of life.

The A615 is a busy road and therefore a certain level of road traffic noise is to be expected.

Although at busy times such as rush hour/bank holidays the traffic noise is noticeable throughout the village, between 7pm and 7am there are relatively few vehicles passing through the village and road traffic noise is not adverse or intrusive. It is obvious that a proposal of this scale would generate a much higher level of road traffic noise caused by an increase in traffic through the village. Increased levels of traffic coupled with more frequent HGV's delivering to the proposed farm shop and tea room/restaurant will contribute. Consideration must be given to the number of

vehicles and the excess road traffic noise a petrol station with extended opening hours would create; not only for existing residents living in houses directly opposite, but also for the residents in the new dwellings whose houses are orientated towards the station. There will be little/no screening from this noise as the current row of tall trees are to be removed (see final masterplan.) The increase in HGV's passing close to dwellings will also give rise to a degree of vibration noise. Due to the close proximity of dwellings to commercial buildings such as the proposed petrol station, sleep disturbance and diminished quality of life as a result of change in acoustic character of the area is a major concern. The level of noise exposure a development of this size would inflict on the quality of life for nearby residents would be intrusive and disruptive. A noise survey and assessment of the area should be undertaken.

Air Pollution

The development will not be accessible by public transport or cycling(safely) and thus will cause a significant increase in the flow of light duty vehicles as well as heavy duty vehicles. Increased road transport related emissions will be detrimental to the general health of the villagers and local wildlife in the short term and in the long term and therefore an air quality assessment is required.

Effect on Biodiversity

The Wessington Neighbourhood Plan clearly identifies the importance of biodiversity and the need to preserve this in the village (see pages 32 and 33 paragraphs 91 and 92). The proposed development will have a significant impact on local wildlife and disrupt the biodiversity of the area. A linear section of tall trees is planned to be removed and this is a major concern for the local bat population as cutting down a mature tree causes harm to their habitat. According to the GOV.UK website: 'All bat species, their breeding sites and resting places are fully protected by law.' As a likely habitat for bats, a bat survey of these trees and surrounding woodland should be conducted by an expert and a licence obtained from Natural England if damage to their habitat is to occur. The proposed holiday lodges will also be in close proximity to a pond which is a likely habitat for Great Crested Newts, also a protected species. The GOV.UK website states that building and development work can harm Great Crested Newts if it:

- Removes habitat or makes it unsuitable
- Disconnects or isolated habitat
- Changes habitats of other species, reducing the newt's food sources
- Increases shade or silt in ponds or other water bodies used by the newts
- Changes the water table
- Introduces fish which will eat newt eggs or young
- Increases the number of people, traffic and pollutants in the area

Planning Policy Guidance Note 9(PPG9) requires Local Planning Authorities to ensure local plans are based on adequate information about local species and habitats, especially for linear habitat features such as hedgerows and ditches.

Please read the following with regards to bat and great crested newt protection in the UK: Wild Mammals Protection Act (1996), Wildlife and Countryside Act (1981) Section 9 Schedule 5 and Conservation of Habitats and Species regulations (2017) Part 3 Regulation 43 1(d).

In conclusion, the issues of noise, air and water pollution created by this proposal have not been evaluated in detail and the long term adverse effects on the health of people and wildlife alike are alarming.

CASE OFFICER COMMENTS:

The issue of ecology is addressed in the Officer report.

The site is located close to the existing Matlock to Alfreton Road and the site is partly brown field with a variety of storage and other uses operating from it. As such, the additional noise likely to be generated by the proposal is not considered harmful to the amenity of the area.

4. SOURCE OF COMMENTS: Neil Matthews, Wessington Hay (sent to the Environment Agency).

DATE RECEIVED: 14th August 2020

SUMMARY:

I reside at Wessington Hay. I am wondering if your sustainable places team that cover this area are aware of this ongoing application for development?

My concern is that the development may get approved without understanding the impact of building properties on high ground which may increase the surface water run-off and heighten the flood risk in Wessington Hay, I know that several holding ponds are located next to the site.

We live in an area that although not defined as a flood risk does see high levels of surface water run off the high ground causing the waterways surrounding our property to struggle to deal with the volume, this causes knock on issues further along the water course as the water flows in to the River Amber.

My concern is that the council will not consider this issue although I've raised it formally. I want someone to take responsibility for ensuring all reasonable control measures are in place should the application be granted.

Within the National Planning Policy Framework it states that when determining a planning application the planning authority should ensure the flood risk is not increased elsewhere.

I know that over recent years some of the catastrophic flash floods across the U.K. have been down to planning authorities not considering the knock on effects of development. I also realise that this lack of consideration also places increased pressure on the Environment Agency.

CASE OFFICER COMMENTS:

This e-mail was sent to the Environment Agency. However, all matters of surface water run-off can be controlled through the recommended conditions.

5. SOURCE OF COMMENTS: Peter Smith (via e-mail)

DATE RECEIVED: 18th August 2020

SUMMARY:

I am also remaining very much against this development as discussed in my formal letters of objection dated 17/19th March 2020 which are almost reiterations of letters produced before within the various changes and amendments to this unwanted area development - I shall be grateful if you review these closely as I and many others have taken time to make sure that the NEDDC understand the difficulties and worries arising here.

The key issues remain and will be with us as long as developers take our green field sites without benefit to the village. We all remain very concerned about the traffic passing through the village and the people who live at the Wistanes development can give many instances of lucky escapes from speeding traffic. As I hope you know we have recently experienced a fatality at the Alfreton end of the village sadly involving a young child and all of this would seem to be a result of frustration at the lack of overtaking places which in turn generates bad driving / motorbike riding.

I note that with this revision of the planning application the hotel and spa have been removed but there are still four entrances / exits on plan including access to a petrol station yet to be built - the current filling point was only used for commercial traffic at the car maintenance and storage facility. We all remember too that the outline plan offered before was phase one of a five phase development which was going to use the agricultural land between this site and the village for a subsequent fill-in development of a gated estate - this would require a fifth access onto the busy main road in a very short piece of road where people are determined to accelerate out of the village.

I understand that the key element of the support you are giving revolves around the provision of the "Village Hall" - I would ask you to remember that the Ben Bailey development of Spring Gardens completed a survey - which you supported - describing a lack of appetite through the village for a dedicated village hall and they decided that they would not build the facility as they had promised --- NEDDC supported this it would seem as there was never to my knowledge any effort to enforce this key element of their planning consent. **Bearing in mind that NEDDC supported the survey does this mean that NEDDC will pay for maintenance, insurance, management and ancillary costs for this facility should it be built and have little ongoing support as we all foresee?**

Overall thank you for keeping us in touch with this process even though we feel it to be against the interests of the village to go ahead. You will find that there are a large number of people who will be viewing the meeting with interest on Tuesday of next

week and we live in hope that a sensible view will be taken upon this application which directly affects so many of us that live here.

CASE OFFICER COMMENTS:

The comments raised are addressed in the Officer report. However, Members should note that the latest iteration of the application plan removes any frontage development, save the village hall element, including the housing.

6. SOURCE OF COMMENTS: Mr and Mrs Elder, Lindway Lane, Brackenfield

DATE RECEIVED: 20th August 2020

SUMMARY:

There has been insufficient consultation time and the submitted documentation has kept changing. The latest drawings were only uploaded on the 18th August. This may lead to judicial review.

Further the latest changes to the GPDO it is increasingly difficult to restrict the use of buildings and therefore any approval could result in an unacceptable and detrimental impact on the village and surrounding areas.

Shopping habits have changed since the application was originally submitted. Retail space is no longer in such demand and an increase in supply will have an adverse impact on neighbouring business. The employment claims of the development should be re-assessed.

CASE OFFICER COMMENTS:

Various iterations of the scheme have been produced and these have gradually reduced the scale of the proposed development from that originally submitted such that any changes have reduced the impacts of the development. Therefore, Officers consider there is no disadvantage to any parties in considering this reduced scheme, notwithstanding that two periods of formal consultation have been undertaken.

The changes to the GDPO do allow for greater flexibility in uses and if that is of concern to the Committee further changes could be controlled by condition.

The issue of retail impact is addressed in the Officer report.

7. SOURCE OF COMMENTS: The Parish Council

DATE RECEIVED: 20th August 2020

SUMMARY:

This letter is supplemental to the previous observations of the Parish Council in respect of this application. The Council repeats those observations (save as regards items removed from the applicant's plans) and emphasises its concern about the wholesale scale of the proposed development in comparison to the village itself and the disposition of buildings within it around open spaces (see NP Policy 3.3 and 3.4).

In 2018 your Council approved the Wessington Neighbourhood Plan and evidence was produced of that over 40% of residents voted at the referendum with over 90% support for it – a remarkable level of interest for a neighbourhood plan. The Parish Council requests that the planning committee places full weight on the Neighbourhood Plan when considering this application.

In July 2019, the Council's planning officer Nigel Bryant noted the level of comment amongst correspondents to the Council concerning the proposal for a village hall in their responses to this planning application. He therefore approached the steering committee of the Wessington Neighbourhood Plan for their comments about the need for a village hall. The evidence of the Steering Committee can be found in their response lodged on-line at the portal dated 19th July 2019 which please bring to the attention of the planning committee.

To quote the Steering Committee which in turn quoted NHP Policy 6 "2. **Development proposals for community facilities will need to demonstrate that the scheme takes into account the most up to date published evidence of community need in Wessington Parish and the surrounding parishes.** As a steering group, we do not believe this evidence exists".

Other residents who made representations to the Council in response to the application made much the same point; that there is no evidence of a business plan for the village hall and in their opinion no evidence of support within the community for a village hall. The Planning Committee will be aware of the strength of opposition amongst residents to this planning application and one inference that may be drawn for this is that residents do not consider that such desire as there may be for a village hall warrants the detriment to the village that they consider will be caused by the proposed development as a whole.

The Applicants have gone to some lengths to modify their application for this site although the scale of it is undiminished, but they have not taken the opportunity to procure further evidence to demonstrate that a village hall is viable. This is of considerable concern because they have had an entire year in which to assemble such evidence in the form of a further canvassing of the residents for an indication of support and the provision of an up-to-date business plan.

The need for a business plan is particularly important. The developers of the land now known as Spring Gardens (planning reference 10/01193/FL) had initially

proposed a village hall but then filed a letter from Alexander Bruce dated 24th March 2011 that there was no viable demand for a village hall and this evidence was accepted by the Planning department. Planning Application 11/00743 which concerned the triangle of land opposite what is now Wistanes Green included provision for a Village Hall with a community shop. The community shop was a key element of the project since it was expected that this would subsidise the running expenses of the village hall. Furthermore, the shop itself would depend heavily on passing trade from motorists on the A615 to supplement residents' trade. To the best of its information, the Parish Council understands that the Village Hall committee canvassed support for this particular proposal on the basis of a random straw poll taken by way of door-to-door canvassing one Saturday morning rather than by way of an independent secret ballot on Notice following circulation of balanced promotional material and it is probably on the basis of such an informal consultation that residents now doubt the level of actual support within the village for such a project.

The Applicants have unilaterally, materially altered the viability of the village hall project without consultation with the residents. The applicants will be promoting a farm shop on an adjacent site and there is no evidence to show how the two businesses will operate profitably side by side or that there will be any mechanism to ensure that there is no direct competition by the commercial farm shop, assuming always that such restrictions could be imposed or enforced commercially. Whilst the two shops are on notionally separate sites, the two site entrances are in close proximity for passing traffic and the Village Hall shop will be dependent on the same passing trade as will be drawn to the farm shop. The applicants have not supplied evidence to show the effect of this potential division of the footfall dynamic on the village hall shop.

The original concept of the village hall was formulated in 2011; there has been considerable change in the way retail operates since then, not the least with the growth of on-line sales and the change in peoples' shopping routines in the light of Covid-19 which are likely to bring about permanent changes in shopping behaviour. The applicants have also provided no current evidence that there is a sufficient body of persons prepared to dedicate their free time to providing the level of service needed to keep a viable community shop running effectively. Many of the persons first associated with the 2011 village hall project are no longer available, for a range of reasons to be involved and the group has been inactive as a whole for many years.

If the village hall project becomes financially unviable the Parish Council's precept does not extend to providing any support for it, nor does its present team of Councillors have any experience in running a village hall.

The Applicant's Flood Risk Report of October 2018 does not provide detailed evidence of how surface water run-off is to be responsibly managed for the owners

of Wessington Hay, a residential property adjacent to the unnamed water course referred to in the report. The current owners who only recently acquired their property have expressed grave concern about the implications for them if the flow of water in the brook at the foot of the escarpment below the development site is aggravated in storm conditions as a consequence of the development. The only access to their property is by way of a ford across the stream. It should be noted that the stream was in extreme flood as a result of heavy rains as recently as January/February 2020 which suggests a higher level of recurrence of spate conditions that is envisaged by the report and further evidence relating to the impact of the developments drainage schemes on Wessington Hay should be lodged.

If the Planning Committee approves the application for outline planning permission the Parish Council requests that the Applicant be required to enter into a section 106 Planning Agreement (or if applicable a CIL arrangement) to cover the following matters: -

1. A requirement to provide funding for community needs and projects within Wessington, full particulars of which can be detailed later,
2. It is not clear from the plans how the Applicant envisages that pedestrians will make their way along the A615 from the development site to the centre of Wessington where there is a public house and fish and chip shop. Residents on Wistanes Green have expressed concerns that the pavements and streets forming that estate will be used by pedestrians. This infrastructure is privately owned and maintained by the residents of Wistanes Green. It is private land. The planning agreement should require the developers to produce further evidence regarding the risk identified here and to provide funding for the residents of Wistanes Green to the extent that use is made of their infrastructure as a means of access to the village whether formally or informally by visitors to the development site and to provide a full indemnity fund in the absence of any evidence acceptable to the residents on the part of the applicant as to how such adverse use of the private land is to be avoided.
3. The planning agreement should contain provision requiring the applicant to provide further evidence regarding the flood risk to Wessington Hay and to finance such works as may be necessary and acceptable to the residents at Wessington Hay to prevent any alteration in the flow of the stream as a result of surface water run off and/or to mitigate the effects of such water flow.

CASE OFFICER COMMENTS:

The weight to be attached the Neighbourhood Plan is a matter for the decision maker and the Officer comment on that issue is set out in the Officer report.

The weight to be attached to the provision of the village hall/shop is also a matter for the decision maker to assess.

The section 106 requirements are also discussed in the Officer report. Any 106 requirements should be directly related to the development and be required to address any potential shortfalls of the application making it then acceptable.

The use of private land is a matter for the parties. A new footpath is proposed within the applicant's site to serve future occupiers and this matter could be controlled through conditions attached to any planning consent.

The surface water run off associated with the development can be controlled by condition, as recommended.

8. SOURCE OF COMMENTS: The applicant

DATE RECEIVED: 20th August 2020

SUMMARY:

The following statement is submitted on behalf of the applicant and is written in response to matters that are raised in the planning officer's committee report.

The applicant and his agent are not able to speak at the committee meeting and would therefore like the statement to be made available to all the members of the committee that are considering the application.

Statement.

The current application represents a compromise solution that has been negotiated between the applicant, his professional advisers and planning officers. The original scheme has been amended to omit all those elements that were contentious, including an hotel, leisure spa, rural workshops and housing. The remaining holiday lodges, farm shop, garden sales and café are in accordance with both government and local authority planning guidance and meet the objectives of the Neighbourhood Plan. Together, they will deliver a boost to the rural economy, will provide new tourist business, between 40-60 full time jobs, and a range of benefits to the services and amenities available to village residents.

The application retains a site for a proposed new Village Hall and community shop, which despite representations to the contrary, is supported by a majority of residents and is the subject of a substantial National Lottery Community Fund grant. The village hall is located at the southern corner of the site as has been previously approved. Residents will also benefit from access to the small farm shop and garden centre, the café and the proposed improvements to pedestrian access, a pedestrian crossing to Matlock Road and highway safety improvements.

The proposals do not include any new housing and will have no impact upon the village school.

The officer's report to committee comments on the proposed new access at the north of the site, and indicates a preference for improvements to the existing commercial access that currently serves Proctor Cars. All potential access points were examined in detail and discussed with Officers. A new access was the only way of removing heavy traffic from the village, providing traffic calming that will benefit all existing residents and the required highway improvements with minimum visual impact on the streetscene.

The new access is designed as a 'soft' rural roadway with grass verges, and includes areas of dense woodland planting to screen the existing buildings. Steel parkland fencing and an avenue of lime trees are proposed to the Matlock Road boundary allowing open views through to the paddock behind. The new access will improve the approach to the village from the north.

A sketch plan (set out in the Officer presentation) below illustrates the proposed access as shown on the Site Layout Master Plan and Site Layout Technical Plan.

A substantial part of the development involves alternative uses for existing buildings and the retention of the village hall which has been previously approved. The whole of the scheme meets all planning policy guidelines, will provide new employment, benefits to the rural economy through tourism and enhanced facilities for the residents of Wessington.

CASE OFFICER COMMENTS:

No comments.

Text of Speeches to the Committee

Those registering to speak have been requested to provide the text of their speech to the Committee. These will be read out on their behalf by the Clerk to the Committee if they are unable to join the meeting through the electronic conferencing call facility

Application – NED/20/00376/TPO – Application to fell 2no Ash and 1 no Sycamore covered by NEDDC YPO No 57 (A1) (works to protected trees subject of a TPO) at 156 Holymoore Road, Holymoorside S42 7DS for Mr Trevor Coates.

NED/20/00376/TPO - Vanetta de Frece

I have lived at number 135A Holymoore road for nearly 16 years and dearly love these trees. I have been drawn out at night time to listen to the owls in them and I marvel at the bird life in them in the daytime .. the Ash trees are a perfect habitat for a number of species of Wildlife, they sustain the insects and the bird life. My son is a qualified and experienced arboriculturist in sheffield, I mention this so the committee appreciates that I completely understand the need for tree removal and works on trees in the correct circumstances. I also value the TPO process as it protects our trees that are so important to this village and I was really upset when two trees with TPO's were removed earlier In the year T9 & T10 without anyone being aware of this or notified and all to facilitate the grounds of the new building next door to 156 Holymoore Rd We know that the seeds from the ash feed bullfinches and other birds use the trees for nesting, beetles caterpillars & moths feed on the leaves and the Bats around here will surely feed off the insects. It would be a sensible decision to find a way to manage them rather than remove them.

The builder next door to 156 has submitted the application with the supporting evidence from a Tree Surgeon, Mr Alex Owen. This report suggests the removal of a tree with Ash Die Back this is contrary to the latest government guidelines on Ash dieback found on the Government web site. The other two trees, a sycamore and another Ash do not have any good reason to be removed as the problems commented on in the report could be managed and they do not warrant their removal. The existing report shows favour to the person paying for the report and does not mention options like management .. Since these trees hold a TPO, they are highly valued and The seriousness of three more trees being removed especially following the previous two ... that is 5 trees all In one area .. this causes a conflict and really raises the question : Should a industry standard tree inspection report be requested by a qualified inspector before any removal is considered.

Moving forward, management work carried out to the trees done by a competent arborist would be the better choice to not only keep the trees but also improve the health of the trees Enhancing the environment and natural habitat in our beautiful village.

Thank you Vanetta de Frece

NED/20/00376/TPO – Tracy Kitchen

I object to the application to fell three trees, currently protected under TPO57. They are an important part of the local landscape and form part of a protected group of trees (TPO57). The importance of retaining the rural landscape in the local area is set out in the Neighbourhood Plan and should be respected. The trees provide both environmental and landscape benefit and should be retained and maintained.

The felling of the two protected trees in January 2020 is the subject of ongoing complaints by a large group of local residents with involvement of local councillors and the MP for North East Derbyshire.

Given the felling of two trees in January 2020, it is crucial that the remaining trees in the same group should not be felled.

Tracy Kitchen.

NED/20/00376/TPO – David R Poole

“In support of my original objection to this application I would like to emphasise my concerns are not solely about the retainment of trees. Its also about ensuring that the correct decisions are made based on credible information, in line with recognised best practice and are balanced with full transparency. Something personally I have not experienced to date associated with this project.

For me the purpose for this application must be clearly understood:

- Is it about Issues of safety to road users/pedestrians/Occupier, which has been stated, or.
- Issues relating to improvement of views and natural lighting which has not been stated

Safety issues are credible concerns, however, Safety issues can be addresses effectively through tree management, where the tree condition allows and should be the first measure considered In these circumstances. Felling should be seen as the last resort given the impact on wild life and local aesthetics (refer to forestry commission guidance)

If, however, the application is about issues relating to views and natural lighting, which I personally believe is the momentum behind this application, then any decision taken must recognise this unstated purpose and determine if TPO trees should be sacrificed under these circumstance's

What ever decision is made my thoughts regarding the information needed to make the correct decision relating to the trees has been documented in my original objection. I will only stress that the decision must be based on credible, accurate and independent information that can be verified.”

NED/20/00376/TPO – Fiona Muxlow

I live in Holymoorside and submitted a 12 page letter of objection to Mr Coates' application to fell protected trees on his property.

I won't go into detail again but just want to point out to the Planning Committee the importance to residents of retaining these protected trees. They grow alongside the local brook, enhance that area which is by the main road through the village and benefit local wildlife.

Retaining these trees is even more important now that the owner of the applicant's agent has developed the neighbouring property and felled protected trees along the boundary. Felling any more protected trees would further alter the landscape of that area, to the detriment of wildlife and local residents. Before this development took place, the applicant never alleged the trees were dangerous, despite pedestrians walking under them every day.

In the current climate, when local authorities are fully aware of environmental issues, they should encourage land owners to maintain protected trees not fell them. The environmental value of established trees over less mature replacements is well known. Before lockdown, the children from the local school stood on the main road with their teachers, campaigning on environmental issues. What message will be sent to them if more protected trees near their school, which could easily be retained, are felled?

The only expert evidence supporting the application is a Tree Assessment Report dated 27 April 2020 from Eco Tree Co Limited. This report recommends the felling of T1. It doesn't recommend the felling of T2 or T3.

I don't believe the Planning Committee should agree to the felling of all three trees. Even the applicant's expert didn't state this was necessary. The trees could and should be retained with proper maintenance. This would alleviate any potential threat from them which the applicant alleges they now pose.

I therefore object to this application, even though I expect it will be approved, despite the lack of expert evidence to support this.

NED/20/00376/TPO – Dean Trowbridge - Agent

Thank you again for the opportunity to speak. Just to remind you, I am Dean Trowbridge, Technical Director of Woodall Homes, acting as agent on behalf of the applicant Trevor Coates.

As detailed in the officer presentation, the Trees proposed to be felled are in a poor state of health and are nearing the end of their productive life. Felling and replacing T1, T2 & T3 are in line with both National and Local Planning Policies due to the recorded state of the tree and the applicants willingness to replant similar trees at the next available opportunity. The relevant policies are referred to within the committee report.

It is pertinent to note that the removal of these trees were not sought during the planning application for the new dwelling adjacent to the application boundary, however, should the trees have been assessed on an individual basis, rather than as a group, the removal of the trees would have been sought due to the danger they represent to the dwelling. Whilst we agree that the group of trees offer a high value in relation to amenity, the trees proposed to be felled offer very little in contribution to this and are poor specimens when viewed independently. Overall, amenity would be improved in the long term should approval be given for replacing the dying trees.

It is clear that all 3 trees are beyond any reasonable repairs which would bring them up to an acceptable standard and not negatively affect the amenity. Multiple branches would need to be removed along with major parts of the trunk which would more than likely kill an already diseased tree as the amount of removal would leave a wound to become infected or infested.

As the officer has explained, the application has not received any objections from the Councils Parks department who comments that the trees are hollow, contain dead wood within the canopy and suffering from Chalara Ash dieback. Chalara die back has the potential to spread through water splashes, potentially placing other trees within the group in danger.

Throughout the application we have discussed in detail how we can mitigate the amenity loss through the removal of the trees, it is within the interest of both the applicant, and Woodall (who you are aware, are building the adjacent dwelling) to retain a high value amenity space to increase kerb appeal. We are aware that any development, or removal of habitat is a sensitive subject and as such the trees would not be removed until nesting season is over.

Replacement trees will be planted within the next planting season and suitable staked as per British Standards which will help to ensure the continued public amenity value of the group of trees.

Given the aforementioned considered approach we have followed overall, we would welcome your support in backing the officer recommendation in this instance to approve the application and allow my client to secure the long term value in a manner that benefits the site and wider Borough without placing habitants and pedestrians at risk. Thank you for your time, and I look forward to answering any questions you may have.

Application – NED/18/01278/OL – Conversion of existing car sales and storage buildings to create a farm shop, garden centre, restaurant and tea room, erection of a holiday lodge complex with reception facilities, construction of a village hall and formation of a new access (Major Development) at land surrounding Cottage Farm, Matlock Road, Wessington for Wessington Park Developments Ltd c/o Agent.

NED/18/01278/OL – Councillor Charlotte Cupit

These are very significant proposals so I thought it was important for me to speak as one of the ward members to summarise the key issues.

There are several aspects of this application that can't be disputed. Zones A & B, for new housing and a village hall, have previously been approved so essentially both those can be built almost now if wished. So, whilst it can no longer be disputed it also goes that I fail to see how the provision of a village hall should have any bearing or weight in overriding concerns over the scale of the other parts of this current application.

So the issues, and the base of my objection, arise for me from a few of the other major aspects of this proposal, which has been somewhat of a shifting picture, but is namely now the proposed holiday lodges and additional highways entrances.

These plans are proposing two new accesses (alongside the existing one) onto the very dangerous Matlock Road. To me, there has been no justification put forward for the creation of that proposed new top access, there's a lack of detail around it, and I'm incredibly concerned on behalf of residents that that new access would be hazardous as it's just before the winding point of the road. I hope it's not just me that sees the irony here of the proposals to invest in highways solutions to try to mitigate problems that this development would massively aggravate. I also think the creation of a new formal access here would damage and urbanise the current clearly rural character as you enter or exit the village, which is also the entrance and exit to our district.

In a similar way, the proposed holiday lodges under zone G would also cause irreparable harm to what is currently valued green fields and sloping countryside. Even the neighbouring council, Amber Valley, has highlighted their view that this proposal is inherently unsustainable, would cause harm to the rural landscape and would be better suited to being near a level 1 settlement. Wessington is level 3, and it's devastating to me that whilst these proposals are trying to establish a rural holiday destination, if they're passed, they'd actually damage what they're trying to promote.

With this, given that these are such drastic proposals, and as granting permission today, albeit in outline, would nonetheless confirm the principle of these plans, I have serious concerns over the detail we're being presented with. This application has changed wildly from what was first submitted (which included a hotel and spa) and the plans have constantly been changing further, right up to further amended plans just two weeks ago which apparently removed proposals for housing in zone C. There's incredibly limited information on the latest plans, and many statutory consultees, as you can see from pages 5 & 6 of your report, have raised concerns. As one example, there's no information on how the holiday lodges would be used or detailed plans for them.

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Therefore, I must conclude that this is a very speculative substantial proposal which would have a transformative effect on the small rural village of Wessington. Given the considerable scale of the proposals and the impact they would have on the open countryside I can't conclude that the plans would be a good or positive transformation so I urge the Committee to refuse this application.

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NED/18/01278/OL – Charles Allatt

Good afternoon.

I was one of the steering group of six who, after three and a half years of hard, dedicated work, helped deliver the Wessington Neighbourhood Plan – owned by the village, reflecting it's views, with a 96% vote in favour – the highest turnout in NEDDC at the time.

Wessington has grown in size by 42% in the last few years – and it's residents have had enough.

To quote the Planning Inspectorate ruling on the 23rd of March, 2018, on Back Lane, “The continued unplanned expansion of Wessington village into the countryside, would not preserve the environment, and would not, in my opinion, improve the quality of life for the local community.”

NEDDC Council Plan 2019/2023 Our Aims, state

“Enhancing our residents’ quality of life.

Protecting and promoting the character of our district.”

All this conflicts with this monster of a plan.

The school is heavily over-subscribed with no room for expansion and there is no direct bus service to other villages.

To quote the same Planning Inspector, “It is clear from DCC consultation, the school would not have the capacity to accommodate the projected three pupils.”

Just three pupils!

Once the holiday lodges become permanent homes the village has no supportive infrastructure.

I would remind you that at the Reserved Matters meeting on the 3rd of December, 2019, some councilors on the Planning Committee openly said that they wished they had not originally agreed to the housing on part of this greenfield site.

Therefore let's not approve this application which would take a lot more of our countryside and green fields.

The village has overwhelmingly rejected the village hall on several occasions: voting, Parish Council, professional survey, and Neighbourhood Plan questionnaire.

This project is only supported by a very small group who have no evidence for any significant support.

The village agrees the price to pay is too great, and must be disregarded.

We have now had our first fatal accident in the village, on Matlock Road, and very many shocking incidents. Also, one stretch of pavement, on the same side as the proposed development, is only 94 centimetres wide. The hundreds of extra vehicles generated by

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this proposal, with all the extra noise and pollution, and the increased potential for further child fatalities fills the village with horror.

This is, of course, just phase one, and conflicts totally with the Neighbourhood Plan, your own Council Plan and earlier Planning Inspector rulings.

Please reject this major plan.

Thank you for listening to me.

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NED/18/01278/OL – Jennie Hill

The A615 runs directly through the village of Wessington. It is an extremely busy, fast and noisy stretch of road. Wessington has a history of concerns regarding the highway, which have been raised on numerous occasions with local councillors and the highways department, including pedestrian difficulties, dangerous overtaking, speeding and noise. The stretch of road to the southern aspect of the village also saw a fatality in 2019.

The scale of the proposed retail and tourist accommodation, is likely to create considerable vehicle movements including light and heavy goods vehicles, putting further pressure on this difficult stretch of highway and increasing traffic noise for residents. The Parish Council and Local Councillor are currently working with the Highways Department to raise concerns associated specifically with the section of road where the developer plans to create two additional access points. The completion of the Wistanes Green development, which sits directly opposite the application site has already exacerbated existing highways issues in the village. Residents of the Wistanes green development have reported numerous incidents to the Parish Council, including over 15 near misses and 2 actual collisions in a single 12 month period, mostly related to residents pulling into or out of the housing development.

The lack of consideration for sustainability within the application and of the location, will create a reliance on car travel to and from the site. The village is serviced by a limited bus service, there is no provision for cycling and the site has no feasible pedestrian routes to ensure linkage and integration with the village. Indeed the development sits almost in isolation from the natural village centre. The northern access point will cross farm land and extend approximately 800 feet from the settlement development limit, on the edge of a 50mph zone. In order to provide adequate visibility spray large sections of native and mature hedgerows and trees will need to be removed, significantly changing the visual appearance approach and appearance of the village.

The Neighbourhood Plan states future development must ensure that it does not exacerbate the existing highways difficulties, despite this the application lacks detail and thorough assessment, and contains no mitigations to address concerns outlined, those within the Neighbourhood plan or those raised by the Highways Department.

In summary the application

- Is of a scale not in keeping with the infrastructure or character of the village,
- Is likely to have a detrimental impact on the villages highway infrastructure and the safety of residents and users.
- Lacks sustainability and demonstrates no social benefit for Wessington

NED/18/01278/OL – Councillor Barry Lewis – to be read out by the Clerk

Unfortunately I cannot be there for this application but I would make the following points: this application, is clearly using the Outline Application process to mask a multitude of complexities, ill-thought out aspects, poor design and layout, poor access/egress to the development, and does not address agreed national and local targets to reduce CO2 and, in my opinion, is trying to establish a precedent for high density development that could be changed on subsequent iterations and applications to potentially remove lodges in favour of houses and so on.

Whilst I accept that the committee can only judge the application before you and elements of what I have pointed out are not considered material, I would challenge back that in the spirit of sustainable development this application would fail that test for the community of Wessington, our Peak Fringe countryside and impact adversely on our local highways infrastructure and significantly increase CO2.

I can accept that there are established elements to the development, including some housing, the village hall and a local shop from a previous successful application and I can even accept and welcome some aspects of the development that would provide much needed (broadly but not necessarily locally where we have some oversupply) tourism accommodation and employment opportunities to the locality.

However, developments that seek to provide high quality tourism and accommodation complexes are usually well thought out, with well-considered landscaping, have a well-considered internal layout, of an appropriate density, give thought to sustainability and to providing green transport infrastructure for cycles and other low carbon transport - this clearly fails all those tests.

I therefore would challenge the green credentials of this application, which clearly relies on all its business to come by car. Given the very ambitious targets set by all Derbyshire councils, including NEDDC, to reduce CO2 and encourage sustainable tourism and transport, this application fails.

I would also reiterate there is no sense of ownership of the proposals, or credible public facing entity, to ostensibly build and deliver any of this. An important consideration for local resident and local authority confidence, as well as the ongoing sustainability of the project.

I would also make the point that the landowner/developer to date, despite being granted permission to build housing and a successful bid to the National Lottery scheme, has so far failed to deliver either the housing or a village hall.

I am dismayed this is being considered as an outline application, for all the reasons I have described - this clearly should be a full and detailed application to address many key issues that have become apparent in this weak speculative application. Further, the application, in the context of the fast moving situation with regard to national and local government plans for reducing CO2 and decarbonising the economy, is out of date.

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Finally, I would point out that I understand that Derbyshire CC, as the highways authority, have raised significant concerns in their email to Adrian Kirkham dated 10th August and (to date) remain unpublished on the website.

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NED/18/01278/OL - David Crooks hard copy supplied – to be read out by the Clerk

NED/18/01278/OL – Tim Pugh-Lewis

My family and I have lived in Wessington for over 15 years and in that time we have seen the village increase in size and alter in character dramatically – I object to this application for the following reasons:

We live to the south of the site and are adjacent to the western part of the proposed development. Labelled as sector G – this is a large area with a high density of lodges - 32 in total - which stretch down the slope towards the existing stream and pond. This is an existing wildlife corridor with the stream forming a valuable habitat for the abundance of insects and animals that live in the nearby woodland, scrub and fields – owls, buzzards, deer, foxes, badgers live here – there will be a direct impact upon this delicate eco-system. It is often the case that the disruption caused by such developments is not immediately apparent and it is only after several years, once the irreparable damage to the local ecology has occurred, that the full impact can be assessed and we begin to rue the decisions made years earlier. I do not believe that ecological impacts have been investigated thoroughly

I am equally concerned about surface water discharge from the site into the pond and stream which would both increase the flow and alter the nature of the stream flowing through Brow Wood and further along into the Amber Valley, potentially cause flooding of properties at Wessington Hay and beyond.

The original Flood Risk Assessment carried out in 2018 suggests the need for some form of water attenuation on the western half of the site, as soakaways are unlikely to be sufficient, and proposes a storage volume of approximately 2700 cubic metres for a 1:100 year event. The original plans from this time did include for the creation of a lake, presumably for this purpose, which appears to have been taken off the latest scheme without any obvious alternative solution in its place. I don't believe enough has been done to address these important issues.

Secondly – I am concerned about the visual aspect of the scheme, concerns that have already been raised by the Development Control Landscape Architect. The most recent report, from April 19, highlights the inadequacy of the ZTV analysis, in that it does not consider views from Slack Lane, Moorwood Moor Lane by Pond Farm or the southern end of footpath Wessington NE/23/6/1, and questions the assessments of views 1 & 2 from Matlock Road looking North & South. The current assessment is stated as "Moderate" impact, and in the opinion of the Landscape Architect this should be revised to "Major" to properly reflect the impact that the proposed development will have upon these views and those others not currently considered.

Finally, be it residential houses, a shop, village hall or lodges – or all of the aforementioned (which this site could become) - this is large scale development spreading into green fields which is NOT adjacent to the core of the village and is NOT in line with our Neighbourhood Plan. If it were to be allowed it may set a precedent for allowing further development between this site and the existing houses which would turn Wessington into more of an urban sprawl than a village.

NED/18/01278/OL – Ben Elder

Thank you to the Committee and Officers for the opportunity to address them on this challenging matter.

I would like to emphasise 3 points if I may:

Firstly – The application is clearly contrary to planning policy: The majority of the site lies outside of the settlement limits:

I draw your attention to ED5 – which is NEDDCs response to objections to the Local Plan. This extract shows the relationship of neighbourhood plans to the Local Plan in approach to development outside the SDL:-

Policy SS9 would permit development outside SDLs if it is in accordance with the policies of an adopted NP. NP could allocate small sites for development not the case for Wessington.

Chapter 4: Special Strategy: The use of settlement boundaries is a fundamental part of the Plan's strategy, clearly distinguishing between the built framework of settlement where development is acceptable in principle; and open countryside, where policies are more restrictive. This gives clarity and certainty to all those involved in the planning process.

Further examples are that the proposal is categorically against the LP.

GS 6 : New development in Countryside.

In the countryside, new development will only be permitted where:

- a) The development is for the operation of a use appropriate to such a location
- b) It is in keeping with the character of the countryside
- c) It causes minimal disturbance to farming and minimises the loss of agricultural land, particularly that of the best and most versatile quality;
- d) It does not require major new or improved infrastructure provision
- e) It causes minimal problems of noise disturbance and pollution and other environmental impact; and (not or)
- f) It does not represent a potential intrusion into the countryside.

This application does not meet any of these policy requirements and would establish a dangerous precedent if approved.

My second point:

The recent changes in the General Permitted Development Order which became effective on 1st August 2020 make it increasingly difficult to ensure buildings remain in the use designated in planning applications. It is not clear how the Planning Authority will ensure that the development does not morph into residential use.

My Third point:

Covid 19 has changed all our lives - including the viability of local shops. There were concerns about the viability of a community shop & village hall before the pandemic - now the extra costs associated with cleaning & social distancing will reduce the viability – not to

mention the increased legal responsibilities that would fall on the community – the reality is that a community shop is extremely unlikely to open.

Finally, a Question to the officers:

Have all the agencies been re-contacted since the last plans were submitted on 18th August? And if so, what were their responses?

NED/18/01278/OL – Kevin Ryan

Good afternoon, Wessington has been discussing the pros and cons of a village hall for over 40 years.

I hope, as a member of the Wessington neighbourhood plan steering group, i can persuade you to see today, that once again, Developers are using the offer of a Village Hall as a major support tool for their development plan.

I must clearly state right now that a large percentage of Wessington residents do not want a Village Hall if it means supporting this huge and obviously phased application.

In 2011 the Spring Gardens housing development by Ben Bailey at Wessington was granted planning approval with a Village Hall and shop. A document produced by RPS on behalf of Ben Bailey homes subsequently stated that there was clearly a lack of support for a Village Hall and the planning committee agreed to amend the development with additional housing.

The position was supported by comments that were received at the time of the original outline application, from the Wessington Parish Council; which stated that a community hall was not needed for the village as there was already a church hall; and that the village could not support additional retail units. Concerns were also raised over the future maintenance of such a facility.

The proposal you are considering today has been going around in various forms since 2016

Everyone of these proposals has used the argument that by agreeing to the planning proposals, Wessington will have a Village Hall.

In March 2019, the parish council held a meeting to discuss this application. Well over 50 residents as well as local Ward Councillors attended the meeting and had an opportunity to air their concerns. A high turn out for a small village like Wessington. Every single person at the meeting disagreed with the application and equally every person questioned the need for a Village Hall.

There is a Village Hall in Brackenfield, less than a mile away which struggles to maintain reasonable occupancy.

Village Halls are traditionally run by the Parish council on behalf of the residents. The Wessington Parish Council has never had any involvement in this proposal for a Village Hall.

There is a small group of people who would like to see a Village Hall in Wessington. Some are obviously the 4 individuals who have written supporting this planning proposal. This is compared to the 69 who have written objecting to the proposal.

The thought of spending £500,000 of Lottery Money on a building may seem an exciting prospect to some people but we all know that a Village Hall requires a sound business plan with sufficient income generation to support running costs. If you talk to anyone in the village, no one has seen any type of business plan to support the continued costs in maintaining the running of such a building.

I ask you , as the planning committee to understand that a large percentage of the residents in Wessington do not see the benefits of a Village Hall when it is linked to this totally out of proportion phased application for the size of Wessington.

Thankyou

Kevin Ryan

Arial 12 NED/18/01278/OL – Paul Emmerson

Please see statement from the Trustees of the Wessington Village Hall Trust.

The Lottery awarded a grant of £500,000 to build a Village Hall, including a shop, in Wessington because there is a demand in the village for a Village and Shop hence planning was granted at that time. Although this money was awarded six years ago it is still available. Due to the nature of the project and the fact the hall has always been part of a housing development the trust has until November 2020 to spend this grant after this it will be too late and the money will be withdrawn.

There were many questionnaires over the years, the latter ones being in 2005,2011,2012 and 2014. On the basis of these, which showed overwhelming support for a Village Hall a bid was put together for a grant from the Lottery to build a Village Hall and shop, which was successful.

The Lottery in doing their own due-diligence awarded the money having seen all the facts and voices of the villagers.

We need to be mindful of the epidemic of crime that effects the youth of today. There are a number of residents very keen to run clubs for all ages getting the young people off the streets specially in the winter months.

Having lived in the village for over 17 years I've been able to see the changes and growth of this very special place. The prospect of getting this long waited hall is fantastic. We have a growing young population of children who are now of the age when playing out "alone" on the public park on Coronation Street is an option. As the village grows with another development bringing in another 60 house + this will mean even more young people.

Having worked in Children's services for over 30 years I'm fully aware of the need to give young people a place where they can get out of the house but be safe around volunteers who are DBS cleared and can offer activities or just a place to meet. The parish council have previously been well aware of this element of the Village Halls function (the past chair being part of the Village Hall committee and Trustee for a period of time) which to me is confusing given their current stance and reported inaccurate statements not reflecting the voice of the village in a positive way.

Like all committees the Village Hall committee has changed over the decades and several of those who were passionate about the Village Hall have sadly passed away before their dream come to fruition. The current Trustees have been in place for at least 5 years, some much longer.

in 2014 the Questionnaires showed that there would be support for many activities at the Village Hall, including brownies, cubs, mini indoor soccer, film nights, celebration events, as well as support for volunteers to run many activities. The local pub is happy to provide a licenced bar as and when needed.

The Village Hall committee have been in communication with a Doctor's surgery to get cover in the village a couple of days a week, using the facilities of the Village Hall, and

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were also planning to install an ATM machine. The Shop is intended to supply a variety of goods and newspapers rather than just items which would be available in a Farm Shop, and to use local suppliers. It was never anticipated that the Village Hall would be funded solely by the Shop. It's a fact that more people do shop on line these days but 'popping out for a paper' will never happen on line and how nice to be able to do that without having to get in your car. Also those last minute purchases, when unexpected guests turn up for example, cannot be planned in advance. A Village Shop supporting local produce will always be welcome.

Wessington is ideally placed just ten minutes off the M1 and close to the wonderful amenities of the Peak District. The Holiday Lodges likewise may well prove to be very popular. No investor in these projects is looking to make a loss but rather profit making and a success.

I agree that consideration must be given to any extra traffic but pedestrian crossings have been much needed in the village for some time, with the majority of the housing on one side of the busy A615 and the school on the other. This project might just be the push needed to convince Highways to install these much needed crossings. A couple of pedestrian crossings, or even just one, will help to slow the traffic down.

The village hall would offer a real service to all ages and provide the same other function halls do in similar sized villages in the North East Derbyshire. As a team we extremely confused by the parish councils stance & would welcome a meeting between the both the Village Hall Committee and Parish Council to discuss this subject once the Outline Planning is hopefully granted giving the project the green light it's been waiting for so many years.

Thanks for this opportunity to submit this letter showing support for the whole project.

Paul Emmerson

Chair for the Wessington Village Hall Trust