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Supplementary Agenda



**North East
Derbyshire**
District Council

Our Ref:

Contact: Alan Maher

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Date: Monday, 7 December 2020

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 15 December 2020 at 1.00 pm by Conference Call**. Access details will be sent to Members separately. The public parts of the meeting will be streamed from the Council's website on its YouTube Channel.

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 V13
- Mill Lane Coronavirus Control Measures V8

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 Skuberg".

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

Please notify the Senior Governance Officer, Alan Maher by 4.00 pm on Friday 11 December 2020 at the latest.

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

AGENDA

- (e) Late Representations - Summary Update Report (Pages 4 - 53)
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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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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 15th December 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: 20/00795/FL

CASE OFFICER: Emily Cartwright

1. SOURCE OF COMMENTS: Mr K Moore

DATE RECEIVED: 08.12.2020

SUMMARY:

I spoke with you on the phone this morning regarding this Section 73 application.

Our house, Charlestown, is directly facing my neighbour's pond development 40 metres away.

This is a brief history of events here for your information.

This development gained planning consent as a credible wildlife scheme in 2017 (17/00279/FL). It consisted of 2 small shallow wildlife ponds surrounded by a wildflower meadow, but my neighbour disregarded his planning consent when he instead constructed a 3 times larger than consented deep water fishing lake which now contains 100's of fish. The remaining field is sown down to short mown amenity grass, not the specified wildflower mix, and the pond is substantially stocked with fish for recreational fishing purposes. It is because of these detrimental factors the site is now not considered to be of much beneficial value to wildlife or an environmental scheme. This is the now

informed view of Derbyshire Wildlife Trust's ecologist during my recent telephone conversation with her.

The 2018 planning application (18/00177/FL) was consented for a boat store and bird hide, but the building here is much larger than would be required for such purposes, and it is designed, built and fitted out to a domestic standard both inside and out, with all services connected. It will likely be used for domestic purposes. The unauthorised domestication features of the building, the substantial unauthorised increase in the building's height and footprint, the unauthorised vast increase in the size of the pond to create a fishing lake facility, and the unauthorised tipping of 100's of cubic metres of excavated clay waste material and tree stumps adjacent to my property, illustrate the disregard the applicant has for the planning system and for us, his neighbours. The latest addition to provide what will become a patio area and car parking around the building, if approved, will surely lead to additional planning breaches resulting in further misuse use of this agricultural land.

The planning breaches relating to this Section 73 application, and those breaches which have been identified relating to the pond's unauthorised substantial increase in site area and depth, and its unauthorised change of use from a small shallow wildlife pond development to a large fishing facility, I understand are yet to be considered by your planning enforcement team. The building's existence and use as a boat store and bird hide is dependent upon the existence of this unauthorised fishing lake which has been constructed in breach of the 2017 wildlife scheme planning consent, yet the building ref; 18/00177/FL was inexplicably granted consent to support the unauthorised lake. According to planning policies SS9, PPS 21, CTY 1, CTY 13, GS5 and NE 1, plus Ashover local planning policies, AP 2 and AP13, this building should not have been considered acceptable in this location.

The unauthorised increase in the building's footprint and roof height, has created an extra 15 cubic metres increase in the volume of the building over that which was approved.

The Officer's report.

Principle of Development para 8.1 says the principle of development on this site was established through the granting of 18/00177/FL. I disagree, the principle was established as a wildlife scheme in the granting of 17/00279/FL, (consent which has also been breached). The building (18/00177/FL) is a later addition to support that 2017 consented scheme.

Para; 8.4 is comparing the building's roof with Flash Farm's house roof. The Officer is trying to compare the roof of a domestic property some 400 metres away with the domestic type fascia boarded gables of this ancillary building, in an attempt to justify the retention of the unauthorised steeper roof and unauthorised design changes.

Para; 8.5 says the building is an appropriate size for its designed use and would not detract from the surrounding landscape. I disagree, the building is much larger than required for the stated purposes. It is prominent in the landscape, and built away from the residential settlement. The building's domestic features in the countryside exacerbate its inappropriate design and location.

Para; 8.7 refers to soft landscape planting. Planning policy CTY 13 says a new building will be unacceptable in the landscape where it is; (a) a prominent feature in the landscape. (c) it relies on use of new planting. This building fails to qualify with these conditions.

Para; 8.9 refers to the high quality of the building. It is high quality, but not what has received planning consent, and surely it should comply with planning policies which are designed to prevent domestication and deterioration of the countryside amenity. This building is prominent in the countryside, as my on line photos illustrate.

Para; 8.11 refers to the building's use. The building will not likely be used for the uses as described.

Para; 8.12 refers to my representation related to traffic movements, it didn't mention parking around the pond and building. Traffic on this site to the building and lake is frequent, not occasional as stated. It affects our privacy and is disruptive to our enjoyment of our residential property.

Para; 8.16 The planting of trees and shrubs, although these are indigenous species, they have been set out by a garden designer. The design of the planting has created the look of a garden. A large bronze sculpture is located in the lake.

Para; 8.17 I have spoken to Derbyshire Wildlife Trust, they had not been informed of the planning breaches here prior to sending their response. Now that they are informed they informed me they do not approve or support the unauthorised changes to the ecological scheme.

Para; 8.18, refers to no loss of biodiversity. DWT ecologist says otherwise. I also disagree with the Officer's conclusion relating to biodiversity benefits. My own holding is a genuine 5 acre wildlife scheme, I am well informed on these matters.

The applicants wildlife scheme is unrecognisable from the one which was approved. To approve the unauthorised changes to the building will add to the building's alien appearance in the countryside. Approval of the Section 73 application will not be of benefit to the wildlife scheme.

I suggest the current Section 73 application should be deferred until a later date to enable a proper investigation of all of the planning matters here to take place. For committee to consider the increase in height and the domestication features of this building before dealing with the increased size of the pond and associated breaches is akin to putting the cart before the horse. I suggest all of these planning breaches including the breaches relating to the building are all interconnected, as such they should be considered either in chronological order or simultaneously.

For the Officer to recommend approval of this current Section 73 application to committee will be seen as rewarding applicants who breach planning consents. It will encourage more planning breach offences in the future.

OFFICER COMMENTS:

All of the points raised have been considered and addressed in the report to members.

2. SOURCE OF COMMENTS: Mr John Church

DATE RECEIVED: 11.12.2020

SUMMARY:

Mr Kelly does not wish to address the Committee, but he will make use of the video link to follow its proceedings. In the meantime, having read the Officer's report, he has asked me to request that the Committee be advised that:

1. He accepts that two small security lights have been installed on the building that is the subject of the report and he will seek to regularise their provision. They were installed on the advice of the Derbyshire Constabulary following a recent incident of trespass. However, he wishes to emphasise that these limited duration, small, motion-activated lights have a low 5 watt output that can have an immaterial adverse visual impact or be in conflict with the Ashover Neighbourhood Plan's dark skies policy.
2. A planning application to regularise the modified outline of the wildlife pond is in course of preparation and will be deposited in the next few working days.

OFFICER COMMENTS:

Whilst we appreciate the comments relating to the lighting, it is Officers view that due to the isolated siting and nature of the building it would be unnecessary to illuminate the building. The illuminating of the building would be contrary to Ashover Neighbourhood Plan Policy AP19.

Point 2 is noted and welcomed.

3. SOURCE OF COMMENTS: Emily Cartwright

DATE RECEIVED: 14.12.2020

SUMMARY: It is noted that paragraph 2.6 (site description) of the officer report to members makes reference to the site been designated as Special Landscape Area.

OFFICER COMMENTS: For the avoidance of doubt, I can confirm that this is incorrect, the site is not designated a Special Landscape Area.

PARISH: Ashover

APPLICATION: 20/00921/FLH

CASE OFFICER: Alice Lockett

1. SOURCE OF COMMENTS: Mrs Kirby, Leasowes

DATE RECEIVED: 30/11/2020

SUMMARY:

I have studied the revised drawing submitted on the 24th November which shows a 2 metre maintenance strip across the western side of the roof of the proposed development. This does not alter my objection to the scheme as it does not reduce the visual intrusion nor the overbearing effect of the building. The height remains the same, the building still extends further west and the proposed building will still be 0.7m closer to my property than the plans granted permission previously. I suggest that the reason for the change is solely to comply with Building Regulations as the proposed building would have a low parapet above a 4.5 metre vertical fall which surely would be dangerous for people in the proposed roof terrace.

On the original Conditional Permission Letter it was clearly stated that the development would only be visible from the shared driveway and that the scheme would not be of any detriment in terms of overlooking, loss of privacy or light. This is clearly not now the case as previously demonstrated in my original submission.

I do hope that my objections will receive full consideration by yourselves as I am extremely concerned over this issue.

OFFICER COMMENTS:

This is dealt with in the report to members.

2. SOURCE OF COMMENTS: Mr Hardwick, Derwent Cottage

DATE RECEIVED: 3/12/2020

SUMMARY:

Following the submission of Drawing REV (20/11/20) and also REV A (30/11/20) we have looked at these in detail and we now wish to state that all of the comments of our objection of 10/11/20 still stand.

We have no confidence in the accuracy of the latest measurements (which keep changing).

OFFICER COMMENTS:

This is dealt with in the report to members.

3. SOURCE OF COMMENTS: Mrs Kirkby, Leasowes

DATE RECEIVED: 5/12/2020

SUMMARY

- 1) I wish to make a further representation regarding the above application as the applicant has submitted revised plans (Rev A) dated 30th November.
- 2) The plans show a reduced internal roof height on the proposed garage, however they do not indicate that the height of the parapet is reduced by the same amounts (600mm). In fact the plans do miss out some dimensions which could leave room for misinterpretation.
- 3) Regarding the external parking space to the Leasowes side of the garage, the applicant will be unable to excavate to the levels shown as he has installed services from the house at this point which lie just below the current ground level.
- 4) The proposed garage is still 0.7m closer to Leasowes and it is still 2m further south so creating greater visual intrusion and an overbearing effect as it rises over this sloping site. There will be a clear line of sight for people standing on the roof terrace directly into the lounge of Leasowes.
- 5) The development will disturb the character of the area due to its visual intrusion. In the Planning Officers assessment of the original application it clearly states that the garage would be built into the hillside therefore only visible from the shared driveway. This is clearly not now the case and my objection still stands.
- 6) In my opinion the re-siting of the proposed garage constitutes a material amendment and therefore a new permission should be applied for.
- 7) I would be obliged if you would give my objection your full consideration and feel the visual impact can only be appreciated by a site visit from yourselves to my house.

OFFICER COMMENTS:

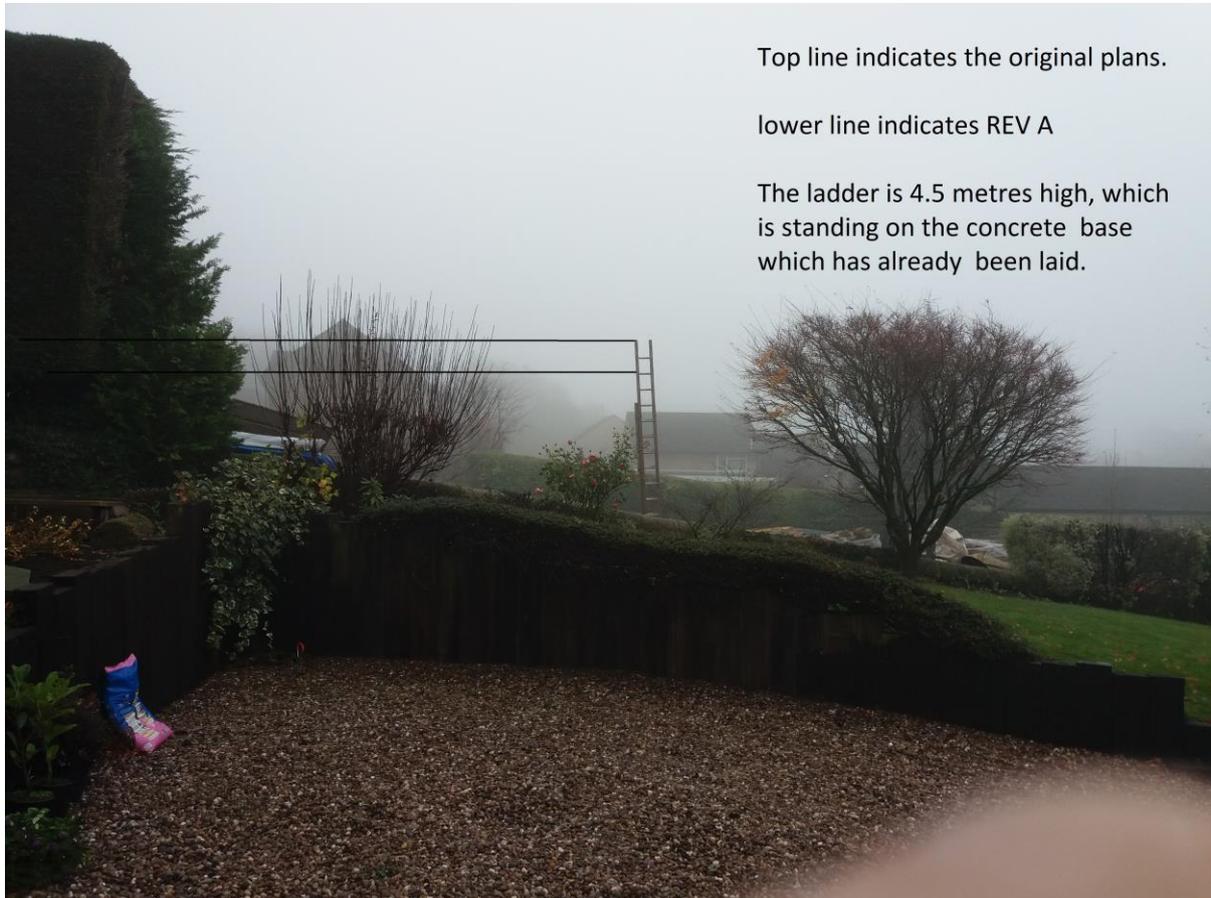
This is dealt with in the report to members.

With reference to point 6 above, this amendment is a material change which is the reason why this planning application has been submitted to the Local Planning Authority for consideration.

4. SOURCE OF COMMENTS: Mr Millar

DATE RECEIVED: 11/12/2020

SUMMARY



This photo will be referred to by Mr Millar when addressing members.

5. SOURCE OF COMMENTS: Mrs Hardwick

DATE RECEIVED:14/12/2020



The orange line indicates the edge of the terrace which is located just behind the lane wall. The hedge would need to be at least double the existing height to screen people using the terrace.



Orange line indicates edge of terrace viewed from our drive.

Lane wall 4 '6" tall
Hedge and wall 8'



Green lines show effect of 1 metre high boundary wall, viewed from our drive. People standing on the terrace will be considerably taller than the wall.



PARISH: Wingerworth

APPLICATION: 20/00409/RM

CASE OFFICER: Adrian Kirkham

1. SOURCE OF COMMENTS: Malcolm Preskey

DATE RECEIVED: 7th Dec 2020

SUMMARY:

I am not allowed to speak at the meeting as am 'shielding' a sick person until Covid rules are changed for our household. As such, please ensure that our view OBJECTING to the proposals is forwarded to the appropriate meeting forthwith.

Our view is that Wingerworth is not provided with an existing infrastructure e.g. Doctors and Facilities that can accommodate such a large influx of people into an already overloaded system

OFFICER COMMENTS:

As set out at para 7.30 of the Officer report this is not an issue for consideration at this stage having been assessed and determined by the outline application.

PARISH: Clay Cross

APPLICATION: 20/00221/FL

CASE OFFICER: Phil Slater

1. SOURCE OF COMMENTS: Agent's solicitor

DATE RECEIVED: 02/12/2020

SUMMARY:

The land is registered in the name of the Wilkes and Provectus all of whom have been properly notified of the application.

Officer comments

Officers are of the view that the application is a valid planning application.

2. SOURCE OF COMMENTS: Objection from Mr M Stokes

DATE RECEIVED: 03/12/2020

SUMMARY:

Are these additional homes needed at this location.

As well as the 2,400 houses with planning permission and being built on the old Avenue coking plant site and Bywater site there are now 550 houses being built on green land at North Wingfield.

On Clay Lane as shown in pictures already submitted and previous comments the developers have already cleared some of the undergrowth and trees from the proposed site and its surface.

This is prior to the work to establish how well the site soaks away water. The site, now has its ability to soak away water negatively affected due to these clearances.

Any "test results" will now show a lower level of ability to drain away water than the land should have been capable of. Land that already (and shown on previous reports and pictures) had standing surface water and flooding as well as flooding to the surrounding land and housing.

These "tests" are likely to show a lower than natural soakaway rate and the designs of any system based on these results will be fundamentally flawed and lead to increased run off this land and flooding.

3. SOURCE OF COMMENTS: anonymous objection

DATE RECEIVED: 03/12/2020

SUMMARY:

As a resident of Clay Lane we do not want a lot more houses building to the north side of the lane, like the Bees Estate, the Clay lane is busy enough with traffic as it is. Also every new house roof adds to the heating up of the planet by the suns heat being reflected off the slates back into the atmosphere. We object to the above planning.

4. SOURCE OF COMMENTS: Mr Whitmore

DATE RECEIVED: 09/12/2020

SUMMARY:

I am writing to you to oppose the planning application for a significant residential development off Clay Lane - 20/00221/FL

As a resident local to the Clay Cross area I am hugely concerned about the number of developments being approved in Clay Cross and the wider area and the strain this will have on an already broken infrastructure.

Waiting times for the local medical appointments are significant and growing, class sizes in the local schools are crammed and the roads unable to cope with the traffic as it is.

It seems to me that developers are taking advantage of the councils inability to produce a fair local plan for housing and cashing in on any green space they can, not taking consideration for local peoples feelings, how this affects their own homes, the ecology of the green space and also the risks it poses such as flooding, past

mining etc... The amount of people that oppose this development alone should be enough to see the application denied. We are the tax payers and we should be fairly considered when there are very valid reasons.

I think it is a fair to ask the question, why do we need another development when the area is and has been delivering a significant number of housing over the past few years and enough to satisfy a newly proposed local plan for years to come? Large sites at the former Biwaters and Avenue sites in the local area, yet to come to fruition will add significantly to the already broken infrastructure and that's not to mention countless number of small-medium sized developments scattered all over the local area.

I ask the NEDDC planning department to act fairly and sensibly on behalf of the residents of the local area. The area is delivering significantly more than enough houses now and for years to come and we do not want to see more unnecessary erosion of our treasured green spaces.

I trust my objection will be fairly considered.

5. SOURCE OF COMMENTS: Mr Shepherd

DATE RECEIVED: 08/12/2020

SUMMARY:

Please see my objections to the above planning application, I am unable to attend in person but would like this read out please

I moved to Clay Cross 20 years ago as there was a lot of green land to walk the dog and enjoy, this is slowly being eradicated but to constant approval of planning application for housing the latest being the above, this land is prime walking land and I object to this planning for the following reasons

1. This area sits between Clay Lane and Clay Cross pond, this is a very tranquil green place where we take our dog for a walk 3 or 4 times a week (this is used by very many dog walkers), allowing this will disturb the vegetation and the animal life in the surrounding area including the wildlife at the pond, we have seen decline for instance in the bird population as their habitat is slowly being taken away with this constant house building programme which seems never ending around Clay Cross.

2. As far as i am away there are no plans for further amenities (Dental practices., GPs, schools etc) to cover all this extra housing (we must now be close to an extra 950 houses so potentially 2000+ extra people and cars, I struggle already to get appointments at the GPs surgery so can only see this getting worse as more houses are built

3. The access on Clay lane should not be allowed to happen, this is a busy road and will be somewhere near the bend with car parking on the opposite side of the road and the pull out from the estate will potentially be an accident waiting to happen !

4. The crossing at the top of Clay Lane is very bad, I have been nearly run over several times as there is no lights on this crossing and no path up the side of the George and Dragon car park, with the extra traffic this will generate it will get worse. The lights need cameras as people speed through on red and cut the corners

I therefore strongly recommend these plans are turned down on the above basis as this is not needed or required !

6. SOURCE OF COMMENTS: Flood and Wildlife Protection Clay Cross

DATE RECEIVED: 11/12/2020

SUMMARY:

<p>Proposed Area.</p>	<ul style="list-style-type: none"> • NEDDC 'Five Year Housing Land Supply Statement 2020 (Amended version 22 May 2020)', projection for housing 2015-2020 showed they were already oversupplied by 123 dwellings in 2019. Subsequently their five year projection, 2020-2024, for 2183 dwellings, shows this would be an oversupply of 923, meaning NEDDC have 8.3 years supply of housing from 2020. Furthermore the provisions for 6,600 dwellings over the period of 2014-2034 will focus on Dronfield, Eckington and Killamarsh; with Clay Cross contribution being on former Biwater site. The reaming will be on level 2 settlement hierachey (SS2, table 4.2), and not being this site. This area is not needed!! • Clay Lane has always been a small, tranquil, separate part of Clay Cross, able to maintain its distinct identity and character (SS11). Its residents are proud of this heritage, and want to preserve the setting and special character of the historic town (NPPF 134d), while preventing convergence of the two places, (SS9). NEDDC also agree aiming to protect the character of the landscape from the potential harm from developments to preserve the intrinsic character, quality and settings of towns, villages and heritage sites of the local area for future generations. They also recognise changing the character and appearance of an area potentially contributes to stress levels, thus by maintaining it, can reduce stress and be beneficial to the environment, promoting health and sustainable
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	<p>communities (SDC23, SDC5).</p> <ul style="list-style-type: none"> • The area was classified as countryside, outside the settlement limits, in the previous local plan. Due to the areas biodiversity (SDC4 and A Greenprint for Biodiversity in North East Derbyshire 2010) and the fact it is within the 1km of the protected site in Kenning Park, it should remain outside the settlement limits, protected and not for development (Kenning Park Wildlife Assessment 2018). • NPPF (118b) “recognise that some undeveloped land can perform many functions, such as wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production”. The UK Government acknowledge areas smaller than 2 hectares are unlikely to appear on inventories due to their low tree density (protected sites and species); the site is 1.54 hectare. This site contains species protected by EU law and the developers own tree survey (02/03/2020) recognises the area as ‘a good habitat to support it.’ FWPC have approached Natural England and put forward this area as a ‘Site of Special Scientific Interest and Special Protection Areas,’ and are still awaiting their response. • This area is tranquil, producing no light pollution and the only noise is from the beautiful variety of wildlife within it. Individuals have move to this area to access its true health benefits acknowledged by local residents. Any development here will create noise, light and water, pollution both during construction and throughout its lifetime. It will cause disturbance annoyance, and affect wildlife. Planning permission should be refused as it will pose unacceptable risk to public health, quality of life and the environment. (SDC 13) (NPPF 170e) • The site is arguably an extension of Kenning Park, thus should be protected (SDC8). Furthermore, NPPF (99) suggest the designation of land as Local Green Space allows communities to identify and protect green areas of particular importance to them. It also states ‘policies for managing development within a Local Green Space should be consistent with those for Green Belts’ (NPPF 101). This area should be adopted as a local green space and not developed o.
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<p>Flooding</p>	<ul style="list-style-type: none"> • Although the area has been assessed as flood zone 1, and at a level of excessive flooding 1:100, this is not factual. The area has been flooded twice already this year and more than four times last year and subsequent years. The houses on Windermere Road are assessed as flood zone 2/3 and at a level of excess flooding 1:30, showing the flood risk to be totally inadequate and out of date. • The developers, NEDDC, Severn Trent and The Environment Agency, are seriously underestimating this waterlogged area, that frequently suffers flooding from river, surface and groundwater (bsp 2020,3.3.3). The existing, adjoining properties also suffer sewerage flooding and have supplied evidence of the accumulated effects to property and the extent needed to repair flood damage. However, this has finally been acknowledged by LLFA, with 'The Pitt Review (2008)' highlighting the risk of flooding continues to escalate, is underestimated and difficult to manage. Surely as areas on each side of the brook are predominately on the same level, excluding bank heights, they should quantify the same flood risk, which needs an urgent review and updating. The area is indeed high flood risk, and development should be sought elsewhere (NPPF 155). • BSP consulting prepared Flood Risk Assessment & Drainage Strategy on behalf of the developer (21/03/2020) stating 'soakaways or similar or surface water discharge into an open watercourse will not be viable,' and 'surface water by infiltration is not feasible due to site being next to press brook.' Despite this, the Flood Risk Management Team (25/11/2020) recommends chronological options: <i>I.</i> for surface water runoff is infiltration, <i>II.</i> To a surface water body. Surely NEDDC flood risk team would need to retract its recommendations, as they evidently are not viable, not acceptable by the Environment Agency and would evidently increase flooding elsewhere (NPPF 159 b) • The coal report acknowledges two coal seams and the geological survey, by BSP consulting, identifies sandstone, a known aquifer to increase groundwater flooding. They also recognise 'any permeable strata present are likely to be accompanied by a shallow water table.' In context both would be contradictory that driveways should be constructed of permeable paving, as the ground simply is
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	<p>too waterlogged, incapable of drainage. The water and any vehicle pollutants would run, as untreated surface water, downhill into Press Brook; a disaster for it's endangering inhabitants. Somewhat confusing as to how the development will discharge its surface water without causing pollution and flooding on site or increasing flood risk elsewhere (NPPF 155).</p> <ul style="list-style-type: none"> • The Environment Agency, groundwater and contamination land team, comments (27/03/20) understand from the submitted information (not available to public view) that foul drainage will discharge to a public sewer and surface water drainage will discharge to a surface watercourse. They also believed no drainage will infiltrate to ground, so they have no comments on those proposals. However as demonstrated above, this is not factual. We can suggest the Environment Agency will have extreme objections against this application, when, or if, presented with the true facts. • The developer proposes below ground tanks and oversized pipes in relation to SuDS management. However, there are many limitations to the site, in particular low water tables, Clay Cross Tunnel and inadequate sewer system. Meaning nowhere adequate for underground tanks to rest and joining oversized pipes into an inadequate sewerage will intensify problems already being experienced by existing residents. NEDDC highlight concerns regarding surface water disposal and the developers have provided limited information how to deal with this. From all the contradictive information, currently available, it seems impossible to disperse any water of any source from the site. Very concerning in an area known to flood! • SuDS are not infallible and wholly reliant on the installation, for them to be of any benefit at all. This is acknowledged by LLFA and we must insist, the developer states the exact type of SuDS, who will be installing them and how their aim will be achieve. We argue that given such an already waterlogged area, unstable ground, mine shaft and proximity to Clay Cross tunnel, preventing flooding and fresh water contamination is unachievable by such means. (SDC11: Flood Risk and Drainage) Some areas will not be suitable for future development due to the risk of flooding; this is one of those areas.
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	<ul style="list-style-type: none"> • (SDC11:3) NEDD Flood Risk and Drainage, seeks to ensure that adequate foul water drainage systems are in place and that sufficient capacity exists. LLFA (05/11/20) noted there are limitations regarding the layout of foul sewer due to railway tunnel. The development aims to connect to the main sewer and Severn Trent Water suggests that the combined sewer should be able to cope. However, this is reputed by existing residents, who experience backflow and raw sewage flooding; in fact, Seven Trent acknowledge there is a problem and have compensated residents accordingly. Additionally an email from Mr Stokes highlights Seven Trent knowledge of inadequate sewerage and drainage system, as they opening flood gates down Mill Lane when heavy rainfall is expected. Furthermore, NEDDC report (01/12/2020, 4.19) note the constraints of sewer adaptation requirements, but fail to elaborate further. In view of this it would be suggested the sewer is unable to accommodate any further connection into it, and development should not be permitted as ADEQUATE FOUL WATER DRAINAGE INFRASTRUCTURE DOES NOT EXSIST (SD11:3)! • Seven Trent water (19/08/20) acknowledge the possibility of private sewers on the site, not shown on statutory sewer record. It must be assumed one of those were damaged by drilling on the site in recent months, impact of this is yet to be discovered. Evidently this needs further extensive investigation to protect public health. • It would appear there is no solution how to remove surface water from the site, the last resort being into the combined sewer. It has already been demonstrates it has insufficient capacity and 'The Pitt report' (2007) removed the automatic right to connect surface water drainage from new developments to the sewage system. • The area immediately at the side of Press Brook is a natural flood plain, waterlogged, becoming engulfed as part of the raging torrent and has prevented severe flooding in adjacent properties (photographs submitted in objections). Having reviewed flood maps and bank levels the developer does not believe the development to be at risk of flooding; possibly believing that as their eastern bank is significantly higher it will offer protection. However, the development
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	<p>intends to raise the ground level 1.5meters, having no regard for existing properties whatsoever. In fact an email from the developers (10/11/2020) clearly shows the lack of empathy for existing properties and knowing breach of NPPF. Also demonstrated in photograph from Mr Allen, raising the ground 1.5 meters would still be insufficient to prevent flooding of new dwellings and would only force the water to the existing properties, increasing flooding elshwhere.</p> <ul style="list-style-type: none"> • LLFA (24/11/2020) recommend the developer form a management committee to undertake a three monthly hand inspection and maintenance of the bank and watercourse. It suggests access be gained through removable fencing of new dwellings. The DWT (17/11/2020) insist the 10 meter wooded buffer, along the brook, should be inaccessible to residents, and no creation of paths or tracks for access; not an unreasonable request to protect such endangered and protected wildlife. However, property owners adjacent to the Brook require access to undertake their riparian ownership rights, like existing residents carry out now. Also can a small committee truly undertake such tasks when, firstly, national private company, paid for by the residents, have failed in this and to report issues (NEDDC AM/080, 8.50). Secondly, the Governments own Environment Agency have failed to act; both failing in their duty of care. It is totally unrealistic and unachievable! • The LLFA own recommendations and conditions are unachievable and should wholly be object by the planning committee. The concerns from existing residents are real, listen to them, they live in fear daily.
<p>Access</p>	<ul style="list-style-type: none"> • Two previous planning applications were denied in 1974 and 1976 due to the hazard, unsuitable access. The fact modern vehicle usage and speed, has increased dramatically since the 1970's, would significantly increase the risk. Therefore if planning was denied for a single dwelling, surely it must now be denied for several dwellings with increased traffic and risk factors. • The development entrance site will be concealed from traffic travelling up Clay Lane, towards the traffic lights. Preventing a safe and suitable access for all users NPPF (108b, 109).

	<ul style="list-style-type: none"> • The air shaft, for Clay Cross tunnel, is just 21 meters from the entrance and prevents the view of any traffic beyond that; see attached photograph. Clay Lane is a 30mph zone and despite the speed humps, traffic often travels faster than this. However, with restricted view and concealed entrance, it will prevent the national stopping distance of 23mtr at 30mph, 'having an unacceptable impact on highway safety' NPPF 109, so the planning must be refused. • Clay Lane is just that, a lane, struggling with traffic levels at present! Increasing traffic will have no benefit for individuals or the environment, and cannot be mitigated against in any way (NPPF 108c, 109). In fact NEDDC Local Plan (2.20) recognises traffic congestion is an issue along the A61 corridor. This impacts access onto the A61 from Clay Lane, as High Street has traffic flow priority. It can take over 10 minutes to enter the A61, which is increased if there are problems on the M1. During snow/ icy conditions Clay Lane can be impassable. This has unacceptable and residual cumulative impacts on highway safety, with the effects being severe. This development should be refused on grounds of highway safety (NPPF 109). • The plans have limited parking; in fact highways comments, 07/09/2020, suggest parking to be increased to plots 21-26 from 7 to 9 spaces, in line with NEDDC standards of 1.5 spaces per unit. This is declined by the developers, who suggest the residents use public transport, or cycle. Might we point out that public transport on Clay Lane is a limited service and infrequent as it serves rural parts of the district (2.20). There is no cycle route and the gradient makes it an achievement for even the most avid cyclist, neither is expected to be approved or upgraded. The movement plan, Pg26, Clay Cross 2025 Regeneration Framework 2013, simply suggests Clay Lane as part of the esplanade. Furthermore, the footpath proposed to run through the southeast side of the remaining orchard only connects to footpath thirteen. It offers no cycle route, safe passage to a bus stop or pedestrian access to High Street, Clay Cross, putting public in danger from the road traffic on Clay lane, against the principle of NFFP 110. • Parked vehicles already on Clay Lane make a 'bottleneck,'
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	<p>restrict views on the road with limited passing places. With the limited parking on the development visitors and some residents will be forced to park on Clay Lane, impacting highway safety NPPF 108c, 109. The developers have underestimated local car ownership levels, the need to ensure an adequate provision of spaces and have not allowed designated spaces for disabled residents and charging plug-in and other ultra-low emission vehicles, against NPPF (105 d,e)</p> <ul style="list-style-type: none"> • The ‘refuse vehicle swept analysis,’ shows the vehicle contravening the central white line road markings on the site and significantly on Clay Lane itself. After showing this analysis to, and discussions with, NEDDC refuses vehicle drivers they fear, if turning left off the site, the refuse vehicle would be driving into oncoming traffic, past the bend, and not rejoining the correct side of the carriageway until just opposite property 20 Clay Lane; 50+ meters. They also had concerns with contravening the central white lines on Clay Lane to turn left into the site, then again on entering the site. They also highlighted the issue of the air shaft, preventing full visibility when exiting the site itself. Breaching The Highway Code 127, 128,129 and have an unacceptable impact on highway safety NPPF 109. • The visibility splay measuring 2.4m x 43m is unachievable for traffic turning right out of the development. It is clearly seen on the latest revised site plan (05/10/20), unless of course the person who drew the plan believes drivers are able to see through the brick built air shaft. This reiterates the visibility of just 21 meters, making this site dangerous and unacceptable impact on highway NPPF 109. • In view of all these issues, foremost being safety, we have confidence that County highways authority will retract their initial comments, ‘acceptable in principle from a highway safety viewpoint.’ It would be recommended that they and NEDDC take the view, as do Clay Cross Parish Council, that this site would be severe and dangerous in highway term.
<p>Wildlife and habitat</p>	<ul style="list-style-type: none"> • ‘To protect and enhance biodiversity and geodiversity, plans should: a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally

	<p>designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity' (NPPF 174)</p> <ul style="list-style-type: none"> • 'When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused' (NPPF 175). • 'The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site' (NPPF 177). • The site is comprised wholly of semi-natural habitats including woodland, both listed under section 41 of the NERC Act 2006. A comprehensive list can be seen in the Kenning Park Wildlife Assessment and Management Recommendations (October 2018). The tranquil site is boarded by substantial hedgerows that are considered irreplaceable and offered special protection (UK.Gov). In fact NEDDC (SDC2) state 'development resulting in unacceptable loss of, or damage to, or threaten the continued well-being of protected trees, hedgerows, orchards, veteran trees or woodland (including those not protectect but considered worthy of protection), will not be permitted. Any development here will have significant effect on the habitat, thus planning permission should be refused (NPPF 175,177) • An ancient orchard is one that has been there continuously since 1600. While maps, available at this time, do not date this far back, we want to argue the site does contain
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	<p>Veteran trees (Gov.UK) and has equal protection In NPPF. The tree survey (02/03/2020) went short of labelling any tree veteran. However, by definition some of the trees on the area, in particular T8, should have been identified as veteran. In view of this, it seems ludicrous that this and ‘its good habitat’ have been removed. In fact several large, many trees and thick brush have indeed been removed, and would highlight why NEDDC parks (22/10/2020) also failed to identify any veteran trees. This site should be protected (NPPF 174, 175,177, section 41 NERC Act, 2006)</p> <ul style="list-style-type: none"> • An ecological report of the site was undertaken on behalf of the developers in October 2019. It failed to notice some important plants and species, stating, ‘no evidence of badgers was found.’ This could be partially due to it being undertaken at ground level, within the boundary site. In fact it was local residents who informed DWT of the badger set in the centre of the site. DWT later acknowledged reports of water voles, Kingfisher and otters, also protected in section 41 NECR Act (2006) and also under EU law. • DWT initial correspondence from DWT (27th April) recognise the importance of this area, habitat and wildlife within it. They stipulated a buffer zone, along the brook, to protect the mosaic habitats of wildlife and protect their habitats. They were advising that this development would not be in line with NPPF 2019 “minimise impacts and provide net gains for biodiversity,” while highlighting the importance of woodland scrub and hedgerow, and its importance in the protection of nesting birds and small mammals. Furthermore RammSanderson (27/07/2020) expected any hedgerow to be replaced 2:1 to achieve net gains. However, the development clearly demonstrates removing hedgerow and replacing it with a variety of fencing designs, clearly against NPPF • The same report by RammSanderson (27/07/20), in to an email to DWT (24/09/2020), explained the significant biodiversity loss resulting from the development. This would result in losses of 111m native hedgerows, 70.51% loss semi-natural habitat, with 100% loss in linear features from the site. It was suggested a strategy should be approved with LPA, to offsite land with but should offsite. However
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	<p>DWT insisted compensation should be last resort; something we agree with wholeheartedly.</p> <ul style="list-style-type: none"> • By 08/10/2020 DWT were made aware of otters in Press Brook from recent survey by FPCR recorded spraints under Clay Lane bridge. Although they acknowledged limited advice on a standard buffer zone, CIEEM suggest 10-30meter. DWT requested 10-15meter, a fair compensation. The developers are still unwilling to increase the buffer zone and insist offsetting biodiversity loss onto another site will be necessary, (04/11/2020). At that time dialogue for offsetting works, was still ongoing between all parties, regarding what measured should be included. On 01/12/2020, through FIA, FWPCC submitted a request to obtain those discussions, at the time of writing this we are still not in its receipt. No offsetting can be adequately mitigated or compensate this site and the plan will adversely affect the integrity of the habitats site (NPPF 175,177) The presumption in favour of this development should be denied. • NEDDC (8.21) echo NPPF and should recognise wider benefits of ecosystems. (SDC4:2) promote the qualitative enhancement of all sites of biodiversity and geodiversity value (including designated sites and other sites with protected and priority species) by supporting measures that improve access, connectivity and create new habitats. Such measures to include maintain trees, native vegetation and improving green infrastructure for the benefit of the wildlife.
<p>Recreation</p>	<ul style="list-style-type: none"> • The concerns above are not limited, and there are many more. • FWPCC suggest this wildlife site be kept from housing development indefinitely, safeguarding it for future generations (NPPF 174). To protect and enhance biodiversity and geodiversity, plans should: <ul style="list-style-type: none"> a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity⁵⁶; wildlife corridors and stepping stones that connect them; and areas identified by national and local

	<p>partnerships for habitat management, enhancement, restoration or creation⁵⁷; and</p> <p>b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.</p> <ul style="list-style-type: none"> • We suggest it become a natural entrance onto Kenning Park. A simple footpath and cycle network to enable people from all age groups, interests and disabilities, to witness and understand this unique environment and ecosystem. • Allow plaques in relation to the areas rich history, especially George Stephenson. • Encourage bird and bat watcher, by providing a small, inoffensive, purpose built hide. • Encourage tourism 88% people travel by car to the town centre 7.23 in NEDDC NEMS survey • Visitor attraction (rural and tranquil nature of the countryside is an important asset for residents and visitors NEDDCCLP 6.46 • Encourage schools to have field trips, to log, draw and document wildlife and flowers alike. • Leave it to continue its tranquillity, cleaning air and reducing pollutants. • Allow fruit picking, and family recreation. • Archaeology • Grade 11 tunnel shaft <p>SAY NO DEVELOPMENT HERE!!</p>
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7. SOURCE OF COMMENTS: Mr Robert Alton

DATE RECEIVED: 14/12/2020

SUMMARY

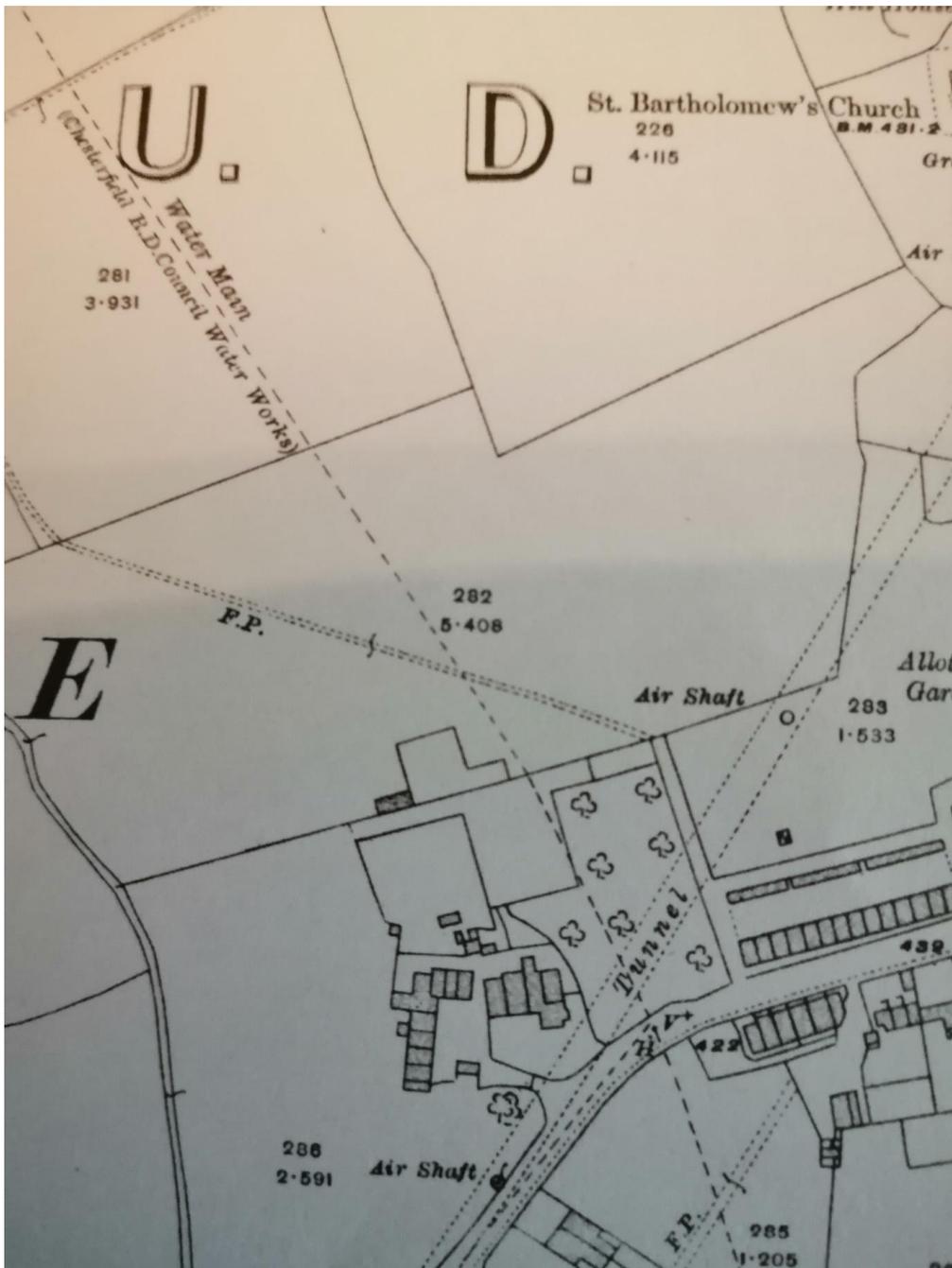
Dear sir/madam With regards to the said planning application, I bring to your attention the wide variety of nature & wildlife in the orchard & woodland off clay lane, such as foxes ,bats, birds such as owls, jays etc. I feel that in these times we have a moral obligation to protect the habitat for these animals. With all the house building to the north east of town I feel this development is not in the communities interest, with all the increased pollution caused by traffic, business etc green ,open spaces are needed now more than ever. The local plan that I was aware of showed land to the west of high street to be designated open green space for recreational purposes, with people's health , wellbeing, mental health in these unprecedented times suffering greatly I feel to protect this habitat & increase its use for recreational purposes would benefit the whole town more than to concrete over it . As a resident who suffers a severe life changing lung disease I know these spaces help people like myself, so pollution is a great concern to me, I also think the local services are struggling to cope at present & the local population is at a point where there is sufficient housing to meet needs. Clay lane itself is fast becoming a rat run & and is of insufficient width for a large development. Please take time to read my thoughts given here & give them the appropriate consideration yours Mr R Alton, 20 clay lane.

8. SOURCE OF COMMENTS: Mr Richard Eden

DATE RECEIVED: 12/12/2020

SUMMARY

I object to the application of the planning permission being granted, due to a water main that runs through the land, which has not been accounted for on the drawings. The water main needs to have 3 metres clearance either side for access to the water main. I also have concerns that the mine shaft also runs near to the water main, and if disturbed could contaminate the water main. I have enclosed a drawing of the ordinance survey map showing the water main.



9. SOURCE OF COMMENTS: Mr Shane Pettit

DATE RECEIVED: 11/12/2020

SUMMARY

I live at 26 Clay Lane and I moved to the area for a quieter and relaxed place to raise my children. Clay Lane is a tranquil area but if these new homes are built all will be lost.

I have been reading the National planning and policy framework and have come across a piece which to me seems like if the planning application is approved to build new homes then it would be going against what is in the conserving and enhancing the natural environmental policy as follows :

- Preventing new and existing development from contributing to, being put at unacceptable risk from being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Development should wherever possible help to improve local environmental conditions such as air and water quality taking into account relevant information such as river basin management plans.

- When determining planning applications local planning authorities should apply following principles

a) If significant harm to bio diversity resulting from development can't be avoided though locating on an alternative site with less harmful impacts.

- Planning polices and decisions should also ensure that new development is appropriate for its location.

- Identify and protect TRANQUIL areas which have remained relatively undisturbed by noise and are prized for their recreational value.

Having seen the latest drawings for the application I have noticed the houses which are to face my home seem to pose a huge privacy issue. The bungalow I live in is elevated above the lane and my living room would be in eye line with the first floor of the new builds. My two main bedrooms which my children occupy will also face the new homes so again no privacy. This would be totally unacceptable in terms of a privacy point of view. This would not only affect me but my close neighbours and the potential new home owner.

The field and orchard are not a good location to build any houses on. I know previously the land has been denied planning twice for one dwelling. So what's changed to even consider any new developments on this site when permission was denied for one plot never mind 34 dwellings? It doesn't make sense. If it's for the demand for housing then then we all know about the thousands of houses currently being built in the local area. I've also read that the area is already over its quota for new homes. The area would not benefit from this particular development going

ahead. So really, come on Clay lane doesn't need this new development to go ahead.

In the application there is offers of "monies" from the developer to help out with this, that and the other, is this a way of buying the decision they want or will the local residents of Clay Lane be heard and get it stopped for all the above and so many more personal and environmental reasons. For some of the Clay Lane residents a new development could have life changing consequences, mainly the high potential of flooding to their homes. Can you imagine what impact this will have on them mentally and financially? I feel that money and profit is taking president over a person's basic rights to feel safe in their own homes and have places of tranquillity taken away from them within the community piece by piece.

10. SOURCE OF COMMENTS: Mrs Mandy Bingham

DATE RECEIVED: 13/12/2020

SUMMARY

Copy of the FWPC email sent. (see above).

Copy of email exchange with DCC Highways:-

From: Robert Smith (Economy Transport and Environment)
[Robert.Smith@derbyshire.gov.uk]

Sent: 25 November 2020 14:15

To: mandy bingham

Subject: RE: Vehicle access

Hello Mandy

In reply to your recent enquiry, exit visibility sightlines are typically taken from a point 2.4m from the carriageway edge (x distance) from the centreline of an access. The exit visibility sightlines (y distance) are usually based on the 85th percentile approaching vehicle speeds or the speed limit in the absence of appropriate speed readings. For simplicity this is typically measured along the nearside kerb line, although vehicles will normally be travelling at a distance from the kerb line. Therefore a more accurate assessment of visibility splay is made by measuring to the nearside edge of the vehicle track. A splay length of 43m is applied based on a speed limit of 30mph, however if a speed survey demonstrates suppressed speeds adjacent the site, reduced splay lengths may be considered.

With regard to refuse vehicles and a minimum width. We would request that a swept path analysis plan be provided, demonstrating turning manoeuvres for refuse

vehicles around bends/junctions and within turning heads without over running kerb lines, over hanging outside the adoptable limits or without the vehicle wheels running within 500mm of the kerb lines.

I hope the above general information has been of assistance.

Kind Regards Robert

From: mandy bingham

Sent: 21 November 2020 17:07

To: ETE Development Control (Economy Transport and Environment)
<ETE.DevControl@derbyshire.gov.uk>

Subject: Vehicle access

Hi,

I'm a resident under NEDDC authority. Would it be possible to clarify your rules with road access to a new build. I have checked on your, Vehicle accesses and it state, driver viability needs to be 45 metres in a 30mph zone. Is this a maximum, or can it be less? Also how wide would the B road, I would exit onto, need to be, to allow a 11.6 meter long dustbin lorry to safely exit onto the B Road? Is there a minimum width to prevent it going onto the wrong side of the road into oncoming traffic? If this was to happen would it prevent any application being granted??

I appreciate your help with this,

Thank you, Mandy

11. SOURCE OF COMMENTS: FPCR: ecologists on behalf of the applicant.

DATE RECEIVED: 14/12/2020

SUMMARY

Lane, Clay Cross – Biodiversity Net Gain Strategy

This document has been prepared by FPCR Ltd. in response to comments received from North-East Derbyshire District Council and Derbyshire Wildlife Trust, dated 5th November 2020 (via email), concerning Biodiversity Net Gain for the proposed development site at Clay Lane, Clay Cross

Introduction

The Biodiversity Impact Assessment (BIA) produced for the development site identifies that there will be a net loss of -8.29 biodiversity units as a result of the site's development. These units cannot be recovered within the scope of the development proposals, and it has subsequently been agreed that off-site parcels of council-owned land will be subject to a scheme of habitat creation and enhancement

to off-set the on-site biodiversity loss. A brief description of the 'Target Sites' is included below, with their locations shown in Figures 1a-1c.

- Sites 1-3 & 5-8 (Figure 1a): amenity grassland under regular management located within the bounds of Sharley Park, between 0.006ha and 0.145ha in area;
- Site 4 (Figure 1b): amenity grassland under regular management located within park off Clay Lane (0.035ha);
- Egstow Sports Pavilion (Figure 1c): parcel of unmanaged rough grassland, dominated by coarse grass species, with tall ruderal component. Scattered scrub, including bramble *Rubus fruticosus*, present throughout and bordered by mature scrub at site margins. Grassland subject to sporadic but widespread horse grazing, resulting in localised poaching and nutrient enrichment from manure. Indicators of semi-improved neutral grassland, such as crested dog's-tail *Cynosaurus cristatus*, common knapweed *Centurea nigra*, common bird's-foot-trefoil *Lotus corniculatus* and ribwort plantain *Plantago lanceolata* present but rare. Pond present at east boundary is dominated by *Crassula* sp.

Condition Assessment

To determine the baseline biodiversity value of the habitats at Egstow Sports Pavilion, grassland habitat was subject to condition assessment in accordance with the Defra 2.0 Biodiversity Metric Technical Supplement¹ on 2nd December 2020. Note, a condition assessment of the grassland at Target Sites 1-8 was not undertaken given the limited biodiversity value of this habitat.

The condition assessment undertaken at Egstow Sports Pavilion on 2nd December 2020 found that 3.43ha of the total on-site grassland resource met with 'poor' condition, failing on the following four (of six) 'Condition Assessment Criteria' for 'Grassland' habitats, as detailed here;

- Wildflowers, sedges and indicator species at high density in high frequency;
- Undesirable species and physical damage <5% total area;
- Cover of bare ground >10% of total area; and,
- Cover of scrub and bramble <5%.

The remaining 0.35ha of on-site grassland met with 'moderate' condition, failing on the following two (of six) 'Condition Assessment Criteria' for 'Grassland' habitats, as detailed here;

- Cover of bare ground >10% of total area; and,
- Undesirable species and physical damage <5% total area.

Principles of Biodiversity Net Gain Strategy

The following section provides an outline of the principles of habitat creation and enhancement, as agreed with Libby Duggan-Jones of the Derbyshire Wildlife Trust and Martin Brown of North-East Derbyshire District Council, proposed for each Target Site;

1. Newly created habitats to meet 'moderate' condition in-line with those habitats proposed to be lost from application site:

- Native scrub planting in Sharley Park to comprise at least 3 woody species of a good age range e.g. young and mature shrubs, managed through annual cut (on establishment) to create well-developed edge habitat. Weed and pernicious species to make up less than 5% ground cover.
- Wildflower creation in Sharley Park to utilise neutral seed mix from reputable supplier.

Managed via 'Cut & Collect' twice annually in early spring e.g. February-March and then again during September-October. Control of undesirable species e.g. thistles and docks to below 5%.

- Orchard planting in park off Clay Lane to include species such as crab apple *Malus sylvestris* and damson *Prunus domestica subsp. Insititia*. Management will ensure there will be no scrub species growing up between the trees and that 80% of the trees are free from damage caused by bark stripping or rubbing on non-adjusted ties. The grass sward will be kept at between 5cm and 30cm and be free of undesirable species such as docks, thistles and nettle.

2. Enhancement of existing 'poor' and 'moderate' condition grassland at Egstow Sports Pavilion to meet 'moderate' and 'good' condition, respectively:

- 'Cut & Clear' sward to <20mm, followed by harrowing of on-site grassland resource to exposed at least 50% bare ground. Sow fresh yellow rattle *Rhinanthus minor* wildflower seeds at density of 0.5g/m² immediately following above ground preparation, and before November. Annual 'Cut & Clear' sward to <20mm in August or early September, with additional cut before Christmas, where possible.

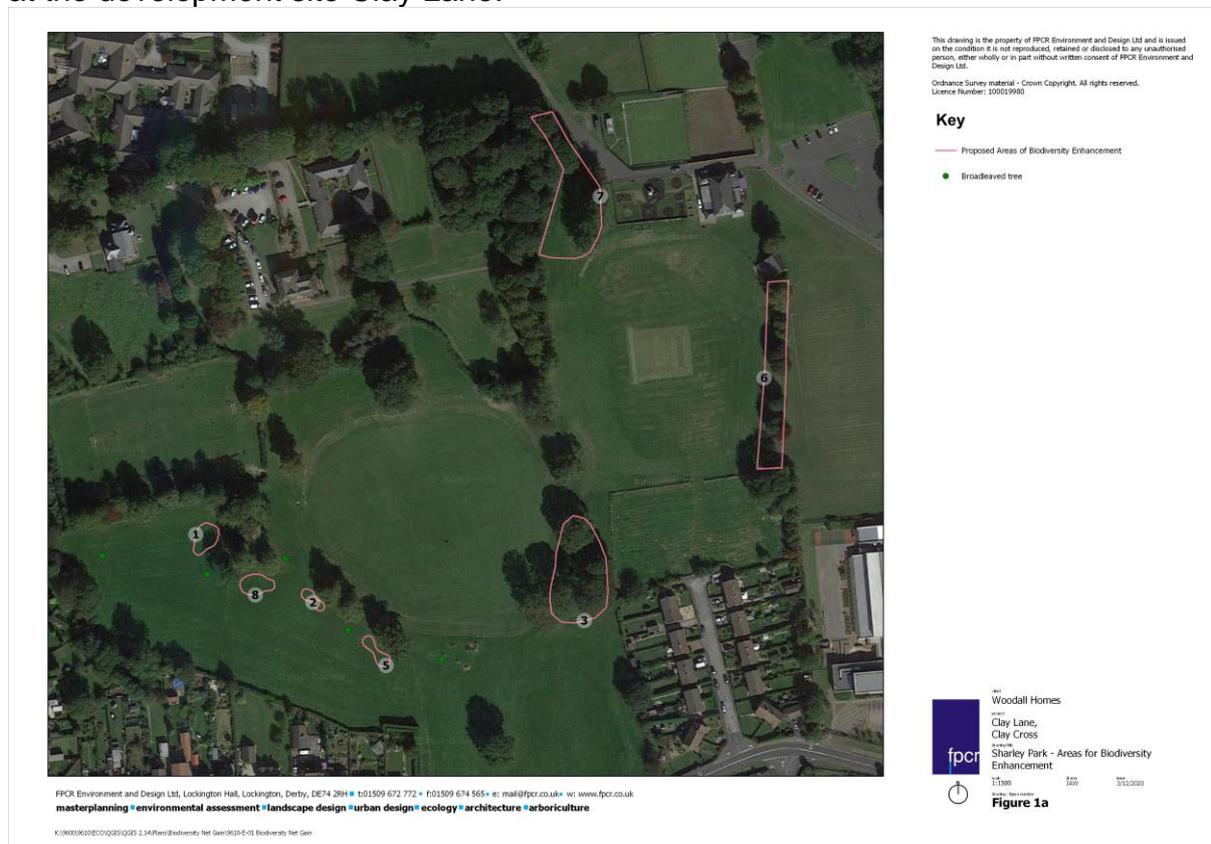
3. Retention of on-site pond at Egstow Sports Pavilion for benefit of amphibians and reptiles (among other species);

4. Retention of scattered scrub located in grassland at Egstow Sports Pavilion to contribute to habitat mosaic and for the benefit of local bird species; and,

5. Management, as above, for 30 years.

Conclusion

While the details are to be left to condition, the proposals outlined above secure c. 10.80 biodiversity units and the application of the above principles is likely to deliver the required number of units to successfully offset the loss of -8.29 biodiversity units at the development site Clay Lane.





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Key

— Proposed Areas of Biodiversity Enhancement

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K:\90019018\01\02\01\025 1.14\Plan\Biodiversity Net Gem\9019-C-01 Biodiversity Net Gem

Woodall Homes
 Clay Lane,
 Clay Cross
 Park off Clay Lane - Areas for Biodiversity
 Enhancement
 1:500 1:250 1:1250
 DATE REVISED BY
Figure 1b



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Woodall Homes
 Clay Lane,
 Clay Cross
 Egstow Sports Pavilion - Areas for Biodiversity
 Enhancement
 1:1750 1:8750 1:35000
 DATE REVISED BY
Figure 1c

Text of Speeches to the Committee

Those registering to speak have been requested to provide the text of their speech to the Committee. The following have been received.

4(a) Application – NED/20/00221/FL – Clay Cross

Carl Singleton – objector

Thank you for allowing me the time to put across my Objection to this planning application.

I need to state that my objection is not a case of Nimbyism. I fully appreciate the need for new homes to address the severe shortage of housing available in the local area. The biggest concern I have got is from additional flooding risks that will be as a result of the additional surface water and additional sewage volume from the new development. Every time there is a significant rain event, the levels of anxiety increase for residents; certainly those bordering Press Brook. From a surface water perspective, I note that the plans show quite clearly that that surface water will run into Press Brook. Whenever the same significant rain events hit that cause anxiety over sewage are exacerbated by the concerns over the brook banks being breached. At the moment, the water can soak away into the existing fields. Once the development is built, then the additional surface water from all the roads and drives and other hard standings, which will be added to overtime, will no longer soakaway but instead make its way into Press Brook. You only have to wander down the Brooks course to see that the amount of debris in there will in part be responsible for the lack of speed to drain the brook during heavy rainfall events. Last year we witnessed the brook being a matter of a few inches from breaching the banks and going into the homes and gardens of the properties adjacent to it.

The next concern is with regards to the local sewage system. I have lived on this estate for over 20 years. During this time, I have lost track of the number of times we have had to clear out my mother-in-laws, who is in her 70's, yard due to flooding from the local sewage system. She lives across the road from me and has the main drainage channel running in her property. When we have the sudden downpours the drainage system down to the sewage works can not cope with the volume of water. We are constantly having to protect the property as much as we can to reduce the risk of raw sewage entering the home. We are then left with the task of cleaning up raw sewage and all the sights and smells associated with that. It is a very unpleasant task and should not be occurring in the 21st Century. When Severn Trent contractors have been to check the drainage, we understand from them that silting/blocking occurs in the sewers further down the system from the housing estate. Adding additional volume to a sewage system that doesn't seem to be well maintained nor capable of taking the current volume would be asking for additional problems which residents should not have to worry about.

Kind regards, Carl.

Richard Eden – objector

Dear members of the planning committee,

I am speaking on behalf of myself and Mrs. Strong of 8 Windermere Road, Mr. & Mrs. Cox of 4 Windermere Road, and all residents of Windermere Road. Our properties are at high risk of flooding each year, and when we have heavy rain the banks of the river burst or we have our sewers backflow into our homes, as these are combined drains, with sewer and surface water.

Severn Trent and the Flood Team are aware of our concerns. Severn Trent are repeatedly notified every year of our concerns but have not improved the system to stop the flooding. They have admitted to our local MP that there is a problem with the drainage with heavy rain, the letter has been attached to the objections on the planning portal.

The Environment Agency have announced that the way climate change is going we will be having more heavy rain fall in years to come, so we will be at a higher risk than previous, taking this into account the residents of Windermere Road feel the planning application should be refused, because of the risk to Health & Safety to them.

The field in question has always been a flood plain, the planning application is stating that the ground will be raised to prevent flooding to the new builds. This will in turn take away our safety net and create the Brook to flood on the opposite bank which is our properties. They want to drain their surface water into the Brook at the same rate as the land drains. This can not be assessed correctly now because of the felling of the Trees from the Orchard which help in the dispersal of surface water.

We are also Riparian Landowners of our land, and our boundaries end in the middle of the Brook, this has not been accounted for in the application, we have not been contacted by the application candidates to inform us of their surface drainage onto our land? We have also been Riparian Landowners of the opposite bank since 1966, and have priority over the ownership of the land, which may be taken up in a legal battle against Provectus who have registered the land in their name, relating to a Conveyance dated 1951, and the correct ownership of the land.

Something should be done to prevent further flooding to the residents of Windermere Road, never mind allowing an application which will result in increasing the risk of flood to existing residents, which will be a Health & Safety risk. Keep in mind that the drains cannot take it now, and an increase onto the system will be catastrophic.

Kind Regards,

Mr. R T Eden. (College Lecturer in Engineering)

Mark Allen – objector

Mark Allen
Windermere Road
Clay Cross

The Planning Committee

I would like to express my concerns regarding the apparent lack of concern regarding the flood issues that the proposed development may cause.

I have carried out significant work to my property to try and protect against flooding in the last twenty years that I have lived on Windermere road and truly believe that by building on the land opposite that Press Brook will flood during times of heavy rain.

The brook rises in an alarming rate in during times of heavy rain and has breached my first line of defence, at which point it breaches the opposite bank where the development is proposed and looked close to breaching my second level, I have submitted photographic evidence showing the brook in flood and overflowing into the proposed development site which is currently acting as a flood plain.

The developers answer was the raise the levels on the proposed development to safeguard the new houses, which I believe will almost certainly cause the existing properties on Windermere road to flood.

There does not appear to be anything being put in place to safeguard our properties against flooding which seems to be a lack of duty of care.

Every year we are confronted with overhead shots of flooded houses on the news channels and yet planning permission is being considered to build on an existing flood plain that floods every winter, which everyone is aware of, and is detailed on the flood risk register etc that the insurance companies use. To approve building on such a flood risk area makes no sense at all and will only lead to the council / Government spending yet more money to help with the clean-up, as a consequence of what will be the inevitable flooding of Windermere road each year if this development goes ahead.

As such I strongly object to the planning application due to my concerns regarding the lack of concern regarding potential the flooding to my property

Regards
Mark Allen

4(b) Application – NED/20/00409/RM – Wingerworth

Tony Carter – objector

The issues raised at the enquiry regarding traffic problems are proving to be underestimated. The addition of all the cars from 180 houses, together with the service and delivery vehicles will make the junction between Spindle Drive and Deerlands Road exceedingly congested, with the prospect of a serious accident happening much increased.

Also, since the enquiry, Stancliffe homes have built an estate whose vehicles will also use Deerlands Road.

The intrusion into the countryside and loss of wild animal and plant environment will alter the character of the neighbourhood. It was claimed at the enquiry that there would be a gap of about 20 m between the houses at the top of the site and the boundary of the development. This does not appear to have been realised, with an increased and significant loss of wildlife habitat.

Both the local primary schools are full and the school proposed on the Avenue site would soon be full as well when that large estate is completed. Almost all these children will have to be taken to school by car with the consequent environmental impact and pollution.

The doctors' surgeries are already very busy.

The building works for phase one were extremely noisy, with the continual beeping from reversing vehicles. In the summer it will be necessary to wear ear protection when in a garden anywhere nearby.

Connections between Spindle Drive and this new development: The bridge proposed is surely inadequate (too narrow). There was a suggestion of an additional footpath linking the two, but this seems to have now disappeared from the plan.

We were assured that Yorkshire Water would solve the problem of sewage disposal which had been causing a lot of trouble even before this development. Can they please inform us what actual steps have been taken to deal with this issue?

In NE Derbyshire, there is a plentiful supply of new houses to satisfy a 5-years supply and so the number of houses in this development is now many more than is needed.

4(c) Application – NED/20/00795/FL – Darley Moor

4(d) Application – NED/20/00921 – Ashover

Chris Miller – Ashover Parish Councillor

Good afternoon my Name is Councillor Chris Miller and I live in the village of Ashover. I am addressing you today as a member of Ashover Parish Council.

I am speaking today regarding Planning application 20/00921/FLH Application to allow for garage repositioning (Amended plans) Clover Lea, Chapel Hill, Ashover.

Ashover Parish Council does not agree with the recommendation put before you for the following reasons:

1. We believe that the relocation changes the character and appearance of the site and has a significant detrimental effect on the amenities of the neighbours, including great loss of privacy and light caused by the proximity and bulk of the structure. This is demonstrated by the submitted photograph using a 4.5m high ladder sat onto the actual building footing. I would like to also bring to your attention that whilst the parapet is 4.5m high at the front, any person using the terrace standing would have a sightline circa 6.5m above ground level!
 - I have submitted two photographs to confirm what will be the actual bulk of the building taken from a standing position in Leasowes drive way.
2. The principle of development has been accepted and is granted in application 19/00225/FLH, however the relocation completely changes the outlook from the neighbouring properties. This is not in accordance with Neighbourhood plan AP1 a,b,d and h, and local plan H5.
3. Policy GS5 accepts development for the original grant but does not take into account the significant impact of the proposed relocation.

4. It is also reported in clause 7.8.2 that users of the overlooked part of the garden at Leasowes is not that which is closely associated with the house. Whereas, in reality this is the main part of the garden for Leasowes and it will be totally overlooked.

Conclusion: Ashover Parish Council oppose the new location of the development as it is contrary to the Neighborhood Development Plan where we were looking to ensure that if any development was undertaken then it should match in with its surroundings, should not be an eye sore and should not cause any of the neighbouring properties problems or annoyance.

Sheila Kirby – objector

Good Afternoon Ladies and Gentlemen.

I am Sheila Kirby and I live at Leasowes on Chapel Hill.

My property abuts Clover Lea.

The proposed garages will have a severe impact upon my property and me personally.

The proposal will have an overbearing effect on my property due to the height and extent of the building.

The original planning consent stated that the structure could only be visible from the shared driveway. This is clearly not the case with the latest proposal which is clearly demonstrated in the photographs I have submitted.

My photographs demonstrate that this building will obstruct natural daylight and block out the sun at certain times of the day and year.

The height of this proposal will have a huge impact upon my privacy and tranquillity as people on the roof terrace will be able to clearly see into my living accommodation and into my main garden to the property and its seating area.

My late husband and I moved to this property 18 years ago because we felt it provided us with a private, peaceful environment in which we could live until the end of our days. I trust that the committee will ensure the correct decision is made so that this remains the case for the welfare of the community which reside at Chapel Hill.

Thank You.

Mrs J Hardwick – objector

The reason for speaking today is not personal, it is to protect the area in which we live.

The use of the huge terrace will overlook and intrude on our privacy and cause noise nuisance. This is demonstrated by my images.

The garage roof terrace will be 45 foot long and approximately 50 foot wide. The garage sticks out and is not tiered into the hillside.

The hedge and wall on the lane side is at present 8ft tall. This is nowhere near high enough to screen the terrace at all. Also it would take years to grow the required height to hide the terrace and people on it. The suggested extra height of the hedge mentioned as a Condition in the Planning Officer's Report is not enough.

The terrace will in effect be a huge stage towering over the hedge and people using it will look down into the gardens of the neighbouring properties.

Because of the sloping nature of the hillside, our garden is lower than Cloverlea, but our seating area is at the top of our garden nearest to Cloverlea. The sounds of people talking on the huge patio will be funnelled downwards to us because we are lower than the terrace. This has been demonstrated during construction as we are able to hear every word of the builders' conversations and there is no escape from their radio in our garden. This is beyond the normal noise associated with neighbours due to the fact that it will be projected from a position so much higher than everyone else.

The terrace is large enough to hold a very large party and would easily accommodate all the paraphernalia associated with gardens but as the roof terrace is not at normal garden height and towers over everyone else, this would intrude into all the neighbours' privacy. Once built it will be there forever for the applicant and any subsequent owner to use as they see fit spoiling the peace and privacy of the area.

The mature trees have been removed which were mentioned as screening the patio in the first application.

I am concerned that if floodlit the patio will destroy the dark skies we enjoy at present.

The suggested Condition of a 1.5 m high hedge above the wall is nowhere near enough to protect us from the noise and the fact we will be overlooked.

I hope you will consider the images and comments as this terrace will have such a huge negative impact on the lives of the neighbours of Cloverlea if it is allowed to go ahead.

Mike Weightman – applicant

Applicant's statement:

- The application seeks permission to reposition the garage by 2m, necessary due to adverse ground conditions which meant building a separate retaining wall.
- To help address concerns we've revised the plan:
 - Internal height reduced 500mm.
 - Roof and parapet wall stepped down from terrace.
 - No access to the additional 2m of roof.
- I believe the already granted permission established this development does not contravene planning. However, Ashover Policy (AP1) has been cited in objections which I believe are invalid:
 - We've respected the shape and form of the property, whilst developing significant enhancements. We've skilled stone masons with English Heritage experience using reclaimed Derbyshire stone to clad all visible parts.
 - With four adults living in the property, 4 garage spaces are appropriate; helping to avoid on-street parking. The garage will also house a plant room.
 - The development does not adversely affect neighbouring properties, being a significant distance from boundaries: 3.5m away from the party wall with the nearest neighbour, Leasowes, which is a further 4m - 5m away, at a slight angle away from Clover Lea. The other side of the development is >2m away from the boundary with Chapel Hill road, beyond which the closest property is Touchstone. The view from the roof garden will overlook Clover Lea's long garden down to the shared access road >17m away. No private gardens are overlooked. Only Leasowes'
 - driveway, Touchstone's entrance gate area and other driveways can be seen to the sides.
 - We're retaining all party walls and setting back the development. The garage will be mainly underground and has been structurally designed to take garden / lawn on top. We're taking great care to ensure it blends into the surroundings, does not impose on neighbours and protects our own privacy.
- Diversion of water courses onto Chapel Hill has been cited. This is also not true. All run off is being channeled into a new connection to the public drainage system, as approved by Severn Trent.

- We've breathed new life into a tired property, taken the effort to source new matching stone locally and reclaimed Derbyshire stone to ensure it blends beautifully into the surroundings. We're using traditional stone building methods alongside modern technology (GSHP, rainwater recycling, a tanked structure supporting a garden, etc) to help reduce carbon footprint and aid sustainability which I'd hope is the sort of development supported by local planning.

Michael Weightman