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Second Supplementary Agenda – Item 7

Late Representations – Summary Update Report



**North East
Derbyshire
District Council**

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Date: Monday, 11 October 2021

To: Members of the Planning Committee

Please attend a meeting of the Planning Committee to be held on **Tuesday, 19 October 2021 at 1.00 pm in the Council Chamber**, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield S42 6NG.

The meeting will be open to the public. However, because of the capacity limits on those who can be present in the Council Chamber, due to the Coronavirus (Covid-19) outbreak, the number of places will be restricted. Those wishing to attend will need to book in advance. **If you would like to attend this meeting then please contact the Governance Service: Governance@ne-derbyshire.gov.uk or phone: 01246 217391 to register your request.**

The meeting will also be live streamed from the Council's website on its You Tube Channel.

Yours sincerely

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

Assistant Director of Governance and Monitoring Officer

Members of the Committee

Councillor William Armitage
Councillor Andrew Cooper
Councillor Peter Elliott
Councillor Mark Foster
Councillor Roger Hall
Councillor David Hancock
Councillor Lee Hartshorne

Councillor Maggie Jones
Councillor Heather Liggett
Councillor Alan Powell
Councillor Jacqueline Ridgway
Councillor Kathy Rouse
Councillor Diana Ruff

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

AGENDA

7 Late Representations - Summary Update Report

(Planning Manager – Development Management)

We speak your language



North East
Derbyshire
District Council

Polish

Mówimy Twoim językiem

Urdu

ہم آپ کی زبان بولتے ہیں

Romanian

Vorbim limba dumneavoastră

Chinese

我们会说你的语言



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If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.

Planning Committee 19th October 2021

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: Brackenfield

APPLICATION: 21/00938/FL

CASE OFFICER: Alice Lockett

1. SOURCE OF COMMENTS: Brackenfield Parish Council

DATE RECEIVED: 8/10/2021

SUMMARY:

The Council welcomes the opportunity to consult on this application and has the following comments:

This application does not address the issues which were raised by this Council to the previous application 17/00996/OL in regard to the following point:

Sewerage: The backing up issues and overflow into gardens of Carr Lane of sewerage in the last ten years - The issue has been worsened by the addition of further houses at the top of School Lane into the main sewers a few years ago. These signifies that the present sewer is already at capacity and additional properties can only exacerbate these problems.

The previous owner of the land was granted personal use of the land as horticultural use. However it was not designated horticultural and so presumably the land has reverted to agricultural use and therefore a change of use of land would be necessary first?

In these matters the Parish Council support the objections raised by the Brackenfield Neighbourhood Plan Implementation & Monitoring Group.

OFFICER COMMENTS:

These concerns are dealt with in part 7 of the officer report to members.

2. SOURCE OF COMMENTS: Mr Gladwin Turbutt

DATE RECEIVED: 12/10/2021

SUMMARY:

Reminder of objection comments sent of 10th September 2021 and the fact that development on this site has been refused before.

OFFICER COMMENTS:

Mr Turbutts original comments are dealt with in part 7 of the officer report to members.

PARISH: Ashover

APPLICATION: 21/00914/FL

CASE OFFICER: Adrian Kirkham

1. SOURCE OF COMMENTS: Agent

DATE RECEIVED: 4/10/2021

SUMMARY:

Ecological report received prepared by Ardea Ecology LTD dated 4 October 2021. The reports concludes that "the habitats within the spreading area are considered to be of low suitability for GCN and the RAMS measures included within this document outline suitable measures to reduce impacts to this species to an acceptable level."

OFFICER COMMENTS:

Officers have consulted with Derbyshire Wildlife Trust (DWT) to ascertain their comments (see below).

2. SOURCE OF COMMENTS: Derbyshire Wildlife Trust

DATE RECEIVED: 6/10/2021

SUMMARY:

DWT have reviewed the ecology report submitted which provides a more detailed outline of the proposed spread area in Section 1.3.4, which avoids the identified field tree. This plan should be referred to in any permission granted.

The report also addresses the remainder of DWT's concerns. No badger setts were identified on or adjacent to the application area and the report states that no spreading of soil will occur within 20 m of the woodland/trees to the north. Access will utilise an existing gap in the hedgerow, avoiding hedgerow loss. Reasonable avoidance measures are set out in Section 4 with regards to GCN and badgers and we assume these have been agreed with the applicant. These should be secured through an appropriately worded condition requiring compliance with these measures.

OFFICER COMMENTS:

The DWT comments satisfy any outstanding ecological concerns. Appropriate conditions as requested by DWT should be included in any consent granted.

3. SOURCE OF COMMENTS: Officers

DATE RECEIVED: 14/10/2021

SUMMARY:

Based on the comments provided by DWT above officers consider that the condition 3 relating to the submission of a badger survey is no longer required. This should be omitted from any decision issued by the Local Planning Authority.

Condition 4 should be re-worded to take into account the findings in the Ecological Report prepared by Ardea Ecology LTD dated 4 October 2021.

For the avoidance of doubt condition 3 should be removed from the decision and condition 4 renumbered 'condition 3' and reworded as follows:

The Reasonable Avoidance Measures set out in Section 4 of the Ecological Report, prepared by Ardea Ecology LTD dated 4 October 2021 shall be adhered to and maintained prior to and during the works hereby approved.

OFFICER COMMENTS:

Officers have asked DWT to confirm in writing that the above changes are acceptable. Confirmation has been received that it is but it has also been stated that the soil should not be removed until the wildlife conditions relating to the housing site have been discharged. Officers are of the view that, as this realties to another development site, this should be subject of a note on any permission granted.

4. SOURCE OF COMMENTS: Mrs Evans

DATE RECEIVED: 15/10/2021

SUMMARY:

If this application is approved control over 17/00200/OL and the associated RM application 19/00868/RM will be completely lost and the Council will be unable to enforce the conditions imposed on those two previous applications.

If this application is approved, the conditions need to be robust enough to prevent further circumvention of the planning process.

I am really unhappy about the implication that "tip off by neighbours" is the reason that a consultee to this application made some recommendations. Surely in a public process, anyone can talk to anyone else to ensure the facts are known? We are well within our rights to speak to consultees.

It wasn't apparent from the title of this application that the source site for the soil is part of planning application 17/00200/OL, which has many outstanding pre-commencement conditions. We merely wanted to ensure that the full facts were available to the DWT, who we have been in regular contact with over the past 5 years.

The original application sought to preserve the local environment and benefit Ashover. The loss of habitat for wildlife cannot be replaced, and if the reports are not even submitted prior to taking away yet more soil, there is not a chance that any mitigation can be put in place for our badgers, small mammals, newts, owls, hares and insects.

The whole planning process that started with 17/00200/OL has been a debacle. Concerns have been dismissed or completely ignored right from the outset. The applicants have so far not discharged a single pre-commencement condition. It has been three years since this valuable agricultural asset has been used for any agricultural use. I would much rather have cows as neighbours, certainly.

We are wanting the process to be followed correctly to protect the wildlife in our area and to ensure safety of the site for building. (Soil contamination, and land stability due to lead mining are of serious concern). Too many questions remain unanswered because after 4 years the applicants have not submitted a single condition for discharge. This application is another attempt to strip the field of its soil and thus render several conditions irrelevant.

Many concerns we have raised previously have been dismissed out of hand or totally ignored, and we are frustrated that we are not being listened to and respected as valid respondents to the planning process as neighbours to the development site. Errors that we have pointed out on various application forms do not appear to be followed up. This needs proper consideration at the Planning Committee meeting.

OFFICER COMMENTS:

The application should be assessed on its own merit and the comments of the Derbyshire Wildlife Trust are set out above for consideration by the Committee.