



**North East
Derbyshire
District Council**

Supplementary Agenda
Item 6 Late Representations Report

Contact: Alan Maher
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Date: Monday, 10 January 2022

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 18 January 2022 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. Click on the following link if you want to view the meeting:

[North East Derbyshire District Council - YouTube](#)

Yours sincerely

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 - Chair

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

AGENDA

6 Late Representations - Summary Update Report (Pages 3 - 5)

(Planning Manager – Development Management)

We speak your language

Polish
Mówimy Twoim językiem

Romanian
Vorbim limba dumneavoastră

Urdu
ہم آپ کی زبان بولتے ہیں

Chinese
我们会说你的语言



North East
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District Council



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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 18th January 2022

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: Clay Cross

APPLICATION: 21/00627/FL: Variation of condition 2 (approved plans) of NED/20/00221/FL to allow for changes to the road alignment and plot positions at Clay Lane, Clay Cross for Woodhall Homes.

CASE OFFICER: Phil Slater

1. SOURCE OF COMMENTS: Lead Local Flood Authority (LLFA)

DATE RECEIVED: 12.01.2022

SUMMARY:

The LLFA considered the letter sent on 29th of November 2021 to have formally removed our previously raised objection. However, at the request of North East Derbyshire District Council to clarify the LLFA's position, the LLFA would like to formally remove the objection, which was detailed in our first formal response on the 3rd of August 2021.

The LLFA would also refer to our letter dated 29th of November 2021, regarding our continued concerns relating to flood risk from the Press Brook watercourse, and these remain a concern for the LLFA. A question has been raised as to whether there are any other acceptable methods of hydraulic assessment, which would demonstrate that the LLFA's flood risk concerns have been allayed (other than a full hydraulic model).

After careful consideration and obtaining expert opinion on this matter, the LLFA conclude that only a full hydraulic model of the Press Brook watercourse on the site, to validate the true extent of any potential flooding on the development side would be acceptable. The full hydraulic model would give the LLFA the necessary confidence that robust evidence has been provided, to ensure that both the existing flood risk (ie Properties on Windemere Road in Flood Zone 3) isn't increased, and the development is safe from flooding in line with the current National Planning Policy Framework. Advice on the type of model that will be required can be found on the link provided below, however, we would generally aspire to a 1D/2D integrated hydraulic model, so any flood extents can be fully realised, along with the predicted flood depths over a range of different design flooding events.

2. SOURCE OF COMMENTS: Mark Allen

DATE RECEIVED: 21.12.2021

SUMMARY:

Good Afternoon everyone

As you are aware from my talk at the planning committee meeting on the 14th December I am extremely concerned regarding the potential flooding of the existing homes on Windemere road due to the LPA allowing the developer to raise the levels on the Eastern bank of Press Brook.

Common sense dictates that if the land on the Eastern bank used to flood and has been raised the water will have no option but to come over onto the Western bank especially as the watercourse has been narrowed due to the raised levels. In the council document ED22_SOCG CC2 dated May 2018

Section 5.1 states "the council considers a yield of approximately 25 homes to be appropriate"

As a compromise to protect the existing residents I suggest that plots 11, 19 and 20 are removed and that the garden on plot 18 is rotated to the side of the house rather than the rear of the house. This would still leave Woodhall homes with 31 out of the 34 houses which is 6 more than the council originally thought would be appropriate.

The main benefit of this would be that the embankment along the brook in that area could then be lowered back down to the original level and put what was acting as a flood plain back in place to protect the houses on Windemere road from flooding, which is what the residents are all concerned about.

I understand that the council would be liable to pay Woodhall homes compensation for the 3 lost dwellings, however I have been informed that contrary to your legal advice, the council would be liable if we flood as there is documented evidence from council meetings dating right back as far as 1994 stating the land is at risk of flooding, so the LPA had prior knowledge of the flood risks and yet went ahead with granting the planning permission.

I believe that in the long run it would be cheaper for the council to propose the compromise than pay out if the whole of Windermere road floods. I urge you to consider this prior to the next planning committee to help protect us and put things right.

3. SOURCE OF COMMENTS: Mr Richard Eden

DATE RECEIVED: 05.01.2022

SUMMARY:

I object to the submission from the DLP. The application was deferred on the grounds that the councillors wanted more clarity of the flood risk. This submission gives no clarity of this and seems to divert from the motion.

I would like to make aware the fact that the so called land registered on the EA flood zone maps as flood zone 1, has now been proven that the land is flood zone 3 with the levels that the LLFA have taken. The LLFA have objected and stated that this has increased the flood risk to Windermere Road.

Woodall have a catchment tank on their plans, which is not adequate to prevent flooding to Windermere Road. I believe they are not commenting because they can't prove that the rising of this development and the surface water drainage won't create further flood risk to existing residents.

4. SOURCE OF COMMENTS: NEDDC Engineers

DATE RECEIVED: 17.01.2022

SUMMARY:

Engineers have not provided drainage comments previously due to this being a major development and therefore led on by LLFA. Having reviewed the application we would echo comments made by LLFA that the proposed works have no increase of impact when compared to the approved application, however as they have raised concerns regarding the outcome of the hydraulic assessment it would be advised that the developer provides further modelling as requested to allay any concerns, ensuring all properties are not at risk from flooding.