

Item 4

PLANNING COMMITTEE 16th AUGUST 2022 CORRESPONDENCE RECEIVED AFTER PREPARATION OF THE AGENDA

ITEM 5.1. – APPLICATION 22/00590/FUL - SINGLE STOREY REAR AND PORCH EXTENSIONS, APPLICATION OF INSULATED RENDER TO EXTERIOR WALLS AND NEW ACCESS AND ROADWAY TO FIELD AT HOLLY CROFT, TROUGH LANE, HULLAND VILLAGE

1. The following comments from Cllr Murphy (County Councillor for Hulland Village) have been received:

I visited the site yesterday. The applicant is applying for a new entrance into their property. The first question that was asked, “Has Highways been to site to survey the site?” I have contacted Highways and passed the questions to them for answering. I thought I would let DDDC planning know about the concerns raised by the Parish Council.

The further points raised with me yesterday were as follows:-

- 1) The ground from the road way rises 3 metres over a bank which is not obvious from the plans submitted with the application. They advise me that the drive must not be more than 1/10 gradient.
- 2) The new drive will have to cross drains and manhole covers, meaning major works to redirect the services if that is possible.
- 3) Part of heritage hedge would have to be removed to accommodate the new entrance drive. Possibly not a Highways concern.
- 4) The new splay for the drive would have to encroach onto the neighbouring properties land.
- 5) There are concerns about the new entrance onto the highway where there is a national speed limit of 60MPH. Visibility is not good.

There are other aspects to this application that do not concern highways that the village are truly happy and certainly don't want to be seen as anti other aspects of the application. The major concern is **Road Safety**. They have one accident blackspot not too far away and they do not want to see another created in the village without further study of this new proposal.

Officer Response:

From the officer's report, the Local Highway Authority engineer has carried out a desk based assessment of the proposal. They have advised that they have no objections from a traffic and highway point of view. The engineer will have looked at highway margins and the amount of visibility onto this section of Trough Lane. A condition is recommended to agree the details of the roadway construction, engineering work, gradient and landscaping of the access.

Members will need to consider whether the access is necessary to sustain the needs of agriculture and consider the impact of the development on the local landscape in addition to any highway safety impacts (if they disagree with the advice of the Local Highway Authority).

2. The following background information has been received from a local resident:

The Sewell have been at their property today and Mr Sewell has installed a motion camera on the lawn facing the proposed access to the paddock.

He has also constructed a sign which he has fastened to their side of the back access gate to the paddock.

The sign says:

‘PRIVATE LAND NO ACCESS NO PUBLIC RIGHT OF WAY’

One can only assume that this sign has been put there to give the impression that he does not have a back access to his paddock.

For the last 20 years or more access to the Cobscoft bungalow field has been through Cresswell (Farmers) land through a five bar wide gate. This is in addition to the other gate that gives them access from their driveway.

This access at the back of the Sewell’s field through this gate has been granted by the Cresswell for all these years as a Gesture of Goodwill, as you go through one of their fields. Having spoken to Rosie Cresswell on Saturday to check all the information I had been given was correct, she confirmed it was and that there has never been an issue with any of the previous owners of the above property being given access to the Cobscoft field. I should add this only happens about 3 or maybe 4 times per year.

She then went on to explain that this gate is **now padlocked shut , NOT by the Cresswells but by the Sewell’s**. I understand that the Boundary Hedge and gate actually belongs to the Sewells.

They have in fact locked themselves in!

I was somewhat shocked by this information as I think we all thought that the Hedge Boundary including the second gate was owned by the Farmer Cresswell, but they don’t own it.

So in conclusion it is somewhat baffling why they want yet another access to this field when all they need to do is ask the Cresswells. I have used this access in the past myself when we had work to do behind our hedge, it was not a problem. Or of course the Sewells could just widen the existing other gate with access from off their driveway.

All the above got me thinking even more!

The Cresswell's are farmers and have recently had Severn Trent working on their land laying water pipes. She told me that they have to put the pipes in the ground at least 1.5 metres down and that enables heavy farm machinery to drive over the water pipes. So the same will apply to the Sewells water pipes which are close to the other gate giving access in this field.

I have been advised that Severn Trent have confirmed that . If you take into account the level change between their garden and the road, it will be much lower than 1.5m where they drive over it.

Officer Response:

Officers advise that the above background information is noted.

ITEM 5.3. - APPLICATION 22/00398/FUL - PROPOSED EXTENSIONS TO CREATE NEW DEMENTIA UNIT AND RECEPTION AREA WITH ASSOCIATED LANDSCAPING WORKS AND CREATION OF NEW PARKING AREA AT IVONBROOK RESIDENTIAL CARE HOME, EVERSLEIGH RISE, DARLEY BRIDGE, MATLOCK

Further representations have been received from the occupier of 22 Eversleigh Rise and are summarised below:-

I note that there have been changes to the proposed car park but the new drawing isn't available online. Could you send me the amended plan. Is there any assurance that the reduction to 9 places will not revert to 11 at any stage? And that 3m is the closest it will come to my wall.

I have viewed the sectional drawing showing the heights of the new roof standing alongside my house. However this is deceiving as it does not show heights of the nearest and lower part of my roof. It will be 0.61m higher. There is no drawing revealing the true impact.

If possible, it would be beneficial for car park drawings and a sectional drawing showing roof levels at the relevant place to be available to councillors visiting the site on Monday. Or in time for the planning meeting on Tuesday.

I can see from the site section DD that the building would be 3.36m above my wall and only 8m away! The drawing shown from this direction compares it to the highest point of my roof and not the lowest. Yet the lowest point is closest. It's a bit deceiving.

There is still no sectional drawing from the other direction (would it be south facing?)The figures and car in the drawing are to scale so I shall see people and vehicles. I appreciate that the car park is slightly further away and with some screening and I appreciate your efforts to achieve this.

Further representations have been received from the occupier of 24 Eversleigh Rise as below:

From looking at the plans it appears that the car park slopes up towards the new build, this follows the natural slope of the land. This means that vehicles will be parked at the same level as my bedroom window.

I have very little tree screening at the rear of my property, which looks straight across to Ivonbrook. At present the end windows at the rear of the home are visible from my bedroom. The top part of the new car park will be much closer to my house and clearly visible through the "gap" between where the tree cover ends and No 22 begins. This will result in vehicle headlights, possibly blue lights and security lights (although cowled) – shining in my bedroom window.

It appears that the car park will be tarmacked and coupled with the natural slope of the land, run off could be a problem. I note that drainage is to be provided but I am concerned that this will be insufficient, leading to deterioration in the condition of our boundary walls.

I am concerned that the first floor of my property will look directly into the end bedroom windows of the new unit through the "gap" which I fear may not have been taken into consideration. This will affect my privacy and that of the residents.

A further representation has been received from the occupier of 26 Eversleigh Rise as below:

1. The scale drawings submitted along with the proposal indicate an increased roof height of 1.1m over the existing structure. This measurement was provided by Sarah Arbon during a meeting at the Town Hall. Page 7 of Thinking Buildings Statement indicates an increase in height of 2m, is it 1m or 2m? and are we able to reply on the rest of the plans?

2. On page 6 of the same report an increase in floor area of "only 33%" is referenced, the yellow area of the new building when compared to the existing structure to which it attaches seems far in excess of 33%. Or are they including the largely disused Ivonbrook House within this measurement?

3. The Preliminary Ecological Appraisal was I think completed in November and indicates an absence of reptiles and amphibians. Each year our garden is visited by a multitude of frogs and toads as they make their way to the brook and lagge to the West of the Ivonbrook property. I would suggest that the proposed building area is something of a highway for these amphibians. Slow works are also present in the surrounding area, we encounter them frequently whilst walking our dogs. The trees surrounding the site play host to a variety of nesting birds each year including the usual garden birds, songbirds and the occasional sparrowhawk and of course buzzards. Most evenings there are also plenty of bats in the air. These certainly use buildings in and around the area as roosts. The Home page for the website of the business boasts of "hoards of wildlife" and quotes Residents enjoy regular visits from wild deer that roam the grounds and can be seen grazing in our wheel chair friendly grounds. There will be less visits from deer once the grazing grounds are taken over completely by a new building.

4. The arboricultural survey indicates certain trees of a low quality and from looking at google earth doesn't seem to show all of the trees present on the site. I am aware that

Ivonbrook Properties have cut down a number of trees in recent years so this may account for any discrepancy. The trees seem to be in rude health and no doubt their low quality is something that only an expert could appreciate. The report suggests that a small number of trees would be removed with the majority to be retained. The report further states that the building will be partly “dug into” the hillside to keep the profile down, would this not result in the possibility of the trees adjacent to this activity dying from the disturbance leading to a far greater impact from the reduction in tree cover.

5. Page 11 of the same Thinking Buildings report indicates the creation of 4 extra full time equivalent jobs, I expect to keep the number of additional parking spaces required to a minimum. This seems especially low particularly given the creation of 16 extra bedrooms, all en suite for high dependency dementia patients. I would have expected a much higher level of staffing increase for a 40% increase in room capacity of such high dependency patients especially when catering, cleaning and general upkeep are taken into consideration. This could be because they are already overstaffed by again seems at odds to the semi-permanent recruitment hoardings at the end of the drive and in Bakewell.

6. Page 11 also references no increased flood risk in other areas. My home is attached to no24 and has a void beneath the ground floor rooms. A number of years ago during a particularly wet winter the void at no24 filled completely with water. Every winter the garden remains waterlogged for several months. Whether or not the new building will have any impact on this I can't say but I don't imagine that several thousand square feet of additional concrete, tiles and tarmac will help our situation or those less fortunate and closer to the river by the bridge.

7. The additional car parking finishes 900mm from the wall at no22, based on the increased capacity of the home and the needs of the proposed additional patients I would expect that this in practice will be considerably busier than the proposal suggests with doors slamming, engines starting and lights going on at all hours of the day and night. The proximity of this to my home never mind no22 and no 24 causes a good deal of concern. As with any carpark the users will occasionally drive into the walls at the perimeter of the carpark.

8. My wife is permanently employed to work from home and has been for several years. She uses an office at the end of the garden by our boundary adjacent to Ivonbrook which has power, insulation, heating, light and Wi-Fi installed. Setting aside the proposed building works during which time I would expect working this close to the site will be all by impossible, we have very real concerns as to increase noise from the site especially during the summer months when the windows will be inevitably opened. Unfortunately, as a family we have experience of relatives with dementia and are aware that they do sometimes shout out at all hours of the day and night. Our office also has a window/hatch by our boundary wall which I measure to be 17m from the nearest window on the proposed development. This is used for light and ventilation in the summer months. The windows to the rear and side of no22 will be far closer than this. You are welcome to inspect the site from our property at any time.

9. We have a seating area at the end of our garden by the boundary wall with Ivonbrook, I am concerned both by the noise during construction but more particularly the ongoing noise especially during the summer months when windows will inevitably be opened for fresh air and ventilation.

10. I'm not sure when exactly but around the time that the trees were removed a couple of glazed outbuildings were installed by Ivonbrook presumably as staff welfare areas. This area is I think used by staff to take a break and a cigarette. This has already led to increased noise and light pollution causing the upper floor of our house to be far lighter than it was previously. I am concerned that the proposed development will increase both the noise and light effects both from staff and patients alike to the detriment of our home. This is particularly noticeable in the summer months when our windows are open for improved ventilation.

11. Whether or not this is a planning consideration I don't know but I do question the impact of such a major development upon the wellbeing of the existing residents of the home. Having endured a number of minor building projects I can't imagine the noise and disruption of something of this scale.

The time between your request for the sectional drawings and their receipt was several weeks, the time between their receipt and the planning recommendation was a very few days. On a project of this size, are there any guidelines as to timings for a decision to be made and then the time between that and a planning committee meeting?

The parking which was already tight has been reduced further, is the parking considered to be adequate?

The plans indicated "approx." next to certain measurements. Your sectional plan that you kindly sent indicates an increase in roof height of 0.5m from the current roof height. What leeway is acceptable under the term "approx." and how is this managed during construction?

OFFICER RESPONSE

Paragraphs 7.6 – 7.9 assess the relationship of the development with these properties.

The Highways Authority has reviewed the amended plans and state the following:

The reduced number of spaces still exceeds the 6 required, on the basis of 1 space per 3 bedrooms which generally accords with the maximum standards in the County Councils former Parking Standards document.

With the distance between the site and Eversleigh Rise, should any overspill parking occur, it is unlikely to have an impact on the adjacent highway and accordingly a highway objection is not considered to be sustainable.

Paragraphs 7.13 and 7.14 assess the impact of the development upon trees and ecology.

The whole of the site falls within Flood Zone 1 which is land at the lowest risk of flooding. A flood risk assessment (FRA) is not required for the development. The Lead Local Flood Authority have been consulted and raise no objection.

5.4 APPLICATION 22/00409/FUL - DEMOLITION OF EXISTING DWELLING AND ERECTION OF BUILDING COMPRISING OF 15NO. RETIREMENT APARTMENTS WITH ASSOCIATED UNDERCROFT PARKING AT 23 CHESTERFIELD ROAD, MATLOCK

Further information from the Business Delivery Co-ordinator at Chesterfield Royal Hospital NHS Foundation Trust have been received to justify the need for a health care contribution should the application be approved.

Officer Response:

Members are advised to note this request.

5.7 APPLICATION 22/00616/FUL - TWO STOREY EXTENSION TO SIDE AND REAR AT WHITEBEAM COTTAGE, HILLSIDE LANE, BRASSINGTON

The following representations have been received from Phillip Johnson (Shellboards Farm):

Following the planning application process for the 2-story extension of Whitebeams Cottage and the due process of seeking of representations, the planning committee document does not take into cognisance the tangible objections cited by the parish council or any of the representatives' letters.

Very few of the points raised have been satisfied or explained with reference to policy or reasonable argument. The 'Approved with conditions' seems to reference the material fabric of the extension, however does not take any cognisance of the reasons for the extension and increasing of capacity of a holiday let business into a large short term let party house.

DDDC planning have not sought to review facts of a wider issue, and the seeming ignorance to the wider political situation around second homes/holiday lets is objectionable. No empathy is shown to disturbed neighbours, and the council seem to be happy to create a party house, when other councils and the national press are reporting that further measures and/or licensing systems are being reviewed to safeguard neighbourhoods against such developments. Numerous appendices are included to demonstrate, see back of document.

There seems to be no balance in the planning committee's recommendation i.e. with the statement;

"It is noted that comments have been made about the property currently being used as a holiday let. The application seeks permission to extend the residential dwelling house and must be determined on that basis and on its own merits. Whether or not there has been a material change of use of the property is a separate matter"

This is a fact, it is used as a holiday let, and whether it is a material change or not is definitely not a separate matter, as the increase in size that this planning application seeks to approve contravenes

DDDC's own planning rules in reference to PD1, PD9, HC10, & HC21.

1.1: Extracts from Planning Committee documents and observations

5.3 Brassington Parish Council – Comments the following: Brassington Parish Council consists of 7 councillors who unanimously object to this application. The owners do not live in the property, but let it as a holiday cottage. This already increases parking problems. An enlargement would allow greater numbers of holiday makers which would increase disturbance to the neighbours and also add more cars to an already congested area. Brassington already has a large number of holiday cottages.

There can be no valid reason for this extension. It would merely increase revenue for the owners who do not have to put up with the inconvenience which Brassington residents already have to tolerate.

5.4 Cllr Dermot Murphy – No Comment.

5.5 Cllr Richard FitzHerbert – No Comment

The councillors have no comments despite 7 councillors unanimously objecting to the application, how is this possible? Why is no further dialogue being entered into, for debate and fairness? this is about sustainability of neighbourhoods, and a democratic ability for a parish council and a planning application process, to be treated with 'no comment' is not acceptable nor fair.

Furthermore, the other representatives letters have been cherry picked for comments and limited responses are provided; citing that the planning application has only been reviewed for the material element of the building. It shows no empathy to residents and clearly paves the way for the development of a party house.

1.2: Narration against DDDC Planning policy and contraventions Policy PD1 extracts

“The District Council will require the layout and design of new development to create well designed, socially integrated, high quality successful places, where people enjoy living and working”

The first line of policy PD1 states where people enjoy living and working. The business being operated and the potential increased size and number of accommodation further increasing has potential to increase noise pollution and therefore inhibiting enjoyment of living and/or working.

The Planning committee have seemly ignored the facts that this is a live business and the increased capacity will fundamentally change the operation and increased potential for traffic, noise etc. **“Requiring that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity”**

Again the planning committee have not seemly taken into cognisance that;

- Overlooking is being increased and no mitigation measures have even been entertained.
- Noise; the development is very likely to increase noise levels, as the party house holiday lets potential increased as more accommodation is provided.
- Adverse impacts on local character; A party house has obvious impacts on local character.

“Requiring that developments are designed to minimise opportunities for anti-social or criminal behaviour and promote safe living environments”

The quantity of noise complaints to DDCC demonstrates anti-social behaviour, and with increased capacity this business is likely to create more anti-social behaviour. I have myself been threatened with violence after confronting partying guests late at night.

Policy PD9 Extracts

“The District Council will protect people and the environment from unsafe, unhealthy and polluted environments”

The planning committee have seemly not taken into account any of the noise complaints to DDCC references in the objection letters.

Policy HC10 Extracts “The District Council will support proposals for the extension of residential properties, and for erection of outbuildings incidental to the enjoyment of the dwelling, provided all the following criteria are met: a) the plot size of the existing property is large enough to accommodate the extension or outbuilding without resulting in a cramped or overdeveloped site”

The planning committee have seemly reached a decision on this based on subjective views, i.e. when the business is at full capacity, cars spill out of the property and create disruption as-is, The committee needs to base its decisions on the facts; increased capacity will increase car numbers and therefore is a subjective, not factual view that it is cramped and further cars and the additional comings and goings and the logistics therewithin contravene HC10

“c) following construction of the extension, or outbuilding, sufficient space is available for the parking of cars, in line with the Council’s Parking Standards, in a way that does not detract from the character and appearance of the area.”

This has not been reviewed correctly by the planning committee, and has failed to review the facts

as provided by numerous objections.

Car Parking Standards 6.61 The provision of off-street car parking is necessary to ensure the safe and efficient operation of the highways network. As such the District Council will seek to ensure that the amount of car parking required by new development is in accordance with the standards set by Derbyshire County Council as Highways Authority.”

As per the above.

Policy HC21 Extracts

Vehicular parking for new development should be provided having regard to adopted standards, as set out in Appendix 2 of this Local Plan, or where the

developer can adequately justify their own parking provision with evidence accompanying any planning application. Evidence will need to demonstrate that the level would not have a detrimental impact on the local road network.

The planning committee have provided no facts, only seemly a view as-if this were a family home; which it is not.

Officer Response:

As set out to members at the site visit on the 15th August, the use of the building as a party house, could amount to a change in the character of the lawful use of the building as a dwellinghouse (main residence or holiday let), falling within Use Class C3 of the Use Classes Order. The proposal to extend the property has been presented as a householder application and it is intended that the building be used as such by persons living together as one household and should be assessed on this basis. Any significant change in the character of the use that amounts to a material change of use of the building would require a separate grant of planning permission.

The proposed layout plans indicate that the building as extended would continue to have 4 bedrooms, however, it is accepted that the study and other areas could potentially provide further bedrooms. The residential parking standards for four bedroomed dwellings in rural areas is three spaces for each dwelling. Three off-street parking spaces can be accommodated on site and in this respect the development would be policy compliant.