

Item 4

PLANNING COMMITTEE 13TH SEPTEMBER 2022 **CORRESPONDENCE RECEIVED AFTER PREPARATION OF THE AGENDA**

ITEM 5.1. – APPLICATION 21/00956/FUL - ERECTION OF SHOWER BLOCK/ BIN STORE AND FORMATION OF ACCESS TRACK (PART RETROSPECTIVE) AT LAND ADJACENT BIGGIN VIEW, DOG LANE, HULLAND WARD AT FARLEY MEADOWS CAMP SITE, BENT FARM, FARLEY HILL, FARLEY

The following comments from the applicant have been received following the site visit that was undertaken on the 12th September 2022.

I am not sure what exactly went on at yesterday's site meeting, but I gather from my dad, Stuart who was there on our behalf, that Mr Farmer was again making allegations about land ownership and testing.

I can confirm this morning that Mr Farmer has been made fully aware that he does NOT own the land he stated was his, and it's also become apparent that he hasn't had any testing done, as when questioned by the actual land owner for the testing report he was unable to confirm who and when it was done, and doesn't have any record.

This just clearly again shows that Mr. Farmer is not trust worthy to represent such a role, and is pre-determined in his decision and trying to persuade other members to make inaccurate decisions.

Officer Response:

Officers advise that the comments are noted.

ITEM 5.2. – APPLICATION 22/0616/FUL - TWO STOREY EXTENSION TO SIDE AND REAR AT WHITEBEAM COTTAGE, HILLSIDE LANE, BRASSINGTON

The following comments from a resident of a property at Hillside Lane have been received:

At the previous meeting regarding the planning application all of the councillors took on board the concern's of the local residents in close proximity of Whitebeam Cottage.

A final decision was deferred to take into account a Highway's report.

Can I take this opportunity to state that this application is not just a parking issue, it is about over occupancy, over development, noise and protecting local resident's privacy and way of life.

At the initial meeting all of the councillors expressed concern's and agreed with the objection representation's at the original meeting that the application be refused but deferred their final decision until this meeting after an Highway's report was received.

The resident's who reside around Whitebeam are strongly against any extension which could possibly lead to over occupancy and disrupt their way of life in their mature year's.

Eight of the Eleven properties around Whitebeam being occupied by retiree's who deserve to live their lives happily in the village they have lived most if not all of their lives.

Yes a Highway's report would be good but I hope that all the concerns of past parking and property damage will have been taken into consideration by the department before they make any representation. Eighteen properties have been damaged over the last Twenty months, the last one (Melbourne Cottage) being hit by an ambulance on the 9th September trying to get through a smaller access lane due the larger alternative route was blocked.

Officer Response:

Officers advise that the comments are noted and that they have regard to the consultation response received from the Local Highway Authority and the Environmental Health Team and the nature of the application, in terms of the lawful existing use of the property and the scope of the application.

ITEM 5.4. – APPLICATION 22/00008/OUT - OUTLINE PLANNING CONSENT FOR THE ERECTION OF UP TO 15NO. DWELLINGHOUSES AND ASSOCIATED GARAGING WITH APPROVAL BEING SOUGHT FOR ACCESS AT LAND ADJACENT BIGGIN VIEW, DOG LANE, HULLAND WARD

The owners of 27 George Rodger's Close have made the following comments:-

The plans submitted by the applicant are still incorrect with the boundary to the south of Plot 23 Woodgate point is drawn as a straight line by the applicant whereas conveyance plans clearly show it is curved and hence cuts across our property. They feel it is vital that decisions are made based on the correct information and that due diligence is exercised by the applicant.

The Highways Authority refer to the management company will be responsible for the unadopted roads, however, Woodgate Point Management company has not yet been established, one home remains unoccupied.

The "access strip" is currently constructed as a private drive, beneath which services run. It will not withstand heavy traffic.

Confirmation of who would actually be responsible for any damage, and future maintenance of this proposed access, ie the Woodgate Point Management company or the new development Management company is required.

There is a gated access from the proposed site to the B517. Perhaps this could be an alternative access, if the developer would contribute towards the construction of improved traffic measures at the Dog Lane junction, ie. A roundabout.

The plans for the private drive to be the main the access route to the site makes no provision for a safe footpath or disabled access to the two entrances to our property plot 23 Woodgate Point.

The owner of 19 George Rodgers Close moved into the property on the 28th March 2022 and has never received any notification of this application.

They consider the entry road that is proposed it not wide enough for two cars to pass and is totally unsuitable for the use of a road to the proposed development.

Officer Response:

The applicant was given a copy of the conveyance plan for the built out Cameron Homes site and has altered the plan accordingly, however, as this land is not within the red line application site or the ownership of the applicant it is only how the connection of the road to link to this site that is relevant. Legal issues in relation to land ownership and access are not within the remit of planning.

The original consultation was undertaken on the 21st January 2022 and all occupied properties with address points at this time were notified and a site notice placed on site as per the Council's procedures.

The Highways Authority were requested to give a view on an alternative access and confirmed that they would not be in a position to support the development served via a new junction onto the A road (A517) at the location of the existing field access for the following reasons:-

1. the close proximity to Dog Lane (the junction would be located within the visibility splay for Dog Lane, and vice versa, and emerging vehicles would block visibility for users of the other junction. There is also potential for confusing turning manoeuvres)
2. restricted forward visibility of, and for, a vehicle waiting to turn right in the junction – due to the horizontal alignment of A517 – the reason for the solid double white lines.

ITEM 5.6. - APPLICATION 22/003FUL - USE OF LAND FOR 6NO. GLAMPING PODS. 2 NO. AMENITY BLOCKS (ONE EXISTING) AND ASSOCIATED PRIVATE DRAINAGE SYSTEM AT LAND NORTH OF HEY LANE, WIRKSWORTH

Twelve further letters have been received to the amended scheme which are summarised below:-

The proposal would lead to more traffic using a narrow, bendy lane with blind corners, particularly at St Helens Lane end approaching Wash Green. There are no pavements for pedestrians and walking /cycling is hazardous.

The Racecourse has temporary permission for camping and additional expansion of facilities on this site will exacerbate the traffic situation and increase noise from their temporary events.

Sight lines along the road are very limited and there are no speed restrictions.

There has been a noticeable increase in traffic over the past few weeks which has been dangerous when walking on St Helen's Lane.

The Racecourse owners have blatantly flouted the 28 day rule and seemingly have continued to develop infrastructure for substantially more than 6 pods.

It is firmly believed that if permission is granted for the pods, the owners will continue to expand the site-regardless of permissions. Therefore, in the event that approval was given for this much reduced operation, we would strongly urge the Authority to impose the strictest conditions to prevent further expansion which, if disregarded, would result in immediate revoking of any licence.

The revised plan still shows a row of 'pods' and a substantial amenity block at the highest part of this site without any natural screening or existing buildings.

Sited on skyline, the linear nature of the placing of the pods and their mushroom-like design would be completely out of character in this rural location, unduly prominent and conspicuous from all surrounding long distance views.

The Block Plan does not reflect the true scale of these structures in the field and there is no mention of where the visitors' vehicles will be parked.

A group of 6 pods of this size does not require such a substantial sanitation block as proposed let alone 2 amenity buildings.

The existing block has been the cause of numerous problems for neighbouring properties and should be removed if a second block near the pods is constructed. all permitted camping rights should be withdrawn if consent for up to 6 pods is granted. This would reduce the scale of disruption to both neighbours and road users.

The unauthorised static caravan remains outside the barn and the number of wooden sheds in this area has increased this summer. These should not be needed by the proposed downsized glamping development and should be removed to help reduce the noise problem experienced by those living nearby.

The owners of Hurst Cottage note that although this revised application has removed the request for 140 camping pitches, included in the original application, it retains the same infrastructure to support it.

The application positions the glamping pods at the top of the site with an amenity block B. If this is the case there should be no requirement for the amenity block A.

As the closest neighbour to the reception area at the Racecourse Retreat the lights around the barn being left on until well after 11.00pm has completely taken away our dark skies and enjoyment of such. Not to mention the same lights shining directly onto our inside wall affecting our sleep.

The noise and constant arrival/departure of cars from the steep gravel driveway, parking alongside our garden wall, slamming doors, lots of excited chatter/shouting, people going to and from the amenity block A,

The TENS licence allowing them to sell alcohol is very much a concern.

Relocate the entrance and driveway to the other side of the main barn and away from the local properties and blind bend.

Block A was erected without planning permission last year and has no sewage system.

The land has only been used for hay and grazing of sheep and so to suggest the application is purely done out of need to diversify is disingenuous.

Since the year 2000 the applicant has predominantly used his land for recreation by hosting a series of events all of which involve noise such as fireworks displays, music, scramble bikes and quad bikes.

While 6 glamping pods may not seem excessive, 6 pods and the continued use of permitted development at the site is not acceptable.

Visitors to the site will all use cars, and over the summer period the use of the lanes nearby due to 'permitted' development has been excessive.

We live on the far side of the hill around half a kilometre from the site and we have found the noise from the site disturbing.

The owners of Hardhurst House noticed that their livestock didn't graze in the land adjacent to the site due to noise and litter and damage to a stone wall has been noted. The siting of the requested glamping pods and amenity block would be highly visible from most aspects which is inappropriate as it would spoil the countryside views for which this area is known.

The proposal interferes with the setting of Hardhurst Farm which is a Listed Building

The mobile home opposite Hardhurst Farm is already an eyesore on the lane opposite the Farm.

The campsites which have already been up and running have clearly interfered with local residents' ability to enjoy their homes in peace because of the increase in noise and traffic they create. This will only be amplified as a problem if the new proposed development goes ahead.

There toilet block across the road from the nearest properties to their current campsite is already causing problems with noise and light pollution at night.

Derbyshire Police Designing Out Crime Officer has no further comments.

The agent has made the following comments on the committee report:-

We are very frustrated you did not give us the courtesy of letting us know what was happening with the application or give an indication of the Committee date so that at the very least we could get it booked in. We have repeatedly asked for feedback and offered to provide more information or amendments if required.

In the reasons for refusal you have introduced issues which have not been mentioned previously despite us asking numerous times for feedback.

You also make passing comments in the report about the need for clarity on the drainage proposals -you only had to ask. You have misunderstood the proposals and not sought clarity from us - for information the chemical disposal point has to have a separate mobile septic tank unit as there would be chemicals in it. Chemical toilets cannot be emptied into the composting system as it would kill the 'good bacteria' (micro-organisms) in the system. If glamping is approved, it is unlikely that a chemical disposal point would be used very often (if at all) -they are for people who bring their own chemical toilet for use in a toilet tent for example.

Reasons for refusal -

Unsustainable location

If you needed more information about the diversification you could have requested it. The location cannot be changed but we did explain about the mini bus service for visitors who arrive by train - which doesn't seem to be mentioned. You have also failed to explain the fallback position of Permitted Development camping - these uses more than outweigh the 'unsustainable' trips generated by 6 glamping units -this is a material consideration that we identified and failure to balance this against your concerns about the unsustainable location makes this recommendation unsound. We ask you to review this and advise the committee accordingly.

Landscape

In terms of landscape impact the applicant would be very willing to provide information about the impact from any specified viewpoints of concern. The applicant is also very willing to implement indigenous planting -which could be controlled by condition. Your landscape officer commented that "The proposed campsite's visual impact within the local landscape would therefore appear to be minimal" but yet you have included local landscape impact in your reason for refusal (with no reference to any viewpoints). The landscape officer was also unable to identify any longer viewpoints of concern. This issue can be addressed with more dialogue -if we were clear what the concern is and relevant viewpoints, but it was not discussed with us.

Ecology

We did not consider that there was likely to be any ecological impact as this is an agricultural field that is used for hay production. If we had been asked to provide an ecology survey one would have been provided. This reason for refusal can easily be addressed with an ecology report -you did not ask for one.

Impact on Listed Building

This was not mentioned previously in any feedback and we were not provided any Conservation Officer comments. At 7.18 of the report you state "It is not considered the building would constitute adverse harm to the heritage asset...". I.e. No Harm. Despite this lack of harm you have applied the balancing test of less than substantial harm vs public benefit. This test does not apply where there is no harm and we feel this makes the recommendation on listed building harm unsound. We ask you to review this prior to the meeting and advise members accordingly.

The applicant would be happy to amend the design of the building (if necessary), and/or move it away from the road to the back corner of the large barn. This would fully address any issue about setting of the listed building. This reason for refusal does not follow from your assessment and is unsound, but it can be addressed - you did not discuss it with us.

Impact on Residential Amenity -Amenity Block A

When amenity block B is built near the glamping pods, Amenity block A would not be needed at night and its frequency of use during the day would also be substantially reduced (mainly used by new arrivals and staff). As above, Amenity block A could be moved to the end of the barn (away from the road) and/or could be conditioned to be used during daylight hours only. This reason for refusal can easily be addressed but you did not discuss it with us.

Officer Response:

An update on the case was provided on the 21st June 2022 outlining the concerns and opportunity was given to amend the scheme. Amended plan were received on the 11th August 2022.

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