

PLANNING COMMITTEE
12TH DECEMBER 2023

CORRESPONDENCE RECEIVED AFTER PREPARATION OF THE AGENDA

ITEM 5.1 – 23/01339/FUL – RESIDENTIAL DEVELOPMENT OF 87no. DWELLINGHOUSES WITH ASSOCIATED LANDSCAPING, INFRASTRUCTURE AND ACCESS AT LOT 2, LEYS FARM, WYASTON ROAD, ASHBOURNE

Further comments have been received from Local Residents which raise the following concerns:

- Photographs have been received which show flooding on Wyaston Road, underneath the A52.
- Concerns regarding the amount of traffic
- Concerns regarding highway safety
- Concerns regarding flooding
- Concerns that residents' concerns have been ignored.

Officer's Response

The responses received from Local Residents have been considered as part of the assessment of this planning application. The individual points raised above are addressed in the Officer's report.

Email received from the applicants agent which suggests that Noise Impact Assessment - *WRA-BWB-ZZ-ZZ-RP-YA-0001_NIA_S2_P01* has been missed off the list of approved plans (condition 2) and requesting that Condition 23 be amended to require delivery of the play area prior to 60% occupation of the properties.

Officer response:

Condition 2 shall be amended to include reference to the Noise Impact Assessment for clarity and Condition 23 is amended in accordance with the above to allow the play area to be installed in at an appropriate time in accordance with the build out programme.

In response to the land drainage concerns raised at the site visit, the applicant has advised the following:

Further to our recent discussions concerning the above proposals, along with the Committee site visit yesterday, with input from our drainage consultants I felt it helpful to clarify a few of the queries raised by Members in connection with the drainage strategy proposed. As I understand, these principally related to the A52 underpass to the southeast of the site, and the proposed outfall into the watercourse to the west of the site:

- Amongst other items, the proposals are supported by a robust Flood Risk Assessment
- and Drainage Strategy that have been critically assessed and agreed by both Severn Trent Water and the Lead Local Flood Authority.
- The post-development flood route plan resembles that of the pre-development flood routes (these follow the existing topography flowing south and west). This

means that the direction of rainwater runoff remains unchanged following the development.

- Importantly the site is not at an elevated risk of flooding i.e. it is Flood Zone 1, and the proposed development will not increase flood risk elsewhere, including to the A52 underpass, as the site will be positively drained west away from this.
- Special consideration has been made to control and manage rainwater in a sustainable way, ensuring that the amount of water leaving the site is not increased following development. Indeed, as is standard practice, the calculations account for
- exaggerated circumstances such that this will likely mean that the quantity of
- rainwater leaving the site is actually reduced from what is currently experienced.
- The principles listed in the National Planning Policy Framework (NPPF) have been followed, meaning surface water runoff is treated prior to discharge into the watercourse on the far west boundary.
- The construction of the drainage from the application site to this watercourse will be constructed and designed in accordance with STW and LLFA Consent. Following any planning approval, both these parties will remain involved in the approval of construction information and methodology, with STW approving works up to the watercourse, and the LLFA approving all works within the watercourse, including method statements of construction, materials used, and any remedial works required to improve the current state of the watercourse.
- The proposed flow into the watercourse is negligible in relation to its capacity. The
- proposed, controlled flow entering this is estimated to be less than 5% of the overall watercourse capacity.
- The construction into the watercourse will likely involve a robust, pre-cast concrete headwall, the making good of any eroded banks/beds, and replanting of any plants required. This will be prepared in partnership with STW and the LLFA as part of the detailed drainage design, and submitted for approval in relation to draft condition 9.
- Critically, we have worked closely with the LLFA and STW to ensure our proposals put forward are supported and technically robust, supplying all relevant information to inform their assessment as and when required (to which they have both raised no objections and recommend standard conditions be imposed).

ITEM 5.5 – 23/01102/FUL - ERECTION OF 9 NO. DWELLINGHOUSES AND ASSOCIATED WORKS AT LAND NORTH OF HAWTHORN HOUSE, CLIFTON ROAD, CLIFTON, DERBYSHIRE

E-mail received from the applicant's agent noting the recommendation for refusal. Note one of the reasons relates to insufficient information being submitted relating to BNG, specifically the absence of a BNG metric. Advise that the Council have had this information for several weeks but it could not be submitted via the Planning Portal with the other documents, as it is an excel format and these are not accepted. Ask that the Council confirm having received the BNG and obtain an updated comment in relation to the metric in time for the Committee.

Officer's Response

The above matter was raised with Derbyshire Wildlife Trust and they have advised that the metric submitted by the applicant does not match the BNG Report (FPCR, October 2023). The metric predicts a net loss of habitat and hedgerow units, whilst the report predicts a gain. They have advised that this needs following up with the applicant's ecologists.

Two emails sent by local residents to the Local Highway Authority on 7th and 11th December 2023, questioning the visibility splay, which are summarised as follows:

- believe there may be difficulties in achieving the required visibility
- looked at on plan, it appears that the splay can be achieved (although this will require a section of wall and fence removing in front of Hawthorn House)
- when one looks at the ground levels, and a section view along the sight line, we are doubtful that the required visibility can be achieved
- come Spring and Summer when the grass verges and tree foliage are at their most vigorous growth the visibility will be even worse
- aside from the visibility aspect we would also bring to your attention that, although recorded accident data may only show a few accidents, there have been numerous non recorded accidents and near misses over the last few years as the volume of traffic has dramatically increased
- the most dangerous manoeuvre is when travelling south away from Ashbourne, and turning right into Doles Lane - one is frequently required to stop in the carriageway to wait for a gap in the on coming traffic
- this leads to a build up of cars/lorries stacking up behind towards the blind bend by Halfway House
- our datum height for the sight line, 2.4m back from the carriageway, is taken at the back of the existing hedge line
- this level would be significantly lower once the ground was excavated and the new access constructed
- therefore, it follows that the required sight line would be significantly more obscured at Areas A and B on the survey
- highway safety is a major concern and is documented in many of the 78 objecting letters that are listed on the Derbyshire Dales planning web site
- this weekend severe flooding occurred again on the carriageway close to where the proposed development is planned and vehicles were having to cross over the white lines to avoid the flood - this adds to the already hazardous profile of the road
- attached images taken on Saturday 9th December 2023 and would like you to take this additional information into account in your assessment of the suitability of the planning application.

Officer's Response

The Local Highway Authority has considered the above and advise that they consider that the required visibility splays are achievable in line with their previous response.

ITEM 5.6 - 23/01120/FUL - RETENTION OF 5M AMATEUR RADIO AERIAL MAST HOLDING A ROTATOR WITH 3M AERIAL MOUNTING POLE AT 33 ROCKSIDE VIEW, MATLOCK, DERBYSHIRE

A further letter of representation further to the completion of the Officer's report which is summarised as follows:

- photographs produced on the report are of exceptionally poor quality and do not provide a clear picture to allow the true visual impact of the mast to be properly considered
- when such evidence is produced a camera of sufficient quality should be used, details should also be given of the lense used i.e. fixed, wide angle or adjustable zoom

- with a wide angle or zoom the view can be distorted and not provide a true representation from the point that the photograph is taken - no such details are provided
- planning objection clearly describes Health and Safety concerns, in the medium to long term, regarding transmissions from the equipment fitted to and associated with this mast
- Mr Griffiths seems to have adopted the unqualified position of an expert witness in this field and explains in some detail all about radio waves giving numerous unfounded assumptions - clearly he has no idea as to the exact equipment in use by the applicant (nothing listed) and therefore the unknown dangers or possible effects to the health of nearby residents are unknown
- Mr Griffiths also ignores my question as to whether there is an additional commercial use but infers that the applicant uses the mast so much that it is not practical for it to be lowered in between periods of use
- health and safety concerns cannot be dismissed in such a trivial unfounded way by a responsible local council
- no mention that Mr Griffiths even consulted with Environmental Health in this respect but is sufficiently confident to recommend that planning consent is given!
- it appears, from all of the additional information in his report, that Mr Griffiths has had further in depth discussions with the applicant - if this is deemed necessary, bearing in mind this is a process open for public consultation, then surely further questions and answers should be documented so that they are available for public view.

Officer's Response

Given points raised in the representations, further information/clarification was sought from the applicant to seek to address the points raised. It was considered unnecessary to reconsult all neighbours on the information provided which amounted to a request for additional information by way of explaining the height of the mast and an explanation as to why the conifer trees that screened the former mast were removed.

2. Following the committee site visit, clarification was sought on the nature of transmission and why Environmental Health had not been consulted.

Environmental Health have since advised the following:

Radio operators are licensed by Ofcom – they are the regulators, not us.

The applicant has advised the following in respect of the nature of transmission and licensing.

Amateur Radio in the UK is regulated by [Ofcom](#) in collaboration with the [Radio Society of Great Britain](#) of which I am a member. The topic of transmissions was in fact covered in Gareth's report in sections 7.15 and 7.16 but I am very happy to add some more information for context.

Both myself and my wife hold Ofcom issued Amateur radio licenses with the callsigns of G0FQB and G7NLJ respectively.

The station receives 24x7 aircraft tracking data feeding into internet destinations in Holland and the US.

In my spare time I use the station for transmitting when conditions are favourable, the maximum power my equipment can produce is 100 watts but I generally operate well below this using weak signal digital modes.

As commented on the phone Ofcom have today released the initial findings of a consultation that has been happening over the last few months which I have appended to this email which may help with some background. The current limit for me as a fully licensed radio amateur is 400w. During 2024 this is likely to be increased to 1000w, I have no intention of changing my station in line with these new limits.

The transmission on site is well within operating limits and is not a risk to human health. If residents have a concern or consider that the transmission is exceeding the limitations of the licenses, this should be raised with Ofcom as the regulator.

ITEM 5.7 - 23/00695/REM - APPROVAL OF RESERVED MATTERS FOR THE ERECTION OF UP TO 75 NO. DWELLINGS (OUTLINE PLANNING PERMISSION 22/01044/OUT) AT LAND OFF CHESTERFIELD ROAD AND QUARRY LANE, MATLOCK.

Matlock Civic Association have made further comments as reported below:-

On 15th November 2023 I wrote to you as follows

"I have attached Matlock Civic Association's representations, following our monthly meeting on 13th November 2023, in response to the substantially amended detailed application . MCA fully appreciate the efforts of the council and the applicants to improve the proposal, but hope that due consideration will be given to the few remaining, but important, issues referred to in the attachment".

The attachment has been posted on the Planning web-site , but it is not referred to in the Committee report.

Consequently, I should be grateful if you would ensure that our remaining concerns are reported to the Committee so as to comply with the terms of your letter of your notification of 4th December 2023. Failing that, the item should be deferred to a later meeting to ensure that our views can be properly reported.

I thought it might be helpful if I confirm Matlock Civic Association's views having regard to the report to Committee.

MCA particularly object to the substantial use of a half-transom in the bottom right - hand corner of a large proportion of windows in front elevations. The applicants have not complied with the Council's letter to them on 3rd October 2023 in which it is stated that "The contemporary windows and window proportions appear to be incongruous".

A generally accepted rule of good practice in window design requires the visual "centre of gravity" to be in the centre of the window and this approach has been consistently followed in traditional development in the locality. Failure to make this change will negate the many positive amendments arising from collaboration between the council and applicants.

Proposed condition 6 will not cover this point because condition 1 specifically accepts the "Housetype Plans Pack" which includes the discordant window designs

Proposed condition 5 partially covers our concern but sample panels should be sought to ensure that the specification of the reconstituted stone, including the colour, is acceptable.

PEDESTRIAN ACCESS TO QUARRY LANE

Our request is not covered in the report.

FLOODING

Our representations at outline stage remain “that the discharge of surface water run-off from the site will not be increased” and that “this must be subject to robust testing”

Your feedback on what action will take place before the Planning Committee to respond to this e mail would be very much appreciated.

Further to my recent discussion with Jason, I have registered to speak in respect of the above planning application on behalf of Matlock Civic Association (MCA). I would be grateful if you could ask the Chairman to ensure that 2 relevant drawings could be displayed at the meeting to assist me to explain the concerns of Matlock Civic Association in respect of window types.

The drawings are to be found in the “Housetype Pack” dated 27th October 2023

They are :

Drawing 26 which is on page 2 of 37 on the council’s web site

Drawing 15 which is on page 20 of 37 on the councils’ web site

Cllr Hughes

You may not have noted that the foul water from this development will flow into a foul water drain that has spilled into Bentley Brook 41 times for a total of 211.74 hours in 2022 at the Websters Terrace Combined Sewer Overflow,

I am concerned that just as in other locations, this may have health implications particularly as Bentley Brook flows through a park and then into the Derwent which is used for recreation downstream.

Would you be able to comment?

Officer Response

The comments raised in the letter dated 15th November 2023 have been reported as they are a repeat of original issues raised and are provided in summary form at paragraph 5.3. The specific housetypes have been added to the committee presentation.

The principle of development has been granted in the outline which includes the principles of a drainage scheme that will be submitted for approval in the discharge of conditions 4, 21-26 with consultation with the LLFA. This reserved matter application relates to layout, landscaping, scale and appearance.