

7th December 2022.

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Formal Objection to the above.

From the outset of this objection, I wish to register my total opposition to HPBC as the LPA administering this application further and advancing it to determination stage. I consider such authority totally compromised and unfit for purpose for the following reasons –

1 -

- The application site abuts land which is a public asset and is in the management of HPBC, currently green open space and an ex-council refuge tip.
- The combined area of above land is included in the local adopted development plan 2016 for accelerated housing development and disposal, adopted policy H2.
- A previous disclosure by HPBC operative Ms S Porru indicates publicly owned land allegedly in the management of HPBC, but it is not, and is in fact in private ownership.
- Numerous pages of information have been disclosed under a subsequent FOI request which clearly details the association between the applicant and HPBC and partnering arrangements to the mutual financial benefit of both parties, and an established 3-year relationship.
- Public disclosure of a HPBC 6-page internal memo dated 24/11/22 further confirms the above and discloses several breaches of planning principles by the applicant in attempting to develop land outside of their ownership and control, and not included in the HPBC Adopted Local Development Plan 2016 contrary to policy H2. The content of para 3, page 3 is staggering.
- Cllr S Gardner, serving ward Cllr for Simmondley has held a private meeting with the applicant at pre-application stage and has failed to disclose the agenda and minutes of that meeting despite numerous and recorded requests. In addition, and in the event of application approval, he has failed to request planning conditions or S106 and CIL community donations be applied contrary to official consultee recommendations. This matter has previously been brought to the HPBC attention and that of the Snr Legal Services officer.
- The LPA have withheld application supporting documents from publication into the public domain despite my previous request going back to 11/11/22.
- Copious amounts of additional supporting documentation required to take an informed view of the application has either not been requested or withheld by the applicant or the LPA. Regardless, the application was still validated on 3/11/22 by the LPA after nearly 4 weeks of LPA consideration (application submitted on 7/10/22).
- The above disclosed memo accepts and identifies encroachment into 4 areas of publicly and privately owned land not within the remit and ownership of the applicant. More importantly, **land not included in the development plan for development and contrary to adopted policy H2**. Regardless the author of the HPBC memo clearly states – **‘This does not raise a particular issue in principle and is acceptable from a policy point of view’**.
- If the above is acceptable to the LPA, one wonders why the adopted development plan has not been abandoned, torn up, and consigned to a skip.
- It has been disclosed today that Simmondley was previously awarded £125,000.00 via developer contributions to improve children’s play facilities in the area, and regeneration of the ex-council tip area. That money has sat in the HPBC bank account for many years without providing the above. It is accepted that it has recently been announced that the local children’s play area is to be improved to the sum of £37,500.00. However, that leaves a remaining balance of £87,500.00. Obviously HPBC are not going to expend that amount (plus years of bank interest revenue generated) on land designated for housing development, but as an alternative, have failed to propose any other community improvements within Simmondley.

In view of the above and the LPA(s) obvious bias and accommodating relationship with the applicant, potential further financial remuneration to itself, and not the greater good, the public can be excused in having no confidence whatsoever in the LPA dealing with this application in a balanced, fair, proportionate, and the open manner required, and compliant with adopted policy, constitution and lawfully under quasi-judicial process.

2 – In the event the LPA are minded to proceed despite the above, they are advised that the matter has been referred to my MP for potential call-in procedure by The Secretary of State, Department for Levelling up, Housing and Communities (Ministry of Housing, Communities and Local Government). The application to be determined by inquiry held by the Planning Inspectorate.

3 - Regardless, and for the record I wish to register and record the following grounds for objection to the above application.

Highways

The application in submitted form is totally lacking in technical detail, notation, clearly defined plans and specification. This is further confirmed by Derbyshire County Council (DCC) consultation response dated 1/12/22 and published by the LPA on 5/12/22.

The content of the above is a critical summation of shortfalls based on limited information made available by the applicant.

Based on the supporting document (in limited form found at page 40) of the applicants transport assessment, plan ref SCP/20087/SK01, I wish to make the following observations in advance of receipt of more defined and compliant detail –

I conducted a highway inspection on 29/11/22 re the A57 Dinting Vale, Glossop and Adderley Rd, Simmondley, where a new intersection and T junction are proposed.

I can confirm that the entire school, the bus stop shelter, and set down zone on the north side of the A57, and a freezone to facilitate the parking of circa 5 vehicles is omitted from the applicants extremely limited in detail plan identified above.

The above parking area is between the speed camera and the school keep clear zone.

In addition, a disabled parking bay on the south side of the A57 is also omitted.

The pedestrian pelican crossing is entirely off plan and therefore not shown in relationship to the above.

The additional zigzag no parking zone for the crossing virtually abuts the school keep clear zone.

An existing driveway abuts the crossing clear zone and cars from it merge onto the A57 at that point.

The A57 south side bus shelter is to be relocated 15mtrs to the east and is 3mtrs wide. When relocated the easterly end of it will be level with the **left-hand gate post of the school entrance**. I have marked its exact location on the stone wall at the rear of the pavement with pink chalk lines. It will stand above the water culvert which runs under the A57.

The relocated bus stop set down zone is 21mtrs long and covers 90% of the width of that side of the carriageway and will also restrict access to the electricity sub-station when buses are parked there.

When remarked in thermoplastic on the road surface it will cover circa 90% of a no parking white line zone protecting the entrance to the Guide HQ and the driveway to the adjacent property. Inevitably those access points will be blocked/obstructed on several occasions throughout the day and evening.

In consideration of all of the above, the interface of all items will cause severely restricted safety sight lines in both directions on the A57.

The interface of the new access road with the A57 in close proximity will inevitably exacerbate the situation.

Uninterrupted sight lines from the new access road do not achieve the required standard of 2.4mtrs measured from the rear edge of the A57 pavement and longitudinally over a distance of 54mtrs as required by DCC Highways Dept.

The applicants own transport assessment plan page 40, appendix B only achieves 43mtrs when measured 0.5mtrs into the A57 carriageway which is not the correct datum point to measure from.

Interface of all the above will inevitably encourage dangerous vehicle manoeuvres and travel direction on the wrong side of the road.

No vehicle hierarchy is proposed and no traffic control from the new access road by way of new traffic lights is included in the scheme at the A57.

The proposed layout at the intersection of the access road and Adderley Rd based on the above plan can merely be based on guesswork in relation to that proposed in simple outline.

The new development will accommodate circa 250 additional vehicles contributing up to 1000 extra vehicle movements per day to access and egress the development site.

In my opinion, it is a formula for a serious accident or fatality waiting to happen at two locations.

In respect of the receipt of detailed proposals from the applicant, all requirements of DCC Highways Dept should be appended as conditions to any consent, and not simple advisory notes.

The scheme in it's current form is contrary to adopted policy DS4 and S5

Policy H3 New Housing Development

The application seeks to provide a mix of 10 domestic property types and models.

However, the applicant chooses to describe additional bedrooms as studies across the development site.

This amounts to –

All the properties with studies (in reality an extra box bedroom) makes the model -

Jenner semi-detached 3 beds into 4 beds X 10 units

Nelson detached 3 beds into 4 beds x 8 units

Trevithick semi/mews 2 beds into 3 beds x 21 units

4 beds without studies are declared as such.

So, across the site -

Total 4 beds = 39 units (Newton, Wordsworth, Shakespeare, Priestly all detached) + Jenner semi-detached & Nelson detached.

Total 3 beds = 35 units (Brunswick) semi-detached + Trevithick semi-mews

Total 2 beds = 20 units (Brahms) semi-mews

Total 1 bed = 6 units (Chinley) flats

Total = 100 units

Accordingly, the proposal makes over provision of 2 bed properties, and an under provision of 3 bed properties, and over provision of 4 bed properties, and additionally considering manipulation of bedroom numbers, and does not accord with the 2022 Housing and Land Needs Economic Assessment.

Therefore, the application contravenes adopted policy H3.

Affordable Housing

The applicant offers zero affordable housing of any description, despite an adopted plan requirement for 30%. The applicant chooses to offset this against a derisory offer of a community contribution aligned with their own viability assessment, which is considered grossly overvalued in development cost terms to the applicant.

Accordingly, the application does not accord with adopted policy H4.

Parking and Cycle Storage

By their own admission, the applicant has acknowledged that the proposed development does not accord with appendix 1 of the adopted local plan in the provision of sufficient facility for off-road parking on the development site.

Due consideration should be given to the number of bedrooms declared and those that are to be delivered which influences such capacity.

1, 2, and 3 bed units 2 spaces per dwelling. 4-bed dwelling 3 spaces per unit. Where no garage or sheds are provided 1 space per unit. A relatively small number of 7 dwellings have garages.

The site makes no provision for visitor cycle sheds and for 100 domestic dwellings, only 5 visitor parking spaces adjacent to plots 93 to 98.

Accordingly, the application is non-compliant with the structure plan.

Nationally Described Space Standard (NDSS)

By the applicant's own admission in supporting documents, plots 93 to 98 are lower in volume than the required standard and are not compliant with Doc M of the Building Regulations.

Energy efficiency - SAP is the Government's Standard Assessment Procedure for Energy Rating of Dwellings. The development is borderline in requirements of Doc L of the Building regulations.

Surface and Foul Water Drainage.

The applicant has submitted plan ref HYD712.

The proposal is pivotal on further site investigation and causes severe reservations to both United Utilities and DCC as the Lead Local Flood Authority (refer to response reports under consultation process).

For my part, I make the following observations –

The surface water drainage system is pivotal on connection at the south of the site within HPBC land and outside of the control of the applicant. It remains to be seen how accommodating HPBC are in this respect.

In addition, the surface water drainage system is also pivotal on connection at the north of the site within private land, to which access is definitively denied.

Accordingly, the scheme in its submitted form is unachievable.

In addition, the scheme proposes to discharge to an underground culvert which passes under Adderley Road, the section of which is in private ownership and outside of the remit of the applicant.

This proposal causes grave concern as the culvert re-emerges in private land known as Platts Wood Nature Reserve and adjacent to existing domestic dwellings and a community social building. The increased risk of surcharge from the culvert into the connecting stream with limited capacity and is considered a potential and significant risk of flooding to that land and numerous existing properties adjacent to the A57. The adjacent Guide HQ is already taking defensive measures to prevent flood damage due erosion of stream embankments.

It is accepted that the proposal includes access chambers in 6 areas with Hydro brakes controlling outfall. However, in the event of failure, there is no reserve scheme for surface water attenuation such as a sub-base Geocell retention tank.

The scheme completely omits any measures such as petrol interceptors and oil skimmers to prevent surface water pollutants such as oils, Glycol etc from water course contamination.

A further cause for concern is the applicants own flood risk assessment which clearly identifies additional underground culverts within the HPBC land, and which may extend into the development site. RSK flood risk assessors have recommended a detailed survey of that system and associated mapping to prevent potential compromise from imposed load from proposed development above.

That survey has not been undertaken.

Accordingly, the scheme in submitted form is totally unacceptable and contrary to policy EQ11

Environmental Health

The above drainage scheme presents a significant risk to public health and the environment.

DCC Environmental Health Dept make the following comments –

The following information is brought to the attention of the developer for subsequent land contamination risk assessments, and these should include an appropriate discovery strategy. During the 1940's a local firm **deposited waste containing chromium sulphate at various locations in the area. I understand that during the first phase of development of the residential estate to the south in 1989, this waste was discovered and buried in an excavation sealed with a 2m clay lining.** Additional deposits of chromium sulphate were discovered during construction in 2001, these were analysed and found to be the relatively non-toxic trivalent chromium. 2 The adjacent historical landfill was originally the site of a sand and gravel quarry. The developer should be aware that any remaining sand/gravel deposits may form a preferential pathway for the **migration of ground gas onto the development site.** The submitted ground investigation report (ref: REF-ST-21168) is described as a "preliminary phase ground investigation" **and does not appear to be based on the submitted site layout.** The submitted contamination reports recommend additional intrusive site investigation, including ground gas assessment. For these reasons and to protect the health of the public and the wider environment a contamination condition (requiring further assessment) will be recommended.

The public have had no sight of those survey results (if undertaken).

Further, the submitted ground investigation report (ref: REF-ST-21168) is described as a "preliminary phase ground investigation" and **does not appear to be based on the submitted site layout.**

In reference to the above it is noted that lead deposits were discovered at the location of one of the trial pits.

In consideration of the above, any consent to application should be conditioned for the requirements of environmental consultee in terms of survey work and analysis prior to commencement of development.

Archaeological Assessment

Your attention is drawn to DCC Archaeologist report in respect of adjacent development site ref HPK/2022/0353 and content therein - The proposal site is just to the north of the postulated line of the Melandra to Brough Roman road as suggested by Peter Wroe (Derbyshire Archaeological Journal 1982). The line shown on Derbyshire HER (MDR11569) is indicative and the line suggested by Wroe is more properly on the line of the lane to Adderley Place which lies just south of the proposal site and can be seen to be embanked as it runs further west. Wroe has recently reviewed his work however and is of the opinion that the true line may lay slightly to the north, and that there may be two alignments – one earlier and one later – either of which could potentially run across the current proposal site. The paddock to the rear of the former Zion church has not been previously developed and may therefore retain archaeological remains of the Roman road. As the proposal site is relatively small and the alignment currently untested, I recommend that this archaeological interest is best addressed through a conditioned scheme of work in line with NPPF para 205. This would comprise evaluation trenches to establish presence/absence, followed by more extensive excavation and recording should the Roman road be identified. The following conditions should therefore be attached to any planning consent: "a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and 1. The programme and methodology of site investigation and recording 2. The programme for post investigation assessment 3. Provision to be made for analysis of the site investigation and recording 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation 5. Provision to be made for archive deposition of the analysis and records of the site investigation 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation" "b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a)." "c) The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition has been secured."

Accordingly, the above conditions should also be appended to application 0456 in advance of proposed development.

On site Leisure Facilities

No on-site leisure facilities for children are provided in the form of a L.E.A.P.

Such facility should cover a minimum surface area of 400 sq mtrs with an additional buffer zone and should be provided as all other play sites are within significant travelling distance and would require the need to cross busy roads.

The applicants flood risk assessment requires a buffer zone of 19mtrs from all underground culverts on site, to be maintained free of development.

In view of the total surface area required to provide such facilities, the general arrangement plans for 100 dwellings is unachievable.

S106 and CIL Developer Contributions Policy CF7

The following payments are required under the above methods and should be contractually legally binding or conditioned in advance of consent considered.

Service Commissioning (off-site facilities for children) £113,735.00

DCC Education £217,986.60

Trans Pennine Trail £61,920

Biodiversity £547,650.00

Derbyshire NHS £90,000.00

Total £1,031,291.60

Plus, any DCC Highways, UU, LFR financial requirements.

The applicants current offer of 106 payments to a total of £104,025.00 towards education and libraries is totally unacceptable.

In conclusion, and in consideration of the above, non-compliance with regulations and adopted plan 2016 and policies contained therein, **the above application should be refused.**

Mr L Wilcox