

# **PUBLIC PARTICIPATION AND REPRESENTATIONS / CONSULTATION RESPONSES RECEIVED FOLLOWING PUBLICATION OF THE AGENDA**

## **PLANNING COMMITTEE MEETING HELD ON 11 AUGUST 2020**

### **COMMENTS RECEIVED RE. ITEM 4.1 – PLANNING APPLICATION 20/00343/REM – LAND TO SOUTH OF HALLMARK TRACTORS SITE, ASHBOURNE ROAD**

#### **1. THE FOLLOWING COMMENTS FROM THE APPLICANT'S AGENT RE PLANNING APPLICATION 20/00343/REM HAVE BEEN RECEIVED**

I write on behalf of the applicants Matthew James Homes in support of the application for the approval of reserved matters at land south of Hallmark Tractor site.

This application follows on from a previously withdrawn application and from pre-application discussion with the Council. Throughout the application process we have worked proactively with the planning authority in order to achieve a preferable outcome for both the applicants and the local community. The principle of development is established by virtue of the hybrid permission decided in 2017 and therefore objections raised in this regard are not a matter for determination, as established in the officer's report.

The proposed development consists of two detached houses and two link-detached homes. Plot 1 is sited as to replicate the pattern of development that can be seen along Oak Lane. Plots 2, 3 and 4 are sited within the site and arranged to maximise the use of the site without creating an adverse impact on residential amenity. Following the submission a number of amendments have been made under the guidance of the planning officer. This included the reduction of the second storey on plots 1 and 2, the pitches of the roofs were lowered and the detailing of the front elevations were edited to further replicate the existing rural character in the vicinity. As Members will see from the submission the materials of brick and plan tiles have been selected to create a harmonious development in keeping with the materials seen on neighbouring properties. The proposal will deliver four high quality homes on a brownfield site.

Concerns were raised by neighbours regarding the proximity of the development to existing dwellings, design and landscaping. Each plot can demonstrate the necessary separation distances and have been arranged as such to not cause any overlooking or overbearing for neighbouring properties. The design has been amended following officer discussions and is now more in keeping. The removal of the existing trees has been undertaken in order to appropriately clear the site. A full landscaping scheme will be submitted in due course. |

In conclusion, we consider the application to be in accordance with the Development Plan, namely policy PD1 of the Derbyshire Dales Local Plan. Therefore, we ask Members to follow the Officer's recommendation and approve this application.

## **2. THE FOLLOWING COMMENTS FROM THE ECONOMY TRANSPORT DCC RE PLANNING APPLICATION 20/00343/REM HAVE BEEN RECEIVED:**

The applicant has submitted further details demonstrating the proposed alterations to the existing drainage ditch, which is to be culverted in order to deliver the proposed access solution, which was to build out the access to achieve visibility, and was accepted at the outline stage for the residential development. The Local Highway Authority (LHA) is satisfied with the proposals and their deliverability at a Section 278 stage.

The Local Lead Flood Authority (LLFA) have reviewed the proposals and whilst they have a no culverting policy, and prefer if diversions are kept open, in the site-specific circumstances they will consider culverting acceptable if necessary. However, the works would require land drainage consent from the Flood Risk Team at a S278 stage prior to construction.

Furthermore, there appears to be a watercourse west of the proposed development which flows south underneath Oak Lane and then into the ditch/watercourse network on the south side. The LLFA also note that hybrid application 17/00329/FUL noted that, should discharge of surface water by infiltration not prove feasible, then surface water should be attenuated and discharged to this watercourse.

Therefore, the previous condition which was applied to application 17/00329/FUL has been reiterated, and will ensure that an appropriate surface water drainage strategy for the site is submitted, including the discharge into the watercourse and its onward connectivity, will be provided at discharge of conditions.

The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019), subject to the conditions and/or planning obligations outlined in this report.

### **Conditions**

1. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Planning Proposals Sheet 1 of 9 drawing number 19.3692.29 Rev D have been implemented in full.
2. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Detailed Planning Proposals Sheet 1 of 9 drawing number 19.3692.29 Rev D. Thereafter the onsite parking provision shall be so maintained in perpetuity.

3. No part of the development shall be commenced until such time as the offsite works have been completed generally in accordance with Proposed Alterations to Existing Drainage Ditch Drawing number B20164-PPL-CE-0001. For the avoidance of doubt the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this condition.
4. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

**Officer Comments:**

Officers consider that land drainage and highway matters can be appropriately addressed with the conditions detailed above.

**3. THE FOLLOWING COMMENTS FROM COUNCILLOR ALLISON, DOVERIDGE AND SUDBURY RE PLANNING APPLICATION 20/00343/REM HAVE BEEN RECEIVED:**

I'm pleased that the applicants have made a resubmission that has reduced the size of the plots 1 and 2 to 2 storey rather than 3 and that plots 3 and 4 have been re-orientated to at least try and reflect the style of the 2 existing 3 bedroomed semi-detached properties which they will back onto . However I think the site is too small for the size of the properties proposed and will have a cramped appearance which will not reflect the type of adjacent homes which are in substantially larger plots. I believe the density and layout of this development does not comply with Policy PD1 of the local plan which clearly states '***requiring that a development contributes positively to an area's character , history and identity in terms of scale, height, density, layout, appearance, materials and relationship to adjacent buildings and landscape features.***

Reducing the size of the properties will make them more in keeping with the surrounding properties in terms of landscaping and garden sizes and I would ask that to be considered. Reducing the size of the properties would also allow for provision of parking for visitors which currently is minimal. There is no public transport accessible near the site and therefore visitors would most likely arrive by car, probably parking on the narrow Oak Lane. This will create a hazard for other road users. Given the proposed size of the properties it is highly likely that more than 2 car parking spaces will be required for each property in any event.

In conclusion the original approval for the new Russell tractors showroom which allowed the outline permission for the housing on Oak Lane has I believe neither provided the stated employment opportunities for local people or now housing that is affordable. Russell Kirby Moorside Ltd has now sold the land earlier this year and presumably will no longer receive additional proceeds.

Cllr Jacqui Allison, Doveridge and Sudbury

**Officer Comments:**

Officers recommend that the comments of the Ward Member be noted insofar as relevant to the consideration of this approval of reserved matters application for 4 no. dwellings.

**4. THE FOLLOWING COMMENTS FROM JAMES BENNETT, RESIDENT RE PLANNING APPLICATION 20/00343/REM HAVE BEEN RECEIVED:**

Following the planning officers recommendations my comments on this application are as follows;

The committee must have their own regard to the provisions of the adopted Derbyshire Dales Local Plan when determining this application.

1. Policy PD1 requires "that development contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features." it also requires "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".

In the absence of a site visit the committee is reliant on photographs to understand how the proposed development integrates with its surroundings and meets the requirements of this policy - I would expect the planning committee to give particular consideration to the rear of the plot which borders three other properties (Bentfield, Lodge Cottage & Willow Cottage), the area which will have biggest impact on the local amenity and character.

However, the committee cannot possibly come to a lawful conclusion on this matter as not enough information is contained within the planning officers' report to enable them to do this. Photographs #1, #2, #3, #4 & #10 do not show the development site. Photographs #5 & #6 show the access. Photographs #7, #8 & #9 are effectively the same photo showing a small proportion of the development outlined in orange below. In fact there are no photographs taken from within the site or anything to give the committee an idea of the local character, housing styles and existing boundaries into which this development must integrate.



At the very minimum this decision should be deferred until adequate information is made available to the planning committee in order for them to make a valid decision.

2. Policy HC19 states "Proposals should minimise the need to travel, particularly by unsustainable modes of transport and help deliver the priorities of the Derbyshire Local Transport Plan". A development of "up to" four properties was agreed at the outline stage - However the size of the properties was not. In order to align with this policy a development of smaller two/three bedroom properties would be more appropriate in an area with no access to any local amenities or public transport.

3. The original outline application was approved on the basis that a number of hedgerows and mature trees were to be retained on the development site (In line with the council's policy PD6). The hedgerows and trees are not shown as retained in this reserved matters application - therefore approval of this application would be a departure from the details agreed at outline stage and would thus be unlawful.

**Officer Comment:**

Officers recommend that the comments of the local resident are noted. In respect of points 2 and 3, Members are advised that this application seeks approval of the matters which were reserved in respect of application code ref. 17/00329/FUL including the scale, layout and external appearance of the development, the layout of the service roads and pedestrian routes within the site and the landscaping of the site. The amount of development agreed at outline stage cannot be revisited, although the impact of the development, insofar as relevant to the reserved matters on the environment, including character and appearance of the area and appropriateness of the landscaping of the site are matters for consideration.

## COMMENTS RECEIVED RE. ITEM 4.3 – PLANNING APPLICATION 20/00387/FUL – LAND WEST OF SPEND LANE, ASHBOURNE

### 1. THE FOLLOWING COMMENTS HAVE BEEN RECEIVED FROM THE APPLICANTS' AGENT – ROB HUGHES OF HUGHES PLANNING;

*We have now had time to review your Committee report and to consider the suggested conditions and s106 agreement. With regards to condition 06, we do have concerns relating to the use of the term “in perpetuity”. The condition itself is fine and necessary, but in reality it would prove extremely difficult to deliver and manage the landscape and biodiversity proposals forever. I have not seen such a condition in any of the 15 consents we have had approved. Instead, I would recommend that the term “in perpetuity” is removed and that the requirement is for the submission of a Landscape Management Plan, including a timeframe. Usually, these will cover a 10 - 15 year period (as appropriate).*

*With regards to the s106 agreement, it would also be the first time in our experience that such a mechanism is used to control the landscape and ecological enhancements, including those granted on appeal. This is generally dealt with via conditions. There is a need for on-going flexibility with the landscape and ecological proposals, and in my experience a suitably worded condition should embrace the option of amending the Plan during the 10 - 15 year period. I feel that a s106 may be too cumbersome for this purpose and may not achieve either the desired or best results.*

*On another point, the applicants are part of the single payment scheme and it is also important for the on-going management and maintenance of the farm that there is sufficient flexibility in the future.*

*Given how close we are to the Committee meeting, it would be preferable if the members of the Planning Committee could, following a hopeful approval, grant officers delegated powers to discuss and agree conditions/s106 to ensure that the approved development is one that works for the applicants and LPA but most importantly to ensure the development can be delivered.*

#### **Officer Comments:**

Members are requested to delegate authority to the Development Manager to issue any grant of approval to agree the wording of the conditions and any section 106 content relating to the implementation and future management of the landscape and biodiversity proposals.