

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

PLANNING COMMITTEE MEETING HELD ON 9th MARCH 2021

**ITEM 5.1 PLANNING APPLICATION 20/00888/FUL - ERECTION OF 1 NO.
DWELLING HOUSE, WITH DETACHED GARAGE AND
ASSOCIATED RELOCATION OF ACCESS AT LAND TO THE REAR
OF 4 MELVILLE CLOSE, HULLAND WARD, DERBYSHIRE**

**1. THE FOLLOWING COMMENTS HAVE BEEN RECEIVED FROM R A
WALTER AND H E SHORT OF 6 MELVILLE CLOSE:**

7.10 The proposed dwelling is a 3-storey house, it is highly misleading to call it a 2-storey house; there are habitable rooms proposed on three floors. The majority of the neighbouring properties are bungalows

7.14. Technical Error. The closest neighbouring dwelling is our bungalow at 6 Melville Close which lies 10m to the south (9 Melville Close is, in fact, some 50m to the south, on the opposite side of Melville Close !!). 31 Moss Lane is correctly described as the second closest dwelling.

7.16 Incorrectly refers to 9 Melville Close. Again, it should reference our bungalow at 6 Melville Close. The 10m to curtilage, plus the width of my rear garden (3m (west side) extending to 6m(east side)) gives a "building to building" distance of less than 15m across most of the divide. Furthermore, the upper 2 storeys of a 3-storey house will look directly down and into the two north-facing bedrooms, conservatory and garden of our bungalow causing significant loss of privacy. (15m is less than the distance used as the standard "number-plate" eye-sight test for driving a car !!)

7.21/22 Does not address many of the issues noted in section 6 under "Other matters". In particular the issues, "Flooding" and "Surface water run-off" have not been analysed nor have any proposals been made for their mitigation.

7.23 *"...the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits in this case"*. How can this assertion be justified when the adverse impacts are extreme for at least 3 neighbouring properties and significant for several more, whereas all the benefits accrue to the applicant's property?

Concluding comments

In conclusion, we are greatly concerned that no significant compromises have been made to mitigate the most unpalatable effects of the proposed development on the neighbouring properties, in particular the loss of privacy and the incongruence of the building design.

Having our privacy invaded, open-views obliterated and property value significantly reduced appear to have been given little consideration.

If a building needs to be constructed a bungalow would be a far more acceptable solution.

RESPONSE:

Officers advise that members note the comments.

2. THE FOLLOWING COMMENTS HAVE ALSO BEEN RECEIVED FROM GRAHAM AND MICHELLE BUCKLE OF 31 MOSS LANE, HULLAND WARD:

Dear Members of the Planning Committee, we detail below our comments regarding the Planning Officer's Report which raises a number of important questions which we believe should be discussed by the Committee when considering the application at the meeting on Tuesday, 9th March 2021.

For ease of reference we have attached below in pdf format our previous representation. It is IMPORTANT that the Committee understand that our land which borders the length of the Applicant's eastern boundary is at a lower ground level. Furthermore there is no reference to the location of the garage and as the Report does not include a site and location plan could you please see page 9, Exhibit 4 of our previous submission. In addition the width is 11.3 metres and not as stated in para 2.2 of the Report.

1. Impact on the character and appearance of this part of the settlement

Para 7.5 refers to policy S3 and 7.6 to policy PD1 (Please see our comments made in the previous submission).

There is no acknowledgement of the garage and its impact, particularly it's siting in the report, therefore please see the site and location plan. The plan shows that the siting of the garage when combined with the dwelling will effectively create a wall approximately 22metres long with height ranging from approximately 6 to over 8 metres spanning almost completely the east -west width of the site. When assessed in this context the Application fails a number of the tests/guidelines referenced in policies S3 and PD1, most particularly scale , layout , height ,shadowing and overbearing effect . Furthermore this proposal substantially eliminates any views of at all in an arc from the northwest to the northeast.

Please discuss if this is acceptable and within the objectives of the DDDC Local Plan, we believe it is not!

Given the criteria stated in S3 and PD1 , the Report's acknowledgement in 7.9 that the site forms part of the rear garden of 4 ,Melville Close and the eastern and southern boundaries are unchanged , we fail to understand the conclusion given that the " site has greater affiliation with Atlow House " which is sited on the other side of Moss Lane. As a consequence would the Committee please ask the Planning Representative the following:-

- If the application was for a regular sized 3 bedroom house or bungalow would the Report conclude that the site had greater affiliation with the properties in Melville Close and 31, Moss Lane

- Is it not the case therefore that to justify a five bedroom dwelling, double garage and acceptable access the Applicants are relying upon the spurious comment “ has a greater affiliation with the adjacent two storey dwelling house (Atlow House) “ .

- Is it not now the case given the comments above regarding combined effect of the proposed dwelling plus the double garage that the proposal falls well short of the standards and criteria of the Local Plan , most particularly S3 and PD1 .

2. Climate change.

Please see our previous submission pages 1 and 2 and the associated exhibits.

The Report has not addressed at all our concerns and comments and has failed to acknowledge the complete topography of the surrounding countryside , the high water table, the clay based soil and the potential future (in perpetuity) impact of climate change on our land which is at a lower ground level along the length of the eastern border. As a consequence would the Planning Committee please ask the Planning Representative the following:-

- Is the site deemed suitable for building on without confirmation given by a survey assessing the obvious risks associated with climate change and future problems that may occur as a result of prolonged and extreme rainfall.

- if yes and it is subsequently proven otherwise that surface water run-off particularly is an issue will the Applicant and / or DDDC then undertake the necessary actions to mitigate further future problems .

- if no action is taken will the applicant and / or DDDC compensate us for assessed damages each time an event occurs .

Please note the Local Plan is very clear on mitigation under these circumstances and if some comfort is not given we will consider seeking legal advice and opinion.

3. Impact on residential amenity.

Please see our previous submission page 4, 3. Privacy.

Our concerns remain the same and do not agree with the comments given in Paras 7.14 and 7.17, particularly with regard to the two south facing bedroom windows and the distance from the dwelling of our curtilage along and beyond the eastern boundary.

7.16 - Acknowledges there is no guidance for minimum separation, therefore the report conveniently states that 10 metres is acceptable and there is no significant direct overlooking. We disagree and make the following observation.

To drive a vehicle we must be able to read a number plate from 20metres. It is of great concern therefore that our right to privacy is restricted to an opinion that 10 and 15 metres is acceptable, depending on which measurement is applied.

Close inspection of the site and location plan shows the distances have to be 10 or 15 metres to justify the proposed siting of the dwelling. The remaining available site north of the dwelling is not of a sufficient size and shape to move the dwelling back say a further 5 metres because the length and width necessary to build the five bedroom property would then restrict siting of the access to the site and significantly reduce the area for acceptable parking and turning vehicles.

Can the Committee discuss this observation and ask the Planning Representative if the distance for privacy in this case is dictated solely by the necessity to fit in a five bedroom property.

4. Recommendations.

Point 8 concerns conduct on site including parking provisions. We are concerned that once the foundation work commences employee and visitor traffic will be forced to park in Moss Lane and highway safety will be compromised.

Can the Committee ask the Planning Representative to give assurances that there will be no parking on the verges and any parking in Moss Lane is only permissible for vehicles waiting to access the site for a period of no longer say than 15 minutes. If this is abused what action can be taken to ensure that the Applicant complies strictly with the site conduct previously approved in writing by the Local Planning Authority.

5. Eastern boundary fence.

It is unclear from any of the documents available whether the existing fence along the length of the eastern boundary will be replaced or stay as is. As a consequence of the lower level of our land could the Committee ask the Planning Representative what is actually proposed.

And if the fence is to be replaced what proposals have the Applicants made to mitigate any damage to our land. In addition what are the proposals to securely protect our property whilst the fence is erected, at the same time ensuring our privacy throughout.

6. Conclusion.

Para 7.4 states "the principle of residential development in this location is considered acceptable". Please see the comments under the heading conclusion- Page5 of our previous submission.

The site layout as proposed when the combined effect of the 5 bedroom dwelling and the double garage is taken into consideration is excessive and does not , for the reasons outlined in both our submissions, satisfy the guidelines and requirements stated in the Local Plan , most particularly S3 and PD1 .

If the committee agree that residential development is acceptable we strongly believe it should be a bungalow or house of no more than 3 bedrooms with a single garage sited away from the eastern boundary with the proviso the site is deemed suitable for building.

Thanking you in advance for seriously considering this submission during the course of the meeting.

RESPONSE:

Members are advised to note the comments.

ITEMS 5.2 AND 5.3 PLANNING APP EXTENSIONS AND ALTERATIONS TO EXISTING CHURCH AND ASSOCIATED BUILDINGS, CONVERSION OF CHAPEL HOUSE TO 2 NO. APARTMENTS, CONSTRUCTION OF 8 NO. APARTMENTS AND DEMOLITION OF HUT BUILDING.

1. THE FOLLOWING COMMENTS FROM THE APPLICANT'S AGENT HAVE BEEN RECEIVED:

The agent has requested that the wording of the conditions be revised in order to separate the two phases of development as some conditions relate to either the extensions or the apartments. Conditions 3 and 5 relate to the FRA and flood defence and therefore can be changed to prior to occupation of the block A to C. Condition 6 relates to a Written Scheme of Investigation and as excavations would be required for the extensions and apartments no change to its wording should be made. Condition 7 on noise mitigation is in relation to the glazed link building to ensure there would be no adverse impact on the residential amenity of neighbouring properties. Condition 10 relates to a contract for builders to complete the works for the extensions. The rooflight condition relates to the apartments only. The agent has requested that the external material conditions and boundary treatments relate to both phases of development therefore wording can be changed to reflect this. The insertion of "relevant phase of development" after buildings on conditions 13, 14 and 19. The landscaping (C20) and water vole (C23) condition can be changed to relate to just the apartments phase.

2. THE FOLLOWING COMMENTS FROM THE LEAD LOCAL FLOOD AUTHORITY HAVE BEEN RECEIVED:

The Local Lead Flood Authority have removed their holding objection to the scheme and have no objection subject to four conditions relating to a management and maintenance plan for surface water, destination of surface water, surface water run-off during construction and submission of a verification report. All the recommended conditions relate to the apartment phase and this shall be specifically stated in the conditions.

ITEM 5.4 PLANNING APPLICATION 20/01139/REM - RESERVED MATTERS APPLICATION FOR APPROVAL OF THE APPEARANCE, LANDSCAPING, LAYOUT AND SCALE OF A RESIDENTIAL DEVELOPMENT OF 36NO. DWELLING HOUSES (OUTLINE PLANNING CONSENT REFERENCE 16/00711/OUT) AT LAND ADJACENT TO HILL TOP, DERBY ROAD, ASHBOURNE

1. THE FOLLOWING COMMENTS FROM THE APPLICANT'S AGENT HAVE BEEN RECEIVED:

We noticed that there was a couple of errors on the drawings. The Jacquards bay window was in the wrong location on the layout and the updated house type pack also missed out the A I have updated the drawing list below to reflect this: I have updated the drawing list below to reflect this:

Location Plan n1319_001 Rev A

Tree Protection Plan GL1141 02B
Soft Landscape Proposals GL1141 03C

Drainage Appraisal Sheet 1 19072 101 Rev C
Drainage Appraisal Sheet 2 19072 104 Rev C
S278 General Arrangement 19072 102 Rev A
General Arrangement 19072 103 Rev A
Refuse Vehicle Tracking 19072 106
Highway Longsections 10972 200 Rev B
Drainage Longsection 19072 201 Rev A

RESPONSE:

The modest changes do not materially affect the overall development proposal and therefore are considered to be acceptable. Planning permission should be granted in accordance with the above drawings.

2. THE FOLLOWING COMMENTS FROM THE LOCAL HIGHWAY AUTHORITY HAVE BEEN RECEIVED:

Further to the receipt of the revised drawings following previous comments, there are now no highway objections to the application in terms of layout and scale. Please include the following conditions in any consent granted:

1. Before any other operations are commenced (excluding demolition/ site clearance), space shall be provided within the site curtilage for the storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.
2. Before the first occupation of the dwellings the existing vehicular access to Derby Road shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as footway (or verge) in a manner to be agreed in writing with the Local Planning Authority in consultation with the County Highway Authority.
3. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of residents' vehicles, laid out,

surfaced and maintained throughout the life of the development free from any impediment to its designated use.

4. The premises, the subject of the application, shall not be occupied until the proposed new estate streets between each respective plot and the existing public highway have been laid out in accordance with the application drawings to conform to this Authority's Guidance Delivering Streets and Places which can be accesses at http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control constructed to base level, drained and lit in accordance with the County Council's specification for new [housing/ industrial] development roads (see above link).

Please also attach the following advisory notes to any consent granted for the information of the applicant:

1. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Director of Economy, Transport and Environment at County Hall, Matlock (Development Control Implementation Officer - Kevin Barton – email kevin.barton@derbyshire.gov.uk or 01629 538658).
2. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.
3. Pursuant to Section 127 of the Highways Act 1980, no work may commence within the limits of the public highway to close any redundant accesses and to reinstate the footway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 127 Agreements may be obtained by contacting this Authority via email – highways.hub@derbyshire.gov.uk. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 127 Agreement.

RESPONSE:

Following confirmation from the Local Highway Authority that the amendments to the estate road layout are acceptable, the Local Planning Authority is satisfied that the

development complies with the relevant provisions of the development plan and a recommendation of approval is put forward, subject to the inclusion of the above conditions and advisory footnotes.

3. THE FOLLOWING COMMENTS HAVE BEEN RECEIVED FROM PETER DOBBS OF 2B WINDMILL LANE, ASHBOURNE:

I would like to ask a question and make a comment on this application.

Q. In the current planning application process as operated by DDDC who exactly is supposed to be protecting the pedestrian?

It would seem that trees, bats and butterflies get excellent advocacy and newts a VIP treatment but pedestrians, surely the key people in a greener future, seem to be largely ignored or am I missing something? In every application including this one, DCC will give comments on highway safety but what they say appears to be largely limited to cars / refuse vehicles.

I note that there is a reference to pedestrians in 7.18 of the officer report and what I would like to say concerns this. How is it regarded as acceptable that a pedestrian leaving this development has immediately to cross what is a very busy road (AADT estimated to be 6,300 by 2025) with no central refuge? The only pavement on this stretch of Derby Road is on the other side. Unfortunately bus stops and the route to the local primary school are accessed on the same side – the side with no pavement! From the viewpoint of encouraging development where people can walk, cycle or take public transport to access services whenever possible (Local Plan S1 HC19, HC20) how can it be acceptable for someone wishing to catch a bus to have to cross this busy road twice? Or to walk to the nearest school to have to cross the same road twice?

Considering that the dangers in crossing Derby Road have already been brought to the attention of County Cllr Steve Bull, why is the suggestion that building a pavement all the way round the estate itself but stopping it immediately you reach a busy road found by the Local Highway Authority 'to be acceptable in principle'?

This development adjoins another (David Wilson Homes). Is it not possible to request that some pedestrian access is created through this so that a safe way to get to Old Derby Road on foot (or by bike) is provided?

Perhaps an officer is going to tell me that I should have made this point at the outline planning stage. However it still begs the question – why was no-one championing the pedestrian at every stage of the planning process?

RESPONSE:

Members are advised to note the comments.

4. THE FOLLOWING COMMENTS HAVE BEEN RECEIVED FROM CLLR SUE BURFOOT:

I do have some questions re the Land Adjacent to Hill Top Ashbourne application.

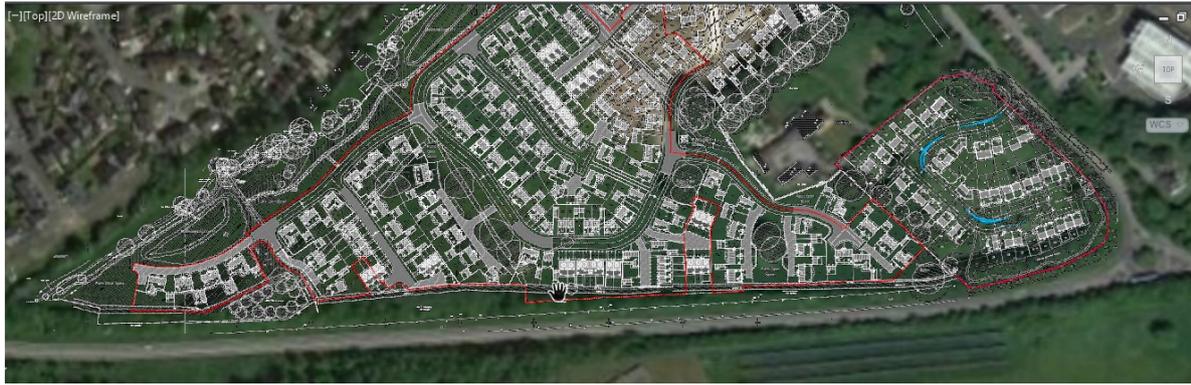
1. What is the status of Hill Top? Is it a private residence?
Is it part of an approved development site?
2. Are the remaining fields between the site, HillTop and the existing David Wilson site approved for development?
3. What building materials have been used for the David Wilson development?
4. Should the applicant not have been required to provide an accurate location plan showing the site in context with the surrounding areas of Ashbourne ? The only location plan I can find is in the consultants travel plan or in our Local plan documents.
5. Can you confirm why this site was approved for outline permission given that it is not in the Local Plan and is outside the settlement development boundary?
6. Is there a reason why this application is not out of time?

RESPONSE:

1. Hill Top comprises a former farmhouse and range of converted farm buildings and does not form part of the development site.
2. Yes, the remaining fields between the site, HillTop and the existing David Wilson are approved for development application refs;

16/00883/OUT | Erection of 5 dwellings (outline) | Hill Top Derby Road Ashbourne DE6 1LZ

17/00337/FUL | Residential development of 151, dwellings, access and associated works | Land Off Old Derby Road Ashbourne DE6 1DJ
3. Red brick, light render and plain roof.
4. Whilst no plan has been submitted by the applicant which illustrates the adjoining development the Council



5. Although the site fell outside the draft settlement boundary (at the time of determination) the application had to be assessed principally on the basis of whether it constitutes sustainable development. Paragraph 14 of the NPPF (2017). Whilst officers, at the time, were conscious not to undermine the emerging Local Plan process it is considered that had this site been put forward as part of the call for sites it would have performed well for draft allocation. When all of the matters are weighed in the balance, it was not considered that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits in this case. A recommendation of approval subject conditions and the applicant entering into a legal agreement to secure appropriate developer contributions was put forward on this basis.

6. Whilst the application follows the grant of Outline planning permission at Planning Committee on the 22nd February 2017 (application ref: 16/00711/OUT), the Decision Notice was not issued on the 3rd December 2019 following the completion of the s106 legal agreement, dated 7th November 2019.