

PLANNING COMMITTEE 11TH JULY 2023
CORRESPONDENCE RECEIVED AFTER PREPARATION OF THE AGENDA

ITEM 5.2 - 23/00508/FUL PROPOSED EXTENSIONS TO CREATE NEW DEMENTIA UNIT AND RECEPTION AREA WITH ASSOCIATED LANDSCAPING WORK AND CREATION OF NEW PARKING AREA AT IVONBROOK RESIDENTIAL CARE HOME, EVERSLEIGH RISE, DARLEY BRIDGE, MATLOCK.

Biodiversity

DWT has responded to consultation as below:-

They commented on the previous submission in June 2022. The current submission is supported by the same Preliminary Ecological Appraisal (PEA) prepared by Arbtech in December 2021. This is now around 18 months old. Habitats on site are of relatively low ecological value and are dominated by amenity grassland. Habitats are unlikely to have increased in value in the interim and in this instance, they do not consider an update site visit necessary or proportionate. They previously advised that the limited protected species constraints at the site could be mitigated for via a condition for a Construction Environmental Management Plan (CEMP: Biodiversity).

A biodiversity metric has not been submitted with proposals, however habitat losses are limited to amenity grassland and shrubs, with the tree-lined perimeter of the site retained and protected. Offsetting these losses within the scheme is considered feasible through well-designed landscaping in the garden area and in the land surrounding the extension. This could include native and pollinator-friendly perennial planting and grassland enhancement with wildflower turf or new seeding.

If the Council is minded to approve the application, the same conditions are recommended as in our previous letter in relation to protection of breeding birds during construction, submission of Construction environmental management plans (CEMP: Biodiversity), Biodiversity Enhancement Plan (BEP) and lighting strategy.

Officer Response

This provides an update to section 5.4 as no DWT response to this application had been received at the time of writing the report.

Conditions 8, 9 and 10 within the report are identical to those recommended by DWT but the wording of condition 11 requires revision to below:-

11. Prior to building works commencing above foundation level, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan shall be provided to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BeT and ILP, 2018). Such approved measures will be implemented in full.

Flooding and Drainage

As set out in the report the LLFA was consulted on the application but has not responded to date. As requested at the site committee site visit Officers have contacted the Lead Local Flood Authority (LLFA) to request comment in time for the meeting. No response has been received to date. As set out in the report the LLFA declined to comment on the previous application because it is a minor application but did state that a 40% allowance should be made for climate change in the proposed drainage scheme.

Drainage issues are dealt with in section 7.16 of the report. The application is supported by a drainage strategy report. The report considers surface run-off rates and the appropriate means to dispose of surface water on the site. It is not possible to dispose of surface water by infiltration or to a nearby river therefore the strategy proposes to dispose of surface and foul water to the combined main sewer via existing drains on site.

Discharge to the sewer will be limited to a flow rate of 2.5 l/s. This is based upon greenfield run off estimations for the existing (undeveloped) site. The proposed drainage system will be modelled for the 1:1 year, 1:30 year and 1:100 year rainfall events plus a 40% allowance for climate change. The proposed 40% allowance for climate change reflects the comments from the LLFA on the previous application.

Further representations

A further four representations have been received. One letter is in support and three in objection. The material planning reasons are summarised below:

Support

- The development will be built into the ground and therefore only one level will be visible from the houses it backs on to.
- There is a need for the proposed development in the local area.
- Concerns raised in regard to noise are unfounded.
- The development will not result in the loss of habitat for deer.
- The neighbouring properties are affected by the existing care home.
- The development is not large nor visible from wider vantagepoints
- The development will not impact upon the attractiveness of the area for tourists.
- Properties are on clay soil and so any property that has not paved their gardens will suffer from water logging in the wet months.

Objection

- Tourism is important in the local area and within close vicinity of the care home are properties used to host tourist accommodation. The development plus construction and delivery lorries, noise and traffic and visual impact will mean the process of building and the finished building will make the village more commercial and less attractive to tourists.
- Noise from vehicle movements, lorries, commercial delivery vehicles and waste lorries frequently come in the early morning and visitors, ambulances and staff pass at all hours.
- Noise from construction and associated vehicle movements.
- Believe that the submitted Drainage Strategy Report is based upon erroneous assumptions and misleading information.

- Believe that drainage calculations have been significantly underestimated and the impact upon the local combined sewer should be considered.
- There are two sewage outfalls at Darley Bridge and in 2022 one had 77 storm overflow events for a total of 608.05 hours and the other 40 events for a total of 129.46 hours. In all cases raw sewage was discharged into the Derwent.
- The proposed development would significantly contribute to the problems already present in an under-capacity combined sewer system.
- Inaccurate 3D views have been submitted which misrepresent views possible from no. 22.

ITEM 5.3 - 22/01389/FUL ERECTION OF 10 NO. DWELLINGHOUSES WITH ASSOCIATED INFRASTRUCTURE, THE FORMATION OF A NEW FIELD ACCESS AND DEMOLITION OF EXISTING BUILDINGS AT LAND SOUTH EAST OF MARSTON BANK FARM, BARWAY, MARSTON MONTGOMERY, DERBYSHIRE.

The Lead Local Flood Authority has reviewed the additional information submitted and find that an infiltration system is proposed outside of the redline boundary on adjacent land. While this is a potentially feasible option the LLFA will need to see additional information as detailed below before we can provide informed comments.

- Evidence that applicant has all applicable permissions and full control in perpetuity for the offsite infiltration basin, this would include a minimum 5m buffer surrounding the infiltration device and permanent access and protection of the piped connection to the remainder of the development.
- Evidence that the proposed site is suitable for infiltration – ground investigation including infiltration testing
- Estimate of the dimensions and depth of the proposed soakaway
- Basic calculations to show that infiltration as proposed is a feasible option

Officer Response:

This provides an update as stated in section 7.13 of the committee report.

ITEM 5.5 - 22/00769/FUL CONVERSION AND CHANGE OF USE OF BARN TO 1 NO. DWELLINGHOUSE AND ERECTION OF OUTBUILDING COMPRISING OF STABLES AND CARPORT AT 1 HIGH STREET, BONSALL, MATLOCK, DERBYSHIRE, DE4 2AS

A further three representations have been received which are summarised as follows:

- objections remain
- new plans for redevelopment do nothing to alleviate prior concerns already objected to by neighbours
- the information detailing the work necessary for drainage for the car park increases concern - no timescales are given, but it would appear that it is an extensive undertaking which will preclude access to the shared track for a significant time, creating much disturbance to the houses abutting it for the duration
- conversations with neighbours confirm this is not how the track has been used during living memory - each neighbour has undertaken to use it as required, without ever blocking access for others - why is this now being completely disregarded by the applicant?
- The work is only being undertaken to support the development of car parking at the rear of the barn, to which have already submitted significant objections and which still stand

- seeing the extent and impact of the drainage work proposed, it seems wildly disproportionate if it is just for the sake of 2 parking spaces, which the last set of plans seemed to propose - if the applicant (property developer) is able to advertise the property for sale with adequate parking space for 4 vehicles by using the proposed stables as garaging, then he may feel the cost of the work, and length of time it takes worth it – however, maximisation of profit would clearly be at the expense of surrounding neighbours
- the Council is being asked to support a luxurious development which will not provide affordable housing for local people, but will reduce green space and facilitate increased vehicle use
- surely the Committee would want to take steps to reduce not increase our carbon footprint - which will happen if a green and peaceful path and garden is turned into a driveway and car park?
- as advised in previous correspondence, have no objection to the redevelopment of the barn itself, but this has to be sympathetic to its surroundings - introducing parking at the rear is not in keeping with the environment it sits in
- reiterate that there are alternatives to the current parking proposal, e.g. at the front of the barn and there is also a large car park in Bonsall for use of residents and visitors
- by far the easiest and most sensible option would be to develop the barn, incorporate parking for one vehicle at the front of it and leave the garden behind the barn as a garden and the track as it is
- it is now suggested that trellis fences be installed on the common land, when if it is installed it should be installed on the property of no 1 High Street and not up against neighbours' garden wall reducing visibility to the common land
- do not want any trellis of any description up against our drystone wall, one of the reasons being that in the future it may be claimed as part of the Barn's land

Officer response:

- the Officer's report seeks to address the matters raised with regard to car parking and access
- Officers have raised, and noted the concerns raised, with regard to boundary treatment which are considered in paragraph 7.21 of the Officers' report and this can be addressed through the proposed condition no. 19.

Further to the site visit by the Members of the Planning Committee, Officers are providing the following points of clarity.

The applicant has submitted a land drainage strategy which proposes a sustainable drainage system which will attenuate flow to the culverted watercourse adjacent to the public highway, at a 30% betterment over the existing run off rate. The proposed storage volume will be sufficient to cater for the 1:100 year rainfall event, with 40% climate change allowance. This has been assessed by the LLFA and has been deemed to be appropriate

It is therefore recommended that Condition 10 be amended to read:

10. Within three months of works commencing on the hardstanding associated with the access, parking and manoeuvring areas, surface water drainage shall be provided in full (fully operational) and in accordance with the measures set out in the Drainage Strategy Plan No. 221138-JBA-DWG-001 Rev. C unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure adequate surface water drainage to comply with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

ITEM 5.6 - 22/00770/LBALT INTERNAL AND EXTERNAL ALTERATIONS IN ASSOCIATION WITH CONVERSION OF BARN TO DWELLINGHOUSE AT 1 HIGH STREET, BONSALE, MATLOCK, DERBYSHIRE, DE4 2AS

A representation has been received with regard to the Introduction section to the Officer's report which states:

This application is being re-presented to the Planning Committee further to the deferral of the decision at the Committee meeting of 8th November 2023

Officer's response

This is a mistake in drafting the report and which should refer to 8th November 2022, as detailed in the planning application 22/00769/FUL.

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