

PLANNING COMMITTEE

14TH NOVEMBER 2023

Agenda Item 4
CONSULTATION RESPONSE RECEIVED AFTER PREPARATION OF THE AGENDA

ITEM 5.1 – 23/00229/FUL – RESIDENTIAL DEVELOPMENT OF 57NO. DWELLINGHOUSES AT LAND TO THE NORTH OF JACKSONS LEY, MIDDLETON BY WIRKSWORTH

One letter of representation has been received from a local resident which is summarised as follows:

- Do not understand why the Officer has recommended that the application be granted with conditions.
- The site is outside of the boundary for Middleton-by-Wirksworth shown on the local plan. This line was set following public consultation and hard work by the planning office.
- It seems wrong that the Local Plan should be abandoned when the first developer comes along.
- Query why should the public engage with future consultations for Local Plans when their efforts and opinions are held in such scant regard.

Officer Response

The reasoning for the recommendation is set out in the report and takes into account the provisions of the Local Plan in the current circumstances where the Council is unable to demonstrate a 5 year housing land supply.

Consultation response from Highway Authority

A further response has been received from the Highway Authority who recommend additional planning conditions in regard to provision of access, visibility splays, bicycle parking, travel plan and a construction management plan. The Highway Authority also recommend that a contribution of £10,000 is secured by S.106 planning obligation to monitor the travel plan.

Officer Response

The proposed conditions and contribution are considered to be reasonable to secure provision of safe access, cycle storage and a construction management plan. The recommendation is therefore amended to:

That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission, subject to the following conditions, and following the completion of a S.106 planning obligation to secure 17 affordable homes (including 5 first homes), a contribution of £51,300 for healthcare, a contribution of £8,327.70 for parks and gardens, a contribution of £3,368.70 for allotments and a contribution of £10,000 for monitoring of the Travel Plan.

The following conditions are also recommended in addition to those set out in the report:

33. The development hereby permitted shall not be occupied until the access, parking and turning facilities to that individual building to the nearest public highway has been provided as shown on drawing 008 Rev L.

Reason:

To ensure that access is provided to each property in the interests of highway safety and conformity with submitted details.

34. No part of the development hereby approved shall be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway as shown on drawing 600422-HEX-XX-XX-DR-TP-0200 Rev P05. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

Reason:

In the interests of highway safety.

35. No individual dwelling shall be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

Reason:

To promote sustainable travel and healthy communities

36. The Residential Travel Plan hereby approved, dated 2nd August 2023 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.

Reason:

To reduce vehicle movements and promote sustainable access.

37. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan/statement shall include but not be restricted to:

- a) Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- b) Advisory routes for construction traffic;
- c) Any temporary access to the site;
- d) Locations for loading/unloading and storage of plant, waste and construction materials;

- e) Method of preventing mud and dust being carried onto the highway;
- f) Arrangements for turning vehicles;
- g) Arrangements to receive abnormal loads or unusually large vehicles;
- h) Joint Highway Condition survey;
- i) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason:

In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

ITEM 5.5 – 23/00768/FUL - ERECTION OF 4 NO. DWELLINGHOUSES AT LAND OFF THATCHERS CROFT, THATCHERS LANE, TANSLEY

A letter of representation has been received from a Tansley resident which is summarised as follows:

- there seemed to be some confusion by the Officer this morning about the contents of his report 20/00037/FUL Hybrid application which was passed at the Planning Committee meeting on 14th June 2022
- the original plan for the social homes showed the two blocks off set against each other, parking being less dense and not covering the whole front of both blocks
- this application is a subsequent application to the previous application, which was passed under delegated powers during Covid
- in the Officers Report on Page 63, the conclusion states - *There are several matters for consideration here and Officers have not followed the recommendation of Strategic Planning and Local Highway Authority of Derbyshire County Council*
- have forwarded the assessment by DCC Highways, as this morning the Officer appeared to be questioning my integrity related to recommendations re highways and access road
- my understanding is still the same, Highways advice was ignored related to the new access road, if I am incorrect maybe the Officer might like to produce written evidence to the contrary along with the swept path plan for access to the cul de sac
- the recommendation from Strategic Planning relates to the 106 contributions which were reduced for the developer.

Officer's Response

In the consideration of the hybrid planning application 20/00037/FUL, the comments of the Local Highway Authority were summarised as follows:

- 5.6 - *object*
- *happy to accept 2.4m x 17m visibility sightlines in accordance with the outline consent 16/00134/OUT, however, the layout submitted these cannot be achieved towards the end of the cul-de-sac due to the location of the parking bays which will obstruct the visibility sightlines*
 - *turning area does not appear to be of sufficient size to accommodate refuse vehicles*
 - *swept drawings are still required*
 - *maintain that Thatchers Lane is not suitable to serve the proposed dwellings and would not wish to see any pedestrian link as Thatchers Lane has no footways and would not wish to encourage pedestrian use in this location*

- *the Highway Authority conditioned that no access was to be taken from Thatchers Lane as part of the outline consent 16/00134/OUT due to Thatchers Lane being of an unsuitable nature to serve an increase in use.*

Highway matters were addressed in the Officer's report with respect to the hybrid planning permission 20/00037/FUL as follows:

7.23 The Local Highway Authority has advised that the existing internal estate street network, known as Thatcher's Croft, is not adopted highway and remains the responsibility of the developer. Whilst some surfacing works have been undertaken, no street lighting has yet been provided by the developer, to comply with previously imposed planning conditions. However, it has been advised that the adoption of any new street is purely a voluntary agreement between the developer and the Local Highway Authority; acceptance of the proposals for planning purposes, and the granting of planning permission in no way compels the County Council, to adopt the resultant estate street. However, the Local Highway Authority needs to ensure that future residents have reasonable and robust access arrangements to and from the public highway and this is reflected in conditions which have been suggested.

7.24 The Local Highway Authority raised concern with regard to the visibility splay being encroached upon when accessing onto the existing road of Thatchers Croft. To this end, as part of the amendments sought to the proposals, the car parking bays to the front of the dwellings fronting Thatchers Croft have been removed. Concern has also be raised with regard to the manoeuvring of large vehicles on the site. To this end, again as part of the amendments to the scheme, the applicant has detailed tracking for refuse vehicles.

7.25 The Local Highway Authority has raised concern with regards to vehicles accessing Thatchers Lane directly from the application site. The proposal is that three of the dwellings would access the lane. There is also concern with regard to a footpath link onto Thatchers Lane. It appears that local residents use the application site for walking on and taking their dogs for walks. It is also noted that the lane is used from time to time as a bridleway. To this end, Officers consider that the formation of a footpath would amount to some access improvements for walkers, where they can enter onto the road beyond the bend in the Thatchers Lane to the east and have adequate visibility in both directions prior to stepping onto the road. It is the Officers' view that this would not only be of benefit to residents of Thatchers Croft and the application site, but also to others seeking to access the open countryside from the village.

7.26 In summary, whilst the concerns of the Local Highway Authority are noted, the benefits of assimilating the design of this edge of village location, by allowing some vehicle access and a pedestrian route are considered to outweigh the highway safety concerns given the prevailing vehicle numbers and speeds.

The Local Highway Authority has advised, with regard to this current application, that they have no objections to the proposed development from a traffic and highway point of view.

With regard to the Section 106 Agreement pertaining to 20/00037/FUL, the conclusion of the Officer's report with regard to this matter advised the following:

7.40In terms of the financial contribution towards education, the amount being requested by the Local Education Authority is well in excess of that which was previously required and, as the applicant advises, he could withdraw the current application and submit a reserved matters application. This is considered a reasonable fallback position to not require the higher contribution to be made. However, given this position, and the time that has lapsed, it is considered reasonable to require the previous amount requested to be paid on this basis, albeit the development would be reduced by two dwellings.

ITEM 5.6 - 23/00912/FUL - ERECTION OF 2 NO. SINGLE STOREY DWELLINGHOUSES AT LAND OFF THATCHERS CROFT, THATCHERS LANE, TANSLEY

A letter of representation has been received from a Tansley resident which is summarised as follows in relation to the above application:

- there seemed to be some confusion by the Officer this morning about the contents of his report 20/00037/FUL Hybrid application which was passed at the Planning Committee meeting on 14th June 2022.....
-this application is a subsequent application to the previous application, which was passed under delegated powers during Covid
- in the Officers Report on Page 63, the conclusion states - *There are several matters for consideration here and Officers have not followed the recommendation of Strategic Planning and Local Highway Authority of Derbyshire County Council*
- have forwarded the assessment by DCC Highways, as this morning the Officer appeared to be questioning my integrity related to recommendations re highways and access road
- my understanding is still the same, Highways advice was ignored related to the new access road, if I am incorrect maybe the Officer might like to produce written evidence to the contrary along with the swept path plan for access to the cul de sac
- the recommendation from Strategic Planning relates to the 106 contributions which were reduced for the developer.

Officer's response

There was no swept path analysis of the cul-de-sac; the swept path analysis was only for a refuse lorry to reverse up the road to the bin collection point. The Local Highway Authority has considered the current planning application and advised the following, as set out in the Officer's report to the Planning Committee:

- 5.2 - *application site forms part of a previous application 20/00037 and is on land which was shown for 2 smaller dwellings*
- *the parking looks like it may overlap the turning head*
 - *assuming this is an oversight on the drawing, there are no highway objections to the proposal*
 - *the proposed parking will need to be constructed prior to the dwellings being occupied and maintained as such throughout the life of the development.*

The underlined element above was corrected/addressed with an amended plan which returned the proposed turning head to that approved with hybrid planning permission 23/00037/FUL.

With regard to the Section 106 Agreement pertaining to 20/00037/FUL, please refer to the Officer's comments above with regard to application 23/00768/FUL.

ITEM 5.7 - 23/00209/FUL – PROPOSED CONVERSION, EXTENSIONS AND INTERNAL AND EXTERNAL ALTERATIONS IN CONNECTION WITH CONVERSION OF BUILDINGS TO 9NO. DWELLINGHOUSES, ASSOCIATED ERECTION OF GARAGES, PROVISION OF A NEW ACCESS, STOPPING UP OF THE EXISTING ACCESS, DEMOLITION, LANDSCAPING AND ASSOCIATED WORKS AT MEYNELL HUNT KENNELS, ASHBOURNE ROAD, SUDBURY

One letter of representation has been received from a local resident which is summarised as follows:

- Wish to make it known that no agreement has been reached with the Meynell and South Staffs Hung regarding the Deed of Easement over the proposed new access road. Until such time as an agreement is reached on this, the issue of the water supply and the drainage of surface water from the site, along with other issues yet to be resolved, then will be unable to enter into a deed of release meaning no new access will be allowed to be built.
- Once all issues regarding agreements are resolved we are happy with the proposal to develop the site into a residential development to go ahead should permission be granted. Do not understand why the Officer has recommended that the be granted with conditions.

Officer Response

The issues in regard to a Deed of Easement are noted. This is a private matter between the relevant parties and is not a material planning consideration. This matter does not prevent the grant of planning permission nor would the grant of planning permission override other legal issues which require agreement.

The same representation has been received in regard to the accompanying application for listed building consent.