

PLANNING COMMITTEE
12TH MARCH 2024

CORRESPONDENCE RECEIVED AFTER PREPARATION OF THE AGENDA

ITEM 5.1 – 23/00463/FUL – ERECTION OF 33NO. DWELLINGHOUSES, VEHICULAR ACCESS, PUBLIC OPEN SPACE, DRAINAGE, LANDSCAPING AND ASSOCIATED WORKS AT LAND SOUTH OF MERCASTON LANE AND EAST OF LUKE LANE, BRAILSFORD.

1. The following comments have been received from Derbyshire Wildlife Trust

Further to our response dated 8th August 2023, we have now reviewed the recently submitted documents, including an updated Ecological Appraisal and BNG metric. These address the points previously made by DWT:

GCN surveys were undertaken on Ponds 1 and 2 in 2023. Surveys were in accordance with best practice guidance. No GCN were recorded.

Hedgerows (H1 and H2) will be retained.

A BNG assessment has been undertaken for the application using Metric 3.1.

We also note that the three oak trees on the eastern boundary have low bat roost potential. These appear to be retained, which we strongly encourage. However, if removal or tree works are required, a soft-fell approach must be taken (See Section 5.13 of PEA).

The BNG assessment predicts a net gain of +1.03 habitat units (+26.83%) and +1.01 (25.79%). There are very few notes in the comments sections of the metric and we have not seen any accompanying BNG Report, therefore the details of the habitat creation and enhancement are not fully clear. It appears that proposals include scrub and tree planting, creating other neutral grassland in an area of existing modified grassland / attenuation basin and enhancing the condition of the wildlife pond from poor to moderate.

We previously raised concerns that the habitats within the south-eastern parcel of land were created as part of the adjacent development. Therefore, counting this land within the current application does not provide the 'additionality' required in the BNG Good Practice Principles. This area should already comprise EM10 Tussock Mixture, EM8 Wetland Mixture in the attenuation basin and a separate wildlife pond. Furthermore, the SuDS feature is retained within the metric but not mapped on the proposed habitat plan - this area may therefore have been counted twice; once as retained SuDS and potentially counted in the neutral grassland figures. We advise that further clarification on proposals in this area is provided.

Notwithstanding the concerns we have about the south-eastern area, we would advise the following conditions are attached:

Pre-start Badger Survey

Due to the presence of badger activity in the local area, prior to the commencement of development (including preparatory site clearance) a detailed badger survey for any recently excavated badger setts on the site or within 30 metres of the site boundary shall

be undertaken The results and any appropriate mitigation/licensing requirements shall be submitted to the Local Planning Authority for approval. Such approved measures must be implemented in full.

Nesting Birds

No vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Lighting Strategy

Prior to the installation of lighting fixtures, 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, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 – Bats and Artificial Lighting at Night (BeT and ILP,2023). Such approved measures will be implemented in full.

HMMP

A Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. This shall identify the habitats to be retained, created and / or enhanced on the site and specify the appropriate management prescriptions to secure the predicted condition targets, as per the approved biodiversity metric for the application. The HMMP shall also set out a monitoring schedule to ensure targets are met and remedial actions to take if not.

Guidance on producing a HMMP can be found here:

<https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-biodiversity-net-gain>

Species Mitigation and Enhancement Plan

Prior to building works commencing above foundation level, a Species Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

- universal nest boxes at ratio of 1:1, in line with British Standard 42021 :2022.
- integrated bat boxes in 30% of dwellings.
- insect bricks in 30% dwellings and lor towers in public open space.
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs in all gardens.
- ACO Wildlife kerbs (or similar) and drop kerbs to prevent amphibian entrapment in road / drainage network.

Officer response:

Following receipt of the above comments, the applicant has updated their calculations using the DEFRA 3.1 metric. It should be noted that as the application for the Site was submitted prior to 12th February 2024 and therefore the scheme is not subject to mandatory 10% net gain requirement.

Overall, the amended metric indicates a 8.54% gain in habitat biodiversity (with the site considered to provide 4.52 units post-works and 4.16 units before) and c.23.05% gain in hedgerow units (4.81 linear units post-works, 3.91 units before). The metric trading rules have been fully satisfied demonstrating the creation of habitat relevant to the distinctiveness of the habitat present at the baseline.

The applicant has also advised that the future management of the habitats proposed on-site are to be secured by a HMMP which will include the long-term security of the area in the south-east.

The development would deliver a measurable net biodiversity gain and would satisfy the relevant provisions of the development plan and national policy. The development is considered to be acceptable in general ecology and biodiversity terms, subject to the imposition of the conditions recommended by Derbyshire Wildlife Trust. In accordance with the officer recommendation, it is recommended that if members are minded to approve the application that they include these conditions.

2. Following clarification on the how the greenfield calculations for the site have been reached the following comments from the Lead Local Flood Authority have been received.

Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application, which was received on 19th January 2024. The LLFA has no objection subject to the conditions below.

To ensure adherence to National Planning Policy Framework, DEFRA's Non-statutory technical standards for sustainable drainage systems and local guidance, these recommended conditions should not be altered without consulting the County Council Flood Risk Management team.

1. "No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

- a. bsp Consulting. (07/03/2024). Flood Risk Assessment and Drainage Strategy. Ref: LLBR-BSP-ZZ-XX-RP-C-0001-POS_FRA_&_Drainage_Strategy And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority."

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted.

2. "Prior to commencement of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works,

which would lead to increased surface water run-off from site during the construction phase."

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.

Advisory footnotes are also recommended.

Officer Response:

In accordance with the officer recommendation, if members are minded to approve the application it is advised that these conditions and advisory footnotes are imposed / included in any decision notice.

3. Gillian Woodhouse resident of Acorn Meadows and Parish Councillor has made the following representations:-

I have been asked to forward additional information for you a during a site visit to the above application. Eye witness accounts of sewerage and surface water incidents in Brailsford and Acorn meadows. Below are additional witness statements from the residents of Acorn Meadows and The Parish Council. One of our residents, John Bridges, has written this statement about the Brailsford sewerage treatment works . "I work on the golf course. I regularly see trucks arriving to pump out sewerage. This happens several times a week. Recently I've counted 6-7 tankers a day occasionally queuing to get into the treatment works. I've spoken to Severn Trent Workers occasionally and they admit that the pipes cannot cope with what comes through." John Bridges Green Keeper of Brailsford Golf course. " I have witnessed the performance of the present attenuation pond on Acorn Meadows over the last 5 years. The present attenuation pond is not functioning as it should. It is rather shallow and lies higher than the surrounding land and houses on the estate. It is often dry or has very little water in it. It is so dry that children have been riding bikes over it. The outlet ditch contains just a little trickle. This means that it is likely that the surface water run off is finding its own way down towards the main road which floods regularly." During the construction of our estate sewerage came bubbling up into our downstairs toilet ."

Officer Response

Officers request that these comments be noted / considered by members. Matters arising are covered in the officers report.

4. Janice Else resident of Acorn Meadows and Parish Councillor has made the following representations:-

I sincerely hope that planning committee listen to and register all the communications the have been sent with regard to the ever increasing development of the village of Brailsford and reject this application. We, as a community should not need to add to all the very real concerns that we have repeatedly raised. The infrastructure is positively collapsing! The biggest disappointment it that the developers just keep re applying over and over again! Enough is enough for Brailsford Please refuse the application.

Officer Response

Officers request that these comments be noted / considered by members. Matters arising are covered in the officers report.

5. Stuart Woolley has made the following representations:-

I am emailing yourselves about the matter of the planned 33no houses which is being recommended to be granted off Luke Lane Brailsford. How on earth can this be recommended? Have the planning department actually seen how bad Luke Lane is with traffic? The village cannot cope with any more developments. The infrastructure is just not there, drainage, sewage, public transport. Brailsford consists of two roads, the A52, which is a constant stream of traffic, and Luke Lane which is pummelled by HGV's from the concrete works, farm traffic, local traffic, commuters, and school traffic. Yet planning is recommended to pass building another 33 houses using the same entrance opposite the school! Who thought that was a good idea in the first place? Someone will be injured or worse as it is with the traffic at the moment.

It's not about being a nimby, it's about common sense. These housing developments are killing the village, turning it from a red brick, semi-rural village into a dangerous, over congested housing estate next to the A52.

Our MP has sent two letters to yourselves, explaining how Brailsford is over developed. The Parish Council are against it. It doesn't fit in the local plan. The local residents don't want it. The infrastructure, school, doctors just can't cope.

If it gets permission, then it won't be long before the application on the former allotments comes back again. And then building behind Cotton Lane will be seeking for permission as surprise, surprise they left an access road into the next field.

Hopefully common sense will prevail, and the application will be rejected. We will be attending the meeting on the 13th.

Officer Response

Officers request that these comments be noted / considered by members. Matters arising are covered in the officers report.

6. Sarah Dines MP has made the following comments:

I have been contacted by a great number of Brailsford residents who are concerned that the above application is due to be considered at the planning committee meeting on 12th March 2024 - and that the recommendation is that authority be delegated you to grant permission.

Members of Parliament do not, by convention, become involved in the details of planning applications, and I do not propose to rehearse the details here. What I must reiterate is what I am on record as saying many times - including at a public meeting of Brailsford residents - that Brailsford is full.

I simply do not accept that there is a need for an additional 33 houses in the village. This is still a rural location, and the infrastructure cannot cope with further speculative housing. I note that in the Education Authority's response it says that Brailsford School is already oversubscribed, and the carrot of a fairly arbitrary sum under a Section 106 agreement to fund further places is not a reassurance.

There are already, in my inbox, many concerns about developments in Brailsford that have not had details complied with once a developer has made its money. A lot of these surround footpaths, and there is a clear and worrying level of concern about adding more traffic to paths and highways.

Some of the other consultation responses are less than equivocal in their content, and while the volume of objections is only valid as far as material planning issues are concerns, there are more than sufficient for me to suggest that it is premature for this application to be approved.

Officer Response

Officers request that these comments be noted / considered by members. Matters arising are covered in the officer's report and this late representations sheet.

ITEM 5.3 – 24/00094/FUL – SINGLE-STOREY REAR EXTENSION AT 5 THORPE VIEW, ASHBOURNE, DERBYSHIRE, DE6 1SY.

The applicant has stated the measurements within the report are incorrect, however, they do match the scale provided on the plan. The applicant has since confirmed that the scale should be 1:100 and not the 1:50 shown, therefore the correct measurements for the extension are as follows: 3m x 5m of a height of 2.8m to the eaves and 3.3m to the ridge.