

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

**PLANNING COMMITTEE MEETING HELD ON 08 SEPTEMBER 2020**

**COMMENTS RECEIVED RE. ITEM 5.1 – PLANNING APPLICATION**

**1. THE FOLLOWING COMMENTS FROM KATHLEEN AND PETER CARTLIDGE  
RESIDENTS RE PLANNING APPLICATION 19/00159/REM HAVE BEEN  
RECEIVED**

Reference No. 19/00159/REM

Applicant: Mr. Jeff. Guest

Location: Land off Wheeldon Way, Hulland Ward

We wish to make clear our opposition to the above development.

- 1) Throughout the development process we were promised bungalows to the rear of Ashes Avenue. The proposed 1½ storey houses have the same roof height, and window height, as a conventional 2 storey house.
- 2) Drainage and land slippage are a problem because of the underlying clay soil, as evidenced by the development off Biggin View.
- 3) The entrance / exit to the proposed development will create a 'bottle-neck' for all the properties on it. This 'bottle-neck' feeds directly into the junction of Ashes Avenue and Eaton Close along with Wheeldon Way. Bad weather will exacerbate the problem.
- 4) Is the footpath to the rear of Ashes Avenue still on the Definitive Map as we can find no reference to an official diversion?
- 5) Would the road for the proposed development be better as a cul-de-sac, enabling greater distance between existing bungalows and new properties thus eliminating the patch of grass which has no value as a wildlife corridor, and creating the problems of responsibility of upkeep.

**Officer Comments:**

Officer's recommend that the above comments be noted.

## **2. THE FOLLOWING COMMENTS FROM MR & MRS VAUGHAN RESIDENTS RE PLANNING APPLICATION 19/00159/REM HAVE BEEN RECEIVED**

As residents of Ashes Avenue which is adjacent to the land we respectfully request that the proposal is declined unless further considerations are made.

- 1) We request that the plots adjacent to Ashes avenue are moved to allow a buffer zone between the boundary of our properties and the new properties. This is in line with the recommendation for a 5 meter buffer zone around all hedges in the 2014 Ecological survey carried out when the original request was denied (attached for reference please see item 4). This can be achieved simply by reducing the size of the “wildlife area” currently planned in the middle of the development. This is to allow for the wildlife to continue to live and forage without disruption. We currently have several species of bird living in the hedges in question. In addition, bats, reptiles, hedgehogs and owls all use the area for foraging and we note that no ecological survey has been carried out on behalf of Mr Guest to consider the impact his proposal will have on these. Ideally, we would ask that the wildlife area planned to be in the centre of the development is actually moved to be adjacent to Ashes avenue running the length of the street and moving the new properties so that they are facing each other, which we believe to be a reasonable request. Mr Guest could then plant several trees and bushes to assist with draining in the area.
- 2) We request that the pumping station behind number 8 Ashes Avenue is moved away from his boundary and placed adjacent to the new property which is one of the properties it serves.
- 3) We request that under no circumstances is Mr Guest allowed to build up the land on which the properties will be built and that it is stipulated in the final decision that the properties should be aligned with Ashes avenue to ensure that we are not overlooked.
- 4) We request that it is also stipulated that fencing should be put in place around the rear of the new buildings gardens to clearly define the boundary between their properties and ours. Under no circumstances should the hedge, which is owned by the residents of Ashes Avenue and which forms the boundary between Hlland Parish and Biggin Parish be cut down or back. This matter was also raised in the Environmental report in March 2020
- 5) We request that you also specify as a condition that the hedges, including the hedge at the common area beside number 8 cannot be damaged or removed in anyway. Again this is in line with the ecological and environmental reports.
- 6) We would ask that further investigation also take place before permission is granted regarding the proposal to allow Mr Guest to use the existing, aged and already at capacity sewage drainage on Ashes Avenue as we already suffer from Drains overflowing and do not believe the system will cope with 39 further properties.
- 7) We would also remind Mr Guest that natural springs are already an issue on Ashes Avenue and regularly appear on the field on which the building is planned along with in the gardens of existing properties and on Ashes Avenue itself. We also believe that this has already caused issues at building work already in progress and this should be factored into his plans from the offset to avoid “changes” being necessary at a later date.

- 8) We would request that the Committee also consider asking Mr Guest to repair any damage to roads caused by heavy machinery.
- 9) We also request that due to the nature of the soil the residents of Ashes Avenue are compensated for any and all damage that may occur to their properties as a result of work being carried out by Mr Guest and those working on his behalf.
- 10) Due to the close proximity of the building work to residential properties, we request that it is stipulated in the final decision that building work is only allowed Monday to Friday and no bank holidays or weekend and must not be prior to 8.30 or after 6pm and that Mr Guest and his employees should be respectful of the impact this will have on a mainly aging residential area

We fully appreciate that building work will go ahead, despite the concerns of the residents of Hulland Ward regarding the pressure on existing facilities. Unfortunately, we have not been represented fully from the offset. That said, we do not believe that any of the requests made by the residents of Ashes Avenue are unreasonable. Progression for progressions sake is somewhat a feature of todays society and there is very little consideration for those that are impacted. We hope that Mr Guest and his team will honour the family values quoted on his website that they keep every person in mind.

**Officer Comments:**

The above matters have been referred to in the Officer's Report. The matter of any damage to the public highway by the developer will be one that will be addressed by the Local Highway Authority who are responsible for the maintenance of the public highway. The matters of drainage have been considered by the Lead Local Flood Authority. The hours of operation on site during the development were not stipulated as a condition of granting the outline planning permission and cannot be addressed through the reserved matters; this is a matter for the developer to be responsible in their construction process and could be subject to controls through Environmental Health.

**3. THE FOLLOWING COMMENTS FROM MRS. D. WEBSTER OF 14 ASHES AVENUE RE PLANNING APPLICATION 19/00159/REM HAVE BEEN RECEIVED**

Not looking forward to any houses in the field.

Impact of dust, during construction, on health.

Bought the bungalow for the view of the countryside.

Don't feel that any more houses are needed in Hulland Ward.

**Officer Comments:**

The site is allocated for development and has outline planning permission.

There can be some problems experienced through construction with dust, noise nuisance, etc. but this is of a temporary nature and is not a substantive reason to

refuse permission; the principle of development has already been established in the site allocation and granting of outline planning permission

There is no entitlement to a view and impact on such is not a substantive reason for refusal of the application; matters of the impact on outlook have been considered in the Officer's Report.

The site allocation is to meet the requirements of the District Council in meeting its housing land supply during the Local Plan period.

#### **4. THE FOLLOWING COMMENTS FROM MR. S. DUNNING RE PLANNING APPLICATION 19/00159/REM HAVE BEEN RECEIVED**

Pleased to see that a footpath link is proposed through the play area proposed for the development currently under construction off Biggin View but cannot see this marked on the amended site plan.

#### **Officer Comments:**

Condition 17, attached to the recommendation of approval, requires that the footpath be provided prior to the erection of the 30<sup>th</sup> dwelling on the site.

## **COMMENTS RECEIVED RE. ITEM 5.2 – PLANNING APPLICATION 20/00104/FUL – CALLOW HALL COUNTRY HOUSE HOTEL, MAPLETON ROAD, MAPLETON**

### **1. THE FOLLOWING COMMENTS HAVE BEEN RECEIVED FROM THE APPLICANTS' AGENT – RICHARD PIGOTT OF PLANNING AND DESIGN PRACTICE LTD;**

I make the following comments on behalf of the applicants. The recommendation for refusal is extremely disappointing for the following 3 key reasons.

#### **Impact on Ancient Woodland**

Ancient woodland is protected against loss and deterioration at paragraph 175 c) of the National Planning Policy Framework (NPPF) but this is only relevant where either of these effects result. It is considered that Derbyshire Wildlife (DWT) has misinterpreted key ancient woodland guidance and on that basis it would be unsafe to accept its advice. Notwithstanding the above, DWT's position is more balanced than the committee report suggests. In its response dated 4<sup>th</sup> August, it sets out a number of detailed planning conditions *"If the LPA is minded to grant permission at this stage"*.

Sylvan Consulting are the country's only specialist ancient woodland consultancy, a bi-disciplinary collaboration covering arboriculture and biodiversity. They have an unrivalled track record of success in respect of ancient woodland, veteran trees and historic landscapes. They were asked to provide an independent appraisal of the application and the concerns of DWT. Unfortunately, they have found DWT to be extremely evasive, refusing multiple requests for meetings/discussions over a 3-month period.

Sylvan's detailed site analysis has found that despite Callow Wood's ancient woodland designation, it contains very few veteran trees and is relatively biodiverse-poor. Two of its most significant problems arise from its attributes as a small and relatively isolated wood. Added to this are the problems of uncontrolled and prolific rabbit activity; and lack of beneficial management. Sylvan conclude that any negative impacts within the woodland would be significantly outweighed by a package of mitigation measures including beneficial woodland management including rabbit control; tree and hedgerow planting, and management changes, to create and enhance connectivity to Mapleton Road Wood (another area of ancient woodland lying a short distance to the west) and management funding to improve the condition of this other woodland. The result will be a larger area of woodland that is greater than the sum of its parts, thus enhancing Callow Wood as well. These measures were agreed following a successful meeting with Sir Andrew Walker-Okeover, the landowner.

The Natural England and Forestry Commission Standing Advice states that the existing condition of a woodland should not be taken into account where the proposal would result in loss of Ancient Woodland. DWT's position is that because (in its view) certain components of the habitat would be adversely affected this equates to loss of ancient woodland. However, this approach it at odds with the

dozens of cases of which Sylvan are aware. Because there is no loss, there is no proper ground for DWT's refusal to take into account the poor existing condition of the woodland. It should also be noted that Natural England has No Objection, stating *"Natural England welcome the proposed measures to improve the condition of the ancient woodland through management and the creation of wood pasture to the south of Callow Hall which will complement the woodland habitat"*.

The equation for impact is, therefore, simply:

Baseline condition + beneficial management - adverse impact = (in this case) net gain

As soon as the existing condition is correctly brought into play, the overall impact of the proposals is clearly beneficial. There would be no deterioration when tested against the existing condition, and hence there is no reason to withhold planning permission because the protection within paragraph 175c) of National Planning Policy Framework is not relevant. Indeed, because the proposals would lead to enhancement of an irreplaceable habitat this beneficial outcome should attract very significant weight in the planning balance.

### **Economic and social benefits**

In these uncertain social and economic times it is important to recognise the benefits that a successful Callow Hall would bring. Unfortunately, the above benefits barely get a mention in the officer report. The hotel is simply not viable without a greater number of bedspaces. As well as securing the future of the hotel, the proposals, as set out in the Economic Footprint Report, would include:

- Attracting 8,175 overnight visitors per annum, generating more than £1m in visitor expenditure across a range of sectors in the local economy
- 40 Full-Time Equivalent jobs (allowing for economic multiplier impacts);
- Generating demand for local suppliers, with £400,000 per annum spent with businesses in Ashbourne, rising to £650,000 across Derbyshire Dales; and

This multi million pound investment would also amount to a massive vote of confidence in Ashbourne and the Derbyshire Dales as we deal with the effects of Covid-19.

### **Pre-application advice**

The applicants would also like to make the committee aware that they paid for pre-application advice in March 2018 before buying Callow Hall in June 2018 to ensure their business model would work for Callow Hall and cannot understand why, 2 years later, they are fighting to save this project. In the council's pre-application response the impact of the cabins on Callow Wood was not flagged up as a primary concern. The Conservation and Landscape Officers were both consulted and neither objected to the principle of the cabins provided the woodland immediately adjacent to the hall remained unaffected. The pre-application enquiry response said: *"Proposals for tree house/ nook development within woodland to the west of Callow Hall are, potentially, acceptable."* On the back of the council's advice the applicants acquired Callow Hall in June 2018. Since then numerous planning

applications have been approved including for the conversion of the Grade II listed stables and extensive works to modernise and extend the hall itself.

### **Summary**

The public benefits of the proposal in the form of securing a better future for the ancient woodland and the economic benefits of securing the future of Callow Hall as tourist accommodation significantly outweigh any perceived harm. The proposed new 1 hectare of woodland on species-poor agricultural land will also boost the sustainability credentials of the site and contribute to the council's overall carbon neutral target by 2030.

Members are invited to recognise these facts and approved the application.

### **Officer Comment:**

Officers recommend that the comments of the applicants' agent are noted.

### **2. A LETTER OF SUPPORT HAS BEEN RECEIVED FROM RICHARD TAYLOR OF OWEN TAYLOR & SONS LTD OF ALFERTON WHICH IS SUMMARISED BELOW;**

The proposed development is a sustainable expansion to expand and improve the current business which would attract visitors and customers to the area which in turn would support the local economy. The hotels supports local businesses by using local produces and therefore supporting the local community and economy all which need support during these economically difficult times.

Owen Taylor supplies the hotel with livestock from the local area. In conclusion, the application is supported for both the hotel and wider economic community.

### **Officer Comment:**

Officers recommend that the comments of the local resident are noted.

### **3. A LETTER OF SUPPORT HAS BEEN RECEIVED FROM DAVID SPENCER OF CALLOW STABLES, MAPLETON WHICH IS SUMMARISED BELOW;**

The Local Planning Authority has been misinformed to assume that the subject woodland is ancient woodland and it is believed not to be ancient woodland.

The application should be supported to secure the longevity and protection of the glorious listed building. This letter should be read in context to my previous comments submitted on the 18<sup>th</sup> August 2020 (which were published on the Councils website on the 21<sup>st</sup> August 2020).

### **Officer Comment:**

Officers recommend that the comments of the local resident are noted.

# COMMENTS RECEIVED RE. ITEMS 5.3 AND 5.4 – PLANNING APPLICATION 20/00255/FUL – CHANGE OF USE AND CONVERSION FROM FORMER BANK (USE CLASS A2) TO 8 NO. APARTMENTS WITH A NEW REAR EXTENSION AT 4 ST JOHN STREET, WIRKSWORTH

## 1. THE FOLLOWING COMMENTS FROM AMANDA PIKE RESIDENT RE PLANNING APPLICATION 20/00255/FUL HAVE BEEN RECEIVED

In addition to my comments sent in an email dated 19th August 2020 regarding the extra daylight and sunlight assessments, I wish to add the following comments.

Having received notification of the date this application is to be considered at Planning Committee and having studied the officers report and recommendation.

1. Local Plan policy PD1 is referred to in the officers report under “Impact on residential amenity”.

Policy PD1 states that

“All developments should respond positively to both the environment and the challenge of climate change, whilst also contributing to local distinctiveness and sense of place.

This will be achieved by:

Requiring 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.**”

How is the proposed development adhering to this policy? The proposed two storey extension will cause **visual intrusion, overlooking, shadowing and overbearing effect** on my **amenity** and on my neighbours at no 15 Causeway.

2. The officers report states that Local Plan Policy does not require compliance with the BRE guidance.

Policy PD1 states:

“Ensuring that development takes account of **national design guidance** and Supplementary Planning Documents”.

I would point out that the Building Research establishment (BRE) is a **National organisation** giving advice to local authorities.

3. My property has the benefit of right to light under common law. This is the result of an easement which has been acquired by my windows receiving light for a period of over 20 years **without interruption**. I understand that planning does not have to take this into account when deciding whether or not to grant the permission. Even if the

committee are minded to approve this application as it stands, this does not prevent me from taking legal action to stop the breach of the easement and I am currently seeking legal representation on this matter.

4. Without prejudice to the above, should this application, as it stands, be approved and the development goes ahead. I ask that the developer be required, in the conditions of the approval, to paint the rear walls of the bank facing my property white in order to reflect as much light as possible into my rooms. I cannot see any reason why this can't be done considering that the rest of the bank is already painted white/cream.

**Officer comment:**

The above matters have been referred to in the Officer's Report. The render colour of the proposed extension would be controlled by Condition 6.

## **COMMENTS RECEIVED RE. ITEM 5.6 – PLANNING APPLICATION 20/00482/FUL – FORMER HALLMARK TRACTOR SITE, ASHBOURNE ROAD, SUDBURY**

### **1. THE FOLLOWING COMMENTS FROM JAY BEESTON AT LOCAL RESIDENT HAVE BEEN RECEIVED;**

I have read the submission from Hon. David and Jane Legh sent 02/09/20. I wholeheartedly agree with all points made. I am very disappointed that the public will not be admitted to the committee meeting.

#### **Officer Comment:**

Officers recommend that the comments of the local resident are noted.

### **2. THE FOLLOWING COMMENTS FROM DAVID AND JANE LEGH RESIDENTS RE PLANNING APPLICATION 20/00482/FUL HAVE BEEN RECEIVED**

Following publication of the officers' report, which recommends APPROVAL, SUBJECT TO CONDITIONS, we request that members of the committee consider the following points, which would have been put in person, before temporary suspension of public participation:

1. The officers' report makes only fleeting reference to hybrid application 17/00329/FUL permitting the development of a new depot for Hallmark Tractors to the north of the existing site. In the statement for that application, it was stated:
  - *"[T]he existing site will be vacant and in need of a viable use, subsequently residential use is proposed which will essentially 'enable' development of the new site, providing essential capital release.... Furthermore, the relocation of the farming business to the adjacent field, and the provision of a landscaping buffer will improve the amenity of existing residents of neighbouring dwellings and prospective residents of the site."* We submit that this proposed development will further destroy the amenity of residents and that the café proposed will become a truck-stop for HGV drivers during business hours (with a risk of becoming an overnight haven) and for motorcyclists at weekends
  - *"The proposed development will deliver numerous social benefits to the local community and wider area..... Furthermore, the provision of a landscaping buffer will ensure the amenity space of existing and future residents in the locality."* This simply has not happened. No social benefits to the local community have been delivered. This application provides no soft landscaping proposals, and is generally light on detail.
  - *"There have been various planning applications on the site over the years to expand within the existing site confines. The proximity of the neighbouring dwellings has made it difficult to support certain proposals due to noise and*

*other disturbance. The relocation of the business away from the housing will alleviate historic concerns and allow the company to grow and function effectively whilst improving the living environment of residents".* This application does not alleviate those concerns and makes matters worse. The Environmental Health Officer should review the proposals again in respect of the likely noise to be generated by the development, and the increased disturbance to residents, particularly at weekends.

2. Late in the process revised traffic and parking proposals have been introduced, attempting to address the failure of the red line of the application to extend to the highway boundary. The Highway Authority response on 24<sup>th</sup> August 2020, whilst requesting provision for secure cycle parking, fails to address access or parking for HGV vehicles for which there is no provision in the application.
3. The officers' report in 7.4 erroneously refers to the relocation of *Alkmonton Tractors*. This is quite simply wrong.
4. In 7.5 officers state that "the proposed uses would continue to help contribute towards the creation [*sic*] employment opportunities within the rural area....." but offer no evidence to substantiate this assertion. There is a plethora of local cafés, zero demand for office space and the retail opportunities on this site are minimal.
5. In 7.6 members are advised of recent changes in planning legislation permitting more flexible use under Class D, but not the new permitted development rights for demolition and construction of new homes under new Class ZA which was precisely proposed in the Statement accompanying hybrid application 17/00329/FUL. No attempt is made to justify retention of the existing building on grounds of architectural merit.

We therefore request members to heed the unanimous view of the local residents and the neighbouring land owner to refuse this application.

**Officer Comments:**

Officer's recommend that the above comments be noted.