

Neil Thompson

Subject: FW: application 2021/0983 Hartshorne

From: Neil Thompson
Sent: 02 December 2021 12:22
To: Janet <
Cc: Steffan Saunders <Steffan.Saunders@southderbyshire.gov.uk>
Subject: RE: application 2021/0983 Hartshorne

Janet,

I apologise for not replying sooner due to current workload pressures and a delay in seeking a response from my policy colleagues on my part.

I was also wanting the Council's Tree Officer to visit the site to assess the impact of the TPO's trees on the potential for development given the overhang from the adjacent site and potential effects on roots etc.

In terms of Highway issues, the latest response from the Highway Authority is that they are satisfied with the amended plan and have recommended that permission can be granted subject to the imposition of appropriate conditions.

With regard to the trees, as you may know, our Tree Officer was on sick leave for a number of months, and we were not able to secure alternative assessment. Martin did visit the site a couple of weeks ago and has provided an assessment. The submitted information is considered to be an accurate assessment of the existing trees.

He considers that the adjacent TPO'd trees should not prevent development at this site perse. He considers that there are two particular trees which are worthy of TPO protection and should be retained which are T17 Pear and T21 Oak. The layout is not part of this application so could accommodate both trees. The Pear particularly maybe affected by surfacing for car movements going past and over the roots.

In terms of the comments on the policy issue, this will be a difficult judgement.

The Limits to Development boundary line follows from the end of 67 Hartshorne Road to 5 Adams Close and then goes around the residential curtilage of the Adams Close site.

It would seem obvious that the garden of 69 and 69a does extend into this area outside of the Limits to Development. This area up to the bottom of the garden was included within the Limits to Development prior to 2016 as part of the 1998 local plan.

I think there is an issue of debate around the presence of the dog kennels and whether they form part of the residential curtilage. The buildings have clearly been there for 30-40 years.

I think there is an argument for saying that this is not a residential use but over time has gained a different use outside of the residential curtilage. The applicant says that the dog kennels are not commercial, but I understand it is registered as a kennel. The dogs are collies, but it would seem that there is no large agricultural farm business which the dogs are used on site for. Whilst it is reasonable to keep a number of dogs as pets, if there is any breeding and sales over a period of time this seems to have a use which is beyond a typical residential use. The area where the kennels were located were still outside of the settlement boundaries on the 1998 Local Plan definitions and were considered more closely associated with an agricultural land use with the land to its south. I am aware that we have looked at the kennels themselves before and concluded that the building and its use has been there long enough to be established.

My Policy colleague has therefore requested some further clarification on the purpose of the kennels and their relationship to the dwelling before coming to a conclusion.

I am conscious that fairly recent planning history would indicate that the Council took an appeal decision to the High Court last year in Hartshorne in which it was decided that H1 applied for market dwellings and that proposal was contrary to the meaning of H1. That site was wholly outside of the Limits to Development although it was redevelopment of a residential plot, the Inspector refused the proposal.

In my opinion, this particularly development cannot be considered as infill to the rear of the existing dwellings and would have an urbanising impact on land outside of the limits to development which will have to be assessed in the conclusions. I note the comments made at pre-application stage earlier in the year by my colleague James Norton.

I trust that this provides further clarification before we make a conclusion on the principle of the development.

Can we seek an extension on the application until the 24th December?

I look forward to hearing from you.

Kind regards

Neil Thompson

Planning Officer – Service Delivery

T: 07920446816

www.southderbyshire.gov.uk



From: Janet <

Sent: 01 December 2021 15:42

To: Neil Thompson <Neil.Thompson@southderbyshire.gov.uk>

Cc: Steffan Saunders <Steffan.Saunders@southderbyshire.gov.uk>

Subject: FW: application 2021/0983 harthorne

Neil could you please respond to my e mail below

Thankyou

Regards

Janet Hodson



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From: Janet
Sent: 29 November 2021 11:15
To: 'Neil Thompson'
Cc: 'steffan.saunders@southderbyshire.gov.uk'; Tom Beavin
Subject: RE: application 2021/0983 harthorne

Good Morning Neil

We have not heard anything from you since the amended comments of Highways, can you please give an update on the application.

Thankyou

Regards

Janet Hodson

JVH Town Planning Consultants Ltd
Houndhill Courtyard, Houndhill, Marchington, Staffordshire, ST14 8LN.



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From: Neil Thompson [<mailto:Neil.Thompson@southderbyshire.gov.uk>]
Sent: 22 October 2021 15:43
To: Janet
Cc: Tom Beavin
Subject: RE: application 2021/0983 harthorne

Janet,

These are the amended comments of the highway authority.

I'll spend sometime going through the file again next week and see what else I need to say and chase things up with any outstanding consultees.

Additional information has now been submitted which has been thoroughly reviewed and the following comments can now be made.

- 1. The amended site plan shows the access from Repton Road as radius kerbs, however as it is a private access then both sides of the access should not have radius kerbs. The site plan needs to be amended accordingly and satisfactorily demonstrate that 2 vehicles could pass on the first 15m of the access drive.*
- 2. The amended site plan shows that satisfactory vehicular visibility splays can be achieved within adopted highway land or land under the applicant's control.*
- 3. The amended site plan shows that satisfactory vehicular visibility splays can be achieved within adopted highway land or land under the applicant's control.*

4. *This issue has not been addressed within the additional information submitted and it is therefore requested that this information is submitted to ensure that satisfactory parking and manoeuvring is provided.*
5. *Confirmation that the Fire Emergency Services have been consulted to ensure that their fire service vehicles/appliance can satisfactorily access the development in the event of any emergency is requested.*
6. *Confirmation of refuse storage is required to ensure to ensure that there is no impact on the adopted highway/footway of the PROW.*

In addition, as stated in the previous response a Public Right of Way (PROW), Footpath FP 15 [Hartshorne] on the Derbyshire Definitive Map, runs along the eastern boundary of the access drive and the site as a whole. The PROW route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Advice on the PROW may be obtained from the Department of Place at County Hall, Matlock (tel: 01629 533190 and ask for the Rights of Way Officer).

The Highway Authority continues to consider that the proposal is not acceptable on highway grounds, unless further plans and information are submitted which demonstrate that the outstanding issues can be fully addressed in the interest of highway safety.

Kind regards

Neil Thompson

Planning Officer – Service Delivery

T: 07920446816

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South
Derbyshire
District Council