

ROGER YARWOOD PLANNING CONSULTANT LTD.

Wheatley Barn, Wheatley Road, Matlock, DE4 2FF

Telephone: 01629732450 Email: roger.yarwood@hotmail.co.uk

Neil Thompson,
Planning Officer,
South Derbyshire District Council,
Council Offices,
Swadlincote

14th December 2021

Dear Mr. Thompson,

Approval of details required by conditions 5,7,9,10,11,12 and 13 attached to ref.
DMPA/2019/1408

Thank you for your email relating to validation of my discharge of conditions submission. I appreciate your helpful suggestion but it is important to secure a discharge of the conditions before the date for compliance with the Enforcement Notice, so I wish to proceed with the discharge of conditions application.

There has been no breach of conditions. Unauthorised activity pre-dated the grant of permission and is subject to an enforcement notice.

I accept that, given the concerns raised by the Inspector, it would not be appropriate to seek to alter the layout in the context of a discharge of conditions submission. I have therefore altered the layout drawing and attach the revised version -.M.20.03B, to accord with that shown on the layout drawing which was granted permission.

The Inspector made it quite clear that she was not satisfied with the landscaping proposals as detailed on the application drawing and she imposed the condition to ensure that a revised and more detailed landscaping scheme was agreed and implemented. Therefore, I am seeking to discharge this condition by the submission of attached drawing M.20.03B. There are no existing trees within the application site, other than those comprising the hedgerow along Acresford Road which are protected by the fencing shown on drawing M.20.03B.

I was not seeking a discharge of condition 8 but merely pointing out that, to secure compliance, a very minor raising of levels has proved necessary. This is so small that it is not really distinguishable on a 1/500 scale cross section.

With regard to condition 9, all hard-surfaced areas are permeable, so there is no surface water run-off and the required riparian buffer has been provided for by the tree planting shown on the submitted landscaping scheme. I submit that the purposes of condition 9 will, effectively be secured by the proposals I have put forward. The Council is, of course, entitled to decline to discharge that condition, if it disagrees.

Your comments about condition 11 are incorrect. No development has been undertaken in breach of this condition. All the development which has taken place within the application site was undertaken before the planning permission was granted, and is the subject of the enforcement notice. The condition relates to any further work necessary to implement the permission.

We are not, at this stage, seeking a new permission, so the location plan submitted with the application is the relevant document and need not be resubmitted with this discharge of conditions application.

Yours sincerely,

Roger Yarwood