

## **Brookfield Garth Reserved Matters Application 18/01879/REMMAJ – Revised and re-advertised submission dated 19 August 2018.**

Hampsthwaite Action Group (HAG) represents a substantial number of residents opposed to disproportionate and inappropriate housing developments in the village of Hampsthwaite. HAG previously submitted objections to the Brookfield Garth outline planning application for housing and the subsequent reserved matters application. We have examined this current revised submission and wish to further object and we make a number of observations.

In relation to the revised submission we note this consists of only an amended Site Plan showing changes to the housing layout and house types. The proposed town house types (in terms of height, design and materials) remain inappropriate for this village setting.

We note the revised submission (advertised for consultation until 6 August) does not address drainage, detailed landscaping, public footpath, car parking and internal road layout issues (and other matters) which HAG and local residents raised with the council in response to the previous reserved matters application consultation. HAG submits the council should not deal with any approval of the current reserved matters submission without first dealing with the important matters we raised. We set out our reasoning here:

When the outline planning application was submitted HAG and adjacent local residents objected to the application on a number of grounds. There were also concerns raised by statutory consultees regarding the need for further drainage details and raising the fact that the footpath shown on the outline application was not the definitive footpath route.

The officer report to the planning committee contained information which was wrong and the report contained other statements which were not addressed. We set out below the relevant paragraph extracts from the officer report to committee to identify those errors and omissions and we provide our current responses (underlined):

Paragraph 2.1. *“Pedestrian access would also be gained on the east and west boundaries where the site intersects with the existing public right of way. The right of way would continue to run through the site. Development would retain the protected trees on the site.”* HAG comment: This not referring to the definitive public right of way. The current proposals do not retain all the protected trees on the site.

Paragraph 2.2. *“The existing public right of way will be retained with landscaped focal points at the eastern and western points where it enters the site. The opportunity exists for tree planting within the site along the route of the right of way”.* HAG comment: This is not referring to the definitive public footpath route and the current proposals do not provide for any tree planting within the site along the route of the right of way.

Paragraph 2.2. *“It is expected that surface water would discharge into the watercourse along the western boundary”.* HAG comment: The watercourse enters a private culvert which then discharges into the public sewer. The owners will not permit any additional surface water into their culvert.

Paragraph 6.5. *“NYCC Lead Local Flood Authority (SuDS) - Recommends that further information is provided to demonstrate that the outline drainage strategy is appropriate for this site. (Officer note - an updated flood risk assessment and drainage strategy has been received and further comment will be provided at the committee meeting).”* HAG comment: This information was not provided and the officer did not provide further comment at the planning committee meeting.

Paragraph 9.49. *“Public Rights of Way are protected under saved Local Plan policy R11. The policy requires public rights of way to be retained in development proposals and where their character and amenity value is harmed, development should not be permitted unless the route is satisfactorily diverted.”* HAG comment: The character and amenity value of the existing footpath is harmed by the proposed layout and there is nothing in the reserved matters application to address the need to divert the definitive route before development is permitted.

Paragraph 9.5. *“In this instance the character of the public right of way through the site will obviously change but opportunities should exist to minimise the harm to the amenity of the route by ensuring it passes through an attractive, locally distinctive development.”* HAG comment: There are no proposals by the developer to minimise the harm to the amenity of the route.

Paragraph 9.55. *“Trees on the site boundaries make a positive contribution to the character of the settlement and are protected. Saved Local Plan policy HD13 advises that development proposals involving the loss of such trees will not be permitted. The retention of the protected trees is noted on the development framework plan, and the Council’s Arboricultural Officer does not object to the development subject to standard conditions protecting trees during construction, and ensuring that any trees planted in hard landscape as part of any landscaping scheme are given a suitable growth medium.”* HAG comment: the proposals do not address this requirement. If trees are proposed within the hard landscape this could conflict with the proposals for underground storage of surface waters. This demonstrates the need to understand the impact and site requirements for an approved drainage strategy BEFORE considering layout proposals under this reserved matters application.

Paragraph 9.67. *“In this instance a watercourse is available on the western boundary of the site, which has been identified as suitable for receiving flows from this development.”* HAG comment: The water course was identified as suitable by the developer but local residents

pointed out the unsuitability of the privately owned, unadopted culvert. This information continues to be ignored by the council and developer.

Paragraph 9.68. *“Should this outline application be approved, a detailed drainage design can be conditioned for consideration at reserved matters”.* HAG comment: This is the reserved matters stage, so where is the drainage scheme?

Paragraph 9.68. *“As the site is not large enough to support basins or swales, this attenuation would comprise underground storage, most likely under the highway layout, prior to discharge into the watercourse at the restricted rate.”* HAG comment: The current reserved matters application does not contain an appropriate level of detail on access within the site. That detail would have to take into account the necessary underground water storage and this is dependent on a drainage scheme – the details of which have still not been submitted or approved. Whatever way you look at this, the approval of drainage details must come first.

Paragraph 9.70. *“Officers consider that a suitable drainage scheme can be designed for this site that meets the sustainable drainage hierarchy and accommodates the expected surface water drainage flows from the development.”* HAG comment: But a suitable drainage scheme has not been submitted by the applicant. When they do submit a drainage scheme it would be constrained by the limited availability of space from the proposed high density layout. You cannot approved the reserved matters layout at this site and then try and retrofit a drainage scheme which has to REDUCE risks and flow rates to the privately owned and unadopted culvert.

Paragraph 11.3. *“Other environmental factors, including highway safety and capacity, foul and surface water drainage provision, and the effect on the amenity of existing residents are either acceptable or can be made acceptable by condition”.* HAG comment: A planning condition does not make something acceptable. The condition must be capable of being delivered and, in this instance, the information available to the council is insufficient to enable a conclusion that a condition can address drainage issues. It is too late to redress the mistake made at the original planning committee decision (when the promised updated drainage details were not provided) but it is appropriate to now require details of the drainage scheme so a proper decision can be made on the reserved matters layout application.

Taking the above matters into account, it would be inappropriate to approve the current reserved matters application without first understanding the interactions between drainage, landscaping, public footpath, car parking and internal road layout issues.

This is in contrast to an email from Mike Parkes to HAG (see Portal) which suggests the reserved matters application can be determined now and drainage, footpath and other issues can be subsequently resolved. The officer states:

*“The application is for most of the matters required by condition 1 of the outline permission, it does not currently reference access within the site but I would expect an amendment will be forthcoming to incorporate that. Drainage matters required by conditions 16 and 17 would be dealt with under a separate “approval of details” application. With regard to the right of way the route that exists today re appears to be retained clear of obstruction as it is the line of a proposed highway so still allowing people to pass and repass along it albeit in a significantly different from. The formal route of the right of way is however on a different alignment which I presume fell into disuse when the dwelling known as 58c Hollins Lane was built. I have been advised by NYCC that a diversion order will still be necessary and this should be completed before any built form obstructing that alignment occurs.”*

**Given the errors and omissions made at the original outline planning application stage regarding drainage and footpath routes, HAG hopes that the council does not follow the approach advocated above and that the drainage and footpath issues are resolved before the reserved matters layout, etc are considered for approval.**