
Delegated report Officer: Thomas Beardsmore

Application ref. DMOT/2021/1028

Non-material amendment to permission ref. DMPA/2019/0862 seeking relocation of the proposed building to facilitate the diversion of existing drainage relating to the erection of 3no. dwellings with associated soft and hard landscaping, ancillary works, parking and the demolition of existing buildings to facilitate the development at Woodward Electrical Limited, Park Road, Church Gresley, Swadlincote, DE11 9QE

Valid date: 29/06/2021

Consults expired:

EIA development? No

Section 106 agreement? Not required

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

DMPA/2019/0862 The erection of 3no. dwellings with associated soft and hard landscaping, ancillary works, parking and the demolition of existing buildings to facilitate the development - November 2019

Responses to consultations and publicity

None

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

- Local Plan Part 1 (LP1): SD1 (Amenity and Environmental Quality), BNE1 (Design) and BNE4 (Landscape Character and Local Distinctiveness).
- Local Plan Part 2 (LP2):

The relevant local guidance is:

- South Derbyshire Design Guide Supplementary Planning Document (SPD)

The relevant national policy and guidance is:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

Planning considerations

Unlike section 73 of the Town and Country Planning Act 1990, which only allows a Local Planning Authority (LPA) to vary or remove planning conditions; section 96A allows an LPA to make a change to any planning permission if they are satisfied that the change is not material. This application seeks to amend the siting of the proposed dwellings.

Planning assessment

The proposed works would result in the row of three terraced dwellings approved under application ref. DMPA/2019/0862 being moved over by approximately one metre. This is required in order to allow

space down the side of the building to facilitate the diversion of an existing drainage run currently lying underneath the proposed building. The proposed siting change would not alter the extent of built development at the site from the original application and given that the repositioning is only by a short distance of one metre, it is considered that there is no noticeable visual difference between what is proposed and what was approved and it would not harm the character and appearance of the new dwellings or the local area generally, nor have any increased impacts on adjoining and surrounding residential amenity. As such, the amendments to the previously approved scheme under application ref. DMPA/2019/0862 would be considered non-material and acceptable in planning terms.

Recommendation

Approve

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	09/08/2021
Report agreed:	10/08/2021
Authorised officer:	Steffan Saunders
