
Delegated report Officer: Richard McMichael

Application ref. DMOT/2021/1609

Approval of details required by conditions 5, 6, 7, 15 and 16 attached to ref. 9/2015/0518 (Outline Application (All Matters Except for Access and Layout Reserved for Residential Development) at Land to the rear of 69 Woodville Road, Overseal, Swadlincote, DE12 6LU

Valid date: 20/10/2021

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

This application seeks approval of details required by conditions set out on the host permission, as described above. The host permission forms the most relevant planning history for this application.

Responses to consultations and publicity

Environmental Health – A partial discharge is acceptable for Condition 16.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are set out in the officer report relating to the host permission.

Planning considerations

Taking into account the application made, the documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issues central to the determination of this application are:

- Design and appearance
- Highway safety
- Environmental health

Planning assessment

Condition 5 – No part of the development involving the construction of any dwelling shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

The Case Officer has assessed the proposed materials, as stated on drawing numbers 906-02, 906-03, 906-04 and 906-06. These are:

- Marley Modern Interlocking concrete roofing tiles, colour Smooth Grey;
- Ibstock Leicester Red Ivanhoe Stock facing brickwork, with prefabricated GRP chimney stacks;
- Cast Stone heads and sills, colour Portland, or as otherwise approved;
- uPVC windows and doors, colour White unless otherwise specified;
- Principal Entrance and Garage up-over doors, colour Anthracite;

- GRP canopy roofs, colour White/Grey;
- UPVC rainwater fittings, colour Black.

It is deemed that these are acceptable.

Condition 6 – Notwithstanding any details submitted or the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall take place involving the construction of the dwellings until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.

The Case Officer has assessed the positions, design, materials and type of boundary treatments, as shown and stated on drawing number 906-01. These are:

- native species hedgerow with trees comprising 50% CRATAEGUS monogyna (Hawthorn) and PRUNUS spinosa (Blackthorn sloe) with the remaining 50% comprising: ALNUS glutinosas (common Alder), LIGUSTRUM vulgare (wild Privet). MALUS sylvestris (Crab Apple). ACER campestre (Field Maple), CORYLUS avellana (Hazel)
- native single species hedgerow
- vertical timber close boarded fence - Height 1.80m (height 1.50m to North Eastern site boundary). The fencing incorporates hedgehog access points to facilitate movement between individual garden areas

It is deemed that these are acceptable.

Condition 7 – Prior to the construction of any of the dwellings, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).

The Case Officer has assessed the finished floor levels and ground levels, as shown on drawing numbers 906-01 and 20-130-01. It is deemed that these are acceptable.

Condition 15 – Notwithstanding the submitted drawing, prior to the first occupation of any dwelling a bin store shall be provided within the site curtilage, adjacent to Woodville Road, and the bin store shall be laid out in accordance with a scheme, first submitted to and approved in writing by the Local Planning Authority, demonstrating that at least four bins can be accommodated at any one time.

The Case Officer has assessed the location of the bin store, as shown on drawing number 906-01. It is deemed that this is acceptable. However, it has not yet been provided. Therefore, this condition shall be partially discharged and only fully discharged upon the provision of the bin store in the approved location.

Condition 16 – No development shall take place until a suitable scheme for the prevention of ground gas ingress has been submitted to and approved in writing by the Local Planning Authority (LPA). Alternatively, the site shall be monitored for the presence of ground gas and a subsequent risk assessment completed in accordance with a scheme to be agreed with the LPA, which meets the requirements given in Box 4, section 3.1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'. Upon completion of either, verification of the correct installation of gas prevention measures (if any) shall be submitted to and approved in writing by the LPA prior to the occupation of the development hereby permitted.

The Environmental Health Officer was consulted on the submitted details for Condition 16, which is included in drawing number 906-01. This states:

"Ground floors to comprise a concrete beam and block construction with sub-floor ventilation, and incorporate a fully lapped and sealed 2000g. (min.) gas proof membrane extending across the cavity."

The Environmental Health Officer stated that the explanation of the construction was acceptable, but that verification of the installation needs to be undertaken by a competent person. Therefore, the verification would be required prior to discharge. As this is a pre-commencement condition, this is not possible. Therefore, the condition shall be partially discharged at this stage and fully discharged upon the verification of the installation.

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:	15/12/2021
Report agreed:	15/12/2021
Authorised officer:	Emma Palmer-Barnes
