
Delegated report Officer: Steven Mott

Application ref. DMPA/2021/0397

Approval of reserved matters (layout, scale, appearance and landscaping) pursuant to outline permission ref. 9/2017/0922 for the residential development of up to 100 dwellings including infrastructure as associated works on Land at SK3430 7732, Deep Dale Lane, Barrow on Trent, Derby

Valid date:	30/03/2021
Consults expired:	08/11/2021
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

9/2017/0866 - Outline application (matters of access to be considered now with all other matters to be reserved for later consideration) for the residential development of up to 100 dwellings including infrastructure and associated works - Approved 26/02/2021.

The adjacent wider development within Derby City Council's administrative area is also relevant and planning application reference 21/00039/RES which was for residential development of up to 50 dwellings including infrastructure and associated works - approval of reserved matters pursuant to outline planning permission Code No. 02/15/00211 in respect of appearance, landscaping, layout and scale which was approved on 18/08/2021.

Responses to consultations and publicity

Derbyshire Wildlife Trust – No objection.

DCC Flood Risk Management Team (LLFA) – No comments, advising that drainage matters are controlled through conditions on the outline permission.

Stenson Fields Parish Council – OBJECT - The traffic access from A50 and along Deep Dale Lane will be compromised arising from the expected volume of vehicles using this route.

SDDC Planning Policy Officer – No objection subject to the provision of a bound surface 3 m wide shared use path being provided through the public open space to connect with the proposed path network to be provided on the open space to the east of the site and to the pedestrian and cycle path which will form part of the proposed South Derbyshire Integrated Transport Link (SDITL) to the south.

SDDC Housing Development Officer – The S106 on the outline permission allows for the developer to either pay an off-site financial contribution for affordable housing, or provide affordable housing on-site. The council's preference is for an off-site financial contribution. It should, however, be noted that the proposed housetypes would need to be revised if the developer did want to choose to provide affordable housing on-site.

East Midlands Airport – No objection but wish to draw new procedures for crane and tall equipment to the applicant's attention.

Police Force Designing Out Crime Officer – Comments that communal gates are needed to shared rear access points and they have concerns about front of plot planting species.

Derby City Council – No comments received.

Derbyshire County Council Planning Policy Officer – No comments as S106 matters are secured through the outline permission.

SDDC Landscape Architect – Requests revised and additional planting; biodiversity net gain; 14 no. bird boxes, 5 no. bat boxes, 2 no. hibernacula and 1 no. invertebrate hotel; exterior grade galvanising; and updated LEAP location.

County Highways – No objection subject to conditions and notes to applicant.

No public representations received on the application as a result of publicity undertaken.

Relevant policy, guidance and/or legislation

The relevant policies are:

- 2016 Local Plan Part 1:

S1 (Sustainable Growth Strategy)
S2 (Presumption in Favour of Sustainable Development)
H15 (Wragley Way, South of Derby)
BNE1 (Design Excellence)
BNE3 (Biodiversity)
BNE4 (Landscape Character and Local Distinctiveness)
INF2 (Sustainable Transport)

- 2017 Local Plan Part 2:

S1 (Sustainable Growth Strategy)
S2 (Presumption in Favour of Sustainable Development)
H15 (Wragley Way, South of Derby)
BNE1 (Design Excellence)
BNE3 (Biodiversity)
BNE4 (Landscape Character and Local Distinctiveness)
INF2 (Sustainable Transport)
BNE7 (Trees, Woodland and Hedgerows)
INF13 (Infinity Garden Village)

The relevant Local Guidance

- SDDC Design SPD

National Guidance

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

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:

- Compliance with the outline permission,
- Highway safety,
- Design and residential amenity, and
- Ecology.

Planning assessment

Compliance with the outline permission.

This proposed reserved matters scheme provides for 94 dwellings on the site with access from the

associated housing development currently under construction by the same developer within Derby City Council's administrative area immediately to the north. With the exception of the housing being served solely by linking to the housing to the north and the SDITL being allowed for as a protected corridor in the open space towards the southern edge of the site (a situation required by condition 3 of the outline), the reserved matters generally respects the masterplan approved at outline stage, with SUDs ponds to the east, the SDITL to the south, and housing on the remainder. The proposed development also addresses the other requirements of condition 3 of the outline permission which sets out parameters for the reserved matters, namely: a LEAP; retain hedgerows and trees; SUDs; road design; bin collection; the submission of a Great Crested Newt Mitigation Strategy; and an Ecological Design Strategy (EDS). With the above in mind, it is considered that the approach to delivering the development put forward as part of this reserved matters application is compliant with the requirements of the outline planning permission and conditions specified therein.

Highway safety

Approval of the vehicular access from the residential development to the north rather than directly from Deep Dale Lane was a requirement when the outline planning permission was granted planning permission. The proposed internal site layout has been designed to not only accommodate that vehicular access, but also provides for a pedestrian/cycle link connecting the areas of open space provided within the development north of the site which links to the open space within this development on the eastern side of the site. The safety of the proposed internal road layout for the development is considered to be acceptable. Off-street parking in accordance with the requirements set out in condition 3 of the outline permission, mostly provided on plot, and these arrangements are considered to be acceptable. It is noted that the county highway authority are generally content with the proposals and raise no objections to them and this conclusion is considered to be a reasonable one. The request from the council's Planning Policy Officer in respect of requiring 3m shared surface widths is noted, however, their proposed width is 2m and is designed to reflect and provide an extension to those of 2m width on the adjoining housing development site within the administrative area of Derby City Council. The request for links to the east and south have been noted and have been included within the latest plans. In light of the above, notwithstanding the concerns of the council's Planning Policy Officer and the parish council, the proposals are considered to be acceptable in highway safety terms.

Design and residential amenity

Negotiations have taken place between officers and the applicant to ensure an appropriate design and layout is achieved. These included alterations to the elevational treatment of the houses, as well as their layout, to ensure connectivity within, as well as to and from, the site. The appearance and layout of the proposed housing is considered to be acceptable and appropriate for the site and mirrors that of the wider development in Derby City Council's area. The design of the proposed dwellings has been influenced by the more traditional houses which can be found in the wider area, repeating them in what is a relatively simple form being of two storey scale, with pitched roofs, gabled to the sides and with brick/render and tile construction. The layout provides frontage development to the proposed new road network with parking areas punctuated by landscaping. It is considered that the density of layout of the proposal would not have an adverse impact upon the character or appearance of the surrounding area. The proposed landscaping scheme is, notwithstanding the comments of the council's Landscape Architect, considered to be acceptable. It is noted that the wider surrounding area is characterised by a mixture of housing designs and ages, and in light of this it is considered that the proposed dwellings are of an acceptable design and appearance as well as being appropriately laid out. It is also considered that the layout and housetypes would result in an acceptable built form that would create a good sense of place for future occupiers, and which sits reasonably harmoniously with the existing built form. The proposed development has been designed to reflect the residential development to the north to which it will be read as an integral part of a joint development and despite being located within the Infinity Garden Village planning policy area (INF13) this isolated part of that very wide allocation will read as a very small part of that much bigger development and will read more as an extension to Sinfin alongside that development already underway within Derby.

In terms of residential amenity, the proposed layout respects the layout of the adjacent associated development to the north and would not lead to any undue impacts on the amenity that the occupiers of

those properties could reasonably expect to enjoy by way of loss of light, overshadowing, overbearing impact, loss of privacy or overlooking. The proposed layout generally accords with the standards set out in the council's adopted Design SPD and would create satisfactory living environments for the future occupiers of the proposed dwellings.

Overall, in design terms and in terms of residential amenity, the proposed development is considered to be acceptable.

Ecology

As required by condition 3 of the outline permission, the application is accompanied by an Ecological Design Strategy (EDS) which seeks to appropriately mitigate, compensate and, where possible, enhance the biodiversity and ecological value of the site. The objectives are to set out management and protective measures relating to both retained and created habitats; identify green corridors; and specify faunal provisions appropriate to the species assemblage on site. The application is also accompanied by a Great Crested Newt Strategy (GCNS). The proposed site layout provides generous areas of open space and SUDs infrastructure. In terms of the impact of the development on ecological interests at the site these are adequately mitigated. Furthermore, additional information in relation to bird and bat boxes has now been provided and any requirement for biodiversity net gain would have had to be a requirements of the outline permission, which it is not.

Derbyshire Wildlife Trust have stated that the submitted Great Crested Newt Mitigation Strategy (GCNS) reference CE-DD-1751-RP03 prepared by Crestwood Environmental meets the requirement of condition 3(i) of the outline consent and should be implemented, but that the proposed sparrow terraces should be substituted for swift boxes. This has been addressed in the latest versions of the documents. They are also content that the submitted Construction Environmental Management Plan (CEMP) reference CE-DD-1751-RP02 prepared by Crestwood Environmental meets the requirements of condition 10 of the outline consent and should also be implemented.

Notwithstanding the comments raised by the council's Landscape Architect, Derbyshire Wildlife Trust are generally content that the proposals address the necessary ecological interests and on this basis the proposals are considered to be acceptable in ecological terms.

Other matters

With regards to other matters that have not been covered above the approach to surface water mitigation is acceptable in terms of the layout of the scheme and additional details are adequately controlled by conditions 16 and 17 of the outline permission; the request for the increased path widths and additional link to the south of the POS by the Planning Policy Officer are noted and considered reasonable and a condition to achieve this is recommended; the applicant has indicated their intention to pay a financial contribution for off-site affordable housing rather than provide it on site; the Police Force Designing Out Crime Officer's comments in regards secure gated rear access points are reasonable and warrant a condition to address this, however, the landscaping proposed is considered appropriate; and the comments of the council's Landscape Architect are noted and the LEAP has been redesigned, hedgehog runs provided, bird and bat boxes proposed. Refusal of the application on the other points raised is not considered to be reasonable or justified.

Conclusion

The proposal represents an appropriate form of development that appropriately balances the competing and conflicting issues: layout; design; and amenity and would provide a sound basis on which this development should proceed.

Recommendation

Approve with Conditions

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:	14/03/2022
Report agreed:	14/03/2022
Authorised officer:	Steffan Saunders
