

Proposals

The application is in full and seeks permission for the replan and revision of housetypes on a small part of the larger site and consists of 5 detached dwellings adjacent to the Station Road frontage which was approved under planning reference DMPA/2020/0592. The housetypes are traditionally designed and detailed mainly two storey dwellings (although plot 43 utilises the roofspace to create rooms in the roof) and have either detached garages. The proposed houses are of brick and tile construction except for plot 42 which is of a white rendered finish. Open space is provided on the perimeter of the site, which reflects that provided on the previously approved scheme.

Site and surroundings

The site is located to the eastern side of Melbourne to the south of Station Road and adjacent to the existing Sweet Leys Way development. The site forms a small part of a larger development of 46 homes that is under construction. The site is currently rough grassland, with a 2-3m high hedge forming the site boundary to Station Road. The whole site is allocated for residential development within the Local Plan Part 2 under policy H23D and is included within the Melbourne settlement boundary as identified within the Local Plan Part 2.

Relevant planning history

9/2014/0287: Outline application (all matters except for access to be reserved) for the residential development of 22 dwellings with associated open space and highways works. Approved March 2015. (Phase 1).

9/2015/0119: Outline application (all matters except for access to be reserved) for the erection of 24 dwellings with associated infrastructure and landscaped open space. Approved May 2016. (Phase 2).

9/2017/0524: Phase 1 reserved matters application granted outline permission under (including access) 9/2015/0119 for 17 dwellings. Approved January 2020.

9/2017/0525: Phase 2 reserved matters application granted outline permission (including access) under 9/2014/0287 for 23 dwellings. Approved January 2020.

DMPA/2020/0592: The erection of 46 dwellings including new vehicular and pedestrian access, garages, parking, roads, footpaths, infrastructure, drainage and attenuation/detention basin, footbridge, landscaping and open space. Approved December 2020.

Responses to consultations and publicity

Derbyshire Wildlife Trust – No objection, but request conditions 23 (noise mitigating windows), and 33 (car charging points) are repeated from the previous permission.

County Highways – No objection but request previous conditions and informatives are repeated, and a further condition precluding direct access to Station Road, and closing off the gate and an informative relating to notifying the county about works.

Severn Trent Water – No objection subject to a condition relating to foul and surface water drainage and an informative relating to public sewers.

Melbourne Parish Council – No objection.

Melbourne Civic Society – No objection.

One objection received from neighbours as a result of publicity undertaken, which can be summarised by the following points:

- The boundaries are not clear – there must be no pedestrian access to Station Road.
- There must be a secure barrier to the adjacent field to prevent access to it, and an obligation to maintain it.
- If the existing gate to Station Road is not closed off, it will be a rat-run.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

- Local Plan Part 1 (LP1): S1 (Sustainable Growth Strategy); S2 (Presumption in Favour of Sustainable Development); S4 (Housing Strategy); H1 (Settlement Hierarchy); SD1 (Amenity and Environmental Quality); SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure); BNE1 (Design Excellence); INF9 (Open Space, Sport and Recreation);
- Local Plan Part 2 (LP2): SDT1 (Settlement Boundaries and Development); H23 (Non-Strategic Housing Allocations); BNE7 (Trees, Woodland and Hedgerows).

Melbourne Neighbourhood Plan: DP1 (Infill); DP3 (New homes to have 3 or fewer bedrooms).

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)
- National Design Guide

Planning considerations

Taking into account the fact that there is no extant permission the main issues central to the determination of this application are differences between the two, namely:

- Highway safety, and
- Design and residential amenity.

Highway safety

The general layout of the proposal in terms of the location of the access, i.e. from within the wider site, remains as previously approved. Adequate off-street parking is provided as well as turning space. The safety of the proposed internal road layout for the development is 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. They request previous conditions be repeated once more, as well as an additional condition relating to closing the Station Road access. In terms of highway safety, this proposal is considered to be acceptable.

Design and residential amenity

The layout provides a form of development that addresses Station Road adequately, as well as the new private drive. Adequate areas of open space and landscaping are provided and the housetypes are of a high quality that reflect the traditional houses in the locality, and whilst different from the wider development would sit well within that context. 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 and would create a good sense of place for future occupiers.

In terms of residential amenity, the proposed layout respects the layout of the adjacent associated development to the south 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. There would be no significant increase in the impact of the development on the amenity enjoyed by the occupiers of the properties to the north across Station Road to reasonably justify refusal of the proposal. The proposed layout 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.

Other matters

With regards to other matters that have not been covered above boundary details can be secured by condition and it is noted that highway authority request a condition to close off the existing Station Road access. The request for a condition from STW is noted, however, the drainage infrastructure was agreed on the previous approval and this small replan of the area will be served by that drainage strategy therefore the suggested condition is not necessary. S106 matters have already been secured and settled for the previous development and whilst there is a small increase in the number of bedrooms, this does not reasonably justify re-opening S106 calculations. It is, however, considered necessary to ensure that the open space is provided and maintained in association with the wider scheme and this can be secured by the imposition of a suitably worded planning condition.

Conclusion

The proposal represents an appropriate form of development that would sit well within the surroundings and not unduly impact on neighbours and as such would provide a sound basis on which this development should proceed.

Conditions and Reasons

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans/details:

Proposed Site Plan – 3047-82 Rev. H
Proposed Refuse Plan – 3047-90 Rev. B
Site Plan – Open Space 3047-92 Rev. A
Proposed Bin Collection Point – 3047-93 Rev. C
Proposed Plot 42 – 3047-83 Rev. A
Proposed Plot 43 – 3047-84
Proposed Plot 44 – 3047-91
Proposed Plot 45 – 3047-85 Rev. A
Proposed Plot 46 – 3047-94 Rev. A
Proposed Garages – 3047-87 Rev. B

Reason: For the avoidance of doubt.

3. No development, including preparatory works, shall commence until protective fences have been erected around all trees and hedgerows shown to be retained on the approved plans. Such fencing shall conform to best practice as set out in British Standard 5837:2012 (or equivalent document which may update or supersede that Standard) and ensure that no vehicles can access, and no storage of materials or equipment can take place within, the root and canopy protection areas. The fences shall be retained in situ during the course of ground and construction works, with the protected areas kept clear of any building materials, plant, debris and trenching, and with existing ground levels maintained; and there shall be no entry to those areas except for approved arboricultural or landscape works.

Reason: In the interests of safeguarding existing habitat and the visual amenities of the area, recognising that initial preparatory works could bring about unacceptable impacts.

4. Prior to the occupation of a dwelling a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. Details of soft landscaping should evidence compliance with British Standard (BS) 3936: 'Part 1 - Specification for trees and shrubs', BS3969 - 'Recommendations for turf for general purposes' and BS4428 - 'Code of practice for general landscape operations (excluding hard surfaces)'. All hard landscaping (including kerb heights for the block paved areas which shall be a maximum of 25mm) shall be carried out in accordance with the approved details prior to occupation of each respective dwelling, whilst all planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding seasons following the first occupation of each respective dwelling or the completion of the development, whichever is the sooner; and any plants which within a period of five years (ten years in the case of trees) from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the visual setting of the development and the surrounding area.

5. Prior to the construction of a boundary wall, fence or gate, details of the position, appearance and materials of such boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed in accordance with the approved details before the respective dwelling to which they serve is first occupied or in accordance with a timetable which shall first have been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, no further boundary treatments shall thereafter be erected between those approved and the highway or public open spaces.

Reason: To maintain control in the interest of the character and amenity of the area, in particular the character of public realm as secured under the plans hereby approved.

6. Notwithstanding the submitted details, prior to their provision, further details of the following building elements shall be submitted to and approved in writing by the Local Planning Authority:

- (a) the windows and doors including the reveal, material and finish;
- (b) the eaves, verges, cills and lintels;
- (c) rainwater goods including their method of fixing;
- (d) garage doors
- (e) any retaining structures; and
- (f) rooflights, dormers and canopies.

These elements shall be provided in accordance with the approved details and maintained as approved throughout the lifetime of the development.

Reason: In the interests of the appearance of the building and the character of the area.

7. Prior to their incorporation into the buildings hereby approved, details and/or samples of the facing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved facing materials.

Reason: In the visual interest of the buildings and the surrounding area.

8. All verges to plots 46, 47, as well as the garage to plot 42 shall be finished in a mortar finish. There shall be no use of dry verge (cloaking tile) systems. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, there shall be no later installation of a dry verge system.

Reason: In the visual interest of the buildings and local distinctiveness.

9. Prior to the occupation of a dwelling a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. Details of soft landscaping should evidence compliance with British Standard (BS) 3936: 'Part 1 - Specification for trees and shrubs', BS3969 - 'Recommendations for turf for general purposes' and BS4428 - 'Code of practice for general landscape operations (excluding hard surfaces)'. All hard landscaping (including kerb heights for the block paved areas which shall be a maximum of 25mm) shall be carried out in

accordance with the approved details prior to occupation of each respective dwelling, whilst all planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding seasons following the first occupation of each respective dwelling or the completion of the development, whichever is the sooner; and any plants which within a period of five years (ten years in the case of trees) from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the visual setting of the development and the surrounding area.

10. Notwithstanding the submitted details, prior to the first occupation of any dwelling hereby permitted, a plan detailing all areas of the site which will form either part of the gardens to each property, shared, communal or other management areas, or public highway, shall be submitted to and approved in writing by the local planning authority. The plan shall include details of a mechanism by which the communal or other management areas will be managed throughout the lifetime of the development. Any works pertaining to the provisions of Parts 1 and 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) shall relate only to the areas which form part of the gardens to the properties as identified on the plan approved by this condition.

Reason: In the interests of the visual amenity and local distinctiveness

11. Prior to the first occupation of each dwelling, space shall be provided for the parking of vehicles associated with that dwelling in accordance with the approved plans; and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, such space shall be maintained throughout the life of the development free of any impediment to its designated use.

Reason: To ensure safe and suitable access for all users, in the interests of highway safety.

12. The bin collection point shown on the approved plans shall be provided prior to the first occupation of a dwelling to which they serve and shall be retained thereafter free from any impediment to their designated use as such.

Reason: To ensure safe and suitable conditions are maintained on the public highway, in the interests of highway safety, and to ensure appropriate waste/refuse facilities are provided for the occupiers of the development.

13. All noise sensitive bedrooms shall be double glazing to a weighted sound reduction index of at least 44 Rw. All other noise sensitive rooms (i.e. living rooms, dining rooms, recreation rooms) shall be double glazing to a weighted sound reduction index of at least 32 Rw. The rooms to which this condition applies shall be provided with sufficient ventilation with windows closed (other than for purge ventilation) to meet the requirements of Tables 5.2a to 5.2d of Building Control Approved Document F (Ventilation) or its successor depending on the design of the ventilation system and shall be retained for the lifetime of the development. Trickle vents or other passive ventilation openings shall be designed to meet a specification $D_{n,e,w}$ of 41 dBA or better. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, there shall be no replacement of windows that do not meet the same or equivalent noise attenuation

Reason: To protect those living in the dwellings from traffic or other external noise sources.

14. Prior to the occupation of any dwelling hereby permitted, the existing field gate shall be permanently closed off and the existing vehicular crossing reinstated as footway in accordance with the County Council's latest standard for works in the public highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, the measures to close off the access shall be retained as approved throughout the lifetime of the development.

Reason: To ensure safe and suitable access for all users, in the interests of highway safety.

15. Any entrance gates erected in the private driveways and vehicular accesses shall be hung to open away from the highway and set back by a minimum distance of 5.5m as measured from the nearside edge of the carriageway.

Reason: To ensure safe and suitable access for all users, in the interests of highway safety.

16. Each dwelling shall be constructed and fitted out so that the estimated consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day, consistent with the Optional Standard as set out in G2 of Part G of the Building Regulations (2015). The developer must inform the building control body that this optional requirement applies.

Reason: To ensure that future water resource needs, wastewater treatment and drainage infrastructure are managed effectively, so to satisfy the requirements of policy SD3 of the Local Plan.

17. Recharge points for electric vehicles shall be provided for each dwelling within the development.

Residential charging points shall be provided with an IP65 rated domestic socket 13amp socket, directly wired to the consumer unit with 32-amp cable to an appropriate RCD. This socket shall be located where it can later be changed to a 32amp EVCP. Non-residential charging points shall be supplied by an independent 32-amp radial circuit and equipped with a type 2, mode 3, 7-pin socket conforming to IEC62196-2. Alternative provision to this specification must be first submitted to and approved in writing by the Local Planning Authority.

To prepare for increased demand in future years suitable and appropriate cable provision shall be included in the scheme design in accordance with details first submitted to and approved in writing by the Local Planning Authority.

The electric vehicle charging points shall be provided in accordance with the stated criteria unless an alternative scheme is submitted to and approved in writing prior to the first occupation or use of the respective premises and shall thereafter be maintained in working order and remain available for use throughout the life of the development.

Reason: In the interests of protecting and enhancing air quality through reducing and minimising emissions from vehicles.

18. Notwithstanding the provisions of Parts 1 and 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) none of the dwellings hereby permitted shall be extended or

altered externally, be provided with porches, gates, walls, fences or other means of enclosure (except as authorised by this permission or allowed by any condition attached thereto), or (other than within rear garden areas) have hard surfaced areas created, without the prior grant of planning permission.

Reason

To enable the local planning authority to retain control over these matters in view of the form and layout of the development and to ensure a satisfactory standard of external appearance in the interests of the visual amenity and local distinctiveness.

19. The areas of public open space shaded green on the approved plan, drawing number 3047-92 Revision A, entitled "Site Plan – Open Space" shall be maintained and managed in accordance with Schedule 1 of the planning obligation by Deed of Agreement under Section 106 of the Town and Country Planning Act 1990 dated 23rd December 2020, relating to planning permission DMPA/2020/0592.

Reason: To ensure that the open space is suitably maintained in the interest of visual amenity and to ensure that adequate space is available for use by the public.

Informative

1. Pursuant to Section 127 of the Highways Act 1980, no work may commence within the limits of the public highway to close any redundant accesses and to reinstate the footway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 127 Agreements may be obtained by contacting Derbyshire County Council via email – highways.hub@derbyshire.gov.uk. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 127 Agreement.
