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| <b>Delegated officer's report</b>                                                                                                                                                                                                              | Officer: KMM                                                  |
| <b>Application ref. 9/2018/1316</b>                                                                                                                                                                                                            |                                                               |
| <b>REVISED APPLICATION TO PREVIOUSLY APPROVED SCHEME REF: 9/2017/1248 (FOR THE DEMOLITION OF AN EXISTING DWELLING AND THE ERECTION OF TWO DETACHED DWELILNGS) TO CREATE AN ADDITIONAL ACCESS AT TREE TOPS TRENT LANE WESTON ON TRENT DERBY</b> |                                                               |
| Valid date:                                                                                                                                                                                                                                    | 29/11/2018                                                    |
| Consults expired:                                                                                                                                                                                                                              | 13/01/2018                                                    |
| EIA development?                                                                                                                                                                                                                               | <input type="radio"/> Yes <input checked="" type="radio"/> No |
| Habitats development?                                                                                                                                                                                                                          | <input type="radio"/> Yes <input checked="" type="radio"/> No |

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

### Responses to consultations

County Highways Authority – There have been no objections raised by the County Highway Authority subject to conditions that materials are stored within the site and that the access and parking and manoeuvring area are constructed in accordance with the approved plans.

Environmental Health Officer/Contaminated Land Officer – No objections, subject to the inclusion of conditions required as part of application 9/2017/1248 to be carried forward.

Derbyshire Wildlife Trust – No objections, subject to the inclusions of biodiversity enhancement.

Tree Officer – No objections subject to a condition that the works are carried out in accordance with the amended Arboricultural Method Statement.

### Responses to publicity

Weston on Trent – No objections provided that the County Highways Authority consider that the proposed access would be safe and provided that no trees are removed.

There have been two comments received for the above application which raise the following issues:

- The proposed plan is right up to a neighbour's boundary.
- Trees have been removed.
- Concerns relating to the lack of privacy and overlooking.
- Previous planning approval has destroyed outlook from neighbour's property, no building in the village is so close.
- If the second access was proposed as part of the original application, permission might not have been granted if the access were included. The dwelling needed to be moved 20m further south onto a large enough plot.

### Planning history

9/2008/1174 – The erection of a proposed replacement dwelling – Approved with conditions - 14/01/2009

9/2013/0037 - Application for a new planning permission to replace an extant planning permission 9/2008/1174 in order to extend the time limit for implementation for the erection of a dwelling – Approved with conditions - 14/01/2009

9/2015/1202 – The erection of a replacement dwelling with an outdoor swimming pool and pergola – Approved with conditions – 15/02/2016

9/2017/1248 - Demolition of existing dwelling and erection of two detached dwellings – Approved with conditions – 11/04/2018

## **Development Plan Policies**

The relevant policies are:

2016 Local Plan Part 1: S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S6 (Sustainable Access), H1 (Settlement Hierarchy), SD1 (Amenity and Environmental Quality), SD4 (Contaminated Land and Mining Legacy Issues), BNE1 (Design Excellence) and INF2 (Sustainable Transport).

2017 Local Plan Part 2: SDT1 (Settlement Boundaries and Development), BNE7 (Trees, Woodland and Hedgerows).

## **National Guidance**

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

## **Local Guidance**

South Derbyshire Design Guide SPD

## **Planning Considerations**

In taking account of the application 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:

- Planning History
- Principle of Development and Highways; and
- Trees.

## **Planning Assessment**

### Planning History

Consent was granted under reference 9/2018/1248 for the erection of two detached dwellings which would both utilise the single, existing access at the site. The current application has been submitted to create an additional access so that each proposed dwelling would have a separate access. In all other respects, the proposed dwellings remain unchanged from the original approval under reference 9/2017/1248 and there have been no circumstances that would alter this assessment. The proposed additional access shall form this basis of the assessment.

## Principle of Development and Highways

Provided that the proposed access could be accommodated with sufficient visibility splays to allow safe usage of the access, for vehicular and pedestrian traffic, this would be considered suitable in principle and in accordance with policy INF2 of the Local Plan.

There have been no objections raised by the County Highway Authority as it is considered that owing to the speed of traffic traveling along Trent Lane; estimated around 10-20mph owing to it being single tracked and near to a bend, that there would be sufficient visibility when entering and leaving the site and that the proposed access would not compromise highway safety. On the basis of this, it is considered that the proposed access would be consistent with policy INF2 of the Local Plan.

## Trees

The proposed access would be positioned within the root protection areas of a group Tree Preservation Order. The proposed access would not result in the loss of any trees and an Arboricultural Method Statement (AMS) has been submitted by the applicant, detailing the methodology of how the proposed access would be constructed so as to minimise harm to the root areas of the trees. The AMS has been assessed by the Councils Tree Officer and it is considered that based on this statement and the condition and amenity value of the trees; that the proposed works would not have a harmful impact on the health of the trees and that adequate measures have been secured to ensure adequate root protection at the site and would comply with the principles of policy BNE7 of the Local Plan. A condition shall be attached that the works shall be carried out in accordance with the submitted AMS.

## **Recommendation**

- ☒ Approve without conditions
- ☐ Approve subject to conditions
- ☐ Approve subject to conditions and planning obligation
- ☐ Refuse

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).

|                        |            |                |
|------------------------|------------|----------------|
| Recommendation made:   | 21/02/2019 |                |
| Recommendation agreed: | 22/02/2019 | Agreed by: RES |