

Delegated officer's report	Officer: RES
Application ref. 9/2018/0323	
THE VARIATION OF CONDITIONS 3 (MASTERPLAN) & 6 (ACCESS GRADIENT) OF OUTLINE PERMISSION REF. 9/2016/0288 (RELATING TO THE DEVELOPMENT OF UP TO 72 DWELLINGS TOGETHER WITH ASSOCIATED ACCESS, OPEN SPACE, LANDSCAPING, INFRASTRUCTURE AND FACILITATING WORKS INCLUDING DEMOLITION OF 61 COURT STREET) ON LAND AT SK3119 0360, SK3019 9268 AND 61 COURT STREET WOODVILLE SWADLINCOTE	
Valid date:	24/05/2018
Consults expired:	10/09/2018
EIA development?	☐ Yes ☒ No
Habitats development?	☐ Yes ☒ No

This decision is delegated to officers under the terms of the current Planning Services Delegation Agreement; noting that whilst five separate objections have been received, these are from two objectors and as such the scheme has not attracted sufficient objection to trigger the need for it to be considered by Planning Committee.

Responses to consultations

The Peak and Northern Footpath Society has no objections

The Highway Authority has no objections to the variation of condition 6 as proposed, but note that the small stub adjacent to plot 9 would not be likely to be adopted and its detailed design may require a revision.

The Environmental Health Officer considers the information submitted in respect of the presence of ground gas is sufficient to satisfy part (d) of condition 14, so not to require the submission of any additional information pursuant to it.

Responses to publicity

5 letters of objection have been received from 2 neighbours, raising the following concerns/points:

- a) impact on local infrastructure (i.e. highways and doctors);
- b) impact on local wildlife;
- c) impact on parked cars, speeding vehicles ;
- d) consideration of the additional gritting requirements of the new residents?

Planning history

9/2016/0288: Outline application (all matters except for access to be reserved) for the development of up to 72 dwellings together with associated access, open space, landscaping, infrastructure and facilitating works including demolition - Approved 03/04/17.

9/2017/0062: The erection of 14 dwellings with access, parking and turning areas and associated works - Committee resolution to approve subject to the completion of a Section 106 Agreement.

Development Plan Policies

The relevant policies are:

2016 Local Plan Part 1: S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), H21 (Affordable Housing), SD1 (Amenity and Environmental Quality), SD4 (Contaminated Land and Mining Legacy Issues), BNE1 (Design Excellence), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness), INF2 (Sustainable Transport), INF7 (Green Infrastructure), INF8 (The National Forest) and INF9 (Open Space, Sport and Recreation).

2017 Local Plan Part 2: BNE7 (Trees, Woodland and Hedgerows), BNE8 (Local Green Space) and BNE10 (Heritage).

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:

- Condition 3 (the site masterplan); and
- Condition 6 (the access gradient).

Planning Assessment

Condition 3 (the site masterplan)

The revised masterplan addresses some of the concerns raised at the original application stage in respect of the site layout. The submitted layout has been amended during the application following discussions with the Council's Design Excellence Officer. Whilst layout is not for consideration, the revised layout provides for development fronting the main public areas of the site, the footpath to the north, the POS to the south and the internal access roads. Whilst there are still some minor tweaks required to the layout required, these can be adequately addressed at the detailed RM stage. The variation of this condition as requested is considered to be suitable.

Condition 6 (the access gradient);

The requirement of this condition related to the gradient of the site access and throughout the site. Whilst the gradient for the site access (first 10m) at 1:30 is achievable, due to the levels throughout the site the remainder of the new estate street accesses at 1:20 is not feasible. The proposed revision proposes a maximum gradient of 1:12.5, which is considered to be acceptable, and this is reflected in the response from the Highway Authority.

Other matters

As this application will issue a new permission for the site it is necessary to repeat those conditions necessary and amend those to take into account the details submitted. The details submitted include a proposed affordable housing condition and a scheme to prevent ground gas, which are reflected in the recommended conditions.

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:	26/09/2018	
Recommendation agreed:	27/09/2018	Agreed by: CN