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Date: 21st September 2021

Dear Councillor,

**Planning Committee**

A Meeting of the **Planning Committee** will be held at **Grove Hall (Special)**, Greenbank Leisure Centre, Civic Way, Swadlincote, DE11 0AD on **Wednesday, 29 September 2021** at **18:00**. You are requested to attend.

Yours faithfully,

Chief Executive

To:- **Labour Group**

Councillor Tilley (Chair), Councillor Shepherd (Vice-Chair) and Councillors Gee, Pearson and Southerd.

**Conservative Group**

Councillors Bridgen, Brown, Lemmon, Muller and Watson.

**Independent Group**

Councillors Angliss and Dawson.

**Non-Grouped**

Councillor Wheelton

## AGENDA

### Open to Public and Press

- 1 Apologies and to note any Substitutes appointed for the Meeting.
- 2 To receive the Open Minutes of the following Meetings:

22nd September 2020	<b>4 - 10</b>
20th October 2020	<b>11 - 17</b>
17th November 2020	<b>18 - 22</b>
15th December 2020	<b>23 - 26</b>
12th January 2021	<b>27 - 29</b>
9th February 2021	<b>30 - 33</b>
- 3 To note any declarations of interest arising from any items on the Agenda
- 4 To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 5 **REPORT OF THE STRATEGIC DIRECTOR (SERVICE DELIVERY)** **34 - 64**

### Exclusion of the Public and Press:

- 6 The Chairman may therefore move:-

That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.
- 7 To receive the Exempt Minutes of the following Meetings:

22nd September 2020

9th February 2021

- 8** To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.

PLANNING COMMITTEE

22<sup>nd</sup> September 2020

**PRESENT:-**

**Conservative Group**

Councillor Mrs. Brown (Chairman), Councillor Mrs. Bridgen (Vice-Chairman) and Councillors Angliss, Ford, Muller, Watson and Mrs. Wheelton

**Labour Group**

Councillors Dunn (substituting for Councillor Tilley), Dr Pearson, Gee, Shepherd and Taylor (substituting for Councillor Southerd).

**In Attendance**

Councillors Fitzpatrick and Mrs. Patten.

PL/61 **APOLOGIES**

The Committee was informed that apologies for absence had been received from Councillors Brady, Southerd and Tilley.

PL/62 **TO RECEIVE THE OPEN MINUTES OF THE FOLLOWING MEETING**

The Open Minutes of the following Meeting were reviewed, considered as a true record and approved by the Chairman.

<b>Committee</b>	<b>Date</b>	<b>Minute References</b>
Planning	30 <sup>th</sup> June 2020	PL/01 – PL/13

PL/63 **DECLARATIONS OF INTEREST**

The Committee was informed that no Declarations of Interest had been received.

PL/64 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Committee was informed that no questions from Members of the Council had been received.

**MATTERS DELEGATED TO COMMITTEE**

PL/65 **REPORT OF THE STRATEGIC DIRECTOR (SERVICE DELIVERY)**

The Strategic Director (Service Delivery) submitted reports for consideration and determination by the Committee and presented oral reports to the Meeting to update Members as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/66 **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 ON LAND AT SK3925 1974, STATION ROAD, MELBOURNE, DERBY**

The Planning Delivery Team Leader appraised the Committee of the proposal and sought approval for amendments within the report, and informed Members that the application was brought before Committee at the request of Councillor Fitzpatrick. Members were informed that the County Highway Authority had no objections to the proposal.

An Objector and the Applicant's Agent attended the Meeting and addressed Members regarding the application.

Following concerns raised by the Objector regarding the position of the footpath and footbridge the Planning Delivery Team Leader clarified that the location was chosen as it would be well-overlooked and linked to the pedestrian footpath network rather than the road. It was further noted that if the bridge was to be moved it would be in a less well-observed space which could potentially attract anti-social behaviour. It was clarified that the removal of a small area of hedgerow would be necessary and that landscaping conditions would apply.

Councillor Shepherd and the Chairman supported the request for a pedestrian crossing on Station Road and Councillor Fitzpatrick addressed the Committee raising concerns about speeding on Station Road.

The Planning Delivery Team Leader advised Members that the developer had voluntarily contributed £8,000 towards road improvements and safety on Station Road and that a detailed response from the County Highway Authority was included in the report which included the installation of traffic calming and speeding road markings, but the Highway Authority advised that the development of 46 dwellings would not result in the requirement for the provision of a crossing.

**RESOLVED:**

***That planning permission be approved as per amended recommendation in the report of the Strategic Director (Service Delivery)***

PL/67 **THE VARIATION OF CONDITION 39 OF OUTLINE PERMISSION REF. 9/2017/0349 (RELATING TO THE RESIDENTIAL DEVELOPMENT OF UP TO 1,100 DWELLINGS, AN EXTRA CARE FACILITY, A LOCAL CENTRE COMPRISING: A SMALL SUPERMARKET WITH A FLOORSPACE NOT EXCEEDING 1000 SQM (NET); A SMALLER RETAIL UNIT WITH A TOTAL FLOORSPACE NOT EXCEEDING 200SQM (NET); A CAFE/RESTAURANT WITH A FLOORSPACE NOT EXCEEDING 200 SQM (NET); A PUBLIC HOUSE WITH A FLOORSPACE NOT EXCEEDING 650 SQM (NET); A DOCTORS SURGERY OR CRÈCHE; AND A COMMUNITY FACILITY, AS WELL AS A PRIMARY SCHOOL TOGETHER WITH ASSOCIATED PLAYING FIELDS AND THE PROVISION OF ASSOCIATED INFRASTRUCTURE (INCLUDING ROADS, FOOTPATHS, CYCLEWAYS, SUSTAINABLE URBAN DRAINAGE AND OPEN SPACE)) ON LAND AT NEW HOUSE FARM, ETWALL ROAD, MICKLEOVER, DERBY, DE3 0DN**

The Senior Planning Officer appraised the Committee of the proposal and sought approval for an additional condition to restrict the number of housebuilders to two before July 2023 and an informative regarding the Greenway. The Senior Planning Officer highlighted a condition attached to the existing approval which would prevent the occupation of no more than 317 dwellings until the works at the Kingsway junction on the A38 were completed.

An Objector and the Applicant's Agent attended the Meeting and addressed Members regarding this application.

**RESOLVED:**

***That planning permission be approved as per recommendation in the report of the Strategic Director (Service Delivery subject to a condition to restrict the number of housebuilders before July 2023 and an informative regarding the Greenway.***

PL/68 **APPROVAL OF RESERVED MATTERS (LAYOUT, SCALE, APPEARANCE AND LANDSCAPING) FOR ERECTION OF 148 DWELLINGS ALONG WITH CREATION OF ROADS AND PUBLIC OPEN SPACE PURSUANT TO OUTLINE PERMISSION REF. 9/2016/0882 (PHASE 3) ON LAND AT BROOMY FARM (EAST OF LINCOLN WAY AND SALISBURY DRIVE), WOODVILLE ROAD, HARTSHORNE, SWADLINCOTE**

The Senior Planning Officer appraised the Committee of the proposal and sought approval to amend the date within condition 1 and the removal of Condition 13 regarding boundary treatments. Approval was also requested for the removal of Condition 7 following clarification from County Highways that this would be dealt with under different legislation. The Senior Planning Officer asked that the Committee approve an additional condition to secure detailed landscaping with timescales.

The Senior Planning Officer explained that the application had been called in by Councillor Taylor due to the lack of a school drop off and pick up area on the

site for Granville Academy but Members were asked to note that the applicant had approached the Academy who was not willing to create a new access to the Academy on the grounds of site security and safeguarding concerns.

An Objector and the Applicant's Agent attended the Meeting and addressed Members regarding this application.

Councillor Taylor addressed the Committee regarding the lack of involvement of Local Members, the necessity for the school drop off and pick up point and asked that the opportunity be given to address this and find the best way forward for the local community and a query was raised regarding the renegotiation of the Section 106 Agreement in relation to the traffic mitigation sum.

The Committee was informed that notification was carried out accordingly with residents, Parish Councillors and Local Members and that the drop off and pick up point had been explored fully with the Academy Trust. It was further noted that as the application was Reserved Matters there would be no renegotiation of the Section 106 Agreement.

**RESOLVED:**

***That planning permission be deferred to allow for further discussions with the Academy Trust, pursuant to securing a school drop off/pick up area.***

PL/69

**OUTLINE APPLICATION CONSIDERING THE MATTER OF ACCESS AND THE MATTERS OF LAYOUT AND SCALE (IN PART) (MATTERS OF APPEARANCE AND LANDSCAPING RESERVED FOR LATER CONSIDERATION) FOR THE DEVELOPMENT OF UP TO 25 DWELLINGS WITH ASSOCIATED OPEN SPACE AND INFRASTRUCTURE AT LAND SOUTH OF CASTLE WAY, WILLINGTON, DERBY, DE65 6BT**

It was reported that Members of the Committee had attended a virtual site visit.

The Senior Planning Officer appraised the Committee of the application outlining the reasons for refusal that included the impact to the environment. It was further noted that the proposal was contrary to Policy H1 as it was not an affordable led site and was outside of the settlement boundary and it was also not in line with the Local Development Plan.

Councillor Ford and Councillor Watson addressed the Committee supporting the reasons for refusal.

**RESOLVED:**

***That planning permission be refused as recommended in the report of the Strategic Director (Service Delivery).***

PL/70 **THE ERECTION OF A RURAL WORKERS DWELLING AND ASSOCIATED WORKS TO SUPPORT THE EXISTING KENNELS AND CATTERY AT ASH FARM KENNELS, INGLEBY LANE, TICKNALL, DERBY, DE73 7HW**

The Planning Delivery Team Leader appraised the Committee of the proposal seeking approval of an updated recommendation to defer the application to allow the applicant and officers to consider additional information received from the applicant and the response to the additional information from the Agricultural Consultant to ensure that recommendations were based on the most up to date information.

**RESOLVED:**

***That planning permission be deferred to allow for officers to consider the additional information received and the response from the Agricultural Consultant.***

PL/71 **PLANNING AND OTHER APPEALS**

The Committee noted the planning appeal decisions in relation to the following applications:

9/2019/0491	Brook Lane, Scropton	Hilton	Dismissed	Delegated
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PL/72 **SECTION 106 INTERPRETATION AT PARK ROAD, NEWHALL**

The Planning Delivery Team Leader appraised the Committee of the report that related to Site A part of Swadlincote Woodlands and concerns raised about the interpretation of the affordable housing requirements on the site.

**RESOLVED:**

***That the Committee approved the issuing of a ‘letter of comfort’ to the site owners to clarify interpretation of relevant clauses in the Section 106 Agreement (s106) relating to the delivery of affordable housing as recommended in the report of the Head of Planning and Strategic Housing (Service Delivery).***

PL/73 **SECTION 106 VARIATION AT ACRESFORD ROAD, OVERSEAL**

The Planning Delivery Team Leader presented the report to the Committee regarding a variation to an application approved by the Committee in 2016.

**RESOLVED:**

***That the Committee approved the request to amend the Section 106 Agreement (S106) by means of a Deed of Variation (DoV) to alter the tenure mix and affordable rent type on site to allow all of the affordable homes to be let at social rent levels instead of the affordable rent and shared***

***ownership mix originally proposed as recommended in the report of the Head of Planning and Strategic Housing (Service Delivery).***

PL/74 **LAND AT SK2531 3702, LUCAS LANE, HILTON, DERBY**

The Senior Planning Officer presented the report to Members summarising why it was before them and explained that the previous resolution included the need to complete a Section 106 Legal Agreement before a decision could be issued. Members were also informed that the Council had been put on notice by Hilton Parish Council of their intent to seek a judicial review in respect to the weight that was afforded to the Neighbourhood Plan but it remained the officer's view that the advice given in July regarding the weight that could be afforded to the Neighbourhood Plan still stood.

The Chairman Moved to suspend standing orders at 20:29hrs

An Objector and the Applicant's Agent and attended the Meeting and addressed Members on this application.

Following comments made by the objector the Senior Planning clarified that the there was only a statutory obligation to publish a completed Section 106 Agreement and that as it was a legal agreement the parties who signed that agreement were the interested parties.

As the Local Ward Member Councillor Patten addressed Members and expressed concern about the delay to the Hilton Parish Neighbourhood Plan due to Covid-19.

The Head of Planning and Strategic Housing informed Members that the requirement to publish a number of hard copies of the plan at a number of locations did not happen due to Covid-19 but publication did take place at the earliest opportunity and that even though the plan was out for formal representation the officer's recommendation remained.

**RESOLVED:**

***That the Committee ratified its previous resolution on this application, made at the meeting on 1 July 2020, and endorsed the issuing of planning permission as per that resolution as recommended in the report of the Head of Planning and Strategic Housing (Service Delivery).***

PL/75 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985)**

**RESOLVED:**

***That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it was likely, in view of the nature of the business to be***

*transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.*

**MINUTES**

*The Exempt Minutes of the Meeting held on 30<sup>th</sup> June 2020 were received.*

**EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE No 11.**

The Committee was informed that no questions had been received.

The meeting terminated at 21:00 hours.

COUNCILLOR MRS L BROWN

CHAIRMAN

PLANNING COMMITTEE

20<sup>th</sup> October 2020

**PRESENT:-**

**Conservative Group**

Councillor Mrs. Brown (Chairman), Councillor Mrs. Bridgen (Vice-Chairman) and Councillors Angliss, Ford, Muller, Watson and Mrs. Wheelton

**Labour Group**

Councillors Gee, Dr. Pearson, Shepherd, Southerd and Tilley

**In Attendance**

Councillors Mrs. Haines, Hewlett and Richards.

PL/78 **APOLOGIES**

The Committee was informed that no Apologies for absence had been received.

PL/79 **DECLARATIONS OF INTEREST**

Committee was informed that Councillor Ford declared a personal interest in regard to Item PL/82.

PL/80 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Committee was informed that no questions from Members of the Council had been received.

**MATTERS DELEGATED TO COMMITTEE**

PL/81 **REPORT OF THE STRATEGIC DIRECTOR (SERVICE DELIVERY)**

The Strategic Director (Service Delivery) submitted reports for consideration and determination by the Committee and presented oral reports to the Meeting to update Members as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/82 **THE ERECTION OF A BUILDING TO HOUSE A BIOMASS PLANT AT SHADES FARM, UNNAMED ROAD FROM GEARY LANE TO TOWN FARM, BRETBY, BURTON ON TRENT, DE15 0RD**

It was reported that Members of the Committee had attended a virtual site visit.

The Planning Delivery Team Leader informed Members that the report was brought before Committee at the request of Councillor Mrs. Haines due local concerns. The Planning Delivery Team Leader appraised the Committee of the proposal highlighting that no concerns had been raised by the Highways Agency and that new sustainable energy and power generation was supported by local and national policies. Members were asked to approve additional conditions to ensure that no waste wood could be used and that the boiler fitted would be that as submitted within the supporting information. A third condition for a landscaping scheme was also recommended for approval.

The Applicant's Agent attended the Meeting and addressed Members on the application.

Councillor Haines addressed the Committee as a Local Member and raised queries about the size and location of the biomass boiler, the storage of pellets, whether all the power generated would be used for the site and sought clarity about an air quality and noise assessments.

The Planning Delivery Team Leader clarified the boiler size and that it would be situated along with the hopper where pellets were to be stored.

The Head of Environmental Services confirmed that a nationally accepted air screening assessment had been undertaken and as a consequence the stack height had increased to ensure safe air dispersion and that the noise level had been set very low.

Concerns were raised by Members regarding a fire risk assessment information in relation to the storage of pellets.

**RESOLVED:**

***That planning permission was approved as per the amended recommendation with an additional condition securing a scheme of fire risk management.***

PL/83

**THE DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES AND THE ERECTION OF 25 DWELLINGS AND ASSOCIATED WORKS ON LAND OFF ORCHARD STREET, NEWHALL, SWADLINCOTE, DE11 0JS**

It was reported that Members of the Committee had attended a virtual site visit.

The Planning Officer appraised Members of the proposal and explained that it was before Committee in the interest of transparency as the Council owned of part of the site. Approval was sought for an amendment to Condition 2 and an additional Condition for delegated powers in relation to affordable housing and Homes England Funding.

**RESOLVED:**

***That planning permission was approved as per the amended recommendation in the report of the Strategic Director (Service Delivery) with the additional condition in relation to delegated powers.***

PL/84 **OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS, LAYOUT (EXCLUDING INTERNAL LAYOUT OF BUILDINGS) AND SCALE TO BE RESERVED) FOR SELECTED DEMOLITION OF OUTBUILDINGS (RETAINING OTHERS WITH THE EXISTING FARMHOUSE) ALONG WITH THE CONVERSION OF RETAINED OUTBUILDING AND THE ERECTION OF FURTHER BUILDINGS TO DELIVER A TOTAL OF 14 ADDITIONAL DWELLINGS WITH ASSOCIATED DRAINAGE AND ACCESS INFRASTRUCTURE ON LAND AT MICKLEMEADOW FARM, 233 RYKNELD ROAD, FINDERN, DERBY**

It was reported that Members of the Committee had attended a virtual site visit.

The Senior Planning Officer appraised the Committee of proposal and explained that it was before Members for approval as the site was not within a settlement boundary, was contrary to policy and did not fit into the Local Plan but that there were material considerations that weighed in favour of the development.

Members strongly supported the application as an improvement to the condition of the site.

**RESOLVED:**

***That planning permission be approved as per the recommendation in the report of the Strategic Director (Service Delivery).***

PL/85 **THE ERECTION OF TWO STOREY AND SINGLE STOREY REAR EXTENSIONS AND A DETACHED GARAGE WITH ASSOCIATED EXTERNAL LANDSCAPING AND THE INSTALLATION OF REPLACEMENT WINDOWS AT THE COTTAGE, 1 BLACKWELL LANE, MELBOURNE, DERBY, DE73 8JG**

The Planning Officer appraised the Committee of the proposal within a conservation area which was called in by Councillor Hewlett following local concerns.

An Objector attended the Meeting and addressed the Committee on the application.

The Planning Officer responded to comments raised by the Objector and explained that the rear extension would be mostly out of sight of key vantage points and that conditions would be in place to ensure character continuity.

Councillor Hewlett addressed Committee on behalf of the local residents and raised concerns regarding the height of the extension that would reduce the view of the conservation area.

Councillor Watson addressed the Committee in support of the officer's recommendations.

**RESOLVED:**

***That planning permission be approved as per the recommendation in the report of the Strategic Director (Service Delivery).***

PL/86 **TWO-STOREY EXTENSION AT 2 TRENT LANE, WESTON ON TRENT, DERBY, DE72 2BT**

The Planning Officer presented the application to the Committee outlining the key points within the proposal.

**RESOLVED:**

***That planning permission be approved as per the recommendation in the report of the Strategic Director (Service Delivery).***

PL/87 **ADDITIONAL ENVIRONMENTAL APPROVAL FOR PERMISSION REF. 9/2017/0021 (RELATING TO IMPROVEMENTS AND INCREASES TO VOLUME OF THE EXISTING DRAINAGE DITCHES) SO TO ALLOW FOR IMPLEMENTATION OF THE DEVELOPMENT ON OR BEFORE 1 MAY 2021 AT THULSTON FIELDS FARM, SNELSMOOR LANE, THULSTON, DERBY**

The Planning Delivery Team Leader appraised Members about the application and explained that it was brought before the Committee as it was a new type of approval, not within the Council's Scheme of Delegation, that was introduced as a temporary modification to the Business and Planning Act 2020 in response to the delays caused by the impact of Covid-19.

**RESOLVED:**

***That planning permission be approved as per the recommendation in the report of the Strategic Director (Service Delivery).***

PL/88 **ADDITIONAL ENVIRONMENTAL APPROVAL FOR PERMISSION REF. 9/2017/0420 AND RELEVANT DEMOLITION CONSENT REF. 9/2017/0285 (RELATING TO THE DEMOLITION AND REPLACEMENT TO THE SAME HEIGHT OF A ROADSIDE WALL) AT THE OLD RECTORY, TRUSLEY, ASHBOURNE, DE6 5JG**

The Planning Delivery Team Leader appraised Members regarding the application and explained that it was brought before the Committee as it was a new type of application not within the Council's Scheme of Delegation and that the new form of approval was introduced as a temporary modification to the Business and Planning Act 2020 in response to the delays caused by the impact of Covid-19.

**RESOLVED:**

***That planning permission be approved as per the recommendation in the report of the Strategic Director (Service Delivery).***

PL/89 **PLANNING AND OTHER APPEALS**

The Committee noted the planning appeal decisions in relation to the following applications:

DMPA/2019/0853	Milton Road, Repton	Repton	Dismissed	Delegated
DMPA/2020/0055	Coalpit Lane, Coton in the Elms	Seales	Dismissed	Delegated

PL/90 **REMOVAL OF BT PUBLIC TELEPHONES**

The Senior Planning Officer presented the report to the Committee regarding the proposed response to BT regarding the removal of public telephones.

**RESOLVED:**

- 1.1 That the Committee approved the feedback of objections (to BT) received from Willington and Etwall Parish Councils for the BT public payphones to remain at Castle Way Willington and Bellfield Road, Etwall.***
- 1.2 That the Committee approved the agreed response to the proposed removal of the other two BT public payphones without any objection.***

PL/91 **VARIATION TO AFFORDABLE HOUSING PROVISIONS WITHIN SECTION 106 AGREEMENT RELATING TO LAND SOUTH OF THE MEASE, HILTON, DERBY**

The Planning Delivery Team Leader presented the report to the Committee and highlighted the reasons for the proposed Deed of Variation to remove restrictions on five properties.

**RESOLVED:**

- 1.1 That the Committee endorses the request to remove the Designated Protected Areas (DPA) status of the specific plots on this site by means of a waiver request to Homes England for consideration to approve the request.**

PL/92 **VARIATION TO AFFORDABLE HOUSING CLAUSES WITHIN SECTION 106 AGREEMENT RELATING TO LAND AT DERBY ROAD AND STATION ROAD, HATTON**

The Planning Delivery Team Leader appraised the Committee of the proposed Deed of Variation so that the agreement aligned with affordable housing in relation to Section 106 Agreements and sought approval for a further two recommendations within the report.

**RESOLVED:**

- 1.1 That the Committee approves the request to amend the section 106 (s106) agreement by means of a Deed of Variation (DoV) to include a standard Mortgage in Possession (MiP) clause, give clarity to the affordable intermediate housing tenure by defining these dwellings explicitly as a shared ownership homes and capping the maximum delivery of these homes to 'up to 25%' of all the affordable housing delivery, and update the definition of Affordable Housing Provider (AHP) to refer to a not-for-profit AHP.**
- 1.2 That the Committee approves the request, if found to be necessary, to amend the s106 agreement by means of a DoV to capture a current section 73 application to vary the original permission.**
- 1.3 That the Committee delegate authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the obligations to be secured under the DoV.**

PL/93 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985)**

**RESOLVED:-**

**That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it was likely, in view of the nature of the business to be**

***transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.***

**EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE No 11.**

The Committee was informed that no questions had been received.

The meeting terminated at 20:25 hours.

COUNCILLOR MRS L BROWN

CHAIRMAN

PLANNING COMMITTEE

17<sup>th</sup> November 2020

**PRESENT:**

**Conservative Group**

Councillor Mrs. Brown (Chairman), Councillor Mrs. Bridgen (Vice-Chairman) and Councillors Angliss, Ford, Muller, Watson and Mrs. Wheelton.

**Labour Group**

Councillors Gee, Dr. Pearson, Shepherd, Southerd and Tilley.

**In Attendance**

Councillor Richards

PL/94 **APOLOGIES**

The Committee was informed that no apologies for absence had been received.

PL/95 **TO RECEIVE THE OPEN MINUTES OF THE FOLLOWING MEETING**

The Open Minutes of the following Meeting were reviewed, considered as a true record and approved by the Chairman.

<b>Committee</b>	<b>Date</b>	<b>Minute References</b>
Planning	1 <sup>st</sup> July 2020	PL/16 – PL/28

PL/96 **DECLARATIONS OF INTEREST**

The Committee was informed that no Declarations of Interest had been received.

PL/97 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Committee was informed that no questions from Members of the Council had been received.

**MATTERS DELEGATED TO COMMITTEE**

PL/98 **REPORT OF THE STRATEGIC DIRECTOR (SERVICE DELIVERY)**

The Strategic Director (Service Delivery) submitted reports for consideration and determination by the Committee and presented oral reports to the Meeting

to update Members as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/99 **CHANGE OF USE FROM DWELLING (USE CLASS C3) TO A LARGE HOUSE IN MULTIPLE OCCUPATION (HMO) (SUI GENERIS USE) AND MINOR ALTERATIONS TO BUILDING AT 14 DOLES LANE, FINDERN, DERBY, DE65 6AX**

The Committee was informed that Members had attended a virtual site visit.

The Planning Delivery Team Leader appraised the Committee of the proposal and noted that the report was brought before Members at the request of Councillor Ford as at the time of publication the proposal was contrary to an objection from the County Highway Authority. Members were informed that on the receipt of new information the County Highway Authority had since confirmed that the objection was removed.

Councillor Ford addressed the Committee presenting concerns of the local community.

The Senior Planning Officer recapped the chronology of the application and the responses from the County Highway Authority and made clear that a condition was included to restrict the occupancy to seven persons.

It was noted that Members initial concern regarding the vehicles exiting the site had been allayed and they supported the need for more single person dwellings within South Derbyshire.

Council Tilley raised a query regarding parking spaces and access to the garages and possible future development of the garages. The Planning Delivery Team Leader clarified the parking position and informed Members that any further development would require a planning application ,

**RESOLVED:**

***That planning permission was approved as per recommendation in the report of the Strategic Director (Service Delivery), subject to an additional condition to ensure that the garages were to be used for the parking of vehicles only.***

PL/100 **THE FELLING OF A SYCAMORE TREE COVERED BY SOUTH DERBYSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER NO. 130 AT 61 BRETBY HOLLOW, NEWHALL, SWADLINCOTE, DE11 0UE**

The Planning Delivery Team Leader appraised the Committee of the proposal and explained that this was brought before Members at the request of Councillor Richards. The Planning Delivery Team Leader highlighted a previous unsuccessful application to remove the tree was also refused at appeal in 2018.

Councillor Richards addressed the Committee as a Local Ward Member and requested that Members visit the site to get a view of the overbearing appearance of the tree.

The Planning Delivery Team Leader confirmed that photographs used within the presentation were taken the week prior to the Committee Meeting and that the advice of the Council's Tree Officer was that the tree could be managed through crown reductions and works to reduce its impact.

**RESOLVED:**

***That planning permission was refused as per amended recommendation in the report of the Strategic Director (Service Delivery), subject to conditions.***

PL/101 **THE CREATION OF 3NO. ARTIFICIAL GRASS TENNIS COURTS WITH 3M HIGH PERIMETER FENCING AT THE MELBOURNE SPORTS PAVILION, COCKSHUT LANE, MELBOURNE, DERBY**

Committee was informed that Members attended a virtual site visit.

The Head of Planning and Strategic Housing appraised the Committee of proposal and explained that the application was deferred by a Committee Meeting held in April 2019 to allow the Applicant to investigate additional parking at the site which was included within the application. The Head of Planning and Strategic Housing confirmed that conditions protected trees immediately north of the site, restricted the use of the courts and required an additional drainage scheme to be implemented.

An Objector and the Applicant attended the meeting and addressed the Committee regarding the application.

Following points raised by the speakers the Head of Planning and Strategic Housing informed Members that no floodlighting was proposed and that the distance of the courts from the boundary was considered sufficient in relation to both noise and any physical impact and that there would be no adverse effect on wildlife.

The Committee raised a query regarding ownership and maintenance of the hedge at the boundary of the site and sought clarity regarding the usage of the existing courts and the parking facilities. The Head of Planning and Strategic Housing confirmed that the hedge was in the ownership of the applicant, that there was no reason to dispute the statement regarding membership of the club provided by the applicant and additional parking facilities located a short distance from the courts would increase the number parking spaces.

**RESOLVED:**

***That planning permission was approved as per recommendation in the report of the Strategic Director (Service Delivery), subject to an additional condition relating to the management of an adjacent hedge.***

PL/102 **SECTION 106 VARIATION AT BOULTON MOOR, THULSTON**

The Planning Delivery Team Leader presented the report to the Committee and sought approval to update the Section 106 Agreement to include a Mortgagee in Possession clause.

**RESOLVED:**

- 1.1 That the Committee approved the request to amend the Section 106 Agreement (S106) and subsequent Deeds of Variation (DoV) by means of a further DoV to include a standard Mortgagee in Possession (MiP) clause into the agreement and other minor amends as the Strategic Housing Team feel appropriate.***
- 1.2 That the Committee delegate authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the obligations to be secured under the DoV.***

PL/103 **TREE PRESERVATION ORDER NO. 535 101 SCROPTON ROAD, HATTON**

The Planning Delivery Team Leader delivered the report requesting a Tree Preservation Order to the Committee explaining that a letter of objection had been received raising and number of concerns.

**RESOLVED:**

***That the Tree Preservation Order be confirmed.***

PL/104 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985)**

**RESOLVED:**

***That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.***

**EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE No 11.**

The Committee was informed that no questions had been received.

The meeting terminated at 19:40 hours.

COUNCILLOR MRS L BROWN

CHAIRMAN

PLANNING COMMITTEE

15<sup>th</sup> December 2020

**PRESENT:-**

**Conservative Group**

Councillor Mrs. Brown (Chairman), Councillor Mrs. Bridgen (Vice-Chairman) and Councillors Angliss, Ford, Muller, Watson and Mrs. Wheelton.

**Labour Group**

Councillors Gee, Dr Pearson, Shepherd, Southerd and Tilley.

PL/105 **APOLOGIES**

The Committee was informed that no Apologies for absence had been received.

PL/106 **DECLARATIONS OF INTEREST**

The Committee was informed that no Declarations of Interest had been received.

PL/107 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Committee was informed that no questions from Members of the Council had been received.

**MATTERS DELEGATED TO COMMITTEE**

PL/108 **REPORT OF THE STRATEGIC DIRECTOR (SERVICE DELIVERY)**

The Strategic Director (Service Delivery) submitted reports for consideration and determination by the Committee and presented oral reports to the Meeting to update Members as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/109 **APPROVAL OF RESERVED MATTERS (LAYOUT, SCALE, APPEARANCE AND LANDSCAPING) FOR ERECTION OF 148 DWELLINGS ALONG WITH CREATION OF ROADS AND PUBLIC OPEN SPACE PURSUANT TO OUTLINE PERMISSION REF. 9/2016/0882 (PHASE 3) ON LAND AT BROOMY FARM (EAST OF LINCOLN WAY AND SALISBURY DRIVE), WOODVILLE ROAD, HARTSHORNE, SWADLINCOTE**

The Head of Planning and Strategic Housing appraised the Committee of proposal which was deferred from the 22<sup>nd</sup> September 2020 meeting to allow

dialogue with Granville Academy Trust regarding the school drop off and pick up area. Members were updated on the outcome of the meeting with representatives of Granville Academy who confirmed that there was no requirement for additional entrance at that time.

The Applicant's Agent attended the Meeting and addressed the Committee regarding the application.

Councillor Taylor as the Local Ward Member addressed the Committee following concerns from the local community and the response from the Academy Trust and invited the Committee to consider a request for the Developer to reinstate the pickup and drop off area for possible future use.

The Head of Planning and Strategic Housing informed Members that there would be no difference to dwelling numbers if the drop off and pickup area was or was not included within the scheme.

Members felt that the drop off and pickup area was integral to the original outline approval and were disappointed with the response from the Academy and the apparent lack of concern about child safety and welfare.

The Head of Planning and Strategic Housing highlighted for future potential for an additional access which would allow connectivity for children from the proposed site to access the Academy on foot.

The Committee reinforced the opinion that the safeguarding of children was paramount.

**RESOLVED:**

***That planning permission be deferred to allow the applicant to enter into further dialogue with the Academy Trust regarding the drop off and pick up provision and access to the Academy.***

PL/110 **TWO-STOREY SIDE AND SINGLE STOREY REAR EXTENSION ALONG WITH DETACHED GARAGE AT 247 HEARTH COTE ROAD, SWADLINCOTE, DE11 9DU**

The Committee was informed that a site visit had taken place in June 2019.

The Planning Delivery Team Leader appraised the Committee of the proposal at the request of Councillor Tilley based on local objections. The Planning Delivery Team Leader outlined a previously approved application that was submitted by the former owner of the site and was expected to be withdrawn.

An Objector attended the Meeting and addressed the Committee regarding the application.

Following concerns raised by the Objector the Planning Delivery Team Leader confirmed that a blanket Tree Preservation Order existed on the site and that

the plans submitted were to scale and that the impact on the neighbouring property had been duly considered.

Members requested further details in relation to landscaping and requested clarity regarding trees that had been removed despite the Tree Preservation Order.

The Planning Delivery Team Leader informed Members that conditions ensured that no further landscaping was to be removed from the site and confirmed that a number of self-set trees along the site frontage had been removed was considered as part of maintenance and their removal had no significant impact on screening.

Members raised concerns about the scale and design of the extensions, that were out of keeping to the host property and that the location of the garage would impact on the neighbouring property.

**RESOLVED:**

***That planning permission be refused contrary to the recommendation in the report of the Strategic Director (Service Delivery) on the grounds of amenity, design and over development.***

PL/111 **RETROSPECTIVE APPLICATION FOR THE PRUNING OF AN OAK COVERED BY SOUTH DERBYSHIRE TREE PRESERVATION ORDER 199 ON LAND AT 83 WOOD LANE, NEWHALL, SWADLINCOTE, DE11 0LX**

The Planning Delivery Team Leader appraised the Committee of proposal submitted by the Council for retrospective approval, as during emergency safety works additional crow lifting and pruning was carried out.

**RESOLVED:**

***That planning permission be approved as per recommendation in the report of the Strategic Director (Service Delivery).***

PL/112 **PLANNING AND OTHER APPEALS**

The Committee noted the planning appeal decisions in relation to the following applications:

DMOT/2019/1276	14 Alderslade Close, Aston-on-Trent	Aston	Dismissed	Delegated
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PL/113 **DEED OF VARIATION – LAND SOUTH OF THE MEASE, HILTON**

The Head of Planning and Strategic Housing presented the report to Committee requesting approval for an amendment to a Section 106 Agreement to bring it in line with affordable housing provision.

**RESOLVED:**

***To endorse the request to amend the Section 106 to include a Mortgagee in Possession clause and other minor amendments.***

PL/114 **SECTION 106 VARIATION AT LAND TO THE REAR OF 53 AND 67 WOODVILLE ROAD, HARTSHORNE**

The Planning Delivery Team Lead presented the report to Committee requesting approval for an amendment to the planning reference within the original Section 106 Agreement in order for it to reflect a revised application received.

**RESOLVED:**

***To endorse the request to amend the Section 106 to vary the permission referred to (following a Section 73 application having been received).***

PL/115 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985)**

**RESOLVED:-**

***That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.***

**EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE No 11.**

The Committee was informed that no questions had been received.

The meeting terminated at 19:40 hours.

COUNCILLOR MRS L BROWN

CHAIRMAN

PLANNING COMMITTEE

12<sup>th</sup> January 2021

**PRESENT:-**

**Conservative Group**

Councillor Mrs. Brown (Chairman), Councillor Mrs. Bridgen (Vice-Chairman) and Councillors Angliss, Ford, Muller, Watson and Mrs. Wheelton

**Labour Group**

Councillors Gee, Dr Pearson, Richards (substituting for Councillor Southerd), Shepherd and Tilley

**In Attendance**

Councillors Dunn and Taylor.

PL/116 **APOLOGIES**

The Committee was informed that Councillor Southerd had submitted Apologies for absence.

PL/117 **DECLARATIONS OF INTEREST**

The Committee was informed that no Declarations of Interest had been received.

PL/118 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Committee was informed that no questions from Members of the Council had been received.

**MATTERS DELEGATED TO COMMITTEE**

PL/119 **REPORT OF THE STRATEGIC DIRECTOR (SERVICE DELIVERY)**

The Strategic Director (Service Delivery) submitted reports for consideration and determination by the Committee and presented oral reports to the Meeting to update Members as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/120 **APPROVAL OF RESERVED MATTERS (LAYOUT, SCALE, APPEARANCE AND LANDSCAPING) FOR ERECTION OF 148 DWELLINGS ALONG WITH CREATION OF ROADS AND PUBLIC OPEN SPACE PURSUANT TO OUTLINE PERMISSION REF. 9/2016/0882 (PHASE 3) ON LAND AT**

**BROOMY FARM (EAST OF LINCOLN WAY AND SALISBURY DRIVE),  
WOODVILLE ROAD, HARTSHORNE, SWADLINCOTE**

The Head of Planning and Strategic Housing updated the Committee regarding the progress of a vehicle drop off area, through routes on the site giving access to various points along the Academy's boundary and additional pedestrian access gate to the Academy. Members were informed that the Academy's position remained that it had no objection to an access point to Thistle Close or similar area at some point in the future. The Head of Planning and Strategic Housing also sought approval for three additional conditions in relation to the provision of the drop off area, public open spaces and surfacing of the footpaths.

The Applicant's Agent attended the Committee Meeting and addressed Members regarding the application.

As a Local Ward Member, Councillor Taylor addressed the Committee highlighting the work undertaken by the Applicant to address previous concerns raised by the Committee and the disappointment of the Academy's response to an additional pedestrian access gate and suggested that the Committee write to the Academy expressing Members concerns and disappointment regarding the missed opportunity to provide safer routes and access to the Academy.

Members raised their disappointed with the response from the Academy regarding the installation of the pedestrian access gate.

**RESOLVED:**

***That planning permission be approved as per recommendation in the report of the Strategic Director (Service Delivery) with additional conditions related to the provision of a 'drop-off' area, removal of Permitted Development Rights within the Public Open Spaces, and details of the surfacing for all footpaths within the site. The Committee agreed that the Chairman, on behalf of the Committee write to the Academy expressing the concerns of Members and request that it enters into further dialogue regarding the additional pedestrian access.***

**PL/121 PLANNING AND OTHER APPEALS**

The Committee noted the planning appeal decisions in relation to the following applications:

DMPA/2019/1209	Breach Lane, Melbourne	Melbourne	Dismissed	Delegated
DMPA/2020/0420	Burbage, Etwall Lane, Burnaston	Etwall	Dismissed	Delegated
DMPN/2020/0535	Rectory Farm, Challaston Lane, Aston on Trent	Aston	Dismissed	Delegated

PL/122 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985)**

**RESOLVED:-**

***That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.***

**EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE No 11.**

The Committee was informed that no questions had been received.

The meeting terminated at 18:45 hours.

COUNCILLOR MRS L BROWN

CHAIRMAN

PLANNING COMMITTEE

9<sup>th</sup> February 2021

**PRESENT:**

**Labour Group**

Councillors Tilley (Chairman) and Councillor Southerd (Vice-Chairman) and Councillors Gee, Dr Pearson and Shepherd.

**Conservative Group**

Councillors Mrs. Brown, Mrs. Bridgen, Ford, Muller and Watson.

**Independent Group**

Councillor Angliss, Dawson,

**Non-Grouped**

Councillor Mrs. Wheelton.

**In Attendance**

Councillors Bambrick, Mrs. Patten, Pegg, Rhind and Richards.

PL/123 **APOLOGIES**

The Committee was informed that no Apologies for absence had been received.

PL/124 **TO RECEIVE THE OPEN MINUTES OF THE FOLLOWING MEETING**

The Open Minutes of the following Meetings were reviewed, considered as a true record and approved by the Chairman. It was further noted that in the 28<sup>th</sup> July 2020 Minutes, Councillor Wheelton declared an interest in PL/42 and not PL/41 as previously recorded.

<b>Committee</b>	<b>Date</b>	<b>Minute References</b>
Planning	28 <sup>th</sup> July 2020	PL/29 – PL/44
Planning	25 <sup>th</sup> August 2020	PL/47 – PL/58

PL/125 **DECLARATIONS OF INTEREST**

The Committee was informed that no Declarations of Interest had been received.

PL/126 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Committee was informed that no questions from Members of the Council had been received.

**MATTERS DELEGATED TO COMMITTEE****PL/127 REPORT OF THE STRATEGIC DIRECTOR (SERVICE DELIVERY)**

The Strategic Director (Service Delivery) submitted reports for consideration and determination by the Committee and presented oral reports to the Meeting to update Members, as necessary. Consideration was then given thereto and decisions were reached as indicated.

**PL/128 THE REMOVAL OF CONDITION NO. 9 (RELATING TO SKYLARK HABITAT COMPENSATION) OF PERMISSION REF. 9/2017/1191 (RELATING TO OUTLINE PERMISSION (ALL MATTERS RESERVED FOR FUTURE APPROVAL) FOR RESIDENTIAL DEVELOPMENT OF UP TO 50 DWELLINGS WITH OPEN SPACE, DRAINAGE AND ASSOCIATED WORKS) ON LAND AT SK2730 1591, EAST OF EGGINTON ROAD AND NORTH OF JACKSONS LANE, ETWALL, DERBY**

The Head of Planning and Strategic Housing appraised the Committee of application highlighting that the proposal was included within the Local Plan and that Outline Planning Permission had been approved in 2019 and requested that the Management and Monitoring of the Skylark Habitat, for a period of 10 years, be approved.

An Objector and the Applicant's Agent attended the Committee Meeting and addressed Members regarding the application.

Councillor Brown queried what remedies were in place if the Skylarks disappeared. The Head of Planning and Strategic Housing informed Members that no works could commence until the Offsetting Scheme was submitted to the Council and that there were a number of conditions to protect the birds but as a protected species any harm to the Skylarks would be considered an offence under wildlife legislation.

***RESOLVED:***

***That delegated authority be granted to the Head of Planning and Strategic Housing to conclude negotiations on and complete an agreement under section 106 of the Town and Country Planning Act 1990 so to secure the planning obligations as previously sought in and attached to 9/2017/1191 along with the associated provisions for long term management of any public facilities provided; and approve the application as per the report of the Strategic Director (Service Delivery), subject to conditions.***

**PL/129 RETROSPECTIVE FULL PLANNING APPLICATION FOR (PREVIOUSLY APPROVED SCHEME REF NO; DMPA/2020/0122) INCLUDING AMENDMENTS TO THE APPEARANCE TO PROVIDE HORIZONTAL CLADDING; REMOVAL OF GROUND FLOOR SIDE DOOR; AND AMENDMENT TO GROUND FLOOR SIDE WINDOW AT 72 MAIN STREET, WESTON ON TRENT, DERBY, DE72 2BL**

Planning Delivery Team Leader appraised the Committee of proposal highlighting the minor amendments to the previously approved scheme.

As a Local Ward Member, Councillor Watson addressed the Committee reminding Members of the concerns previously raised by local residents.

**RESOLVED:**

***That planning permission be approved as per recommendation in the report of the Strategic Director (Service Delivery).***

PL/130 **THE ERECTION OF A SINGLE STOREY SIDE EXTENSION AT 8 DERBY HILLS FARM COURT, MELBOURNE, DERBY, DE73 8EE**

The Head of Planning and Strategic Housing appraised the Committee of proposal and explained that it was before Members as the applicant was related to a Council employee.

**RESOLVED:**

***That planning permission be approved as per recommendation in the report of the Strategic Director (Service Delivery).***

PL/131 **PLANNING AND OTHER APPEALS**

The Committee noted the planning appeal decisions in relation to the following applications:

9/2018/0968	4 Church Street, Hartshorne	Woodville	Dismissed	Delegated
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PL/132 **AMENDMENT TO SECTION 106 AGREEMENT RELATING TO LAND AT COURT STREET, WOODVILLE**

Planning Delivery Team Leader appraised the Committee of proposal outlining the history of the previously approved applications and that following advice received from the District Valuer it was proposed to increase the Section 106 contribution.

Members fully agreed that the increased Section 106 contributions would greatly improve the Swadlincote Woodlands.

**RESOLVED:**

***1.1 The Committee endorses the amendment to the agreement to include an additional financial contribution of £26,000 as a result of the additional 4 dwellings proposed. In light of the initial sum being allocated towards the delivery of the Swadlincote Regeneration Route, it is recommended that the sum be allocated towards the adjacent Council owned and managed Swadlincote Woodlands.***

**1.2 That the Committee delegate authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the obligations to be secured under the Deed o Variation.**

PL/133 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985)**

**RESOLVED:**

***That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.***

**TO RECEIVE THE EXEMPT MINUTES OF THE FOLLOWING MEETING**

*The Exempt Minutes of the Meetings held on 28<sup>th</sup> July and 25<sup>th</sup> August were received.*

<b>Committee</b>	<b>Date</b>	<b>Minute References</b>
Planning	28 <sup>th</sup> July 2020	PL/45 – PL/46
Planning	25 <sup>th</sup> August 2020	PL/59 – PL/60

**EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE No 11.**

The Committee was informed that no questions had been received.

The meeting terminated at 18:50 hours.

COUNCILLOR TILLEY

CHAIRMAN

# **Report of the Strategic Director (Service Delivery)**

## **Section 1: Planning Applications**

In accordance with the provisions of Section 100D of the Local Government Act 1972, background papers are the contents of the files whose registration numbers are quoted at the head of each report, but this does not include material which is confidential or exempt (as defined in Sections 100A and D of that Act, respectively).

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## 1. Planning Applications

This section also includes reports on applications for: approvals of reserved matters, listed building consent, work to trees in tree preservation orders and conservation areas, conservation area consent, hedgerows work, advertisement consent, notices for permitted development under the General Permitted Development Order 2015 (as amended) responses to County Matters and strategic submissions to the Secretary of State.

Reference	Item	Place	Ward	Page
<a href="#">DMPA/2021/1035</a>	<a href="#">1.1</a>	Drakelow	Linton	37

When moving that a site visit be held, Members will be expected to consider and propose one or more of the following reasons:

1. The issues of fact raised by the report of the Strategic Director (Service Delivery) or offered in explanation at the Committee meeting require further clarification by a demonstration of condition of site.
2. Further issues of principle, other than those specified in the report of the Strategic Director (Service Delivery), arise from a Member's personal knowledge of circumstances on the ground that lead to the need for clarification that may be achieved by a site visit.
3. Implications that may be demonstrated on site arise for consistency of decision making in other similar cases.

## Glossary of terms

The following reports will often abbreviate commonly used terms. For ease of reference, the most common are listed below:

LP1	Local Plan Part 1
LP2	Local Plan Part 2
NP	Neighbourhood Plan
SPD	Supplementary Planning Document
SPG	Supplementary Planning Guidance
PPG	Planning Practice Guidance
NPPF	National Planning Policy Framework
NDG	National Design Guide
SHMA	Strategic Housing Market Assessment
SHELAA	Strategic Housing and Employment Land Availability Assessment
s106	Section 106 (Agreement)
CIL	Community Infrastructure Levy
EIA	Environmental Impact Assessment
AA	Appropriate Assessment (under the Habitat Regulations)
CPO	Compulsory Purchase Order
CACS	Conservation Area Character Statement
HER	Historic Environment Record
LCA	Landscape Character Area
LCT	Landscape Character Type
LNR	Local Nature Reserve
LWS	Local Wildlife Site (pLWS = Potential LWS)
SAC	Special Area of Conservation
SSSI	Site of Special Scientific Interest
TPO	Tree Preservation Order
PRoW	Public Right of Way
POS	Public Open Space
LAP	Local Area for Play
LEAP	Local Equipped Area for Play
NEAP	Neighbourhood Equipped Area for Play
SuDS	Sustainable Drainage System
LRN	Local Road Network (County Council controlled roads)
SRN	Strategic Road Network (Trunk roads and motorways)
DAS	Design and Access Statement
ES	Environmental Statement (under the EIA Regulations)
FRA	Flood Risk Assessment
GCN	Great Crested Newt(s)
LVIA	Landscape and Visual Impact Assessment
TA	Transport Assessment
CCG	(NHS) Clinical Commissioning Group
CHA	County Highway Authority
DCC	Derbyshire County Council
DWT	Derbyshire Wildlife Trust
EA	Environment Agency
EHO	Environmental Health Officer
LEP	(D2N2) Local Enterprise Partnership
LLFA	Lead Local Flood Authority
NFC	National Forest Company
STW	Severn Trent Water Ltd

Item No. [1.1](#)

[29/09/2021](#)

Ref. No. [DMPA/2021/1035](#)

Valid date: 25/08/2021

Applicant: Countryside Properties

Agent: Harris Lamb

Proposal: **Approval of reserved matters (access, layout, scale, appearance and landscaping) pursuant to outline permission ref. DMPA/2020/1460 for 1,042 dwellings on Land at SK2420 2230 Drakelow Park, Walton Road, Drakelow, Swadlincote**

Ward: Linton

### **Reason for committee determination**

The item is presented to Committee as there are unresolved objections from statutory consultees and due to the significance of the scheme to housing supply and the provision of infrastructure.

### **Site Description**

The site comprises a mix of uses including brownfield land formerly occupied by the Drakelow Power Station and more recently by Roger Bullivant Limited and is currently being used for a variety of industrial and storage activities. The site lies to the south west of Burton upon Trent and forms the western part of the site granted outline planning permission. It is bounded by the River Trent to the north, beyond which lies Branston Golf and Country Club. The south of the site is bounded by the southern edge of Walton Road and open countryside and within the site itself this boundary is heavily vegetated with substantial tree coverage. To the east lies the remainder of the site granted outline permission, immediately adjacent are the listed parts of the wider site including the sunken gardens and stables and beyond this the first phase of the wider site which consists of 193 homes. These are built and occupied. To the west is a National Grid substation. There is a single existing vehicular access point into the site from Walton Road, which lies further to the north than the access points proposed under this submission. The site area extends to approximately 41 hectares, approximately 40% of the land granted outline consent and approximately 47% of the properties consented under this permission.

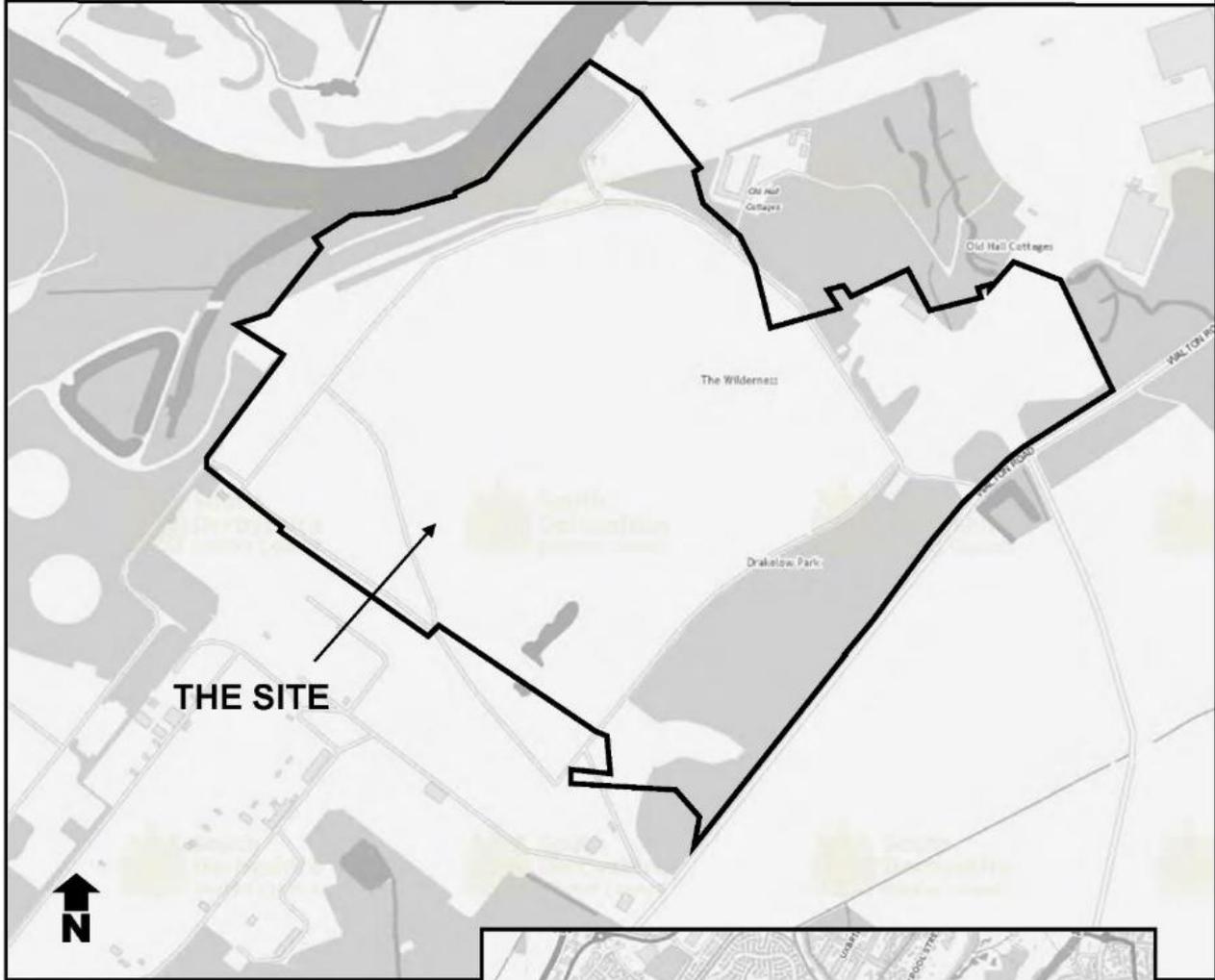
### **The proposal**

The proposal seeks reserved matters approval for 1,042 homes and associated landscaping together with two access points; one to serve the employment land to the west and a further access point which will become the southern arm of the spine road through the wider approved development site. The dwellings are all two storey in height, consisting of terraced, semi and detached properties, with associated parking being to the front of the dwellings with a number of plots also containing garaging. The housing provision includes 1 bed ground and first floor apartments, 2 bed, 3 bed and 4 bed dwellings. Open space is provided at the entrance to and in other locations through the site with footpaths providing access to the majority of these and 2 of the dedicated areas providing play equipment and associated furniture. Some works are proposed to the woodland belt along the southern boundary of the site and the open spaces towards the north of the site provide areas for surface water attenuation.

### **Applicant's supporting information**

Planning Statement – the site has a long planning history with outline permission being granted in 2012 (9/2009/0341) and varied in 2015 (section 73 application) to allow the delivery of the Walton Bypass and the construction of a new bridge over the River Trent prior to the occupation of the 400th unit (rather than 200th). David Wilson Homes have submitted two reserved matters applications for 99 (in 2014) and 94 dwellings (in 2017), with the 2017 scheme nearing completion. A further section 73 application was submitted in December 2020 (DMPA/2020/1460) to seek approval for an updated masterplan, phasing arrangements and variation of a number of conditions to bring the permission up

**DMPA/2021/1035 - Land at SK2420 2230 Drakelow Park, Walton Road, Drakelow, Swadlincote**



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South Derbyshire District Council. LA 100019461.2020

to date and to accord with latest best practice and guidance. The changes sought to the masterplan were as a direct result of a number of factors with viability being the principal impediment to bringing the site forward for development. The development is largely dependent on the construction of the Walton Bypass and new bridge over the River Trent, a not inconsequential piece of infrastructure. The applicant prepared a Viability Assessment which the District Valuer largely agreed with and led the Council to moving to approve the section 73 application subject to agreeing an updated Section 106 Agreement, the key difference being the requirement to provide affordable housing on site. The approved masterplan will enable the delivery of a viable development and the Walton Bypass which the Council confirmed has an extant planning permission through the issuing of a Certificate of Lawfulness and work is due to commence in summer 2021. This application provides details required by the outline conditions to accompany the reserved matters and represents the second phase of development across the wider Drakelow site, although is the first to be submitted by Countryside. Further phases relating to the primary school, local centre, care facility and remaining residential phases will be submitted in due course. The application seeks approval for 1,042 dwellings (a mix of open market (43%), affordable (38%) and private rented (21%) dwellings) and development is due to start from the southern end of the site, working northwards. A new main southern access into the site from Walton Road will be created with the new, tree planted, spine road running from this through the development linking up to a second roundabout on Walton Road at the northern end of the site. A third access will be created off Walton Road, principally to serve the employment development. 33 different house types are proposed which are a mix of 1 (7%), 2 (25%), 3 (52%) and 4 (16%) bedrooms and include detached, semi-detached, terraced and maisonettes. New houses are arranged in perimeter blocks with parking to the front or side, with single and integral garages proposed. Dwellings are predominantly two storeys in height and will be constructed using timber frames fabricated off site and transported to site for erection. Detailed landscaping proposals are submitted which seek to create an attractive landscape setting for the development. A number of different character areas are proposed. The public open space strategy is largely dictated by the existing woodland on site (retained) and will be supplemented by new areas of informal open space and three LEAPs. A greenway link from the site's northern corner through the site to the EON land to the west is to be provided. New footpath and cycle links are provided throughout. Surface water attenuation features are located in three locations in the northern part of the site closest to the River Trent. The applicant has engaged in a variety of public consultation events including an information newsletter to over 2,000 households, Freephone information line number, feedback email address, project website and virtual exhibition (over 32,000 views). 39 responses were received with key issues including agreement on the need for a school on site and the new crossing over the River Trent, whilst there was a degree of support for the need for further housing and the design of it too. The proposals were deemed lacking in relation to the need to provide some form of health care facility on site, improved transport links and public transport capacity and increased community facilities. The responses received represent a relatively low response rate with 8 respondents objecting, just 0.025% of all people that viewed the advert and were able to click onto the exhibition. Summary of information required by conditions 1, 2, 3, 4, 6, 11, 19, 36 and 45 on the outline submitted with the reserved matters provided. The applicant is also submitting information that relates to a number of other conditions (7, 8, 9, 22, 24, 28, 30, 33, 45, 46 and 47) on the outline permission. The benefits of the proposed scheme are the delivery of 1,042 dwellings to meet housing needs, 410 FTE construction jobs and 487 FTE in the supply chain, 165 million construction value, additional £7.5m spend per annum by new residents in local shops and on services and £1.8m additional Council Tax. The proposal is in accordance with the terms of the outline permission and the support of the Council is sought to enable a prompt start on site for this long standing, and much needed, housing development.

Design and Access Compliance Statement – condition 6 of the outline permission (DMPA/2020/1460) requires each reserved matters submission to be accompanied by a statement demonstrating how the phase relates to the Design and Access Statement submitted with the outline application. The proposed scheme will deliver the second residential phase of an attractive new development, which will help to meet the housing needs of the local area. The scheme aims to create an inclusive development with a range of housing including a mix of house types and sizes that reflects local character and vernacular. High quality pedestrian links, significant new landscaping and a suite of ecological enhancements are proposed. The layout has been informed by the existing site context, the parameters of the outline consent and best practice in urban design. The proposals follow Secured by

Design principles. Three character areas are proposed: Main Street, Urban Village and Park Edge. The development density is approximately 25 dwellings per hectare with more spacious development in the western areas and adjoining open countryside and more intense development around the local centres and primary school. Main Street character area will be medium density detached properties with a key vista viewpoint from the site entrance roundabout to the large area of public open space and large trees set in a boulevard on both sides of the main spine road. Urban Village Character Area will be higher density with a higher proportion of semi-detached and terraced dwellings, with formal landscaping to reflect the more traditional style of development. Park Edge Character Area will be lower density and include a higher proportion of large, detached units with informal landscaping along private drives. Predominant building materials are red/brown brick with some render and timber framework and plain clay tiled or slate roofs. 1.2m high estate railings will define public open space areas and 1.8m high red/brown brick walls will define back gardens/courtyards where these adjoin primary and secondary residential streets. The northern boundary public open space will include 2 attenuation basins, woodland edge planting and wildflower meadows, with footpaths and mown amenity lawns beside the housing development. The southern boundary incorporates retained trees and woodland adjacent to Walton Road and a large area of formal amenity space at the site entrance. Several smaller open spaces, principally pocket parks, and including two LEAP play areas, are proposed within the housing development. A bus route has been incorporated to connect the Phase 2 area with the rest of the Drakelow Park site and Burton town centre. Car parking has been provided in accordance with the Local Authority's standards. A comprehensive network of footpaths, cycleways and woodland walks around the site will connect new and existing routes that link the site to wider strategic networks. The proposals accord with the relevant factors and parameters set out in the Design and Access Statement. The proposals will create a scheme which provides high quality new homes, attractive and flexible business space and appropriate local amenity for residents, which exists in harmony with the natural and historic assets and is respectful of local distinctiveness and character. Building for a Healthy Life (BHL) – the latest edition of, and new name for, Building for Life 12 – is a design code which sets out how people can improve the design of new and growing neighbourhoods. An appendix assesses the design proposals against the considerations of the BHL guidance.

Noise assessment – the existing noise climate around the site is generally dominated by road traffic noise. Baseline noise surveys were undertaken in two periods in January and March 2021. The specific details of construction methodology are unknown. It is anticipated that although the main construction phases may be audible at times, they will result in no more than a minor adverse impact, only during the daytime and appropriate mitigation measures can be employed. South west of the site is the committed Vital Energy from Waste facility which is not yet operational (but will be a 24/7 facility) so operational noise from the development has been considered based upon the noise assessment submitted with the planning application. The predicted noise rating levels achieve the required assessment criteria of being no more than 5dB above the existing background sound level. The residential noise assessment shows that the vast majority of the proposed site achieves the required assessment criteria and only the most exposed properties close to Walton Road have the potential to exceed BS8233 and WHO criteria for internal noise levels. For the worst affected properties, the internal noise level criteria can be met with a suitable glazing and ventilation strategy. Two external amenity areas will require their garden fences to be replaced by a 2m noise barrier. With the inclusion of the proposed mitigation measures, the potential for adverse impacts is considered to be low.

Construction Dust Risk Assessment – during the construction phase, activities may lead to the generation of dust and gaseous emissions from construction vehicles and stationary plant. There are human receptors within 350m of the site boundary. The total area where earthworks will occur is greater than 10,000m<sup>2</sup> and the soil on site has a 'loamy' texture so the magnitude of potential dust release from earthworks and construction activities is classified as large. It is considered there would be between 10 – 50 HGV movements per day therefore the magnitude of potential dust release from trackout activities is classed as medium. The sensitivity of receptors is low and with appropriate mitigation in place, the residual effect will be 'not significant'. A range of mitigation measures are suggested including ensuring sand and aggregates are stored in bunded areas and not allowed to dry out, using a water-assisted dust sweeper and implementing a wheel washing system. Following the successful implementation of the suggested mitigation measures, the residual effects of construction

dust and emissions from construction activities upon the local area and sensitive receptors, although adverse, will be temporary and not significant.

Supplementary Transport Statement: Walton Bypass Trigger – the outline planning consent limited development at the site to a maximum of 100 dwellings in advance of completion of the proposed Walton Bypass and associated improvements. An application to vary this condition and raise the trigger to 400 dwellings was subsequently approved. It was originally proposed to increase the trigger to 800 dwellings as the provision of this number of dwellings was considered necessary to generate all of the funding required to enable delivery of the bypass. Key findings of the assessment are that construction of the bypass has no material impact on the assignment of development traffic; volume of traffic through Walton-on-Trent and across the existing River Trent bridge associated with 800 dwellings would not in itself justify provision of the bypass; any local traffic impacts arising could be addressed by interim measures; traffic flows generated by 800 dwellings are not expected to give rise to adverse impacts on road safety and the traffic generation of 800 dwellings would not trigger other elements of the highway improvements package as secured by condition 49 of the outline consent.

Notwithstanding this it has been confirmed that the trigger is not proposed to be increased to 800 dwellings and this statement is incorrect.

Statement of Community Involvement – residents and local stakeholders were given the opportunity to provide their feedback on the proposals at all stages of the public consultation via different channels including a Freephone information line number, a feedback email address, a project website and a virtual exhibition. This has ensured the local community have had opportunity to understand the proposals, discuss them with the project team and provide their feedback and ask questions. An information newsletter was sent to over 2000 households and businesses surrounding the site to provide them with an overview of the proposal and inviting them to the virtual exhibition which ran from Friday 26th March to Friday 3rd April. The virtual exhibition received over 32,000 views. In total, 39 responses from local people were received which have been carefully reviewed and the main comments addressed. The low response rate perhaps indicates that the proposals are not viewed as contentious or controversial by the local community. Overall, with 8 respondents objecting, this is just 0.025% of all people that viewed our advert and were able to click onto the exhibition. Lack of healthcare on site, need for major road improvements, lack of transport links and need for more community facilities were some of the concerns raised. In response to these concerns, Countryside is working with the CCG and local stakeholders to determine if a healthcare facility will be provided on site. We have bought land for the new by-pass and third river crossing and there will be widening and adaptations to Walton Road. In the near future, a train station for Drakelow will be in full operation and a bus route will connect the eastern and western development areas and Burton town centre. Around 2.5ha of the site is ear-marked for employment land. The proposed open space, retirement village, primary school, public open space and new local centre will support further employment and help to support a new community at the site. The Freephone information line number, consultation email address and project website will remain active until determination of the planning application.

Technical Note 2 – Access Strategy – summarises the proposed Phase 1 strategy for access by vehicles, pedestrians, cyclists and future bus services in relation to the main vehicular access points. It explains how the access strategy is consistent with the outline consent whilst complying with current design standards and guidance. The outline masterplan shows that the development would be served by two new roundabout junctions on Walton Road and a junction improvement scheme for the Walton Road/Rosliston Road junction to the north east (now completed). On the Section 73 permission, a condition (45) was included requiring details of traffic counting/monitoring equipment if the creation or opening of an access between Walton Road and the development is proposed. Condition 46 of the outline consent refers to drawings which show a roundabout junction and a traffic signal junction as the vehicle access points. However, the current site access proposals are for three roundabouts to be provided on Walton Road as follows: Location 1 - new roundabout at the far south-western corner of the site, Location 2 - approximately same position as previously proposed south western access but now proposed as a roundabout instead of traffic signal junction and Location 3 - same position and layout as previously proposed north eastern access, as submitted for outline approval. Countryside will develop the south western point of the site (phase 1) and two access points are required to serve the

proposed 1042 dwellings. The new roundabout at location 1 is required to provide access to the residential area (phase 1) and will also serve a future employment park. The roundabout at location 2 will form the second residential access for phase 1. At outline, this was proposed as a traffic signal junction with bus priority lanes. However, as highway capacity is not expected to be an issue, buses would not experience delays therefore the bus priority measures are not required. A roundabout will have several advantages including more effectively controlling vehicle speeds on Walton Road. Location 1 and 2 roundabouts will incorporate shared use foot/cycleway provision on the north side of Walton Road and both sides of the main Drakelow Park spine roads. The Phase 1 road layout would be designed to accommodate buses such that all households would be within 800m of a bus stop and the majority within 400m. For later phases, the Location 3 roundabout would be provided. The Travel Plan requires two systems for traffic monitoring equipment to quantify the average peak hour number of trips to/from the site – inductive loops buried in the carriageway and Automatic Number Plate Recognition (ANPR) cameras are the suggested systems for traffic counting. It is proposed to use only one system – inductive loops – with cross-checking undertaken using manual traffic counts or Automatic Traffic Counts due to the costs of installing ANPR cameras and because such cameras are only typically used to understand the route or speed of vehicles which is unnecessary in this case. Countryside are pursuing the submission of an amended Travel Plan accordingly and the inductive loops system and associated traffic counting equipment would form part of the formal section 278 Agreement with DCC.

Tree Survey - provides details of all trees, their species, size, life stage, physiological condition, structural condition, comments (including an assessment of their value), root protection area and category (with category U trees being those in such condition that they cannot realistically be retained in the long term). Of the 446 individual trees, 38 are category U. None of the 46 tree groups, 8 hedges or 2 woodlands identified are category U. There are a variety of tree species across the site, including TPOs, mainly concentrated beside the north west and south eastern site boundaries and towards the centre of the site.

Key results/Sustainability Statement - A table has been submitted to demonstrate the sustainability credentials of the site. This shows the target emission rates per dwelling per year dependent on house type. These targets are required to be met to satisfy Building Regulations. Dwelling emission rates are also calculated and shown in the table. These are calculated by assessing Countryside's specification improvements over the Building Regulations. The table concludes a 10.35% improvement of emissions over the requirements. As a result, the development will be saving 163,929 kg of CO<sub>2</sub> per year across the site. The accompanying statement notes that Countryside will achieve the requirements of Condition 19 through a fabric first approach to sustainability. Properties are designed to maximise solar efficiency and passive solar gain, and a number of heavy duty street trees are located throughout the scheme to assist with carbon capture. The following contribute to the energy efficiency of the development:

- 'A' rated appliances (when fitted);
- 'A' rated boilers with weather compensators and zone controls;
- 100% energy efficient lighting;
- Water consumption of 100 lppd (building regs 125 lppd);
- Air leakage designed at 4 (building regs 10);
- Reduced site waste through off site manufacturing in the form of timber frame construction and pre-fabricated components (i.e. porch canopies).

Character areas note – reviewed materials on site to establish what can be done to further define character areas. Design will remain consistent for future phases throughout development. Layout and design of the scheme has been influenced by range of factors including existing woodland, Heritage Assets, need to provide two, connected principal access points resulting in provision of a main street, allocation of site in the Local Plan and quantum of development specified therein and viability (affected by Walton Bypass provision, significant levels of ground remediation, investment in heritages assets and significant contributions to primary and secondary education and healthcare). Four character areas have been developed via design, buildings materials and road widths: 1) Main Street 2) Riverside View 3) Urban Village 4) Park Edge. Main Street follows the curve of the spine road (15m wide to allow for a bus route) and reflects a traditional English street scene, with key plots having chimneys and houses

fronted by formal structured landscaping. The road will be lined with large trees set in a 2m wide boulevard either side of the road. This area will be medium density and comprise detached and semi-detached units. Key materials will be wire cut bricks, stone cills/banding, white render, white simple casement windows and red, blue, green and black front doors. Riverside View has been designed to optimise the riverside frontage and some properties are adjacent the historic sunken garden so this area has been designed to be historically sympathetic. This area will be medium density and comprise detached and semi-detached units, 2 and 2.5 storeys. Road widths will be 9.5m. A large proportion of units will include tile hanging and combined with the less formal landscaping and 2.5 storey elements, will give this area a completely different feel to Main Street. Materials will include red stock bricks (to tie into listed buildings/structures opposite), white windows with extra glazing bar and cream render. Urban Village will offer residents a more modern place to live and will be higher density development with a higher proportion of semi-detached and terraced dwellings (maximum 2 storey). Formal hedgerows/low walls will be introduced in some places to reflect a traditional style of development and for plots fronting Public Open Space (POS) or ponds, landscaping will be looser. Roads will be 9.5m wide. Materials will include wire cut bricks, grey simple casement windows, dark grey or black doors and white render. Park Edge provides houses that will front the POS and woodland and will be lower density to respect the green edges of the scheme. It will include detached, semi-detached and some terraced houses. Large, detached properties will be set around the crescent shaped POS at the site entrance. Private drives will be 4.8m wide leading from a 9.5m wide road. Front garden boundary treatments will be estate railings and hedging with more informal landscaping along private drives. Timber cladding will be used on corner plots and key vistas to tie in with the surrounding woodland. Other materials will be cream render, white windows with extra glazing bar, stock bricks, red, blue, green and black doors and timber effect cladding.

An updated plan has been submitted 16.9.21 which seeks to provide a clearer definition of the four character areas and have reviewed materials to establish what can be done to further define the different character areas. Materials have been updated in this document and boundary treatments have been added as have details of surfacing of driveways.

Landscape management plan – provides information regarding the long term management of the general amenity areas and habitats being retained/created. Outlines maintenance principles and objectives and gives detailed programme for the maintenance of areas, in perpetuity for the lifespan of the development. The plan covers all aspects of hard and soft landscaping within the amenity areas to include formal green space, trees, informal woodland, play areas, formal and informal footpaths, water and SUDS features which are not being maintained by individual plots. All aspects of maintenance and management outlined will be funded by an annual service charge from each property. Grounds maintenance and management teams will visit the site twice a month between March and October, with monthly visits November – February.

Technical note: car parking provision – seeks to address concerns raised by SDDC with respect to the proposed level of car parking provision at the site, specifically the 4-bed properties which the Design Guide recommends should each have three parking spaces (on-plot parking is to be provided at a rate of two spaces per dwelling across the development). The development is underpinned by a comprehensive Framework Travel Plan (FTP) which sets out a series of measures to reduce the need to travel and if successful, would reduce the need to own a car. It is secured as part of the Section 106 agreement. As a result of infrastructure measures, the development would be well connected to local facilities and amenities, providing for many development trips to be made on-foot, a frequent bus service would be within reasonable walking distance of all parts of the development and there is a significant developed area within 5km cycling distance of the site, with generally flat topography being potentially encouraging to cyclists. The FTP includes parking restraint measures with a minimum of 10% of dwellings to be marketed as ‘low car’ – those located around local centres and in close proximity to the bus route and car club vehicle. The FTP is to be updated but it is expected the principles and targets outlined in the original document will continue to apply. 4-bed properties would account for 165 (16%) of the total scheme and each would have two parking spaces. Car ownership in the South Derbyshire area in 2028 is anticipated to be 1.6 cars/household and 1.2 cars/household in the Burton-upon-Trent area. The overall level of car ownership is predicted to remain below the proposed level of on-site car parking. The level of car parking within the development is sufficient to accommodate the foreseeable car parking demands that it would generate.

Drainage addendum – provides additional LLFA requested information regarding surface water management proposals. As part of FRA, a drainage strategy has been developed to ensure the proposed development will not adversely affect the surface water regime in the area and that overall, the current situation will be improved. The total discharge rate from the Countryside phases is proposed to be 1112l/s, with the discharge rate from the already developed David Wilson Homes site being 45.8l/s. Discharge rates would result in a betterment of over 40% on the existing situation.

Nationally Described Space Standards and M4(2) Note – adopted Local Planning policy does not specifically require NDSS to be implemented on all sites and in this case, there is a clear viability argument against. Footnote 49 of the NPPF states ‘Policies may also make use of the NDSS where the need for an internal space standard can be justified’. The only place where such a need can be identified is within a local plan and all policies should be underpinned by relevant and up to date evidence. The NPPG sets out at paragraph 003 that ‘Local planning authorities should consider the impact of using these standards as part of their Local Plan viability assessment’. In the absence of Local Plan viability testing, there is no evidential basis upon which to justify the application of NDSS. Evidence has not been presented to support the requirement for dwellings to be NDSS compliant. The Council should recognise that customers have different budgets and aspirations. The introduction of NDSS for all dwellings may lead to customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs. This may potentially increase overcrowding and reduce the quality of their living environment. Non-NDSS dwellings may be required to ensure those on lower incomes can afford a property, which meets their bedroom requirements. The outline permission pre-dates the implementation of NDSS and did not have account for the larger properties and the associated viability impact that their inclusion would have. As set out in footnote 49 of the NPPF ‘planning policies for housing should make use of the Government’s optional technical standards for accessible and adaptable housing where this would address an identified need for such properties’. A policy requirement for M4(2) and M4(3) dwellings must be justified by credible and robust evidence. The MHCLG consultation ‘Raising Accessibility Standards for New Homes’ dated September 2020 estimates the additional cost per new dwelling not already meeting M4(2) is approximately £1,400 per dwelling. If the Council wish to apply these additional requirements, these need to be rigorously tested through the Local Plan process. In this case, there is a clear viability gap and the additional cost was not factored in, thus the inclusion would render the scheme unviable. Notwithstanding the above, 74% of the house types are NDSS compliant (houses within 1sqm of the guideline are included as compliant).

### **Relevant planning history**

DMPA/2020/1460: The removal of conditions no. 1 and 2 and the variation of conditions no. 4, 6, 7, 14, 19 and 34 of permission ref. 9/2015/1030 for the variation of condition 47 of planning permission ref. 9/2009/0341 (relating to a hybrid planning application with all matters reserved for up to 2,239 dwellings including a retirement village, an employment park, two local centres comprising retail services, leisure employment and community uses, public open spaces, a new primary school, associated landscape and infrastructure, including car parking, road and drainage measures, and the refurbishment of the listed stables and cottages (with full details - comprising change of use and repair of the building)). Approved August 2021.

DMPN/2020/1362: Certificate of Lawfulness for the construction of new road with bridge over the River Trent. Approved March 2021.

9/2017/1074: Approval of reserved matters of planning permission ref. 9/2015/1030 to include access, appearance, landscaping, layout and scale for the erection of 94 dwellings. Approved January 2018.

9/2015/1030: The variation of condition 47 of planning permission ref: 9/2009/0341 (relating to a hybrid planning application with all matters reserved for up to 2,239 dwellings including a retirement village; an employment park; two local centres comprising retail, services, leisure, employment and community

uses; public open spaces; a new primary school; associated landscape and infrastructure, including car parking, road and drainage measures; and the refurbishment of the listed stables and cottages (with full details- comprising change of use and repair of the building) – Approved June 2016 (The 2016 permission).

9/2014/1105: Variation of condition 10 of planning permission 9/2014/0363 (phase 1) to allow a safe access and egress from site while the access road is constructed – Approved January 2015.

9/2014/0363: Approval of reserved matters for phase 1 (99 dwellings) of previously approved outline permission 9/2009/0341 – Approved June 2014.

9/2009/0350: The construction of a pedestrian and cycle bridge across the River Trent – Withdrawn August 2009.

9/2009/0342: Repair and refurbishment of the Grade II listed stable block – Approved July 2009.

9/2009/0341: Hybrid scheme with all matters reserved for up to 2,239 dwellings including a retirement village; an employment park; two local centres comprising retail, services, leisure, employment and community uses; public open spaces; a new primary school; associated landscape and infrastructure including car parking, roads and drainage measures; and the refurbishment of the Listed stables and cottages – Approved February 2012 (The 2012 permission).

9/2003/1525: The formation of the Walton Bypass including a bridge over the River Trent – Approved May 2005 and subsequently varied in May 2007 (9/2006/0973) to allow for the works to commence prior to the stopping up of the access to Barr Hall.

### **Responses to consultations and publicity**

Conservation Officer - The broad layout of the site has been established through the various outline applications for the wider site, the details provided in this reserved matters submission accord with layouts shown indicatively at outline stage and would retain some open space in the immediate vicinity of the sunken garden feature, which it is intended can find some enhanced public open space use in association with open space proposed to its southeast. As such the layout is in accordance with outline and would serve to 'preserve' the settings of listed buildings. Further comments all listed structures on the site remain as left-overs after the principal buildings of Drakelow Hall were demolished in 1934 and that the loss of their context has been substantially reduced.

Makes a number of comments on the submission as a whole as follows:

- a number of house types appear to be missing from the submission.
- there is a good variety in terms of styles and forms, with many also having a number of material variants all of which work well a
- facing bricks on plots extend to boundary walls where brick walls are proposed on publicly prominent boundaries which is also a positive touch.
- Some instances where it's unclear where land belongs to.
- Public Open Space appears well provisioned and distributed across the site, with open spaces benefiting from a good degree of passive surveillance from facing windows of surrounding properties.
- general avoidance of large expanses of frontage parking and of parking courtyards is very much a welcomed.

### Planning Policy - makes the following comments:

(i) The greenway and shared use walkways should be a minimum of 3m in width. The erection of barriers at access points to greenways should be avoided as these impede the progress of users.

(ii) Some of the corner radii on the off-highway section of the greenway are quite acute and need to be made less so to facilitate continuous cycling without the need to dismount, as far as possible.

(iii) For the reasons described in (ii), the junction of the greenway with the shared use path alongside the distributor road should be a bell mouth design, eliminating the sharp angles currently proposed.

(iv) For pedestrian and cyclist safety there may be a need for fencing where the off-highway greenway runs alongside proposed bodies of water.

(v) For the safety and convenience of pedestrians and cyclists there should be a crossing point from the shared use path/greenway to the proposed primary school/local centre site, possibly opposite the junction of the off-highway greenway and the multi-user path. It may be appropriate to provide a pedestrian/cyclist refuge in the middle of the highway, subject to the views of the highway authority.

(vi) Drawings T20040 SK02 and T20040 SK04 indicate the ' extents of cycleway to be determined '. The shared use path at the access points to Walton Road should link together the two roundabouts to allow continuous off-highway cycling between the junctions, enabling safe, sustainable access for cyclists and pedestrians between the residential and employment elements of the development, subject to the views of the highway authority.

(vii) Bus shelters should be provided at intended stopping points along the distributor road, subject to the views of the highway authority. These should be set within the highway verge to avoid impeding pedestrian and cycle movement along pathways.

(viii) Traffic counting equipment should be provided at the proposed access points to Walton Road to enable the monitoring of trip numbers to and from the site as the Framework Travel Plan includes trip number trigger points. The S106 agreement also includes trip number trigger points for financial contributions toward the trunk road improvements by Highways England.

As part of this there is a need to address the omission of traffic counting equipment from the Walton Road access point to the now complete Phase 1 David Wilson site, if possible. These matters will need to be addressed in consultation with Derbyshire County Council and Staffordshire County Council highway authorities.

Design Officer - Makes a number of comments including:

- For a development of more than 1,000 homes would expect those high level character areas to be complemented by smaller, sub-character areas to create special places within the site. Frontage boundary materials and associated planting can be used to create character areas. House types should be grouped so that similar styles with similar roof heights and shapes, materials, etc, provide character. The layout and house types do not always match the character areas in which they are located e.g. Park Edge has a significant number of small semi-detached and terraced homes within it, in prominent locations, despite Park Edge supposed to be of a lower density character area to respect the green edges of the scheme;
- The use of block paving within the highway network appears rather arbitrary with random T-junctions proposed to be paved. Block paving should instead be used to create distinctive places within the development;
- Some areas of POS have not been located where they integrate well with the proposed new homes surrounding them. Some back gardens do not adequately address areas of POS, (e.g. plots 1; 19; 743-760 and 836); or have awkward positioning (e.g. plots 492; 580; 594; and 595);
- All corners need the house types adjacent to suitable address them;
- The layout does not provide adequate connectivity with the next phase of development e.g. to the east of the site or adjacent to plots 720/721 and 743;
- The connectivity between the areas of POS/SUDS ponds is poor and no green corridors are proposed;
- No other SUDS features provided other than ponds, such as swales, drainage corridors. This will mean that ecological benefits are limited as are leisure opportunities for residents for pleasure, exercise and to maintain their well-being. This will also limit resident's ability to avoid travel within the site by car, are not provided. It is especially important to connect sustainably to

the proposed school and local centre as well as the employment to the west. Routes must be safe, attractive and inviting, and create a positive experience for the users in order for them to be successful;

- Cycling opportunities within the development are limited to a shared pedestrian/cyclepath on the main road through the development, with other routes within POS just 2m in width, or, in some areas of POS, not provided at all. More cyclepaths need to be provided;
- frontage parking dominates the streetscene for considerable distances of the site frontages, rather than being located in less prominent locations. This is a particular issue with the semi-detached and terraced properties. However, the chosen house types also include ones where integral garages are provided along with additional parking being provided in front and the building line being set back. This can also be seen on what is probably the most important part of the site, around the entrance "Circle" where all of the dwellings are set back in order to accommodate frontage parking, rather than addressing the street with a closer, stronger building line with parking at the side;
- The house types proposed are traditional in their design rather than contemporary and the house types and detailing need to reflect South Derbyshire's traditional design detailing including chimneys, wet bedded verges, a deep reveal window system, Ground mounted gas meters, appropriately placed electricity cabinets not visible from public areas, discreet boiler flues, internal soil and vent pipes, need details of EVC points;
- observations on house types including, awkward, tall landing window which cuts through the banding detail and has an unbalanced side elevation due to lack of windows and small window proportions, the long, raking roof with modest dormer appear unbalanced, unbalanced windows, openings need to be same width and align vertically, need for larger openings, gabled canopy needed, additional fenestration needed; and
- The Wienerberger Clumber Red Mixture and Windmill Orange Mukti bricks are not appropriate. The Sandtoft Dual Calderdale roof tiles are large format tiles with a thick leading edge. These should not be used on the main routes through the site or adjacent to areas of POS. Smaller format roof tiles such as the Forticrete Gemini roof tiles should be used

Strategic Housing Officer - makes the following comments:

- Aware of the extraordinary circumstances associated with this development and the associated costs required towards the provision of infrastructure projects that the community has established as a priority.
- Accepted that this Phase of the site is unable to support any affordable housing provision. Instead, the supply of affordable homes is proposed utilising grant subsidy through Homes England.
- The use of Homes England funding, however, does not negate the requirement for conformity with the Council's extant Policies in relation to its affordable housing or wider requirements, nor do these extraordinary circumstances counter the Council's Policies in ensuring that new developments, and in particular new communities such as this, meet the identified needs of all our residents, both now and in the future, in a bid to create sustainable developments.
- The proposals submitted in regard to the location, tenure mix, property type, size and design of the affordable homes is unacceptable.
- In addition, the property size and split in relation to the number of bedrooms of the market-led homes do not align with the Council's current Strategic Housing Market Assessment (SHMA) and require subtle revision.
- In an attempt to integrate the different tenures on the site, the principle of grouping affordable homes together is not supported, this applies irrespective of the mechanism of supply proposed.

Instead, residential homes should be designed so that affordable homes are distributed amongst the open market homes across the whole site/phase. The Affordable Housing Supplementary Planning Document - 2017 (AH-SPD) defines clusters.

- The application seeks approval for 400 affordable homes out of the 1042 homes proposed, or 38% of the total provision across three locations within the Phase of development. The largest cluster is in excess of 200 homes, the mid-range in excess of 100 homes, and the smallest cluster in excess of 70 homes. In addition, it is clear from the plan that the secondary Phase of the development shows a further heavy cluster abutting the existing largest cluster on this Phase in question.
- The site is not proposed as 100% affordable, and would set an unhealthy and intolerable precedent for future Phases and other schemes within the District. It also raises significant concern regarding the letting of these homes, given the rate of completion and likely handover within the proposed large clusters, and the ability of the Registered Provider to allocate these homes to people with an identified local connection to South Derbyshire, as is expected.
- Previous correspondence from the Applicant has made reference to the fact that the affordable homes will be a mix of affordable rent and shared ownership, suggesting that the latter will transform over time into market dwellings through staircasing rules breaking up the clusters, this is incorrect information given the area's status, see section on Tenure Type.
- The Council expects all affordable homes to be tenure blind and visually indistinguishable from the market homes, in terms of build quality, materials, detailing, levels of amenity space and privacy, including the treatment of gardens and boundaries. The house types provided as part of the overall scheme offer an obvious divide between the market-led elements and the affordable homes, with the market homes being predominantly detached, while the affordable homes are predominantly terraced. It is not considered that the type and placement of these homes will not create the sustainable, mixed, balanced, and integrated communities.
- The majority of affordable homes have frontage parking, in comparison to their private neighbours
- The SMHA and relevant policies make reference to the mix considered to be appropriate/most represent need in the district The SHMA also states that the Council should seek to deliver around 5-10% of all new homes as M4(3) properties, which would address the backlog and future need of disabled residents and should continue to support the National Described Space Standards (NDSS), in addition, the delivery of M4(2) standards should be supported where viable and given a sites built form and/or topography. The use of NDSS, the provision of bungalow accommodation, adapted accommodation and wheelchair accessible accommodation is supported within the AH-SPD.
- None of the affordable homes meet NDSS standards, with only some of the market homes achieving this target. In addition, there is no mention of M4(2) or M4(3) within the Applicant's supporting documentation.
- The provision of three-bed homes is significantly more than the SHMA stipulates. The overall number of three-bedroomed homes requires a downward revision in favour of an uplift in one or two-bedroomed homes provided on site.
- The affordable housing mix is broadly in line with the SHMA requirements in regard to bedroom sizes, however, there is no deviation in property type with only flats and houses supplied.
- The proposal is devoid of any properties which have level access shower facilities. In addition there are no bungalows proposed, which fails to address the need of the District's ageing or disabled population. This is unacceptable as it excludes this cohort from accessing suitable housing within the new community, both now and in the future, and brings into question the sustainability of the development.

- In accordance with the AH-SPD (2017), Applicants should submit a site plan indicating the tenure mix of the affordable homes proposed for all Reserved Matters applications. In the absence of this plan, the Council is seeking to propose a tenure mix of 68% rented homes and 32% shared ownership homes in accordance with the AH-SPD. We will require a plan and breakdown of the affordable homes proposed as Affordable Rent and shared Ownership to ensure this aligns with the SHMA, in terms of bedroom size. Until this information is received, we are unable to confirm that the tenure mix is acceptable.
- The Applicant should note that the Parish of Drakelow sits within a Designated Protected Area, therefore, staircasing of these homes will be restricted to protect these properties as affordable in perpetuity for future generations of residents.
- Condition required on any approval relating to local lettings.

Landscaping Officer - Makes a number of comments on the detailed design of the scheme including:

- The need for native species to be used for the hedge planting on the main spine road.
- Fruit trees to be planted to all rear gardens.
- Standard Detail Fence Types A to D drawing to show hedgehog access points and the frequency of.
- LEAP Detailed Landscape Proposals (West): the drawing to show items of inclusive play equipment.
- Increased bulb planting generally and increased to bulb and tree planting within POS and in the vicinity of.
- Native species hedgerow to be planted and increased tree planting along 'the proposed Drakelow native hedge mix'.
- Increase the on plot tree planting to housing currently showing no trees, either to the frontage or side elevation.

Environment Agency - OBJECTS

- This site has a complex history which we are having to carefully work through prior to submission of our formal response.
- We are slightly concerned by the submitted master plan which we can find no record of having been consulted on previously.
- The master plan appears to contradict our requested conditions as laid out on the original planning application which sought to safeguard the area immediately adjacent to the existing watercourse. Part of our requested condition was for the opening of the culverted watercourse however the new plans appear to show development of housing up to the very bank of the watercourse and development over the currently culverted watercourse.

Network Rail - No observations

Canal and River Trust - No requirement to consult

Natural England - No comments to make

Environmental Health - No objections subject to mitigation measures identified in the noise report being undertaken.

Force Designing out Crime Officer - comments that the majority of the layout accords with both policy and outline conditions in respect of community safety and designing out crime.

The layout, house treatment and boundaries are well thought through, space hierarchy is good and movement routes well supervised. The one exception being the woodland walk to the rear of plots 743-760 and appears out of context with the remainder of the site. Requests further clarity on boundary treatments. Requests amendments to the position and specification of gating for terraced blocks and single use paths to the rear of properties. Design guidance within part 13 of Secured by Design New Homes 2019 requires all such garden access gating to be prominent, with the point of origin secured in wider public view.

Highways England - No further comments to make.

Ramblers Footpath Society - For a development of this size and housing density I would have expected to have seen more off road footpaths/cycleways within the site, for example connecting with the school. Technical Note 2: Access Strategy has a very brief section (3.2) concerning Pedestrian and Cyclist access which talks about 'dedicated off-street walking and cycle routes to maximise the permeability of the development by active travel modes'. Cannot see any off-street walking/cycleways permeating the site, there appears some off-street walkways/cycleways around the edges of the site but none which permeate the site.

Lead Local Flood Authority - No comments received.

Derbyshire County Council Highways Authority - No comments received.

Derbyshire County Council Public Rights of Way - No comments received.

The National Forest Company - No comments received.

Severn Trent Water - No comments received.

The Health and Safety Executive - No comments received.

Staffordshire County Council Highways Authority - No comments received.

East Staffordshire Borough Council - No objections.

Tree Officer - No comments received.

Open Spaces Society - No comments received.

Drakelow Parish Meeting - Attached 'Supplementary Transport Statement' seeks to raise the trigger for the completion of the Walton Bridge from 400 homes to 800 homes. The application does not seek to amend the planning condition related to this. Support the application if the trigger for the bridge remains as previous. 1,042 home will add pressure on existing schools, healthcare and increase traffic. Consideration should be given to and attempts made to ensure that these facilities are constructed during the course of construction of these homes so that when they are completed the facilities that are needed for their support are in place.

### **Relevant policy, guidance and/or legislation**

The relevant policies are:

- Local South Derbyshire Local Plan Part 1 2016 (LP1):S1 (Sustainable Growth Strategy); S2 (Presumption in Favour of Sustainable Development); S3 (Environmental Performance); S4 (Housing Strategy); S5 (Employment Land Need); S6 (Sustainable Access); H1 (Settlement Hierarchy); H6 (Drakelow Park, Drakelow); H20 (Housing Balance); H21 (Affordable Housing); E1 (Strategic Employment Land Allocation); SD1 (Amenity and Environmental Quality); SD2 (Flood Risk); SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure); SD4 (Contaminated Land and Mining Legacy Issues); SD6 (Sustainable Energy and Power

Generation); BNE1 (Design Excellence); BNE2 (Heritage Assets); BNE3 (Biodiversity); BNE4 (Landscape Character and Local Distinctiveness); INF1 (Infrastructure and Developer Contributions); INF2 (Sustainable Transport); INF6 (Community Facilities); INF7 (Green Infrastructure); INF8 (The National Forest); INF9 (Open Space, Sport and Recreation).

- South Derbyshire Local Plan Part 2 2017 (LP2): SDT1 Settlement Boundaries and Development; BNE7 (Trees, Woodland and Hedgerows); BNE10 (Heritage); BNE12 (Former Power Station Land); RTL1 (Retail Hierarchy).

The relevant local guidance is:

- South Derbyshire Design Guide Supplementary Planning Document (SPD)
- South Derbyshire Affordable Housing Supplementary Planning Document (SPD)

The relevant national policy and guidance is:

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

### **Planning considerations**

This application is a reserved matters application for phase 1, subsequent to the granting of outline planning permission earlier this year for up to 2,239 dwellings including a retirement village, an employment park, two local centres comprising retail services, leisure employment and community uses, public open spaces, a new primary school, associated landscape and infrastructure, including car parking, road and drainage measures, and the refurbishment of the listed stables and cottages. The application seeks the approval of reserved matters relating to appearance, access, landscaping, layout and scale for 1,049 dwellings. The following assessment is therefore based on these relevant matters which taking this into account along with 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:

- The principle of development including compliance with outline permission;
- Layout, design, character areas and mix
- Landscaping;
- Noise and air quality;
- Drainage; and
- Access.

### **Planning assessment**

#### The principle of development and compliance with the outline permission

The site is allocated in the Local Plan as the largest of the Districts strategic housing allocations under policy H6 and has a recent outline planning permission for development consistent with that proposed under this application. Whilst part of the proposed housing development is beyond the extent of the housing allocation under policy H6 and within the employment allocation under E1 and as such there is a conflict with the plan in so far as the revised proposal reduces the extent of the employment development and increases the area of residential development – a conflict between the proposed and approved/allocated land uses, this conflict was considered as part of the outline planning permission

and therefore should not be revisited as part of this application.

The NPPF sets out a presumption in favour of sustainable development, in particular affording weight to significantly boosting housing delivery. The Local Plan relies on the housing provision arising from this site and has already been considered as sustainable in the round given the provision of facilities and services on site to support these provisions.

As with all proposals for planning permission, consideration needs to be given to its detail to ensure that it is in accordance with the relevant policies, however the principle of the development is considered to be acceptable and will enable the delivery of multiple social, economic and environmental benefits, including a greater supply of housing, including affordable provision, a new primary school, healthcare provision, local services, the reuse of listed buildings and perhaps most significantly, the delivery of a major piece of infrastructure in the form of the Walton on Trent bypass which has been a Council priority for a number of years.

In terms of the proposal's compliance with the outline consent, this permission required, through condition, the submission of various documents to accompany each reserved matters application including:

- A statement demonstrating how the phase relates to the Design & Access Statement (3665 Design and Access Statement Rev A 2021\_04\_27). And development to be in accordance with this. (condition 6)
- An Open Space Strategy which shall broadly accord with the masterplan and POS linkages plan and set out the proposals for the location, provision, programme of phasing, timing of submission of specifications, arrangements to secure public access and arrangements for short and long term management and maintenance (including funding arrangements) of all areas of open space within that phase (condition 7).
- A landscape management plan, including phasing and implementation strategy, long term design objectives, management responsibilities and maintenance schedules for all landscape areas. (condition 11)
- A sustainability statement that sets out the measures to be adopted to achieve a reduction in both energy and water use. (condition 19)
- A statement setting out the principles and practices of 'Secured by Design' have been incorporated within the development. (condition 36)
- Details of the traffic counting/monitoring equipment to be provided at the accesses created on Walton Road in accordance with paragraphs 7.1.6 and 8.2.3 of the Framework Travel Plan dated 27 September 2011. (condition 45)

### Design, character areas and layout

Policy BNE1 expects all new development to be well designed, embrace the principles of sustainable development, encourage healthy lifestyles and enhance people's quality of life. New development should be designed to ensure that people feel comfortable and safe; streets should be designed to relate to their context, with a balance being struck between place-making needs and vehicle movement needs; easy to navigate; encourage social interaction; accessible to all user groups; create places with a locally inspired character that respond to their context and have regard to valued landscape, townscape and heritage characteristics; within the National Forest fully reflect the forest context; be visually attractive and respect important landscape, townscape and historic views and vistas; support healthy lifestyles, including through the promotion of active travel, the provision of public open space, sports and other leisure facilities; and facilitate the efficient use of resources. These objectives are supported by the detail of the Design Guide SPD and the NPG.

Policy S6 Sustainable Access states that the Council will seek to minimise the need to travel and encourage modal shift away from private car to walking, cycling and public transport. To do this they will seek the provision of new or enhanced walking, cycling and public transport infrastructure.

#### Layout

The proposed layout for the site shows a new main southern access into the site from Walton Road provided by a roundabout, with a crescent of detached dwellings and public open space forming the entrance leading into a tree lined spine road. 26 house types are proposed which are a mix of 1, 2, 3 and 4 bedrooms and include detached, semi-detached, terraced and 1 bed apartments. The layout is such that the dwellings are arranged in perimeter blocks with parking to the front or side, with some properties having single and integral garages. Public open space is created throughout the site with SUDs features in these areas to the north of the site and informal and children's play areas being located along the southern boundary of the site and closer to its western and eastern boundaries. Footpaths are provided through these areas, creating walking opportunities but also linking up the development and connecting paths are located where appropriate from turning heads having regard to desire lines and ease of access for users. The spine road also provides a 3m walk/cycleway through the site. Dialogue has been ongoing with the applicants to improve the layout of the site, to create stronger building lines, remove frontage parking and improve permeability and sustainable travel through the site. Unfortunately, there remain some concerns with the layout of the site proposed including: the lack of a strong building line, particularly to Main Street; the absence of block paving to adoptable highway turning heads where blocked paved private drives are; triangular area of POS is fully utilised for a SUDS pond, unusable, and no accessible cycle/pedestrian paths around it, or linking the plots to the east; links need to be 3m in width (notably between plots 548 & 549, 96 and 191, 188-191, paths through POS opposite plots 850-853 and 854-857) houses either side should have a set back from it and natural surveillance through windows in a side elevation of at least one property; cycle path along length of main road adjacent to employment sites not provided; path linking the roundabout to the cyclepath opposite plot 19 is needed, and paths within that circular feature area should all be 3m with perhaps a cycle crossing point from the quadrant opposite plots 10-14 to cross the main road to the cyclepath on opposite side of the main road, between plots 9 and 10; and connection point to cyclepath opposite plot 22 should be 3m, as should the one opposite plots 22-23, plot 799, and new one opposite 113.

It is clear that the above outstanding issues would improve permeability through the site and ensure that the proposals can be used by cyclists and pedestrians offering recreational, leisure and sustainable travel through the site. The loss of an area of POS is also of concern and not strictly in accordance with the POS linkages plan. The detailed design of pathways/cycle paths (such as surfacing, barriers/fencing and edging) can be controlled by condition to ensure that they are appropriate.

Where properties are adjacent to POS these are largely positioned such that they face onto these areas, presenting a more active, attractive streetscene and natural surveillance of the spaces. Properties on corner plots or those that have two clearly visible elevations (front and side) have been designed with more active facing side elevations, including greater fenestration detailing and more brick work detailing, such as banding/string courses.

Whilst there is no requirement through a S106 Agreement or conditions to bring forward affordable housing on the site, it is instead proposed to be funded utilizing grant subsidy through Homes England. The use of Homes England funding should not diminish the council's responsibility in ensuring that new developments meet the identified needs of all residents and create sustainable, inclusive, high quality developments.

Policy H20 of the Local Plan Part 1 requires 'a balance of housing that includes a mix of dwelling type, tenure, size and density. The overall mix of housing should take into account the Housing Market Assessment and Local Housing Needs Study' and 'a mix of housing that is suitable and adaptable for different groups of people such as single occupiers and people with disabilities'

To create balanced, sustainable communities, in line with this policy, developments should be designed so that different tenures sit alongside each other, rather than in arbitrary blocks, creating single tenure

clusters. There should be a mixture of dwelling types and sizes throughout the scheme to ensure inclusivity in the community it creates. The Affordable Housing Supplementary Planning Document - 2017 (AH-SPD) defines a cluster as the following:

- Clustering of no more than ten homes (regardless of affordable tenure); and
- includes housing which is contiguous; including adjacent gardens and those properties immediately opposite each other divided by a road or car parking; and
- includes any affordable homes proposed in adjacent phases, regardless as to who the developer is.

The application seeks approval for 400 affordable homes out of the 1042 homes proposed, which equates to 38% of the total provision in three locations. The largest cluster is in excess of 200 homes, the mid-range in excess of 100 homes, and the smallest cluster in excess of 70 homes. In addition, it would appear that the second phase of the development shows a further heavy cluster abutting the existing largest cluster on this phase.

The applicants have advised that the largest cluster of affordable rented units is 25 and that the shared ownership units over time will staircase to become owner occupied or, private rented units which are occupied by long term tenants. They consider that each product is tenure blind using the same quality of materials and as such, the proposals will create an integrated development with social cohesion, offering people four different routes to living in one of the properties. They comment that they are not obligated to provide any affordable or private rented tenures and it is a very challenging brownfield site with significant infrastructure requirements and it is essential that the affordable and private rented provision forms part of the scheme and is delivered early to enable the delivery of the bypass in line with the current trigger point. The applicants have provided a note which sets out why Countryside's delivery proposal, based on a partnerships model, can secure the development of the site and the bypass, but in doing so requires a deviation from the clustering element of the Council's SPD. This is a result of the need to front load the affordable housing component and it cannot do this by building out sporadic patches of affordable units throughout the site. The partnerships model is funded by payments based on valuations or work completed on the rental plots each month. This provides an income that reduces the financing levels and provides certainty of regular income, used to finance the ongoing development costs. The partnerships model also increases supply rate. They comment that they have tried to spread the affordable plots across the development area as much as possible to strike a balance between clustering and viability as much as possible.

The Council's Affordable Housing SPD identifies all affordable housing (i.e. social rent, affordable rent or shared ownership) as a single tenure, therefore whilst one element may only be in a cluster of 25, the wider picture shows a concentration of affordable housing. Furthermore, it is also understood that the area is designated by the Secretary of State for Communities as "protected" and as such any grant-funded shared ownership housing must, by law, be retained in perpetuity. In order to achieve the retention of affordable housing in these areas, the Housing (Shared Ownership Leases) (Exclusion from Leasehold Reform Act 1967) (England) Regulations 2009 provide:

- a) For the lease to allow a tenant to acquire a maximum of 80% ownership of the property; or
- b) That when a leaseholder is allowed to staircase to 100% ownership, an obligation is to be inserted into the lease that the provider must buy back the property when the shared owner decides to sell.

Therefore, whilst the applicant has advised that all shared ownership properties will be staircased overtime to full ownership and therefore create more mixed communities, it appears that this would not be possible.

A further design concern with the way the layout has been arranged, with large clusters of affordable housing in single blocks of largely terraced and semi-detached dwellings, is the concentrations of frontage parking with little meaningful landscaping to dilute these expanses. This results in a harsh, vehicle dominated environment being created.

Whilst it is acknowledged that due to the size of the scheme clusters of greater than 10 homes may be required, blocks of highly concentrated housing of a single tenure are not considered to be reflective of mixed, sustainable communities and are not something which can be supported or that complies with the relevant policies identified. This needs to be balanced against the delivery issues regarding the homes and supporting infrastructure.

#### Character Areas/design

There are three character areas proposed within this phase, which is in accordance with the approved masterplan for the whole site. These are 'Main Street', 'Park Edge' and 'Urban Village'.

Main Street includes those properties which follow the spine road through the site and consists largely of detached units. Where the main road is intercepted by secondary roads, these corner properties offer a more fenestrated side elevation to ensure that the visual interest of the street continues. The road will be 15 metres wide allowing for a bus route and lined with trees set in a 2 metre boulevard either side of the road, which help give it a relatively spacious character, akin to a traditional English street.

The Urban Village is more dense in character consisting of terraced and semi-detached dwellings with a much lower proportion of detached dwellings, which largely occupy corner plots (with active side frontages where appropriate). It comprises secondary roads which are 9.5 metres wide, including carriageway and pavements.

The Park Edge areas are located fronting the open space and woodland along the southern boundary and entrance to the site and around the open space areas to the north. The areas are low density in character with a larger proportion of detached properties, set generally in more spacious plots. These have been designed with private drives serving the majority of properties directly fronting these open areas, to give a less engineered appearance than that of a traditional carriageway.

Throughout the development the same house types will be used, however to create these 'distinct' areas, it is proposed to use different facing materials, boundary treatments and forms of surfacing for driveways. This the applicants state, together with the relative density of each area, will serve to add legibility to the streetscene, using cues such as the less formalised woodland walks in one area and more formal play areas in another. Whilst it is disappointing that these larger 'blocks' have not been further subdivided to create different areas within the main character area, due to the scale of development proposed, it is considered that the scheme is broadly in compliance with the outline application on this matter and whilst on a larger scale, could still provide distinct character zones within the site.

Dwellings are two storeys in height across the phase. There are 26 different house types, with those plots that form corner houses having a variant to one of the 'standard' house types to ensure that they address both streetscenes. Other variations to these standard house types include end and mid terraces, hipped and gable roof ends and throughout, there are changes to materials in attempts to create variances through the development, specifically in respect of the character areas.

The dwellings need to have identifiable building forms which aid the creation of a distinctive local character for the site, and within each character area themselves. The South Derbyshire Design Guide identifies a range of architectural details and materials which are common in the local towns and villages. With the following locally distinctive aspects being key elements; red brick in combination with some cement/lime render; pitched roofs of plain clay tiles or slate (or a suitable contemporary alternative); chimneys, wet verges and windows that reflect the design of locally traditional timber framed sash and casement windows.

The proposed development seeks to use materials to aid the interpretation of the 3 character areas. It is proposed to use brick, with some properties completely rendered and others using a mix of render and brick, stone cills and banding, coloured doors and casement windows through the main street. In the Urban Village, grey casement windows and doors are proposed with the use of white render and bricks and some tile hanging at first floor. In the Park Edge area, bricks, cream render, timber effect

cladding and extra glazing detail to the windows is proposed. Whilst the use of these types of materials could be effective in defining character, the information submitted to date is not of the quality that would be expected and as such the applicants have advised they are content for this element to be subject to a condition to allow further discussions.

It is considered, on balance that the corner plots address sufficiently both streetscenes such that they provide active frontages and natural surveillance through their design. The majority of the properties include both header and cill detailing where appropriate and the properties along the Main Street largely have extra detailing, specifically to their front elevations. Window proportions and locations are generally acceptable throughout the scheme and amendments have been made so that roof forms form a continuum through a terrace for uniformity. In addition, a number of house types have been amended to include chimneys. Whilst these are contained within the Park Edge and Main Street areas, it is considered that these additions improve the overall appearance of the proposals.

In regard to local vernacular, dry verges are proposed to all properties rather than wet verges, which are key characteristics of the local vernacular in South Derbyshire. The applicants have submitted a note to explain the reasoning behind this intention. In this they advise that they use them for a variety of reasons 'ranging from ease of installation and comparative strength against wind forces, to its attractive finish and compatibility with most roof tiles. However one of the key advantages of a dry verge that stands out is it is highly durable in comparison to a wet verge, and therefore will last for many years with little or no maintenance required'. They go on to comment that they are a sustainable developer who uses timber framed construction where a main consideration is the differential movement of the timber, which causes the mortar to crack. They advise that the NHBC discourage the use of a wet verge on a timber framed house due to the warranty.

The Council Design Officer has advised that there is no reason why wet verges inherently have a short lifespan before maintenance is needed. That the key factor is the use of the correct building materials and quality of the workmanship undertaken during construction. That they are not aware that the NHBC will not allow the use of wet verges in timber framed houses. They further comment that building details such as these are vitally important to achieve design excellence and on a scheme of this size. The Design SPD which specifically sets out a building's details as being important in new housing schemes such as this states that "dry verges with cloaking tiles have a low quality appearance and do not fit into the character of the District" (Page 58).

The detailing on a scheme of this size is clearly an important consideration and the use of more modern, less reflective methods is something which will need to be balanced in the determination of the proposals. However, whilst on balance it is not considered that the omission of this would be a reason for refusal, this detail and details relating to windows, utility services, driveway surfacing and materials (as identified above) should be controlled by condition to ensure that the right level of detail is included in the design of the proposals to ensure that the proposals create an attractive development, sympathetic to the location and context in which it is located.

The dwellings will be constructed using timber frames fabricated off site and transported to site for erection. This method results in quicker construction once on site and the dwellings can be clad in any material externally. Timber framed buildings generally produce less CO<sub>2</sub> emissions which makes them a greener alternative to more traditional building methods. A Sustainability Statement has been submitted with the application, as required by condition 19 of the outline permission, which appears to demonstrate that this would be the case in this instance and is a material consideration in favour of the scheme.

All dwellings are positioned so as to enjoy off-street parking and amenity provision to the rear of the property. Some dwellings also enjoy some amenity space to the front/side of their respective plots. Where achievable, all gardens have a minimum depth of 10m, there are however some that fall below this figure, with the shortest being in the range of 7m on terraced dwellings where there are rear access path ways required. The minimum rear facing distances are approximately 18.5m and where properties face the side elevation of a dwelling, these are, where practicable, located a distance of 10m away so as to prevent any unnecessary overbearing impact. Side first floor facing windows are largely en-suite,

landing or bathroom windows where there is not considered to be any overlooking issues. On balance, whilst rear amenity space is limited to some plots, it is considered that generally the provision across the site is acceptable and in combination with the positioning of windows and the accessibility of open space, it is considered that this is acceptable.

However, plans have been submitted which show 'finished floor level' (FFLs) across the site. These demonstrate that there are areas where there are level differences of, in the region of 2m. Whilst this is not uncommon on larger sites with the number of constraints and requirements in this instance, the layout of the proposals need to be reflective of this and offer increased separation distances. Cross section drawings of these areas also enable an appreciation of the impact and measures to mitigate this through terraced gardens, boundary treatments and additional landscaping. This information has not been provided to date throughout the site. On the basis of the information submitted, there are areas within the site where it is considered the residential amenity for future occupants is unacceptable due to an overbearing impact, or concerns regarding privacy. It is understood that the reasons for these level differences are the need to tie into existing levels and road levels. The applicants have advised that to lift the road they would need to introduce a low point which isn't ideal from a drainage perspective. They consider that the proposals will work with 1:20 garden gradients and a retaining wall of just under 1m along the garden boundary. They advise the only way this could be reduced further would be to have the dwellings lower than the carriageway which again would have drainage implications.

Amendments to the layout could also resolve these issues, increasing separation distances or re-orientating plots so as to lessen the impact. The removal of plots should also be considered to ensure that residential amenity is acceptable.

Plans relating to the boundaries across the site have been submitted, the broad principles of which are for close boarded fences to be positioned to the rear/side boundaries of properties where they are not visible in the streetscene, screen walls to be located along the sides of properties which form a corner plot, public open spaces to be clearly demarcated from property boundaries and frontage boundaries to be specific to the character area in which they are located e.g. box hedging along the Main Street and low brick walls or formal hedgerows within the Urban Village. This information is currently incomplete and needs to reflect the advice of the Designing out Crime Officer, ensuring all shared entrance points to the rear of properties are gated at the access point and lockable. In light of this, it is considered reasonable, notwithstanding the information submitted, to ensure that the detailed design of this forms a condition of any permission to ensure that the boundaries in each character area are reflective, that their detailing is appropriate and that the safety implications of the scheme's layout are fully considered and designed for.

#### Mix

Policy H20 – Housing Balance states that A) the Council will seek to provide a balance of housing that includes a mix of dwelling type, tenure, size, and density. The overall mix of housing will take account of the SHMA. Further, in E) the Council will promote a mix of housing that is suitable and adaptable for different groups of people such as single occupiers, people with disabilities, people wanting to build their own homes and the ageing population of the District.

Policy H21 – Affordable Housing, states that B iii) the tenure mix and dwelling type on the site will be based on the SHMA, and finally the AH-SPD stipulates that in determining the property type, regard will be given to the current SHMA.

Policy S3 states that The Council will support developers in bringing forward more sustainable homes and supporting the Government's drive towards improved housing standards in respect of access and space standards.

The Council adopted their revised SHMA in January 2020, and consideration should be given to this when considering the appropriateness of applications.

The SHMA recommended the following broad mix as appropriate:

	1-bed	2-bed	3-bed	4+-bed
Market	0-5%	20-25%	50-55%	20-25%
Affordable home ownership	10-15%	40-45%	35-40%	5-10%
Affordable housing (rented)	25-30%	35-40%	25-30%	5-10%

Source: GL Hearn, 2020

The SHMA goes on to say that the Council should seek to deliver around 5-10% of all new homes as M4(3) properties, which would address the backlog and future need of disabled residents and should continue to support the National Described Space Standards (NDSS), in addition, the delivery of M4(2) standards should be supported where viable and given a site's built form and/or topography. The use of NDSS, the provision of bungalow accommodation, adapted accommodation and wheelchair accessible accommodation is supported within the AH-SPD.

The proposed mix across all tenures is as follows:

Number of Bedrooms	Market	Affordable	Private Rented	Total
1	0	76	0	76
2	40	171	53	264
3	281	119	137	537
4	122	34	10	166
<b>Total</b>	<b>442</b>	<b>400</b>	<b>200</b>	<b>1,042</b>

Harris Lamb – Supporting Planning Statement 2021. Section 2.5.

Combining both market-led products of sale and private rent equates to the following provision:

- 0% one-beds;
- 14.5% two-beds;
- 65% three-beds; and
- 20.5% four-beds.

The provision of three-bed homes is more than the SHMA identifies is required with this appearing to come from an under supply of 2 bedroom homes which equates to approximately 64 homes. Whilst this is over the identified need within the SHMA and therefore disappointing, it is not considered that this would result in such an excessive over supply as to warrant a refusal on this basis alone. The affordable housing mix is broadly in line with the SHMA requirements in regard to bedroom sizes, however, there is no deviation in property type with only flats and houses supplied. None of the affordable homes appear to meet NDS standards, with only some of the market homes achieving this target. The two-bedroomed and three-bedroomed market homes property types of the Irwell, Ellesmere, Longford and Lea are particularly small (between 18 and 7m<sup>2</sup> short of the limit). In addition, it is not the applicants intention to provide any M4(2) (accessible and adaptable) or M4(3) (wheelchair access) properties.

The applicants contest this and consider that 74% of all the properties on the site meet these standards. However, they do not appear to have calculated all bedspaces shown on the plans. In addition, the applicants are of the view that as the policy does not specify standards for attaining properties suitable for disabled occupants or that the NDS standards will be used, the Council cannot require developments to comply with these. Nonetheless they are material planning considerations and Local Plan policies do require that the Council should support the Government's drive towards space standards and provide housing for those with disabilities. In addition, the Affordable Housing SPD does state that all affordable tenures should meet these standards.

#### Landscaping/Open space

Policy INF9 - Open spaces, Sport and Recreation states that the Council will expect new open spaces to connect to existing Green Infrastructure to improve accessibility and enhance the biodiversity.

Policy BNE7 - Trees, Woodland and Hedgerows states that where development is proposed that could affect trees, the layout should be informed by appropriate surveys and adequate protection measures should be put in place. Where new planting is proposed, tree species should be planted which are in keeping with the urban and rural character of the area.

Conditions 7, 8, 9 and 11 of the outline planning permission required additional information relating to landscaping and open space to be submitted as part of any detailed consideration of the proposals. Condition 7 requires an Open Space Strategy to be submitted which sets out the location, provision, phasing, specifications, management and maintenance of all open spaces. Condition 8 requires details regarding the retained trees. Condition 9 requires landscape plans including plant schedules, species and sizes and an implementation programme and condition 11 requires a Landscape Management Plan to include phasing and implementation.

A landscaping strategy (including proposed landscaping plans, POS detail, including children's play areas and specimens) has been submitted to support the application which shows the existing landscape assets which are to be retained. These are largely along the northern boundary adjacent to the River Trent and to the southern boundary adjacent to Walton Road. Tree planting is proposed throughout the development in a clear hierarchy with more significant planting featuring along the main street, which offers planting on each side of the carriageway within grass verges, creating a tree lined boulevard. There is some more substantial tree planting within the POS areas also. Along the secondary and tertiary streets, trees form a consistent theme, although these are less significant species and are located within front gardens.

The northern boundary of the site incorporates several landscape assets; woodland and mature trees adjacent to the River Trent; two large attenuation basins; and a footpath connection which links the Staffordshire Boundary with the E.ON land. The landscape proposals in these areas include 2 No. attenuation basins with a perimeter pathway, wetland planting and flood and water meadows. Some planting with native specimen trees is also proposed and wildflower meadows, with footpaths, and mown amenity lawns.

The southern boundary incorporates retained trees and woodland adjacent to Walton Road with proposed footpath routes. There is an area of public open space at the site entrance leading into the principal spine road. This space is formalised with paths, planting and amenity lawns.

There are four smaller open spaces within the development, two of which contain LEAP play areas which are areas with playground equipment following the Fields In Trust national guidelines. Both these spaces contain perimeter planting and pathways. It is considered that these are appropriately spaced and located within the site. The masterplan for phase 2 approved as part of the outline application shows a NEAP located towards the southern boundary of the phase within the woodland area. This feature does not appear on the whole site masterplan or the POS linkages plan. A NEAP is an area of open space equipped mainly for older children, but with some opportunities for younger children to play also. They should offer a larger space and a greater variety of play opportunities and generally be located a minimum of 30m from dwellings. They would also generally include a play area of 100m<sup>2</sup> and a hard surfaced area of 465m<sup>2</sup>. It would appear that this NEAP has been positioned in error on one of the plans which creates an inconsistency across the approved detail. However, given the constraints within this area of the site (woodland) and the proximity of dwellings, it is not considered that this would be the most appropriate location for this provision in any event. There is an obligation within the approved S106 for the provision of 2 x LEAPs and 3x NEAPs across the site and as such it is considered that this would adequately control the provision of these facilities to ensure that there is a sufficient supply.

The 'open space' including the SUDs feature adjacent the western boundary is also taken up almost entirely by the feature, with no pathways proposed or reasonable prospect of anyone using this area for meaningful recreation.

The Council's Landscape Officer offers comments on the application requiring the use of native

hedgerows and more tree planting both within some of the hedgerows, around and within the POS, within the rear gardens of properties and with the front/side gardens of properties. They also comment on the use of boundaries and the need to include hedgehog access points and the need to include inclusive play equipment. That said they offer no in principle objections to the proposals and it is considered that the additional planting and information can be secured by condition. A POS phasing plan and updated LMP have recently been submitted in respect of condition 11 which needs further consideration.

The proposal does require the removal of some of the existing trees within the site and a tree survey has been submitted with the application. Comments are awaited from an independent expert, however it is considered that some loss to the existing vegetation is needed to bring the site forward. Whilst it is a difficult balance between the various constraints within the site, it is considered that there is significant planting proposed as part of this phase of development which can be additionally controlled by condition in line with the comments of the landscaping officer.

#### Access and parking

The layout shows the provision of two vehicle access points provided by 3-arm roundabouts in both locations. The first will predominately provide access to the employment provision within the wider development site (not part of this phase) and the second, which had previously been proposed as a traffic signal junction, will provide the southern access point of what will eventually be a linked spine road through the site.

Condition 45 of the outline permission required any reserved matters submission involving the creation or opening of an access between Walton Road and the development to be accompanied by details of the traffic counting/monitoring equipment to be provided at the accesses in accordance with paragraphs 7.1.6 and 8.2.3 of the Framework Travel Plan dated 27 September 2011 (submitted as part of application ref: 9/2009/0341). The Technical Note 2: Access Strategy submitted with this current application acknowledges this and states that the FTP notes a dual system traffic monitoring system; one using inductive loops buried in the carriageway, and the second using Automatic Number Plate Recognition ANPR cameras is required in order that the average peak hour number of trips to/from the site can be quantified. This figure is required for the Travel Plan monitoring strategy, in order to identify when triggers for various financial contributions towards the Burton Urban Area Transport Management Study (BUATMS) are reached. However, to achieve this only requires the total number of vehicles (expressed as Passenger Car Units) arriving/leaving the development to be measured and to comply with the condition, the actual requirements and specification are to be agreed with the Highways Authority. It further makes the point that a system using inductive loops would be relatively simple to install as part of the access works and would by itself be capable of fulfilling the requirements identified within the S106 Agreement and FTP. Modern loop installations can classify vehicles by type with a good level of accuracy. They are generally reliable, provided that they are installed in locations that are not subject to on-street parking or queuing. They are also relatively inexpensive to maintain once installed, unlike the capital cost of ANPR cameras, the cost of which are significant. At least two ANPR cameras would need to be installed at each access point, one for each direction of travel. ANPR systems are typically used when it is necessary to understand the routing or speed of individual vehicles travelling between two or more points. There is no requirement for such information in either the FTP or the S106 Agreement. They consider that the use of ANPR cameras are unnecessary for the information required to be submitted and instead propose to cross check the inductive loop data on a sample basis through a programme of manual traffic counts.

Other conditions the applicant seeks to discharge relating to highways works are condition 47 which relates to the provision of wheel wash facilities on site throughout the development. A Construction Environment Management Plan has recently been submitted and this has been shared with the Highways Authority. However due to the wording of the condition, this shall remain in place until the development has been completed.

Condition 46 relates to the widening of the Walton Road carriageway to 6.75m minimum between the site and the proposed Walton on Trent Bypass, in accordance with details to be provided. At outline application stage the southern most access point leading to the spine road was proposed as a traffic

signal junction with bus priority lanes. However, the applicants state that highway capacity is not expected to be an issue and therefore, buses would not experience delay when accessing or leaving the site. They therefore comment that specific bus priority measures are not required. Furthermore, they consider that a roundabout at this location would have several advantages as follows:

- It would result in a consistent junction strategy along Walton Road, to the benefit of road safety;
- It would be more effective in controlling vehicle speeds on Walton Road, again to the benefit of road safety;
- It would be potentially less complex to design and could therefore be delivered in a shorter time-frame;
- Enforcement of bus-only restrictions would not be required;
- On-going maintenance costs would be reduced;
- Pedestrians and cyclists can be adequately accommodated with dedicated crossing points within the roundabout splitter islands;
- The roundabout would provide a more satisfactory gateway feature at entry to the development.

As such instead of complying with this condition as it appears on the decision it is their intention to redesign the access to the site to negate the need for this condition.

There is an under provision of car parking across the site, both in regard to the number of spaces per property and the dimensions of those spaces provided, with a large number of driveways only having a depth of 5m and two parking spaces next to one another only having a width of 5m to allow for the vehicles and any manoeuvrability around these. Internal garage dimensions are also below those recommended in the Design SPD. Concerns have been raised as to the level of frontage parking as detailed already in the report. Whilst these expanses are broken up in part by small strips of grass or trees in places, the overall streetscene in areas is a heavily car dominated one, with few meaningful breaks. No information appears to have been provided in relation to Electric Vehicle Charging points, although this is required under condition 21 of the outline permission in any instance.

A Framework Travel Plan (FTP) accompanied the outline application, which sets out a series of measures to reduce the need to travel and if successful, would reduce the need to own a car. It is secured as part of the Section 106 agreement. The development aims to link all phases of the site to local facilities and amenities, providing for many development trips to be made on-foot through a series of linked paths. A bus service is also to be provided and there is a significant developed area within 5km cycling distance of the site. The FTP includes parking restraint measures with a minimum of 10% of dwellings to be marketed as 'low car' – those located around local centres and in close proximity to the bus route and car club vehicle. The FTP is to be updated but it is expected the principles and targets outlined in the original document will continue to apply. 4-bed properties would account for 165 (16%) of the total scheme and each would have two parking spaces. Whilst it is acknowledged that this is below the generally expected provision on site, it is considered that on balance, given the constraints and housing numbers proposed that the reduction in spaces is acceptable. However, concerns regarding the sizes of the spaces remain as pavements should be clear of overhanging vehicles to ensure that these are available to pedestrians.

The Supplementary Transport Statement submitted considers the highways and traffic implications of increasing the Walton Bypass trigger from 400 to 800 dwellings by using the information contained within an earlier report, thus enabling the approved and proposed trigger levels to be compared on a consistent basis. It has however been confirmed by the applicant that they are not applying to increase the trigger point for development as part of this application and therefore it is not considered that this document has any bearing on the application.

No comments have been received to date on the acceptability or otherwise of the proposals from Derbyshire County Highways Authority or Staffordshire County Highways Authority.

#### Noise and air quality

Policy SD1 supports development that does not lead to adverse impacts on the environment and amenity of existing and future occupiers within or around proposed developments. This is further

reflected in the requirements of the NPPF, PPG and NPG that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. With this in mind, conditions (22, 24 and 28) were placed on the outline planning permission to deal with matters such as: dust mitigation, noise and vibration during construction; a scheme to protect the future occupants from noise, vibration and odours from air ventilation and extraction systems; and the requirement for a noise assessment which looks at the likely effect of noise sources on the future occupiers of the dwellings and proposes noise mitigation measures to be agreed and implemented prior to occupation.

As part of this application the applicants have submitted a 'Phase 2 Noise Assessment May 2021, Air and Acoustic Consultants ('The Noise Report')' and 'Phase 2 Construction Dust Risk Assessment May 2021, Air and Acoustic Consultants ('The Air Report')' in an attempt to satisfy these conditions and demonstrate that the proposals will be in compliance with the relevant policies, ensuring both satisfactory residential amenity for the future occupants is secured and that the operations of the adjacent business are not unfairly impacted upon.

The Council's Environmental Health Officer has reviewed the documents and makes a number of comments regarding the data collated. He recommends in respect of the noise assessment that the mitigation measures identified such as closed windows and suitable ventilation for properties adjacent Walton Road, enhanced glazing specifications and noise attenuated fencing in identified locations are to be conditioned as part of any approval. He is also satisfied with the information submitted in relation to dust mitigation measures and control of noise and vibration during construction and it is considered that the mitigation measures identified should be implemented in full, such as ensuring sand and aggregates are stored in bunds and not allowed to dry out and the use of water assisted sweepers.

He comments that condition 24 cannot be discharged as yet as the adjacent commercial operation is not yet in use and so cannot be tested to ensure that appropriate mitigation is in place.

Accordingly it is considered that any impact on noise and associated nuisances can be controlled and mitigated during construction and use such that the future occupants of the development would have a satisfactory degree of residential amenity in these regards.

### Drainage

Policy SD2 Flood Risk states when considering development proposals the Council will follow a sequential approach to flood risk management, giving priority to the development of sites with the lowest risk of flooding. Developments in areas that are identified as being at risk of flooding will be expected to:

- i) Be resilient to flooding through design and layout;
- ii) Incorporate appropriate mitigation measures, such as on-site flood defence works and/or a contribution towards or a commitment to undertake and/or maintain off-site measures;
- iii) Not increase flood risk to other properties or surrounding areas; and
- iv) Not affect the integrity or continuity of existing flood defences

Suitable measures to deal with surface water will be required on all sites in order to minimise the likelihood of new development increasing flood risk locally. Any developments that could lead to changes in surface water flows or increase flood risk should be managed through the incorporation of Sustainable Drainage Systems (SUDS), which mimic natural drainage patterns, unless this is not technically feasible. Developers may be required to restore culverted watercourses within development sites to a natural state in order to reduce flood risk and provide local amenity and/or ecological benefits. To contribute to the enhancement of watercourses, developers will be expected to work with the regulating authorities to develop watercourse restoration schemes. Proposals that lower the risk of flooding will be supported, subject to the proposal having no other adverse effects on local amenity and/or flood risk elsewhere. Where new flood related infrastructure is proposed, opportunities for delivering environmental improvements, including biodiversity gain and green infrastructure delivery, should be fully considered by those delivering the project.

Policy SD3 Sustainable Water Supply, Drainage and Sewerage Infrastructure requires the Council and other stakeholders to ensure future water resource needs, wastewater treatment and drainage

infrastructure are managed effectively in a coordinated manner by:

- i) Ensuring that adequate water supply, sewerage and drainage infrastructure needed to service new development is delivered in tandem with identified growth;
- ii) Supporting activities by the Water Companies to reduce demand for water and in turn suppress sewerage and discharge effluent volumes;
- iii) Working with the County Council (as Lead Local Flood Authority or other appropriate body), to ensure new developments incorporate sustainable drainage schemes that reduce the demand for potable water supplies and mimic natural drainage, wherever practicable.

Foul flows generated by new development will be expected to connect to the mains sewer. Only where a connection to the mains sewer is not technically feasible will discharges to package treatment works, septic tanks or cess pits be permitted. Developments that utilise non-mains drainage will only be permitted where proposals do not give rise to unacceptable environmental impacts. Surface water from new development will be expected to be managed using SUDS; discharge to watercourse; or connection to surface water mains sewer.

Together with the proposed layout, drainage proposals have been submitted with the application which provide topographical information and drainage information. The scheme includes 4 ponds within the site and two further ones adjacent the boundaries to the east and west. Surface water attenuation from this phase will go to ponds 1 and 2 and a small area to ponds 4a and b. Foul water catchment area in to pumps 1 and 2.

A Drainage Addendum has also been submitted in support of the application which states that there is criteria in place to ensure that surface water is managed to deliver improvement on the pre-development situation, which includes flows from undeveloped permeable areas being limited and a reduction in the rates from impermeable areas. The document shows these restrictions result in a reduction of existing water run off.

Whilst the Drainage Addendum provided states that the LLFA have confirmed that they are broadly content with the drainage principles proposed, they have not provided comments on the application to date.

The Environment Agency have asked for an extension of time to consider the proposals. They have raised concern with the submitted master plan which they consider contradicts their requested conditions as laid out on the original planning application which sought to safeguard the area immediately adjacent to the existing watercourse. Part of their requested condition was for the opening of the culverted watercourse however the new plans appear to show development of housing up to the very bank of the watercourse and development over the currently culverted watercourse. They therefore object to the proposals on this basis. Discussions are ongoing with the Environment Agency to understand these concerns and the implications for the proposals.

### Conclusion

There are a number of comments outstanding from key consultees which make the proposals difficult to assess at this point in time. There are also issues with the scheme which have been identified throughout the report. All matters known to the Council at this time have been raised with the applicants. It is considered that whilst some matters that have been raised with the applicants are very difficult to address on viability grounds, the clusters of affordable homes in particular, there are other matters where further discussion could result in improvement to the scheme, including the dialogue with the EA. The scheme will bring very significant benefits through the provision of a key piece of infrastructure in the area in the form of the Walton on Trent Bypass. It will also provide jobs during the construction phase and within the wider development in the local centre, schools and employment offering. The supply of 1,042 new homes, a not insignificant amount of which will be affordable, will also be of significant benefit to the Council's 5 year housing land supply and to local residents.

However, there are a number of issues that have not been possible to resolve in the relatively short time since the signing of the S106 Agreement for the outline application. These include the high concentration of affordable housing clusters, which has implications for the dominance of the car in significant areas of the site, the lack of permeability through some parts of the site and pathways of

insufficient width to encourage pedestrians and cyclists. The loss of the POS along the western boundary and insufficient parking provision both in numbers and dimensions. In addition to this, there is the objection from the Environment Agency to the proposed layout and the absence of comments from key consultees including the LLFA and the Highways Authorities.

Given the pressure of the timescales associated with the infrastructure and Affordable Housing funding, the Council has been in intense discussions with the developers in attempts to form a recommendation on the application for Committee in just over one month from validation of the application. This has taken a lot of resource and resulted in a situation where we do not have all responses on the application in advance of the report being published. The outstanding issues referred to in this report remain resolvable either by amendments or conditions, and they should be seen in the context of the immense benefits of housing delivery of this scale, including affordable housing delivery on a previously developed and allocated housing site, the provision of the Walton bypass, the community benefits secured in the S106 agreement, and the very significant enhancement of the site development will entail including the listed buildings. Under other circumstances where there were not the same pressures on the availability of public funding streams, more time would have been taken to resolve these points. However, in these unique circumstances, it is considered necessary to report the matter to committee and seek delegated authority to issue approval as soon as possible.

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**

A. Delegate to the Head of Planning and Strategic Housing, in consultation with the Chair and Vice Chair, authority to grant reserved matters approval subject to:

- the objections of statutory consultees being addressed and
- progress being made to address the issues raised in the report and
- conditions as deemed necessary which may come forward from statutory consultees and those identified as necessary within the report, including the submission of details relating to materials, windows, verges, boundaries (including lockable and gated entries), lettings information, landscaping provision, including phasing, accessibility and maintenance and pathway surfacing.

B In the event of any unresolved objections to the scheme from statutory consultee and progress not being made to address issues raised, to refer back to Planning Committee.