

9. SECTION 73 APPLICATION FOR THE REMOVAL OR VARIATION OF CONDITIONS 2, 11, 28, 49, 53, 54, 55 AND 57 ON NP/DDD/0815/0779 FOR DEMOLITION OF EXISTING INDUSTRIAL BUILDINGS, DEVELOPMENT OF 55 DWELLINGS (C3), ERECTION OF 6 INDUSTRIAL STARTER UNITS (B1), CAR PARKING, LANDSCAPING AND DRAINAGE ATTENUATION WITH ACCESS FROM NETHERSIDE (STARTER UNITS) AND BRADWELL HEAD ROAD (RESIDENTIAL), AT FORMER NEWBURGH ENGINEERING CO LTD, NEWBURGH WORKS, BRADWELL. GRID REF 417360/381299, NP/DDD/1119/1232 JK.

APPLICANT: MR STEPHEN HOLMAN – CAMSTEAD HOMES LTD

1. Summary

2. Planning permission was granted for this redevelopment scheme in 2016. This application concerns the 55 dwelling mixed market and affordable housing part of the site which is currently under construction.
3. Permission is sought to vary / discharge some of the conditions with amended plans and additional technical information. The plans show minor changes to the layout and elevations of the houses together with a change of house type on several plots. Further plans are submitted for the approval of details reserved by planning condition on the original permission in respect of adding solar panels, estate road layout and construction details, waste bin areas, drainage works and parking provision. These enable conditions to be reworded mainly rather than removed to take account of agreed details and retain essential implementation provisions.
4. The changes to the design details of the houses to be minor and acceptable as they bring improvements to the design and do not change the overall number or general layout, thus maintaining the character and appearance of the approved development.
5. The clarification/amendment of the boundary details of the plots abutting the existing houses on the northern boundary has raised objections from neighbouring owners. These have been assessed in detail below and we have concluded that the impact of the boundary fence/wall is acceptable. The elevated level of the new houses in this area, a key concern raised by the local representations in this application is noted, however these levels have already been approved and no changes are proposed in this application.
6. Therefore, subject to no contrary views from the Environment Agency response, which is still awaited, the application is considered to accord with our policies and is recommended for approval subject to appropriately reworded conditions.

7. Site and Surroundings

8. The application site is the former Newburgh Engineering works in the centre of Bradwell village which lies to the rear (east) of premises fronting onto the main street; Netherside. It is currently undergoing redevelopment under a 2016 planning consent for a mixed housing and industrial scheme.

9. The industrial business, which previously owned and occupied the whole of this large site, has relocated into the new factory unit now completed in the south western corner of the site.
10. The substantive part of the site was sold to the current applicant who is building the housing scheme, which will now be known as 'Bradwell Springs'. The previous large factory sheds have been removed, the site has been levelled and all the roads and drainage installed. Currently the first few houses are being constructed.
11. The former main access into the site off Netherside continues in use as the access for the new industrial unit. Temporarily, this access is also being used for the construction access to the housing development. Once completed the new housing estate will be accessed solely via the other access into the site from Bradwell Head Road, which also has a further separate and shorter footpath link off it up to the main road.
12. In addition to the two main accesses into the former industrial site; off Netherside and via Bradwell Head Road, there was a further little used access onto Softwater Lane. This comprises of a short section of driveway between the boundary of the former Newburgh Works site and Softwater Lane which bridges over the Bradwell Brook. This driveway (outside the application site) is now solely a private residential access and under the ownership of the adjacent house 'Willowbrook'.
13. On the approved layout for the housing development a pedestrian path was shown leading from the approved public open space to link with this former access just before the bridge. This would have therefore in principle allowed for access onto the driveway and thereby to Softwater Lane. It should be noted however that none of this secondary access driveway was shown to be within the approved application site area for the redevelopment scheme. Furthermore, when the scheme was approved, whilst it was then in the applicants ownership, it was subsequently sold to the owner of the house 'Willowbrook'.

14. Proposal

15. The application is made under S73 of the Planning Act to vary conditions attached to the planning permission for the redevelopment of the whole site - NP/DDD/0815/0779. The application form states it seeks permission for minor amendments (condition 2) and confirmation of additional information to remove conditions (11, 28, 49, 53, 55, and 57).
16. Officer Note; The report below explains that in relation to these latter conditions the application is mainly providing details required to discharge/partly discharge the condition. Provision for the implementation of any agreed details will still need to be secured in most cases.
17. In summary the changes are;
18. Condition 2 - This defines the approved plans. The application seeks to incorporate amended plans covering a number of layout or elevational changes to the houses along with changes of house type on several plots.

19. Condition 11 – This requires approval of a scheme to ensure no raising of ground levels within the 1:100yr climate change flood zone. A revised site plan is submitted to show the layout of Plot 23 varied to move its raised garden area out of the flood zone.
20. Condition 28 – This requires a scheme for environmental management of the dwellings to be agreed. Although a scheme was previously submitted, this was not discharged because the opportunity for including renewables was not taken. A scheme is submitted with this application showing every house now having a solar pv panel array.
21. Condition 49 – This requires agreement for the construction details of roads and footways – Detailed plans agreed with the Highway Authority are submitted for discharge.
22. Condition 53 – This sought agreement over the details for refuse storage including bin store areas. The revised site plan shows space for 3 bins per plot for discharge.
23. Condition 54 & 55 – These seek agreement over the means of disposal of Highway surface water. Details are now submitted to discharge the conditions and be incorporated into any new permission.
24. Condition 57 – This sought the provision of parking spaces 3.2m wide and secure cycle storage/parking within each plot. The application seeks to vary the parking space width with plans showing 3m wide parking bays. Plans also now show secure cycle stores on each plot without a garage.

25. RECOMMENDATION:

26. That the application be **APPROVED** subject to i) The prior entry into a deed to vary the existing S106 planning obligation (on NP/DDD/0815/0779) to incorporate the current S73 amendment application and secure the phased delivery of the approved affordable housing; and ii) the following conditions which are transferred from NP/DDD/0815/0779 and amended/reworded where appropriate to take account of previous discharges and the amended details submitted within this application;

27. Note; Former condition Nos are in brackets for ease of reference.

1. **(2) Carry out in accordance with the following specified amended plans;**

00-001revR - Proposed Site Plan,

GD-01 revA- Proposed Double Garage GA Drawings

GS-01 revA - Proposed Single Garage GA Drawings

GS34-01 revA - Proposed Single Garage (Plot 34 ONLY) GA Drawings

T1-01 revD - House Type T1 - (Plots 4-5 & 10-11) - GA Plans, Elevations and Visuals

T1A-01 revE- House Type T1A - (Plots 6-9 & 30-33) - GA Plans, Elevations and Visuals

T2-01 revD - House Type T2 - (Plots 16-17 & 18-19) - GA Plans, Elevations and Visuals

T3&T5-01 revE - House Type T3&T5 - (Plots 26-29 & 41-44) - GA Plans, Elevations and Visuals

T4-01 revD - House Type T4 - (Plots 13&14) - GA Plans, Elevations and Visuals
T6-01 revE- House Type T6 - Winterley (Plots 3) - GA Plans, Elevations and Visuals
T6A-01 revF- House Type T6A - Winterley (Plot 45) - GA Plans, Elevations and Visuals
T7-01 revE- House Type T7 - (Plot 38) - GA Plans, Elevations and Visuals
T8-01 revE- House Type T8 - (Plot 50) - GA Plans, Elevations and Visuals
T9-01 revE- House Type T9 - Addleborough (Plot 25) GA Plans, Elevations and Visuals
T12-01 revE - House Type T12 - (Plots 12, 15, 51 & 53) - GA Plans, Elevations and Visuals
T14-01 revE - House Type T14 - (Plots 24) - GA Plans, Elevations and Visuals
S04-P01 - 4 Springfield Road - Party Wall Information
S05-P01 - 5 Springfield Road - Party Wall Information
S06-P01 - 6 Springfield Road - Party Wall Information
S07-P01 - 7 Springfield Road - Party Wall Information
S08-P01 - 8 Springfield Road - Party Wall Information
S09-P01 - 9 Springfield Road - Party Wall Information
S10-P01 - 10 Springfield Road - Party Wall Information
S23-P01 - 23 Bradwell Head Road - Party Wall Information
S24-P01 - 24 Bradwell Head Road - Party Wall Information
SW1-P01 - Property off Soft Water Lane - Party Wall Information
10-001 - Existing and Proposed Boundary Condition

2. **(3) Phasing of development.**
3. **(4) Withdraw Permitted Development Rights.**
4. **(5 & 6) Restate archaeological condition 5 and 6 from the previous consent only in respect of securing and confirming appropriate archiving of results.**
5. **(7) Implementation of the approved construction management plan.**
6. **(9) Implementation of drainage details (former condition 9); plus Details still to be submitted in respect of the timescale for the completion of the detention basin along with full details of the management and maintenance plan.**
7. **(10) Implement in accordance with flood risk assessment.**
8. **(12) Implementation of agreed remediation strategy with submission of verification plan re contamination.**
9. **(13) Submit and agree verification report and long term management re contamination.**
10. **(26) Implement agreed sound proofing scheme to mitigate noise from garage.**
11. **(27) Complete in accordance with already agreed levels of dwellings**
12. **(28) Implement agreed environmental management scheme for dwellings- pv panels to be integrated into roof so give flush finish with roofslope; Drawing 20-003 Roof Plan - PV Panel Location.**
13. **(29) Submit and agree roofing and render samples.**
14. **(30) Stonework carried out in accordance with agreed sample panel.**
- 15-22. **Restate conditions (31-38) covering minor architectural detailed design matters.**
- 23-27. **Restate conditions (39-43) regarding landscape scheme and implementation.**
28. **(44) Submit amended Construction environment management Plan with implementation**

- 29. (45) implementation of approved Species protection plan.
- 30. (46) No external lighting other than in accordance with agreed detail to be approved in writing.
- 31. (47) Submit amended travel plan for housing scheme.
- 32. (48) Implementation of agreed Bradwell Head Road Improvement scheme
- 33. (49) Implementation of detailed estate road construction – approved in this application - Drawing Nos;
1305-05 02 Section 38 Layout H
1305-05 03 Section 104 Layout H
1305-05 04 Standard Road Details A
1305-05 06.01 Longitudinal Section sheet 1 of 2 G
1305-05 06.02 Longitudinal Section sheet 2 of 2 G
1305-05 08.01 External Works Layout sheet 1 of 3 C
1305-05 08.02 External Works Layout sheet 2 of 3 C
1305-05 08.03 External Works Layout sheet 3 of 3 D
1305-05 13 Site Location Plan
1305-05 16 Visibility splays Plan D
1305-05 17.01 Refuse vehicle swept path C
1305-05 17.02 Refuse vehicle swept path B
- 34. (50) Phasing of road construction in accordance with approved details in C23
- 35. (51) Implementation of junction visibility splays.
- 36. (52) Implementation of forward estate street visibility splays.
- 37. (53) Implementation of agreed bin storage area at each dwelling.
- 38. (54) Implementation of Surface water drainage/disposal scheme from plots agreed in this application, subject to evidence of prior approval from Severn Trent Water.
- 39. (55) Implementation of Surface water drainage from highway scheme plots agreed in this application, subject to evidence of prior approval from Severn Trent Water.
- 40. (56) Implement agreed turning facilities for delivery and service vehicles Inc. interim measures.
- 41. (57) Implementation of revised scheme for parking spaces/bike garage details agreed in this application.
- 42. (58) No occupation of plots 12-22 and 26-34 until the pedestrian link to Softwater Lane provided in accordance with agreed details or, such alternative means of enhanced pedestrian connectivity for the development is provided in accordance with details agreed in writing with the Authority.
- 43. (59) Reinstate condition re individual plot parking visibility
- 44. (60) Maintain garage spaces in designated use.
- 45. (61) No gates opening onto street.

28. Key Issue

29. Whether the design changes to the houses and their layout, along with the technical design details are acceptable in terms of their impact upon the character and appearance of development, its village setting and in particular the amenity of neighbouring properties.

30. Relevant Planning History (Residential site only)

2016 – Approval for the redevelopment of the site for 55 houses and 6 industrial starter units. NP/DDD/0815/0779.

2019 – Application No NP/DIS/0818/0713 - Approval of details reserved by conditions on NP/DDD/0815/0779.

2019 – Application No NP/DIS/1118/1104 for the discharge of details relating to conditions on application NP/DDD/0815/0779

2019 - Section 73 application NP/DDD/0719/0825 for the removal of condition 58 – (Footpath link to Softwater Lane) on NP/DDD/0815/0779 - This application is currently held in abeyance as the land required is outside the developer's ownership and thus the link currently cannot be delivered.

The applicant has now agreed in principle with DCC to fund a proposed zebra crossing on the main road in mitigation for the link which would improve pedestrian safety and convenience.

Whilst the zebra crossing could have been added to this application or the new application and re-consultation carried out, there is insufficient time to enable this and meet the developer's strong wish that the latest new application (NP/DDD/1119/1232) be determined at April Committee. The condition will therefore need to be re-imposed on any new approval for the time being, although it is recognised a potential way forward has been found subject to formal consideration. Consequently it is suggested that the condition be reworded to allow for the submission and consideration of this alternative via a discharge of condition application which would be subject to full local consultation. (NP/DDD/0719/0825 could then be withdrawn).

31. Consultations

32. Derbyshire County Council as Highway Authority;

33. Concerning condition 2 the submitted replacement drawings as part of this application are in line with drawings approved as part of the Section 38 process with the highway authority, accordingly there are no highway objections to the discharging of such a condition in planning terms.

34. Similarly with regard to condition 49, the submitted drawings are in accordance with drawings approved as part of the S38 process. Whilst the Highway Authority is satisfied with the information submitted with regard to the discharge of this condition, the second part of the condition would only be fully discharged once the approved details have been fully constructed.

35. Concerning 53 refuse storage. Whilst drawing 00-001revQ shows bin storage to the rear of each plot, which is acceptable in principle, there are a number of plots that appear to have no easy access to place such bins at the edge of the highway come collection day. These include plots: 4 - 11, 27, 28, 30, 31, 32, 35, 36, 42 and 43.
36. With regard to condition 54 and 55, concerning provisions to prevent the discharge of water from the development onto the highway and a scheme for the disposal of highway surface water. Whilst the Highway Authority is satisfied with drawing 1305/05/03 Rev H in principle. Evidence that the proposed public sewers will be adopted under Section 104 of the Water Industry Act 1991 is still required. (*Planning Officer note – this refers to the consent of the relevant sewage undertaker, in this case Severn Trent Water*) However these conditions also require them to be implemented and retained thereafter.
37. Finally with regard to condition 57, concerning the provision of on-site parking arrangements throughout the development. The latest revisions of the plans are considered acceptable from a highways perspective. Again, the condition may be discharged in part, however, the parking areas will need to be laid out and maintained thereafter to fully satisfy the condition.
38. Derbyshire Dales Council – No response.
- Bradwell Parish Council;
39. We can find no relevant planning aspects that are within our remit. The conditions are technical and our assumption is that these are for agreement between PDNPA and the developers. Council approves the plan to install solar panels on all of the houses, which is in the interests of the environment.
40. Environment Agency – No response to date.

41. Representations

42. 14 representations on this application have been received at the time the report was drafted, all of whom object to the application on the following summarised grounds;
43. Most are concerned about the height of the houses in relation to those existing on Springfield Road giving rise to issues of overlooking, loss of privacy and overshadowing as well as potential water run-off from the higher levels into gardens and onto both Bradwell Head Road and Springfield Road. (a loss of view is also cited but this in itself is not a planning consideration).
44. The height of houses would be out of keeping and character with existing development in the village.
45. One representation is concerned that the solar panels will stand out and look odd alongside existing properties.

46. One representation is concerned that the development is increasingly causing flooding of land adjacent the Bradwell Brook

47. Main Policies

48. National Planning Policy Framework

49. The development plan comprises the Core Strategy 2011 and the Development Management Policies 2019. These provide are consistent with the National Park's statutory purposes and are up-to-date and in accordance with the National Planning Policy Framework (NPPF). We should therefore give our policies full weight in the determination of this application.

50. Para 172. Of the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

51. Paragraph 172 of the NPPF continues that the scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

52. a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

53. b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

54. c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

55. Para 55. Of the NPPF says that planning conditions should be kept to a minimum and only be imposed where they are:

1. Necessary;
2. Relevant to planning;
3. Relevant to the development to be permitted;
4. Enforceable;
5. Precise; and
6. Reasonable in all other respects.

56. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

57. Peak District National Park Core Strateg

58. GSP1 says that all development must be in accordance with the National Park's legal purposes and duty. Where there is irreconcilable conflict between the statutory purposes the Sandford Principle will be applied and the conservation and enhancement of the National Park will be given priority. GSP1. E. says that major development should not take place within the National Park other than in exceptional circumstances. Major development will only be permitted following rigorous consideration of criteria in national policy.
59. GSP3 says that development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to: impact on the character and setting of buildings; scale of development; siting, landscaping and building materials; design in accordance with out Design Guide; form and intensity of use; impact on access and traffic levels; use of sustainable modes of transport; use of sustainable building techniques and adapting to and mitigation the impact of climate change.
60. GSP4 sets out that the Authority will use planning conditions and or legal agreements to achieve the spatial outcomes in the plan.
61. L1 and L2 say that development must conserve and enhance valued landscape character and biodiversity. We will not approve development in the Natural Zone or development that harms any sites, features or species of biodiversity importance or their setting unless there are exceptional circumstances.
62. DS1 says that the majority of new development will be directed into Bakewell and the named settlements where there is additional scope to maintain and improve the sustainability and vitality of communities. Recreation and tourism development is acceptable in principle along with new build development for affordable housing, community facilities and small-scale retail and business premises.
63. CC1 says that all development must: make the most efficient and sustainable use of land, buildings and natural resources; take account of the energy hierarchy; be directed away from flood risk areas and achieve the highest possible standards of carbon reductions and water efficiency.
64. Transport Policy T6 A safeguards the rights of way network and wherever possible seeks enhancements to improve connectivity, specifically stating that his may include facilitating attractive, safe pedestrian and cycling routes between new residential development and the centre of settlements.

65. Peak District National Park Development Management Policies

66. Policy DMC3 requires the detailed treatment of development to be of a high standard that respects, protects and enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place. DMC3 B. (iii) says particular attention will be paid to the use and maintenance of landscaping to enhance new development, and the degree to which this makes use of local features, colours, and boundary treatments and an appropriate mix of species suited to both the landscape and biodiversity interests of the area.
67. Policies DMT3 and DMT8 require the provision of safe access and adequate parking as a pre-requisite for development. DMT6, DMT7 and DMT8 are also relevant for parking standards.
68. Policy DMT5 continues the thrust of Core Strategy Policy T6A in seeking under DMT5B that 'where development occurs, opportunities will be sought to provide better facilities for users of the rights of way network, including where appropriate, providing links between the development and the rights of way network...'
69. DMC11 says that proposals should aim to achieve net gains to biodiversity or geodiversity. All reasonable measures should be taken to avoid net loss. Details of safeguards and enhancement measures for a site, feature or species of nature conservation importance must be provided in line with the Biodiversity Action Plan and any action plan for geodiversity sites. DMC12 sets out the policy for sites, features or species of wildlife, geological or geomorphological importance.
70. DMU1 and DMU2 require, amongst other things, for new services for development to be placed below ground.

71. Bradwell Neighbourhood Plan

72. Transport Policy T1: Provision of footpaths and cycle ways states that ...'Proposals to redevelop the Newburgh site must give consideration to the development and improvement of routes and facilities for pedestrians and cyclists.'

73. Variation or removal of conditions

74. Section 73 of the Town and Country Planning Act 1990 provides that an application may be made for planning permission without complying with conditions applied to a previous permission. The Authority can decide whether to grant permission subject to differing conditions (this can include imposing new conditions), remove the conditions altogether or refuse to alter conditions.
75. Therefore it is possible to apply for conditions to be struck out, or for their modification or relaxation. The section makes it clear that in considering such an application the Authority may only consider the question of the conditions and not revisit the principle of the development.

76. Therefore, only the acceptability of the proposal in the context of the reasons for the imposition of the condition falls to be considered in the determination of the current application. However, in terms of decision making, a section 73 application should be treated just like any other application, and due regard paid to the development plan and other material considerations.

77. Assessment of proposed changes by condition

78. Condition 2

79. Changes to dwelling design/plot

80. The application seeks to substitute a new site layout plan to the one set out in the list of approved plans referenced in the condition. The revised plan shows a number of minor amendments from the one approved in 2016 as set out briefly below;

The layout of the access roads as approved in liaison with DCC Highways.

Plots 6,7,8,9 – Alignment adjusted to frontage.

Plot 20 – House type changed from T10 to T9.

Plots 23 & 25 – Orientation adjusted.

Plot 23 - Garden extent aligned to stay outside Flood Zone through liaison with Environment Agency.

Plot 47 - House type changed from T8 to T9.

Plots 48 and 49 - House type changed from T11 to T12A.

Plot 51 - House type changed from T9 to T12.

Plot 51 – Garage removed.

81. In addition to changes to the site layout, the plans of the individual house types are also proposed to be substituted for ones incorporating minor amendments to the elevations. These have been developed with our input and briefly comprise the following changes;
82. The drawings of all house types have been altered to standardise window and door sizes, increase wallplate height by 225mm, show rise and fall brackets for gutters above lintels rather than on them, add the locations of gas and electric meter boxes, reduce size of chimneys and add Soil Vent Pipes which are all internal.
83. Minor detailed design changes are also shown to each individual house types. Along with some internal changes, the revisions mainly relate to the elevations and include some wall setbacks, window (including rooflights) and door alterations, addition of a stone door canopy, repositioning of rainwater goods, new chimney, changes to window and door stone surrounds including quoins, and the removal of house types 10 and 11 requiring substitution with other house types on several plots.
84. As stated above the changes to the house types and their elevations have been developed with our input. They generally make only minor changes to the elevations and are considered to be acceptable because they either have a neutral or improved appearance for each plot. They would not alter the character or appearance of the development as a whole, impact upon the wider setting or harm the amenity of neighbouring properties.

85. Clarification of boundary treatment

86. Detailed plans are also submitted to show the boundary wall/fence design between the development site and those neighbouring houses on Springfield Road and Bradwell Head Road whose gardens back onto the site. They also show the boundary in relation to the house 'Willowbrook' on the southern side.
87. The development site is higher than the adjoining gardens down these boundaries. The site levels are all set relative to the new estate road level, which in turn is set by minimum cover over the foul and surface water drains under the road working back from the fixed level of the connection into the main sewer at the bottom of the site.
88. The difference in level varies down the northern boundary between 0.3m and up to a maximum of 1.5m sloping up from the boundary into the site. This difference is proposed to be mitigated at the garden boundaries by the use of low stone clad retaining walls in small part but mostly by sloping down the ground levels in the gardens of the new houses to the boundary. As a result this minimises the sections and height of the necessary retaining walls to a max of 450mm in the first plots immediately either side of the Bradwell Head Road entrance, and 600mm high down at the eastern end abutting 10 Springfield Road. The boundary treatment therefore mainly comprises a typical 1.8m high boarded fence with some plots having a mix of a low stone faced retaining wall with close boarded fencing above to create privacy for the gardens.
89. The letters of objection almost exclusively relate to local residents concerns over the raised site levels and thereby the height of the houses in relation to their existing garden levels along this northern edge of the site. The site is approx. level with adjoining land at the north-western end where the access road enters off Bradwell Head Road but as the land runs toward the east along this boundary the site level has had to rise in relation to the gardens to the north so that where it abuts the corner of the rear garden to No 10 Springfield Road the new end house will be sat 1.8m higher.
90. The plans show the proposed boundary here would be a maximum of 2.4m high in the eastern corner furthest from the house. Here it would comprise a 600mm retaining wall with 1.8m boarded fence above and run out to just a 1.8m high fence (as levels allow) next to No 9 Springfield Road. Behind the retaining wall the ground would slope up away from the boundary with a further low retaining wall transitioning ground levels within the plot up to that of the new house 1.8m above that of the adjacent garden. The new house, plot 48 would be 22.5m away and whilst the adjoining plot 47 would be closer, that house angles away with the corner to corner distance to No 10 being just over 16m.
91. Within this garden and like many of the neighbouring properties this new boundary would be further screened from the homeowner by existing coniferous planting at the end of these neighbouring gardens. This seems to have clearly been planted some time ago to screen the former works road and tall factory building which towered over these rear gardens.

92. Whilst the fence would be largely screened, the raised ground level within the plot would be clearly apparent from the raised height of the new houses. Officers have examined each relationship to existing houses on site all down this boundary from the top of Bradwell head Road and on balance conclude that the relationship, other than the boundary clarification, is the same as that approved in the original application which showed the houses down this boundary at the same floor levels. The combination of existing planting, separation distance and orientation are still considered such that there would be no harm to neighbours amenity. The outlook will of course change but longer views will still be afforded out between the new houses. The changes are therefore acceptable.

93. The following changes to conditions also affect condition 2 as amended drawing are submitted to discharge each of the following conditions;

94. Condition 11

95. This required the scheme to demonstrate no raising of ground levels within the flood zone. The revised site plan, added to the list of proposed approved drawings, now redraws the garden boundary of Plot 23 (which intruded on the flood plain) so that it and the associated level changes are now shown wholly outside the Flood Zone to comply with the Environment Agency's requirement. This is now considered acceptable to officers although formal confirmation is still awaited from the EA consultation. Subject to this, the condition can be removed as the layout can be secured by condition 2.

96. Condition 28

97. The approved scheme of environmental management of the dwellings did not include renewables. The submitted drawing now shows the installation of a solar pv array on each plot and is therefore considered to be acceptable in meeting the requirement of Policy CC1 and will be added to the approved list suggested in condition 2.

98. Condition 49

99. Drawings have been submitted to show the required technical details of the estate roads and footpath construction along with associated drainage. These details are now acceptable to the Highway Authority and generally comprise of typical tarmacadam roads and footways with concrete kerbing. Surface water drainage details are shown which includes channel drains across each driveway. The drawing will need to be added to the list of those approved in condition 2 in any approval notice and the condition reworded to retain the implementation of the agreed details.

100.Condition 53

101.This requires approval of the refuse disposal arrangements. Plans show space for 3 bins in each plot which is appropriate and acceptable in this area. The Highway Authority are concerned about some plots having nowhere to leave bins on collection day. Looking at the layout there would appear to officers to be ample space clear of the main estate street for the residents to leave bins out on collection day, even on those plots outlined as a concern by the DCC response. On balance we consider the layout to be workable in this regard and therefore acceptable. This layout is therefore to be included in the list of plans in suggested condition 2.

102.Condition 54 and 55

103.These required approval of private surface water disposal proposals and also highway surface water disposal details. Details are provided and show collection and outfall to the brook with storm outfall to the balancing pond. These principles have been agreed in principle before but are included again due to the minor changes to the layout and for formal discharge approval.

104.Condition 57

105.This concerned approval of the parking spaces within each plot which the condition stated had to be 3.2m wide. The application explains that it has not proved possible to fit 3.2m wide parking spaces within the approved layout and as such dispensation is sought for 3.0m wide bays where this is not possible. The Highway Authority response has accepted the revised layout and therefore this condition is partly discharged and the approved drawing would need to be added to the list of approved drawings in condition 2 of any consent. The condition itself will need to be reworded to simply be an implementation condition of the approved layout.

106.Secure cycle storage within each plot was also sought by the condition. The layout drawing now shows an acceptable form of dedicated bike store located on those plots that don't have garage storage with sufficient space for bicycle storage. As before these will be secured by the layout drawing to be defined in suggested reworded condition 2.

107.Conclusion

108.The amendments to the houses and plot types are acceptable minor amendments and raise no new policy or design issues. The additional information submitted to for the remaining conditions allows the partial discharge of the conditions however as each have an on-going implementation requirement then removal of the condition is not appropriate other than for condition 11, and these have therefore been updated and reworded in the recommendation to take account of the further details in the application.

109.Human Rights

110.Any human rights issues have been considered and addressed in the preparation of

this report.

111. List of Background Papers (not previously published)

112. Nil