

The Arc
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To: Chair & Members of the Planning Committee

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Tuesday, 11th February 2020

Dear Councillor

PLANNING COMMITTEE – WEDNESDAY, 12TH FEBRUARY, 2020 AT 10:00

Please find enclosed a copy of the supplementary report for the above meeting.

Yours faithfully



Joint Head of Corporate Governance & Monitoring Officer



We speak your language
Polish **Mówimy Twoim językiem**
Slovak **Rozprávame Vaším jazykom**
Chinese **我们会说你的语言**

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PLANNING COMMITTEE

*Wednesday, 12th February, 2020 at 10:00 in the Council Chamber, The Arc,
Clowne*

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Agenda Item 9

Agenda Item Nos. 5, 6 & 7
Planning Committee
12th February 2020

COMMITTEE UPDATE SHEET SUPPLEMENTARY REPORT OF THE ASSISTANT DIRECTOR OF PLANNING

This sheet is to be read in conjunction with the main report.

AGENDA ITEM NO 5: NOTES OF SITE VISITS

Planning Site Visits held on 5th February 2020 commencing at 1000hours.

PRESENT:-

Members:

Councillors Derek Adams, Allan Bailey, Anne Clarke, Nick Clarke, Jim Clifton, Christopher Kane (Vice Chair), Tom Munro (Chair), Liz Smyth, Janet Tait, Deborah Watson and Jen Wilson

Officers: Richard Purcell, Peter Sawdon and Kay Gregory

APOLOGIES

Councillors Paul Cooper, Steve Fritchley, Natalie Hoy and Duncan McGregor,

SITES VISITED

Applications:

19/00583/OUT: Mansfield Road, Glapwell (Agenda Item No.6); and

19/00475/FUL: Land to the Rear of 64 to 74 Skinner Street Creswell (Agenda Item No.7).

The meeting concluded at 11:45 hours.

AGENDA ITEM NOS. 6 & 7: UPDATES TO PLANNING APPLICATIONS TO BE DETERMINED

- **Agenda Item No.6: Mansfield Road, Glapwell (19/00583/OUT)**

No update to report.

- **Agenda Item No.7: Land to the Rear of 64 to 74 Skinner Street Creswell (19/00475/FUL)**

Minor text correction

It has been noted that in the Publicity section of the report, it is incorrectly stated that there was an increase in the housing numbers on site from 86 to 88; this should have read from 87 to 88. This does not affect the consideration of the report.

Proposed minor amendment to recommended condition 6 (hard and soft landscaping provision)

On reviewing the conditions it has been noted that condition 6 does not make specific reference to the need to secure the proposed cycle links and this is proposed for inclusion within that condition. This detail is included on the submitted drawings in any event and the applicant's representative is content with this alteration.

Further representation.

One additional comment was received as a result to invite objectors to speak at Planning Committee that commented as follows: -

“Sadly, as work has already commenced, I feel it rather fruitless to even attend the committee hearing. I personally and obviously have a total lack of confidence in the system. The owners/developers know planning will be successful and are building anyway.”

This does not raise any material planning issues and does not affect the consideration and recommendation contained in the report.

Issues raised on behalf of the applicant.

The applicant and agent have sent in two items of correspondence that consider the issue of Affordable Housing and the recommended conditions, including the provision of some additional information.

AFFORDABLE HOUSING: -

The applicant has advised that in early January 2020, they invited interest from a total of 16 Registered Providers (RP's) to take on the affordable housing provision on the basis of all the affordable dwellings being for rent in line with normal policy requirements.

They have advised that they have seen very little interest to date and of the 16 RSLs contacted, 10 declined the opportunity and 4 did not respond despite being chased on multiple occasions. Only 2 actually responded to show interest in acquiring stock in this location, however in both instances this would only be on the basis of introducing shared ownership units as part of the tenure split.

In view of this, the applicants are suggesting that some flexibility be introduced into the proposed S106 Agreement by including a clause that an affordable housing scheme is to be submitted, confirming mix, tenure etc. In a subsequent discussion with the agent for the scheme, she wished to make it clear that this is in no way looking to not deliver fully rented housing for the 10% affordable provision if this can be secured with an RP, but are just pointing out the current position appears to show that this may be difficult given the current apparent level of interest.

The submitted information is limited in its scope and the Joint Housing Strategy Officer considers that additional information would be needed in respect of the details of the

original invitation to RP's, details of which RP's were contacted, evidence that 10 RPs have declined the invitation to bid, and evidence of the breakdown of tenure proposed within the two offers that were made.

The policy position, agreed by the Planning Inspector in connection with the emerging Local Plan, is for rented housing, based on the Council's evidenced need for this form of housing.

Notwithstanding the above, if it is genuinely not possible to secure a RP to deliver rented houses for the full 10% provision, then in principle it is not considered unreasonable to provide a more flexible 'fall back' position as a means of maximising the nature of affordable housing that can be delivered. This effectively expands the degree of flexibility proposed within the S106 in any event, where a commuted sum would be payable if affordable housing provision cannot be made on site (this would include a scenario where an RP cannot be secured).

On this basis, it is considered that an amended S106 can be agreed to. This should still make provision for 9 affordable rented houses, unless it can be suitably evidenced that such delivery is not possible, and subject to the final tenure mix for the 9 affordable houses being agreed with the Council, with the objective of maximising the amount of affordable rent within the final tenure mix. The provision for a commuted sum would need to be maintained for in the event that none of these options could be delivered on site.

RECOMMENDED CONDITIONS AND RELATED ADDITIONAL INFORMATION: -

As part of ongoing discussions that have been held with the applicants since the conditions were drafted for the original report, the applicant has come back with requests for the deletion and amendment of some conditions that has included the submission of the following additional document: -

- Consultant's response to EHO comments;
- A construction management plan
- Drawing No. SSC-BWB-GEN-XX-DR-TR-103 - Visibility Review from Parking Spaces

It has been agreed verbally to accept recommended conditions 2 and 13, despite an initial request for changes. A number of other suggestions relate to minor wording changes to conditions 4, 10, 11 and 24 are considered to be acceptable in principle as these do not alter the concept or principal of those conditions.

Drainage

It has been suggested that condition 8 is not required given the agreement to the submitted details set out in the submitted Flood Risk Assessment (FRA) and given that the drainage scheme will be adopted by Severn Trent Water.

This has been discussed with the Lead Local Flood Authority (Derbyshire County Council) and it is considered through those discussions that this condition is still necessary.

Whilst there is agreement with the principles of the drainage scheme outlined in the FRA, the final details of that scheme will still need to be submitted and agreed (final design specifications of all parts of the scheme, including the final design of the SuDS ponds, to demonstrate those details meet the stated design capacity of the system). In the event that the Water Company would not adopt the scheme (in whole or in part), it is also essential to ensure that appropriate measures are put in place to ensure the long term management and maintenance of the drainage scheme.

No change to this condition is therefore proposed.

Noise

The agent has requested that this condition not be included stating that the noise consultant has provided the Environmental Protection Officer with additional information relating to that officer's request for condition 12 relating to noise mitigation and is suggesting that on the basis of the evidence available, this condition is not required.

From that correspondence with the Environmental Protection Officer, the information provided is not actually stating that the condition is not required, rather is questioning the comments about the methodology of the report information.

In reviewing that information the Environmental Protection Officer is still satisfied that a condition is needed to ensure that the new dwellings achieve a reasonable level of noise protection to protect the amenity of future residents of those dwellings, given the rail noise that occurs from the active rail line to the east.

Due to an error in the originally drafted condition 12, this would need to be slightly amended to refer to "All Habitable Rooms 45 dB LAmax to occur no more than 10 times per night" and not per hour as originally stated.

Highway Safety

An additional drawing has been submitted to show visibility splay requirements that would otherwise have been provided by the originally suggested conditions 21, 22 and 23. Additional requests have also been made relating to amendments or deletions to suggested conditions 16, 17, 19, 26 and 29.

The input of the Highway Authority will be required in connection with these requests, but the relevant member of staff is unavailable until next week and so it has not been possible to finalise the discussion in respect of these requests. Nevertheless, none of the issues raised are considered to be insurmountable and require agreement to be reached on the final content and wording of these conditions through ongoing discussions with the Highway Authority and the applicant.

Conclusion regarding conditions requests

That the above is noted and that the final content and wording of the conditions that remain outstanding from the above discussion be delegated to the Head of Planning, subject to reaching satisfactory outcomes with outstanding consultees.

RECOMMENDATION:

To resolve to grant planning permission but to defer the final decision to the Head of Planning in consultation with the Chair and Vice Chair of the Planning Committee subject to: -

- Completion of an amended S106 to provide greater flexibility to the provision of affordable housing as discussed in this supplementary reports; and
- The inclusion of conditions to generally follow the recommended conditions in the earlier report, subject to the conclusion of ongoing discussion with the applicants and consultees as discussed in this supplementary report.