

Agenda Item:	5.4
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Site:	Land South of College Road, Denstone
Proposal:	P/2019/01489 - Outline application including details of access to develop land for the erection of 5 No. dwellings (comprising 2 No. Affordable Housing units, 2 No. Over 55's units and 1 No. Open Market Unit).

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by Sherrie Grant

[Hyperlink to Application Details](#)

Application Number:	P/2019/01489	
Planning Officer:	Alan Harvey	
Type of Application:	Outline Application	
Applicant:	Mr Ball	
Ward:	Churnet	
Ward Member (s):	Cllr Sankey	
Date Registered:	13 December 2019	
Date Expires:	17 th August 2021 - Various time extensions have been previously agreed with the applicants to take into account revised submissions, the serving of a Certificate B and the reporting to, and resolution of, the Planning Committee. Essentially the applicant is now requesting an extension of time to 12th October 2021	
Reason for being on Agenda	The resolution of the Planning Committee of 22 June 2021 is no longer capable of being met by the applicants in terms of the timetable for the submission of a necessary drainage report.	
Officer Recommendation	To amend the resolution of the Planning Committee of 22 June 2021 to approve the scheme subject to the previously agreed conditions and Unilateral Undertaking and subject to the applicants submitting further information by 12 October 2021 which satisfactorily demonstrates to officers that the scheme would not exacerbate off site surface water flooding.	

1. Background and Comment.

- 1.1 Members will recall at the Committee meeting of 22 June 2021 they considered the outline application (including details of access) to develop an area of land to the south of College Road, Denstone for the erection of 5 No. dwellings; comprising 2 No. Affordable Housing units, 2 No. Over 55's units and 1 No. Open Market Unit.
- 1.2 The Committee resolved that the application be approved subject to a Unilateral Undertaking and relevant conditions and the applicants submitting further information within 56 days of the resolution which satisfactorily demonstrates to officers that the scheme would not exacerbate off site surface water flooding. That 56 day period for the submissions effectively ran to 17 August 2021.
- 1.3 On 2nd August 2021, the applicants agent corresponded with LPA officers to advise that the applicants *“are really struggling to get everything together on the drainage plan owing to holidays and periods of isolation that they have had to go through over the last few weeks, so we’re going to struggle to meet the 56 day deadline, what is the process on this basis, will we be able to agree an extension ?”*
- 1.4 The applicant’s agent was advised that the due process in the circumstances was that the matter had to be returned to the next available meeting of the Committee for a revised resolution to be considered and be determined by members. This Committee meeting is therefore the first opportunity for the matter to be brought before members again.
- 1.5 In their most recent correspondence (of 2 September 2021) the applicants agent has advised that it is confirmed *“that RAB Consultants have been significantly delayed in completing the necessary works (on the submissions), however they have now advised that the drainage scheme should now be complete in 4 weeks which I trust is acceptable to you, and that an extension of, 6 weeks (to 12 October 2021), to cover any potential further delays can be formally agreed.”*

Assessment

- 1.6 Members are advised that in terms of progressing applications in recent times, with an increase in applications in the period since the last lockdown (for Covid) that it is common for the LPA to be waiting longer periods of time for technical reports to be received. As such the background to the request for the extended time period is considered to have a reasonable basis and given the request itself does not fundamentally seek to re-visit in any material way the planning merits of the committee resolution itself it is considered it would be reasonable to agree that the timeframe for the submission of the necessary drainage report be extended to 12 October 2021 (as per the request made on behalf of the applicant).

2. **RECOMMENDATION** - To amend the resolution of the Planning Committee of 22 June 2021 to approve the scheme subject to conditions and a Unilateral

Undertaking (as per the salient committee minutes) and subject to the applicants submitting further information by 12 October 2021 which satisfactorily demonstrates to officers that the scheme would not exacerbate off site surface water flooding.

3. Background papers

3.1 The following papers were used in the preparation of this report:

- Papers on Planning application file P/2019/01489, including the Planning Committee report (and the associate documentation) for the meeting of 22 June 2021

4. Human Rights Act 1998

4.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

5. Crime and Disorder Implications

5.1 It is considered that the proposal does not raise any crime and disorder implications.

6 Equalities Act 2010

6.1 Due regard, where relevant, has been had to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.

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