
Delegated report Officer: Tom Beardsmore

Application ref. DMPA/2019/0862

The erection of 3no. dwellings with associated soft and hard landscaping, ancillary works, parking and the demolition of existing buildings to facilitate the development at WOODWARD ELECTRICAL LIMITED, PARK ROAD, CHURCH GRESLEY, SWADLINCOTE, DE11 9QE

Valid date: 23/08/2019

Consults expired: 01/10/2019

EIA development? No

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

None

Responses to consultations and publicity

Derbyshire Wildlife Trust - No objection subject to condition to secure a scheme of biodiversity enhancement (namely the incorporation of in-built bat roost features and swift bricks within the development).

County Highway Authority - No objection subject to conditions as it's unlikely the lack of designated parking will have a detrimental effect on the public highway.

The Coal Authority - Commented that the site falls within the defined development high risk area, having reviewed the coal mining risk assessment submitted, there is a potential risk posed to the development by past coal mining activity. Therefore requested a condition to ensure that intrusive site investigations are carried out.

Environmental Health - No objections subject to conditions to ensure that a suitable scheme for the prevention of ground gas ingress is submitted and approved prior to development.

Peak and Northern Footpaths Society - Commented that the safety of walkers using the footpath must not be compromised if the development was to be approved and built.

Two objections have been received, raising the following comments:

- a) As the new builds are proposed for 3 storey they are considered too high and would be too close to neighbouring properties at the rear.
- b) They would intrude on neighbouring privacy, by overlooking rear gardens.
- c) They would cast a shadow on neighbouring properties.
- d) The parking should be at the rear so that the proposed dwellings can be moved further away from properties at the rear.
- e) Mitigation should be provided in regards to surrounding litter and cutting of grass in public areas.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

2016 Local Plan Part 1 (LP1): S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S3 (Environmental Performance), S4 (Housing Strategy), S6 (Sustainable Access), H1 (Settlement Hierarchy), H20 (Housing Balance), SD1 (Amenity and Environmental Quality),

SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure), SD4 (Contaminated Land and Mining Legacy Issues), BNE1 (Design Excellence), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness) and INF2 (Sustainable Transport).

2017 Local Plan Part 2 (LP2): SDT1 (Settlement Boundaries).

The relevant local guidance is:

- South Derbyshire Design Guide Supplementary Planning Document (SPD)

The relevant national policy and guidance is:

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

Planning considerations

Taking into account the application made, 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:

- Principle of development;
- Character, appearance and design;
- Neighbouring amenity; and
- Highway safety.

Planning assessment

Principle of development

The site is located within settlement boundary of the Swadlincote urban area, as identified by Policies H1 and SDT1. The site is within a built up residential area, with neighbouring dwellings at the rear and sides of the site, with an area of common land at the front. The principle of the proposed development for the erection of 3 dwellings with the existing buildings having already been demolished is considered to be acceptable, appropriate development as it is compliant with Policies H1 and SDT1 (i.e. new development within the settlement boundary, where development of all sizes within the settlement boundary are considered appropriate).

Character, appearance and design

The proposed location of the dwellings replaces existing buildings which have already been demolished and the site cleared, it is known that the previous buildings were small industrial size units, with a large 2m metal gate at the front of the site. The proposed layout of the dwellings is as a row of 3 terraced dwellings, a 2 storey building with a bedroom also provided in the roof space of each dwelling therefore providing 3 floors of living space. The immediate locality is characterised by 2 storey dwellings, with little separation from the frontages to the highway edge of Park Road. The proposed siting of the dwellings would be stepped back slightly from the neighbouring property to the east, this is in order to provide car parking at the front of the site would, but would still follow the current pattern of development along Park Road. The existing dwellings to the east although have differing styles with a mix of render and brick, there are traditional details evident on most of the properties which includes wet verges and stone cills and lintels and dormer windows, the proposed design for this scheme of dwellings has incorporated these details and therefore integrates well with the character of the street scene and would not be harmful to the existing dwellings along this part of Park Road in regards to their appearance. As such it is considered the proposal is in keeping with the character of the area in

accordance with LP1 Policy BNE1 and the SPD.

Neighbouring Amenity

Given the siting of the proposal there would be potential for harmful impacts to arise between both the existing and proposed dwellings. When assessing the distance to the neighbouring properties to the rear of the site on Rosecroft Gardens, the smallest distance to the rear elevation of a property is in excess of 30m, therefore complying with the minimum distance requirement of 21m. When assessing the impact on neighbouring dwellings either side of the site, when drawing a 45 degree sector view from ground floor windows at the rear elevation the proposed development would not fall within the sector. As such it is considered that the proposed dwellings would not demonstrably impact the residential amenities of neighbouring properties and therefore is compliant with Policies SD1, BNE1 and the SPD.

Highway Safety

It is noted that the Highway Authority have has raised that whilst Park Road does not form part of the publicly maintainable highway, it does consist of large areas of common land, some of which the applicant has included in the submitted red outline drawing, for parking at the front of the dwelling. Despite the site not providing its own designated parking for each dwelling, the county highway authority have determines that it is unlikely that the lack of designated parking will have a detrimental effect on the public highway. As such the site is considered to be suitable enough to facilitate the addition of 3 new dwellings and would not adversely impact on highway safety to a point where which it would reasonably justify a refusal of the application. The proposal therefore complies with the requirements of Policy INF2.

Recommendation

Approve with Conditions

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 made:	01/11/2019
Report agreed:	01/11/2019
Authorised officer:	Tony Sylvester
