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**Delegated report**      Officer: James Norton

**Application ref. DMPA/2020/0788**

Erection of a detached bungalow and garage on Land adjacent to 81 York Road, Church Gresley, Swadlincote, DE11 9QQ

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Valid date:                      30/07/2020

Consults expired:              23/09/2020

EIA development?              No

Section 106 agreement?      Not required

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

**Relevant planning history**

9/2004/0072 - Outline for the erection of dwelling - approved

9/2007/0181 - Approval of reserved matters for the erection of detached bungalow and garage - approved

9/2010/0024 - Erection of detached bungalow and garage - approved

9/2011/0874 - Erection of detached bungalow and garage (amended scheme) - approved

9/2012/0749 - Variation of Condition7 of 9/2011/0874 for the revised siting of the garage - approved

9/2014/0995 - The erection of a detached bungalow and garage - approved

9/2017/0798 - The erection of a detached bungalow and garage - approved 18 September 2017

**Responses to consultations and publicity**

Coal Authority - No objection subject to condition.

Environmental Health - No response at the time of writing this report.

County Highways - No response received at the time of writing.

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

The relevant Development Plan policies are:

- 2016 Local Plan Part 1: S1, S2, S4, S6, H1, SD1, SD4, BNE1, BNE4, INF2, INF8
- 2017 Local Plan Part 2: SDT1

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 is/are:

- Principle;
- Design and amenity

- Highway issues; and
- Contaminated land and mining legacy

## **Planning assessment**

### Principle

This site has had the benefit of previous planning permissions granted in 2007, 2010, 2011, 2014 and 2017 for a detached bungalow and garage (the most recent only expiring in the last 7 days). The site remains in the settlement confines where additional housing is acceptable in principle. It is considered, therefore, that the principle of developing the site in the manner proposed has been well and truly established.

### Design and amenity

This application seeks to renew the permission granted in 2017 for a single storey, L-shaped dwelling, measuring 11.9m (max) x 12.1m (max) x 4.8m high, and a detached single garage measuring 3.5m x 6.4m x 3.8m high. The proposed dwelling would be located to the rear of No.81, which is a two-storey semi-detached dwelling fronting York Road. The garage would be to the side of No.81, close to where an existing detached garage is currently positioned. This would be demolished.

The proposed dwelling would be of a simple design with the proposed used of materials to match the existing dwelling. The plans submitted as part of the current application show an internal layout with a lounge window 20m distant from the existing rear facing lounge window of No.81, which is 1m short of the minimum distance set out in the SPD. However, the proposed dwelling would be single storey and a 2m high boundary fence is proposed between it and No.81 on level ground. The minimum distance of lounge to first floor bedroom is 15m which can also be met. It is considered therefore that the proposal would be acceptable in terms of the amenities of existing dwellings. The single storey design would also preclude any overbearing presence for the adjacent properties.

### Highway issues

The amount of traffic generated by the proposed dwelling would not be sufficient to have a detrimental impact on the amenities of Nos. 79 and 81 York Road. Whilst County Highways has not responded to the consultation, the proposal is the same as the previous permission, with no evident changes in existing highway conditions, and the same response of no objection would be expected. As such the proposal is considered to comply with INF2 subject to the same conditions being proposed.

### Contaminated land and mining legacy

A Coal Mining Risk Assessment was submitted even though the site does not lie within a Coal Referral area, but close by. In this case an informative is all that is necessary. Environmental Health previously also raised concerns about the potential for contaminated land. Whilst they have not responded within the consultation period, previous comments relating to no objection subject to conditions would still apply. The proposal therefore complies with SD4.

## **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.

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| Recommendation made: | 24/09/2020 |
| Report agreed:       | 24/09/2020 |
| Authorised officer:  | Chris Nash |

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