
Delegated report Officer: Neil Thompson

Application ref. DMPA/2021/0956

The erection of three dwellings at 34 Oversetts Road, Newhall, Swadlincote, DE11 0SJ

Valid date: 10/06/2021

Consults expired: 03/08/2021

EIA development? No

Section 106 agreement? Not required

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

Relevant planning history

9/2010/1033- extension of time period for outline permission for 8 flats- not decided.

9/2007/1023- outline application for erection of 8 flats- granted.

Responses to consultations and publicity

The County Highway Authority has requested some amendments to the layout to incorporate a widened footway in front of the development, and some other alterations including pedestrian visibility splays and parking dimensions. This has now been carried out and the amendments are considered acceptable. It is recommended that appropriate conditions are imposed.

The Coal Authority has read the report and notes the conclusions of it. It is recommended that further intrusive surveys are required to establish the below ground situations. It is recommended that conditions should be imposed to deal with this.

The Environmental Health Officer has no objection to the development, and would like to impose a condition limiting hours of construction, no burning of waste on site, and a dust mitigation strategy.

The Landscape Architect has no objection in principle, but would like a planting plan, native trees and hedgerows, and biodiversity enhancements. This can be conditioned.

No other responses were received.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

- South Derbyshire Local Plan Part 1 2016 (LP1): Policy S1 Sustainable Growth Strategy; Policy S2 Presumption in Favour of Sustainable Development; Policy S3 Environmental Performance; Policy S4 Housing Strategy; Policy S6 Sustainable Access; Policy H1 Settlement Hierarchy; Policy SD1 Amenity and Environmental Quality; Policy SD3 Sustainable Water Supply, Drainage and Sewerage Infrastructure; Policy SD4 Contaminated Land and Mining Legacy Issues; Policy BNE1 Design Excellence; Policy BNE3 Biodiversity; and Policy INF2 Sustainable Transport
- South Derbyshire Local Plan Part 2 2017 (LP2): SDT1 Settlement Boundaries and Development.

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:

- The principle of the residential development;
- The effect of the proposal on the character and appearance of the street scene;
- The effect on mining legacy;
- The effect of the proposal on the highway network; and
- The effect on biodiversity and the environment.

Planning assessment

The principle of the residential development

The site is located within the Limits to Development of Newhall. The site did contain a house at one stage in its history with an area of backland site which is not part of Colliers Close. The site is situated within a sustainable location, near to bus routes and within walking distance of shop and communal facilities. The principle of residential development at the site is acceptable as has been approved before at outline level.

The proposal would therefore comply with policy S1, S2, S4, and H1 of the South Derbyshire Local Plan Part 1 2016.

The effect of the proposal on the character and appearance of the street scene

The development has been through iteration at pre-application stage and there have been a couple of changes due to the requirements of the Highway Authority. The site layout shows that one of the dwelling sits adjacent to the existing dwelling at 2 Parliament Street. This is a Victorian terraced street with typical Victorian finishes to the windows and doors. Parking is situated between plots 2 and 3. The parking for plot 1 is situated at the rear in Colliers Close. The dwellings are set back a little from the street to provide a bit more privacy for future residents and also to improve visibility for drivers pulling out of the private drives and for cars exiting Colliers Close.

Plot 3 has a brick finish to the ground floor and is rendered at first floor level. Parliament Street has a mixture of dwellings that have a brick finish, and also those that have a predominantly white rendered or painted finish. Plot 3 has a porch canopy above the entrance door, and shows a band across the section between the brick and render finish. Windows show a traditional sash type finish which would blend in with the style of the Victorian dwellings. The dwelling turns the corner well between Parliament Street and Oversetts Road.

Plots 1 and 2 have a simple appearance, again picking up on some of the surrounding design features in the Victorian dwellings. They also have entrance canopies, stone cill and lintel details with sash style windows. brick colour and roof tile finish can be agreed by condition.

It is concluded that the design of the dwellings fits in well with the street scene and would be a good addition to this vacant space within Oversetts Road and Parliament Street. It is concluded that the development is of good design and complies with policy BE1 of the South Derbyshire Local Plan Part 1 2016 and the Design Guide SPD 2017.

The effect on mining legacy

The submitted reports concludes that there are shallow mine workings potentially impacting surface grounds stability. It concludes that intrusive investigations are required further establish the depth of these. Drilling and gas monitoring will be required. It is considered appropriate to impose conditions regarding the further detailed intrusive site investigations in accordance with the conclusions in the report. It is therefore considered that the proposal would be acceptable and comply with policy SD4 of the South Derbyshire Local Plan Part 1 2016.

The effect of the proposal on the highway network

There were initial concerns raised by the local highway authority. These have been overcome through the amendments to the scheme. The proposal is considered to be acceptable and retains good visibility for those exiting Colliers Close. There are two spaces for each new dwelling which is considered adequate to meet the needs of the development. It is considered appropriate to impose the conditions as recommended by the Highway Authority. It is concluded that the development is acceptable in highway terms and complies with policy INF2 of the South Derbyshire Local Plan Part 1 2016.

The effect on biodiversity and the environment

It is standard practice to add a condition regarding keeping the level of water usage down within new dwellings to limits of 110 litres a day, so this can be imposed. Each dwelling should also include provision for electric charging points in order to cater for future needs of electric cars to reduce the impact of climate changes.

There will be a need for some landscaping at the site, although given the limited size of the gardens and the area at the front of the site, this has to be realistic and practical if to be retained in the future. A hard and soft landscape condition can be imposed to deal with this.

The Preliminary Ecological Report identified that there were no protected species on the site. It contained a combination of hard surfacing and hard core from the previous house, and some scrub land and small vegetation. The site is fenced off currently. There are opportunities to provide some bat boxes on the dwellings and also some bat boxes to improve biodiversity.

The surface water and foul sewage at the site will go to the mains sewer. This will be dealt with through the Building Regulations.

It is concluded that the proposal is acceptable and would have a neutral impact on the environment and would comply with policies S3, BNE3 and SD3 of the South Derbyshire Local Plan Part 1 2016.

Conclusions

It is considered that the proposal is acceptable and it is recommended that planning permission be granted subject to the imposition of appropriate conditions.

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:	30/11/2021
Report agreed:	03/12/2021
Authorised officer:	Steffan Saunders
