
Delegated report Officer: James Norton

Application ref. DMPA/2021/0851

The erection of one two storey detached dwelling and the formation of a vehicular access to serve Land adjacent to 1 Victoria Villas, Beards Road, Newhall, Swadlincote, DE11 0ED

Valid date: 05/07/2021

Consults expired: 21/11/2021

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

None.

Responses to consultations and publicity

Environmental Health - No objection and no conditions requested.

The Coal Authority - concurs with the report author's recommendation and we consider that intrusive site investigations are appropriate in this instance. These should be designed and carried out by competent persons and should be appropriate to assess the ground conditions at the site in order to establish the coal-mining legacy present and the risks it may pose to the development. Conditions relating to scheme of intrusive investigations and statement of declaration.

County Highways - Following clarification of the parking for both the proposed and host dwellings the Highway Authority has no objection subject to a condition relating to parking.

One neighbour response was received raising the following issues:

- The drains are not marked on the plans. Could there be drains under the proposed dwelling?

Relevant policy, guidance and/or legislation

The relevant policies are:

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

National Guidance

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

Local Guidance

- SDDC Design SPD

Planning considerations

In taking account of the application 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;
- Design and Amenity; and
- Highway issues

Planning assessment

Principle

The site is within the urban area of Swadlincote and Newhall and as such there is a presumption in favour of sustainable development as set out in policy S2 and policy SDT1 and the use of the side garden for residential use is considered acceptable, subject to any other policies in the development plan or material considerations.

Design and Amenity

The location of the proposed dwelling mirrors the semi detached dwellings opposite on Belvoir Crescent by being positioned at an angle to the two adjacent properties, helping to turn the corner into Beards Road. This still allows for two parking spaces to be provided at the front of the dwelling but off-street. The appearance of the proposed dwelling is traditional in character being similar to the host property but being a detached dwelling - its appearance being similar to Margaret Villas to the west by featuring stone cills and brick arched headers above door and windows. The orientation, siting and design means that the amenity issues in terms of overbearing and overlooking have largely been overcome, such that it is not considered that a refusal on these matters would be sufficiently justified. However, the window serving bedroom 3 could be considered to partially overlook the rear windows of 18 Beards Road. This can be resolved by the addition of a condition to require obscure glazing to bedroom 3 whilst allowing natural light it will restrict direct overlooking. The remaining primary windows in the proposal are all sufficiently distant and therefore comply with the SPD. The proposal also provides sufficient private amenity space though no details of boundary treatment and landscaping is provided. Conditions are recommended to cover these details. The proposal therefore complies with BNE1 and SD1.

Highway issues

Whilst the proposal will generate some additional traffic in the area the site is within the urban area and as such services and facilities are relatively close by. Two off road parking spaces have been provided for both the existing and proposed dwelling, sufficient for a three bedroomed property according to the Design SPD and as such the proposal complies with INF2. Conditions have been added to secure the retention of the parking and a vehicle charging point.

Other Matters

A neighbour refers to the possibility that drainage may run across the site. This is not a planning issue but may be an issue for Building Control. In addition, the site is within a coal mining risk area. Conditions recommended have been included in the recommendation in accordance 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.

Recommendation made:	08/12/2021
Report agreed:	08/12/2021
Authorised officer:	Sarah Beeby
