
Delegated report Officer: Jenny Blair

Application ref. DMPA/2021/1228

Erection of a single storey dwelling Rye Close Farm, Duck Street, Egginton, Derby, DE65 6HG

Valid date: 27/08/2021

Consults expired: 08/10/2021

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

9/2003/1372 - Outline application (all matters reserved) for the erection of two dwellings - refused
24/12/03

Responses to consultations and publicity

Environmental Health were satisfied that the impacts of the proposed development will be acceptable provided that conditions are attached in relation to land contamination and air quality (electric charging points).

County Highways Authority refer to the amended plans, with a revised red outline. It should be noted that there should be 6m behind each parking space in order to allow a vehicle to manoeuvre to and from. This is not available at two of the spaces shown, particularly the northern space would be inaccessible if the adjacent space was occupied. However, it is considered that three vehicles could comfortably park in the space indicated and, as such, this is not seen as a concern.

Therefore, there are no objections to the proposal from the highway point of view subject to conditions being included in any consent in the interests of highway safety.

Derbyshire Wildlife Trust - The application seeks planning permission for the erection of a single storey dwelling and is accompanied by a Phase 1 Preliminary Ecological Survey Appraisal prepared by Dr Stefan Bodnar dated June 2021. The proposal includes the removal of an existing pole barn. The report presents the results of a site assessment undertaken on 23rd June 2021. The assessment identifies the site to support amenity grassland, native hedgerows, scattered trees and a metal frame open barn. One of the trees, a mature Oak, has moderate potential for roosting bats.

It is however understood from the submitted Planning Statement that all trees and hedgerows will be retained within the development. If this changes and the Oak tree with moderate bat roost potential is identified for removal then further bat activity surveys will need to be completed before the determination of the application.

The barn is considered to have negligible potential for roosting bats.

Overall we advise that provided the Oak tree is retained the proposed development should not impact upon any habitats or species of substantive nature conservation value.

Environment Agency referred to national flood risk standing advice relevant to the proposal being located within Flood Zone 2.

Severn Trent Water - Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available, as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered. No surface water to enter the foul water system by any means.

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106

of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600)

Egginton Parish Council objects to the proposal due to the site being outside of the settlement boundary. It is considered that limited development in Egginton has already been achieved through a permission granted for 10 dwellings nearby. The Parish Council also considers the design of the dwelling is inconsistent with the present character of the village, the architecture of which is one of a rural farming community.

Local residents

Four objections and one making observations about the same issue twice were received, Concerns raised can be summarised as follows:

- Concern was raised about how the construction traffic would enter the site due to the recent conversion of the adjacent barns to residential dwellings, an alternative access for construction was requested.
- There must be a temporary access placed for construction traffic during build as the new road we have placed will cause us major issues and damage.
- Loss of privacy due to the proximity of the neighbouring properties, and the removal of a fence for access.
- The property would be outside the village settlement boundary. According to the most recent local South Derbyshire Plan by SDDC the part of the site on which the new building is to be sited is outside of the settlement boundary and as such would set a dangerous precedent for any future applications on any other land outside of the settlement boundary in Egginton.
- The building footprint is outside the development area if this planning is granted it opens the door to other applications being allowed outside the development line.
- The village is prone to flooding and Duck Street particularly has severe drainage problems. In fact, other development in the area is only being permitted contingent to the drainage being improved.
- The property's size is disproportionate to the plot and neighbouring properties
- It is not in keeping with other houses in the area.
- The existing barn roof is made of asbestos sheets which has the potential to be environmentally harmful and hazardous to the residents of Duck Street. The demolition of the barn roof being entirely corrugated Asbestos needs to be carried out in a safe manner and removed by an accredited contractor.
- There is an anomaly in the application document and the actual planning document. The application states that there are 2 designated parking spaces at present. This is misleading as there has never been any designated vehicle parking spaces on this plot of land - tractors and vehicles were always parked on the access to the adjoining field at the rear. Also the application states that the designated parking spaces will go up to 3 i.e an increase of 1 - however in the actual plan document it clearly states that there will be spaces for 4 cars - which is correct?
- With more properties being planned, the number of vehicle parking spaces, the 2 designated parking spots is inaccurate, there has never been allocated parking, the farmer would have free access to park where he wanted to, usually to the rear of the plot of land.
- In the application it is described as a modest single storey building however from the block plan the building dwarfs all of the surrounding buildings including the large dormer bungalow to the west. The bungalow is around 60ft by 45 ft which given the size of the bungalows to the east could not be described as modest.

- The building to the west which this application purports to ascribe to was built in the 1950's on the footprint of the old Rye Close Farmhouse. All other buildings built post this dormer bungalow, on the north side and further along the west 1960's onwards have all had to comply with a more or less common building line for the frontage so as to enhance the visual consistency - why is this building being treated in a different way?
- In the biodiversity report it was stated that there was no need to do any follow up re Great Crested Newts as there were no ponds on the site. However the topographical document presented to the council in this application clearly shows the existence of 2 ponds on the site - were these 2 ponds filled in prior to the ecological survey? All residents of Egginton and Duck Street are well acquainted with the farm animals kept on this plot and included a large number of geese and ducks so the absence of ponds for the ecological survey is a mystery.
- The land was previously agricultural and there would have been water for the live stock, cattle, geese, sheep etc ,where have the ponds gone, their absence for the ecological survey is a mystery.
- If planning permission is granted then reclaimed bricks and Staffordshire blue tiles should be used to tie in with the adjacent new build barns which share the original whole site before the site was split into 2 with the application site to enhance the consistency of the builds. They also share the access and would look more in keeping.
- Infill gap - The site is very large and as such would be large enough to build many more than 2 houses (the 2 new barns built occupy only a small fraction of the size of this site) and so as such is not an infill gap in the recognised meaning of the term.
- Egginton is deemed by SDDC to be a Rural Village and it has no bus service, post office no library presence, no Doctors surgery, a full primary school and so residents are totally reliant on private vehicles to access amenities and shops and so contributing to the climate crisis.
- This application will unduly impact on the landscape at the front and at the rear of the site where the vista is open and rural in nature. The site provides an important gap within the settlement and should not be urbanised. It undermines the rural character of the village which is enhanced by gaps and rural views of the landscape.
- The addition of further dwellings with their added allocation of vehicles, will increase greatly the number of vehicle movements in Duck Street and through rural village.
- This build will impact to the front and rear of the site, which until now has been rural and the area should not be urbanised and loose the character of the village.

Relevant policy, guidance and/or legislation

The relevant local guidance is:

- South Derbyshire Design Guide Supplementary Planning Document (SPD) 2017

The relevant national policy and guidance is:

- National Planning Policy Framework (NPPF) 2021
- Planning Practice Guidance (PPG): Historic Environment (2019)

The relevant legislation is:

- The Town and Country Planning (Tree Preservation) Regulations 2012
- The Community Infrastructure Levy (CIL) Regulations 2010 (as amended)

The relevant policies are:

2016 Local Plan Part 1: S1 (Sustainable Growth Strategy); S2 (Presumption in Favour of Sustainable

Development); SD1 (Amenity and Environmental Quality); SD2 (Flood Risk); Policy SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure); H1 (Settlement Hierarchy); BNE1 (Design Excellence); BNE3 (Biodiversity); BNE4 (Landscape Character and Local Distinctiveness); INF2 (Sustainable Transport)

2017 Local Plan Part 2: BNE5 (Development in Rural Areas); BNE7 (Trees, Woodland and Hedgerows).

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 development of the site for the erection of a dwelling;
- Design and amenity:
- The effect of the proposal on the highway network;
- The effect of the proposal on flood risk;
- The effect of the proposal on the environment.

Planning assessment

The principle of development of the site for the erection of a dwelling

The site lies adjacent but outside of the settlement boundary of Egginton as set out in Policy H1 'Settlement Hierarchy' of the Local Plan Part 1. The proposal therefore falls to be considered by Policy BNE5 'Development in Rural Areas' of the Local Plan Part 2. Policy BNE5 states that "*outside of settlement boundaries within the rural areas of the district, planning permission will be granted where the development is...iv) considered to be infill that is in keeping with the character of the locality and represents the infilling of a small gap for not normally more than two dwellings, within small groups of housing; and v) will not unduly impact on landscape character and quality, biodiversity, best and most versatile agricultural land, and heritage assets*". Whilst it is acknowledged that Duck Street has a semi-rural feel, the proposed site is located between residential properties resulting in it being a small gap within a small group of housing. The proposed bungalow will be set back from Duck Street in a similar way to other Duck Street properties (numbers 42 and 8) and it is therefore considered it will not have an overbearing impact on the street scene. It is considered the proposal will not unduly impact on landscape character and quality, biodiversity (as set out later in the report), best and most versatile agricultural land (Grade 3/4) and heritage assets (there are none nearby).

An objection was received from the Parish Council on the grounds that the proposal is outside of the settlement boundary and that limited development has already been achieved elsewhere in the village. However, the infill policy of BNE5 still applies regardless of other developments, and it is considered that one additional dwelling is still limited development. Further objection was raised that Egginton does not have any services and residents are reliant on the private car. Policy H1 'Settlement Hierarchy' of the Local Plan Part 1 addresses this issue by directing a higher level of development to settlements with more services, and limits development in the rural villages stating "*only a development of a limited nature will be allowed*". As discussed above, this proposal is of a limited nature in accordance with Policy BNE5. The principle of development for one dwelling is accepted.

Design and amenity

The application is for a large bungalow, with gable roofed elements to the front and rear. The ridge height of the main roof is approximately 7.6m. An objection has been raised stating that the proposed dwelling is disproportionate to the plot and neighbouring properties. However, the plot on which the dwelling is proposed is 0.24ha which still leaves more than half of the plot for garden and landscaping.

There are many two storey dwellings on Duck Street, and therefore this bungalow, although tall, would not exceed the scale of existing dwellings in the locality. The steeply pitched roof also helps achieve an attractive design for the proposed dwelling. Gaps will be maintained to either side of the property. A condition removing permitted development rights for extensions, enlargements and alterations has been added to retain the design philosophy behind this proposal and limit the size of the building. As stated in the Planning Statement at 5.12, the proposal *"delivers a modest single storey property which retains space surrounding the dwelling with the aim of preserving visual gaps as to reduce the visual impacts of the scheme and allow for glimpses into the countryside beyond to remain available."* Additions/alterations could reduce the space around the dwelling and also detract from the relatively simple and modest footprint/design.

Concerns were raised regarding the amenity of the neighbouring properties which include two dwellings recently built on the footprint of a barn outbuilding. The issues raised were loss of privacy, and damage to the shared access road. In terms of privacy, the lounge window on the northern elevation of the neighbouring property is 18m from the side elevation of the proposed dwelling using the 45 degree rule. This complies with the distances as set out in the Design Guide SPD (November 2017). The use and care of the shared access drive is a private matter outside of the planning system as it is in private ownership.

The bungalow has secondary windows in the north west side elevation (serving bathrooms) so it is considered these will cause no loss of privacy. The single window in the south east elevation will look towards land to the rear of no. 32's garden so is considered to cause no significant loss of privacy. Due to the position of the bungalow, it is considered it will not be overbearing on any neighbour.

The proposal is therefore considered to comply with policies BNE1 and SD1.

The effect of the proposal on the highway network

No objections were received from the County Highway Authority, however conditions regarding highway safety and visibility were suggested. The development will utilise the same access as the adjoining site and has already been created.

The matter of car parking was queried by a consultee who stated that the application form proposed three parking spaces, whereas the block plan indicates four. The County Highway Authority commented that *"there should be 6m behind each parking space in order to allow a vehicle to manoeuvre to and from. This is not available at two of the spaces shown, particularly the northern space would be inaccessible if the adjacent space was occupied. However, it is considered that three vehicles could comfortably park in the space indicated and, as such, this is not seen as a concern"*. Space for three cars is above the recommendation of two spaces per dwelling in the Design Guide SPD (for a three bedroom dwelling), and therefore the parking area is considered sufficient.

It is considered one new dwelling will not create so much additional traffic as to warrant refusal of the application.

The effect of the proposal on flood risk

In line with paragraphs 159, 161 and 162 of the NPPF, Local Plan Part 1 Policy SD2 (Flood Risk) states, *"When considering development proposals in South Derbyshire, the Council will follow a sequential test approach to flood risk management, giving priority to the development of sites with the lowest risk of flooding. The development of sites with a higher risk of flooding will only be considered where essential for regeneration or where development provides wider sustainability benefits to the community that outweigh flood risk."*

A Flood Risk Assessment was submitted by the applicant, which stated (para 4.3 of FRA dated 3 August 2021) that a sequential test was not required as the proposal consisted of the redevelopment of the site by demolishing the existing barn. However, the Council considered that the NPPG 'Flood Risk assessment: the sequential test for applicants' exempts a change of use if the uses are similar e.g. from commercial to residential, but that the existing open Dutch barn would sit within the 'less vulnerable' category for flood risk, whereas a dwelling would be 'more vulnerable' and therefore the uses were not similar. On this basis the applicant submitted a Sequential Test. The NPPG states that

"the aim [sequential tests] is to steer new development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the exception test if required".

The submitted Sequential Test used a local search area of Egginton, Hilton and Willington in line with the Council's approach to similar applications. No alternative sites were found and it is therefore considered that the Sequential Test is passed. The Exception Test is not required given the vulnerability classification of the development ('more vulnerable') and the level of flood risk within the site (site of dwelling within flood zone 2 and front of site and access within flood zone 3 which is defended).

The Flood Risk Assessment has been prepared in accordance with guidance 'Preparing a flood risk assessment: standing advice' 2021. The FRA states that mitigation measures will be incorporated into the design of the development including finished floor levels raised by 300mm from the general ground level (i.e. not lower than 46.9mAOD), to provide additional level of protection even though the site is not subject to flooding from the modelled 1% AEP (annual exceedance probability) plus climate change. Site specific SuDs are to be incorporated into the landscaping which will be dealt with through conditions. The proposal is therefore considered to comply with Policy SD2 Flood Risk.

The effect of the proposal on the environment

A Preliminary Ecological Appraisal was submitted by the applicant and considered by Derbyshire Wildlife Trust who raised no objection to the methodology or findings. The assessment identifies the site to support amenity grassland, native hedgerows, scattered trees and a metal frame open barn. The barn is considered to have negligible potential for roosting bats. One of the trees, a mature Oak, has moderate potential for roosting bats. It is however understood from the submitted Planning Statement that all trees and hedgerows will be retained within the development. If this changes and the Oak tree with moderate bat roost potential is identified for removal then further bat activity surveys will need to be completed before the determination of the application. This matter will also be dealt with by condition. It is therefore considered that the proposal complies with Policies BNE3 Biodiversity and BNE 7 Trees, Woodland and Hedgerows.

Asbestos

Asbestos is a matter covered by other legislation and will be a matter for the developer to safely deal with and comply with the relevant legislation.

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:	23/12/2021
Report agreed:	23/12/2021
Authorised officer:	Emma Palmer-Barnes
