

Item No. 1.1

Ref. No. [DMPA/2021/1263](#)

Valid date: 10/09/2021

Applicant: Paramjit Rai

Agent: ASP Consulting (Melbourne) Ltd

Proposal: **The erection of a four bedroomed dwelling. Previously approved dwelling (DMPA/2020/0478) relates at Spring View, Springhill, Hartshorne, Swadlincote, DE11 7AH**

Ward: Woodville

Reason for committee determination

A request has been made to bring the application to the Planning Committee for decision by the Ward Member, due to concerns raised regarding the unusual circumstances at the site and local concerns about the potential impacts on residential amenity.

Site Description

The site straddles the settlement confines for Hartshorne, with the dwelling and much of its parking and turning area just falling within the confines - the balance of the garden west of the watercourse within the countryside.

The dwelling approved as part of the previous approval DMPA/2020/0478 has already been partially constructed, but has been held in abeyance whilst this application has been assessed.

The existing farm complex to the north west includes a listed farmhouse and attached barn which have a somewhat mixed context. Whilst it is certainly not a remote or isolated rural farm, it does enjoy a split relationship with both undeveloped agricultural and paddock land to the immediate east and more widely to the north and west. It has a derelict appearance and shows obvious signs of needing significant restoration and repair.

Historic mapping shows that land north east of the farm complex was an orchard, but the site is to the south of this - too small to have been an agricultural enclosure and separated from surrounding land by the orchard to the north. It may have been a small kitchen garden or paddock. Housing at Springhill Cottages can be seen across the site to the south east. These modern dwellings replace a row of four modest cottages, likely farm workers cottages, which previously stood here and appearing on the 1880 and 1970s OS mapping. The Conservation Officer in his assessment of the 2020 application (DMPA/2020/0478) was of the view that the east and south east of the farm complex has less significance (unlike the paddock to the west/north west of the complex) as part of the agricultural context within which the complex sits and is experienced. To the extent to which the proposed dwelling would impact upon the context of the listed building, it is in a direction which already features nearby 20th century housing.

Thus, the approved 1.5 storey dwelling with rooms in the roof was considered to have little difference in terms of impact when compared with a traditional bungalow, and the Conservation Officer was comfortable that a dwelling of the scale and position proposed and previously approved would not be inherently harmful to the special significance of the adjacent listed buildings via their setting.

A watercourse runs through the site of the approved dwelling. This appears to run from a spring towards the private access off the turning head of Springhill, passing under it into a culvert. There has been evidence of flooding events associated with this watercourse in the past, especially so in recent years.

DMPA/2021/1263 – Spring View, Springhill, Hartshorne, Swadlincote DE11 7AH



MAPS ARE NOT TO SCALE

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

South Derbyshire District Council. LA 100019461.2020

The dwellinghouse to the south east of the site (1 Springhill Cottages) has a long rear garden and the land is set at a slightly higher level than the application site, and the land rises to this neighbouring property. The side elevation of 1 Springhill Cottages is situated some 21m (approximately) from the front corner of the new dwelling and there is approximately 26m from the proposed extension to the site boundary with no. 1.

The proposal

The proposal is to provide an extension on the north side of the approved dwelling and to make some amendments to the approved (under DMPA/2020/0478) window positions/styles. The proposed extension has been amended during the course of the application to reduce its size with the projection towards number 1 Springhill Cottages reduced, not because of the potential impact on this property, but primarily because the original proposed extension was considered to have an awkward and unacceptable visual impact resulting in a visually confusing dwelling which would have been inappropriate in its overall impact on the originally approved dwelling from 2020.

The amendment has kept the same line as the eastern projection of the dwelling. The proposal has provided an additional bedroom and a larger ground floor living area, showing a kitchen within that part. There is a gable provided which matches the size and height of the front end gable.

Applicant's supporting information

The application is supported by a Preliminary Ecological Assessment, a bat survey and a Flood Risk Assessment.

Relevant planning history

9/2013/0996: The erection of a single storey dwelling and new vehicular access - Approved.

9/2013/0998 and 9/2013/1003: Planning and listed building consent for the conversion of the farmhouse and outbuildings to provide three dwellings including demolition of associated walls and outbuildings - Approved.

DMPA/2020/0810 and DMPA/2020/0480: Planning and listed building consent for the refurbishment of the farmhouse and the conversion of outbuildings into 2 no. dwellings including demolition and rebuilding of associated walls and change of use of agricultural land to residential garden - Withdrawn.

DMPA/2020/0478. The erection of a new 2 storey dwelling and new access. Approved.

DMOT/2020/1458. Discharge of archaeology condition.

DMOT/2021/1095. Discharge of some conditions on the recent above approval. Some of these have been informally discharged and some are still being assessed and ongoing.

Responses to consultations and publicity

The County Highway Authority has no objection to the proposal.

The Environment Agency has no objection to the proposal as it is located within flood zone 1.

Derbyshire Wildlife Trust have assessed the submitted details and confirm that the proposal is not materially different to the previous proposal where they suggested imposition of appropriate conditions. The bat box proposals look acceptable, but insufficient information has been provided regarding the native hedgerow planting.

The Environmental Health Officer has no objection to the proposal and no comments to make.

The Landscape Architect has no objection to the proposal, subject to the receipt of a planting plan showing native species hedgerows, fruit trees to be planted in the garden and re-positioning of any

bat/bird boxes on the dwelling.

Hartshorne Parish Council has objected to the proposal on the basis of the potential overlooking to the adjacent neighbouring dwelling from the windows and Juliette balcony of the window facing the neighbours garden. There is no affordable housing in this proposal located in the rural area. The purpose of H26 is to allow for the provision of greater residential amenity space where that is deemed acceptable but cannot be relied upon to grant the initial planning permission. There are concerns about the increase from originally a two bedroom bungalow, changed to a three bed. What are the implications for future development in the adjacent field? The Parish Council did not receive notification of this proposal. This decision should be made by the Planning Committee.

Comments have been received from two nearby neighbours. These can be summarised as follows:-

- a) The proposal appears to be beyond the settlement boundary. Is it appropriate to extend a dwelling that is not yet built or occupied? The existing foundation pad has been pre-cast.
- b) The full height window opening and Juliette balcony gives direct views into the rear garden of the adjacent property, as do other windows. This is detrimental to the enjoyment of the dwelling and causing considerable stress and anxiety.
- c) The principle of development has not been established for a three or four bedroomed dwelling.
- d) Due to the concerns, the proposal should be assessed by the Planning Committee.
- e) There are concerns about the proximity of the building and the new extension to the adjacent paddock with grazing horses making it a danger.
- f) The boundary fence needs to be erected in the correct position to regain full use of the paddock.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

- Local Plan Part 1 (LP1): S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S6 (Sustainable Access), H1 (Settlement Hierarchy), H20 (Housing Balance), SD1 (Amenity and Environmental Quality), SD2 (Flood Risk), SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure), SD4 (Contaminated Land and Mining Legacy Issues), BNE1 (Design Excellence), BNE2 (Heritage Assets), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness), INF2 (Sustainable Transport), INF8 (The National Forest);
- Local Plan Part 2 (LP2): SDT1 (Settlement Boundaries and Development), H26 (Residential Gardens within Rural Areas), H27 (Residential Extensions and Other Householder Development), BNE5 (Development in Rural Areas), BNE7 (Trees, Woodland and Hedgerows) and BNE10 (Heritage).

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); and
- Historic England Guidance on setting of heritage assets.

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;
- Heritage impacts;

- Ecological and protected species impacts;
- Flood risk and drainage;
- Highway safety;
- Design and amenity; and
- Environmental impacts.

Planning assessment

Principle of residential development

The site straddles the settlement boundary for Hartshorne, with the approved dwelling (DMPA/2020/0478) and much of its parking and turning area falling within the confines of the settlement of Hartshorne. The balance of the garden east of the watercourse is within the rural area. On this basis, the previous application was approved. This extension would also be situated within the settlement boundary. There would be no change to the aspects of the proposal within the rural area. There would be no direct impact on the paddock land to the north side of the site boundary as a result of the extension.

It is therefore concluded that the principle of residential development has been established and the dwelling already approved within the settlement boundary. This extension is considered to comply with policies S1, S2 and H1 of the South Derbyshire Local Plan Part 1 2016 and policy H26 of the South Derbyshire Local Plan Part 2 2017.

Heritage impacts

The focus lies with the impact on the setting of the grade II listed Spring Farm, associated farm buildings and its former garden. Consideration of the impact on the heritage asset and what public benefits arise from the proposal is required.

The Conservation Officer had no objection to the previously approved scheme (DMPA/2020/0478) and recommended imposition of conditions to limit inappropriate extensions. There were concerns raised about the original proposal as not befitting the approved design, although even this would not have resulted in any notable adverse effect on the special architectural or historic significance of the farmhouse complex. It is considered that the amended scheme, being in proportion to the approved dwelling, achieves a good quality of design and would avoid any harmful impacts on the setting of the neighbouring listed agricultural complex. The proposal would 'preserve' the setting of the grade II listed agricultural complex and is considered to achieve a standard of 'good design' as advocated within the NPPF. It is considered appropriate to impose further permitted development restriction conditions on the new dwelling if approved.

As to archaeological impacts, the previous comments from the Development Control Archaeologist against the 2013 application were noted when the dwelling was approved. The medieval origins of the property and the proximity to a further farmstead and Hartshorne itself are all indicators of an elevated potential for interest of a local level. The previously requested condition is therefore considered to be reasonable and proportionate, in line with the provisions of policies BNE2 and BNE10 and the NPPF.

It is noted that the setting of the adjacent listed building is important, as is the desire under policy H26 to minimise domestication of the countryside, so a condition to remove permitted development rights also for outbuildings and hardstandings is justified.

Ecological and protected species impacts

The Wildlife Trust raises no objection, subject to conditions to protect nesting habitat during construction and to secure a scheme of biodiversity mitigation and enhancement. The proposed development is considered unlikely to result in a significant ecological impact, although there will be some loss of biodiversity here. Through use of conditions so as to preserve what can be retained and to ensure new planting uses native species, prior to occupation, along with incorporation of physical

features for bats etc, it is considered the proposal can secure a net gain.

Flood risk and drainage

A watercourse runs through the site for the approved dwelling. This appears to run from a spring towards the private access off the turning head of Springhill, passing under it into a culvert. There has been evidence of flooding events associated with this watercourse in the past, especially so in recent years. However, given levels slope toward the watercourse and to the south, the Flood Risk Assessment determines the risk to the proposed dwelling as low. Surface water run-off from hard surfaces created by the development is to be controlled by appropriate techniques, and foul water drained to the mains sewer. Severn Trent Water Limited previously raised no objection to the 2013 application, and on balance, whilst the localised flooding is noted, it is not considered this development would materially alter such occurrences. It is also not considered necessary to condition a foul water solution given the intention to connect to the mains under the Water Act provisions. It is therefore considered that the proposal would comply with policy SD3 of the South Derbyshire Local Plan Part 1 2016.

Highway safety

The creation of a new access to Springhill was noted to be below expected standards in the 2020 approval. Whilst the Highway Authority raised concerns that visibility cannot be achieved in the same manner as the 2014 permission, they were aware that the land to the west was within the same ownership. A condition was imposed to secure visibility, as per the 2014 permission. This extension would not change or alter those arrangements. The impact on the highway network is comparable to that envisaged previously and conditions can ensure this, along with the provision of suitable parking and turning space prior to occupation. The Highway Authority has no objection to the extended dwelling proposal. It is therefore considered that the proposal would not result in a detrimental impact on highway safety and complies with policy INF2 of the South Derbyshire Local Plan Part 1 2016 and the NPPF.

Design and amenity

The proposed dwelling was considered acceptable in 2020. This extension has gone through some iteration during the process of the application. Amendments have been secured to reduce the impact on the appearance of the original, approved dwelling. It is considered that the amendments have secured a proposal which is proportionate to the original building and provides an extension which retains the 'L' shape of the original, approved dwelling, instead of having the projection at the northern end. This is considered to appear more visually pleasing and represents a reasonable extension of the dwelling.

In terms of affecting the amenity of the adjacent dwelling, it would not bring the development any closer to number 1 Springhill Cottages than the gable end of the approved dwelling. Although there would be a new first floor bedroom window which looks towards this cottage, it is considered the distance of 26m (approximately) to the site boundary would not result in any significantly detrimental impact on the residential amenities of the occupants of 1 Springhill Cottages which would justify refusal. There is a Juliette balcony, but this would not result in any greater detrimental effects than a normal bedroom window and is therefore considered acceptable. The proposal would therefore be considered to comply with policies BNE1 and SD1 of the South Derbyshire Local Plan Part 1 2016.

Environmental impacts

Although this was not included on the previous approval in 2020, it is suggested to impose a condition requiring the provision of an electric vehicle charging point to provide opportunity for future occupiers to charge their electric cars. This is a recent requirement for new dwellings within the District in accordance with the Climate Change Emergency.

Other issues

Comments have been raised about the foundation pads for the development and whether an extension to these could be adequately constructed. This is a matter that would be dealt with through the Building Regulations to ensure that the extension would be constructed safely.

Conclusions

The proposed extension to the dwelling is considered acceptable and it is recommended that planning permission be granted subject to the imposition of appropriate 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

Approve subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following documents and plans:

Application form received 10th August 2021;
Bat survey received 10th September 2021;
Preliminary Ecological Appraisal 10th September 2021;
Proposed Elevations and Floor Plans drawing No.5200/602A received 15th November 2021;
Location Plan drawing No. 5200/605B received 14th February 2022;
Proposed Block Plan drawing No. 5200/604A received 14th February 2022;
Site Layout Plan drawing No. 5200/603B received 14th February 2022; and
Drainage Plan drawing No. 5200/403D received 15th February 2022.

unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

Reason: For the avoidance of doubt and in the interests of achieving sustainable development.

2. No removal of trees, hedges or shrubs shall take place between 1st March and 31st August inclusive unless a survey to assess the nesting bird activity on the site during this period and a scheme to protect the nesting birds has first been submitted to and approved in writing by the local planning authority. Thereafter, no trees, hedges or shrubs shall be removed between 1st March and 31st August inclusive other than in accordance with the approved bird nesting protection scheme.

Reason: In order to safeguard protected and/or priority species from undue disturbance and impacts.

3. The development shall be carried out in accordance with the principles and recommendation outlined within the Flood Risk Assessment dated July 2020 (ref. 20800-01-FRA-01 REV. A) approved as part of DMPA/2020/0478; prepared by Mewies Engineering Consultants Ltd, as clarified/updated by emails dated 14th and 20th October 2020, and DEFRA non-statutory technical standards for sustainable drainage systems (March 2015) (or any successor technical standards). The approved drainage system shall be implemented and fully operational prior to the first occupation of the dwelling.

Reason: To ensure that the principles of sustainable drainage are incorporated into the development, so to ensure flood risk is not increased on or off the site.

4. The development shall take place in accordance with the approved WSI submitted as part of application DMOT/2020/1458 and shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the approved WSI and the provision to be made for publication and dissemination of results and archive deposition has been secured.

Reason: To enable potential archaeological remains and features to be adequately recorded, in the interests of the cultural heritage of the District.

5. No other operations shall commence on site until a new vehicular and pedestrian access has been formed to Springhill and provided with a sightline of 20m to the west, measured to the nearside edge of the carriageway, as measured from a point located centrally and 2m back into the access; in accordance with the scheme submitted on drawing 5200/403 rev C received 9th July 2021 as part of application DMOT/2021/1095. The area within the sightlines shall thereafter be kept clear of any object greater than 1m in height (0.6m in the case of vegetation) above the nearside carriageway channel level.

Reason: To ensure safe and suitable access for all users, in the interests of highway safety.

6. Prior to the completion of the development, a scheme of biodiversity mitigation and enhancement shall be submitted to and approved in writing by the local planning authority. The scheme shall, as a minimum, include the incorporation of bat roost features on the building and the planting of native hedgerow within the site. The approved scheme shall be implemented so that physical measures are incorporated before the first occupation of the dwelling and thereafter retained and maintained in situ for the lifetime of the development.

Reason: In order to safeguard and enhance habitat on or adjacent to the site in order to secure an overall biodiversity gain.

7. Prior to the occupation of the dwelling, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. Details of soft landscaping should evidence compliance with British Standard (BS) 3936: 'Part 1 - Specification for trees and shrubs', BS3969 - 'Recommendations for turf for general purposes' and BS4428 - 'Code of practice for general landscape operations (excluding hard surfaces)'. All hard landscaping shall be carried out in accordance with the approved details prior to occupation of the dwelling, whilst all planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling or the completion of the development, whichever is the sooner; and any plants which within a period of five years (ten years in the case of trees) from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the local planning authority gives written consent to any variation.

Reason: In the interest of the visual setting of the development and the surrounding area.

8. Prior to the construction of a boundary wall, fence or gate, details of the position, appearance and materials of such boundary treatments shall be submitted to and approved in writing by the local planning authority. Any gates shall be set back at least 5.5m into the site and open inwards only. The boundary treatments shall be completed in accordance with the approved details before the dwelling is first occupied or in accordance with a timetable which shall first have been submitted to and approved in writing by the local planning authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, no further boundary treatments shall thereafter be erected without the permission of the local planning authority pursuant to an application made in that regard.

Reason: In the interests of the character and appearance of the area, in particular to maintain the setting of the heritage assets and rural context as secured under the plans hereby approved, and in the interests of highway safety.

9. Prior to their incorporation in to the dwelling hereby approved, details of the external appearance of eaves, verges, cills and headers shall be submitted to and approved in writing by the local planning authority. The details shall include drawings to a minimum scale of 1:20. All verges shall be finished in a mortar finish. There shall be no use of dry verge (cloaking tile) systems. The eaves, verges, cills and headers shall be constructed in accordance with the approved drawings and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, there shall be no later installation of a dry verge system.

Reason: In the visual interest of the building and local distinctiveness.

10. Gutters and downpipes shall have a black finish and be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

Reason: In the visual interest of the building and local distinctiveness.

11. All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be located inside the buildings unless alternative details are first submitted to and approved in writing by the local planning authority; whilst prior to their installation, details of the type, number, position and finish of heating and ventilation flue outlets shall be submitted to and approved in writing by the local planning authority. All approved details shall be incorporated into the development.

Reason: In the visual interest of the building, the significance of the heritage assets and the surrounding area.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, the dwelling hereby permitted shall not be enlarged or extended, and no buildings or hard surfaces (except as authorised by this permission or allowed by any condition attached thereto) shall be erected/installed on the site without the prior grant of planning permission pursuant to an application made to the local planning authority in that regard.

Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, in particular to maintain the setting of the heritage assets and rural context as secured under the plans hereby approved.

13. Prior to the first occupation of the dwelling, space shall be provided for the parking of no less than three vehicles associated with that dwelling in accordance with the approved plans, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, such space shall be maintained throughout the life of the development free of any impediment to its designated use.

Reason: To ensure adequate parking and turning provision, in the interests of highway safety.

14. The dwelling shall be constructed and fitted out so that the estimated consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day, consistent with the Optional Standard as set out in G2 of Part G of the Building Regulations (2015). The developer must inform the building control body that this optional requirement applies.

Reason: To ensure that future water resource needs, wastewater treatment and drainage infrastructure are managed effectively, so to satisfy the requirements of policy SD3 of the Local Plan.

15. Prior to the first occupation of the dwelling hereby approved, provision shall be made within the development for a re-charge point for electric vehicles. The charging point shall be provided with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. This socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be first submitted to and approved in writing

by the local planning authority. The electric vehicle charging point shall be provided in accordance with the stated criteria prior to the first occupation or use of the dwelling and shall thereafter be maintained in working order and remain available for use throughout the life of the development.

Reason: In the interests of protecting and enhancing air quality through reducing and minimising emissions from vehicles.

16. The facing materials to be used shall be as agreed as part of DMOT/2021/1095, the Ibstock Birtley Old English Blend bricks. Details of the roofing materials shall be submitted to the local planning authority and agreed in writing prior to their incorporation into the development. The development shall be completed in accordance with the approved details.

Reason: To maintain the visual and environmental quality of the site and surrounding area.

Informatives:

- a. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport and Communities at County Hall, Matlock regarding access works within the highway. Information and relevant application forms, regarding the undertaking of access works within highway limits, are available via the County Council's website www.derbyshire.gov.uk, email Highways.Hub@derbyshire.gov.uk or telephone 01629 533190.
- b. The applicant/developer's attention is drawn to the comments of the Lead Local Flood Authority (Derbyshire County Council Flood Risk Team) dated 8 November 2020 available at <http://planning.southderbyshire.gov.uk> under the application reference number DMPA/2020/0478.
- c. The Highway Authority recommends that the first 5m of the proposed access/driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel, etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the landowner.
- d. The application site is affected by a Public Right of Way (Footpath 38 in the parish of Hartshorne as shown on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Please note that the granting of planning permission is not consent to divert or obstruct a public right of way. For further information, contact Derbyshire County Council (01629 533190) and ask for the Rights of Way officer.