
Delegated report Officer: Leah McGuinness

Application ref. DMPA/2021/1710

Outline application (matters of access, layout and scale to be considered now with matters of appearance and landscaping reserved for later consideration) for the erection of one single storey dwelling at 8 Mill Close, Midway, Swadlincote, DE11 7NU

Valid date: 08/11/2021

Consults expired: 02/11/2022

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

N/A

Responses to consultations and publicity

Highway Authority

No objection subject to conditions.

The Coal Authority

No objections

Public Right of Way

The Rights of Way Section has no objection to the proposals as it appears that the routes will be ultimately unaffected by the proposed works. I should be grateful however if you would advise the applicant as follows: -

- The footpaths must remain open, unobstructed and on their legal alignments.
- There should be no disturbance to the path surfaces without prior authorisation from the Rights of Way Section.
- Consideration should be given to the safety of members of the public using the paths during the works. A temporary closure of paths will be permitted on application to DCC where the path(s) remain unaffected on completion of the development.
- There should be no encroachment of the paths, and no fencing should be installed without consulting the Rights of Way Section.

Derbyshire Wildlife Trust

No objection subject to suggested condition.

Severn Trent

No objection.

Environmental Health

No concerns. The development location is within a buffer zone of known previous contaminative uses, but the surrounding area has been thoroughly developed which suggests that there are no significant risks and the nearest contamination point or polygon is 200m away.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

- Local Plan Part 1 (LP1): S2 (Presumption in Favour of Sustainable Development), S6 (Sustainable Access), H1 (Settlement Hierarchy), SD1 (Amenity and Environmental Quality), SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure), SD4 (Contaminated Land and Mining Legacy)

Issues) BNE1 (Design Excellence), BNE4 (Landscape Character and Local Distinctiveness) and INF2 (Sustainable Transport)

- Local Plan Part 2 (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:

- Principle of Development
- Access & Highway Safety
- Scale & Design
- Neighbouring Amenity
- Coal Mining Risk

Planning assessment

Principle of development

The site is located within the settlement boundary of the Swadlincote urban area, as identified by Policies H1 and SDT1. The site is within a built-up residential area, with neighbouring dwellings at the side and rear. The principle of the proposed development for the erection of a single dwelling on undeveloped garden land to the rear of No. 8 is considered to be acceptable, appropriate development as it is compliant with Policies H1 and SDT1 (i.e. new development within the settlement boundary, where development of all sizes within the settlement boundary is considered appropriate in principle).

Access & Highway Safety

Matters regarding access is sought at this stage. The County Highways Officer was consulted on the site's proposed access and have raised no objections subject to conditions including the submission of a Construction Management Plan and parking and access to be permanently maintained.

Vehicle movements generated by the proposal are unlikely to have a noticeably negative impact on the capacity of the wider highway network, with the proposal being for a single dwelling only. As such, the access and parking proposed is considered suitable to facilitate a new dwelling on the site and would not adversely impact on highway safety to a point where it would reasonably justify refusal of the application. The proposal is therefore considered to comply with the requirements of Policy INF2 and the NPPF.

Layout and Scale

This application seeks to consider the layout and scale of the proposed development also. Policy BNE1 expects all new development to be well designed, embrace the principles of sustainable development, encourage healthy lifestyles and enhance people's quality of life. The SPD supports this policy with further detail. The site plan submitted with the application demonstrates the proposed bungalow can be accommodated within the site without it appearing cramped. The surrounding properties within Mill Close and Eureka Lodge Gardens to the west of the site consist of pitched roof, similarly sized bungalows, meaning the proposed dwelling would be in keeping with the character and appearance of the surrounding area. Ample space is provided for parking as well as a garden area and overall the dwelling is considered to fit well within the context of the site and would meet the requirements of BNE1 and SD1 of the Local Plan.

Neighbouring Amenity

Policy SD1 supports development that does not lead to adverse impacts on the environment or amenity of existing and future occupiers. Policy BNE1 requires development to not cause demonstrable harm to

neighbouring amenity. Whilst a detailed assessment will be carried out the reserved matters stage, it is necessary establish the scope for the proposal development to achieve a satisfactory impact on neighbouring properties. The proposed dwelling will be single storey so any overbearing impact on neighbouring properties would be minimal. Whilst the layout appears to be acceptable for a single storey dwelling, at reserved matters stage the assessment of all windows for habitable rooms will need to be assessed ensuring the amenities of neighbours are preserved. It is clear at this stage that only a single storey dwelling would be acceptable in this location, and therefore a condition will be attached to ensure that it will remain single storey with no windows proposed above ground floor level for lifetime of the development. In terms of future occupiers, a sufficient garden area has been provided along with ample parking within the site. Overall, from the details provided, the proposal appears to be sufficient to comply with BNE1, SD1 and the Design SPD

Coal Mining Legacy and Contaminated Land

The most applicable policy in this case is SD4 of the LP1. The site is located in a contaminated land buffer zone and within a coal mining risk area and as such due to the proposed sensitive residential end of use it is important that adequate survey work is undertaken to establish if it is suitable for the site to be used for the proposed purpose with regards to contaminants and pollutants. A Coal Mining Risk Assessment was provided and The Coal Authority raised no objection as the findings concluded the risk posed to the proposed mining legacy are very low to negligible. Environmental Health have raised no concerns due to the surrounding area being well developed which suggests that there are no significant risks and the nearest contamination point or polygon is 200m away. Therefore the proposed development would comply with Policy 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:	14/12/2022
Report agreed:	24/02/2023
Authorised officer:	Steffan Saunders
