

Delegated officer's report	Officer: KMM
Application ref. 9/2018/1026	
OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS AND LAYOUT TO BE RESERVED) FOR THE PROPOSED DEMOLITION OF EXISTING BUILDINGS TO THE BUILDERS YARD AND RESIDENTIAL RE DEVELOPMENT OF THE SITE WITH THREE SINGLE STOREY DWELLINGS AND GARAGES AT BUILDERS YARD TO THE REAR OF 33 HARTSHORNE ROAD WOODVILLE SWADLINCOTE	
Valid date:	17/09/2018
Consults expired:	21/01/2018
EIA development?	☐ Yes ☒ No
Habitats development?	☐ Yes ☒ No

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

Responses to consultations

County Highways Authority – The application appears to be the same as submitted under reference 9/211/0565 which received no highway objections. As there appears to be no alterations to the revised layout submitted in the previous application, it is considered that there remain no highway objections to the current proposal subject to planning conditions.

Coal Authority – The Coal Authority previously raised concerns. However, following the submission of a more robust Coal Mining Risk Assess the Coal Authority has withdrawn their earlier objection to the application.

Environmental Health/Contaminated Land Officer – There have been concerns raised with respect to contaminated land. Records indicate that the site is located in an area of previously filled ground of unknown constituents, and within influencing distance of several potential sources of ground contamination as a result of the areas historical industrial uses. On the basis of this, it is requested that a condition is attached to a decision for a scheme to prevent and control contamination to be submitted and approved by the Local Planning Authority prior to the commencement of the development.

Development Control Archaeologist – The proposed works would have no archaeological impact.

Severn Trent – No comments received.

Responses to publicity

Woodville Parish Council – The Parish Council objects to the development on access and Highways grounds, especially with regard to the development having access on Hartshorne Road adding to traffic and congestion.

Planning history

9/2010/0782: Outline application (all matters to be reserved except for access) for the residential development – Withdrawn October 2010

9/2011/0565 - Outline application (landscaping only as a reserved matter) for residential development – Approved with conditions

Development Plan Policies

The relevant policies are:

2016 Local Plan Part 1: S1 (Sustainable Growth Strategy), 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), BNE2 (Heritage Assets), INF2 (Sustainable Transport) and INF8 (The National Forest).

2017 Local Plan Part 2: SDT1 (Settlement Boundaries and Development).

National Guidance

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

Local Guidance

South Derbyshire Design Guide 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 of Development;
- Impact on Amenity and Visual Amenity;
- Highways Issues; and
- Other.

Planning Assessment

Principle of Development

The site is located within the Swadlincote Urban Area and the principle of the erection of dwellings within this site would be suitable as this would be contained within the urban area and would not encroach out into the open countryside.

In addition, outline consent was granted under reference 9/2011/0565 for the erection of three dwellings on the site. The current application is a resubmission of this previous application.

Impact on Amenity

Outline consent is sought for the erection of three, single storey dwellings with matters of appearance, landscaping and scale to be reserved. The proposed layout plan shows that the proposed dwellings could be accommodated within the site and would comply with the minimum separation distances as contained within the Council's Design Guide SPD. Whilst the

scale of the proposed dwellings would be assessed as a reserved matter, the proposed development description would limit the proposed dwellings to one storey in height, of which this could be conditioned as part of the application. There would be very little wider visual impact from the proposed dwellings and they would be limited to single storey and would be set behind existing two storey dwellings which would obscure them from the street scene. On the basis of this, it is not considered that the proposed dwellings would create a harmful impact on the amenity of local residents and would not have a harmful visual impact and would comply with policies BNE1 and SD1 of the Local Plan and the South Derbyshire Design Guide SPD.

Highways Issues

There have been concerns raised by the Parish Council with regard to the use of the proposed access and the congestion of additional vehicles parking at the site. The proposed layout plan shows the capacity within the site to accommodate up to two car parking spaces for each dwelling and the required visibility splays could be accommodated at the point of access. On the basis of this, the proposed works would comply with policy INF2 and would provide a safe and suitable access as well as sufficient parking to serve the proposed development.

Other

There have been no objections raised by the Development Control Archaeologist as it is not considered that the works would have any archaeological impact.

Recommendation

- ☐ Approve without conditions
- ☒ Approve subject to conditions
- ☐ Approve subject to conditions and planning obligation
- ☐ Refuse

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).

Recommendation made:	26/02/2019	
Recommendation agreed:	28/02/2019	Agreed by: RES