

Item **1.2**

Ref. No. **9/2018/1069/FM**

Applicant:
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C/O Planning Prospects Ltd

Agent:
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Proposal: **REPLACEMENT DWELLING, NEW AND ALTERED ACCESS,
GARAGE AND ASSOCIATED LANDSCAPING AT CORONATION
VILLA CHURCH STREET NETHERSEAL SWADLINCOTE**

Ward: **SEALES**

Valid Date **03/10/2018**

Reason for committee determination

The item is presented to Committee as the application does not strictly accord with the Council's relevant Local Plan policy.

Site Description

The site is located outside of the village of Netherseal and consists of one detached two storey dwelling house with an established access and extensive garden area to the rear. The existing dwelling is set back behind a well maintained hedgerow. The site is located on fairly flat land and is highly visible on the approach into the village and the Conservation Area.

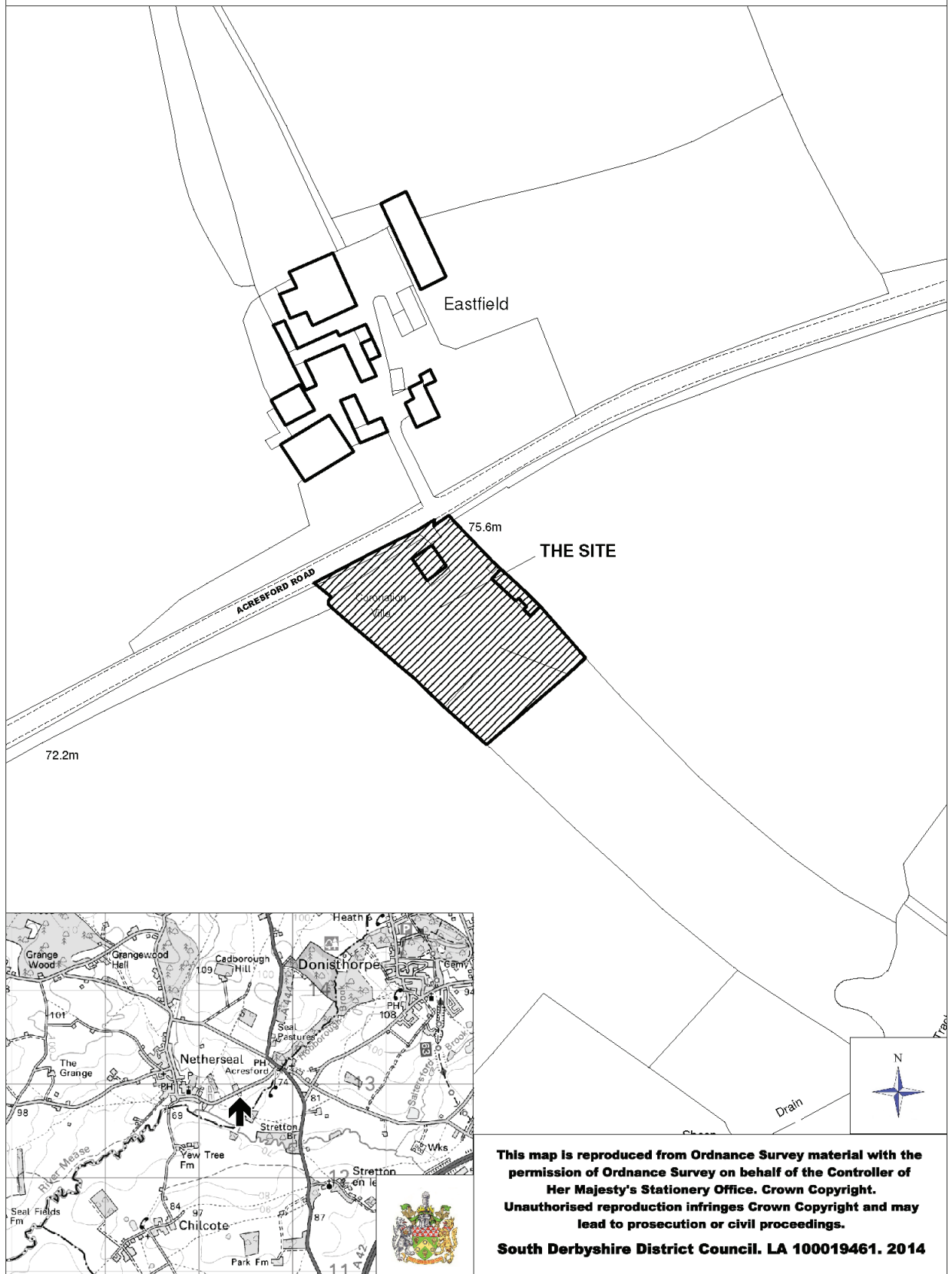
Proposal

Consent is sought for the demolition of the existing dwelling and the erection of a two storey replacement dwelling with a garage. A separate access would be created to be used in addition to the existing access to create a separate entrance and an exit at the site. The proposed dwelling would be set further back into the site than the existing dwelling and would be two storeys in height.

Applicant's supporting information

Design and Access Statement

9/2018/1096 - Coronation Villa, Church Street, Netherseal, Swadlincote
DE12 8DF



The locality is defined by rural characteristics and predominantly red clay and sandstone with predominantly pitched roofs of around 45-55 degrees. An effort has been made to incorporate characteristics and features from the Conservation Area into the proposed dwelling. The existing dwelling could be extended under permitted development to a similar size and scale as the proposed dwelling. On the basis of this, the proposed dwelling would be suitable in terms of size, scale and appearance.

Foul and Surface Water Drainage Strategy

The proposed application allows the opportunity to improve the existing foul and surface water drainage at the site, of which the foul water currently discharges to an outdated septic tank and surface water currently discharges to a nearby watercourse. The proposed works seek to separate the foul and surface water drainage and for the foul water to be discharged to sewage treatment plant which will ensure that the phosphate levels when discharging to the Mease would be lower than 2Mg/l and the surface water would be discharged using soak away options. This would substantially improve the current drainage arrangements at the site.

Construction Management Plan

A temporary bund to a height of 0.5m in height shall be erected along the southern border of the site to act as a physical barrier to encapsulate and remove any potential for surface water exiting the site during the construction period. All materials and liquid storage shall be stored on an impermeable surface with drip trays to avoid materials and liquids going to ground.

Planning History

There is no relevant planning history.

Responses to Consultations

The County Highways Authority has raised no objections to the proposal subject to the inclusion of conditions that the proposed vehicular access shall be created in accordance with the approved plans and that the proposed parking area is laid out in accordance with the approved plans.

There have been no objections raised by Natural England provided that details of surface water drainage would be conditioned in accordance with the submitted details and that the works would be carried out in accordance with the submitted Construction Management Plan.

There has been no response received from Severn Trent.

Responses to Publicity

There have been no letters/emails of objection received for the application.

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), BNE1 (Design Excellence), BNE2 (Heritage Assets), BNE4 (Landscape Character and Local Distinctiveness), INF2 (Sustainable Transport) and INF8 (National Forest).
- 2017 Local Plan Part 2: SDT1 (Settlement Boundaries and Development), H24 (Replacement Dwellings in Rural Areas), H26 (Residential Gardens within Rural Areas), BNE5 (Development in Rural Areas), BNE7 (Trees, Woodland and Hedgerows) and BNE10 (Heritage).

National Guidance

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

Local Guidance

- South Derbyshire Design SPD
- Netherseal Conservation Area Character Statement

Planning Considerations

The main issues central to the determination of this application are:

- Principle of Development;
- Siting of the proposed dwelling;
- Visual Impact and size and scale;
- River Mease; and
- Highways.

Planning Assessment

Principle of Development

Whilst the site is located outside of a designated settlement boundary for Netherseal, there is scope within policy H24 of the Local Plan for the demolition of an existing dwelling and the erection of a replacement dwelling. This would be provided that the proposed dwelling would not overly exceed the existing dwelling in size and bulk (including what could be extended under permitted development), that it would not be intrusive into the landscape and that the existing dwelling would not be of historic merit. On the basis of this, the proposed replacement dwelling would be broadly supported in principle by this policy.

Siting of the proposed dwelling

The proposed dwelling would be set further back into the site than the existing dwelling. Whilst it is acknowledged that this would not strictly accord with policy H24 of the Local Plan in that the proposed dwelling would not have substantially the same siting as the existing dwelling; it has been demonstrated by the applicant that the revised position of the proposed dwelling would have a more beneficial visual appearance and would improve the exiting access arrangement at the site. The revised position of the dwelling would also reduce the visual impact and dominance of the dwelling on the surrounding area and street scene.

Amended plans have been submitted which show the position of the proposed garage stepped back from the front building line and would be positioned along the side of the property. This would have a positive visual impact in that it would break down the continuous front building line of the proposed dwelling and it would appear less dominant when viewed from the highway.

The setting back of the proposed dwelling from the frontage would be more typical of the character of rural properties and would allow a larger degree of landscaping to the front which would soften the appearance of the proposed dwelling and would not be intrusive in the landscape. Therefore, the benefits that could be achieved by the alternative position of the proposed dwelling would be consistent with the principles of policy BNE1 and BNE4 of the Local Plan and would outweigh the deviation from the wording of the policy.

Visual Impact and size and scale

The proposed dwelling would be two storeys in height with an attic within the second floor. The proposed dwelling would be similar in terms of the footprint and scale of the existing dwelling when extended within its full permitted development rights. On the basis of this, the proposed dwelling would accord with the requirements of policy H24 of the Local Plan in that the size of the proposed dwelling would not exceed the size and bulk of the existing dwelling when extended through permitted development.

The proposed dwelling would be highly visible on the approach into the village of Netherseal via Acresford Road and into the Netherseal Conservation Area. The proposed dwelling has incorporated architectural features that are reflective of the key focal buildings within the Conservation Area and therefore, the proposed dwelling would make a positive contribution to the site and surrounding area. The stepped back appearance of the dwelling back from the highway would not be more intrusive into the landscape than the existing dwelling owing to the extent of landscaping that would be proposed to the front and would assist with allowing greater separation between the highway and the proposed dwelling which would lessen the visual impact of the dwelling. The site already benefits from extensive residential curtilage and the stepping back of the dwelling would therefore, not result in further residential encroachment out into the open countryside to the rear.

There is currently a modest hedgerow to the front of the property that is maintained. A substantial amount of this hedgerow would be removed to accommodate the visibility splay and the proposed plans and visuals show that the hedgerow would be replanted to the front and set further back into the site. This would mean that the

hedgerow would be replanted in line with the field hedgerows adjacent to the site and would have a positive visual impact. A condition would be attached for details of the proposed landscaping and the hedgerow replanting, to ensure that the extent of landscaping to the front of the proposed dwelling would be suitable and that there would be no urbanising visual impact.

River Mease

The proposed development would consist of a replacement dwelling; there would be no increase in the number of units on the site and the proposed foul water would be discharged via a modern package treatment plant system. There would be no increase in the number of dwellings discharging foul water from the site and there would be no net increase in the level of harm to the River Mease. On the basis of this, there would be no obligation for the applicant to enter into a Unilateral Undertaking in accordance with the River Mease Developer Contribution Scheme.

The proposed surface water drainage for the site would be discharged through a soakaway system. A planning condition would be attached for formal details of the surface water drainage to be submitted as well as a condition for the works to be carried out in accordance with the submitted Construction Management Plan, as this would ensure that there would be no harmful impact on the River Mease during the construction period.

Highways

There have been no objections raised by the County Highway Authority subject to conditions that the proposed access and parking area shall be constructed in accordance with the plans that have been submitted to ensure that the correct visibility splays can be accommodated. The additional access would be considered to improve the access arrangements at the existing property and ensure a safer entrance and exit to the site than the existing arrangement. The proposal would therefore, comply with policy INF2 of the Local Plan.

Conclusion

The proposed replacement dwelling would result in the erection of a dwelling that would be reflective of the local character and vernacular and would be re-positioned to a more suitable location within the site to reduce the dominance of the dwelling within the wider area. It is therefore, recommended that the proposed replacement dwelling would be approved subject to 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.

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with plan(s)/drawing(s) ref. PL001 Rev B, PL002 Rev C, PL003 Rev B, PL004 Rev B, PL005 Rev A, PL006 Rev A, PL007 Rev A, PL008 Rev A, PL009 Rev B, PL010 Rev A, PL011 Rev A, PL0012 Rev A and the submitted Construction Management Plan received on 3rd December 2019, unless as otherwise required by condition attached to this permission or allowed by way of an approval of a non-material minor amendment made on application under Section 96A of the Town and Country Planning Act 1990 (as amended).

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

3. Prior to the commencement of the laying/installation of any services, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).

Reason: To protect the amenities of adjoining properties and the locality generally.

4. Prior to the installation/laying out of any services, details of a scheme for the disposal of surface water shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.

Reason: To ensure that it is possible to incorporate important flood avoidance features including construction levels before the development begins in the interests of flood protection.

5. Prior to their incorporation into the buildings, to which this permission relates, precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

Reason: To safeguard the appearance of the existing building and the locality generally.

6. Prior to the proposed dwelling being occupied, a new vehicular and pedestrian access shall be created to Acresford Road in accordance with the application drawings, laid out, constructed and maintained throughout the life of the development free from any impediment to its designated use.

Reason: In the interest of highway safety.

7. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of resident's vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason: In the interest of highway safety.

8. All hard and soft landscaping works, including the extent and type of hedgerow replanting shall be carried out in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of any part of the development in accordance with the approved details.

Reason: In the interests of the appearance of the area.

9. Notwithstanding any details submitted or 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 shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatments shall be completed in accordance with the approved details before the dwelling/building(s) are first occupied.

Reason: In the interests of the appearance of the area.

10. No gates shall be erected within 5m. of the highway boundary and any gates elsewhere shall open inwards only.

Reason: In the interests of highway safety.

Informatives:

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority. Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com.
2. This application has been screened for an appropriate assessment given its proximity to the River Mease SAC.