
Delegated report Officer: Teresa Turner

Application ref. DMOT/2019/1129

Non-material amendment to permission ref. 9/2018/1221 to amend positioning of down pipes at Coopers Arms, Weston Hall Drive, Weston on Trent, Derby, DE72 2BJ

Valid date: 30/09/2019

Consults expired: 28/10/2019

EIA development? No

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

Relevant planning history

9/2018/1221 – Reroofing of existing slate roof with plain clay tiles and external alterations – granted with conditions on 03/01/2019. Approved drawing 00149-PL14 (Proposed Elevations) shows proposed works to existing down pipes however the wording of the ‘rainwater goods’ condition (11) does not allow for the current proposals to be discharged.

DMPA/2019/1121 – Listed Building Consent for the amendment of rainwater goods – valid application received 27/09/2019 which is currently under consultation. The Conservation Officer has visited the site to discuss this proposal and comments have been received advising that the proposal would be considered acceptable.

Responses to consultations and publicity

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

- 2016 Local Plan Part 1: Policy S2 (Presumption In Favour of Sustainable Development), Policy SD1 (Amenity & Environmental Quality), Policy BNE1 (Design Excellence), Policy BNE2 (Heritage Assets)
- 2017 Local Plan Part 2: 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)

Planning considerations

Unlike section 73 of the Town and Country Planning Act 1990, which only allows a Local Planning Authority (LPA) to vary or remove planning conditions; section 96A allows an LPA to make a change to any planning permission if they are satisfied that the change is not material.

Nature of amendment(s)

This application seeks to amend the following:

- Existing downpipe 3 on the southwest elevation to be moved around the corner to the south east elevation to run down the edge of the gable adjacent to the quoins; and

- Existing downpipe 2 on the north east elevation to be moved around the corner to the south east elevation to run down the opposite edge of the same gable (as above).

Planning assessment

The previous routes of rainwater-goods discharged water onto structures at ground floor level which had in turn been affected by leaks including the roof of a conservatory and a flat roofed terrace deck which serves as the roof of a semi-basement beneath.

The main justification is to move water outlets away from elements of the building which have proven vulnerable to water ingress in the past, and whilst those components of the building are not its oldest or most significant, water penetration into them in future could easily impact upon adjacent fabric which is of significance.

Whilst the downpipes would be repositioned into the gable which faces towards the approach along Weston Hall Drive the views of the building from along the drive are not extensive, the building coming into view relatively late along the approach such that the presence of downpipes would not be considered to impact upon an elevation which benefits from extensive views along the approach to the site and the downpipes would not impinge upon the architectural significance of the building facades.

The proposed amendments to the rainwater goods would be considered to result in an acceptable design outcome that would not harm the setting of the listed building and the impacts on adjoining and surrounding residential amenity have not been increased. As such, the amendments to the previously approved scheme (9/2018/1221) would be considered to be non-material and acceptable in planning terms.

Recommendation

Approve

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:	28/10/2019
Report agreed:	28/10/2019
Authorised officer:	Tony Sylvester
