
Delegated report Officer: Richard McMichael

Application ref. DMPA/2021/1564

Existing building used in association with cattery to be converted into 1 bed dwelling. Unnamed Road From Twyford Road To Buckford Lane, Stenson, Derby, DE73 7GB

Valid date: 12/10/2021

Consults expired: 01/12/2021

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

9/2011/0645 – The erection of a dog boarding facility. Approved, September 2011.

9/2008/1102 – The change of use of garage to cattery, the erection of a garage and the erection of two stables with the installation of a velux window. Approved, January 2009.

Responses to consultations and publicity

Environmental Health – No objection, subject to pre-commencement contamination survey condition.
County Highways Authority – No objection.

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), 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), BNE5 (Development in Rural Areas), H28 (Residential Conversions)

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
- Design
- Neighbour amenity

- Highway safety
- Contamination

Planning assessment

Principle of development

The application site is located outside of any settlement boundary, as defined by Policy SDT1 and therefore constitutes development within the rural areas/countryside. Here, Policy BNE5 governs the appropriateness, or not, of housing proposals with allowance for development which is allowed for by Policy H28, which covers residential conversions.

Policy H28 states that the conversion of a building to provide residential accommodation outside of settlement boundaries will be permitted, provided the building is of a permanent and substantial construction, is suitable for conversion without extensive alteration, rebuilding and/or extension, and that it should result in the enhancement of the building's immediate setting.

When assessing the existing elevations and floor plans, the proposal is considered to meet these criteria. Therefore, the principle of development is considered acceptable and accords with policies BNE5 and H28.

Design

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 only external changes proposed are to change the glazing type of two first floor front elevation windows and one first floor side elevation window to obscure glazing and to incorporate two rooflights into the front roof slope of the building. Therefore, there will be no adverse impact on the appearance of the site or surrounding agricultural character of the area, as a result of the conversion. The proposal is thus considered to comply with Policy BNE1 and the SPD in relation to its design.

Conditions shall be included in any given permission removing permitted development rights for extensions and alterations to the proposed dwelling, as well as seeking details of hard and soft landscaping. This will allow the Local Planning Authority to maintain control over the appearance of the dwelling.

Neighbour 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.

When assessing the impact on the neighbouring dwelling to the north west and north east, it has to be taken into account that no changes are proposed to the building envelope and that any existing views from first floor windows will now be further impaired by the proposal to change these to obscure glazing.

As such, it is considered that a dwelling could be achieved on the site that would not demonstrably impact the residential amenities of neighbouring properties, that surround the site and therefore the proposal is compliant with policies SD1, BNE1 and the minimum distances as set out in the SPD.

Highway safety

Vehicular access for the site is proposed to utilise the existing laneway from Buckford Lane to the north of the site, which currently services the neighbouring residential development, the existing farm buildings and cattery business. The County Highways Authority have assessed the proposal, in relation to its proposed access and parking arrangements of one parking space and raised no objections. 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. As such, the proposal complies with the requirements of Policy INF2 and the NPPF.

Contamination

Policy SD4 seeks to ensure that applicants demonstrate, through appropriate investigations, that proposals will incorporate the necessary remediation measures to protect human health and/or the natural environment. The Environmental Health Officer was consulted as part of the application. They stated that, given the previous use of the building as part of a cattery business, they recommended a pre-commencement contamination survey condition. Therefore, subject to this condition, the proposal is considered to be in accordance with the requirements of 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:	18/02/2022
Report agreed:	13/03/2022
Authorised officer:	Steffan Saunders
