
Delegated report Officer: James Norton

Application ref. DMPA/2022/0103

The variation of condition no. 2 (relating to approved plans) of permission ref. DMPA/2021/1210 (The demolition of existing building and the erection of a replacement dwelling and realignment of access track for farm vehicles) at Shades Farm, Unnamed Road From Geary Lane To Town Farm, Burton On Trent, DE15 0RD

Valid date:	20/01/2022
Consults expired:	18/02/2022
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

9/1999/0880 - The erection of a detached garage to serve Shades Fm - Approved 20-08-1999.
9/2002/0229 - The erection of a single storey extension, conversion of garage and the erection of a single storey detached building at The Hawthorns – Approved - 25-02-2002.
9/2004/1560 - The erection of a detached double garage – Approved 14-02-2005.
9/2014/0798 - The erection of an extension and alterations at The Hawthorns – Approved 05-11-14.
9/2017/0448 - The erection of agricultural storage and livestock housing unit – Approved – 09-08-17.
9/2017/1403 - Conversion of vacant outbuilding to residential dwelling - Approved - 22-02-19.
9/2018/0340 - Prior approval for change of use of agricultural building to dwellinghouse (use class c3) (including part demolition) - Approved 21/05/19.
DMPN/2019/1170 - Prior notification for the erection of a straw barn - Approved - 08-11-2019.
DMPN/2019/1171 - Prior notification for the erection of a machinery storage barn - Approved - 19-11-2019.
DMPA/2019/1255 - Outline application (matters of access to be considered now with matters of layout, scale, appearance and landscaping reserved for later consideration) for the demolition of existing building and the erection of a replacement dwelling and realignment of access track for farm vehicles - Refused 28/01/2020.
DMPA/2020/0313 - Outline application (matters of access to be considered now with matters of layout, scale, appearance and landscaping reserved for later consideration) for the demolition of existing building and the erection of a replacement dwelling and realignment of access track for farm vehicles - Approved 18/05/2020
DMPA/2020/0448 - The erection of a building to house a biomass plant - Approved at Committee 22/10/2020
DMPN/2020/1038 - Prior Notification for construction of a machinery store - Approved 28/10/2020
DMPA/2020/1212 - Retrospective application to regularise an agricultural building - Approved at Committee 24/06/2021
DMOT/2021/1216 - Approval of details required by condition 3 attached to ref. DMPA/2020/1212 (Retrospective application to regularise an agricultural building) - Approved 21 June 2021

Responses to consultations and publicity

County Highways - No objection.

No neighbour representations received at the time of writing this report.

Relevant policy, guidance and/or legislation

Relevant Policies

- 2016 Local Plan Part 1: S2, H1, SD1, BNE1, BNE2, INF2
- 2017 Local Plan Part 2: SDT1, H24, BNE5, BNE10

National Guidance

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

Local Guidance

- Design 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;
- Character, Design and Residential Amenity; and
- Access/Highways.

Planning assessment

Principle

This application is a Section 73 application which seeks to make minor alterations to an existing planning permission. The principle has therefore already been established for a replacement dwelling in this location via outline application for the demolition of the converted garage (DMPA/2020/0313) and then subsequently through DMPA/2021/1210 which sought a slightly different location just metres to the north, closer to the existing farm buildings and away from the owners southern boundary. A Section 73 application, although a fresh permission, if approved, does not re-open the discussion of principle and provides no additional time to commence the proposal, the expiry date of any permission being the same as the original permission.

Character, Design and Residential Amenity

The visible changes to the dwelling are very minor, being a small extension of the kitchen area via the loss of one of the car parking spaces in the attached car port which also provides a small boot room attached to the utility area. In addition at ground floor level an open rear porch has been added to the west elevation outside the lounge. This also serves as a small balcony serving the master bedroom at first floor level. The amended plans also show the roof space above the car port as restricted height loft space. These changes mean that there is minimal change to the overall design and layout in terms of external appearance of the building. The final change, the most significant, is the addition of a basement to provide additional accommodation of laundry and plant rooms, a home office and a cinema room. Whilst this additional accommodation increases the overall floorspace of the accommodation it does not increase the footprint of the building and will not be visible as part of the replacement dwelling. It is therefore considered that the proposed changes are acceptable and the proposal meets the criteria set out in H24.

Access/Highways

As before, the proposal would utilise the existing Shades Farm access and there is sufficient parking and manoeuvring within the site. On this basis, the Highway Authority has no objection to the proposal and recommend no conditions. The proposal is therefore considered to comply with INF2.

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:	16/03/2022
Report agreed:	17/03/2022
Authorised officer:	Steffan Saunders
