

Item No. 1.3

Ref. No. [DMPA/2022/0476](#)

Valid date: 04/04/2022

Applicant: DMPA/2022/0476

Agent: Andrew Large Surveyors

Proposal: Demolition of existing building and erection of a 4-bed detached dwelling at Breedon View, Robinsons Hill, Melbourne, Derby, DE73 8DJ

Ward: Melbourne

Reason for committee determination

The application does not fully accord with the provisions of the Development Plan.

Site Description

The site is located within the parish of Melbourne. It is accessed via a right of way off Robinsons Hill and currently consists of steel portal framed building with blockwork walls with fibre cement sheeting over.

The proposal

The application seeks permission for the demolition of an existing commercial building and erection of a detached dwelling.

Applicant's supporting information.

The applicant has submitted a Design and Access Statement and Proposed Plans and Elevations to support this application.

Relevant planning history

DMPA/2020/0608 - Conversion and change of use of building from industrial unit (Use Class B1c to dwellinghouse (Use class C3)) at building east of Breedon View, Robinsons Hill, Melbourne, Derby – Approved 12th November 2020

Responses to consultations and publicity

SDDC Environmental Health – No objections subject to a number of conditions in relation to time period of construction deliveries and recharge points for electric vehicles.

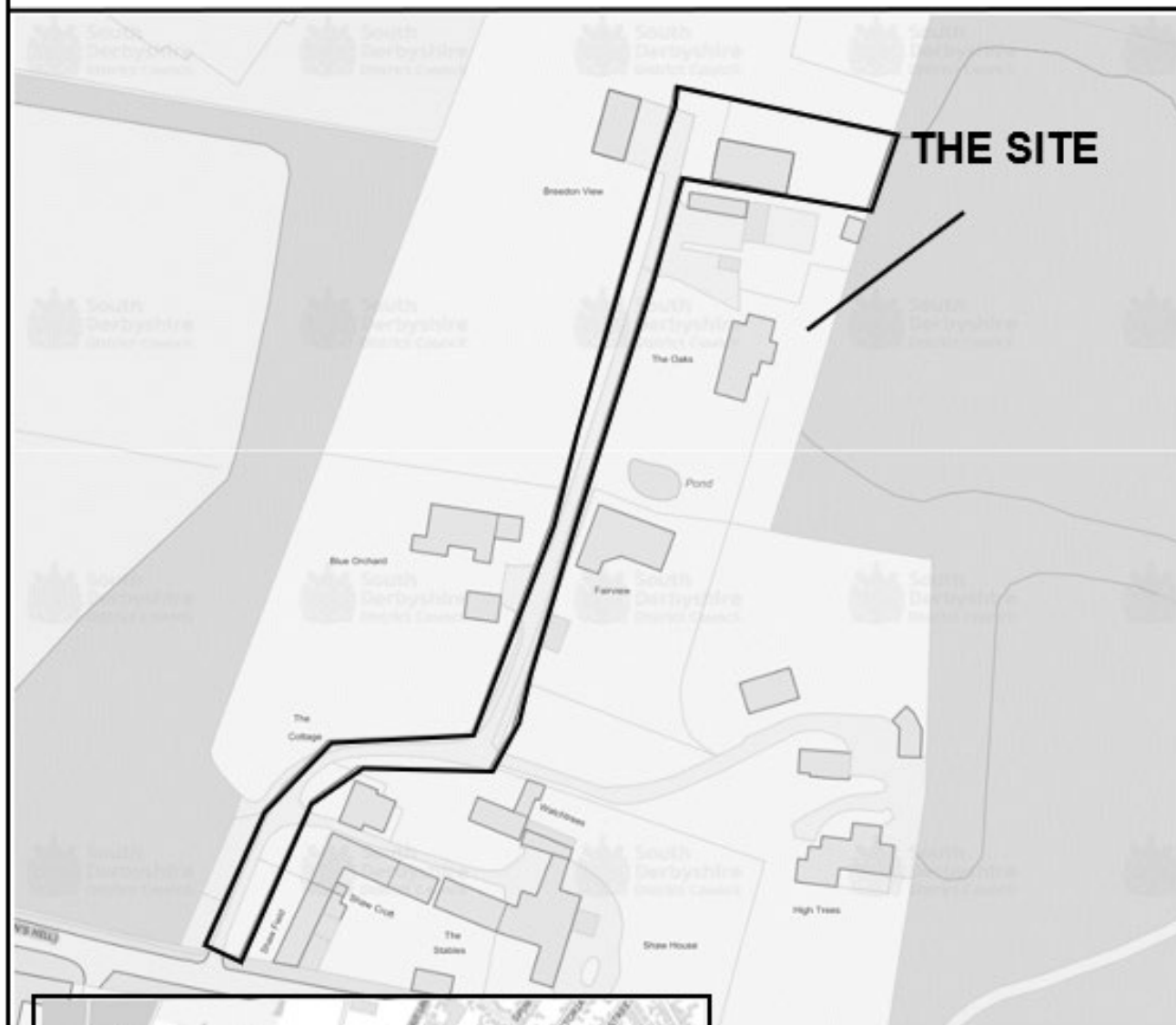
County Highways Authority – No objections subject to a condition in relation to parking provision.

Melbourne Parish Council – No objection.

Melbourne Civic Society – No objection and no support.

Derbyshire Wildlife Trust – No objection refers back to comments made on previously application (ref: DMPA/2020/0608). These previous comments stated *the application seeks permission for the conversion and change of use of an industrial unit to a dwelling house. We have considered the submitted supporting information and, given the nature of construction of the existing unit, we are of the view that there is little likelihood of roosting bats being present*

DMPA/2022/0476 – Breedon View, Robinsons Hill, Melbourne, Derby, DE73 8DJ



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South Derbyshire District Council, LA 100019461.2020

and affected by the proposed conversion. No ecological survey is therefore considered necessary and there should be no ecological constraints to the proposed development.

A total of 3 objections have been received from members of the public in respect to the following issues:

- a) The application for the original barn conversion was flawed as the basis that the barn was a light industrial building was incorrect.
- b) Issues of asbestos associated with the existing structure.
- c) No utilities currently serving the existing barn.
- d) The proposal is not in keeping with the character of the surrounding residential developments.
- e) The proposals contradict Policy H1
- f) The proposals are bigger than the existing building.

Relevant policy, guidance and/or legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications shall be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.

The development plan for the purposes of this application comprises the South Derbyshire Local Plan Part 1 (LP1) adopted in June 2016 and the South Derbyshire Local Plan Part 2 (LP2) adopted in November 2017. Material considerations include, albeit not limited to, the National Planning Policy Framework (NPPF) Planning Practice Guidance (PPG), National Design Guidance (NDG) together with the South Derbyshire Design Guide Design Supplementary Planning Document (SPD).

The relevant Development Plan policies are:

2016 Local Plan Part 1 (LP1): S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), H1 (Settlement Hierarchy), SD1 (Amenity and Environmental Quality), SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure), BNE1 (Design Excellence), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness), INF2 (Sustainable Transport)

2017 Local Plan Part 2 (LP2): SDT1 (Settlement Boundaries and Development), H24 (Replacement Dwellings in Rural Areas), BNE5 (Development in Rural Areas).

Melbourne Neighbourhood Development Plan (MNDP) – DP1 (Proposals for new development) DP2 (Character and setting of Melbourne and Kings Newton)

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 the proposed development
- Impact upon the character and appearance of the area

- Residential amenity
- Adequacy of parking and highway safety

Planning assessment

Principle of the proposed development

The application site is located outside of any settlement boundary as defined by Policy SDT1 and therefore constitutes development within the rural area/countryside. Here, policy BNE5 governs the appropriateness, or not, of proposals, with support for replacement dwellings allowed for by Policy H24.

It is noted that the application site has been subject of a planning application that grants permission for a residential conversion of the existing building (ref: DMPA/2020/0608). This was permitted by virtue of Policy H28, which permits the conversion of buildings to provide residential accommodation outside of settlement boundaries. As part of this, the existing building was found to be suitable for conversion to residential development without the need for further extension or alteration. The existing building was also found to be of a permanent and substantial construction, which was evidenced by structural surveys provided by the applicant. Indeed, the purpose of Policy H28 is to support the reuse of other redundant rural buildings, and the approved residential conversion of the existing building was supported on that basis.

Policy H24 allows for the provision of replacement dwellings within rural areas provided *i) the form and bulk does not substantially exceed that of the existing dwelling or that which could be achieved as permitted development; ii) is not more intrusive in the landscape than that which it replaces and iii) the new dwelling has substantially the same siting as the existing*. In this case the existing building does not fall within residential use and therefore would not comply with Policy H24 in the literal sense. It is acknowledged however that the building has permission to be converted into a single residential dwelling. If this permission was completed, then a replacement dwelling in the same location would be acceptable in principle under Policy H24 particularly as this policy allows consideration of the scale of development allowing for permitted development.

Policy DP1 of the MNDP also states *proposals for new development beyond the settlement boundaries of Melbourne and Kings Newton will only be supported where they comply in full with the relevant policies of this plan and the adopted south Derbyshire local plan*.

The proposed dwelling would predominantly be built on the existing footprint and would not exceed the height of the current building. It would be 4m² smaller than the previously approved scheme and would be considered of high-quality design. Whilst not infilling a gap between buildings, the new building would be in close proximity the existing built development in the immediate area and would be visually subservient. When taking into account the Council's overarching objectives to protect the countryside from harmful development, it is considered this proposal would be consistent with that policy objective. Whilst this proposal would be contrary to a strict interpretation of Policy H24 as the works have not yet been implemented to convert the building to be demolished to a dwelling, the existence of this conversion permission is a strong fall-back position to be taken into account in assessing the merits of the current application. It is considered on balance that the new dwelling would be an acceptable replacement building within this open countryside location and would not amount to an additional dwelling in the countryside beyond that which could be implemented as part of conversion works previously approved. Overall, whilst not in strict accordance with Policy 24 of the Local Plan and Policy DP1 of the MNDP, the proposal would preserve the character and appearance of the surrounding area and would be considered acceptable in principle in this

instance.

Impact upon the character and appearance of the area

In relation to impacts on the street scene, as the building is located approx. 230m along the access road off Robinson's Hill there would be no views of the site from the main road, although there would be clear views from the access road. It is noted though that there are no public footpaths within close proximity of the site that would increase the visibility from the public realm.

The proposed dwelling would largely be built on the existing footprint of the existing barn with a gable end extension added facing the northern boundary. It would not exceed the height of the existing barn and would actually result in a 4m² GEA reduction from the approved scheme. The proposed dwelling could easily be accommodated within the site without appearing cramped or resulting in any overdevelopment within the site. In terms of design, the proposed dwelling would have a traditional feel with the use of red brick and clay roof tiles. These materials along with the pitched roof design would be in keeping with the character and appearance of the surrounding properties in the wider area and would be deemed acceptable in this countryside location. To preserve the rural character of the site, a condition will be attached to control future extensions and alterations at the site.

Overall, the proposal would not have a detrimental impact on the street scene or character of the area and would be in accordance with Policies S2 and BNE1 of the Local Plan.

Residential Amenity

In relation to the impacts of the proposed development on the residential amenities of neighbouring occupiers that surround the site, the building is located at the end of an access road off Robinson's Hill with the closest dwelling being Breedon View which sits directly adjacent to the proposed building with a 4m separation.

The 3 x first floor windows on the side elevation would accommodate a bathroom, landing and a secondary window to bedroom 2. The rear elevation of Breedon View is blank with no openings present. Therefore, there is no requirement for the first floor windows to be obscure glazed and the proposed dwelling would not result in any overlooking to the existing occupiers of Breedon View. Ample garden space would be provided for the future occupiers also.

It is noted the Environmental Health officer has assessed the scheme and raises no concerns subject to conditions restricting construction hours and installation of electric points. Electric Vehicle charge points are addressed under the requirements of the building regulations. In view of the above it is considered that the development will reasonably safeguard the amenities currently enjoyed by the neighbouring properties and on this basis, it is considered that in neighbour amenity terms it will reasonably satisfy the requirements of Policy SD1 and BNE1 of the Local Plan.

Parking and Highway Safety

Policy INF2 of the LP1 requires that appropriate provision is made for safe and convenient access to and within the development. The development would utilise an existing access, with visibility in excess of the required 2.4m x 65m splay. There will be no difference in vehicular movements in terms of those associated with the approved residential conversion. Highways have reviewed the proposal and raised no objections. The proposal raises no concerns on highway safety grounds and would be in accordance with Policy INF2 of the Local Plan.

Landscaping and Biodiversity

The existing trees and hedgerow will remain within the site with an additional hedgerow proposed to supplement the existing post and rail enclosure on the eastern boundary. This level of landscaping is considered appropriate at the site and a condition will be attached to ensure a soft and hard landscaping is submitted and approved by the local planning authority prior to the occupation of the dwelling. Derbyshire Wildlife Trust were consulted on the application and raise no objections or suggested conditions to the scheme. Overall, the proposal would be considered to be in accordance with Policy BNE7 of the Local Plan Part 2.

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

Approve with conditions.

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

Reason: To conform with Section 91 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 Location Plan received 4th April 2022, Design and Access Statement received 4th April 2022, Proposed Site Plan Dr No. 2201-104-A-P01, Proposed Elevations Dr No. 2201-104-A-P03, Proposed Floor Plans Dr No. Dr No. 2201-104-A-P02, Ecological Statement received 4th April 2022 unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

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

3. Prior to the occupation of the dwelling a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All hard landscaping shall be carried out in accordance with the approved details prior to occupation of the dwelling, whilst all planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling or the completion of the development, whichever is the sooner; and any plants which within a period of five years (ten years in the case of trees) from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure no net loss of biodiversity and in the interest of the character and appearance of the surrounding area.

4. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the approved drawing. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable

vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021)

5. During the period of construction, no ground, construction or fitting out works shall take place and no deliveries shall be taken at or dispatched from the site other than between 0800 and 1800 hours Monday to Friday and 0800 and 1300 hours on Saturdays. There shall be no construction works (except for works to address an emergency) or deliveries on Sundays or Bank Holidays.

Reason: In the interests of the neighbouring amenity.

6. Other than where specified on the approved plans/drawings, all external materials used in the development shall match those used in the existing building to be demolished in colour, coursing and texture unless, prior to their incorporation into the development hereby approved, alternative details are first submitted to and approved in writing by the Local Planning Authority pursuant to an application made in that regard, whereafter the approved alternative details shall be incorporated into the development.

Reason: In the visual interest of the building(s) and the surrounding area.

7. Notwithstanding 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 hereby permitted shall not be enlarged, extended or altered, and no buildings, gates, walls, fences or other means of enclosure (except as authorised by this permission or allowed by any condition attached thereto) shall be erected on the site without the prior grant of planning permission pursuant to an application made to the Local Planning Authority in that regard.

Reason: To maintain control in the interest of the effect upon neighbouring properties.

8. The dwelling shall be constructed and fitted out so that the estimated consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day, consistent with the Optional Standard as set out in G2 of Part G of the Building Regulations (2015). The developer must inform the building control body that this optional requirement applies.

Reason: To ensure that future water resource needs, wastewater treatment and drainage infrastructure are managed effectively, so to satisfy the requirements of policy SD3 of the Local Plan.