DELEGATED REPORT

Recommendation Made: 4 May 2011

Reference:- 11/00247/CONDIT **Parish:- Burbage Parish Council**

Applicant:- Mr Mike Cleall
3 Balliol Road
Burbage
Leicestershire
LE10 2RE

Location:- Thomas House 36A Grove Road Burbage Leicestershire LE10 2AD

Proposal:- VARIATION OF CONDITION 3 OF PLANNING PERMISSION 10/00700/FUL TO CARRY OUT THE DEVELOPMENT IN ACCORDANCE WITH ALTERNATIVE PLANS

Introduction:-

This planning application is for the variation of Condition 2 of planning application 10/00700/FUL to alter the design of the front and rear elevations of a dwelling previously approved.

The proposal relates to alterations to the front elevation which provides a double height bay with front facing gabled roof. The proposal also includes the removal of a first floor gable feature to the front elevation.

On the rear elevation, one roof light is omitted and two further roof lights are proposed.

The site is accessed from the private road which provides access to the Burbage primary school. The dwelling will occupy a plot of approximately 670 square metres, towards the northern end of Grove Road. The north and part of the western boundaries will bound Burbage primary school, and a large recreation ground is situated further north. Opposite, there are two detached bungalows with relatively low ridge heights, of varying designs, which occupy large plots. A public footpath runs adjacent to the western side of this stretch of Grove Road.

An amended plan has been received which has removed the proposed boundary treatment from the proposal as this will be dealt with within the application to discharge conditions as part of 10/00700/FUL.

History:-

10/00700/FUL	Erection of one Dwelling	Approved	15.11.10
09/00369/FUL	Erection of one Dwelling	Approved	10.07.09
09/00021/FUL	Erection of New Dwelling	Refused	17.04.09
(the application was refused on the grounds of poor design and layout and lack of POS contribution).			
89/00058/4	Erection of Single Storey Dwelling on land to the rear of 36 Grove Road Burbage	Refused	21.02.89

Consultations:-

No objections received from Burbage Parish Council

Four letters received commenting as follows:

a) that the size, footprint and number of windows of the dwelling has altered since the original application
b) will impact on a number of neighbours.
c) overdevelopment

d) builder has started work
e) invasion of privacy to neighbours
f) access too close to school

Development Plan Policies:-

Central Government Policy
PPS1
PPS3
PPS9
PPS13
PPS25

Local Development Framework (2009)
Core Strategy:
Policy 4
Policy 24

Hinckley and Bosworth Local Plan (2001)

Within the settlement boundary for Burbage

Policy BE1 - design and siting of development.
Policy RES5 - New residential properties on unallocated site
Policy NE12 - existing landscape features
REC3 - Provision of play and open space
IMP1 - contributions required to off set the impact of development on services.
T5 - Highway safety

Supplementary Planning Guidance New Residential Properties
SPD - Play and Open Space
Burbage Village Design Statement

Appraisal:-

This is an application to revise the plans for one dwelling which was approved last year. The main considerations for the determination of this application is to assess the impact of the proposed changes to the previously approved scheme.

Impact of Proposed Changes

The proposed fenestration changes to the front elevation respect the character of the previously approved dwelling and those in the locality and are therefore acceptable in design terms.

The proposed changes to the number of and siting of the roof lights to the rear, equally maintain the character and, by virtue of their position within the roof do not have any significant impacts on visual amenity.

Neighbour Issues

The changes to the design on the front elevation are not considered to have any significant material impact on any neighbours as there are no additional windows proposed.

The proposed roof lights to the rear are high level and not considered to cause any material overlooking to the neighbours garden than previously approved.

Letters of objection have been received on the grounds of:

a) size, footprint and number of windows of the dwelling has altered since the original application
b) impact on a number of neighbours.

c) overdevelopment
d) builder has started work
e) invasion of privacy to neighbours
f) access too close to school

These matters were all considered within the determination of the previous scheme and relate to the principle of development rather than the specifics of this proposal. The scheme was considered to be acceptable previously and these issues are now not for consideration in the determination of this application. Commencement on site of the previously approved scheme is acceptable and not a breach of planning control.

Other Issues

A discharge of conditions application has been received in respect of planning permission 10/00700/FUL. Materials have been agreed and the POS contribution has been received. A report in terms of the condition on the Code for Sustainable Homes has been received.

An amended plan has been received which has removed the proposed boundary treatment from the proposal as this will be dealt with within the application to discharge conditions as part of 10/00700/FUL. The scheme was not considered to be acceptable in terms of ensuring that the required visibility would be available without further plans being submitted.

Conclusion

Overall, the amended proposals are considered acceptable as they are not detrimental to the character or appearance of the proposed dwelling or to the street scene.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan and would not be detrimental to the character and appearance of the proposed dwellings or to the streetscene or to the amenity of neighbouring properties. Therefore the development is considered acceptable.

1 This permission relates to the variation of Condition 2 of planning permission reference 10/00700/FUL [the previous application] dated 15 November 2010, a copy of which is appended hereto and the conditions imposed by the decision notice in relation to the previous application shall be deemed to apply to the grant of permission in respect of application 11/00247/CONDIT [the current application] save in so far as they are amended by virtue of the decision notice in relation to the current application or where variations subsequent to the previous application have been approved in writing by the local planning authority.

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Amended Drawing 10981-PL01 Rev E received on 16 May 2011.

Reasons :-

1 To define the permission and to ensure that all other conditions attached to the original consent apply.

2 For the avoidance of doubt and in the interests of proper planning.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such

species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

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