DELEGATED REPORT

Recommendation Made: 8 August 2011

Reference:- 11/00529/NOMAT **Parish:- Earl Shilton Town Council**

Applicant:- Mr P Racheal
22 Byron Close
Enderby
Leicestershire
LE19 4QB

Location:- 8 Mill Lane Earl Shilton Leicestershire LE9 7AW

Proposal:- NON MATERIAL AMENDMENT TO PLANNING PERMISSION 08/00923/FUL FOR ERECTION OF 2 FLATS AND ASSOCIATED ACCESS

Introduction:-

This application seeks approval for non-material amendments to a residential development comprising of the erection of two flats and associated access on land to the rear of 8 Mill Lane Earl Shilton with access off Roman Close, approved under planning permission 08/00923/FUL. The application seeks alterations to the windows and eaves details stated to be required in order to comply with the practicalities of current Building Regulations.

The site was previously formed part of the curtilage to 8 Mill Lane and is enclosed by 1.8 metre timber fencing. To the north lies 8 Mill Lane, a modern detached 2 storey house associated with the adjacent church and another pair of contemporary semi-detached houses. To the west lies a memorial garden, to the east a communal parking area and to the south a small cul de sac containing a number of modern terraced flat roof 2 storey houses.

History:-

10/00693/FUL	Erection of Two Flats and Associated Access	Refused Appeal Dismissed	08.12.10 20.04.11
08/00923/FUL	Erection of Two Flats and Associated Access	Approved	19.12.08

Consultations:-

No objections have been received from Earl Shilton Town Council

Two letters of objection have been received from neighbours raising the following issues and concerns:-

a) overlooking/invasion of privacy
b) overshadowing/overbearing impact
c) lack of adequate parking
d) additional noise and disturbance from comings and goings
e) detrimental impact on street scene
f) noise and disturbance from construction
g) removal of street light will be detrimental to safety
h) no demand for additional apartments

No response has been received at the time of writing this report from Ward Members.

Development Plan Policies:-

National Planning Guidance

Planning Policy Statement 3: 'Housing'

Local Development Framework: Core Strategy (2009)

Policy 2: Development in Earl Shilton

Hinckley and Bosworth Local Plan (2001)

Policy BE1: Design and Siting of Development
Policy RES5: Residential Proposals on Unallocated Sites
Policy T5: Highway Design and Vehicle Parking Standards

Other Relevant Documents

Leicestershire County Council document 'Highways, Transportation and Development'
Supplementary Planning Guidance on New Residential Development.

Appraisal:-

The application does not seek to amend the layout, height, width or scale of the approved development or add or remove any windows or doors. The main issues in respect of this application are whether or not the proposed amendments to the design of the two flats constitute a non material amendment to the approved planning permission and if the proposed amendments are detrimental to the visual appearance of the development.

The document Greater Flexibility for Planning Permissions Guidance (2010) in paragraph 42 makes it clear that there is no statutory definition of ‘non-material’ as this is so dependant upon the context of the overall scheme. Under certain circumstances the alterations of window and door styles, the porch canopy and eaves details may be considered as being non-material.

The proposed alterations to the window styles and eaves details will not have a significant adverse effect on the overall design or appearance of the previously approved scheme. As a result, had the amended scheme been proposed at the time that the application (ref. 08/00923/FUL) was being assessed and determined it is highly unlikely that it would have affected the decision to grant the previous planning permission. Therefore, the proposed amendments are considered to be ‘non-material’ in this case.

In respect of the objections received from neighbouring properties the proposed alterations to the window styles and eaves details will not have any material effect or additional impact on: the privacy or amenity of neighbouring residents from overlooking or loss of privacy, overbearing impact or noise or disturbance; the appearance of the street scene or parking provision. For the avoidance of doubt the scheme does not propose any additional windows and therefore the impacts were duly considered in the earlier grant of planning permission. Accordingly, it is not appropriate to consider then again now in this type of application. The street light is to be relocated within the locality at the applicant’s expense in accordance with the previous planning permission.

On balance therefore the application is recommended for approval.

Recommendation:- Permit subject to the following conditions:-

1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drawing ES/2011 received by the local planning authority on 11 July 2011.

Reasons :-

1 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).

Contact Officer:- Richard Wright Ext 5894