DELEGATED REPORT

Recommendation Made: 4 November 2011

Reference:- 11/00767/CONDIT **Parish:- Carlton Parish Council**

Applicant:- Mr Andrew Mitchell
7 Bostock Close
Elmesthorpe
Leicestershire
LE9 7SR

Location:- Fernlea House Barton Road Carlton Nuneaton Leicestershire

Proposal:- VARIATION OF CONDITION 2 ON PLANNING APPLICATION 06/00826/FUL FOR AMENDMENTS TO PLOT 4

Introduction:-

This application seeks planning permission to amend a condition attached to planning reference 06/00826/FUL to enable plans to be substituted. Whilst the description on the application form referred to planning reference 06/00826/FUL the scheme was amended under planning reference 10/00268/FUL and this application is referred to at a later point within the application form. The changes now under consideration will be assessed against the latest approved scheme.

The application seeks to vary condition 2 which lists the plans considered by that application. By varying the condition material minor amendments to the original scheme can be considered.

06/00826/FUL granted permission for the demolition of the existing dwelling and erection of five dwellings with associated parking and access. The scheme has been amended previously under application reference 10/00268/FUL and 11/00664/NONMAT. Under the 2010 application an increase to the height of the roof was found acceptable recently under reference 11/00664/NONMAT additional French doors were considered acceptable.

The current proposal seeks permission for the installation of solar photovoltaic panels to the western roof slope and a window to the first floor on the northern elevation.

The site is located to the northern extent of the village. The site has been cleared and plot 1 has been completed and is now occupied. The 2006 scheme has therefore been implemented. The north and west of the site border the countryside with residential properties located to the south and east.

Relevant Planning History

11/00665/NOMAT Non material amendment to planning permission 10/00268/FUL Approved 17.10.11
10/00268/FUL Alterations to plot 4 of planning permission 06/00826/FUL Approved 07.06.10
06/00826/FUL Demolition of existing dwelling and erection of five dwellings with associated parking and access Approved 18.09.06
04/01481/FUL Demolition of existing dwelling and new residential development comprising seven houses and associated garaging Refused 06.04.2005

Consultations:-

No objection has been received from
Head of Community Services (Land Drainage)
Director of Environment and Transport (Highways)

Carlton Parish Council have no objection subject to the wall being finished.

Site notice and Press notice were displayed and neighbours notified

Development Plan Policies:-

Government Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' refers to the delivery of sustainable development through the planning system, it advises that planning policies should protect and enhance the environment, promote high quality design and reinforce local distinctiveness.

Local Development Framework-
Core Strategy- None relevant

Hinckley and Bosworth Local Plan

Policy BE1- Design and siting of development.

Appraisal:-

The main issues for consideration are the effect of the proposed changes on the character and appearance of the scheme and the amenities of neighbouring residents.

The principle of the development was established under the 2006 application. Subsequent applications have approved an increase to the ridge height, patio doors and windows to the west elevation.

The proposal now seeks permission for the installation of Photovoltaic Panels to the west elevation and a window to the north elevation. The main issues are therefore the visual impact of the photovoltaic panels and the proposed window and the impact on neighbouring amenity of the window to the same location.

Visual Impact

The specification of the photovoltaic panels has been submitted. These are fitted to the roof battens and roof tiles fitted around. This reduces the profile of the units, keeping the profile to a minimum, less than 20mm. The scheme has been designed to reflect a farm complex and the details reflect this. Photovoltaic panels are not in keeping with a traditional farm complex as they are a modern technology however they are a sustainable technology and PPS1 supports the delivery of sustainable technologies.

It is considered that due to the low up-stand and the location of the panels on the western roof slope the building the proposal would not significantly have a detrimental affect on the character or appearance of the building.

The proposed window would be located within what is currently a blank elevation. The design and appearance of which is in keeping with the rest of the dwelling. It is considered that the proposal complies with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Affect on Amenities

The proposed photovoltaic units would not have any affect on the amenities of neighbouring residents. The proposed windows would allow some overlooking of the rear garden area of plot 5 however due to the angle of the line of site from the window only portion of the garden to plot 5 would be visible and the most sensitive and private part of the garden adjacent to the dwelling would still be private. Construction to plot 5 has not yet begun.

Given the above it is considered that the proposal would not detrimentally affect the amenities of any future neighbouring residents and therefore the proposal is considered to comply with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Conclusion

It is considered that the proposed photovoltaic panels and new window would not detrimentally affect the character or appearance of the dwelling nor the amenities of neighbouring residents. Therefore the proposed changes do not materially alter the original proposal and are therefore considered acceptable and the condition can be varied.

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 result in any material detriment to the amenities of others. By virtue of the scale and nature of the proposals the alterations do not result in an unacceptable material amendment to the approved scheme.
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1

1 This permission shall relate to the variation of Condition 2 of permission 10/00268/FUL dated 07/06/2010 only. All other conditions of the original permission remain, unless subsequent variations have been made.

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drawings 03.1718.32 Rev. H received 21.09.11 and 03.1718.36 Rev. J, 03.1718.35 Rev. J received 20.10.11.

3 The Solar Photovoltaic panels hereby approved shall be Viridian Clearline PV panels and installed in accordance with the details submitted on 20.10.11.

Reasons :-

1 To ensure that all other conditions attached to the original consent still apply.

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

3 The details of the Viridian Clearline PV panels due to their minimal up-stand would have minimal visual impact and were therefore considered acceptable and in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

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:- Sarah Fryer Ext 5682