HUNTINGDONSHIRE DISTRICT COUNCIL

25/00094/S73

OFFICER REPORT

Case No: **25/00094/S73** **Removal/Variation of Conditions**

Proposal: **Variation of Condition 2 (Approved Plans) to 24/01138/HHFUL to amend the drawings to show eight solar panels instead of twelve**

Location: **6 Weavers Mews Kym Road Eaton Ford**

Applicant: **Mr Lorenzo Lopez Santana**

Grid Ref: **517351 259702**

DESCRIPTION OF SITE AND APPLICATION

This application relates to 6 Weavers Mews, Kym Road, Eaton Ford a two storey terraced dwelling located within a residential area of Eaton Ford. The site sits within St Neots Conservation Area. This application seeks permission to amend the previously approved planning permission to install 12 solar panels and instead to install 8 solar panels to the front roof elevation. This can be done via a s73 application to make amendments to the approved plans.

Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.

NATIONAL GUIDANCE

The National Planning Policy Framework (December 2024) (NPPF 2024) paragraph 8 sets out the three objectives - economic, social, and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2024 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).'

The NPPF 2024 also sets out the Government's planning policies for (amongst other things):
* making effective use of land
* achieving well-designed, beautiful, and safe places;
* conserving and enhancing the natural environment;

Planning Practice Guidance and the National Design Guide 2021 are also relevant and material considerations.

For full details visit the government website: https://www.gov.uk

PLANNING POLICIES

Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)
LP 11 Design Context
LP 12 Design Implementation
LP 14 Amenity
LP34 Heritage Assets and their Settings

Supplementary Planning Guidance/Documents:
Huntingdonshire Design Guide Supplementary Planning Document (2017):

3.1 Place Making Principles
3.7 Building Form

Huntingdonshire Landscape and Townscape Supplementary Planning Document 2022

Cambridgeshire Flood and Water Supplementary Planning Document - Adopted April 2017

RELEVANT PLANNING HISTORY

1400135FUL - Permission for the Erection of eight properties: - 1 terrace of 3 x 3 bed homes, 1 terrace of 4 x 3 bed homes, 1 x 1 bed coach house together with new access and associated parking, cycle storage, refuse storage and collection areas and landscaping issued - 19.11.2015
24/00620/CLPD - Installation of solar panels to roof on front and/or back of property - Refused
24/01138/HHFUL - Installation of 12 solar panels to the front elevation - Approved 23/08/2024.

CONSULTATIONS

St Neots Town Council have been consulted; they have raised no objections to the proposal and recognise that it will improve the property and have minimum impact on the neighbours.

REPRESENTATIONS

None received at the time of determination.

SUMMARY OF ISSUES

The main issues to consider in the determination of this application are:

- Design and Visual Amenity
- Residential Amenity
- Impact on Heritage Assets
- Amendments

*Design and Visual Amenity

With regard to design and visual amenity, the relevant policies within the local plan to 2036 (LP 11 Design Context and LP 12 Design Implementation) seek to manage development that responds positively to its context and has drawn inspiration from the key characteristics of its surroundings. Achieving this by applying the guidance set out in supplementary design documents of both the Huntingdonshire Design Guide and the Huntingdonshire Landscape and Townscape Assessment.

Officers have reviewed the original planning permission for the construction of the dwelling and note that planning permission 1400135FUL issued on the 19.11.2015 under condition 3 removed permitted development rights to extend or alter the dwelling as below;

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that order with or without modification), the dwelling(s) hereby approved shall not be extended or otherwise altered without the prior written consent of the Local Planning Authority.

Reason.
In order that the Local Planning Authority may retain control of development that might be detrimental to the amenities of the locality if otherwise allowed by the above-mentioned Order.

Therefore, whilst the previous proposal (24/01138/HHFUL) for the installation of 12 solar panels on the front roof elevations under Schedule 2 - Part 14 - Class A of The Town and Country Planning General Permitted Development) (England) Order 2015 (As Amended) would normally have been permitted development, the imposition of the above condition instead required that planning permission be sought (as is the case for the current proposal - 25/00094/S73). However, permitted development under Schedule 2 - Part 14 - Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) does remain the fallback position for the development.

The proposal sits within a small courtyard of dwellings with access onto Kym Road of which the application site forms one of the two inner terraced dwellings. The design and scale of the proposed solar panels is in keeping with the surrounding area and examples of solar panels fitted to front elevations can be seen on 8 Kym Road itself.

The proposal for 12 panels was found to be too large for the existing roof, so the installation company has now recommended that a maximum of 8 panels be fitted in broadly the same position as previously but covering a smaller area of the roof. This results in more roof slope on this elevation being visible and takes the edges of the panels further away from both the ridgeline of the house and the eaves/gutter level. This is considered to be a visual improvement compared to the previously approved scheme.

Therefore, it is considered that the proposed development is acceptable with regard to design, and visual amenity and would not significantly impact on the character and appearance of the area. It therefore accords with Policies LP11 and LP12 of Huntingdonshire's Local Plan to 2036 in this regard.

*Residential amenity
Regarding residential amenity, the relevant policy within the local plan to 2036 (LP 14 Amenity), applies.

Given the limited scale and nature of the proposed development, the absence of 'built development' and the distance to all adjacent dwellings and amenity land there are considered to be no concerns with regard to overbearing impact, overshadowing or loss of light, loss of privacy or overlooking.

No objections have again been received from neighbouring occupiers regarding overlooking or that the development would create unacceptable impacts such as noise, vibration, odour, emissions, and dust. A site visit was undertaken, and no concerns were observed.

The development is therefore considered to be acceptable in terms of overshadowing, overlooking, loss of privacy, loss of light and would not have a significant impact upon residential amenity, it therefore accords with Policy LP14 of Huntingdonshire's Local Plan to 2036 in this regard.

*Impact on Heritage Assets
With regard to impact on Heritage Assets and Conservation areas, the relevant policy within the Local Plan to 2036 (LP34 Heritage assets and their settings).

6 Weavers Mews is within the St Neots conservation area.

Section 72 of the Planning (LBCA) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Section 66 of the Planning (LBCA) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Para. 205 of the NPPF set out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.' Para. 206 states that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification….'

Local Plan policy LP34 aligns with the statutory provisions and NPPF advice.

Due to the type of relatively modern development and its location within a residential courtyard in a backland location separated from the more traditional frontage development in St Neots Road, officers therefore did not consider a consultation with the conservation team was again necessary.

As mentioned, the site is within a heavily built-up area and surrounded by the more modern housing estates along Kym Road within Eaton Ford. The application seeks solar panels to the front roof elevation, and which are relatively modest developments in keeping with the character and appearance of this more modern part of St Neots conservation area.

The situation regarding the impact on surrounding heritage assets resulting from the amended scheme reducing the number of solar panels from 12 to 8, remains unchanged.

Therefore, given the above, the proposed development is considered to be acceptable (subject to conditions) and would unlikely result in significant harm upon the character, appearance and significance of the St Neots Conservation Area. Therefore, it is considered to accord with policy LP34 of the Huntingdonshire Local Plan to 2036 and the NPPF (2023) in this regard.

*Amendments

A S73 application under the 1990 Town & Country Planning Act can be used to make a material amendment by varying or removing conditions associated with a planning permission. Permission granted under a S73 takes effect as a new independent permission to carry out the same development as previously submitted subject to new or amended conditions. The new permission should also re-state all of the conditions previously imposed that continue to have effect.

As a S73 cannot be used to vary the time limit for implementation, Condition 1 will be amended to reflect this (i.e. development must be started by 23/08/2027 which is 3 years from the date of the original application).

Condition 2 will be amended to reflect the amended plans showing 8 solar panels rather than 12.

All other conditions will remain as previously applied.

*Conclusion

The proposed development is considered to be compliant with the relevant national and local policy as it:

* Is of an appropriate scale and design
* Would not have a harmful impact upon the character and appearance of the area;
* Would not have a harmful impact upon the designated heritage assets;
* Would not have a significantly detrimental impact upon the amenity of neighbours;
* Would not have a significant impact on flood risk in the area.

CONTACT OFFICER:
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