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| **Report to be read in conjunction with the Decision Notice.** |
| **Signed:** | **Officer:** | **LH** | **Date:** | **27.8.24** | **Manager:** | **NH** | **Date:** | **28.08.24** |
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| **Application Ref:** | 2024/0630 |  |
| **Date Inspected:** | N/A | **Site Notice:** | N/A |
| **Officer:** | Lyndsey Hayes |
| **DELEGATED ITEM FILE REPORT:**  | **NMA APPROVAL** |
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| **Development Description:** | Non-material amendment to reserved matters approval 3/2017/0183 to allow amendment to condition 15 (dwellings to benefit from Part 14 Class A permitted development rights in respect of solar panels). |
| **Site Address/Location:** | Land adjacent Church Raike Chipping PR3 2QL |
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| **CONSULTATIONS:**  | **Parish/Town Council** |
| **N/A** |
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| **CONSULTATIONS:**  | **Highways/Water Authority/Other Bodies** |
| **N/A:** |  |
| N/A |
| **CONSULTATIONS:**  | **Additional Representations.** |
| No representations received in respect of the proposal. |
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** |
| **Ribble Valley Core Strategy:**Key Statement EN3: Sustainable Development and Climate ChangePolicy DMG1: General ConsiderationsPolicy DMG2: Strategic ConsiderationsPolicy DME2: Landscape & Townscape ProtectionPolicy DME5: Renewable EnergyNational Planning Policy Framework (NPPF) |
| **Relevant Planning History:****3/2023/0985**Reserved matters application (following outline planning permission 3/2014/0183) for residential development of 39 dwellings including appearance, landscaping, layout and scale (pursuant to removal of condition 15 of planning permission 3/2017/0183 to allow renewable energy projects to be carried out as permitted development) - Pending**2017/0183:**Reserved matters application (following outline planning permission 3/2014/0183) for residential development of 39 dwellings including appearance, landscaping, layout and scale - Approved |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** |
| **Site Description and Surrounding Area:**The application relates to a residential development consented pursuant to planning permission 3/2014/0183 and 3/2017/0183 located off Church Raike Chipping located outside of the Conservation Area and within the National Landscape (formerly AONB). |
| **Proposed Development for which consent is sought:**Condition 15 of reserved matters approval 3/2017/0183 currently removes permitted development (PD) rights for renewable energy development, otherwise permitted by Schedule 2 Part 14 Classes A-I of the GDPO.The proposal seeks consent for a non-material amendment to allow for condition 15 to be amended to exclude Class A from the restriction thus enabling the owners to benefit from PD rights with regards to installing solar panels on the roof or wall of the dwellings. Classes B–I of Part 14 would remain unaffected i.e. PD rights for renewable energy development falling within Classes B-I would still be removed.Condition 15 Current wording:-Notwithstanding the provisions of Classes A-I of Schedule 2 Part 14 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, no renewable energy sources shall be attached to the dwelling, or placed within the residential curtilage, unless planning permission has first been granted by the Local Planning Authority.Condition 15 Proposed wording:Notwithstanding the provisions of Classes B-I of Schedule 2 Part 14 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, no renewable energy sources shall be attached to the dwelling, or placed within the residential curtilage, unless planning permission has first been granted by the Local Planning Authority.The application is made by Chipping Parish Council. In support of this application they state:*Chipping Parish Council and Chipping Community Energy Group are exploring ways to move the community away from fossil fuels to low carbon sources of heat. Properties at Mills Way and Wolfs Fell Close use air source heat pumps for heating. Homeowners would benefit from rooftop solar PV installations which would reduce the amount of electricity consumed from the grid and reduce CO2 emissions relating to electricity generated using fossil fuels.* *Condition 15 was imposed in 2017 to enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and the amenities of nearby residents in accordance with Key Statement EN2 and Policy DMG1 of the Ribble Valley Core Strategy. Since this time there is a growing focus on the need to mitigate climate change. It is considered that the policy balance has changed in two ways since the Reserved Matters consent was granted in 2017. The urgency given to the Climate Emergency is such that measures to combat it now carry greater weight, and; the appreciation of the technology used in renewable energy is better understood and appreciated such that the use of such technologies is not considered a detractor to the character or amenity of the area.* |
| **Planning Considerations:**There is no statutory definition of what constitutes a non-material amendment. The Planning Practice Guidance sets out that they would be a less than substantial change and that whether something is non-material depends on the specific context of a scheme. The following factors are relevant:-* An earlier application (3/2023/0985) sought a minor material change to condition 15 to remove it in its entirety, a neighbour notification letter sent to 50+ properties resulted in no representations being received. In addition, a supporting note submitted with the application states ‘The Chipping Community Energy Working Group has engaged with residents on Mills Way and Wolf’s Fell Close (the properties subject to the condition) through a leaflet drop, a notice in the Lancashire Evening Post and by holding drop-in sessions at the Community Hall regarding the appetite for renewable energy solutions and has received encouraging feedback.’
* Whilst the original reserved matters application was subject to objections these did not relate to the aspect of the development now proposed to be amended and there were no requests by third party representations or statutory consultees for this specific condition to be imposed.
* These was no specific reference to the need for this condition in the delegated report of the original reserved matters application.
* The LVIA submitted with the original reserved matters application states that the visual impact is restricted to a very local area with few if any effects arising beyond the immediate boundaries of the proposal site. The officers agreed that the proposal would share an acceptable relationship with the wider area. The GDPO has
* The site is not within a conservation area. Whilst it is located near to Chipping CA and Kirk Mill CA the Heritage Statement submitted with the original reserved matters application concludes that the impact of the proposal on any Heritage Asset is minimal. The officers agreed that the proposal would share an acceptable relationship with the wider area, including the nearby conservation areas.
* There is evidence of buildings elsewhere within, and adjacent to, Chipping conservation area who have installed, or are looking to install, solar panels and these could reasonably become part of the village character overtime, as such allowing these properties to have the same PD rights as other buildings (save for the additional restrictions which apply to listed buildings and buildings within a conservation area) would mean that their design and appearance would continue to be appropriate to their setting.
* In the original reserved matters application specific consideration was given to the design and appearance of those dwellings fronting Church Raike; the orientation of these dwellings is such that their main roofs fronting Church Raike are mostly north facing as such there is unlikely to be a significant pressure for solar panels on the frontage of these dwellings.
* Since 2017 and the reserved matters approval, the GDPO legislation continues to be supportive of renewable development, with subsequent relaxations to PD rights being introduced. The current legislation stipulates criteria and conditions that need to be adhered to in order to ensure that the impacts on the appearance of the buildings and the amenity of the area are minimised. Any new solar panels installed would be caught by these same criteria and conditions (and any subsequent legislative changes). It is not considered that the amendment would result in any additional detrimental material visual impacts on the character or visual amenities of the area over and above that resultant from the extant permission.
* The amendment does not affect the setting of any listed buildings.
* The amendment does not increase the footprint or height of the buildings or allow for any development to be installed within the curtilages other than on the buildings.
* The proposal does not result in any material impacts upon residential amenity, highways and parking, trees and ecology.
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| **Observations/Consideration of Matters Raised/Conclusion:**As such, for the above reasons and having regard to all material considerations and matters raised that the non-material amendment is recommended for approval. |
| **RECOMMENDATION**: |  |
| That the non-material amendment to 3/2017/0183 be approved. |