OFFICER REPORT

Case No: 25/00057/S73 **Removal/Variation of Conditions**

Proposal: **Variation of condition 1 (Approved Plans) of 22/02178/S73 including the addition of a front porch and change to externals materials and arrangement of the proposed new dwelling.**

Condition Number(s): Condition 1

Conditions(s) Removal:

The applicant wishes to include the addition of a front porch and change to externals materials and arrangement of the proposed new dwelling.
Application for a variation of Condition 1 (Approved Plans) of 22/02178/S73 to substitute drawing reference 21440_302B and 21440_301D with drawing reference 22352_200C and 22352_201.

Location: **Georgian House Great North Road Alconbury**

Applicant: **Mr Paul Hunt**

Grid Ref: **518765 275432**

DESCRIPTION OF SITE AND APPLICATION

Planning permission 15/01803/FUL granted approval for the proposed construction of a new detached dwelling, conversion of existing pool house to form a second dwelling and an extension to the front of the existing property at Georgian House, Great North Road, Alconbury.

This parent permission was subsequently amended by 16/01476/S73 which approved the variation of condition 3 to allow materials to be agreed prior to each phase and 22/02178/S73 to allow for the retention of the existing garage and store to serve Plot 1 that was previously proposed to be demolished at Georgian House, Great North Road, Alconbury. Condition 1 of planning permission 22/02178/S73 secured the approved plans and Condition 2 required external materials to be submitted and approved prior to commencement. This materials condition 23/80410/COND was discharged in November 2023.

This current Section 73 application seeks to vary Condition 1 of 22/02178/S73 to include the addition of a front porch, change external materials and arrangement of the proposed new dwelling.

The site has no significant site constraints, being sited in a residential estate outside the setting of any designated heritage assets not within any legally protected trees nor within a high-risk Flood Zone.

The previously approved application remains valid and has become extant due to the conversion and completion of the former pool house into an approved residential dwelling in 2018. Condition 1 of the approval has therefore been met.

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) 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 sets out the Government's planning policies for (amongst other things):

* delivering a sufficient supply of homes;
* building a strong, competitive economy;
* achieving well-designed, beautiful and safe places;
* conserving and enhancing the natural, built and historic 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 May 2019

LP1: Amount of Development
LP2: Strategy for Development
LP4: Contributing to Infrastructure Delivery
LP5: Flood Risk
LP6: Waste Water Management
LP10: The Countryside
LP11: Design Context
LP12: Design Implementation
LP14: Amenity
LP15: Surface Water
LP16: Sustainable Travel
LP17: Parking Provision and Vehicle Movement
LP25: Housing Mix
LP30: Biodiversity and Geodiversity
LP31: Trees, Woodland, Hedges and Hedgerows
LP33: Rural Buildings

Local policies are viewable at https://www.huntingdonshire.gov.uk

Supplementary Planning Documents (SPD) and Guidance:

Huntingdonshire Design Guide Supplementary Planning Document 2017
Developer Contributions SPD 2011
Huntingdonshire Landscape and Townscape SPD (2022)
Huntingdonshire Strategic Flood Risk Assessment (2017)
Cambridgeshire Flood and Water SPD 2017
LDF Developer Contributions SPD (2011)
Annual Monitoring Review regarding housing land supply (2020)
Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)

The National Design Guide (2021)

* C1 - Understand and relate well to the site, its local and wider context
* I1 - Respond to existing local character and identity
* I2 - Well-designed, high quality and attractive
* B2 - Appropriate building types and forms
*M3 - Well-considered parking, servicing and utilities infrastructure for all users
* N3 - Support rich and varied biodiversity
* H1 - Healthy, comfortable and safe internal and external environment
* H2 - Well-related to external amenity and public spaces
* H3 - Attention to detail: storage, waste, servicing and utilities

Local policies are viewable at https://www.huntingdonshire.gov.uk

PLANNING HISTORY

16/80192/COND - Condition information for 15/01803/FUL - C4 - Condition Reply.

15/01803/FUL - Proposed construction of new detached dwelling, conversion of pool house to form second dwelling and extension to front of existing property - Approved 03.12.2015.

16/80192/COND for Condition information for 15/01803/FUL - C4, discharged 12.08.2016.

16/01476/S73 - Variation of condition 3 from approved application 15/01803/FUL to allow materials to be agreed prior to each phase - Approved 30.08.2016

22/02178/S73 for Variation of condition 2(Approved Plans) of 16/01476/S73 to retain the existing garage and store previously proposed to be demolished - Approved 11.09.2023.

23/80410/COND for Discharge of Condition 2 (materials) of 22/02178/S73, discharged 14.11.2023.

CONSULTATIONS

Alconbury Parish Council - Had no material observation to make on the application.

REPRESENTATIONS

No third party representations were received during the course of the application.

SUMMARY OF ISSUES

The Planning Practice Guidance (PPG) notes that there are instances where new issues may arise after planning permission has been granted, which require modification of the approved proposals. It advises where these modifications are fundamental or substantial, a new planning application will be required. Where less substantial changes are proposed a non-material amendment application can be submitted, or a minor material amendment (S73 application) where there is a relevant condition that can be varied. There is no statutory definition within the PPG of a 'minor material amendment' but it states that it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

The PPG advises that "Where an application under Section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under Section 73 should also repeat the relevant conditions from the original planning permission unless they have already been discharged". As a section 73 application cannot be used

to vary the time limit for implementation, this condition must remain unchanged from the original permission".

All conditions imposed under 22/02178/S73 will be repeated, where relevant, as per the advice in the PPG.

Under this Section 73 application, it is proposed to vary condition 1 to include the addition of a front pitched roof porch where the approved is a flat-roofed canopy on Plot 2, to change the approved external materials as approved through discharge of condition application 23/80410/COND to show the approved Ibstock New Ivanhoe Creame Stock buff facing brick in red to now be Crest 'Gibraltar' brickwork (grey brick); *Dark grey/black rainwater goods to add Brett Martin Cascade 115m Deepstyle uPVC (iron effect) guttering on fascia brackets 68mm round downpipe fixed with wall brackets*Fascia/soffits to be painted black timber and
*White / off white Momocouche or K Rend render and the introduction of a Brick plinth - 'Gibraltar' Brickwork All other materials hitherto approved are retained.

The submitted plans also show a first floor window on the southwestern elevation to serve bedroom 3 and repositioned rooflights on the first-floor northwestern (front) elevation and south western elevations serving an ensuite to bedroom 1 and the hallway.

Condition 1 of permission 22/02178/S73 states:

The development hereby permitted shall be carried out in accordance with the approved plans listed in the table above.

The applicant wishes to amend the following approved plans:

21440_302B to be replaced by drawing number 22352_200C (Elevations) and

21440_301D to be replaced by drawing number 22352_201 (Site Plan)

The main issues relating to this Section 73 application are the Principal of Development, Highway Safety, Design and Visual Amenity and Residential Amenity. These are considered below.

*Principle of Development

The principle of the development has been agreed under applications 15/01803/FUL, 16/01476/S73 and 22/02178/S73. Given this Section 73 application seeks to retain an existing building in its current use (garage and storage), in the same location as approved, the Local Planning Authority have no objections in principle or in terms of highway safety or parking provision.

*Design and Visual Amenity

Policies LP11 and LP12 of the Huntingdonshire Local Plan to 2036 state that developments should respond positively to their context, draw inspiration from the key characteristics of its surroundings and contribute positively to the area's character and identity. This is also reflected in the Huntingdonshire Design Guide SPD and Section 12 of the National Planning Policy Framework (2024).

In terms of design and visual impact, the proposal would introduce a pitched roof porch on the front elevation of Plot 2 as well as new materials and window arrangements. While the porch would not be viewable on the street scene and is a typical domestic porch as are the proposed window addition and changes, it is acknowledged that the proposal would introduce new materials, including grey bricks and cream rendering which are not evident in the local street scene.

However, Plot 2 is relatively obscured from the public realm by virtue of mature trees and hedging and while contrary to the street scene it is considered that the proposed change in materials are not so significant that it would warrant a refusal of the proposal on design grounds and remain in accordance with LP11 and LP12 of the Huntingdonshire Local Plan which seeks all development to be in harmony with its local context, appearance and character.

*Highway Safety and Parking Provision

Policy LP17 of the Local Plan to 2036 seeks to ensure that new development incorporates appropriate space for vehicle movements, facilitates access for emergency vehicles and service vehicles and incorporates adequate parking for vehicles and cycles.

In terms of highway safety, it is acknowledged that a pitched roof single storey porch is being introduced which would project 2 metres from the front elevation. This additional footprint would be placed over an approved pathway and would not extend onto any drive, assigned parking space or vehicle manoeuvring areas and would not prevent any vehicle from turning and leaving the site in forward gear. The provision of off-street car parking and turning facilities would therefore remain acceptable should the proposed parch be implemented and so would not result in any detrimental impacts to highway safety or parking provision.

The proposal therefore accords with Policy LP17 of the Local Plan to 2036 and the aims and objectives of the NPPF (2024) in relation to highway safety and parking provision.

*Residential Amenity

Policy LP14 of the Local Plan to 2036 states a proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of neighbouring land and buildings.

The provision of a porch and change in materials would not impact amenity for users of the site nor any residential uses in close proximity.

It is acknowledged, however, that one first-floor window is proposed to be introduced on the southwestern elevation serving a bedroom which would be approximately 18 metres from the private rear amenity area of Casa Mia, a dwelling to the south. The Huntingdonshire District Design Guide at page 143 states in terms of overlooking that: 'A general rule of thumb of 21m distance between properties ensures privacy for residential use.' This proposed first floor window thus breaches this distance and would not ensure the private amenity areas of this neighbour would continue.

It has been put forward by the agent that this window is necessary for building regulations and as it serves as a secondary window (the room also features a rooflight), to ensure neighbour privacy, a condition to obscure-glaze this window and to restrict its opening would be necessary to make the proposal acceptable in residential amenity terms.

Overall, subject to condition, it is considered that a high standard of amenity would be provided for all users of the development and maintained for neighbours. The development is considered acceptable in terms of overshadowing, overlooking, overbearing impact, loss of privacy, loss of light and would not have a significant detrimental impact upon residential amenity. The proposal is therefore considered to be in accordance with Policy LP14 of the Local Plan to 2036 and paragraph 135(f) of the NPPF (2024).

*Developer Contributions

Part H of the Developer Contributions SPD (2024) requires a payment towards refuse bins for new residential development. An updated completed and signed Unilateral Undertaking has been

submitted as part of the application. The proposal therefore meets the requirements of Policy LP4 of the Local Plan to 2036.

*Conclusion

Taking national and local planning policies into account, and having regard for all relevant material considerations, it is recommended that this Section 73 application be granted, subject to the imposition of appropriate conditions.

In accordance with the Planning Practice Guidance, the decision notice will set out all of the conditions imposed on the new permission and conditions imposed on the related earlier reserved matters approval will be repeated for clarity where they continue to have effect.

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CONTACT OFFICER:
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