OFFICER REPORT

Case No: 25/00121/S73 Removal/Variation of Conditions

Proposal: Variation of condition 2 (Plans) to change the approved plans of 24/00914/S73

Location: 37 High Street Earith Huntingdon

Applicant: Lauren Bell

Grid Ref: 538616 274853

DESCRIPTION OF SITE AND APPLICATION

This Section 73 application seeks approval for the variation of condition 2 of planning permission 24/00914/S73. Planning permission 23/00816/FUL originally granted approval for the erection of a four-bedroom dwelling at No. 37 High Street, Earith. Application 24/00914/S73 was subsequently approved which sought 'Variation of Condition 2 (Approved Plans) and Condition 3 (Materials) for 23/00816/FUL to remove rear conservatory and insertion of bifold doors, grey roof tiles instead of brown and install flush fitting casement windows.'

This application seeks to substitute the plans approved under the previous permission with a revised Site Plan dwg H9242/100 in order to regularise the development. The amendments increase the width of the driveway from 3.10m to approximately 3.6m and increase the setback of the dwelling from Chapel Road from approximately 3.7m to 4m. The revised site plan also indicates a 600mm high fence will be provided adjacent to the northern site boundary with Chapel Road. Everything else remains as previously approved under 24/00914/S73.

The application site is located within the Earith Conservation Area and the closest Listed Building is 27 High Street (Grade II) to the south east. The site falls within Flood Zone 1 (low flood risk area).

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

NATIONAL GUIDANCE

The National Planning Policy Framework (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.

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, 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
LP9: Small Settlements
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
LP34: Heritage Assets and their Settings

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

Supplementary Planning Documents (SPD) and Guidance:

Huntingdonshire Strategic Flood Risk Assessment (2024)
Huntingdonshire Design Guide Supplementary Planning Document 2017
Developer Contributions SPD 2011
Huntingdonshire Landscape and Townscape SPD (2022)
Cambridgeshire Flood and Water SPD 2017
Annual Monitoring Review regarding housing land supply (2024)

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

24/01963/NMA - Non material amendment of 24/00914/S73. Change joinery materials from aluminium to uPVC units colour as approved - Approved.

24/00914/S73 - Variation of Condition 2 (approved Plans) and Condition 3 (Materials) for 23/00816/FUL to remove rear conservatory and insertion of bi-fold doors, grey roof tiles instead of brown and install flush fitting casement windows - Approved.

23/80483/COND - Discharge of 4 (Levels), 5 (Landscaping), 6 (Biodiversity Enhancements), 8 (Foul Drainage), 9 (Bin and bike stores), 12 (Highway Drainage) and 14 (Details/provision of temp facilities) for 23/00816/FUL - Approved.

23/00816/FUL - Erection of four bedroom dwelling - Approved.

22/00617/FUL - Erection of 4 bed dwelling - Approved.

CONSULTATIONS

Earith Parish Council - No objections to the variation of the approved plans.

Cambridgeshire County Council Highway Authority - No objections to the proposal. The proposed alterations do not change the Highway Authorities original comments and it is requested that the previous conditions be reapplied.

Huntingdonshire District Council's Urban Design Forum - No objections to the changes.

Huntingdonshire District Council's Conservation Officer - No objections to the proposal.

Huntingdonshire District Council's Environmental Health - No objections to the proposal.

REPRESENTATIONS

No third-party representations have been 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".

Under this Section 73 application, it is proposed to vary condition 2 to increase the width of the driveway, increase the setback distance of the dwelling and the installation of a 600mm fence in order to regularise the development.

Condition 2 of planning permission 24/00914/S73 listed the approved plans.

The main issue to consider in the determination of this application therefore is whether the amended scheme is acceptable in terms of:-

- Design, Visual Amenity and Impact on Heritage Assets
- Residential Amenity
- Highway Safety
- Biodiversity
- Flood risk/drainage

*Design, Visual Amenity and Impact on Heritage Assets

Policy LP11 states that a proposal will be supported where it is demonstrated that it responds positively to its context. Policy LP12 states that new development will be expected to be well designed and that a proposal will be supported where it can be demonstrated that it contributes positively to the area's character and identity and successfully integrates with adjoining buildings and landscape. This is also reflected in the Huntingdonshire Design Guide SPD and Section 12 of the National Planning Policy Framework (2024).

Paragraph 140 of the National Planning Policy Framework (2024) states that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

The amendments proposed as part of this Section 73 application seek to regularise the development that has been constructed. They increase the width of the driveway from 3.10m to approximately 3.6m and increase the setback of the dwelling from the Chapel Road from approximately 3.7m to 4m. The revised site plan also indicates a 600mm fence will be provided adjacent to the northern site boundary with the Chapel Road.

The increased set-back distance of the dwelling from the highway of Chapel Road is considered to be minor and would not impact on the established, staggered building line on the south-side of the highway. Furthermore, the proposed 600mm fence in the north-eastern corner of the site would reflect other low-level fences along front boundaries in the streetscene of Chapel Road.

It is also worth noting that the increased width of the proposed driveway would not result in any material, visual impacts.

As such, the quality of the approved development is not considered to diminish as a result of the proposed changes that are considered to be acceptable in relation to scale, design and appearance. Therefore, the proposal is deemed to be in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP9, LP11, LP12 and LP34 of the Huntingdonshire Local Plan to 2036, the Huntingdonshire Design Guide SPD and Sections 12 and 16 of the National Planning Policy Framework (2024) in this regard.

*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.

Given the minor relocation of the proposed dwelling (approximately 0.3m further south), and the fact that the proposal extends no closer to the neighbouring property, nor beyond the rear-most elevation of No. 28 Chapel Road, the Local Planning Authority are satisfied that the proposed changes would not result in any detrimental impacts on any neighbouring residential properties amenities.

The proposed changes are therefore considered to be in accordance with Policy LP14 of the adopted Huntingdonshire Local Plan to 2036, the Huntingdonshire Design Guide SPD and Section 12 of the National Planning Policy Framework (2024).

*Highway Safety

As a result of the proposed changes, the width of the vehicular access would increase from 3.1m to 3.6m. The increase in width is considered to be acceptable to serve the single dwelling and would not result in any impacts on previously approved vehicular or pedestrian visibility splays in either direction.

It is also worth noting that the Local Highway Authority raised no objections to the proposed changes from a highway safety perspective.
As such, the proposal is deemed to be in accordance with Policy LP17 of the adopted Huntingdonshire Local Plan to 2036 and Section 9 of the National Planning Policy Framework (2024) in this regard.

*Biodiversity

Policy LP30 of the Local Plan requires proposals to demonstrate that all potential adverse impacts on biodiversity and geodiversity have been investigated and ensure no net loss in biodiversity and provide a net gain where possible.

The application site was formerly a car parking area comprising hard standing and it was considered to have low ecological value. Condition 6 of 24/00914/S73 required that the development shall be carried out in accordance with the Biodiversity Enhancement scheme approved under application reference 23/80483/COND and this will be re-iterated in this approval to ensure compliance with the approved biodiversity enhancements. Subject to this, the proposal is considered to comply with Policy LP30 of the Local Plan.

*Flood Risk/Drainage

The site is located in a Flood Zone 1 which is considered appropriate for all forms of development. Huntingdonshire's Strategic Flood Risk Assessment (2024) identifies the site as susceptible to groundwater flooding. Details of the proposed soakaway are included on the proposed site plan (H9242/100) and condition 7 of 24/00914/S73 required the provision and implementation of surface water drainage in accordance with the details approved under application reference 23/80483/COND. This will be re-iterated in this approval. The proposal would therefore comply with Policies LP6, LP12 and LP15 of the Local Plan.

*Other matters

* Community Infrastructure Levy (CIL):

The development will be CIL liable in accordance with the Council's adopted charging schedule; CIL payments will cover footpaths and access, health, community facilities, libraries and lifelong learning and education.

*Bin UU:

Part H of the Developer Contributions SPD (2011) requires a payment towards refuse bins for new residential development. A Unilateral Undertaking to secure the provision of wheeled bins was previously submitted under 24/00914/S73 and the Agent has confirmed that this has been paid. The development is therefore considered to be in accordance with Policy LP4 of Huntingdonshire's Local Plan to 2036 in this regard.

*Conclusion

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

* Acceptable in terms of its visual impact;
* Acceptable in terms of impact on neighbouring properties amenities;
* Acceptable in terms of highway safety; and
* There are no other material planning considerations which lead to the conclusion that the proposal is unacceptable.

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.

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CONTACT OFFICER:
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