OFFICER REPORT

Case No: 24/02395/S73 Removal/Variation of Conditions

Proposal: Variation of Condition 2 (Plans) to 21/02494/FUL to accommodate the comments made by Anglian Water

Location: North East Of 157 Duck Lane St Neots

Applicant: Mr Kyle Crush

Grid Ref: 518971 259711

DESCRIPTION OF SITE AND APPLICATION

The permitted development is for the construction of two 3 bed dwellings with associated works, following the demolition of 6 garages. The application site is within a 1960s housing development within a residential area of St Neots.

The site is situated in flood zone 1 and there are no designated heritage assets in the vicinity. Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.

The original application (21/02494/FUL) was for the demolition of 6 garages and construction of two 3 bed dwellings with associated external works. It was approved in December 2022 by Development Management Committee, as the ward member for the area 'called in' the application.

This application is for the Variation of Condition 2 (Approved Plans) to 21/02494/FUL to accommodate the comments made by Anglian Water regarding access to maintain their existing assets. It is noted that revised plans have been received during the lifetime of the application in response to Officer concerns. This related to minor design details with the fencing and therefore it was not considered necessary to reconsult on the proposal.

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 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.

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
* 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
* M3 Well considered parking, servicing and utilities infrastructure for all users
* N3 Support rich and varied biodiversity

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

PLANNING POLICIES

Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)
LP1: Amount of Development
LP2: Strategy for Development
LP4: Contributing to Infrastructure Delivery
LP5: Flood Risk
LP6: Waste Water Management
LP7: Spatial Planning Areas
LP11: Design Context
LP12: Design Implementation
LP14: Amenity
LP15: Surface Water
LP16: Sustainable Travel
LP17: Parking Provision and Vehicle Management
LP25: Housing Mix
LP30: Biodiversity and Geodiversity

Neighbourhood Plans:

St Neots Neighbourhood Plan (2016)
Policy A3: Design
Policy PT1: Sustainable modes of transport
Policy PT2: Vehicle Parking Standards for Residential Development

Supplementary Planning Documents/ Guidance

*Huntingdonshire Design Guide (SPD) 2017
*Developer Contributions SPD 2011
*Developer Contributions: Updated Costs 2023/24
*Huntingdonshire Landscape and Townscape SPD (2022)
*Huntingdonshire Strategic Flood Risk Assessment (2024)
*Cambridgeshire Flood and Water SPD 2017
*Annual Monitoring Review regarding housing land supply (2024)
*Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)

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

PLANNING HISTORY

21/02494/FUL - Demolition of 6 garages and construction of two 3 bed dwellings with associated external works – permission granted 13.12.2022

23/02229/NMA - Non material amendment of 21/02494/FUL to revise elevation drawing CH-903-P9-01 Rev D to add PV – consent granted 07.12.2023
23/80045/COND - Discharge of condition 18 (Surface water during construction) of 21/02494/FUL – discharged 29.03.2023
23/80143/COND - Discharge of Conditions 3 (Materials), 4 (Architectural Details), 7 (Hard And Soft Landscaping) , 8 (Biodiversity Method Statement), 9 (Contamination Parts A and B), 14 (Access Drainage), 16 (Drainage Scheme) for 21/02494/FUL – approved 24.08.2023
23/80473/COND - Discharge of Conditions 6 (Cycle Storage), 9 parts C and D (Contamination Verification/Remediation) and 17 (Surface Water Drainage Maintenance) for 21/02494/FUL – approved 21.11.2024
24/02244/NMA - Non-material amendment to 21/02494/FUL to revise the approved drawings – refused 18.12.2024

CONSULTATIONS

St Neots Town Council noted the application, with no further comments.

CCC Highways Department – no objections. It is noted that the proposed alterations do not change the Highway Authorities original comments and it is requested that the conditions sought by the Highway Authority and required by the Planning Authority under application 21/02494/FUL be reapplied.

Cambs Police – no objection in relation to crime, disorder and the fear of crime. It is emphasised that the gates providing access to the rear gardens must be lockable from both sies, to prevent unauthorised access and reduce the risks/vulnerability for crime and the fear of crime.

HDC Environmental Health – no objections

Anglian Water – no objections. Anglian Water are satisfied with the proposed variation to the revision on the approved Site Plan (Revision F) to suit Anglian Water comments regarding maintenance of existing assets and the sewer diversion.

LLFA – initial response objected to the revised plans as it was noted that as part of the previously approved drainage strategy, all parking spaces are to have permeable paving. The site plan currently shows and states that private drives and paths are to be surfaced in tarmac. The inclusion of permeable paving is particularly important from a water quality and quantity perspective.

Officer comment – the agent for the application confirmed that the main road into the site is in tarmac and the drives are in permeable paving in line with the approved discharge of the condition application. The LLFA was reconsulted and confirmed removal of their previous objection to the application.

HDC Urban Design – It is noted that Plots 1 and 2 were approved with sections of 0.8m garden wall with 1m vertical metal railings above in order to overlook and improve surveillance of the parking court. Whilst the principle of replacing the wall with a CBF would be acceptable given the arrangement of hedge planting in front (the HDC Design Guide SPD page 174 requires that public facing boundaries comprise either a wall or high hedge), a section of lower boundary fencing with railings / trellis is recommended in order to maintain surveillance over the rear parking court from the rear gardens.

Officer comment – Revised plans were subsequently received from the agent proposing lower boundary fencing with trellis above to maintain surveillance of the rear parking court. The Urban Design Officer has confirmed that the revised plans are acceptable.

Wider comments from the Urban Design Team regarding PV panels on the front roofslopes are disregarded as this element was approved under the application reference 23/02229/NMA in December 2023.

REPRESENTATIONS

One objection has been received from the neighbouring property at no. 157 Duck Lane with comments summarised below:

- Due to the close proximity of the new garden to the back of my house where I work, a brick wall is preferred as a noise reducing material, which a fence does not provide.
- If a fence is to be constructed, I request a trellis is added and shrubs are planted within the garden to absorb noise, as discussed with the developer.

Officer comment – comments regarding preferred material is noted and discussed in more detail within the main body of the report. The request to add plants within the garden is noted. The soft landscaping scheme for the development has already been approved and discharged. Any additional planting will be at the discretion of the resident in the property.

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.

Whilst there is a presumption in favour of sustainable development, the National Planning Policy Framework defines sustainability as having three strands - social, economic and environmental. One of the NPPF's core principles is to achieve well-designed places and it is noted that "The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

The principle of a dwelling on the site has been approved through the grant of permission of application 21/02494/FUL for the demolition of 6 garages and construction of two 3 bed dwellings with associated external works. The main issues to consider in the determination of this application therefore are whether the amended scheme in acceptable in terms of:

- Design and Visual Amenity
- Residential amenity

*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.

The proposal is for the variation of Condition 2 (Plans) to 21/02494/FUL to accommodate the comments made by Anglian Water who stated that a wall with shallow foundations would cause them problems should access be required for the long term maintenance of the chamber. The work would have a direct impact on the owner of the property in ensuring that the wall is not damaged due to the depth of the adjacent chamber. Therefore, Anglian Water requested that the wall is replaced with another form of boundary such as fencing that can be easily managed should they ever need to.

The proposal amends the boundary treatment to the rear (north-western) garden boundaries of Plots 1 and 2 and seeks to replace the 1.8 metre brick wall (which includes sections of 0.8m garden wall with 1m vertical metal railings above) with a 1.8m close boarded fence. The side (southwestern) garden boundary of plot 1 is also proposed to change from 1.8m brick wall to a 1.8m close boarded fence. The 1.8m brick boundary wall to the side (northeast) of Plot 1 is retained facing the shared private drive. It is noted that the existing parking court is enclosed by a mixture of brick boundary walls and close boarded fences and the introduction of this fence to the side (southwest) of Plot 1 would reflect the rear garden boundaries of Nos. 155-157 on the opposite side of the footpath.

The rear garden boundaries of Plots 1 and 2 were approved with sections of 0.8m garden wall with 1m vertical metal railings above in order to overlook and improve surveillance of the parking court. Therefore, following discussions with the agent, revised plans were received to amend the 1.8 metre close boarded fence to a lower fence of 1.5 metres with 0.3 metres of trellis above to maintain surveillance of the parking court. This arrangement has been accepted by the Urban Design Team.

Therefore, overall, it is considered that the scale, bulk and design of the development complement the host buildings and would not harm the general character of the area. Therefore, the proposal would accord with Policies LP11 and LP12 of Huntingdonshire's Local Plan to 2036 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.

The proposed changes relate to boundary treatment changes from brick to close boarded fencing. As such it is considered that the level of amenity provided in the original application (21/02494/FUL) is maintained for both the development and the neighbours.

Therefore, the development is considered acceptable in terms of overshadowing, overlooking, loss of privacy, loss of light and would not have a significant impact upon residential amenity. The proposal, therefore, accords with LP14 of Huntingdonshire’s Local Plan to 2036 (2019) in this regard.

*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 significantly detrimental impact upon the amenity of neighbours.

There are no other material planning considerations which have a significant bearing on the determination of this application.

The proposed amendments to vary condition 2 is considered to be relatively minor in relation to the wider site and will not fundamentally change the character of the development as approved.

It is therefore recommended that planning permission be granted. All conditions imposed under the previously approved application reference 21/02494/FUL will be repeated, where relevant and amended to compliance conditions where the conditions have been discharged, as per advice in the PPG.

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

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388424 and we will try to accommodate your needs.

CONTACT OFFICER:
Enquiries about this report to **Olivia Manton**