OFFICER REPORT

Case No: 24/02359/S73 Removal/Variation of Conditions

Proposal: Variation of conditions 2 (Approved Plans), 3 (Materials) and 10 (Highway Improvement Works) of 24/00218/FUL.
To regularise the minor amendments to the approved house design.

Location: 2 Potton Road Eynesbury St Neots

Applicant: Mr Adrian Albone

Grid Ref: 518968 258588

DESCRIPTION OF SITE AND APPLICATION

The permitted dwelling is a detached bungalow located within a residential area of Eynesbury. The site is located within the existing residential garden of number 2 Potton Road. The proposed access would be taken from the residential access road serving properties off Potton Road, B1046, which currently serves the host property. The property is surrounded by residential properties with the railway line to the southeast of the site.

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 (24/00218/FUL) was for the erection of a detached bungalow to the land rear of the existing dwelling. It was approved in June 2024.

This application is for the Variation of Condition 2 (Approved Plans), 3 (Materials) and 10 (Highway Improvement Works) of 24/00218/FUL in order to regularise the minor amendments to the approved house design.

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.

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
LP31: Trees, Woodland, Hedges and Hedgerows

Neighbourhood Plans:

St Neots Neighbourhood Plan (2016)
Policy A3: Design
Policy PT1: Sustainable modes of transport
Policy PL2: Parking
Policy P4: Sustainable Drainage Systems

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)

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

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

PLANNING HISTORY

21/02827/FUL - Erection of a pair of semi-detached dwellinghouse to land rear of existing dwelling – withdrawn 21.02.2023
24/00218/FUL - Erection of a detached bungalow to land rear of existing dwelling – permission granted 10.06.2024

CONSULTATIONS

St Neots Town Council recommend approval. It is considered that the proposal is satisfactory in terms of scale and pattern of development.
HDC Environmental Health – no objections

CCC Highways Department – no objections. It is noted that the indicated changes are with the house design and not the associated works with the rest of the scheme. 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 24/00218/FUL be reapplied.

Network Rail – No response received at time of determination.

REPRESENTATIONS

No objections received at time of determination.

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 24/00218/FUL for the erection of a detached bungalow to land rear of the existing dwelling. 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
- Highway Safety, Parking Provision and Access
- Biodiversity and Geodiversity

*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 conditions 2 (Approved Plans), 3 (Materials) and 10 (Highway Improvement Works) of 24/00218/FUL to regularise minor amendments to the approved house design.

The amendments are for the 89cm increase in depth of the dwelling and 13.4cm increase in the maximum ridge height. The increase in depth will allow for the provision of a third bedroom within the floor plan.

Due to construction issues, the maximum ridge height is proposed to increase by 13.4cm. This will only impact a small area of the roof with the main roof plain remaining at the same approved height.

The location of the property remains the same, and therefore it is considered that the minor increases in depth and height of the property will not have a detrimental effect on the character of the area or on the position of the dwelling within the application site.

It is noted that the application also includes a variation of C3 (Materials), however the agent has confirmed that materials, previously approved, are not changing and that Condition 3 is varied due to the drawing number quoted within the condition, which has been updated to reflect the design changes.

Therefore, overall, it is considered that the proposal would not result in overdevelopment of the site and would not harm the general charact 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 are considered minor and will not have any additional impact upon the residential amenity of neighbouring properties, than the approved property already given planning permission under planning ref: 24/00218/FUL.

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.

* Highway Safety, Parking Provision and Access

Policy LP17 states that a proposal will be supported where it incorporates appropriate space for vehicle movements, facilitates accessibility for service and emergency vehicles and incorporates adequate parking for vehicles and cycles. Policy LP16 seeks safe physical access from the public highway.

CCC Highways Department has provided comments on the proposal and have no objections to the proposed amendments to the scheme. It is considered that the amendments will not impact the associated works with the rest of the scheme.

Therefore, given the scale and siting of the proposal, it is considered that it would not have an adverse impact on highways safety. The proposal is therefore accords with Policies LP16 and LP17 of Huntingdonshire's Local Plan to 2036 and the guidance within the Huntingdonshire Design Guide Supplementary Planning Document (2017) - Part 3.5.

* Biodiversity and Geodiversity

Policy LP30 of the Local Plan to 2036 states that a proposal will be required to demonstrate that all potential adverse impacts on biodiversity and geodiversity have been investigated. A proposal will ensure no net loss in biodiversity and provide a net gain where possible, through the planned retention, enhancement and creation of habitats and wildlife features, appropriate to the scale, type and location of development.

It is noted that the proposal is exempt from Biodiversity Net Gain legislation and the mandatory 10% increase, as the application for the original permission was made before the 12th February 2024.

Matters relating to LP30 do still need to be addressed. In this instance the original permission noted that there is an area of trees and shrubs to the southeast of the site creating a buffer between the railway and the application site. The landscaping is outside the site and is not proposed to be affected by the development. The application site is residential garden land and the siting of the proposed dwelling is unlikely to impact on the wider landscaped area. There is an opportunity to enhance the biodiversity value of the site through soft landscaping and ecological enhancements which are to be secured by condition.

It is therefore considered that subject to conditions, the arboricultural and ecological implications of the development are acceptable and there would be no contravention of Policies LP30 and LP31 of the Local Plan and the NPPF 2024 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;
* Would not have a harmful impact upon highway safety;
* Is acceptable with regards to the impact on biodiversity.

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

The proposed amendments to vary conditions 2, 3 and 10 are 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 24/00218/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.

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CONTACT OFFICER:
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