

Planning Statement

Planning application

Application under s73 to Vary Condition 2 (approved plans) of planning permission reference 23/02650 for Erection of eight dwellings comprising of 3 pairs of semidetached dwellings (6 x 3-bed) and two detached 4-bed dwellings including integral garages (plots 1 and 8) with a new access spur from the Lodge Court, on-site parking, landscaping at land south west of and adjacent to Lodge Court, Turnpike Lane, Ickleford, Hertfordshire.

DLA Ref: 2024/129

Date: July 2024

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1.0 INTRODUCTION

1.1.0 Background

1.1.1 This report relates to a planning application to vary Condition 2 (approved plans) of planning permission reference 23/02650 dated 16/2/24. for the erection of eight dwellings comprising of 3 pairs of semidetached dwellings (6 x 3-bed) and two detached 4-bed dwellings including integral garages (plots 1 and 8) with a new access spur from the Lodge Court, on-site parking, landscaping, at land south west of and adjacent to Lodge Court, Turnpike Lane, Ickleford, Hertfordshire.

1.1.2 Condition 2 currently reads:

The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

1.1.3 It is proposed that the condition would read as follows in the event that approval was given:

The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed:

2328-LDCT-SCN-ZZ-04-DR-A-01.301-A3-PL04 (Site Plan), 2328-LDCT-SCN-ZZ-00-DR-A-02.011-A3-PL04 (House Type Plot 01), 2328-LDCT-SCN-ZZ-00-DR-A-02.012-A3-PL04 (House Type Plots 02-07), 2328-LDCT-SCN-ZZ-00-DR-A-02.014-A3-PL02 (House Type Plot 08) & 2328-LDCT-SCN-XX-XX-DR-A-30.001-A3-PL04 (Street Scene).

1.1.4 Section 73 of the 1990 Act provides for applications for planning permission to develop land without complying with previously imposed planning conditions. The local planning authority can grant permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original conditions should be kept.

1.1.5 The only limits imposed by the wording of s73 itself is on the type of amendment which can be affected are as follows:

- The amendment must be facilitated through an amendment to a condition.
- The original planning permission must have been lawfully implemented or still be capable of implementation.
- The amendment cannot have the effect of extending the time within which a development must be begun or within which an application for approval of reserved matters must be made.
- The amendment cannot display the biodiversity gain condition which will automatically be imposed on every planning permission granted In England for a date to be appointed.

1.1.6 The above was confirmed in the recent High Court case of *Armstrong v Secretary of State for Levelling-Up, Housing and Communities and Another* [2023] EWHC 176 (Admin), which

considered the scope of s73 application. The High Court confirmed that s73 application is not just limited to “minor material amendments” and that NPPG introducing the concept of “minor material amendment” in the guidance is confusing, when there is no such reference to it in section 73 of the Town and Country Planning Act 1990 and case law doesn’t support such interpretation.

1.2.0 **Summary**

- 1.2.1 The amended proposals stem from a decision to use timber frame construction which has significant environmental benefits. There would be a reduction in the height of the majority of the dwellings in line with the Neighbourhood Plan and associated Design Codes. The house types and roofscape ensure that there are gaps between dwellings and views through the built development. There would be no greater impact on neighbouring residents. Levels of parking are maintained and there is little change in the parking layout. Landscaping is secured by conditions on the existing permission which would be included in any new consent so there would be no adverse impact on the level of landscaping.

2.0 SITE & CONTEXT ANALYSIS

2.1.0 Location

2.1.1 The application site is situated south of Turnpike Lane with access provided via Lodge Court. The site is on the edge of the built up area of Ickleford, wrapped round by existing built form on north, east and southern sides. To the west is open paddock land, outside the settlement boundary and within the Green Belt.

2.1.2 Ickleford is a village just north of Hitchin.

2.2.0 Application Site

2.2.1 The site itself is currently vacant, fenced, open paddock land, The vehicle access for Lodge Court cuts through the northern part of the site, although this is set back from the road with a belt of mature trees between the access lane and Turnpike Lane.

2.3.0 Proposals Map Notation

2.3.1 The site is unallocated land within the settlement boundary. The north west corner of the site abuts the Conservation Area. Waltham Cottage, located within the Conservation Area and close to but not sharing a boundary with the application site, is Grade II Listed. The belt of trees between Lodge Court and Turnpike Lane benefits from a tree preservation order.

3.0 RELEVANT PLANNING HISTORY

3.1.0 Application Site

3.1.1 The relevant history of the application site is summarised in Figure 3.1.0 below.

LPA Ref	Proposal	Outcome
18/02785/FP	Erection of 7 dwellings	Withdrawn
20/0891/FP	Erection of 5 dwellings	Allowed on appeal 28/09/2021
21/03464/s73	Variation of conditions 2, 6, 8, 9, 10 of 20/0891/FP	Granted 01/04/22
22/01448/FP	Erection of 5 dwellings	Granted 17/10/22
22/03105/S73	Variation of condition 2 of 22/01148	Granted 30/01/23
23/02650/FP	Erection of 8 dwellings	Granted 16/02/24

4.0 POLICY CONTEXT

4.1.0 National Policy / Guidance

4.1.1 The National Planning Policy Framework (NPPF) December 2023, sets out the Government's planning policies for England. The following sections are considered directly relevant:

- Section 2: Achieving Sustainable Development
- Section 5: Delivering a sufficient supply of homes
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well designed places
- Section 13: Protecting Green Belt land
- Section 15: Conserving and enhancing the natural environment

4.1.2 The National Planning Policy Guidance contains detailed guidance on the application of the NPPF. Account is also taken of the National Design Guide - Planning practice guidance for beautiful, enduring and successful places, which aims to illustrate how well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

4.2.0 **North Hertfordshire Local Plan 2011-2031** The following NHLP policies are relevant to the proposal:

Fig 4.2.2: Relevant Local Plan Policies

Policy No.	Title
SP1	Sustainable development in North Hertfordshire
SP8	Housing
SP9	Design and Sustainability
D1	Sustainable design
D3	Protecting living conditions
T1	Assessment of transport matters
T2	Parking

4.2.1 The **Ickleford Neighbourhood Plan** was adopted in 2024 and **Design Codes** have been published alongside it. The key policies in the Neighbourhood Plan are as follows:

Policy No.	Title
E3	Rural character
SD1	Development within the Settlement Boundary
SD3	High quality design

4.3.0 **Supplementary Planning Guidance / Documents**

4.4.1 The following LPA guidance is relevant to the application proposal:

- Vehicle Parking at New Development Supplementary Planning Document (September 2011)
- Design Supplementary Planning Document (July 2011)

5.0 DESCRIPTION OF DEVELOPMENT

5.1.1 The proposed development is for a variation of the approved plans for the erection of eight dwellings comprising of 3 pairs of semidetached dwellings (6 x 3-bed) and two detached 4-bed dwellings including integral garages (plots 1 and 8) with a new access spur from the Lodge Court, on-site parking, landscaping. The application has been made as a result of the developer's decision to use timber frame construction for environmental benefit. The changes are:

- a. A change to the layout of the individual houses, resulting in a slightly changed footprint and reduction on the height of plots 2 - 7 from 2.5 to 2 storeys.
- b. Changes to the external appearance reflecting a new approach to the design of the units. This includes a change to elevational detailing as well as materials. The materials are as follows:

Walls – timber and red facing brick

Roofs – slate effect

Window frames and doors – grey UPVC

- c. Changes to the approach to parking and landscaping in terms of the layout.

5.1.2 The table below compares the approved house types with the proposed ones in terms of number of bedrooms, studies, storeys etc.

	APPROVED SCHEME			PROPOSED SCHEME		
Plot	No of beds	Study?	Storeys	No of beds	Study?	Storeys
1	4	No	2	4	Yes	2
2	3	No	2.5	3	No	2
3	3	No	2.5	3	No	2
4	3	Yes	2.5	3	No	2
5	3	Yes	2.5	3	No	2
6	3	Yes	2.5	3	No	2
7	3	Yes	2.5	3	No	2
8	4	Yes	2	4	Yes	2

5.1.3 The table demonstrates that the number of bedrooms has not altered in each dwelling and that the storey height of six of the eight units has been reduced. Plots 1 and 8 remain detached dwellings and plots 2-7 are pairs of semi-detached dwellings as per the approved description of development. Where studies are proposed they are below the 7.5sqm required for a room to be considered a single bedroom.

5.1.4 The parking layout of the scheme has been amended slightly. Plots 1 and 8 are unchanged from the approved plans. Plots 2 to 7 have either parking to the front or to the side of the dwelling, the approved plans show 3 plots with parking to the front and 3 plots with parking

to the side, the application proposes 4 plots with parking to the front and 2 with parking to the side. Amending the arrangement of the parking to the front of plot 7 has provide opportunity for more landscaping.

- 5.1.5 The site layout plans, approved and proposed, both show areas of landscaping however this is indicative with the detailed landscaping scheme being secured by condition 7. Condition 7 requires the submission and approval of a detailed landscaping scheme prior to the commencement of development, this condition also specifies that the landscaping proposals must include 18 new trees which are to be semi-mature and native species. Furthermore, the planning permission includes condition 5 which prevents the removal of any existing trees without prior consent from the LPA, so all existing trees are protected.
- 5.1.6 The following elements of the proposal are unchanged from that granted planning permission:
1. The number of dwellings proposed
 2. The type of dwellings proposed
 3. The overall site layout (houses are in the same locations)
- 5.1.7 As a s73 application there can be no change to the description of development on the permission. The submitted amended plans are compliant with that description of development.
- 5.18 In 2019 the Council declared a climate emergency; this declaration asserted the council's commitment toward climate action beyond current government targets and international agreements and is currently pursued through the Climate Change Strategy 2022-2027. The developer of this site has made a decision to construct the dwellings from timber frame. This represents a significant improvement over traditional methods in terms of environmental impact.

6.0 **PLANNING CONSIDERATIONS**

Based on the analysis set out in Sections 2 to 5, I consider that the application proposal raises issue of layout (including parking and landscaping), design and external appearance.

6.1.0 Layout

6.1.1 Site Layout

The layout of the houses is as per the approved scheme in term of their general position on site.

6.1.2 The height of six of the eight dwellings has been reduced from 2.5 storey, standing at 8715mm to the ridgeline, to 2 storey, 8676mm at the ridgeline.

6.1.3 As can be seen in the submitted site plan, plots 1 – 7 do not extend materially further forward or back than in the consented plans and there is similar gapping, maintaining the character of the street scene as approved. The spacing between plots is compared to the approved plans in the table below.

Gap between	Approved scheme	Proposed scheme	Difference
Plots 1 – 2	1120mm	1000mm	-120mm/12cm
Plots 3 – 4	4154mm	3835mm	-319mm/31.9cm
Plots 5 – 6	6020mm	3835mm	- 2185mm/2.1m

6.1.4 Whilst the change in the gaps between plots 1 – 2 and 3-4 are negligible and unlikely to be appreciated on the ground, the gap between plots 5-6 is more likely to be noticeable. Although the gaps between the dwellings have reduced, the change in roofscape would compensate and ensure that spaces between the dwellings would be visible creating a sense of openness. The approved scheme has flat fronted houses on plots 2 – 7 with the ridgelines broadly running north-south, this makes the spacing between the dwellings important to create the space at roof level as well as at ground level. The proposed scheme would have gable-fronted houses with hipped roofs which in themselves would create spaces between the dwellings at roof level. Views of the dwellings from outside of the site would be limited due to its location set back from Turnpike Lane and also existing and proposed landscaping. Overall it is considered that the amended scheme to would in comparable visual impact when compared to the approved scheme. This is demonstrated by the enclosed comparative street scene drawing, an extract of which is provided below.



- 6.1.5 The dwelling on plot 8 is positioned slightly further forward than approved, the house has also moved slightly west, away from the boundary with the neighbouring dwelling, in addition the rear projection has been removed. The dwelling on plot 8 would be 10060mm from the neighbouring property at its closest point, which would be the rear corner of the single-storey, flat-roofed garage. This would be 505mm further away than the approved scheme, which is only 9555mm away at its closest point. The first floor of the dwelling on plot 8 is in line with that of the approved scheme, so the dwelling (garage excluded) is no closer than previously approved. It is not considered that there would be any adverse impact on neighbouring occupiers as a result of this change. Again this is illustrated on the comparative street scene drawing with an extract provided below.



Comparable Sites

- 6.1.6 The proposed site layout is comparable with two recent housing development in Ickleford, both of which have an edge against open land.

Ickleford Manor, Turnpike Lane, Ickleford

17/02628/1 - Reserved Matters application for the approval of the external appearance of outline application 16/02012/1 granted 31/07/2017 for the development of 19 residential dwellings together with associated vehicular access and parking following demolition of existing commercial buildings – Approved January 2018

This scheme of 19 two -storey dwellings, the majority of which are flat fronted facing into and out of the site, has very few meaningful gaps between houses, as demonstrated in the street scene extracts below. The site is just circa 350m away from the application site and has two boundaries to open land and two to existing roads making it visible from many viewpoints.



Burford Grange, Bedford Road, Ickleford

19/01106/FP Erection of 48 dwellings with associated access, parking, private and public amenity space and associated works, following demolition of existing buildings – Approved February 2023

This scheme of 48 two-storey dwellings has its southern elevation onto open countryside. The southern boundary of the site extends for circa 200m with the development shown in the street scene extract backing onto it. The extract shows the two terraces of dwellings and detached dwellings with little spacing between.



6.1.7 Parking

The total number of parking spaces and their general location is unchanged by the application.

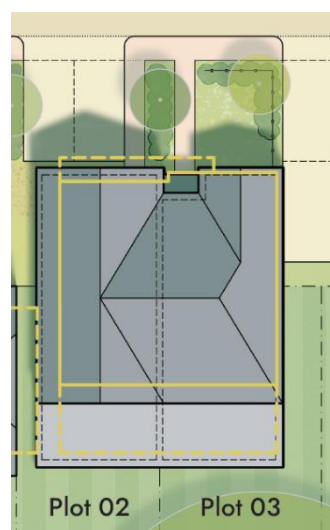
6.1.8 Parking provision for plots 1, 2 and 8 are unchanged from the approved plans. Parking for plots 3 to 7 was approved as a mix of frontage parking and tandem parking to the side of dwellings. The approved arrangement included 2 dwellings with parking to the front and 3 with parking to the side. The proposed arrangement includes 3 dwellings with parking to the front and 2 with tandem parking to the side. It is not considered that this minor change to the parking arrangement has any adverse impact on the parking provision or character and appearance of the development. Landscape impacts are discussed below.

6.1.9 The plan extracts below show the proposed changes.

Plots 2 & 3 APPROVED



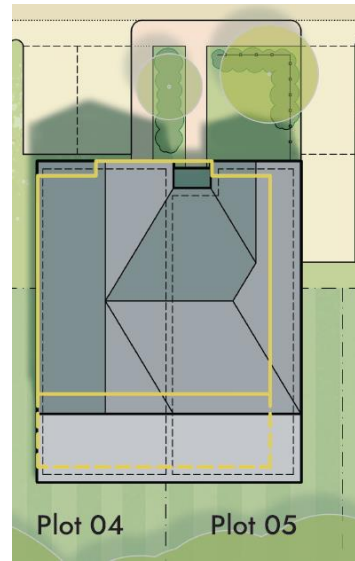
PROPOSED



Plots 4 & 5 APPROVED



PROPOSED



Plan extracts showing Plots 6 & 7 are included in the landscaping section below.

6.1.10 Landscaping

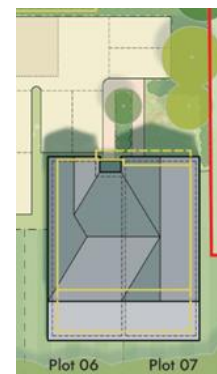
The planning permission includes condition 5 which prevents the removal of any existing trees without prior consent from the LPA, so all existing trees are protected. The permission also includes condition 7 which requires the submission and approval of a detailed landscaping scheme prior to the commencement of development, this condition also specifies that the landscaping proposals must include 18 new trees which are to be semi-mature and native species. It is therefore considered that any concerns about loss of landscaping or trees would be resolved by existing conditions.

6.1.11 The parking arrangements for plot 7 have been amended to enable additional space for landscaping to the front of the dwellings to be provided. This is considered to be beneficial for the visual appearance of the scheme. This is shown by the plan extracts below.

APPROVED



PROPOSED



6.2.0 Design

6.2.1 In terms of height, plots 2-7 are reduced from 2.5 storey to 2 storey. Whilst the footprint is extended, this is not considered to be materially apparent from outside the site, and the reduction in height is a direct response to Ickleford Neighbourhood Plan policy SD3 and the Ickleford Design Code

6.2.2 As the layout is not fundamentally changed, all of the relevant design principles established via the existing permission are retained.

6.2.3 The amendments to the external appearance can be described as a simplification of the elevations:

- the combination of red facing brick and timber composite has been retained, but no render is now proposed
- projecting gable features are still included but in a simplified form, with a less complex roof structure and a simpler floor plan
- dormer windows and roof lights are eliminated due to the 2 storey approach.
- doors and windows are now in grey as opposed to black, softening the elevation.
- slate effect tiles are still proposed for the roof.
- internal space standards and garden sizes are maintained.

7.0 CONCLUSIONS

7.1.0 Background

7.1.1 This report relates to a planning application under s73 for amended plans for and extant permission for 8 houses (ref 23/82650). The proposed changes to the houses proposed are considered to be entirely acceptable and compliant with relevant planning policy and therefore planning permission should be granted.

- The amended proposals stem from a decision to use timber frame construction which has significant environmental benefits.
- There would be a reduction in the height of the majority of the dwellings in line with the Neighbourhood Plan and associated Design Codes.
- The house types and roofscape ensure that there are gaps between dwellings and views through the built development.
- There would be no greater impact on neighbouring residents.
- Levels of parking are maintained and there is little change in the parking layout.
- Landscaping is secured by conditions on the existing permission which would be included in any new consent so there would be no adverse impact on the level of landscaping.

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