

Planning Statement

Planning application

Application under s73 to Vary Condition 2 (approved plans) of planning permission reference 24/01031/S73 for Variation of condition 2 (revised plans) of planning permission 23/02650/FP granted 16.02.2024 for erection of eight dwellings comprising of 3 pairs of semi-detached 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: 2024/498

Date: November 2024

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1.0 INTRODUCTION

1.1.0 Background

1.1.1 This report relates to a planning application under s73 to vary Condition 2 (approved plans) of planning permission reference 24/01031/S73 for Variation of condition 2 (revised plans) of planning permission 23/02650/FP granted 16.02.2024 for erection of eight dwellings comprising of 3 pairs of semi-detached 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. The proposed amendments relate to the revision of the parking spaces for plots 5 & 6 and the addition of a car port over the parking spaces for plot 7.

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:

TH152_A_S_XX_001 P7 (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), TH152_A_DE_XX_1000 P1.

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 are limited and relate only to an amended parking arrangement for plots 5 and 6 and the addition of a car port to the parking for plot 7. There would be no greater impact on neighbouring residents as a result of the proposals. 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 eight dwellings comprising of 3 pairs of semi-detached 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.	Granted 16/02/24
24/01031/S73	Variation of condition 2 (revised plans) of planning permission 23/02650/FP granted 16.02.2024 for erection of eight dwellings comprising of 3 pairs of semi-detached 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.	Granted 9/9/24

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.

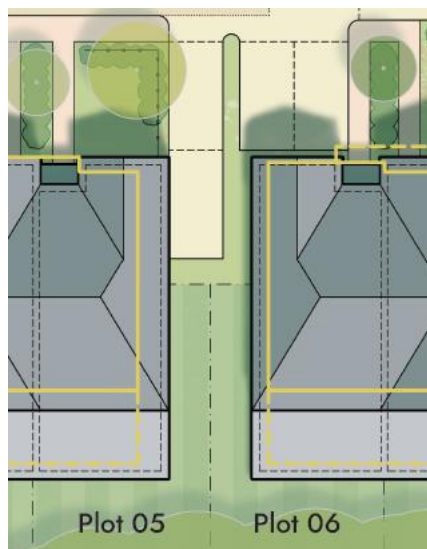
5.1.2 The proposed amendments are limited and relate only an amended parking layout for plots 5 and 6 and the addition of a car port over the parking for plot 7.

5.1.3 Parking for plots 5 & 6

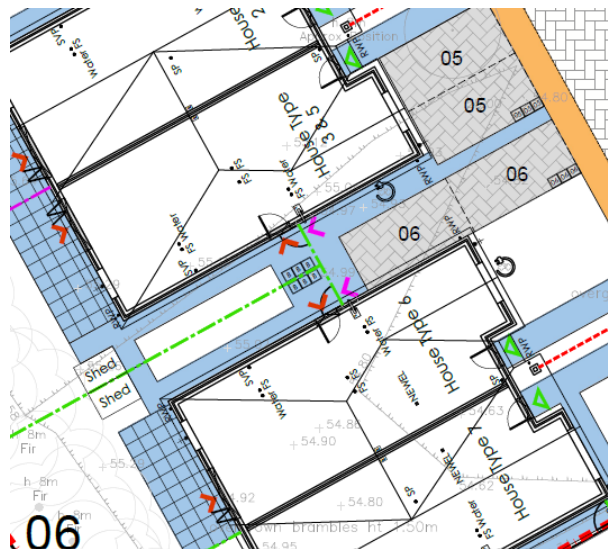
The current approved arrangement has the two parking spaces for plot 5 sited on a driveway alongside the dwelling. The driveway accommodates the parking in a tandem arrangement. The current approved arrangement for plot 6 shows two parking spaces to the front of the dwelling next to each other.

5.1.4 The proposed amendment swaps the parking arrangements so that the parking for plot 5 is to the front of the dwelling and plot 6 has a driveway. There is no loss of parking provision. The plan extracts below illustrate the proposed revisions.

APPROVED



PROPOSED



5.1.5 Car port to plot 7

It is proposed to add a car port to cover the existing approved parking spaces for plot 7. The car port would be 4.8m by 5.4m, it would have a flat roof and stand at 2.25m to the underside of the roof. The car port would not alter the parking arrangement or restrict access to the parking spaces.

6.0 **PLANNING CONSIDERATIONS**

Based on the analysis set out in Sections 2 to 5, I consider that the application proposal raises issues of parking layout and the design and external appearance of the car port.

6.1.0 Parking Layout

- 6.1.1 The total number of parking spaces and their general location is unchanged by the application. The only alteration is a direct swap of the parking arrangements between plots 5 and 6. As described in section 5 above. The change would not change the amount of parking provided to each dwelling nor would it impact on the ability of the spaces to be used or accessed.
- 6.1.2 The landscaping to the front of plots 5 and 6 would alter accordingly but there would be no net loss of landscaping. Condition 7 of the most recent planning permission requires the submission and approval of site-wide landscaping details. This condition would therefore deal with the landscaping provision to the front of plots 5 and 6.
- 6.1.3 The parking for plot 7 is proposed to be covered by a new car port, it is not considered that this would result in any limitation on access or use of the approved parking for plot 7.
- 6.1.4 Overall it is not considered that there is any adverse impact that would result from the amended parking arrangements proposed and therefore the proposal complies with the requirements of national planning policy, Local Plan policies T1 and T2 and Ickleford Neighbourhood Plan policy SD3.

6.2.0 Design and External Appearance of the Car Port

- 6.2.1 The proposed car port would be 4.8m by 5.4m, it would have a flat roof and stand at 2.25m to the underside of the roof.
- 6.2.2 The car port is a proportionate addition to the scheme and would not appear out of character with the proposed development. The car port would be a timber structure with felt roof covering and coloured trim to match the garage doors.
- 6.2.3 The limited height of the car port and its location within the site would mean that it would not cause any adverse impact to residential amenity of existing neighbouring residents or future occupiers of the scheme.
- 6.2.4 Overall it is considered that the car port would be appropriate in design and appearance and would not result in any adverse impact on residential amenity. The proposal would therefore comply with relevant national planning policy, Local Plan policies D1 and D3 and Ickleford Neighbourhood Plan policies E3 and SD3.

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 24/01031). The proposed changes are considered to be entirely acceptable and compliant with relevant planning policy and therefore planning permission should be granted.

DLA | Heritage

DLA | Strategic

DLA | Commercial

DLA | Residential

DLA | Leisure

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