

DEVELOPMENT MANAGEMENT COMMITTEE 17th OCTOBER 2022

Case No: 21/01278/S73 (REMOVAL/VARIATION OF CONDITION)

Proposal: VARIATION OF CONDITION 2 (PLANS) FOR 19/01127/FUL TO VARY APPROVED PLANS TO INCORPORATE THE REPOSITIONED ACCESS.

Location: 19 BURY ROAD RAMSEY HUNTINGDON

Applicant: MR PAUL JACKSON

Grid Ref: 528329 284474

Date of Registration: 22.06.2021

Parish: RAMSEY

RECOMMENDATION - APPROVE

This application is referred to the Development Management Committee (DMC) because the original planning permission 19/01127/FUL was considered by the Committee and Ramsey Town Council have objected to the application on highway safety grounds.

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 The application site forms part of a large rear garden at 19 Bury Road Ramsey. 19 Bury Road is a detached brick-built dwelling within the Ramsey Conservation Area. The site is accessed from Bury Road and the dwelling is set back from the highway and is partly screened by hedging and a number of mature trees along the highway boundary. The property has a large well maintained rear garden and a generous front garden. The site is within Environment Agency Flood Zone 1 and contains a number of trees within the rear garden, along boundaries and the boundary with Bury Road. Dwellings on this part of Bury Road are generally detached, set back from the highway in large plots, with a loose linear arrangement.
- 1.2 Planning permission was granted under 19/01127/FUL for 'Proposed detached dwelling with three car garage, access and ancillary works' on the 27 March 2022 by the Development Control Committee.
- 1.3 This application is for the variation of condition 2 to vary approved plans to incorporate the repositioned access. There are no other design changes. The approved dwelling itself remains the same.

- 1.4 Section 73 of the Town and Country Planning Act 1990 allows an application to be made for permission which does not comply with the conditions imposed on the original planning permission. This permits the Local Planning Authority to remove or vary conditions and add additional conditions following the grant of planning permission. Permission granted under section 73 takes effect as a new, independent permission to carry out the same development with new, amended or removed conditions. This sits alongside the original permission, which remains intact and unamended.
- 1.5 Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.

2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (20th July 2021) (NPPF 2021) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2021 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).
- 2.2 The NPPF 2021 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
- 2.3 Planning Practice Guidance and the National Design Guide 2021 are also relevant and material considerations.

For full details visit the government website [National Guidance](#)

3. PLANNING POLICIES

- 3.1 Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)
- LP1: Strategy for Development
 - LP4: Contributing to Infrastructure Delivery
 - LP7: Spatial Planning Areas
 - LP11: Design Context
 - LP12: Design Implementation
 - LP14: Amenity
 - LP15: Surface Water
 - LP16: Sustainable Travel
 - LP17: Parking Provision and vehicle movement
 - LP25: Accessible and adaptable homes

- LP30: Biodiversity and Geodiversity
 - LP31: Trees, Woodland Hedges and Hedgerows
 - LP34: Heritage Assets and their Settings
- 3.2 Supplementary Planning Documents (SPD) and Guidance:
- Huntingdonshire Design Guide Supplementary Planning Document (2017):
 - Developer Contributions SPD (2011)
 - Huntingdonshire Landscape and Townscape Assessment (2007)
 - Cambridgeshire Flood and Water SPD 2017
 - Huntingdonshire Tree Guidance Note 3
 - Annual Monitoring Report – Part 1 (Housing) 2019/2019 (October 2019)
 - Annual Monitoring Report – Part 2 (Non- Housing) 2018/2019 (December 2019)
 - RECAP CCC Waste Management Design Guide (CCC SPD) 2012
 - Ramsey Conservation Area Character Assessment (December 2005)
- 3.3 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

For full details visit the government website [Local policies](#)

4. PLANNING HISTORY

- 4.1 0101613OUT - Erection of dwelling – Refused, Appeal Dismissed 22nd April 2002 (copies of block plan and appeal decision attached)
- 4.2 19/01127/FUL - 'Proposed detached dwelling with three car garage, access and ancillary works'. (Approved)

5. CONSULTATIONS

- 5.1 Ramsey Town Council – Unanimously refused. Inadequate access and visibility splays.
- 5.2 Local Highway Authority – Supports. while the newly located proposed access does not have the vehicle to vehicle visibility indicated previously, it must be highlighted that the access proposed is for a single dwelling similar to the existing surrounding properties which all have similar access visibility to that proposed.

Therefore, given the above it would not be defensible at any subsequent appeal to recommend refusal of a single dwelling which has the same vehicle to vehicle visibility as similar single dwellings in the location. Recommends condition regarding: any gates to be 6m from the edge of the carriageway, the access to be constructed in accordance with CCC specifications, the parking to be paid out prior to first use, and pedestrian visibility splays to be kept free of obstruction over 0.6m in height.

- 5.3 Landscape Officer – No objection.
- 5.4 Conservation Officer - The application seeks the revised location of the access to the development to the rear of the existing dwelling. The trees form an important character to the area. I note my Arboricultural colleague does not raise a concern therefore there is no objection from a heritage perspective to the proposal.
- 5.5 Tree Officer –
10/8/21: No objection but subject to minor plan changes and condition to secure construction methods. The plans need to show no path or additional surfacing on the Lime tree side of the access. The Tree Protection Plans will need to be revised to show this. A condition will be needed to secure the surface type used for the no dig portion of the access. I suggest the use of the standard condition for this. An ‘Arboricultural Method Statement’ (AMS) will be required by condition.

19/4/22: I note the submitted AMS, however we do not appear to have the Tree Protection Plan (TPP) mentioned in the report? There is a plan uploaded to Anite, however this shows the layout as existing and does not include the removal of the footpath as discussed with the case officer during my last review. As such, we need the following A revised TPP & removal of the footpath element.

6. REPRESENTATIONS

- 6.1 1 objection received from a nearby resident on the following grounds:
- Development within the grounds of existing properties detracts from the values of properties in close proximity
 - Ramsey already had a hundreds of new homes being built
 - The development is unsympathetic to the surrounding area

7. ASSESSMENT

- 7.1 When determining planning applications, it is necessary to establish what weight should be given to each plan’s policies in order to come to a decision. The following legislation, government policy and guidance outline how this should be done.

- 7.2 As set out within the Planning and Compulsory Purchase Act 2004 (Section 38(6)) and the Town and Country Planning Act 1990 (Section 70(2)) in dealing with planning applications the Local Planning Authority shall have regard to have provisions of the development plan, so far as material to the application, and to any other material considerations. This is reiterated within paragraph 47 of the NPPF (2021). The development plan is defined in Section 38(3)(b) of the 2004 Act as “the development plan documents (taken as a whole) that have been adopted or approved in that area”.
- 7.3 In Huntingdonshire the Development Plan consists of:
- Huntingdonshire’s Local Plan to 2036 (2019)
 - Cambridgeshire & Peterborough Minerals and Waste Local Plan (2021)
 - St Neots Neighbourhood Plan 2014-2029 (2016)
 - Godmanchester Neighbourhood Plan (2017)
 - Houghton and Wyton Neighbourhood Plan (2018)
 - Huntingdon Neighbourhood Plan (2019)
 - Bury Village Neighbourhood Plan (2021)
 - Buckden Neighbourhood Plan (2021)
 - Grafham and Ellington Neighbourhood Plan 2020-2036 (2022)
- 7.4 The statutory term ‘material considerations’ has been broadly construed to include any consideration relevant in the circumstances which bears on the use or development of the land: *Cala Homes (South) Ltd v Secretary of State for Communities and Local Government & Anor* [2011] EWHC 97 (Admin); [2011] 1 P. & C.R. 22, per Lindblom J. Whilst accepting that the NPPF does not change the statutory status of the Development Plan, paragraph 2 confirms that it is a material consideration and significant weight is given to this in determining applications.
- 7.5 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.
- 7.6 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.
- 7.7 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".

- 7.8 The principle of development has been established through the granting of 19/01127/FUL. This S73 application is for the variation of condition 2 to vary approved plans to incorporate the repositioned access. There are no other design changes. The approved dwelling itself remains the same. This report will focus on the proposed changes to the extant planning permission which in this case, is the repositioning of the access.
- 7.9 Therefore, the main issues to consider as part of this application are:
- Design, Visual Amenity and impact on Heritage Assets
 - Parking Provision and Highway safety
 - Trees and Hedges

Design, Visual Amenity and impact on Heritage Assets

- 7.10 The proposal falls within Ramsey Conservation Area.
- 7.11 Section 72 of the Planning (LBCA) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 7.12 Section 66 of the Planning (LBCA) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.13 Para. 199 of the NPPF set out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. Para. 200 states that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification...'
- 7.14 Local Plan policy LP34 aligns with the statutory provisions and NPPF advice.
- 7.15 Policy LP11 of the Local Plan states that proposals will be supported where it is demonstrated that they positively respond to

their context and draw inspiration from the key characteristics of their surroundings, including the natural, historic and built environment.

- 7.16 Policy LP12 of the Local Plan states that proposals will be supported where they contribute positively to the area's character and identity and where they successfully integrate with adjoining buildings, topography and landscape.
- 7.17 The trees form an important character to the area. The Conservation Officer raises no concerns given the comments from the Tree Officer. The proposed access is considered to be, in keeping with the character of the Conservation Area and therefore would preserve or enhance the Conservation Area. The proposal would not give rise to any harmful impact on the identified heritage assets and is compliant with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and Local Plan policy LP34. The proposal is therefore considered to accord with Policies LP11, and LP12 of Huntingdonshire's Local Plan to 2036, the Huntingdonshire Design Guide SPD (2017), the National Design Guide and the NPPF (2021) in this regard.

Parking Provision and Highway Safety

- 7.18 The approved access arrangements for 19/01127/FUL consisted of the creation of a new access onto Bury Road. This S73 application seeks to reposition the access to become a shared access with the existing access for No.23 Bury Road which is located south of the previously approved access
- 7.19 The Parish Council have objected to the proposal due to the inadequate access and visibility splays.
- 7.20 Cambridgeshire County Council Local Highway Authority has been consulted as part of the application. They have commented that while the newly located proposed access does not have the vehicle to vehicle visibility indicated previously, it must be highlighted that the access proposed is for a single dwelling similar to the existing surrounding properties which all have similar access visibility to that proposed. Therefore, given the above it would not be defensible at any subsequent appeal to recommend refusal of a single dwelling which has the same vehicle to vehicle visibility as similar single dwellings in the location and for which we had previously granted permission. Therefore, the Local Highway Authority raises no objections to the proposed change of the location of the access subject to a number of conditions.
- 7.21 It is noted that the previously approved scheme would have resulted in the creation of a new access. However, this proposal seeks to extend an existing access to create a shared access. Officers therefore accept this advice from the Local Highway Authority about the acceptability of the proposed access.

- 7.22 The Local Highway Authority recommends conditions regarding: any gates to be 6m from the edge of the carriageway, the access to be constructed in accordance with Cambridgeshire County Council specifications, the parking to be paid out prior to first use, and pedestrian visibility splays to be kept free of obstruction over 0.6m in height. These conditions are considered reasonable and are recommended to be included.
- 7.23 The Huntingdonshire Local Plan to 2036 contains no minimum parking standards however the proposed development would provide adequate space for a least 2 car parking spaces, plus garage and turning within the site and is considered to be acceptable for the size and scale of the development.
- 7.24 Taking the above into account, the proposed development is considered to provide satisfactory parking and access and would comply with Policy LP17 of the Huntingdonshire Local Plan to 2036.

Trees and Hedges

- 7.25 The application site hosts a number of trees. Although none of the trees are subject to a specific Tree Preservation Order, due to the location of the site within the conservation area, any trees within the site with a trunk diameter of 75mm or over are protected.
- 7.26 The proposal would mean that the large tree at the front of the site would be retained while 2 smaller trees further into the site would be removed. Sections of the driveway which impinge on the root protection area of adjacent trees will be constructed using a cellular no-dig system as requested by the Trees Officer and specified on the summited tree protection plan.
- 7.27 The Tree Officer was consulted and did not raise any concerns with the proposal but made the following comments: the plans need to show no path or additional surfacing on the Lime tree side of the access. The Tree Protection Plans will need to be revised to show this.
- 7.28 The applicant submitted a revised arboricultural method statement. The Tree Officer was consulted again and raised concern that the footpath remains and an updated tree protection plan was not uploaded. The Tree Officer was referring to the white section adjacent to the lime tree (Tree 3), within the information titled 'Drawing pack AMS surfaces', which could be interpreted as a continuation of the existing footpath which is adjacent to the highway and immediately in front of the site. The confusion has arisen that it was not previously shown on the plan but is now shown on the latest plan. The applicant has advised the white section is not a footpath. Therefore, officers recommend a

condition for the avoidance of doubt that no footpath is to be constructed within the site adjacent to the Tree 3.

- 7.29 Officers have reviewed all the submitted arboricultural information and consider it to be sufficient in this case. A condition is recommended to ensure the tree protection is carried out in accordance with the plan. Compliance conditions are also recommended regarding a method statement and no dig construction.
- 7.30 The proposed tree protection measures are considered to be acceptable. Subject to the inclusion of the above condition, the proposal therefore accords with Policy LP31 of Huntingdonshire's Local Plan to 2036 in this regard.

Other Matters

- 7.18 A neighbour objection has been received which objects to the proposal on the following grounds: Development within the grounds of existing properties detracts from the values of properties in close proximity, Ramsey already had a hundreds of new homes being built and the development is unsympathetic to the surrounding area.
- 7.19 Officers note these concerns. However, the principle of development has already been established through the granting of 19/01127/FUL and this S73 application does not propose any changes to the design of the approved dwelling. The impact of the proposed location of the access upon the surrounding area has been addressed in the relevant sections above. In relation to the impact of the development upon the cost of neighbouring properties, this is not a material planning consideration.
- 7.20 Conditions from 19/01127/FUL have been recommended to be included on this S73 application as they are still relevant and appropriate.

Conclusion

- 7.25 The proposed development is considered to be compliant with the relevant national and local policy as it is:
- * The scale and location of the development is not considered to have an overly detrimental impact upon the surrounding area or Ramsey Conservation Area.
 - * It is acceptable in terms of highway safety
 - * It would not adversely impact trees or biodiversity at the site
 - * There are no other material planning considerations which lead to the conclusion that the proposal is unacceptable.

8. RECOMMENDATION - APPROVAL subject to conditions to include the following

- Time limit
- Approved plans
- Materials samples
- Landscaping
- Tree Protection
- Bins and cycles
- Biodiversity enhancements
- Accessible and adaptable
- Water efficiency
- Gates set back 6m from highway
- CCC specification
- Parking and turning to be laid out
- Access drainage not onto highway
- Metalled surface 5m from highway
- Driveway material details
- Deliveries and hours restrictions
- Arb method statement compliance
- No footpath to be included

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 **Lewis Tomlinson Senior Development Management Officer** – lewis.tomlinson@huntingdonshire.gov.uk

From: developmentcontrol@huntingdonshire.gov.uk
Sent: 09 July 2021 13:05
To: DevelopmentControl
Subject: Comments for Planning Application 21/01278/S73

Comments summary

Dear Sir/Madam,

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 09/07/2021 1:04 PM from Mr Gary Cook.

Application Summary

Address:	19 Bury Road Ramsey Huntingdon PE26 1NE
Proposal:	Variation of condition 2 (Plans) for 19/01127/FUL to vary approved plans to incorporate the repositioned access
Case Officer:	Karina Adams

[Click for further information](#)

Customer Details

Name:	Mr Gary Cook
Email:	gcook@ramseytowncouncil.org.uk
Address:	7A Church Green, Ramsey, Huntingdon PE26 1DW

Comments Details

Commenter Type:	Town or Parish Council
Stance:	Customer objects to the Planning Application
Reasons for comment:	
Comments:	Unanimously refused. Inadequate access and visibility splays.

Kind regards

Development Management Committee



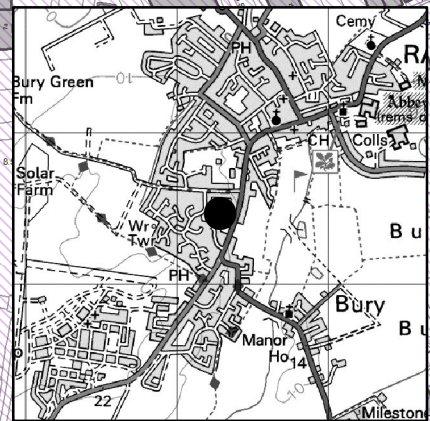
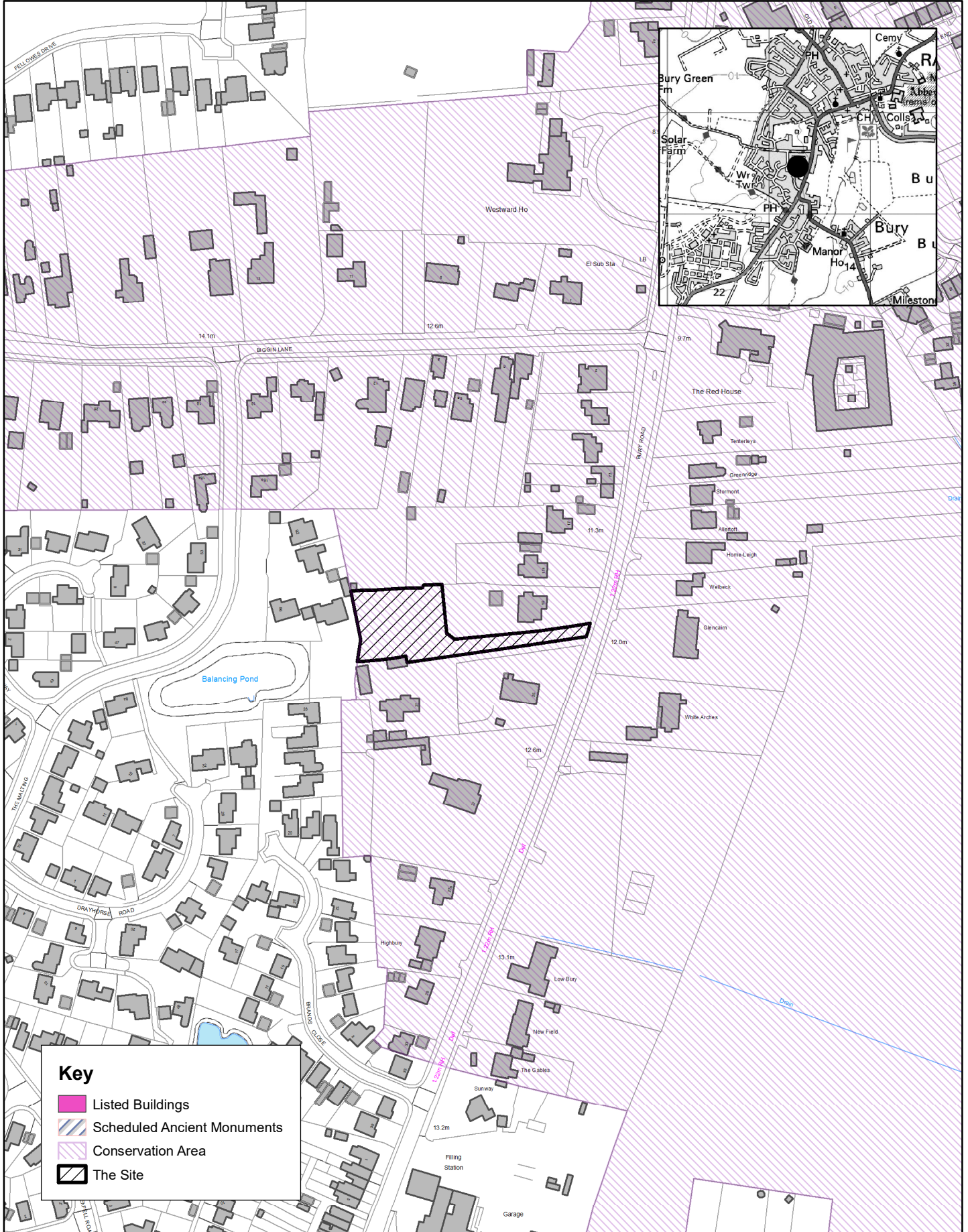
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Application Ref:21/01278/S73

Date Created: 26/09/2022

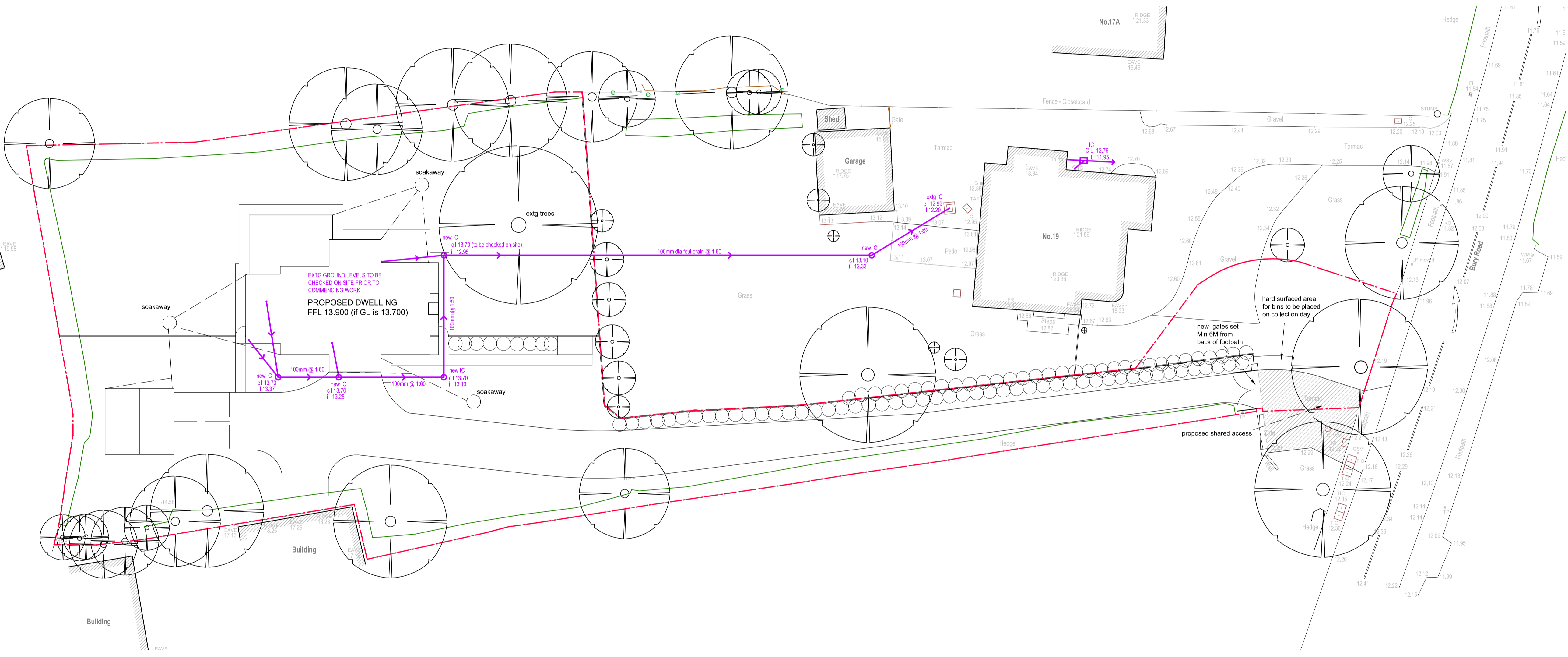
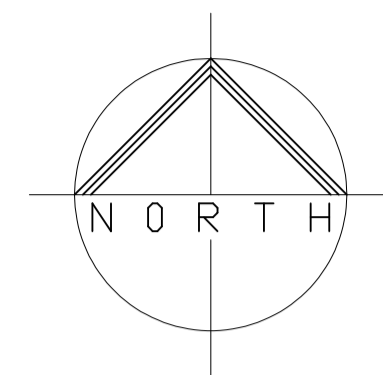
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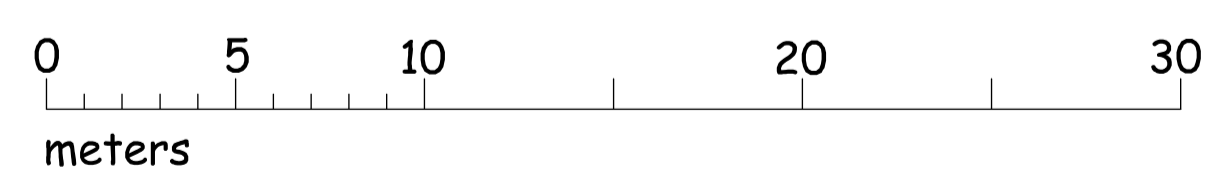


Key

- Listed Buildings
- Scheduled Ancient Monuments
- Conservation Area
- The Site



SITE PLAN 1:200



No.	Date	Revision	Initial

Project _____

PROPOSED RESIDENTIAL DEVELOPMENT ON LAND AT 19 BURY ROAD, RAMSEY, CAMBS PE26 1NE

Client _____

MR PAUL JACKSON

Drawing _____

AMENDED ACCESS PLAN

Scale 1:200 @ A1 Drawn C.R

Checked _____ Date Jan 21

Drawing No. _____

JAC/18/15A

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