HUNTINGDONSHIRE DISTRICT COUNCIL

25/00443/S73

OFFICER REPORT

Case No: **25/00443/S73** **Removal/Variation of Conditions**

Proposal: **Variation of condition 2 (Plans) of 24/00636/FUL - Renewal of windows, change of material from aluminium to uPVC.**

Location: **Malden House Bedford Street St Neots**

Applicant: **Mr Andrew Brown**

Grid Ref: **518452 260596**

DESCRIPTION OF SITE AND APPLICATION

The application site relates to Malden House, Bedford Street, St Neots, which consists of a three and two storey detached block containing seven flats. It is located within the St Neots Conservation Area, and on land liable to flood, within flood zones 2 and 3. The current residential development was built in the mid 1990s, with timber sliding sash windows, finished in white to the front elevations and white uPVC casement windows and doors to the rear elevations. The dwellings are close to the Grade II Listed building, known as Paines Mill Foyer, which is currently used for residential supported housing and is within the applicant's management.

Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.

The application seeks to vary the condition 2 of 24/00636/FUL to change the arrangement of fixed and opening windows to comply with building regulations.

The original application (24/00636/FUL) was for the renewal of windows, change of material from aluminium to uPVC.

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)

LP5: Flood Risk
LP11: Design Context
LP12: Design Implementation
LP34: Heritage Assets and their Settings

Planning Practice Guidance is also relevant and a material consideration.

Huntingdonshire Design Guide Supplementary Planning Document (2017):
* Place Making Principles – Part 3.8 Building Detailing

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

PLANNING HISTORY

24/00636/FUL - Renewal of windows, change of material from aluminium to uPVC – permission granted 06.09.2024

CONSULTATIONS

St Neots Town Council recommends approval. It is considered that the proposal will enhance the character of the conservation area and will have no negative impact on the wider landscape character of the area.

HDC Conservation Team – no objection.

REPRESENTATIONS

None 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 main issues to consider in the determination of this application are:
o Design, Visual Amenity and impact on Heritage Assets

*Design, Visual Amenity and impact on Heritage Assets

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.

Policy LP34 states that a proposal within, affecting the setting of, or affecting views into or out of, a conservation area should preserve, and wherever possible enhance, features that contribute positively to the area's character, appearance and setting as set out in character statements or other applicable documents.

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.

Section 72 of the Planning (LBCA) Act 1990 (as amended) states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

Para. 212 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. 213 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…'.

Local Plan policy LP34 aligns with the statutory provisions and NPPF advice.

The Council will consider the significance of a designated heritage asset and where there is less than substantial harm, this will be weighed against the public benefits of the proposal. Where there is deemed to be substantial harm, then the proposal would need to achieve substantial public benefits to outweigh that harm.

The application site is within the St Neots Conservation Area and is close to the Grade II Listed building, known as Paines Mill Foyer.

Planning permission is sought for the variation of condition 2 (Plans) due to the change in the arrangement of fixed and opening windows within the existing window casements, for compliance with building regulations. It is noted that there will be a minor change to the appearance of the proposed windows. The Conservation Team has been consulted on the proposal and has no objections.

Officers have given special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and the setting of the adjacent Listed Building. Due to the nature of the amendments to the original permission (24/00636/FUL), impacting the appearance of the windows, the changes would not result in any increased harm to the designated heritage assets and as such would have a neutral effect.

The proposal, therefore, accords with Sections 66 and 72 of the Planning (LBCA) Act 1990, paragraphs 202-221 of the NPPF (2024), and Policies LP11, LP12 and LP34 of Huntingdonshire's Local Plan to 2036 (2019)

*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 designated heritage asset.

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

The proposed amendment 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 parent permission 24/00636/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:
Enquiries about this report to **Olivia Manton**