OFFICER REPORT

Case No: 24/02202/NMA **Non Material Amendment**

Proposal: **Non material amendment of 20/01507/REM for plots 123-128, 136-144, 150-157, 166-179, 185-194 to allow house substitutions, plot re-numbering and changes to the housing mix (fewer 2 and 4 bedroom dwellings and more 3 bedroom dwellings), changes to materials and loss of one visitor parking space.**

Location: **Wintringham Park Cambridge Road St Neots**

Applicant: **Durkan**

Grid Ref: **519875 259612**

DESCRIPTION OF SITE AND APPLICATION

Wintringham Park comprises approximately 162 hectares and is located to the east of St Neots in the south of Huntingdonshire District.

In November 2018, Hybrid Planning Permission (17/02308/OUT) was granted for the development of Wintringham Park. The permission grants outline consent for:
- Up to 2,800 dwellings including affordable housing (C3);
- Up to 63,500m2 of employment floorspace (B1-B8);
- District and local centre facilities featuring retail, commercial, leisure, health and community uses;
- New primary school provision;
- Open spaces, play areas, recreation facilities, landscaping and sports provision;
- New vehicular access points from Cambridge Road, the A428, and Potton Road; and
- Associated facilities and infrastructure comprising utilities including electricity, water, sewerage, and telecommunications, highway improvements and diversion of existing utilities where necessary.

All matters were reserved with the exception of the means of access.

The Hybrid Permission also granted full planning permission for:
- The construction of new roads,
- Hard & soft landscaping including the creation of SUDS
- Associated infrastructure and engineering works including the creation of haul routes.

Application 17/02308/OUT was approved on 6 November 2018 and was subject to the completion of a Section 106 Agreement and various planning conditions.

Reserved matters approval for the Durkan parcel was granted consent under application reference 20/01507/REM on 18 December 2020.

This application seeks to amend plots 123-128, 136-144, 150-157, 166-179, 185-194 to allow house substitutions, plot renumbering and changes to the housing mix (to create fewer 2 and 4 bedroom dwellings and more 3 bedroom dwellings), changes to materials and the loss of one visitor parking space within the Durkan housing parcel approved under application 20/01507/REM.

NATIONAL GUIDANCE

The Planning Practice Guidance (PPG) has a chapter on flexible options for planning permission, which includes non-material amendments. The PPG outlines that new issues may arise after

planning permission has been granted, which require modification of the approved proposals. Where these modifications are fundamental or substantial, a new planning application under section 70 of the Town and Country Planning Act 1990 will need to be submitted. Where less substantial changes are proposed, there are the following options for amending a proposal that has planning permission:
- making a non-material amendment
- amending the conditions attached to a planning permission, including seeking to make a minor material amendment.

For full details visit the government website
https://www.gov.uk/government/organisations/department-for-communities-and-local-government

PLANNING POLICIES
Non-material amendment (NMA) applications should not, by definition, raise policy issues that were not covered in the original application report.

PLANNING HISTORY
17/02308/OUT - Hybrid planning application comprising:
1) Application for outline planning permission for development of a mixed use urban extension to include: residential development of up to 2,800 dwellings (C3), up to 63,500 sqm of employment development (B1-B8), District Centre including shops, services, community and health uses (A1-A5, D1 & D2), Local Centre (A1-A5), Temporary Primary School, Two Permanent Primary Schools, open space, play areas, recreation facilities and landscaping, strategic access improvements including new access points from Cambridge Road & A428, associated ground works and infrastructure. All matters reserved with the exception of means of access: and
2) Application for full planning permission for the construction of new roads, hard & soft landscaping, creation of SUDS and all associated infrastructure and engineering works including creation of haul routes. Permission Granted 06.11.2018.

20/01507/REM - Reserved Matters submission, including appearance, landscaping, layout and scale details, is for the erection of 293 dwellings pursuant to Permission 17/02308/OUT dated 6.11.18 and a signed S106 legal agreement dated (Parcel 3) – Details approved 18.12.2020

21/00696/NMA - Non material amendment to permission 20/01507/REM to revise tree species set out below: Amend Drawing 2030
a) 6nos x Lime Greenspire to Turkish Hazel (Corylus colurna) (located to the south of the apartment block)
b) 3nos x Pear's to Corylus colurna (located in and around Plot 11 & 19)
c) 1nos x Apple to a Betula pendula (located to the south of Plots 6 & 7 gardens)
Amend Drawing 2034
a) 3nos x Prunus padus Albertii to be changed to 2no Betula pendula Lacinata –Consent 21.05.2021.

21/01002/NMA - Non material amendment for 20/01507/REM to remove the high level window from house types PH301V1, PH301V3, PH402V1 and PH406V1 – Consent 07.06.2021

22/00467/NMA - Amendment to 20/01507/REM: remove the second soldier course and replace with a stretcher course across all dwellings and apartments where applicable – Consent 07.04.2021.

CONSULTATIONS
Cadent Gas – No objection in principle.

HDC Urban Design – Following receipt of amended details, no objections.

REPRESENTATIONS
No comments received at time of determination.

SUMMARY OF ISSUES
Section 96A of the Town and Country Planning Act allows a Local Planning Authority (LPA) to make a change to any planning permission if it is satisfied that the amendment proposed is non-material. This includes the power to impose new conditions and to remove or alter existing conditions.

These provisions have been introduced by the Government to provide a quick, formal method of dealing with small changes to approved schemes to give greater flexibility within the planning system.

Government guidance on non-material amendments is set out in the Planning Practice Guide; this advises that there is no statutory definition of 'non-material' because it will be dependent on the context of the overall scheme. The main issue for consideration is whether the proposed amendments can be treated as 'non-material' and whether they are acceptable.

This NMA application seeks to amend plots 123-128, 136-144, 150-157, 166-179, 185-194 to allow house substitutions, plot renumbering and changes to the housing mix (to create fewer 2 and 4 bedroom dwellings and more 3 bedroom dwellings. The proposals also include changes to materials and the loss of one visitor parking space across the parcel.

These amendments have been submitted to respond to market conditions, where a mix of more 2 storey 3 and 2 bed properties is considered more favourable by potential purchasers than 3 storey 4 beds dwellings. Amendments are also proposed to the materials palette to reduce the number of Ivanhoe Athena Blend brick units due to brick availability and manufacturing issues. Finally, the amendments would result in the loss of a single visitor space approved along the northern edge of the eastern pocket park.

In relation to plot substitutions, 41 dwellings are affected by this amendment (plots 136-144, 150-157, 166-179, 185-194); and plot numbers on the layout plan have also been tweaked. There are however no amendments to the overall number of dwellings proposed and the provision of affordable housing units.

In respect of the new mix of dwellings proposed within the area the subject of this NMA, there will be fewer two bedroom properties (from 16 as approved to 12 now proposed) and four bedroom properties (from 39 as approved to 15 now proposed) and an increase in three bedroom properties (from 18 as approved to 46 now proposed). It should be noted that the outline consent for Wintringham does not condition the precise housing mix on parcels for market dwellings. Having reviewed across the Durkan parcel, it is considered that the proposed mix of dwellings is acceptable as there is a general mixture of sizes from 1 bed flats and maisonettes to 4 bed houses.

HDC Urban Design have fully considered the amendments and have confirmed these are acceptable.

In relation to plots 136-144 (parcel interior) these NMA proposals replace the linked detached 3 storey 4-bed PH402V1 house types with semi-detached pairs of 2 storey 3-bed PH305V1 house types. For plots 177-186 (previously plots 170-179) the NMA proposals replace the linked detached 3 storey 4-bed PH402V1 house types (plots 170 and 179) and 2 storey 3-bed detached PH305V2 house types (plots 177 and 186). The semi-detached gable fronted 4-bed PH402V2

house types (plots 171-178) have been replaced with two storey 3-bed semi-detached PH305V1 house types (plots 178-185). For plots 157-162 (previously Plots 150-155 these proposals replace the detached 3 storey 3-bed PH301V1 house types with the 2 storey 3-bed detached PH305V2 house types (plots 157 and 162). The semi-detached 2 storey 2-bed PH201V1 house types (plots 151-154) have been replaced with the 2 storey 2-bed (plus study) PH201V1 house types (plots 158-161).

The revised units include shared side drives overlooked by side living / dining room windows and the submitted elevations show textured brick detailing between first floor windows, dark grey widows, projecting porch canopies and meter boxes on the side elevations to the side drives. The substitution of these units is considered acceptable.

For plots 163-164, 173-176 (previously 156-157, 166-169) this NMA replaces the linked detached 3 storey 4-bed PH402V1 house types (plots 156-157) and semi-detached 2 storey 2-bed PH201V1 house types (plots 166-169) with the semi-detached 2 storey 3-bed PH305V1 House Types (plots 163-164, 173-176). The revised house type feature side tandem parking overlooked by a side living / dining room windows (except plots 173, 174, 175 and 176 which abut the rear access path and rear gardens of Plots 158 and 171 to the east and west. Again, the substitution of these units is considered acceptable.

Along the parcel's southern edge in respect of plots 192-194, 294-300 (previously 185-194) this NMA replaces the mid terrace PH401V2 (4-bed) house types (plots 186-193) with pairs of PH301V4 (3-bed) and PH401 V3 (4-bed) house types (plots 193-194, 294-299). These PH401 V3 house types retain the same recessed entrances and covered car ports (with living rooms above) as the approved PH401 V2 house types, however the PH301 V4 house type omit the recessed entrances and replaces these with projecting entrance canopies. The retention of the 3 storey gable frontages is supported and maintains the rhythm of the approved and existing units to the west. Following receipt of amended details, the PH301V4 house type (plots 194, 294, 297, 298) incorporate link car ports, maintaining similar levels of enclosure to the E-W Linear Park / Aspen Avenue, which is supported.

In relation to plots 123-128 these PH201V1 plots now include a study at first floor level and a corresponding additional window added to the rear elevation (as per Plots 158-161), which is supported.

Garden sizes
In relation to garden sizes, the submitted garden areas plan drawing reference DR-A-0108 P03 indicates the rear gardens of the substituted plots largely accord with the minimum amenity space standards set out within the Wintringham KP1 DC section 6.16 for 3-bed 4/5 person dwellings (60sqm) and 4 bed 6/7 person dwellings (85sqm). The following plots do not accord with these private amenity space standards:

* The 4-bed PH401V3 Plot 193 (82sqm)
* The 3-bed PH201V1 Plots 158 and 159 (both 56sqm) – however floor plans show these units form 2-bed dwellings with a study. It is noted that 2-bed 2/3 person dwellings have a lower amenity space requirement of 50sqm.

This shortfall of amenity space is mitigated by the accessibility to strategic open space beyond the sites northern, western and southern boundaries and the two pocket parks provided within site, and as such is considered an acceptable code breaker.

In relation to cycle and refuse storage, drawing reference DR-A-0106 P03 confirms that the cycle and refuse storage of the substituted plots will be located in either the garage or within a shed in the rear garden, consistent with the approved cycle and refuse storage strategy plan drawing AA8232-2066 Rev D from the 20/01507/REM application. Details of the secure, covered cycle storage facilities were approved under Condition 6 of 20/01507/REM (application ref

21/80162/COND) which approved 2.4mx 1.8m stores for 2-bed houses, 3m x 2.1m stores for 3-bed houses and 3m x 2.1m for 4-bed houses. The cycle and refuse storage proposed is therefore acceptable.

In respect of changes to the materials plan, amendments have been made to the proposed facing bricks approved under Condition 3 – application ref 21/80131/COND (approved Materials Plan drawing reference AA8232-2064 Rev F) to reduce the number of Ibstock Ivanhoe Athena Blend brick units due to brick availability and manufacturing issues.

Plots 130-135, 192-194 and 294-300 fronting Aspen Avenue / the E-W Linear Park have been amended from the approved New Ivanhoe Cream for the mid terrace plots and Athena Blend for the corner turning units / bookends to AAB Auriga Buff Handmade Bricks (DB203B) for the mid terrace lots 131-134, 193-194, 294-299 and AAB Mersea Buff Handmade Bricks (DR16B) for the corner turning / bookend plots 130, 135, 192 and 300. This change is acceptable, noting that the darker AAB Mersea Buff brick helps enhance the corner turning / bookends and differentiate these units from the mid terrace AAB Auriga units similar to the approved bricks. The Cassius Clay Slate effect tile roof tiles have been retained along this frontage, which is supported.

The distribution of the New Ivanhoe Cream facing bricks with Cassius Clay Slate effect roof tiles (plots 166-171, 188-190) and Ivanhoe Athena Blend facing bricks with dark red Gemini interlocking plain tiles (corner turning plots 165, 172, 187, 191) fronting the eastern site boundary with the N-S linear park / Bret Road remain as approved by Condition 3 21/80131/COND, creating a consistent frontage to Bret Road with the as built units to the north, which is supported.

Within the parcel the Ivanhoe Athena Blend has been replaced with a mixture of AAB Buff Stock (plots 177-186 and 144); AAB Mersea Buff Handmade (plots 136-143), and; AAB Auriga Buff handmade (plots 157, 162, 163-164, 173-176). The Ibstock Leicester Multi Cream approved for plots 151-154 and 123-129 has been replaced with the similar AAB Buff Stock bricks (plots now numbered 158-161 and 123-129). These changes are acceptable in design terms.

The amended materials plan Rev D replaces the approved Cassius Clay Slate tiles with SL8 Slate Effect roof tiles within the interior of the parcel; this is considered to be acceptable and forms a similar approach taken on the BDW parcels 4, 8 and 9. Plots 122, 157 and 162 retains the same dark red Gemini interlocking Plain Concrete tiles as per the details approved under 21/80131/COND.

In relation to the loss of 1 visitor parking space from the northern edge of the eastern pocket park as illustrated on drawing reference DR-A-0105 P03, this loss reduces this group of visitor parking spaces from 5 spaces to 4. The loss of this space is considered acceptable on balance as the parcel still retains appropriate levels of off-street visitor parking provision.

It is noted that the previously approved parking strategy drawing reference AA8232-2065 Rev F also showed 4 on-street visitor parking spaces within Phase 4 (1 within Celandine Drive, 1 within Wild Cherry Drive and two within Crab Apple Way), and further on street parking provision was shown on the approved Site Layout On-Street Visitor Parking drawing reference 541.0002.007 Rev C. It is noted that these on-street spaces are not included on drawing reference DR-A-0105 P03. Notwithstanding this, these spaces were never demarcated on the approved General Arrangement Plan and were instead provided to show the potential for on-street parking within the parcel as a whole. It is therefore considered that this NMA would have no impact on the level of available on-street visitor parking provision across the parcel.

Having regard to details approved under application reference 20/01507/REM the changes sought as part of this NMA are considered non-material in the context of the approved development.

No new conditions are necessary, but amendments are proposed to conditions 11, 15 and 18 to make reference to the NMA approved drawings.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

CONTACT OFFICER:
Enquiries about this report to **Laura Fisher**