OFFICER REPORT

Case No: 24/02260/S73 **Removal/Variation of Conditions**

Proposal: **Variation of Conditions 3 (Drainage Strategy), 4 (Drainage during construction), 5 (Levels), 6 (BNG), 7 (Roof Treatment), 8 (External Lighting), 10 (Cycle Storage), 12 (Landscape) and 17 (Use Class Restriction) to comply with the submitted details and removal of condition 9 (Cycle Ramp) of 24/01036/FUL**

Location: **Plot 1 And 2 Land At Former Mushroom Farm Site Broadway**

Applicant: **Mrs Kathy Wright**

Grid Ref: **519461 293337**

DESCRIPTION OF SITE AND APPLICATION

This application seeks approval for the variation of Conditions 3 (Drainage Strategy), 4 (Drainage during construction), 5 (Levels), 6 (BNG), 7 (Roof Treatment), 8 (External Lighting), 10 (Cycle Storage), 12 (Landscape) and 17 (Use Class Restriction) to comply with the submitted details and the removal of condition 9 (Cycle Ramp) of 24/01036/FUL.

Application 24/01036/FUL granted approval for the conversion of existing building to offices, erection of 6 new buildings for uses within Use Classes E, B2 and B8, erection of 1 new building for hot food takeaway (Sui generis) at Plot 1 and 2, Land At Former Mushroom Farm Site, Broadway, Yaxley.

The application site lies to the east of Yaxley on the south side of Broadway and comprises the north-eastern remaining part of the former mushroom farm site which has been redeveloped as an industrial estate (plot 1 and 2).

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

NATIONAL GUIDANCE

The National Planning Policy Framework (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, beautiful and safe 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 May 2019
LP1: Amount of Development
LP2: Strategy for Development
LP3: Green Infrastructure
LP4: Contributing to Infrastructure Delivery
LP5: Flood Risk
LP6: Waste Water Management
LP8: Key Service Centres
LP11: Design Context
LP12: Design Implementation
LP14: Amenity
LP15: Surface Water
LP16: Sustainable Travel
LP17: Parking Provision and Vehicle Movement
LP18: Established Employment Areas
LP21: Town Centre Vitality and Viability
LP29: Health Impact Assessment
LP30: Biodiversity and Geodiversity
LP31: Trees, Woodland, Hedges and Hedgerows
LP35: Renewable and Low Carbon Energy
LP36: Air Quality
LP37: Ground Contamination and Groundwater Pollution

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

Supplementary Planning Documents (SPD) and Guidance:

Huntingdonshire Strategic Flood Risk Assessment (2024)
Huntingdonshire Design Guide Supplementary Planning Document 2017
Developer Contributions SPD 2011
Huntingdonshire Landscape and Townscape SPD (2022)
Cambridgeshire Flood and Water SPD 2017

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
* N3 - Support rich and varied biodiversity
* H1 - Healthy, comfortable and safe internal and external environment
* H2 - Well-related to external amenity and public spaces
* H3 - Attention to detail: storage, waste, servicing and utilities

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

RELEVANT PLANNING HISTORY

There is extensive planning history for Enterprise Park with the most relevant being:

25/00209/FUL - Erection of building for use as food retail outlet (Use Class E(a) and (b)) - Permission Granted on 27 June 2025

25/00020/FUL - Demolition of existing building (retrospective) and erection of new building for uses within Use Classes E(g), B2 and B8 - Permission Granted on 24 June 2025

24/02294/NMA - Non-material amendment of 24/01036/FUL to change description of development to read: conversion of existing building to offices, erection of 7 new buildings for uses within Use Classes E, B2 and B8 - Refused.

24/01036/FUL - conversion of the existing Building to offices, erection of 6 new buildings for uses within Use Classes E, B2 and B8, and erection of 1 new building for hot food takeaway (sui generis) - Permission granted on 15 November 2024.

20/01855/FUL - Hybrid application comprising: Outline planning permission for the erection of up to 10,959 square metres of commercial floorspace falling within Use Classes E, B2 and B8. Phased Development. All matters reserved (with the exception of the means of access). Full planning permission for the construction of an access road and for Phase One of the development for up to 6,118 square metres of commercial floorspace falling within Use Classes E, B2 and B8 - Permission granted on 25 October 2021.

CONSULTATIONS

Yaxley Parish Council - No objections.

Cambridgeshire County Council Archaeology - No objections.

Cambridgeshire County Council Highway Authority - No objection. No changes are proposed to the access and the 278 works to the highway are complete, therefore the conditions previously recommended are still applicable.

Huntingdonshire District Council Environmental Protection Officer - No comments to make.

Cambridgeshire County Council Lead Local Flood Authority (LLFA) - No objection in principle. The submitted documents demonstrate that surface water from the proposed development can be managed through the use of tanked permeable paving and geocellular attenuation, restricting surface water discharge to 11.7l/s.

Anglian Water - No comments - falls outside the remit.

Huntingdonshire District Council Urban Design Officer - initially sought minor amendments to the submitted plans to provide additional information which have now been submitted. No further comments.

Cambridgeshire Constabulary - No objection. Happy with the information submitted for conditions 8 (external lighting), 10 (cycle storage) and 12 (landscaping).

REPRESENTATIONS

No third-party representations were received during the course of the application.

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 consent.

Under this Section 73 application, it is proposed to vary conditions 3, 4, 5, 6, 7, 8, 10,12 and 17 and remove condition 9 of planning permission 24/01036/FUL.

The application follows the grant of planning permission and seeks amendments to the condition wording so as to comply with the details now submitted rather than submit a separate discharge of condition application. The application also includes the removal of Condition 9 (cycle Ramp) to reflect the revised site layout.

The application also initially sought to amend plans approved under Condition 2 to substitute an amended layout relating to Building G, which was originally proposed to be converted to an office building. However, the changes to building G could not be approved under a S73 application as the change must only relate to conditions and not to the operative part of the permission and therefore a separate application was submitted for Building G and this has been subsequently approved.

- Condition 3 related to drainage strategy
- Condition 4 related to drainage during construction
- Condition 5 related to Levels
- Condition 6 related to the submission of a Biodiversity Net Gain Plan
- Condition 7 related to roof treatment
- Condition 8 related to an external lighting scheme
- Condition 9 related to the provision of a cycle ramp
- Condition 10 related to cycle storage
- Condition 12 related to landscaping
- Condition 17 related to a use class restriction

The main issue to consider in the determination of this application therefore is whether the amended scheme is acceptable in terms of

- Design and Visual Amenity
- Highway Safety
- Flood Risk and Surface Water
- Biodiversity

*Design and Visual Amenity

Policy LP11 states that a proposal will be supported where it is demonstrated that it responds positively to its context. Policy LP12 states that new development will be expected to be well designed and that a proposal will be supported where it can be demonstrated that it contributes positively to the area's character and identity and successfully integrates with adjoining buildings

and landscape. This is also reflected in the Huntingdonshire Design Guide SPD and Section 12 of the National Planning Policy Framework (2024).

Paragraph 140 of the National Planning Policy Framework states that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

This application seeks to provide the details required by a number of conditions imposed on 24/01036/FUL.

C5 Levels - The proposed Finished Floor Levels shown on dwg 20023-190 P8 are considered to be acceptable in terms of the relationship with proposed road levels and ground levels of parking areas.

C7 Roof Treatment - the roof treatment of all the buildings is now listed on the elevation drawings. These are considered to be acceptable and in keeping with the adjacent buildings in the wider Enterprise Park.

C8 External Lighting - A lighting scheme has been submitted with this application which follows the general themes of lighting that have been provided for the wider Enterprise Park Site and is considered to be acceptable.

C12 Landscape - An amended landscape maintenance and management document and soft landscape specification has been submitted for the updated scheme and therefore the wording of condition 12 will be updated to require compliance with these updated documents.
As such, the quality of the approved development is not considered to diminish as a result of the proposed changes. Therefore, the proposal is deemed to be in accordance Policies LP11 and LP12 of the Huntingdonshire Local Plan to 2036, the Huntingdonshire Design Guide SPD and Sections 12 and 16 of the National Planning Policy Framework (2024) in this regard.

*Highway Safety

Policies LP16 and LP17 of the Local Plan to 2036 seeks to ensure that new development incorporates appropriate space for vehicle movements, facilitates access for emergency vehicles and service vehicles and incorporates adequate parking for vehicles and cycles.
This application provides further details of the proposed cycle parking required under condition 10. The change to building G from office to a standard industrial unit means the separate cycle store for building G will no longer be provided. Instead cycle parking for staff will be accommodated within the footprint of the building in the same way as the other buildings on the site. Visitor cycle parking is accommodated within the store to the south of Building G approved under the 24/01036/FUL application. The variation of condition 10 to comply with the cycle parking now proposed is considered acceptable.

This application also seeks to remove Condition 9 which sought the provision of a cycle access ramp to the west of Building G. This building has subsequently been amended to an industrial building rather than the conversion of the existing building to an office under application 25/00020/FUL. Accordingly there is no longer a change in levels between the highway verge and the site and therefore there is no requirement for a cycle ramp. It is therefore agreed that Condition 9 can be removed.

No other changes to the access or parking arrangements are proposed as part of this Section 73 application and therefore the proposals are not considered to result in any impacts on highway safety.

As such, the proposal is deemed to be in accordance with Policies LP16 and LP17 of the adopted Huntingdonshire Local Plan to 2036 and Section 9 of the National Planning Policy Framework (2024) in this regard.

*Flood Risk and Surface Water

The application site is located within Flood Zone 1 as classified by the Huntingdonshire Strategic Flood Risk Assessment (2024) and the Environment Agency's Flood Map for Planning.

The LLFA have been consulted on the proposal and have confirmed that the submitted Drainage Strategy documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving on the parking areas and geocellular attenuation.

The Local Planning Authority are therefore satisfied that the proposal would not result in any detrimental surface water drainage impacts.
Accordingly, subject to a compliance condition in relation to the drainage strategy, the proposal is considered to accord with Policy LP5 of the Huntingdonshire Local Plan to 2036 and the NPPF (2024) in this regard.

*Biodiversity

Paragraph 187 of the NPPF (2024) states planning policies and decisions should contribute to and enhance the natural and local environment. Policy LP30 of the Local Plan to 2036 requires proposals to demonstrate that all potential adverse impacts on biodiversity and geodiversity have been investigated and ensure no net loss in biodiversity and provide a net gain where possible, through the planned retention, enhancement and creation of habitats and wildlife features, appropriate to the scale, type, and location of development.

This application has been accompanied by a Biodiversity Net Gain Assessment along with a Net Gain Plan, Method Statement, condition assessment and metric calculation. These documents demonstrate that a significantly greater than 10% biodiversity net gain will be achieved for habitat areas and hedgerows.

A Condition would be imposed to ensure the development is carried out in strict accordance with the BNG Assessment and submitted plans.

Overall, the proposal is considered to broadly be in accordance with Policies LP30 and LP31 of Huntingdonshire's Local Plan to 2036 and Section 15 of the National Planning Policy Framework in this regard.

*Other matters

*Use Class Restriction

Condition 17 of 24/01036/FUL restricted the use of Building G to office use only. Building G has now been approved to provide a single industrial building containing 2 units under 25/00020/FUL. Accordingly this part of the condition is no longer considered relevant and can be removed.

* Community Infrastructure Levy (CIL):

The development will be CIL liable in accordance with the Council's adopted charging schedule; CIL payments will cover footpaths and access, health, community facilities, libraries and lifelong learning and education.

*Conclusion

The proposed development is considered to be compliant with the relevant national and local policy as it is:

* Acceptable in terms of its visual impact;
* Acceptable in terms of impact on neighbouring properties amenities;
* Acceptable in terms of highway safety; and
* There are no other material planning considerations which lead to the conclusion that the proposal is unacceptable.

Taking national and local planning policies into account, and having regard for all relevant material considerations, it is recommended that this Section 73 application be granted, subject to the imposition of appropriate conditions.

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:
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