HUNTINGDONSHIRE DISTRICT COUNCIL

24/02273/NMA

OFFICER REPORT

Case No: **24/02273/NMA** **Non Material Amendment**

Proposal: **Non-material amendment to 24/01448/S73 to amend the wording of Condition 18 to ensure compliance with condition discharge application 22/80314/COND**

Location: **Ringshill Residence Sallowbush Road Huntingdon**

Applicant: **N/A**

Grid Ref: **523922 272924**

DESCRIPTION OF SITE AND APPLICATION
The site is approximately 0.8 hectares in size, roughly rectangular in shape and lies to the west side of Sallowbush Road approximately 1km north of Huntingdon town centre.

Planning permission (reference 21/01078/FUL) was granted on 3rd December 2021 for 'Demolition of existing vacant nursing home and redevelopment with 53 bedroom Class C2 care home with associated car parking and landscaping'.

A subsequent application (reference 24/01448/S73) under Section 73 of the Town and Country Planning Act (1990) was granted on 15th November 2024 to vary conditions 2 (Approved Plans), 6 (Hard and Soft Landscaping), 8 (External Materials), 10 (Cycle Storage), 13 (Kitchen Equipment), 15 (Surface Water Drainage) and 17 (Surface Water Run-off).

This non-material amendment application seeks to vary the wording of Condition 18 on 24/01448/S73 to comply with the discharge of condition application 22/80314/COND which was granted on 7th September 2023. This condition was not addressed under the recent Section 73 application and therefore this non-material amendment application seeks to amend the condition wording to ensure there are no outstanding condition requirements as the development is almost complete.

RELEVANT PLANNING HISTORY
21/01078/FUL - Demolition of existing vacant nursing home and redevelopment with 53 bedroom Class C2 care home with associated car parking and landscaping - Approved
22/02280/ADV - Installation of 3x externally illuminated post mounted directional signs, 2x externally illuminated wall mounted directional signs - Approved
22/80175/COND - Conditional Information for 21/01078/FUL: C6 (Landscaping), C8 (Materials), C10 (Cycle Storage Details), C15 (Drainage Scheme), C16 (Drainage Maintenance), C17 (Surface Water During Construction), C18 (Scheme re closure of exist access)
22/80314/COND - Discharge of conditions 6 (Landscaping), 8 (Materials), 10 (Cycle Storage Details), and 18 (Scheme re Closure of Exist. Access) of 21/01078/FUL - Acceptable not discharged
23/80019/COND - Discharge of conditions 7 (Bat and Bird Boxes) and 12 (External Lighting) of 21/01078/FUL - Approved
23/80237/COND - Discharge of condition 13 (Plant and Kitchen Equipment) of 21/01078/FUL - Refused
24/80128/COND - Discharge of Condition 16 (Drainage Maintenance) for 21/01078/FUL - Approved

24/01448/S73 - Variation of Conditions 2 (Approved Plans), 6 (Hard and Soft Landscaping), 8 (External Materials), 10 (Cycle Storage), 13 (Kitchen Equipment), 15 (Surface Water Drainage) and 17 (Surface Water Run-off) for 21/01078/FUL to vary the wording of the conditions - Approved

CONSULTATIONS
None

REPRESENTATIONS
N/A

SUMMARY OF ISSUES
Section 96A of the Town and Country Planning Act 1990 (as amended) 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. The main issue for consideration is whether the proposed amendment can be treated as 'non-material'.

Government guidance on non-material amendments is set out in the Planning Practice Guidance. This sets out that there is no statutory definition of 'non-material' because it will be dependent on the context of the overall scheme. An amendment that is non-material in one context may be material in another.

Section 96A (3) gives Local Planning Authorities the power to (a) to impose new conditions and (b) to remove or alter existing conditions.

Condition 18 of 24/01448/S73 reads:
The existing vehicular access to the north of the proposed vehicular access shall be permanently closed off prior to the first occupation of the development in accordance with a scheme which shall first have been submitted to and approved in writing by the local planning authority.
Reason: In the interests of highway safety in accordance with policy LP 17 of Huntingdonshire's Local Plan to 2036.

Discharge of condition application 22/80314/COND was granted on 7th September 2023 and approved the details to discharge condition 18. CCC's Highways were consulted on the discharge of condition application, and they raised no objections stating that the details provided were suitable.

It is therefore recommended that condition 18 wording be amended to:
The existing vehicular access to the north of the proposed vehicular access shall be permanently closed off prior to the first occupation of the development in accordance with the details approved under discharge of condition application 22/80314/COND.
Reason: In the interests of highway safety in accordance with policy LP 17 of Huntingdonshire's Local Plan to 2036.

It is not considered that the amended condition wording would have any impact visually or in terms of highway safety. Furthermore, the interests of a third party or body who were informed of the original decision would not be disadvantaged. It is therefore considered that the proposed amendments can be agreed as non-material.

*Conclusion
The proposed amendment to the wording of condition 18 of 24/01448/S73 is considered non-material in the context of the overall scheme and accords with the provisions of Section 96A of the Town and Country Planning Act 1990 (as amended).
The decision only relates to the non-material amendment sought and this is not a reissue of the original planning permission which still stands. The two documents should be read together.

CONTACT OFFICER:
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