HUNTINGDONSHIRE DISTRICT COUNCIL

25/00312/NMA

OFFICER REPORT

Case No: **25/00312/NMA** **Non Material Amendment**

Proposal: **Non material amendment to 24/01448/S73 to amend the wording of Condition 6 to refer to an updated landscaping scheme, since the approved landscaping scheme will not work and can be improved.**

Location: **Bayleaf Care Home Sallowbush Road Huntingdon**

Applicant: **N/A**

Grid Ref: **523906 272931**

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 submission seeks to amend the wording of Condition 6 to refer to an updated landscaping scheme. The new drawing RSR L1 Revision R (Landscape Proposals) would replace Revision K currently referred to within the condition.

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

24/02273/NMA - Non-material amendment to 24/01448/S73 to amend the wording of Condition 18 to ensure compliance with condition discharge application 22/80314/COND - Approved
25/00049/NMA - Non-material amendment of 24/01448/S73 to amend the wording of Condition 18 to compliance with condition discharge application 22/80314/COND and amend the wording of Condition 9 to amend the front boundary treatment from 600mm low brick wall to 600mm open metal railing - 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.

This non-material amendment application seeks to replace the previously approved landscape scheme (Revision K) with the submitted drawing RSR L1 Revision R. The changes proposed are summarised as:

- Relocation of potting shed and amendments to shape and size of shelter.
- Amendments to approved paving specifications, specifically relating to the kerbstones with the aim to simplify the design and installation.
- Inclusion of permeable block paving to car park (as per approved drainage strategy) and concrete surfacing to bin compound for health and safety reasons
- Addition of sleeper retaining wall and railings to west.
- Alterations to footpath layout to the west, and omission of adjacent planting and trellis.
- Ornamental turf replaced with wildflower garden to west and omission of fruit trees.
- Relocation of 3 proposed trees from north-eastern boundary. Two now proposed adjacent to southern boundary (south of sail shelter and parking bay 12), and one centrally along northern boundary to west of bin store).

The proposed amendments to the landscape scheme would not have any adverse impact on the design of the approved development. 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 landscape amendments, together with previous amendments to the development (approved pursuant to 24/02273/NMA and 25/00049/NMA) can be agreed as non-material.

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

Condition 6 of 24/01448/S73 reads: "*The development hereby approved shall be carried out in accordance with the following details, in respect of hard and soft landscaping:*
Landscape Management Plan dated July 2022
Landscape Proposals RSR L1 Rev K dated March 2021
All hard and soft landscape works shall be carried out and maintained in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any

tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place during the current or next planting season.
Reason: To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies LP11, LP12 and LP31 of the Huntingdonshire Local Plan to 2036."

It is therefore recommended that condition 6 wording be amended to: "*The development hereby approved shall be carried out in accordance with the following details, in respect of hard and soft landscaping:*
Landscape Management Plan dated July 2022
Landscape proposals RSR L1 Revision R
All hard and soft landscape works shall be carried out and maintained in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place during the current or next planting season.
Reason: To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies LP11, LP12 and LP31 of the Huntingdonshire Local Plan to 2036."

*Conclusion
The proposed amendment to the wording of condition 6 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.

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