OFFICER REPORT

Case No: 24/01978/NMA **Non Material Amendment**

Proposal: Non-material amendment of condition 56 (Implementation of Remediation Scheme) of 20/02613/FUL (as amended by 24/00659/NMA and 24/01311/NMA) to amend the delivery sequence into 8 sub phases

Location: Land East And West Of Edison Bell Way Huntingdon

Applicant:

Grid Ref: 523503 271848

DESCRIPTION OF SITE AND APPLICATION

The application site relates to land enclosed by George Street/Brampton Road, St John's Street and Edison Bell Way with a separate parcel of land on the opposite (western) side of Edison Bell Way which backs onto railway land.

Whilst the site is not within it, the designated Conservation Area wraps around all sides of the application site and there are a number of listed buildings nearby. The land falls within Floodzone 1 and is not liable to flood.

The site is allocated for residential development in Huntingdonshire's Local Plan to 2036 (Policy HU5) for approximately 345 homes.

Full planning permission under application reference 20/02613/FUL was granted for a phased residential development of 178 dwellings with access, car/cycle parking, landscaping and associated works on 7th June 2022. Works have commenced on site.

A NMA application was approved on 17 May 2024 under application reference 24/00659/NMA to change the wording of Condition 34 (Off-Site Highway Improvement Works) to facilitate the development of ground works.

A further NMA application was approved on 12 September 2024 under application reference 24/01311/NMA for changes to fenestration and layout details, amendment of condition 14 (Boundary Treatments) wording to include reference to retention in perpetuity and an amendment to condition 25 (Accessible and adaptable Homes).

This NMA seeks to change condition 56 (Implementation of Remediation Scheme) of 20/02613/FUL (as amended by 24/00659/NMA and 24/01311/NMA) to amend the delivery sequence of the site into 8 sub-phases.

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
20/02613/FUL – Full: phased residential development of 178 dwellings with access, car/cycle parking, landscaping and associated works – Approved 07.06.2022

22/80185/COND - Conditional Information for 20/02613/FUL: C58 (Archaeology) – Partially discharged 24.08.2022

23/80452/COND - Discharge of Condition 19 (CEMP) for 20/02613/FUL – Details approved 26.04.2024

24/00659/NMA - Non Material Amendment to 20/02613/FUL to change the wording of Condition 34 (Off-Site Highway Improvement Works) to facilitate the development of ground works – Consent 17.05.2024

24/80012/COND - Discharge of conditions 15 (Tree Pit Details), 16 (Tree Protection Plan) and 17 (Arboricultural Method Statement) of 20/02613/FUL – Details approved 03.04.2024

24/80013/COND Discharge of condition 51 (surface water run off) of 20/02613/FUL – Details approved 26.04.2024

24/80018/COND - Discharge of Condition 49 (Surface Water Drainage Scheme) of 20/02613/FUL – Details approved 03.05.2024

24/80019/COND - Discharge of Condition 34 (Off-site highway improvement works EBW) for 20/02613/FUL – Pending

24/80020/COND - Discharge of Condition 4 (Finished Floor Levels) for 20/02613/FUL – Details approved 03.05.2024

24/80036/COND - Discharge of Condition 5 (External Materials) of 20/02613/FUL – Details approved 22.10.2024

24/80038/COND - Discharge of Condition 10 (Parking Space Demarcation) of 20/02613/FUL – Details approved 09.05.2024

24/80039/COND - Discharge of condition 14 (Boundary treatments) of 20/02613/FUL – Details approved 09.05.2024

24/80040/COND - Discharge of condition 18 (Boundary details adjacent Almshouses) for 20/02613/FUL – Details approved 21.10.2024

24/80041/COND - Discharge of condition 9 (Hard Landscaping) of 20/02613/FUL – Details approved 13.06.2024

24/80078/COND - Discharge of Condition 58 (Archaeology) of 20/02613/FUL – Details approved 12.11.2024

24/80087/COND - Discharge of Condition 53 (Foul Water Drainage) of 20/02613/FU – Details approved 26.04.2024

24/80141/COND - Discharge of condition 22 (Electric Vehicle Charging Points) of 20/02613/FUL – Details approved 03.05.2024

24/80147/COND - Discharge of Condition 20 (Road construction/maintenance) of 20/02613/FUL – Details approved 26.06.2024

24/80148/COND - Discharge of conditions 11 (Landscape and Ecology Management Plan) and 12 (Biodiversity Method Statement) of 20/02613/FUL – Details approved 18.06.2024

24/80154/COND - Discharge of Condition 48 (Pedestrian Crossing) for 20/02613/FUL – Pending

24/80155/COND - Discharge of Condition 45 (play/amenity open space areas) of 20/02613/FUL- Details approved 07.06.2024

24/80171/COND - Discharge of Condition 29 (Fire Hydrants) for application 20/02613/FUL – Details approved 07.06.2024

24/80172/COND - Discharge of conditions 46 (Bus Stop Improvements Brampton Road) and 47 (Bus Stop Improvements St. Johns Street) of 20/02613/FUL – Pending

24/80174/COND - Discharge of Condition 7 (Roof Access) for 20/02613/FUL – Details approved 18.06.2024

24/80182/COND - Discharge of condition 31 (Noise, overheating and ventilation) for 20/02613/FUL – Details approved 12.08.2024

24/80185/COND - Discharge of Condition 30 (external lighting) for 20/02613/FUL – Details approved 13.09.2024

24/80200/COND - Discharge of Condition 6 (Balcony Details) and Condition 8 (Architectural Details) of 20/02613/FUL – Details approved 22.10.2024

24/01311/NMA - Non Material Amendment to 20/02613/FUL to change fenestration and layout details, amend condition 14 (Boundary Treatments) wording to include reference to retention in perpetuity and an alteration to condition 25 (Accessible and adaptable Homes) – Consent 12.09.2024

24/80221/COND - Discharge of condition 14 (Boundary Treatments) of 20/02613/FUL (as amended by 24/01311/NMA) – Details approved 07.10.2024

24/80370/COND - Discharge of Condition 28 (Framework Parking Management Plan/ANPR) for 20/02613/FUL- Details approved 13.12.2024

24/80372/COND - Discharge of condition 60 (Works in Proximity to the Operational Railway Environment) of 20/02613/FUL – Details approved 26.11.2024

CONSULTATIONS

HDC Environmental Health – No objections.

Cadent Gas – No objections but note that the application details should be inputted into the HSE's Planning Advice Web App.

REPRESENTATIONS

Two neighbour comments have been received, both from occupiers of the adjacent Godwin House.

Concerns have been raised in relation to the timing of delivery of this site along with concerns in relation to access into the site using St John's Street and the wider impact this is having on traffic flow at peak times in the immediate area.

Further information has since been received from the applicants in relation to dates and timeframes in relation to the sub phases across the site, which has been uploaded onto Public Access and neighbour re-consultation has taken place. No further comments have been received ahead of determination.

In relation to concerns with regard to the impact of the development on traffic flow at peak times in the locality, the CEMP agreed for this site (condition application 23/80452/COND) confirms that deliveries to site will be during the construction hours 08:00-18:00, which are planned around periods of possible local congestion (8am-9.30am and 2.30pm and 4pm) where deliveries are avoided between these specified times wherever possible. The approved CEMP also notes that deliveries will be kept to a minimum off St Johns Street and will be between 09:30-2:30pm.

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.

Condition 56 of 20/02613/FUL currently states the following:

"Implementation of Remediation Scheme
No occupation of any phase of the development hereby permitted shall take place until the Remediation Strategy prepared by Soiltechnics (report reference STP3975D - RS02, Revision 2, dated November 2018) received on 21 May 2021 has been implemented and a final verification report has been submitted to and approved in writing by the local planning authority. The final verification report will provide the outstanding details following submission of the Remedial Strategy Verification Report prepared by Soiltechnics (report reference STP3975D-RSV01, dated March 2020) received on 21 May 2021.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, ecological systems and heritage assets, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and others offsite receptors, in accordance with the National Planning Policy Framework."

This NMA application seeks to change the wording of condition 56 (Implementation of Remediation Scheme) of 20/02613/FUL (as amended by 24/00659/NMA and 24/01311/NMA) to amend the delivery sequence of the site into 8 sub-phases, to enable new residents to move in as soon as possible whilst works continue on the wider site. At the current time the wording of condition 56 is such that there are only two phases of development, so until all 50 properties are completed

(phase 1) and a verification report submitted which has subsequently been approved, no occupations can take place.

The proposed amendment to the wording of this condition would mean that occupations can take place earlier in the construction of the wider scheme as and when the sub-phases are completed, which are currently planned as follows:

* Sub Phase 1 handover – June 2025
* Sub Phase 2 handover – September 2025
* Sub Phase 7 handover – October 2025
* Sub Phase 6 handover – March 2026
* Sub Phase 5 handover - May 2026
* Sub Phase 4 handover – November 2026
* Sub Phase 3 handover – November 2026
* Sub Phase 8 handover – February 2027

In respect of the amendments sought, the HDC Environmental Health Officer has reviewed the submitted details and confirmed that the NMA change to the wording of condition 56 is acceptable.

Cadent gas have raised no objections to the proposals, but note that the application details should be inputted into the HSE's Planning Advice Web App. The original full planning application was inputted into the HSE's Planning Advice Web App ahead of determination and no objections were raised. Given the nature of this NMA application these proposals have not been inputted again as the proposed amendment only relates to when the dwellings will be occupied following the submission and approval of contamination verification reports.

As set out above, comments received from neighbours have been reviewed; it is noted that one of these relates to concerns in respect of deliveries on site rather than sub-phase completion timings. The comments received in relation to concerns relating to traffic flow in the locality as the site is being built out do not directly relate to this non material amendment application proposal. Neighbours have been re-consulted upon receipt of the timings of the sub-phases, but no further comments have been received.

In respect of the amendment to the wording of condition 56 (Implementation of Remediation Scheme) the change sought to this condition is considered to be acceptable and will allow for occupations to take place in a timely manner and earlier as part of the wider build out and delivery of the development.

Having regard to details approved under application reference 20/02613/FUL (as amended by 24/00659/NMA and 24/01311/NMA) and the change sought as part of this NMA, this is considered non-material in the context of the approved development.

A change is proposed to the existing condition 56 wording as a result as proposed as part of this non-material amendment application.

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**