OFFICER REPORT

Case No: 24/01935/S73 Removal/Variation of Conditions

Proposal: Variation of condition 2 (Approved Plan) of 24/00723/FUL to improve efficiency of chimney flue

Condition Number(s): Condition 2

Conditions(s) Removal: To improve efficiency of chimney flue we wish to substitute drawing reference: 22418_02_B on the approval letter with a new drawing reference: 22418_02_C.

Location: 15 - 16 Howard Road Eaton Socon St Neots

Applicant: Mr Mark Garrood

Grid Ref: 517192 258518

DESCRIPTION OF SITE AND APPLICATION

The application site relates to an industrial building situated at 15 - 16 Howard Road, Eaton Socon close to the town of St Neots. The site is surrounded by industrial buildings to the East, South and West. To the rear the residential area of Eaton Socon.

The application site lies within the Environment Agencies (EA) Flood Zone 1, and within Flood Zone 1 of the LPA's Strategic Flood Risk Assessment (SFRA) 2017.

The application to vary Condition 2 relating to the approved plans of application reference 24/00723/FUL for the increase in height of existing chimney flue serving the industrial unit.

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

NATIONAL GUIDANCE

The National Planning Policy Framework (December 2024) (NPPF 2024) paragraph 8 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 also sets out the Government's planning policies for (amongst other things):
* making effective use of land
* achieving well-designed, beautiful, and safe places;
* conserving and enhancing the natural 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 15th May 2019)
LP11: Design Context

LP12: Design Implementation
LP14: Amenity

St Neots Neighbourhood Plan 2014 - 2029
Policy A2 - Gateway into St Neots
Policy A3 Design

Supplementary Planning Documents/ Guidance

- Huntingdonshire's Design Guide SPD 2017 - Compatibility Statement (2021)
- Developer Contributions SPD (2011)
- Developer Contributions: Updates Costs 2019/2020
- Huntingdonshire Landscape and Townscape Assessment (2022)
- Cambridgeshire Flood and Water SPD 2017
- Annual Monitoring Review regarding housing land supply.

RELEVANT PLANNING HISTORY
24/00723/FUL - Increase in height of existing chimney flue serving industrial unit - 13.08.2024
17/02637/FUL - Regularisation of existing Dust Extraction - Permission - 14.02.2018

CONSULTATIONS
St Neots Town Council support the proposal and comment "Members noted the application and support subject to the approval of HDC Environmental Health Officer".

Environmental Health have been consulted and raise no objections to the proposed changes.

REPRESENTATIONS
No representations have been received at the time of determination.

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 fewer substantial changes are proposed a non-material amendment application can be submitted, or S73 application can be submitted to amend the conditions attached to the planning permission, including seeking to make minor material amendments. There is no statutory limit on the degree of change permissible to conditions under S73, but the change must only relate to conditions and not to the operative part of the permission.

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".

The main issues to consider in the determination of this application are:

- Design and Visual Amenity
- Residential Amenity

<u>Design and Visual Amenity</u>
Policies LP11 and LP12 of the Huntingdonshire Local Plan to 2036 state that developments should respond positively to their context, draw inspiration from the key characteristics of its surroundings and contribute positively to the area's character and identity.

The application site lies within an area that is characterised by industrial buildings and the proposal is to increase the height of the taller chimney flue permitted under 24/00723/FUL, with a taller flue to increase the dispersal of exhaust from the industrial use. It is considered that the proposal would be viewed within the context of the site as an industrial building and therefore, officers do not consider that the proposal will likely have a detrimental impact the overall character of the site or the wider locality.

In conclusion, notwithstanding the required conditions, it is considered that the proposal will not have a harmful impact upon the character and appearance of the area. Accordingly, the proposal is in accordance with Policies LP11 and LP12 of Huntingdonshire's Local Plan to 2036.

Residential Amenity

Policy LP14 of the Local Plan to 2036 states a proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of neighbouring land and buildings. A site visit was carried out by the case officer during the consultation period of the application.

HDC Environmental Officers have been consulted and raise no objections to the proposed increase in height of the chimney.

In terms of overshadowing, overbearing and overlooking, the application raises no concerns in this regard by virtue of its siting and distances from residential properties.

Overall, the development is considered acceptable in terms of overshadowing, overlooking, overbearing impact, loss of privacy, loss of light and subject to conditions, would not have a significant detrimental impact upon residential amenity. The proposal is therefore considered to be in accordance with Policy LP14 of the Local Plan to 2036 and paragraph 135(f) of the NPPF (2024).

CONCLUSION

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

- Remains within the bounds of the description of planning permission 24/00723/FUL;
- an appropriate scale and design;
- would not have a harmful impact upon the character and appearance of the area;
- would not have a significantly detrimental impact upon the amenity of the neighbours and;
- there are no other material planning considerations which lead to the conclusion that the proposal is unacceptable.

The proposed application to vary condition 2 is considered acceptable in relation to the wider scheme and will not fundamentally change the character of the development as approved.

It is therefore recommended that planning permission be granted. All conditions imposed under 24/00723/FUL will be repeated, where relevant, as per advice in the PPG.

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:

Enquiries about this report to **Andrea Dollard**