Application Number: 24/02260/S73

TOWN & COUNTRY PLANNING ACT 1990

Section 73 amendment to planning permission

Mrs Kathy Wright
Broadway Developments Yaxley Ltd
2 Milnyard Square
Milnyard Square
Orton Southgate
Peterborough
County (optional)
PE2 6GX

Huntingdonshire District Council in pursuance of powers under the above Act, hereby **GRANT PERMISSION** for:

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

Site address: Plot 1 And 2 Land At Former Mushroom Farm Site Broadway Yaxley

in accordance with your application received on 2nd December 2024 and plans (listed below) which form part of the application

Plan Type	Reference	Version	Date Received
Proposals	AB0201 (Greggs)	P05	09.12.2024
Elevations	AB0851 (Building E)	P09	10.02.2025
Planting Plan	PP01	05	06.12.2024
Elevations	AB0861 (Building F)	P07	10.02.2025
Proposals	AB0202 (Greggs Refuse enc)	P02	09.12.2024
Proposals	AB0261 (Building F)	P05	10.02.2025
Proposals	AB0251 (Building E)	P08	10.02.2025
Proposals	AB0841 (Building D)	P04	09.12.2024
Proposals	AB0241 (Building D)	P03	09.12.2024
Elevations	AB0821 (Building B)	P04	09.12.2024

C. Kerr

Clara Kerr
Chief Planning Officer

Date 25th July 2025

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Proposals	AB0221 (Building B)	P03	09.12.2024
ENGINEERING WORKS	20023-197	P2	02.12.2024
ENGINEERING WORKS	20023-196	P2	02.12.2024
ENGINEERING WORKS	20023-198	P2	02.12.2024
Lighting layout	DWD-5729		02.12.2024
ENGINEERING WORKS	20023-199	P2	02.12.2024
drainage details	20023-190	P8	02.12.2024
drainage details	20023-352	P1	01.07.2025
drainage details	20023-351	P1	01.07.2025
drainage details	20023-350	P1	01.07.2025
Elevations	AB0811 (Building A)	P04	23.12.2024
Proposals	AB0211 (Building A)	P01	23.12.2024
Elevations	AB0831 (Building C)	P05	23.12.2024
Proposals	AB0231 (Building C)	P01	23.12.2024
Site Layout	2813 AL0231	P13	06.05.2025

Subject to the following condition/s.

1. Condition.
   The development hereby permitted shall be begun before the 15th November 2027.

   Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

2. Condition.
   The development hereby permitted shall be carried out in accordance with the approved plans listed in the table above.

   Reason: For the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3. Condition.
   The Surface Water Drainage Scheme shall be constructed and maintained in full accordance with the following documents:

   - Plot 1 Engineering Drawing Sheet 1 of 4, Parsons Consulting Engineers Ltd, Ref:20023-196 Rev P2, Dated 22 November 2024

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- Plot 1 Engineering Drawing Sheet 2 of 4, Parsons Consulting Engineers Ltd, Ref:20023-197 Rev P2, Dated 22 November 2024
- Plot 1 Engineering Drawing Sheet 3 of 4, Parsons Consulting Engineers Ltd, Ref:20023-198 Rev P2, Dated 22 November 2024
- Plot 1 Engineering Drawing Sheet 4 of 4, Parsons Consulting Engineers Ltd, Ref:20023-199 Rev P2, Dated 22 November 2024
- Plot 1 Drainage Strategy, Parsons Consulting Engineers Ltd, Ref 20023-190 Rev P08, Dated 22 November 2024
- Management Schedule, Parsons Consulting Engineers Ltd, Dated 22 November 2024
- Plot 1 - Building G, Construction Phase Drainage Strategy, Parsons Consulting Engineers Ltd, 20023-350 Rev P1 Dated 17 June 2025
- Plot 1 - Greggs Construction Phase Drainage Strategy, Parsons Consulting Engineers Ltd, 20023-351 Rev P1 Dated 17 June 2025
- Plot 1 - Greggs Construction Phase Drainage Strategy Part 2, Parsons Consulting Engineers Ltd, 20023-352 Rev P1 Dated 17 June 2025

Reason: To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies LP5, LP12 and LP15 of the Huntingdonshire Local Plan to 2036.

4. Condition.
The development shall be carried out strictly in accordance with the finished floor levels shown on dwg 20023-190 P8 received by the Local Planning Authority on 2nd December 2024.

Reason: To ensure the development does not detract from the character and appearance of the area in accordance with Policy LP12 of the Huntingdonshire Local Plan to 2036.

5. Condition.
The development shall be carried out in accordance with the Biodiversity Net Gain Plan, Method Statement, condition assessment and metric calculation received by the Local Planning Authority on 2nd December 2024 and shall thereafter be retained and maintained for the required 30-year period.

Reason: To ensure the conservation and enhancement of biodiversity and delivery of 10% Biodiversity Net Gain (BNG). To ensure the habitats and hedgerows formed are maintained for at least 30 years in accordance with Policy LP30 of the Huntingdonshire Local Plan to 2036 and Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

6. Condition.

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The materials and colour of the roof treatment of all buildings within the development, hereby permitted, shall be as detailed in the submitted elevation plans received by the local planning authority unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the external appearance of the development does not detract from the character and appearance of the area in accordance with Policy LP28 of the Huntingdonshire Local Plan to 2036.

7. Condition.
The external lighting shall be provided and installed in accordance with the proposed lighting scheme DWD-5729-Plot 1 dated 29.11.2024 and received by the Local Planning Authority on 2nd December 2024 and shall thereafter be retained as such.

Reason: To minimise the effects of light pollution on the surrounding area, to protect biodiversity interests and in the interests of visual amenity in accordance with Policies LP12, LP14 and LP30 of the Huntingdonshire Local Plan to 2036.

8. Condition.
No unit hereby permitted shall be occupied until the fire hydrant serving it has been installed and made operative in accordance with the Site Wide Fire Strategy (March 2022) unless otherwise agreed in writing by the Local Planning Authority in consultation with the Fire Authority.

Reason: In the interest of public safety in accordance with Policy LP12 of the Local Plan.

9. Condition.
All hard and soft landscape works shall be carried out and maintained in accordance with the approved plans, the Landscape Maintenance and Management document and Soft Landscape Specification prepared by OLA received by the Local Planning Authority on 23rd December 2024. 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.

10. Condition.
The development hereby permitted shall be strictly carried out in accordance with the Construction Phase Plan prepared by Barnack Estates UK Ltd received by the Local Planning



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Authority on 10th June 2024. The approved Construction Phase Plan shall be complied with throughout the construction period in accordance with the agreed details.

Reason: In the interests of amenity in accordance with Policy LP14 of the Huntingdonshire Local Plan to 2036.

11. Condition.
The proposed buildings hereby permitted shall meet Building Research Establishment Environmental Assessment Method (BREEAM) 'Good' (or successor or equivalent standards) as a minimum prior to first use. Such provision shall be maintained for the lifetime of the development.

Reason: To ensure that the development makes efficient use of energy, water and other resources and promotes the principles of sustainable construction in accordance with Policy LP12 of the Huntingdonshire Local Plan to 2036.

12. Condition.
The internal staff cycle parking and external visitor cycle parking facilities hereby approved shall be implemented in accordance with the approved plans before the development to which it relates is occupied or the use commenced and shall be retained and only used as such.

Reason: To ensure appropriate provision for the secure storage of bicycles to encourage sustainable travel in accordance with Policies LP12, LP16 and LP17 of the Huntingdonshire Local Plan to 2036 and the Huntingdonshire Design Guide SPD 2017.

13. Condition.
No display or storage of goods, materials, plant, machinery or equipment shall take place other than within the buildings hereby permitted on the site.

Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area and to ensure that there is no loss of car parking, loading/unloading areas or turning areas to serve the development. To comply with Policies LP11, LP12 and LP17 of the Huntingdonshire Local Plan to 2036.

14. Condition.
Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or the Town and Country Planning (General Permitted Development) Order 2015 as amended, the 'Commercial, Business and Service' use hereby approved shall only be for purposes falling within Schedule 2, Article 3, Part A, Class E (g) (ii) and (iii) namely:
(ii) the research and development of products or processes, or
(iii) any industrial process.

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The development shall be used for no other purposes unless granted otherwise granted on planning application to/by the local planning authority.

Reason: The site is in an unsustainable location with regard to town centre, leisure and community facilities allowed by Class E and in order that the Local Planning Authority can fully assess the impact of other uses upon the highway and residential amenity in accordance with policies LP14, LP16 and LP17 of Huntingdonshire's Local Plan to 2036.

15. Note to applicant.
Statement as to how the Local Planning Authority (LPA) has worked with the applicant in a positive and proactive manner on seeking solutions:

When an application is received, planning conditions will be used where they can make a development acceptable.

A clear reason for refusal identifies the specific reasons why the development is unacceptable and helps the applicant to determine whether and how the proposal can be revised to make it acceptable.

In relation to this application, it was considered and the process managed in accordance with the National Planning Policy Framework 2023.

16. Note to applicant.
Huntingdonshire District Council became a Community Infrastructure Levy (CIL) Charging Authority on 1st May 2012. The Council is obliged to collect the levy from liable parties in instances where development received planning permission on or after 1st May 2012. It is important that liable parties (usually developers or landowners) are correctly identified to the Council as early as possible. For more details on CIL, the developments the charges will apply to, how much the charge will be and the process involved, including the developers or landowners legal responsibilities, the CIL pages on the Council's website at www.huntingdonshire.gov.uk should be referred to. It should be noted that all development which creates one or more dwellings will be liable to be charged irrespective of the floor space charge. However, developments which create less than 100 square metres of new floor space and do not involve a dwelling or dwellings, will be exempt from CIL and will not be charged.

17. Note to applicant.
LLFA Informatives:
IDB Consent
Part or all of your proposed development area falls within the Middle Level Commissioners (MLC) catchment. All increased discharges proposed to enter watercourses directly or indirectly or any works affecting watercourses or access to or along them for maintenance if the site is within the

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Board's district will require MLC/IDB consent. It is therefore recommended that you contact the MLC to discuss their requirements. Further information is available at: https://middlelevel.gov.uk/.

Pollution Control
Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

Construction Surface Water Maintenance
Prior to final handover of the development, the developer must ensure that appropriate remediation of all surface water drainage infrastructure has taken place, particularly where the permanent drainage infrastructure has been installed early in the construction phase. This may include but is not limited to jetting of all pipes, silt removal and reinstating bed levels. Developers should also ensure that watercourses have been appropriately maintained and remediated, with any obstructions to flows (such as debris, litter and fallen trees) removed, ensuring the condition of the watercourse is better than initially found. This is irrespective of the proposed method of surface water disposal, particularly if an ordinary watercourse is riparian owned.

NOTES

Rights of Appeal under the Town and Country Planning Act, 1990 Section 78

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant permission subject to conditions, he/she may appeal to the Secretary of State responsible for planning within;

- **Six months from the date of this decision notice.**

Appeals must be made on a form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. Alternatively all forms can be downloaded from their website www.planning-inspectorate.gov.uk. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances, which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the Development Orders and to any directions given under the Orders. He does not, in practice, refuse to entertain



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appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State responsible for planning and the owner of the land claims that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provision of Part VI of the Town and Country Planning Act, 1990.

Claiming Compensation

In certain circumstances, a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of an application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

General Notes

This decision notice does not convey any approval or consent which may be required under any enactment, bye-law or regulation other than Section 57 of the Town and Country Planning Act 1990.



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