HUNTINGDONSHIRE DISTRICT COUNCIL

25/00833/S73

OFFICER REPORT

Case No: **25/00833/S73** **Removal/Variation of Conditions**

Proposal: **Variation of Condition 2 (Plans) and replacement of Condition 3 (Materials) of 24/00494/LBC**

Location: **179 Great North Road Eaton Socon St Neots**

Applicant: **Mrs Patricia Litchfield**

Grid Ref: **516937 259118**

DESCRIPTION OF SITE AND APPLICATION

The application site is Eaton House, 179 Great North Road, a two-storey detached building located in Eaton Socon, St Neots. The house benefits from Grade ll Listing and lies within the St Neots Conservation Area.

Listed Building Consent was granted in July 2024 for the removal of section of front wall, between piers 4 and 7 - wall and foundations rebuilt to current standards.

This application seeks permission to vary condition 2 (approved plans) and replace Condition 3 (materials) of 24/00494/LBC.

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

NATIONAL GUIDANCE

The National Planning Policy Framework (December 2024) (NPPF 2024) 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 sets out the Government's planning policies for (amongst other things):

* delivering a sufficient supply of homes;
* building a strong, competitive economy;
* achieving well-designed, beautiful and safe places;
* conserving and enhancing the natural, built and historic 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)
LP34: Heritage Assets and their Settings

Huntingdonshire Design Guide Supplementary Planning Document (2017):

* Place Making Principles parts 3.7 Building Form and 3.8 Building Detailing.

RELEVANT PLANNING HISTORY

24/00494/LBC - Removal of section of front wall, between piers 4 and 7 - wall and foundations rebuilt to current standards - Consent

CONSULTATIONS

St Neots Town Council support the application – in keeping with locality and minimum impact on neighbours.

HDC's Conservation Officer: Supports the variation of condition 2 (Plans) and replacement of Condition 3 (Materials).

REPRESENTATIONS

None received at the time of determination.

SUMMARY OF ISSUES

Section 19 of The Planning (Listed Buildings and Conservation Areas) Act 1990 allows the submission of an application to vary conditions after Listed Building Consent has been granted. It may become clear that a condition is no longer appropriate e.g. because genuine structural problems arise, or better solutions for the treatment of the building are devised, or other features of interest are revealed once work has started.

The submission of such an application allows the subject of the condition to be reconsidered without opening the entire question of whether consent should have been granted. In dealing with such an application it is also open to the Local planning Authority to add consequential new conditions to the consent.

There is no specific guidance relation for the form a s.19 decision should take, however it seems reasonable to refer to and follow the guidance for varying a condition on a planning permission, known as a s73 application. 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".

As a section 19 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original consent.

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

o Impact on Heritage Assets

Impact on Heritage Assets

Policy 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.

Policy LP34 states that a proposal within, affecting the setting of, or affecting views into or out of, a conservation area should preserve, and wherever possible enhance, features that contribute positively to the area's character, appearance and setting as set out in character statements or other applicable documents.

Section 72 of the Planning (LBCA) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Section 66 of the Planning (LBCA) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Para. 212 of the NPPF set out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. Para. 213 states that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification…'

Local Plan policy LP34 aligns with the statutory provisions and NPPF advice.

The Council will consider the significance of a designated heritage asset and where there is less than substantial harm, this will be weighed against the public benefits of the proposal. Where there is deemed to be substantial harm, then the proposal would need to achieve substantial public benefits to outweigh that harm.

179 Great North Road is a Grade II Listed Building within the St Neots Conservation Area. On the opposite side of the road to the east, is Grade II Listed Buildings 204 and 206 Great North Road. The application is for the variation of Condition 2 (Plans) and replacement of Condition 3 (Materials) of 24/00494/LBC.

Additional information has been submitted which contains the structural engineer's method of strengthening and retaining the wall that has failed. A new proposed technical section drawing sketch 23/1057/004 has been submitted which is to be added to the approved plans. This drawing shows the engineer's preferred method and the main element is a poured concrete core clad in facing brick. Given the failure of the existing wall, it is considered that this is a proportionate response to the problem.

HDC's Conservation Officer had discussions with the applicant with regards to the replacement of Condition 3 (Materials) which required the erection of a sample panel. The applicant has submitted the mortar details by email and has verbally confirmed that the bricks will be reclaimed from the existing wall and will be laid in a Flemish bond to match the existing. Given the submission of this more detailed information, it is no longer believed that a sample panel is necessary, and officers are satisfied that Condition 3 can be replaced with a compliance condition.

Officers have given special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and the setting of the Listed Building. It is considered that harm will not be caused to these designated heritage assets because the proposed changes will not have a significantly detrimental impact upon either the character and appearance of the Conservation Area, or on the setting of the listed building. The proposal, therefore, accords with policies LP11, LP12 and LP34 of Huntingdonshire's Local Plan to 2036 (2019), the NPPF (2024) and the Planning (LBCA) Act 1990 (as amended) in this regard.

CONCLUSION

The proposed development is compliant with the relevant national and local policy as it:
*Is of an appropriate scale and design;
*Would not have a harmful impact upon the designated heritage asset.

There are no other material planning considerations which have a significant bearing on the determination of this application.

The proposed variation to Condition 2 and replacement of Condition 3 is considered relatively minor in relation to the wider scheme and will not fundamentally change the nature of the development given permission. It is therefore recommended that planning permission be granted. All conditions imposed under parent permission 24/00494/LBC will be repeated, where relevant and Condition 3 will be replaced.

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CONTACT OFFICER:
Enquiries about this report to **Robyn Kerrigan**