OFFICER REPORT

Case No: 25/00374/S73 Removal/Variation of Conditions

Proposal: Variation of Conditions 2 (Plans) and 3 (Materials) on 21/00318/FUL

Location: The Old Bakery 49 Post Street Godmanchester

Applicant: Mr John Garrad

Grid Ref: 524446 270725

DESCRIPTION OF SITE AND APPLICATION

This application seeks approval for the variation of conditions 2 and 3 of planning permission 21/00318/FUL. Condition 2 agreed the approved plans and condition 3 secured finishing materials.

Application 21/00318/FUL granted approval for the change of use from office to residential to form three two-bedroom apartments, replace UPVC windows with conservation style timber windows, repair stone cills and wooden lintels and the erection of a first-floor extension to Unit 3 at The Old Bakery, 49 Post Street, Godmanchester.

The proposed changes include:

- The full rendering of the south elevation wall to the courtyard;
- Replacement of doors on both Units 2 and 3 with windows;
- Replacement of timber lintels (which are rotten) with painted brickwork;
- Reduction in depth of two first-floor front elevation windows to Post Street; and
- Following internal alterations, a cycle store has been proposed in the courtyard.

The application site is located within the Godmanchester Post Street Conservation Area and is adjacent to a number of listed buildings, including 48, 48a, 50 and 51 Post Street. The site also falls within flood zone 2.

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

NATIONAL GUIDANCE

The National Planning Policy Framework (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.

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, 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 May 2019

LP1: Amount of Development
LP2: Strategy for Development
LP4: Contributing to Infrastructure Delivery
LP5: Flood Risk
LP6: Waste Water Management
LP7: Spatial Planning Areas
LP11: Design Context
LP12: Design Implementation
LP14: Amenity
LP15: Surface Water
LP16: Sustainable Travel
LP17: Parking Provision and Vehicle Movement
LP25: Housing Mix
LP30: Biodiversity and Geodiversity
LP34: Heritage Assets and their Settings

Local policies are viewable at https://www.huntingdonshire.gov.uk

Supplementary Planning Documents (SPD) and Guidance:

Huntingdonshire Strategic Flood Risk Assessment (2024)
Huntingdonshire Design Guide Supplementary Planning Document 2017
Developer Contributions SPD 2011
Huntingdonshire Landscape and Townscape SPD (2022)
Cambridgeshire Flood and Water SPD 2017
Annual Monitoring Review regarding housing land supply (2024)

The National Design Guide (2021)

* C1 - Understand and relate well to the site, its local and wider context
* I1 - Respond to existing local character and identity
* I2 - Well-designed, high quality and attractive
* B2 - Appropriate building types and forms
*M3 - Well-considered parking, servicing and utilities infrastructure for all users
* N3 - Support rich and varied biodiversity
* H1 - Healthy, comfortable and safe internal and external environment
* H2 - Well-related to external amenity and public spaces
* H3 - Attention to detail: storage, waste, servicing and utilities

Local policies are viewable at https://www.huntingdonshire.gov.uk

PLANNING HISTORY

21/00318/FUL - Change of use from office use Class B1 to residential Use Class C3 to form three two-bedroom apartment with kitchen/dining/living area and bathroom. Replace UPVC windows with

conservation style timber windows. Repair stone cills. Repair wooden lintels and detail where required. Small first floor extension to Unit 3 - Approved.

CONSULTATIONS

Godmanchester Town Council - No objections.

REPRESENTATIONS

No third-party representations were received during the course of the application.

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 less substantial changes are proposed a non-material amendment application can be submitted, or a minor material amendment (S73 application) where there is a relevant condition that can be varied. There is no statutory definition within the PPG of a 'minor material amendment' but it states that it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

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

Under this Section 73 application, it is proposed to vary conditions 2 and 3 of planning permission 21/00318/FUL to allow for the full rendering of the south elevation wall to the courtyard, the replacement of doors on both Units 2 and 3 with windows, replacement of timber lintels with painted brickwork; reduction in depth of two first-floor front elevation windows to Post Street and a cycle store in the courtyard following internal alterations.

Condition 2 agreed the approved plans and condition 3 secured finishing materials.

The main issue to consider in the determination of this application therefore is whether the amended scheme is acceptable in terms of:

- Design, Visual Amenity and Impact on Heritage Assets
- Residential Amenity
- Highway Safety
- Flood Risk

*Design, Visual Amenity and Impact on Heritage Assets

Policy LP11 states that a proposal will be supported where it is demonstrated that it responds positively to its context. Policy LP12 states that new development will be expected to be well designed and that a proposal will be supported where it can be demonstrated that it contributes positively to the area's character and identity and successfully integrates with adjoining buildings and landscape. This is also reflected in the Huntingdonshire Design Guide SPD and Section 12 of the National Planning Policy Framework (2024).

Policy LP34 of the Local Plan states Great weight and importance is given to the conservation of heritage assets and their settings. The statutory presumption of the avoidance of harm can only be outweighed if there are public benefits that are powerful enough to do so. 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.

Paragraph 140 of the National Planning Policy Framework states that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

The proposed full rendering of the south elevation wall to the courtyard is considered to be acceptable as the principle of render has previously been agreed and the increase in area covered would not result in harm to the character or appearance of the property.
The replacement of doors with windows on Units 2 and 3 is also considered to be acceptable as the windows would match the style and design of those existing on the property and would not detrimentally alter the configuration of the fenestration of the property. Furthermore, the proposed replacement of timber lintels with painted brickwork and the reduction in depth of first floor windows are considered to be minor and would not result in any detrimental visual impacts.

As such, the quality of the approved development is not considered to diminish as a result of the proposed changes and they are considered to be acceptable in relation to scale, design and appearance. Therefore, the proposal is deemed to be in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP9, LP11, LP12 and LP34 of the Huntingdonshire Local Plan to 2036, the Huntingdonshire Design Guide SPD and Sections 12 and 16 of the National Planning Policy Framework (2024) in this regard.

*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.

The proposed alterations are not considered to result in any detrimental impacts on neighbouring properties amenities as the windows to be installed would be at ground floor level only and no additional floorspace would be created.

As such, the proposal is deemed to be in accordance with Policy LP14 of the adopted Huntingdonshire Local Plan to 2036, the Huntingdonshire Design Guide SPD and Section 12 of the National Planning Policy Framework (2024).

*Highway Safety

The proposed changes to permission 21/00318/FUL include re-locating the cloakroom to the approved cycle store for unit 1 and the installation of a Sheffield cycle stand within the courtyard. Sheffield Cycle stands were approved to the other units as part of the previous application and therefore this change is considered to be acceptable.

The other changes proposed as part of this Section 73 application are not considered to result in any impacts on highway safety.
As such, the proposal is deemed to be in accordance with Policies LP16 and LP17 of the adopted Huntingdonshire Local Plan to 2036 and Section 9 of the National Planning Policy Framework (2024) in this regard.

*Flood Risk

The application site is located within Flood Zone 2 as classified by the Huntingdonshire Strategic Flood Risk Assessment (2024) and the Environment Agency's Flood Map for Planning.

The previous application (21/00318/FUL) was accompanied by a Flood Risk Assessment (FRA) which included a list of resilience measures and recommendations, and concluded that the development can be constructed and operated safely in flood risk terms, without increasing flood risk elsewhere in accordance with the NPPF (2024).

The changes proposed as part of this Section 73 application are not considered to result in any additional adverse impacts on flood risk in the locality and the flood proofing measures and recommendations detailed within the previous FRA submitted on 9th Dec 2020 are considered to remain relevant and will be conditioned accordingly.

Subject to a compliance condition in relation to the approved Flood Risk Assessment, the proposal is considered to accord with Policy LP5 of the Huntingdonshire Local Plan to 2036 and the NPPF (2024) in this regard.

*Other matters

* Community Infrastructure Levy (CIL):

The development will be CIL liable in accordance with the Council's adopted charging schedule; CIL payments will cover footpaths and access, health, community facilities, libraries and lifelong learning and education.

*Bin UU:

Part H of the Developer Contributions SPD (2011) requires a payment towards refuse bins for new residential development. A Unilateral Undertaking to secure the provision of wheeled bins has been received dated 25th April 2025. The development is therefore considered to be in accordance with Policy LP4 of Huntingdonshire's Local Plan to 2036 in this regard.

*Conclusion

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

* Acceptable in terms of its visual impact;
* Acceptable in terms of impact on neighbouring properties amenities;
* Acceptable in terms of highway safety; and
* There are no other material planning considerations which lead to the conclusion that the proposal is unacceptable.

Taking national and local planning policies into account, and having regard for all relevant material considerations, it is recommended that this Section 73 application be granted, subject to the imposition of appropriate conditions.

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 **Jennifer Wallis**