HUNTINGDONSHIRE DISTRICT COUNCIL

26/00204/NMA

OFFICER REPORT

Case No: **26/00204/NMA** **Non Material Amendment**

Proposal: **Non-material amendment of 20/02613/FUL (phased residential development of 178 dwellings with access, car/cycle parking, landscaping and associated works) to relocate the THGA1 flat block (plots 158-163) and amendment of balcony support structure to minimize impact on nearby RPA's**

Location: **Land East And West Of Edison Bell Way Huntingdon**

Applicant: **Countryside Partnerships/**

Grid Ref: **523503 271848**

DESCRIPTION OF SITE AND APPLICATION

Application 20/02613/FUL for full planning permission for the phased residential development of 178 dwellings with access, car/cycle parking, landscaping and associated works was approved on 7 June 2022 and was subject to the completion of a Section 106 Agreement and various planning conditions.

On 12 September 2024 under application reference 24/01311/NMA a 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) was approved.

Various condition applications have been submitted and approved since approval of 20/02613/FUL (as amended by 24/01311/NMA).

This current application seeks to relocate the THGA v1 flat block (plots 158-163 only) and an amendment of balcony support structure to minimize impact on nearby RPA's. It is necessary to move this apartment block slightly, as an existing gas main to the south has been found to be in a slightly different location and the easement area is now altered. The NMA only relates to this block only, not the other THGA1 block on the site. The balcony structures are changing to galvanised steel in anthracite grey or similar.

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

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) – Approved 12.09.2024

25/01639/NMA – Non-material amendment of 20/02613/FUL (as amended by 24/01311/NMA) for the relocation of the THGA-1 flat block (plots 158-163) and amendment of balcony support structure. - concluded that due to several issues, not material and refused 06.10.2025

Various condition applications have been submitted and approved since approval of 20/02613/FUL (as amended by 24/01311/NMA).

CONSULTATIONS

HDC Urban Design – Following receipt of clarifications and amended plans, no objections.

HDC Tree's – Raised no objections and made some suggestions.

REPRESENTATIONS

Comments have been received from the resident at 9 Brampton Road who has submitted.

"Once more the developer is trying to abuse due planning process. The planning outcome letter of the previous NMA (25/01639/NMA) clearly stated 'the proposal is not acceptable as a non-material minor amendment as it involves more than a very small change. If you wish to pursue the amendments you must submit a fresh planning application for the whole development.' Yet here we are 6 months later with the same NMA proposal type to completely move the footprint of the building in relation to our property. I refer to our previous comment, all of which still stands.

- Privacy will be affected as window locations have moved in respect to our property.
- Flats will be looking directly into our bathroom and toilet windows, as well as our daughters bedrooms.
- Assessment of the reduction of light into our property is also not being considered which will have impact.
- In addition this has direct impact and change on the previously mandated gate at the end of the trim trail which we went to planning committee over, where councillors unanimously voted in our favour leading to conditions.

In addition, this time, the developer plans to remove a tree (previously protected but deliberately allowed to be overrun with Ivy. The pathing and boundary arrangements appear changed.

As stated many times, we do not object to the land being built on, we merely seek a solution that respects our house that has stood for 126 years, our family privacy and not simply the developers bank balance. We would, as stated many times be willing to sit with planners and developers and come to an amicable compromise.

We are submitting a full history of evidence to the council planners alongside this complaint. Also ready for the ombudsman if this is allowed through. We have already notified local councillor/mayor and are ready and prepared for legal objection. We ask that the developer work with us rather than try to hide major changes in such and underhand manner."

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 power 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.

The NMA has been submitted to support post planning detailed design development for the THGA1 Flat Block (Plots 158–163) to avoid an existing gas easement. Two THGA 1 blocks were originally approved under 20/02613/FUL and 24/01311/NMA (Plots 96–101 and 158–163). For clarity, the amended block at Plots 158–163 is now labelled THGA 1 V1. No changes are proposed to the original THGA 1 block at Plots 96–101.

A similar previous application (25/01639/NMA) was refused in October 2025 because the changes, as submitted, were considered unacceptable as a non-material amendment.

To clarify, the reasons for the previous application being refused: the proposed amendment goes beyond the provisions of Section 96A of the Town and Country Planning Act 1990 (as amended) as:

* The application fails, through the provision of insufficient information, to demonstrate that the amendments would not have a detrimental impact on the existing TPO protected scots pine trees within the application site;

* The application fails to safeguard an acceptable level of residential amenity for the occupiers of number 9 Brampton Road by way of insufficient information detailed on the submitted rear elevation plans of the THGA-1 V1 block in respect of appropriate balcony screening, as was secured under 24/01311/NMA and 25/80011/COND; and

* The application fails, through the provision of insufficient information, in respect of details relating to the construction method, RAL colour and privacy level of the screens on the proposed metal-framed balconies at the rear of the THGA-1 V1 block.

The key factor in that refusal was that the Local Planning Authority was unable to fully assess the proposals appropriately and consider if the proposed amendments were material, or not.

To support this current application and the revised proposals, updated information has been submitted for the following conditions:

- Condition 9 Hard Landscaping (24/80041/COND)
- Condition 14 Boundary Treatments (24/80221/COND)
- Condition 16 Tree Protection Plan (24/80012/COND)

The following drawings have been submitted as part of the application:

- 19167 1042B - THGA1 Flat Block Amendments Layout Extract
- 19167 1043 - THGA-1 V1 House Type Floor Plans
- 19167 1044A - THGA-1 V1 ELEVATIONS
- 19167 1022D - THGA-1 House Type Floor Plans
- 19167 1023H - THGA-1 ELEVATIONS
- 12091 - AIA - Land at George Street Huntingdon
- 12091-D-AIA - Land at George Street Huntingdon
- 18814 428B1 - Car Port Details Plots 158-163

The amendments reposition the THGA1 V1 block between 0.685m and 1.1256m further east and north, away from the gas easement, and introduce a 1 degree clockwise rotation, as shown on Drawing 19167 1042B. Amendments are also proposed to the balcony support structure to reduce impacts on nearby RPAs.

Having regards to the assessment of the revised information against the discharged conditions, the submitted details are acceptable with regard to:

- Trees: The Tree Canopy and RPA information (shown on dwg 12091-D-AIA) is based on a site survey that took place on 07/11/2025 – and as such forms an update the tree canopy data submitted under the previous 25/01639/NMA (dwg 19167/1042), 24/01311/NMA (dwg 18814/3006 Rev D) and the original 17/00733/FUL application (Tree Survey and AIA dwg 6144-D). This addresses previous concerns raised in regard to the 25/01639/NMA refused application regarding the age of the tree survey and AIA.

HDC Tree Officer comments that the submitted details area acceptable and the revised details have identified that the proposed amendment would not materially alter the relationship with the trees.

- Cycle and Refuse Store: The amendments include updates to the cycle and refuse store and car port details for Plots 158–163 as approved under 24/01311/NMA, with Drawing Ref: 18814 428A1 and superseded by Drawing Ref:18814 428B1.

While the scheme retains 24 cycle parking spaces for Plots 153-163 (1 space per bedroom, compliant with Local Plan Policy LP17), the proposed door to the communal cycle store is reduced from an approx. 1.72m double door opening to a 0.95m single door.

HDC Urban Design Officer has commented that – “To ensure adequate access—particularly for users pushing bicycles—it is strongly recommended that a door of at least 1.2m clear width is provided in line with best practice.” The applicant has now submitted a revised plan (received 15th May 2026) that shows the door opening to be 1.2m wide: Drawing Ref: 18814/428B1 and this is considered acceptable. It is a return back to a previously approved design point and continues to be supported.

- Balconies: The amended scheme replaces brick flank walls with an external self-supporting balcony structure. These are to be constructed in galvanised steel, in anthracite grey colour or similar. The use of galvanised steel will reduce the dig area for the balcony structure and the proposed root pruning is at the limit of the RPA. Air spade excavation is proposed and is considered acceptable in this instance. The construction method has evidence that it will have limited impact on the RPA’s and existing tree’s.

Submitted THGA-1 V1 Elevations (dwg 19167/1044 A) show hatching to kitchen windows of the southernmost first and second floor units, annotated as “hatching denotes obscure film secured to

the inside. The top of the film is to be 1700mm from the floor level – horizontal stripped window film 18mm by Abode Window Films – to be maintained in perpetuity. Screen to be 4 out of 5 on the Pilkington Scale". The southernmost first and second floor balconies also include the annotation "Hatching denotes obscure screen. Height must be 1700mm from finished floor level and maintained in perpetuity. Screens to be 4 out of 5 on the Pilkington Scale". These annotations are consistent with previously approved dwg 19167/1023 Rev G (Condition 6 24/80200/COND application) and continue to be supported.

Having regard to the neighbouring residence at 9 Brampton Road, it is considered that the proposed revised layout will have a less than material detrimental impact. The approved planning layout, as agreed by DMC on 20th Dec 2021 (on Plan Ref: 18814-3006 Rev L) showed the layout as set out below:



The revised NMA submission is shown below, with the previously approved THGA position (shown in blue) overlaid.



Given the minimal rotation of approx. 1 degree, and the relocation of the block by a maximum of 1.1m at the northern most point and 0.6m at the southern, it is considered that this will not diminish, the amenity of the neighbouring occupiers in any materially different form than the approved arrangement. The relocation the apt block will not thus increase in significance any overlooking, loss of privacy or overbearing impact as compared to the already approved apartment block location. Indeed, the introduction of screening of rear elevation windows and balconies, added since the approval of the development in Dec 2021, will also increase the protection of amenities of the neighbouring occupier.

This detail has been agreed and approved via planning conditions and is reinforced on this NMA submission and submitted plans. The claim that this screening will not be maintained is considered unwarranted, the approved conditions and approved plans show clearly this as a design feature and within the power of the LPA to consider appropriate enforcement action in the event future occupiers do not comply.

Impact on 9 Brampton Road.

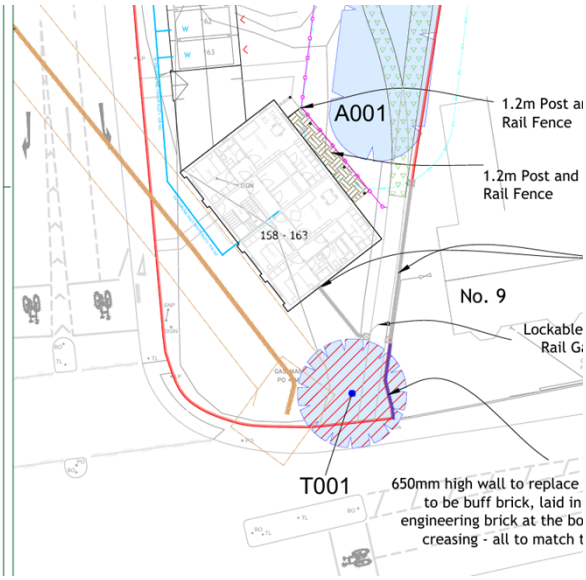
The apartment block THGA – 1 V1 was thoroughly assessed at full planning stage and approved via DMC in Dec 2021. Planning conditions relating to boundary treatments and landscaping have been approved to further enhance the protection and relationship between the new development and 9 Brampton Road. The submitted plans clearly show that a 1.8m wall is to be built for a length of the boundary and then continue as a 1.8 fence once the existing tree belt is met.

This new boundary wall, the enhancement of planting and retention of the existing trees will all contribute to limiting the amount of overlooking into 9 Brampton Road. The apartment block is at an oblique angle to the dwelling and with the existence of the existing mature tree belt and screening proposed to windows and balconies on the rear elevations – any potential overlooking would again be minimised. Also, given the existing mature tree belt of scots pines, and presence of this natural structure – the loss of sunlight again will be made less than significant by the details of the NMA as submitted.

The adjoining neighbour has noted that the plans have changed and there will be no lockable gate at the end of the new path (at Brampton Road entrance). There is proposed to be a lockable metal rail gate between the new 1.8m brick walls, as shown on submitted plan Ref: 19167/1042B.

Tree removal – The removal of the Ash tree reference T001 (see below) has already been established through the approval of the Full application approved in Dec 2021. It has been assessed again, and it is still considered acceptable for removal. It is acknowledged that this is a TPO tree as part of a group TPO referenced 18/014. Advice given in planning legislation that if detailed planning permission is granted and as part of the relevant approval, works (felling or surgery) to trees protected by a TPO are agreed as acceptable by the Local Planning Authority, no additional written permission to proceed will be required provided that:

(i) the planning permission remains live,
(ii) the works are in strict accordance with the specification of the extant planning permission, and
(iii) the works are being completed solely to implement the detailed planning permission.



CONCLUSION

The proposed development to relocate the THGA1 flat block (plots 158-163) and amendment of balcony support structure to minimize impact on nearby RPA's is considered non-material in the context of the overall scheme and accords with the provisions of Section 96A of the Town and Country Planning Act 1990 (as amended).

The decision only relates to the non-material amendment sought and this is not a reissue of the original planning permission which still stands. The two documents should be read together.

CONTACT OFFICER:
Enquiries about this report to **Hannah Guy**