OFFICER REPORT

Case No: 24/01963/NMA **Non Material Amendment**

Proposal: **Non material amendment of 24/00914/S73. Change joinery materials from aluminium to uPVC units colour as approved.**

Location: **37 High Street Earith Huntingdon**

Applicant: **Mrs L Bell**

Grid Ref: **538616 274853**

DESCRIPTION OF SITE AND APPLICATION

The application site comprises a rectangular parcel of land accessed off Chapel Road and sited to the rear of 37 High Street. The site was previously used as a car park associated with 37 High Street, formerly a pub/guest house, now a house in multiple occupation (HMO) pursuant to planning approval 17/01445/FUL.

The application site is located within the Earith Conservation Area and the closest Listed Building is 27 High Street (Grade II) to the south east. The site falls within Flood Zone 1 (low flood risk area) and is identified in Huntingdonshire's Strategic Flood Risk Assessment (2017) as susceptible to groundwater flooding.

Planning permission was granted under delegated powers for planning application reference 23/00816/FUL in June 2023 for a two storey 4-bed dwelling with associated access, parking and amenity space on the existing HMO car park area. A subsequent Section 73 application was approved 21st August 2024 for 'Variation of Condition 2 (Approved Plans) and Condition 3 (Materials) for 23/00816/FUL to remove rear conservatory and insertion of bifold doors, grey roof tiles instead of brown and install flush fitting casement windows.'

This non-material amendment application seeks to amend the latest permission to change the joinery materials from aluminium to uPVC units colour as approved.

RELEVANT PLANNING HISTORY

17/01445/FUL - Change of use from dwellinghouse and guest house to house of multiple occupancy (7 rooms) and one apartment - Granted 09.11.2017
22/00617/FUL - Erection of 4 bed dwelling - Granted 25.04.2023
23/00816/FUL - Erection of 4 bedroom dwelling - Granted 26.06.2023
24/00914/S73 - Variation of Condition 2 (Approved Plans) and Condition 3 (Materials) for 23/00816/FUL to remove rear conservatory and insertion of bifold doors, grey roof tiles instead of brown and install flush fitting casement windows - Granted 21.08.2024

CONSULTATIONS

N/A

REPRESENTATIONS

N/A

SUMMARY OF ISSUES

Section 96A of the Town and Country Planning Act 1990 (as amended) 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. The main issue for consideration is whether the proposed amendment can be treated as 'non-material'.

Government guidance on non-material amendments is set out in the Planning Practice Guidance. This sets out that there is no statutory definition of 'non-material' because it will be dependent on the context of the overall scheme. An amendment that is non-material in one context may be material in another.

The approved elevation drawing H9242/02A states the external materials for the windows as 'anthracite aluminium'. The proposed elevations submitted with this non-material amendment application state 'anthracite flush casement uPVC'. The colour, size and siting of the proposed windows would remain as previously approved. The site is located within the Earith Conservation Area, however the windows in the street scene are predominately uPVC. It is not considered that the amendment would represent a material change to the original permission and would be acceptable in design terms. Furthermore, it is not considered that there would be any impact on any third party interests. The proposed amendment can therefore be agreed as non-material.

CONCLUSION

The proposed amendment to the material of windows from aluminium to uPVC 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 **Lucy Pateman**