

Case Officer: Emma Whitley

Recommendation: Approve

Applicant: Albion Land

Proposal: Non-material amendment to 22/01632/REM - vary 12 of the approved plans and drawings listed in Conditions 1, 2 and 3. Amendments to Units 8 and 9 into a single unit, along with minor changes to Units 6, 7, and 8.

Expiry Date: 19 October 2023

1. APPLICATION SITE AND APPROVED DEVELOPMENT

1.1. A hybrid planning permission (ref. 19/01740/HYBRID) was granted at land adjacent to Promised Land Farm, Wendlebury Road, Chesterton, on 14 September 2020. This permission comprises of a full planning permission for health and racquets club, and an outline permission for B1 development, highway works and the creation of a wetland and landscaped areas and associated infrastructure works. Reserved matters (ref. 22/01632/REM) were then approved on 14 October 2022 for matters relating to layout, scale, appearance and landscaping of Phase 2 of the scheme (Units 5, 6, 7, 8 and 9).

2. DESCRIPTION OF PROPOSED AMENDMENT(S)

2.1. Non-material amendments are proposed to merge Units 8 and 9 into a single unit. Minor amendments are proposed to Units 6, 7 and 8 to include:

- changes to windows and drainpipe positions of Units 6 and 7
- extension to tarmacked area between Units 6 and 7
- reconfiguration of car park, cycle parking, bin stores and EV charging spaces to Unit 8

3. RELEVANT PLANNING HISTORY

3.1. The following planning history is considered relevant to the current proposal:

Application: Permitted 24 September 2020
19/01740/HYBRID

'Hybrid' planning application comprising: - Outline planning permission (all matters reserved except for access) for B1 development (Use Classes B1a and/or B1b and/or B1c); highway works (including provision of a new roundabout at the junction between Vendee Drive and Wendlebury Road); creation of a wetland and landscaped areas and associated infrastructure works. - Full planning permission for a health and racquets club, associated access and car parking, outdoor tennis courts, air dome, outdoor swimming pool, spa garden and terrace, and associated landscaping.

Application: 22/01632/REM Permitted 14 October 2022

Reserved matters application to 19/01740/HYBRID - layout, scale,

appearance and landscaping details for Phase 2 of the employment development (11,309sqm GIA) with associated landscaping and infrastructure works

Application: 23/01048/NMA Permitted 18 May 2023

1) Reconfigure the external layout of Unit 5; 2) Elevational changes to Unit 5; 3) Change the roof plan of Unit 5; 4) Elevational changes to Unit 6; 5) Change the roof plan of Unit 6; 6) Repositioning of Personnel Door of Unit 6 (proposed as non-material amendments to 22/01632/REM))

4. PUBLICITY AND CONSULTATION

- 4.1. There is no statutory requirement to consult on, or publicise, applications seeking approval for non-material amendments to an existing planning permission.
- 4.2. Responses are available to view in full on the Council's website, via the online Planning Register.

5. APPRAISAL

- 5.1. The key issue for consideration in this case is whether the proposed change(s) can be accepted as non-material; there is no consideration of the planning merits of the proposed changes.
- 5.2. Section 96A of the Town and Country Planning Act 1990 (as amended) states that: "A local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material". It is also stated that: "In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted".
- 5.3. The National Planning Practice Guidance states that: "There is no statutory definition of non-material. This is 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 Local Planning Authority must be satisfied that the amendment sought is non-material in order to grant an application". The judgement on materiality in any particular case is one of fact and degree, also taking into account the likely impacts of the amendment. Materiality is considered against the development as a whole, not just part of it. The benchmark for forming the judgement on materiality is always the original permission.
- 5.4. The changes sought relate to conditions 1, 2 and 3 of 22/01632/REM. Condition 1 sets out the full list of approved plans and documents. Conditions 2 and 3 then cross refer to plans listed therein. Condition 2 requires the provision of EV charging points to be installed and made available prior to occupation of the building as per the approved 'Proposed Site and Finishes Plan (22011-TP-001 Rev. E)' included in the list at Condition 1. Condition 3 requires the provision of cycle parking in the positions identified on the approved 'Proposed Site and Finishes Plan (22011-TP-001 Rev. E)', and for the design of the cycle parking to be in accordance with approved 'Cycle Shelter Details drawing (22011-TP-019)'. Dealing with each proposed change in turn:

5.5. Elevational Changes to Units 6 and 7

The applicant states that the changes are in response to the requirements of the secured occupier of the site. The window cassette arrangements have been updated following internal alterations and remain consistent with the scale and appearance of the building and buildings within the immediate vicinity. The downpipe positions have been updated to suit rainwater calculation. Materials remain unchanged. The changes are being sought by varying condition 1 to update the approved Floor Plans and Elevations for Units 6 and 7.

5.6. External Layout Reconfiguration to Unit 8 and changes to its elevations

Changes have been made to the layout of car parking, cycle storage location and bin stores and EV charging spaces, to reflect the merging of Units 8 and 9 to Unit 8. The changes do not alter the overall number of parking or cycle spaces. The changes are being sought by varying conditions 1, 2 and 3 of the aforementioned reserved matters. Greater changes are proposed to the elevational design of unit 8 to reflect it as one unit rather than 2 (8 and 9 previously) – these changes are considered to be acceptable as they remain complementary to the design of the overall park and the design on some elevations as proposed now is elevated beyond that previously approved.

5.7. Extension to Tarmacked Area Between Units 6 and 7

Due to design development, the tarmac has been extended between Units 6 and 7. The proposed alterations are considered to be minor and non-material in nature. They remain within the scope of the outline parameters and are in keeping with the design and appearance of site. This amendment is proposed under Conditions 1, 2 and 3 of the aforementioned reserved matters.

6. **CONCLUSION**

6.1. The proposal is considered to be non-material and the application is therefore recommended for approval.

Case Officer: Emma Whitley

DATE: 17 October 2023

Checked By: Caroline Ford

DATE: 19 October 2023
