

A meeting of the **DEVELOPMENT MANAGEMENT PANEL** will be held in **THE CIVIC SUITE, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON, PE29 3TN** on **MONDAY, 18 APRIL 2016** at **7:00 PM** and you are requested to attend for the transaction of the following business:-

APOLOGIES

1. MINUTES (Pages 5 - 8)

To approve as a correct record the Minutes of the meeting of the Panel held on 14th March 2016.

2. MEMBERS' INTERESTS

To receive from Members declarations as to disclosable pecuniary or other interests in relation to any item. Please see Notes below.

3. DEVELOPMENT MANAGEMENT - OTHER APPLICATIONS

To consider reports by the Planning Services Manager (Development Management).

(a) Hail Weston (Pages 9 - 66)

The use of land as a private gypsy and traveller caravan site consisting of 4 pitches each of which would comprise of 1 No. Mobile home, 1 No. Touring caravan, one small amenity building, hardstandings, foul drainage; creation of new access and track way - Kym Stables, Kimbolton Road, Hail Weston.

(b) Buckden (Pages 67 - 86)

Proposed Amendment to the Scheme of Delegation in relation to the making and confirming Tree Preservation Orders.

Objection to Tree Preservation Order L/TPO/381 - 15 Hunts End, Buckden.

4. APPLICATIONS REQUIRING REFERENCE TO DEVELOPMENT MANAGEMENT PANEL

(a) St Ives (Pages 87 - 138)

Change of use to A4 public house, together with internal and external alterations and extension – 8 Market Hill, St Ives.

(b) St Neots (Pages 139 - 152)

The proposed development is to divide the existing dwelling into two separate dwellings consisting of a one bedroom apartment and a two bedroom apartment. It also includes a first floor

extension over an existing ground floor extension - 210 Great North Road, Eaton Socon.

(c) St Neots (Pages 153 - 164)

Rear single storey extension to create 1no. additional bedroom to be used for Home of Multiple Occupancy (HMO) purposes. Consent already granted for 5 bedrooms as HMO - 1 Princes Drive, St Neots.

(d) Yaxley (Pages 165 - 176)

Proposed erection of detached home with independent access - May Cottage, Holme Road, Yaxley.

(e) Catworth (Pages 177 - 188)

Detached eco constructed lodge to create three bed detached dwelling - Land at 34 Church End, Catworth.

(f) Conington (Pages 189 - 200)

Change of use of land from agriculture to residential curtilage, erection of stable building and additional workshop units (part retrospective) - Gault Hill Farm, Cooks Lane, Sawtry.

(g) Houghton and Wyton (Pages 201 - 214)

Change of use from vacant offices used as store to veterinary surgery – Huntingdon Wyevale Garden Centre, Banks End, Wyton.

(h) Huntingdon (Pages 215 - 224)

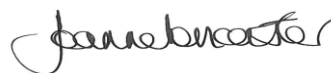
New dwelling and demolition of single storey side lean to adjacent dwelling - 2 West Street, Huntingdon.

5. APPEAL DECISIONS (Pages 225 - 228)

To consider a report by the Planning Service Manager (Development Management).

LATE REPRESENTATIONS

Dated this 6 day of April 2016



Head of Paid Service

Notes

1. Disclosable Pecuniary Interests

- (1) *Members are required to declare any disclosable pecuniary interests and unless you have obtained dispensation, cannot discuss or vote on the matter at the meeting and must also leave the room whilst the matter is being debated or voted on.*

(2) A Member has a disclosable pecuniary interest if it -

- (a) relates to you, or
- (b) is an interest of -

- (i) your spouse or civil partner; or
- (ii) a person with whom you are living as husband and wife; or
- (iii) a person with whom you are living as if you were civil partners

and you are aware that the other person has the interest.

(3) Disclosable pecuniary interests includes -

- (a) any employment or profession carried out for profit or gain;
- (b) any financial benefit received by the Member in respect of expenses incurred carrying out his or her duties as a Member (except from the Council);
- (c) any current contracts with the Council;
- (d) any beneficial interest in land/property within the Council's area;
- (e) any licence for a month or longer to occupy land in the Council's area;
- (f) any tenancy where the Council is landlord and the Member (or person in (2)(b) above) has a beneficial interest; or
- (g) a beneficial interest (above the specified level) in the shares of any body which has a place of business or land in the Council's area.

Non-Statutory Disclosable Interests

(4) If a Member has a non-statutory disclosable interest then you are required to declare that interest, but may remain to discuss and vote providing you do not breach the overall Nolan principles.

(5) A Member has a non-statutory disclosable interest where -

- (a) a decision in relation to the business being considered might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the council tax payers, rate payers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or
- (b) it relates to or is likely to affect a disclosable pecuniary interest, but in respect of a member of your family (other than specified in (2)(b) above) or a person with whom you have a close association, or
- (c) it relates to or is likely to affect any body –
 - (i) exercising functions of a public nature; or
 - (ii) directed to charitable purposes; or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a Member or in a position of control or management.

and that interest is not a disclosable pecuniary interest.

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be filmed. The Chairman of the meeting will facilitate this preference by ensuring that any such request not to be recorded is respected.

Please contact Anthony Roberts, Democratic Services Team, Tel No. 01480 388015/e-mail: Anthony.Roberts@huntingdonshire.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee/Panel.

Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

Agenda and enclosures can be viewed on the District Council's website – www.huntingdonshire.gov.uk (under Councils and Democracy).

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Elections & Democratic Services Manager and we will try to accommodate your needs.

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the DEVELOPMENT MANAGEMENT PANEL held in the Civic Suite, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN on Monday, 14 March 2016.

PRESENT: Councillor Mrs B E Boddington – Chairman.

Councillors P L E Bucknell, G J Bull,
E R Butler, Mrs S Conboy, Mrs A D Curtis,
D B Dew, Mrs A Dickinson, R S Farrer,
I D Gardener, J M Palmer, P D Reeve,
R G Tuplin and R J West.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors Ms L Kadic and J P Morris.

56. MINUTES

The Minutes of the meeting of the Panel held on 15th February 2016 were approved as a correct record and signed by the Chairman.

57. MEMBERS' INTERESTS

Councillor G J Bull declared a non-pecuniary interest in Minute No. 59(c) by virtue of having an association with the applicant.

Councillor P L E Bucknell declared a non-pecuniary interest in Minute No. 59(b) by virtue of having attended an exhibition on the application.

Councillor P L E Bucknell also declared a non-pecuniary interest in Minute No. 59(c) by virtue of having an association with the applicant, remained in the room but did not vote on the item.

58. DEFERRED ITEM

- (a) **Removal of Condition 3 of Planning Permission 15/00417/FUL, variation of Condition 4 for hours of Cafe opening to be from 7:00 a.m. until 12:00 (midnight), variation of Condition 5 to allow the bar to be open 11:00 a.m. until 12:00 (midnight) Sunday to Thursday and from 11:00 a.m. to 02:00 a.m. Friday and Saturday, variation of Condition 6 to allow music to be played during the times the premises are open and Variation of Condition 7 to allow storage of refuse and recycling within proposed compound to rear of premises - The Masonic Hall, 83 High Street, Huntingdon - 15/01838/S73**

(Mr S Tindle, Agent, addressed the Panel on the application).

Pursuant to Minute No. 15/47(i), the Panel gave consideration to a report by the Planning Service Manager (Development Management) (a copy of which is appended in the Minute Book).

RESOLVED

that, the application be approved and the Planning Service Manager (Development Management) be authorised to agree the conditions including those listed in paragraph 3 of the report now submitted and an additional condition requiring the approval of a waste recycling and disposal strategy including detailed times when these activities take place.

59. APPLICATIONS REQUIRING REFERENCE TO DEVELOPMENT MANAGEMENT PANEL

The Planning Service Manager (Development Management) submitted reports (copies of which are appended in the Minute Book) on applications for development to be determined by the Panel and advised Members of further representations (details of which also are appended in the Minute Book) which had been received in connection therewith since the reports had been prepared. Whereupon, it was

RESOLVED

(a) Erection of a bungalow (amended scheme) - Land at 16 Manor Drive, Sawtry - 16/00099/FUL

(Councillor S Custance, Sawtry Parish Council, addressed the Panel on the application).

that the application be approved subject to conditions to be determined by the Planning Service Manager (Development Management) to include those listed in paragraph 8 of the report now submitted together with an additional condition relating to surface water drainage.

(b) Variation of condition 20 of application reference: 1301790OUT to: prior to commencement of development mitigation measures shall be carried out in accordance with the details in planning application reference: 15/01816/FUL, unless minor variations are otherwise agreed in writing with the local planning authority - land between Old Mill Avenue and Station Road and 43 Station Road, Warboys - 15/01817/REM, 15/01816FUL and 15/02021/S73

(Mr K Armstrong, on behalf of the Applicant, addressed the Panel on the application).

that, subject to the prior completion of a S106 obligation relating to affordable housing, open space, transportation and residential wheeled bins, the application be approved

subject to conditions to be determined by the Planning Service Manager (Development Management) to include those listed in paragraph 8 of the report now submitted, or refused in the event that the applicant is unwilling to complete the obligation necessary to make the development acceptable in planning terms.

(In accordance with paragraph 14.5 of the Council Procedure Rules, Councillor P D Reeve requested that his vote against the Motion be recorded in the Minutes).

(c) Development of paddock land with 2 detached dwellings, 1 chalet bungalow, all with double garages, 1 terraced building of 3 cottage dwellings for private/social housing, all accessed from existing modified vehicle Paddock Road access - Land West of Ashmead House, South Street, Woodhurst - 16/00080/OUT

that the application be refused for the following reasons:

- (i) the site is located in the open countryside where residential development in the countryside will be restricted to that which has an essential need to be in a rural location. The applicant has not demonstrated a need for the development to be in this location and has failed to put forward a convincing case as to why an exception to the policies of the Local Planning Authority should be made. The proposal would therefore be contrary to the provisions of policies CS1 and CS3 of the Local Development Framework Core Strategy 2009, policies En17 and H23 of the Huntingdonshire Local Plan 1995, policy HL5 of the Huntingdonshire Local Plan Alteration 2002 and policies LP1, LP11 and LP26 of the Draft Huntingdonshire Local Plan to 2036 (2013);
- (ii) this site is located in the open countryside for the purposes of the development plan. The applicant has failed to demonstrate that the proposals meet the tests of planning policy in terms of the delivery of affordable housing on rural exception sites. In the absence of any convincing arguments to the contrary, it is considered that the proposal is contrary to policy CS5 of the Adopted Core Strategy 2009; and LP25 & LP26 of the Draft Local Plan to 2036, and paragraph 54 of the NPPF, and
- (iii) the development in depth within this open green space at the edge of the village, by reason of the location of the access way, and layout of the scheme would form an incoherent pattern of development, and a hard edge to the village which would result in serious harm to significance of the adjacent the conservation area, and the rural character of the village as a whole. The harm caused by the proposed development is not considered to be outweighed by public benefits. As such the proposal is considered to be contrary to

Policies En5, En9, and En25 of the Local Plan, and Policies LP13, LP30 and LP31, and paras 132 and 134 of the NPPF.

- (d) Removal of condition 1 of Planning Permission 1201691S73 to allow retention of the marquee - Kingspan Timber Solutions Ltd, Eltisley Road, Great Gransden - 15/02381/S73**

(Ms S Beaumont, Great Gransden Parish Council, and Mr S Tindle, Agent, addressed the Panel on the application).

that the application be approved subject to conditions to be determined by the Planning Service Manager (Development Management) to include those listed in paragraph 8 of the report now submitted.

60. APPEAL DECISIONS

The Panel received and noted a report by the Planning Service Manager (Development Management), which contained details of four recent decisions by the Planning Inspectorate.

RESOLVED

that the contents of the report be noted.

Chairman

DEVELOPMENT MANAGEMENT PANEL**18 APRIL 2016**

Case No: 1401104FUL (FULL PLANNING APPLICATION)

Proposal: THE USE OF LAND AS A PRIVATE GYPSY AND TRAVELLER CARAVAN SITE CONSISTING OF 4 PITCHES EACH OF WHICH WOULD COMPRISE OF 1 NO. MOBILE HOME, 1 NO. TOURING CARAVAN, ONE SMALL AMENITY BUILDING, HARDSTANDINGS, FOUL DRAINAGE; CREATION OF NEW ACCESS AND TRACK WAY

Location: KYM STABLES KIMBOLTON ROAD HAIL WESTON

Applicant: MR AND MRS M CASH

Grid Ref: 515351 263513

Date of Registration: 15.09.2014

Parish: HAIL WESTON

RECOMMENDATION - APPROVE

This report is to be read in conjunction with a previous report to DMP (dated December 2014).

On the 15th December 2014 the Committee (Panel as it was then) resolved that the application be approved subject to conditions to be determined by the Head of Development to include those listed in paragraph 8 of the report now submitted.

The recommendation remains one of approval subject to conditions but to include a condition limiting occupation of the site by Gypsies and Travellers as defined in the Planning Policy for Traveller Sites (PPTS) 2012 rather than the revised definition in the 2015 version.

1. DESCRIPTION

- 1.1 The location of the site and the description of the development remain the same since the report first presented to members in December 2014. However, during winter 2015 the applicant proceeded to construct the access and erect some fencing.
- 1.2 On the 21st of January 2016 a further public consultation was undertaken, as the access has been constructed further west than that shown on the original plans. These are included in this updated report.

2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (2012) sets out the three dimensions to sustainable development - an economic role, a social role and an environmental role - and outlines the presumption in favour of sustainable development. Under the heading of Delivering Sustainable Development, the Framework sets out the Government's

planning policies for : building a strong, competitive economy; ensuring the vitality of town centres; supporting a prosperous rural economy; promoting sustainable transport; supporting high quality communications infrastructure; delivering a wide choice of high quality homes; requiring good design; promoting healthy communities; protecting Green Belt land; meeting the challenge of climate change, flooding and coastal change; conserving and enhancing the natural environment; conserving and enhancing the historic environment; and facilitating the sustainable use of minerals.

- 2.2 PPTS (revised August 2015) which should be read in conjunction with the National Planning Policy Framework sets out the Government's planning policy for traveller sites. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic life of travellers while respecting the interests of the settled community.

For full details visit the government website

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>

3. PLANNING POLICIES

- 3.1 Saved policies from the Huntingdonshire Local Plan (1995)
- No changes.
- 3.2 Saved policies from the Huntingdonshire Local Plan Alterations (2002)
- No changes.
- 3.3 Adopted Huntingdonshire Local Development Framework Core Strategy (2009)
- No changes.
- 3.4 Draft Huntingdonshire Local Plan to 2036: Stage 3 (2013)
- No changes

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

4. PLANNING HISTORY

- 4.1 As per the previous report

5. CONSULTATIONS

- 5.1 Consultation responses to the amendments in January 2016:
- Great Staughton Parish Council: Approve [COMMENTS ATTACHED]
 - The Environment Agency: Confirm that the site is outside FZ3 and their previous comments remain the same.
 - Cambridgeshire County Council (CCC) Highways: The change in location has not changed the size or altered any of the requirements from the last consultation, I therefore have no objections on highway safety grounds to the relocation of the access.

6. REPRESENTATIONS

- 6.1 Responses to the amendments in January 2016:
- None.

7. ASSESSMENT

- 7.1 The key issues that require further consideration are:

- Highway Matters
- Updated Guidance for considering Gypsy and Traveller sites contained in PPTS 2015.

Highway Matters:

- 7.2 As highlighted in the introduction, the location of the access has been established through the commencement of laying the access, and the erection of fencing. Works have now ceased, the amended plans have been submitted and there is no objection from CCC Highways to the revised location given it is further from the bend in the road. The construction details of the highway crossover will need to be approved by CCC Highways under the relevant highways legislation.

- 7.3 There is no objection to the revised location of the access.

Weight to be afforded to policies and guidance

- 7.4 A revised PPTS was issued last month (August 2015). PPTS is intended to be read in conjunction with the NPPF. It is considered that the same approach to the weight which should be given to local policies applies to their relationship with the government policy as set out in PPTS.
- 7.5 PPTS 2012 defined gypsies and travellers for the purposes of planning policy as: "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."
- 7.6 In August 2015 the definition was changed to remove the words "or permanently". In its response to the consultation issued at the same time as the revised PPTS, the Government has said that it believes it is fair that if someone has given up travelling permanently, applications for planning permission should be considered as they are for the settled community within national planning policy rather than PPTS.
- 7.7 PPTS 2015 now advises that in determining whether persons are gypsies and travellers, consideration should be given to the following issues amongst other relevant matters:
- a) whether they previously led a nomadic habit of life
 - b) the reasons for ceasing their nomadic habit of life

c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

- 7.8 Policies in the Core Strategy 2009 are also part of the development plan and so can be accorded weight according to their degree of consistency with the NPPF and PPTS. Policy CS6 – ‘Gypsies, Travellers and Travelling Showpeople’ was written in the context of a government circular issued in 2006 (Circular 01/2006) which considered rural sites to be acceptable in principle. The Circular was superseded by PPTS. The March 2012 PPTS version said that new traveller site development in open countryside should be “strictly limited”. The 2015 PPTS version says that it should be “very strictly limited”. As such, it is considered that policy CS6 can be accorded moderate weight.
- 7.9 The Draft Local Plan to 2036 is an emerging plan. Due weight can be given to relevant policies in emerging plans according to: their stage of preparation; the extent of unresolved objections to relevant policies and the degree of consistency of relevant policies with the NPPF and PPTS. The Draft Plan Stage 3 Consultation was prepared after the original 2012 version of PPTS but before the revision. It is the planning authority's view that moderate weight can be given to the draft Local Plan policies. It is noted that with the exception of draft Policy LP12 (Gypsies, Travellers and Travelling Showpeople), which sets out a criteria based approach to new proposals, the relevant policies in this case relate mainly to 'detailed' matters as opposed to the principle of the development.

Updated Guidance for considering Gypsy and Traveller sites contained in PPTS 2015.

- 7.10 It is considered that the applicants comply with the PPTS 2012 and 2015, for the reasons set out in the December 2014 report. For the avoidance of doubt each policy within the PPTS will be addressed

Policy A: Using evidence to plan positively and manage development

- 7.11 The wording remains unchanged and is discussed within the December 2014 report.

Policy B: Planning for traveller sites.

- 7.12 The key changes relate to paragraph 10 (a) and (b) (Paragraph 9 of the PPTS 2012)
- 7.13 10(a): In a July 2015 appeal decision (for 6 permanent pitches at the former Megatron site at Alconbury, application 1300666FUL, appeal ref APP/H0520/A/13/2203277) the Inspector accepted that the Council had a five year supply. Taking that Inspector's approach, the Council can now demonstrate a supply of 30 deliverable pitches set against an identified need for 22.5 by August 2020. In addition, the GTANA target of 24 pitches for the first ten years of the plan period to April 2021 has also been met.

- 7.14 10(b): Policy B sets out the actions which local planning authorities should take over a series of short, medium and longer time plan periods as well as a rolling requirement for a five year supply.

- 7.15 A new Gypsy and Traveller Accommodation Needs Assessment (GTANA) is due to be produced in 2016 and this will inform the preparation of forthcoming stages of the Draft Plan. However the Stage 3 Consultation Draft Plan 2013 and the 2011 GTANA on which it is based remain the only evidence based information currently available. The 2011 GTANA is discussed in more detail within the report to members in December 2014.

Policy C: Sites in rural areas and the countryside:

- 7.16 No change.

Policy D: Rural Exception Sites

- 7.17 No change.

Policy E: Traveller Sites in Green Belt

- 7.18 Not applicable insofar as it relates to this site.

Policy F: Mixed planning use traveller sites.

- 7.19 No change.

Policy G: Major development projects.

- 7.20 No change.

Policy H: Determining planning applications for traveller sites.

- 7.21 In maintaining a recommendation of approval, regard is had to the revised wording to 'strictly limit new traveller site development in the open countryside'. The application has been carefully considered and significant weight given to the lawful use of the site as set out in the previous report. Furthermore, the site is well screened from the public highway. In addition, there continues to be no publically available sites within the district.

Policy I: Implementation

- 7.22 As Read.

Other material considerations

- 7.23 At the same time the Department for Communities and Local Government published the revised PPTS, the Government issued a planning policy statement about unauthorised development. It provides that as from 31st August 2015 intentional unauthorised development is a material consideration to be weighed in the determination of planning applications and appeals. This policy only applies to all new planning applications and appeals received from 31 August 2015. It does not therefore apply to this application which was validated in September 2014.

7.24 Justification for the application of limiting occupation in accordance with PPTS 2012:

7.25 The application was received on the 15th September 2014, reported to DMP on the 15th December 2014. Following an e-mail exchange regarding wording of the S106 an amended version was received on the 11th June 2015. It would therefore have been reasonable for the applicant to expect a decision prior to the implementation of PPTS 2015 (which came into effect in August 2015). However, ongoing discussions relating to the S106 delayed issuing the decision.

Conclusion:

7.26 The applicants continue to meet the definition of 'gypsies and travellers' as defined in PPTS 2012 and PPTS 2015. However, due regard is had to the time taken to resolve S106 matters and it is reasonable to condition the occupancy of the site to accord with PPTS 2012.

7.27 The revised location of the access has been regularised by way of an amendment that is to the satisfaction of the LHA, and those plans are now attached.

8. RECOMMENDATION

The recommendation remains one of approval subject to conditions set out in section 8 of the December 2014 report but the condition limiting occupation of the site by Gypsies and Travellers is as defined in PPTS 2012, rather than the revised definition in the 2015 version.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

CONTACT OFFICER:

Enquiries about this report to **Clara Kerr Development Management Team Leader 01480 388434**



HAIL WESTON PARISH COUNCIL

1st February 2016

APPLICATION NUMBER: **1401104FUL**

LOCATION: **Kym's stables Hail Weston**

PROPOSAL; **Amended access details.**

APPROVED -The PC support re submitted plans for access which involve moving the main gateway back onto the site.

This was one of several 'Highways' points Hail Weston Parish Council and other residents objected to when this application was first considered.

One resident observation (supporting new access) made to PC.

Jennifer Abell

Clerk to Hail Weston Parish Council

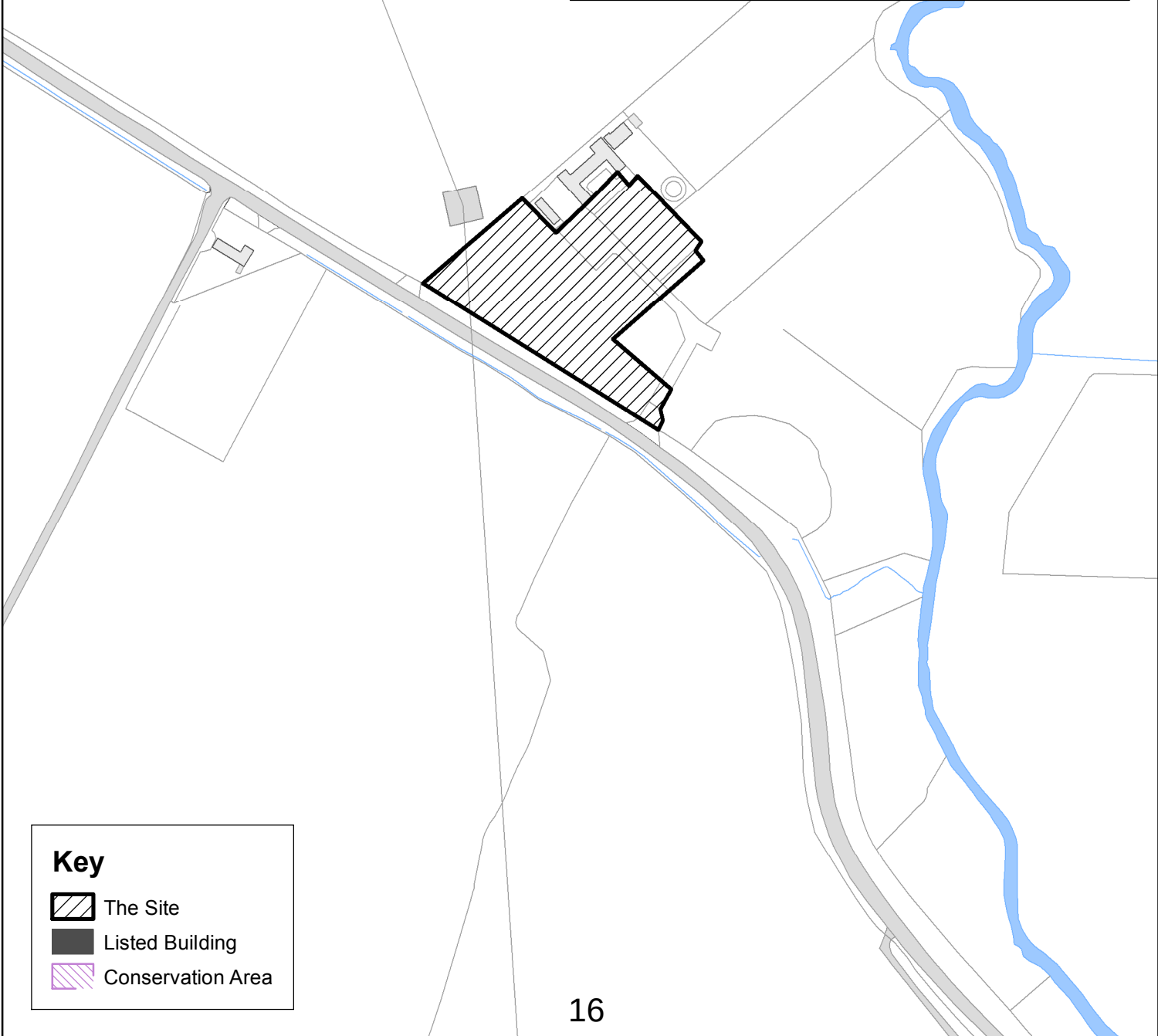
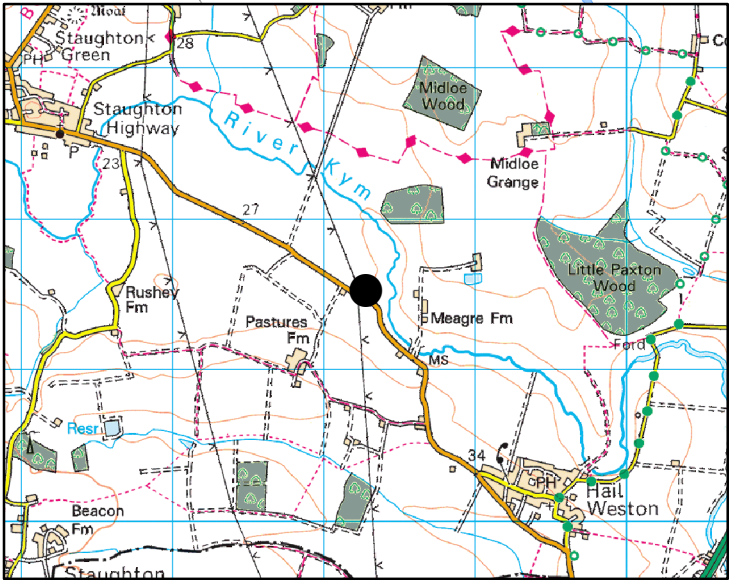
Development Management Panel



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Date Created: 23/03/2016

Application Ref: 14/01104/FUL
Location: Hail Weston

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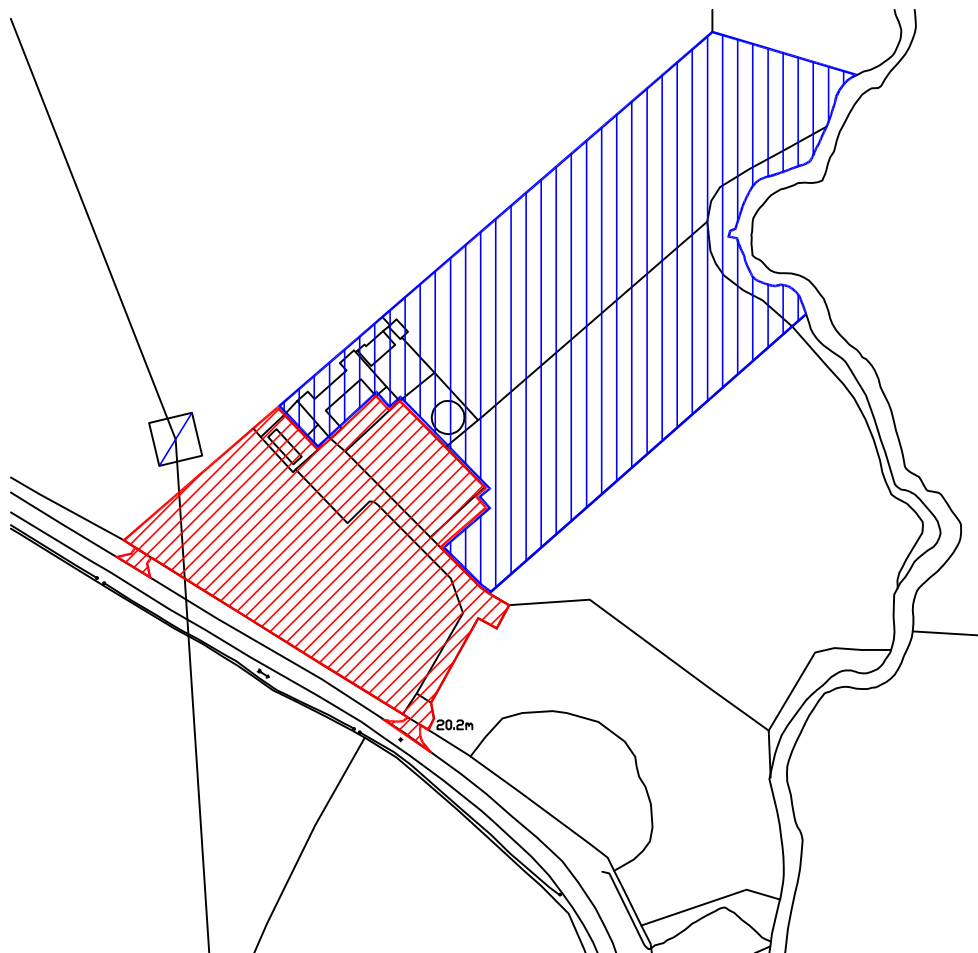


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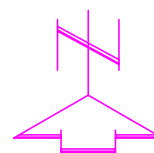
 The Site

 Listed Building

 Conservation Area



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 OS Y (Northings) 263560
 Nearest Post Code PE19 5LB
 Lat (WGS84) N52:15:29 (52.258130)
 Long (WGS84) W0:18:42
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 mX -34709
 mY 6813122



0 metres 10 20 30 40 50

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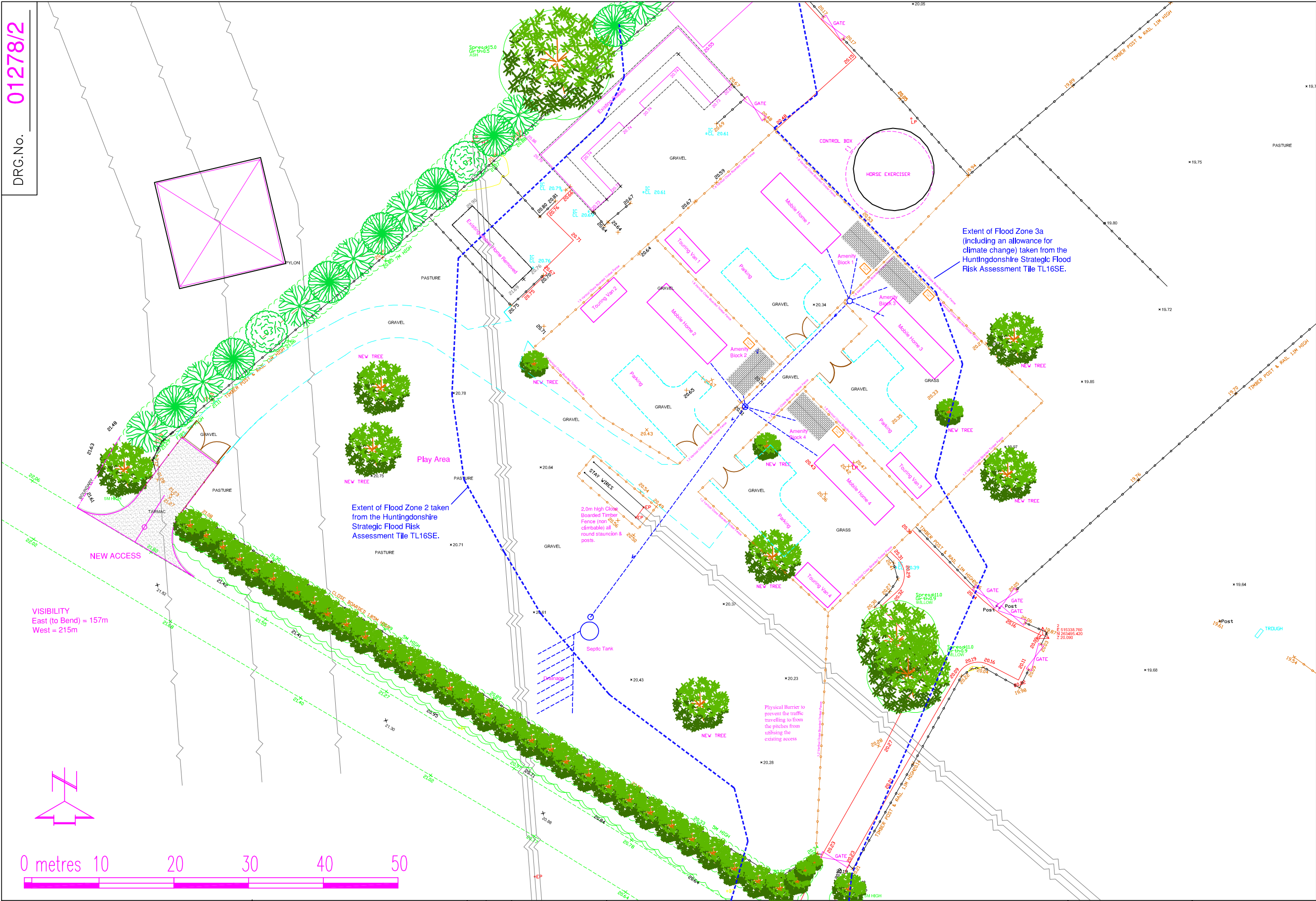
S.A.B.DRAWING & DESIGN
 26 MARGUERITE ROAD TIVERTON DEVON
 UNITED KINGDOM EX16 6TD
 TEL: +44 (0) 1884 254004
 E-MAIL: steve@sabdrawings.com

TITLE
 RELOCATION OF ONE GYPSY AND TRAVELLER PITCH AND
 THREE ADDITIONAL PITCHES ON LAND AT
 KYM STABLES, KIMBOLTON ROAD, HAIL WESTON, ST.NEOTS,
 PE19 5LB.
SITE LOCATION PLAN

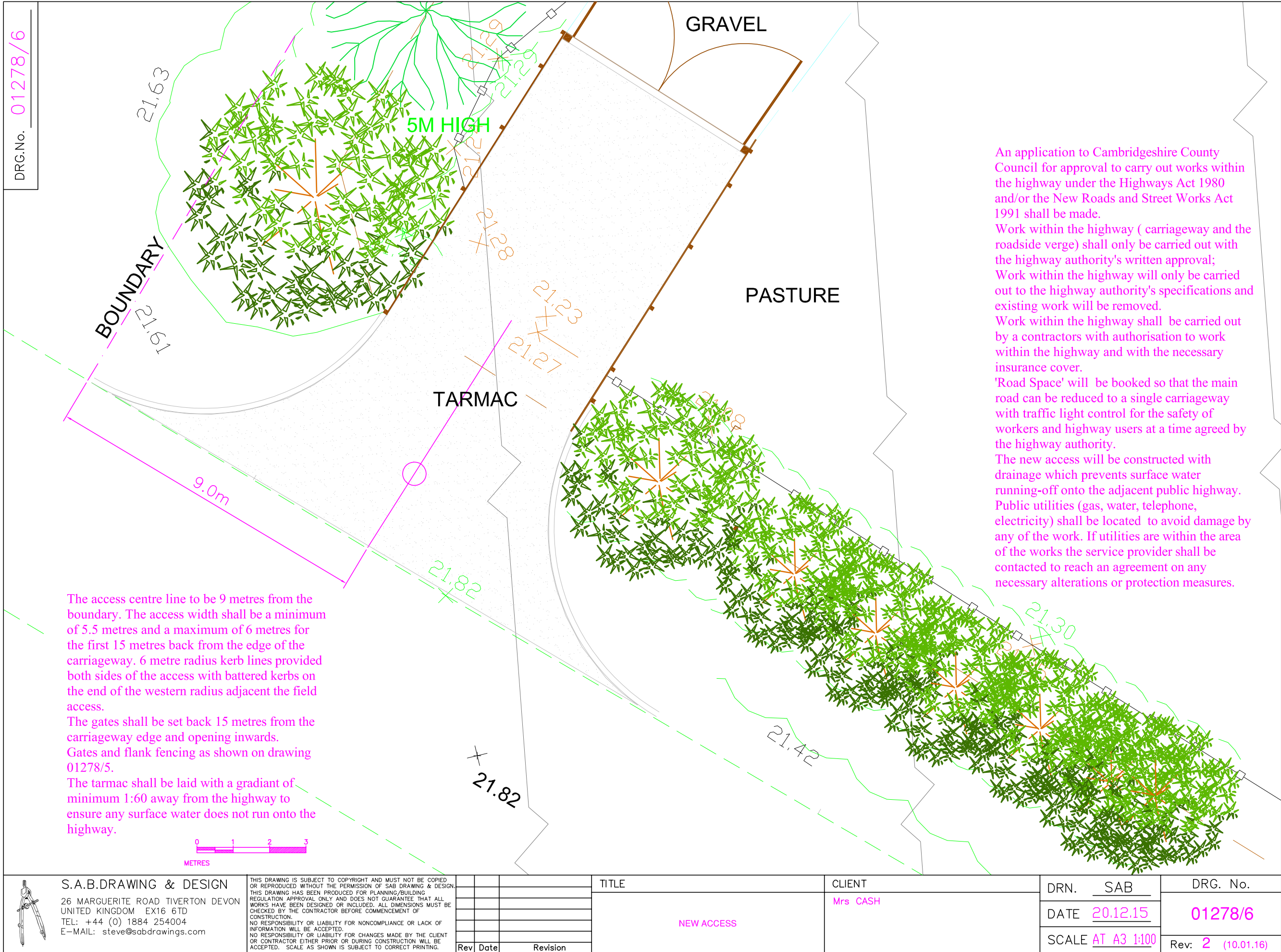
CLIENT
 Mrs CASH

DRN. SAB
DATE 01.05.14
SCALE A4 1:2500

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 01278/10
 Rev: 4 (10.01.16)



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26 MARGUERITE ROAD TIVERTON DEVON UNITED KINGDOM EX16 6TD TEL: +44 (0) 1884 254004 E-MAIL: steve@sabdrawings.com	PROVISION OF FOUR PITCHES ON LAND AT KYM STABLES, KIMBOLTON ROAD, HAIL WESTON, ST.NEOTS, PE19 5LB.	Mrs CASH	DATE	01.05.14	01278/2															
	BLOCK PLAN / PROPOSED LAYOUT		SCALE	A3 1:500	Rev: 10 (10.01.16)															



GREEN PAPERS FOLLOW

Case No: 1401104FUL (FULL PLANNING APPLICATION)

Proposal: THE USE OF LAND AS A PRIVATE GYPSY AND TRAVELLER CARAVAN SITE CONSISTING OF 4 PITCHES EACH OF WHICH WOULD COMPRISE OF 1 NO. MOBILE HOME, 1 NO. TOURING CARAVAN, ONE SMALL AMENITY BUILDING, HARDSTANDINGS, FOUL DRAINAGE; CREATION OF NEW ACCESS AND TRACK WAY

Location: KYM STABLES KIMBOLTON ROAD

Applicant: MR AND MRS M CASH

Grid Ref: 515351 263513

Date of Registration: 15.09.2014

Parish: HAIL WESTON

RECOMMENDATION - APPROVE

This application is reported to the Development Management Panel as the Parish Council's recommendation is contrary to the officer's recommendation.

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 The recommendation is one of APPROVAL subject to completion of a S106 agreement to remove the existing mobile home and the existing lawful residential land use.
- 1.2 This proposal relates to Kym Stables approximately east 2.2km east of the settlement of Great Staughton and approximately 1.5km west of the settlement of Hail Weston. The site comprises stables, a manege and a horse exerciser. On the 19th October 2012 a certificate of lawful existing use and development was granted for the siting of one residential mobile home to the south west of the stables. The mobile home is occupied by the applicant and their 7 children. The stables, mobile home and surrounding land are accessed from the south east of the site, directly from the B645.
- 1.3 This proposal relates to approximately 0.5ha of land inclusive of the existing manege. The proposal is provide a total of 4 residential pitches for Gypsies and Travellers. Each pitch will comprise 1 mobile home, 1 touring caravan and 1 single storey amenity block to provide cooking and washing facilities. The existing residential mobile home on site will be removed via a S106 agreement. All four pitches will be accessed via a new access to be sited to the south west of the site. The existing access will be retained but for access to the grazing land only. It is also proposed to carry out additional landscaping within the site.

- 1.4 The site area within the red line lies within Strategic Flood Risk Assessment Flood Zones 2 and 3a. The residential pitches are proposed in SFRA zone 2 and partially in 3a but with no habitable accommodation in 3a. The grazing land to the north east is in Flood Zone 3a.

2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (2012) sets out the three dimensions to sustainable development - an economic role, a social role and an environmental role, and outlines the presumption in favour of sustainable development. Under the heading of Delivering Sustainable Development, the Framework sets out the Government's planning policies for : building a strong, competitive economy; ensuring the vitality of town centres; supporting a prosperous rural economy; promoting sustainable transport; supporting high quality communications infrastructure; delivering a wide choice of high quality homes; requiring good design; promoting healthy communities; protecting Green Belt land; meeting the challenge of climate change, flooding and coastal change; conserving and enhancing the natural environment; conserving and enhancing the historic environment; and facilitating the sustainable use of minerals.
- 2.2 Planning Policy for Traveller Sites (March 2012) which came into force alongside the NPPF sets out the Government's planning policy for traveller sites. The Governments overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic of life of travellers while respecting the interests of the settled community.

For full details visit the government website

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>

3. PLANNING POLICIES

- 3.1 Saved policies from the Huntingdonshire Local Plan (1995)
- H23: "Outside Settlements"
 - H31: "Residential privacy and amenity standards"
 - H37: "Environmental Pollution"
 - T18: "Access requirements for new development"
 - T19: "Pedestrian Routes and Footpath"
 - En17: "Development in the Countryside"
 - En25: "General Design Criteria"
 - CS8: "Water" CS9: "Flood water management"
- 3.2 Saved policies from the Huntingdonshire Local Plan Alterations (2002)

- None relevant.
- 3.3 Adopted Huntingdonshire Local Development Framework Core Strategy (2009)
- CS1: “Sustainable development in Huntingdonshire” – all developments will contribute to the pursuit of sustainable development, having regard to social, environmental and economic issues. All aspects will be considered including design, implementation and function of development. Including reducing water consumption and wastage, minimising impact on water resources and water quality and managing flood risk.
 - CS3: “The Settlement Hierarchy”
 - CS6: “Gypsies, Travellers and Travelling Showpeople”
- 3.4 Draft Huntingdonshire Local Plan to 2036: Stage 3 (2013)
- Policy LP 1
- 3.5 Strategy and principles for development
- a mix of employment
 - Policy LP 6 - Flood Risk and Water Management
 - Policy LP 11 - The Relationship Between the Built-up Area and the Countryside
 - Policy LP 12
 - Gypsies, Travellers and Travelling Showpeople
 - Policy LP 13 - Quality of Design
 - Policy LP 15 - Ensuring a High Standard of Amenity
 - Policy LP 29 - Trees, Woodland and Related Features
- 3.6 Other HDC Planning Documents:
- Strategic Housing Land Availability Assessment (SHLAA) 2010 (Part C)
 - Officer Response to SHLAA Part C – June/July 2012
 - Local Plan to 2036 – Gypsy and Traveller Pitch Targets – September 2013
 - Huntingdonshire Landscape and Townscape Assessment SPD 2007

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

4. **PLANNING HISTORY**

9701241FUL – Erection of stables – permission granted.

1201347CLED – Certificate of lawful existing use for changing use of the land for siting of a caravan for residential use – consent granted.

5. **CONSULTATIONS**

5.1 **Hail Weston Parish Council** – Recommend refusal [COMMENTS ATTACHED] on the grounds of:

- No Need
- Countryside location
- This is significant development
- The CLED was not tested through the vigour of the planning system.
- The existing site does not meets the needs of the applicant and those needs should be met elsewhere in the County (schooling etc.)
- Flooding Matters
- Disagreement with the speed survey
- Highway Safety

5.2 **Great Staughton Parish Council** – Recommend refusal [COMMENTS ATTACHED] on the grounds of:

- Highway Safety
- Flooding matters including foul drainage
- Queries if the family do live on site.

5.3 **The Environment Agency** – No objection subject to a condition to control minimum floor levels. They defer to the LPA regarding the sequential and exceptions test.

5.4 **Cambridgeshire County Council** – The existing access is not suitable for an intensification of use. However no objection to the new access subject to conditions.

5.5 **HDC Environmental Health** – No objection subject to adequate drainage.

6. **REPRESENTATIONS**

6.1 18 contributors made up of 17 objections and 1 representation on the grounds of:

- Highway Safety including death of livestock on the B645 and a fatal accident.
- An application from the settled community would be unacceptable.
- Foul drainage vulnerable to flooding
- The River Kym is prone to flooding
- Speed survey done outside of summer months when B645 is used by motorcyclists.
- No indicators that the applicants are integrated into the local community.
- This proposal is contrary to policy.
- The site is remote from services.
- Contamination
- Soil type and many houses in Hail Weston are served by an aquifer
- Industrial activities in the open countryside.
- Why not consider industrial estates.
- No Facilities in Hail Weston

7. ASSESSMENT OF ISSUES

7.1 The following matters are relevant to the determination of this case:

- Weight to be applied to policy and guidance
- Principle of the development, including the need for traveller pitches
- Access to services and amenities for future occupiers
- Visual amenity
- Highway matters
- Flooding matters
- Drainage
- Other matters
- The planning balance

Weight to be afforded to policies and guidance

- 7.2 Having regard to paragraph 215 of the National Planning Policy Framework (NPPF) due weight can be given to development plan policies adopted before the NPPF according to their degree of consistency with it. National policy for gypsy and traveller sites is set out in a separate document 'Planning Policy for Traveller Sites' (PPTS) published by the Government at the same time as the NPPF and intended to be read in conjunction with it. It is considered that the same approach to the weight which should be given to local policies applies to their relationship with the Government policy as set out in PPTS.
- 7.3 The saved policies in the Local Plan 1995, which are part of the development plan can, notwithstanding their age, be accorded due weight according to their degree of consistency with the NPPF and PPTS. The saved policies in this case mainly relate to 'detailed' matters as opposed to the principle of the development, as such they are broadly consistent with the NPPF and can be accorded significant weight.
- 7.4 Policies in the Core Strategy 2009 which is part of the development plan can also be accorded full weight according to their degree of consistency with the NPPF and PPTS. Policy CS6 was based on Circular 01/2006 which considered rural sites to be acceptable in principle. The Circular has been superseded by PPTS which says development in the countryside should be strictly limited. PPTS has also changed the weight which can be given to some of the policy's criteria and this is reflected in the emerging criteria in draft Local Plan policy LP12 which are considered below.
- 7.5 Having regard to the stage of its preparation, the extent of unresolved objections to relevant policies and the degree of consistency of relevant policies with the NPPF and PPTS, it is the planning authority's view that moderate weight can be given to the draft Local Plan policies. It is noted that with the exception of draft Policy LP12 (Gypsies, Travellers and Travelling Showpeople), which sets out a criteria based approach to new proposals, the relevant policies in this case relate mainly to 'detailed' matters as opposed to the principle of the development.
- 7.6 2. Principle of the development, including the need for traveller pitches, access to services and facilities, impact on the settled community, residential amenity for pitch occupants, drainage, and landscape and visual impact.
- 7.7 The site is not in the built-up area of a settlement, nor is it considered to be adjacent or related to either settlement and therefore in planning policy terms it is in an area which is considered to be in the countryside in which planning policies for the countryside apply. Except on statutorily designated Green Belt land (not applicable anywhere in Huntingdonshire) PPTS is not opposed in principle to traveller sites in the countryside. The publication of the PPTS in 2012 represented a change to previous Government policy set out in Circular 01/2006 which said that gypsy and traveller sites were appropriate in principle in rural settings where not subject to special planning constraints. PPTS Policy H (paragraph 23) says that local

planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. In recent decisions post-dating PPTS the Council has accepted that planning permission can be granted on sites in the countryside.

- 7.8 The means by which new traveller development is to be controlled in line with this approach of being strictly limited are set out in further policies in PPTS and in local policies and these are considered below.

PPTS policies and criteria

- 7.9 Policy H (paragraph 23) also says local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on local infrastructure. The villages of Hail Weston and Great Staughton have populations of approximately 890 and 600 people respectively. Great Staughton has approximately 370 dwellings and Hail Weston has approximately 240 dwellings. Wood View is the nearest dwelling, and lies approximately 60m west of the site and is separated from the site by the B645. The nearest dwelling to the south east of the site is approximately 410m away and again is on the opposite side of the road. The site is approximately 2.2km from Great Staughton and 1.5km from the settlement of Hail Weston. While Hail Weston has no facilities, Great Staughton has a primary school, doctor's surgery, a butchers and public houses.
- 7.10 In respect of numbers and proximity, the development does not dominate the nearest settled communities. It is considered that the pressure imposed on local infrastructure by traveller pitches is broadly comparable to that imposed by the same number of dwellings for the settled community. For comparison, both Great Staughton and Hail Weston are designated a Smaller Settlements in the Draft Local Plan within which new market housing would be permitted on a scale which takes into account the availability of services and sustainable modes of transport and makes efficient use of land and existing infrastructure. It is not considered that 3 additional pitches would place undue pressure on either village.
- 7.11 Under PPTS Policy B planning authorities should, amongst other things, set pitch targets for gypsies and travellers which address likely needs in their area, working collaboratively with neighbouring local planning authorities. In producing their local plans they should amongst other things:
- a) identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets;
 - b) identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years 11-15.
 - d) relate the number of pitches to the circumstances of the specific size or location of the site and the surrounding population's size and density;

e) protect local amenity and environment

7.12 Criteria should be set to guide land supply allocations where there is identified need and, where there is no identified need, criteria based policies should be included to provide a basis for the determination of applications which come forward. These policies should be 'fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community.'

7.13 Policy H, paragraph 22 notes that planning law requires applications for planning permission to be determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise. Applications should also be assessed and determined in accordance with the presumption in favour of sustainable development in the NPPF and the PPTS. It says that local planning authorities should consider the following issues, amongst other relevant matters, when considering planning applications:

a) the existing level of local provision and need for sites

b) the availability (or lack) of alternative accommodation for the applicants

c) other personal circumstances of the applicant

d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches should be used to assess applications that may come forward on unallocated sites

e) that they should determine applications for sites from any travellers and not just those with local connections.

The need for traveller pitches

7.14 Policy H Paragraph 22 (a) - Existing level of local provision and need for sites

7.15 There are no local numeric targets in adopted development plan policies. Following the abolition of Regional Spatial Strategies (RSS) which had previously set targets for each district the Government advised local planning authorities they would be responsible for determining the right level of local site provision. Gypsy and Traveller Accommodation Assessments (GTAAAs) were advocated as a good, but not binding, starting point for local authorities to identify their own levels of provision.

7.16 Work to provide an up-to-date GTAA was carried out in 2011 led by Cambridgeshire County Council's research team. The resulting Gypsy and Traveller Accommodation Needs Assessment (GTANA) concluded that there was a need in Huntingdonshire for an additional 53 pitches between January 2011 and January 2031. It assessed the 'backlog' of permanent pitches in Huntingdonshire's case as 17 pitches primarily as a result of the temporary approvals. A model of projected population growth based on available figures of children registered for education indicated that there would be an annual local

need from newly forming households of between 3 and 5 pitches per year, some of which would be met by turnover of existing pitches.

- 7.17 A target of 64 pitches or 2.5 pitches per year was included in the Stage 2 Consultation Draft Local Plan (2012). This target was based on the findings of the 2011 GTANA, projected to the timeframe of the Council's revised Local Plan (April 2011 to April 2036). The projection to 2036 is made using the GTANA's assessment of 53 pitches from January 2011 to January 2031 and adding 11 more pitches for the extra 5 years at the same rate of provision used for the period 2026 to 2031. This approach (2.5 pitches per year) is followed in the Stage 3 Consultation Draft Plan, (paragraph 5.59) which underwent public consultation between May and July 2013. The District need, as set out in paragraphs 5.59 and 5.60 of the Stage 3 Draft Local Plan is for 64 new pitches by 2036.
- 7.18 In terms of calculating a target, the Council has not received any significant criticism of its approach to date. One commentator has raised concerns about paragraph 5.59 of the draft Local Plan to 2036: Stage 3. The concerns are that the target of 64 pitches should be a minimum figure and that the figure should be 'front loaded' to secure provision early in the plan period. The response to this concern is that the 2011 GTANA had identified a 'backlog' of 17 pitches in its total target of 17 pitches for the first five years (2011 to 2016), and a total of 24 pitches for the first ten years (2011 to 2021). To date a total of 23 permanent pitches have been granted planning permission in the first 3.25 years of the plan period and this has front loaded provision.
- 7.19 PPTS policy B which relates to 'plan-making' says that planning authorities should amongst other things:
- a) identify and update annually a supply of specific deliverable sites to provide five years' worth of sites against their locally set targets, and
 - b) identify a supply of specific, developable sites or broad locations for growth for years 6-10 and, where possible years 11-15. To be considered developable a site should be in a suitable location and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.
- 7.20 Policy B therefore sets out the actions which local planning authorities should take over a series of short, medium and longer time plan periods as well as a rolling requirement for a five year supply. When an authority cannot demonstrate an up-to-date five year supply policy H, which relates to 'decision-taking', says this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.
- 7.21 The implications for this application are:
- There is a need for further pitches to be provided in the District over the lifetime of the Draft Local Plan. If the application site is considered suitable in all other respects for the form and scale of development proposed a permanent permission for 2 pitches

would contribute to this need and that would be a material consideration in determining the application.

- If the application site is considered unsuitable for a permanent planning permission policy H says that the absence of a five years' supply should be a significant material consideration when considering applications for the grant of temporary planning permission. It must be noted however that in addition to the 23 permanent pitches which have been approved since 2011 there is already a developed site with 10 pitches at Bluntisham which has a temporary planning permission to April 2015.

- 7.22 In May 2010 Part C of a revised Strategic Housing Land Availability Assessment (SHLAA) was the subject of public consultation. 22 Potential sites were considered. This site was not considered as part of the SHLAA
- 7.23 Following the consultation period Part C was not finalised and was instead put on hold because, in addition to the Coalition Government's announcement of the intention to abolish the RSS, it also announced that it intended to change national planning policy for gypsy and traveller pitches. It is relevant to note however that the specific calls for gypsy and traveller sites through the SHLAA and the Local Plan consultations have yielded few sites.
- 7.24 An officer response summarising the matters raised in comments to the SHLAA Part C consultation was added to the Council's website in July 2012. This site was not identified as part of the 2010 SHLAA. This site is not the site within Hail Weston discounted as part of that SHLAA.
- 7.25 The assessment concluded that additional information was required for the LPA to be satisfied that the boundaries of the site are appropriate having regard to biodiversity and the neighbouring businesses, but given the small scale of the proposal this could be possible.

Other PPTS policy criteria

- 7.26 Policy H Paragraph 22 (c) - Personal circumstances of the applicant. As above.
- 7.27 Policy H Paragraph 22 (d) Locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches should be used to assess applications that may come forward on unallocated sites - These aspects are considered later in the report in terms of the criteria in Policy CS6 of the Core Strategy and draft Policy LP12 of the Local Plan to 2036: Stage 3.
- 7.28 Policy H Paragraph 22 (e) - Determine applications for sites from any travellers and not just those with local connections – The Cash family have owned and lived on site since 2009, gaining a certificate of lawful development for a single mobile home in 2011.
- 7.29 Policy H Paragraph 24 of the PPTS says that local planning authorities should attach weight to the following matters:

a) the effective use of previously developed (brownfield), untidy or derelict land – The application site has a single mobile home on the land, a manege, stables and horse exercising equipment. Annex 2 of the NPPF defines Previously Developed Land. While it excludes agricultural and forestry buildings, it does not exclude other rural buildings. While the land is used for grazing animals, planning permission 9701241FUL granted permission for the permanent siting of the stables and the manege(also described as a horse exerciser). For that reason it is considered that the land on which these 4 pitches will stand is 'previously developed land'. This would therefore be an effective use of previously developed land.

b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness – This site is well screened and is not visible from the public highway.

c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children – For a development as small as four pitches young children would normally be expected to play within the pitches rather than on a separate play area. It is also noted that the landownership extends to open paddocks for grazing, also allowing for children to play.

d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community – The soft landscaping is existing, and provides soft screening. It also provides separation and noise mitigation from the B645.

Core Strategy policy CS6 criteria

- 7.30 (i) There would be no significant adverse effect on the amenity of nearby residents or operations of adjoining land uses – In respect of numbers and proximity the development does not dominate the nearest settled community in the village or the outlying group of dwellings. The proposed development of 4 pitches is acceptable.
- 7.31 (ii) The development should not have a significant adverse impact on the character of the landscape and appropriate landscaping and boundaries should be provided – This point has been discussed within this report.
- 7.32 (iii) Access to services and facilities. Adequate schools, shops and other community facilities are within reasonable travelling distance, and can be reached by foot, cycle or public transport – As highlighted earlier in this report the site is approximately 2.2km from Great Staughton and approximately 1.5km from Hail Weston. The B645 is unlit, has no footways and traffic travels at and above the 60mph speed limit There is no public transport available. There are roadside verges which can act as a refuge for pedestrians but they are for much of the route not suitable as a path.
- 7.33 There has been a subtle shift in emphasis from the Adopted Core Strategy CS6 approach on this criterion within the PPTS which refers to promoting opportunities for healthy lifestyles. As such it is considered that the requirement for adequate facilities to be

reachable by foot, cycle or public transport is not a matter on which a fundamental objection can be supported. In coming to this conclusion, regard has been had by officers to other sites and appeal decisions within the District where Inspectors have concluded that in terms of the relative distances with services and/or lack of safe pedestrian routes between Traveller sites and settlements is not unusual within a rural location. The development will give rise to journeys by motor vehicle but they should be relatively short.

- 7.34 (iv) The site is served (or can be served) by an adequate water supply and appropriate means of sewage disposal which meets national standards – A water supply is available on the site to serve the existing residential mobile home and the stables. An improved water supply and sewage disposal can be secured by planning condition.
- 7.35 (v) The health and safety of occupants are not put at risk including through unsafe access to sites, poor air quality and unacceptable noise (as for example close to trunk roads) or unacceptable flood risk so that the quality of the environment is at the same acceptable standard as for the settled community – This will be discussed further under a separate heading below.
- 7.36 (vi) There should be adequate space for operational needs including the parking, turning and servicing of vehicles – The site is large enough to provide these facilities.
- 7.37 Draft Local Plan policy LP12 criteria – just say here we give it limited weight and whether it accords with the PPTS

Flooding Matters

- 7.38 The site subject of this application lies in Flood Zone 2, as per the Councils Strategic Flood Risk Assessment. The detailed submission included a Flood Risk Assessment (FRA). The EA have reviewed the FRA and have no objection subject to a condition to ensure minimum levels for the mobile homes.
- 7.39 Paragraphs 100-104 of the NPPF set out the Government's guidance in relation to development within flood zones and that advice is reinforced by Planning Practice Guidance (PPG). The PPG identifies caravans for residential purposes as 'Highly Vulnerable' and schemes for residential caravans in SFRA zone 2 should be subject of a sequential and exceptions test. Highly vulnerable uses within Zone 3a should be avoided. While a change in land use does not require a sequential and exceptions test, this scheme is for additional residential development, and for that reason the sequential and exceptions tests do apply.

Sequential Test

- 7.40 As already identified the nearest Gypsy and Traveller site is the Cambridge County Council site on Cambridge Road, St. Neots, and that site is at capacity, with a waiting list. As already identified there are 23 lawful pitches throughout the district but these are private pitches and there is no assumption of availability.

- 7.41 There are no lawful alternative available sites within district upon which the development under consideration could take place and as already discussed elsewhere in this report there is an identifiable need for development of this type to 2036.
- 7.42 Having regard to the approach of Justice Wyn Williams in the case of *Miles O'Connor v Secretary of State for Communities and Local Government and Epping Forest Council* (Nov 2014), the proposal passes the Sequential Test.

Exceptions Test

- 7.43 Paragraph 2 of the NPPF advises that for the Exceptions Test to be passed:
- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk informed by a SFRA, where one has been prepared; and
 - A site specific FRA must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere, and, where possible will reduce flood risk overall.
- 7.44 Having regard to PTTS which covers these points, and has been discussed above. This site can be considered 'previously developed land', Advantages are that the scheme would avoid the disadvantages of an itinerant roadside or other unauthorised camping for both the family involved and the local communities. Furthermore the site specific FRA demonstrates that the site will be safe for its lifetime and will not increase flood risk elsewhere. It is noted that FZ3a does cut through the eastern corner of plot 3 where no buildings are proposed. However is also noted that the land levels in this corner are not very different to the land levels identified in FZ2. This proposal passes the Exceptions Test This proposal accords with the NPPF paragraphs 100-104, PPG "Flood Risk", Policy CS9 of the HLP 1995 and policy LP6 of The Huntingdonshire Draft Local Plan to 2036. For that reason this proposal is considered to pass the Exceptions Test

Drainage

- 7.45 The site is served by 1 septic tank to the existing mobile home. Paragraphs 109-120 of the PPG set out the Government's advice on conserving and enhancing the natural environment. That advice is reinforced by paragraph 20 of the PPG which advises that in the first instance it should be mains drainage. Where that is not available it should be a package sewage treatment plant (a package sewage treatment plant is like a mini-sewage works and produces much cleaner effluent than septic tanks. Package treatment plants are more sophisticated than septic tanks and require a source of power as well as regular maintenance. They also accumulate solid matter (sludge) that is settled out from the sewage, and require de-sludging.)

- 7.46 HDC Environmental Health has no objections subject to the provision of efficient drainage. This can be secured by way of a planning condition.

Highway Matters

- 7.47 The application includes a new access approximately 94m west of the existing application. This application is also accompanied by a speed survey. CCC Highways advise:

- Vehicle to vehicle visibility and forward visibility is in accordance with current guidance associated with the measured oncoming speed of vehicles.
- The measured speed of the vehicles approaching from the south east which is the direction of most concern regarding the new access, they also confirm that the speed survey was carried out in the correct location in order to get a representative 85 percentile indication of vehicles approaching from this direction.
- Vehicles approaching from the north west given the adopted highway and land within their control have 2.4m x 215m, therefore no speed survey for this direction was required.
- The proposed access, given the proposed use, is of a suitable design with regards to size and geometry to cater for the amount and type of vehicles associated with such a scheme.

- 7.48 However, they also advise that an intensification of use of the existing access is unacceptable. With that in mind it is noted that the applicant is proposing to erect close boarded fencing to prevent access to the residential pitches but vehicles could use this access for the movement of grazing animals onto/from the adjacent grazing land/ open countryside. This is considered reasonable and not materially more harmful than the existing arrangement, (namely the existing access serves both the residential mobile home, stables and the wider countryside), subject to conditions relating to

- Gates to be set back a minimum of 15m
- Access width and distance
- Parking and turning in accordance with the approved plan.
- Visibility Splays
- Junction of the access with the highway
- Prevention of surface water run-off into the public highway.

- 7.49 This proposal accords with the NPPF (Paragraph 17) and policy LP18 of The Huntingdonshire Draft Local Plan to 2036.

The planning balance

7.50 PPTS, to which full weight can be given, sets out the Government's overarching aims which is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. Its detailed aims (paragraph 4) include:

- that local planning authorities should make their own assessment of need for the purposes of planning;
- encouraging local planning authorities to plan for sites over a reasonable timescale;
- to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites;
- to increase the number of traveller sites in appropriate locations with planning permission, to address under-provision and maintain an appropriate level of supply;
- to reduce tensions between settled and traveller communities in plan- making and planning decisions;
- to enable the provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure;
- for local planning authorities to have due regard to the protection of local amenity and local environment.

7.51 Other than in respect of the design of the access, lighting, a flood evacuation scheme and the drainage design for which further information is required, no harm in terms of material planning considerations has been identified and it is considered that subject to satisfactory resolution of these matters and the imposition of suitable planning conditions planning permission can be granted. This countryside location is appropriate for the scale of development proposed.

8. RECOMMENDATION - APPROVAL

The delegated authority is given to the Head of Development on receipt and completion of a S106 agreement to remove the existing mobile home and lawful residential land use on which that mobile home stands, the receipt of satisfactory details of landscaping, access and drainage design GRANT PLANNING PERMISSION subject to conditions including the following:

- Time Limit
- Occupation to be limited to gypsies and travellers as defined in PPTS Annex 1
- No more than four pitches and on each pitch not more than two caravans of which not more than one shall be a residential mobile home

- Siting of caravans
- Specification of the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events)
- No external storage of materials relating to the business of existing or future occupiers (excluding domestic paraphernalia such as, but not limit to, clothes lines, garden furniture and children's play equipment)
- Any gates to be set back and to be hung to open inwards
- Distance and width of access from the public highway
- The existing access shall not serve the residential pitches.
- On site turning and parking to be retained for that specific use
- Visibility splays
- Details of the Junction with access to be agreed
- Lighting scheme to be agreed
- Details of hard and soft landscaping to be agreed
- Details of Boundary treatment to be agreed
- Drainage details to be agreed
- Minimum floor levels.
- Details of a flood evacuation plan to be agreed

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

CONTACT OFFICER:

Enquiries about this report to **Clara Kerr Development Management Team Leader 01480 388434**

Planning Proposal 1401104FUL

The use of land as a private gypsy and traveller caravan site consisting of 4 pitches each of which would comprise of 1 No. mobile home, 1 No. touring caravan, one small amenity building, hard standings, foul drainage; creation of new access and track way | Kym Stables Kimbolton Road Hail Weston

Observations of Hail Weston Parish Council (HWPC)

Recommend REFUSAL....

HWPC wish to record that it is not disputed that there is a demonstrable need for new gypsy and traveller pitches in the district. Also noting that Document LP12 policy provides that existing authorised land for gypsy and traveller sites will be safeguarded. This farm land located in the country side outside the main village is considered by HWPC as an inappropriate development. Indeed HWPC view any residential development at this location of any kind unsuitable. The development proposal appears to be contrary to PPS7 sustainable development in Rural areas.

HWPC consider the proposal for the planned expansion of the site is 'significant development'. The original planning granted in 2012 for certificate of lawful (existing) use for changing use of land for siting a caravan for residential use was never tested through the vigour of a planning process. This was granted on the basis of probabilities of there being continued siting of a caravan for residential use for at least 10 years prior to the date of the application.

HWPC considered that the current accommodation does not satisfactory meet the domestic needs of the occupants. These needs could be met elsewhere in the County allowing for easier access to schooling, integration to the community, safer location regarding the access on and off the immediate highway, safer in terms of development on land with a decreased probability of flood (Cambridgeshire's Local flood Risk Strategy – 5.1.2 & 5.1.3) & (Local plan 2036 P12(d) and better access to Great Ormond Street hospital.

HWPC believe the shortcomings of this application outweigh merits of this proposal on the following grounds:

Highways: Despite the relocation of the proposed entrance/exit this site directly

joins a highway whereby the National speed limit (60mph) applies. Further increase of vehicular access to (by expansion of the site) is considered by HWPC as highly dangerous and unacceptable.

The road survey captured between March 21st – March 27th 2014 does not reflect nor record local knowledge that this road is highly dangerous. Please see attached mapping detailing 5 years' worth of 'reported' serious accidents (3) and accidents (11). The traffic survey submitted does not capture the number of bikers that use this road. The one location point (attached) in which data was captured does not reflect a true reflection of the speed which vehicles travel particularly at the proposed new entrance. The B645 is a road which is often used as a 'rat run' when the A1 and A14 are congested again this report of a weeks' worth of data is highly unlikely to reflect this. There are also no pedestrian footpaths in this area. To increase volume of vehicles joining this road and pedestrians is irresponsible.

Environment: Policy LP 26 – 'homes in the countryside'. This proposal is contrary to policy which outlines development in the countryside, outside the village.

Policy LP 11 provides that new development in the countryside will not be permitted. The stated objectives of the policy are to protect the countryside and agricultural land not to encourage residential use and private cars

Flood: HWPC have carefully considered the applicants flood risk survey reports with regard to this matter and feel that it does not accurately reflect the history of flooding or the effect of flooding on this site. The development proposal is clearly in the flood plain of the river Kym, a statutory main river. Significantly this land is classed as both Level 2 and level 3. Again this is in clear breach of planning policy. (Cambridgeshire's Local flood Risk Strategy – 5.1.2 & 5.1.3) & (Local plan 2036 P12(d)

The elevation of the static caravan, touring caravan and existing van on hard standing could create further blockage of the flood plain. The amenity buildings are not described as being elevated. The amenity buildings are essential for habitation and could potentially be out of action for some time through flooding leading to issues with sanitation and water, creating a health risk for the family. The most significant issue for HWPC within the 'Flood arena' is the issue of contamination as with regard to the cess- tank and the operation of it working in a flood plain.

The open meeting that this planning application was considered by HWPC was very well supported by residents. Many residents expressed concerns of the

development proposal in countryside, away from the village life on land at high risk of flooding, adjacent to highway which has a national speed limit. HWPC have received 17 objections to this proposal on these grounds.

Conditions to possible development

HWPC wish to record that the following 'conditions' were agreed as necessary to discuss the proposal further and suggest that if planning is granted these conditions be met.

Flood Mitigation:

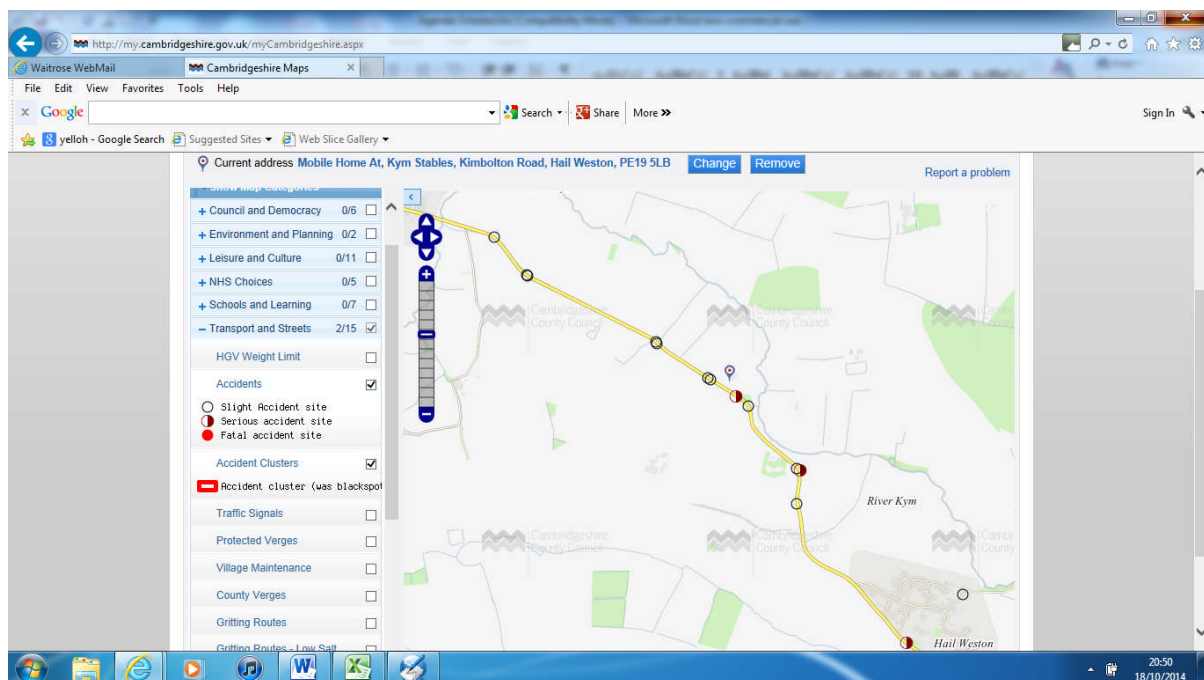
- Condition of River Kym and maintenance reports.
- Flood data relating to patterns/times.
- Flood response times at that location and risk of constructing permanent elevated structures reducing the flood plain elsewhere
- Analysis report on risk to vicinity of the site and 'knock' on effects to entrance track to neighbouring farm.
- Appropriate method of flood warning and evacuation (registration to receive flood warning not sufficient)
- Mobile homes securely anchored to ground at least 600mm above ground levels
- Flood plan
- Sequential & Exception tests passed. Applicant to demonstrate no reasonable sites in areas with a lower flood risk. Safety of people passed with regard to Sequential
- Percolation tests for uncontaminated surface water in accordance with BRE Digest 365
- DETR circular 03/99 requiring applicant to demonstrate that a connection to a public foul sewer is not available. If not available septic tank management process to be demonstrated by applicant.

Highway and Environment Issues

- Further analysis data and either reduction in speed limit on B645, traffic lights or roundabout.
- Environment report to determine effects of removing long established hedgerows and wildlife. Ecological status.

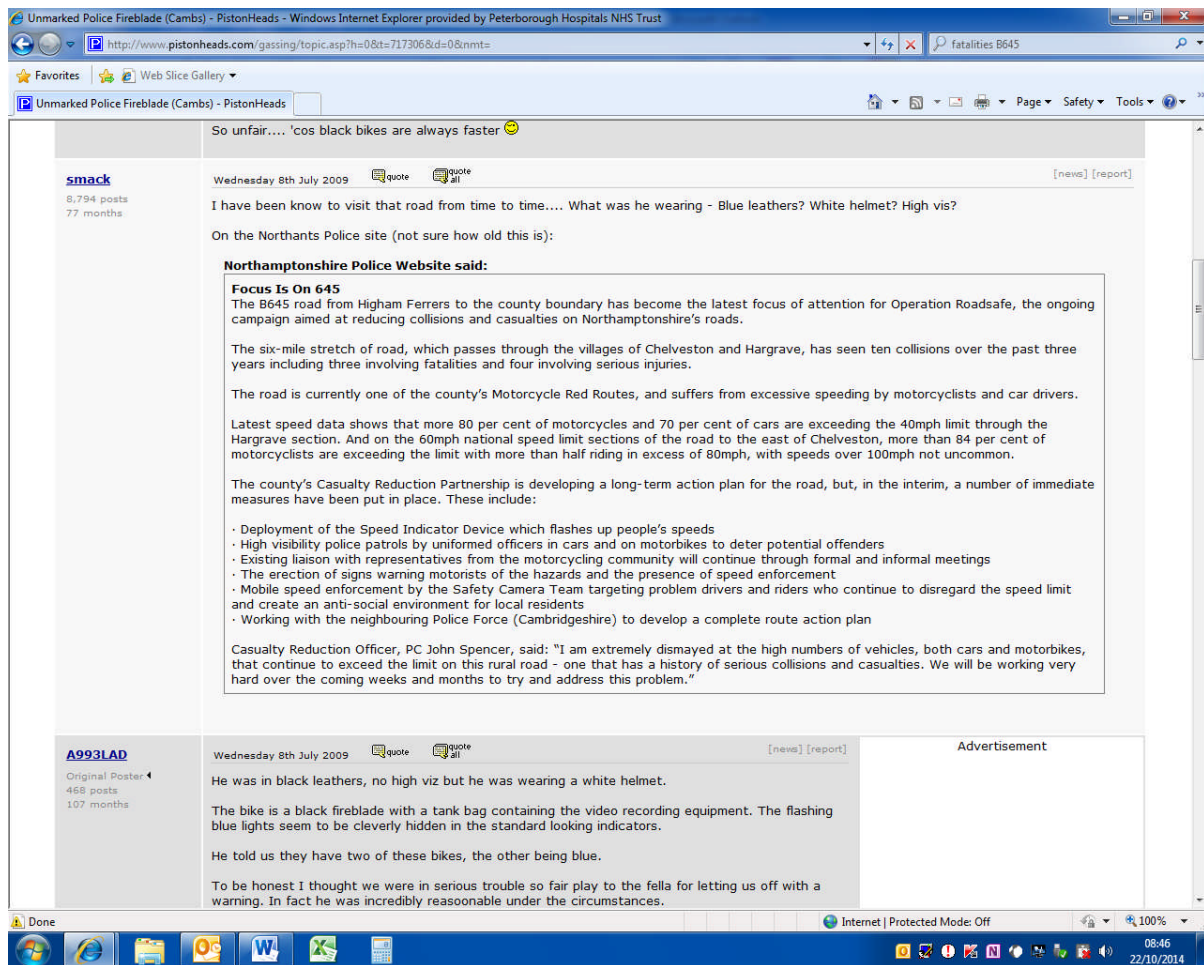
- No trading from site
- Family claims they need the expansion
- Limited the use of the site to the applicant's family, whilst defining the exact definition of family.
- One entrance/exit point to site allowing slow moving vehicles such as touring caravan and refuse collection vehicles turning in area so that they and buses not obstructing highway.

Mapping taken from CCC website 'recording' accidents reported to the police. NB) a fatal accident was recorded at this location point prior to these records.



Location of road survey deemed inappropriate by HWPC in terms of time frame and location.







Fatality not captured on CCC mapping
Ends.

To: Kerr, Clara (Planning Serv)[Clara.Kerr@huntingdonshire.gov.uk];
Flag Status: 0x00000000
Subject: Planning application no 1401104FUL
From: Dianne
Sent: Thur 10/16/2014 9:47:40 AM

Dear Ms Kerr

Great Staughton Parish Councillors have asked me to express their grave concern relating to the above planning application.

You may recall that the original application was granted retrospectively with several objections being voiced and to now consider increasing the number of vans on site does not appear to take into consideration the views of local people. In addition it is on a dangerous stretch of road close to significant bends in the road and the increased traffic entering and exiting will be a potential danger.

There is regular flooding in the area from the river Kym which runs adjacent to the plot and concern has been expressed about foul water entering the river. It is understood that the application states that additional vans are needed for the current family residing there and the Parish Council would like reassurance that the owners do actually live on site.

It is felt to be an inappropriate development in a country area away from any major amenities.

Yours sincerely

Dianne

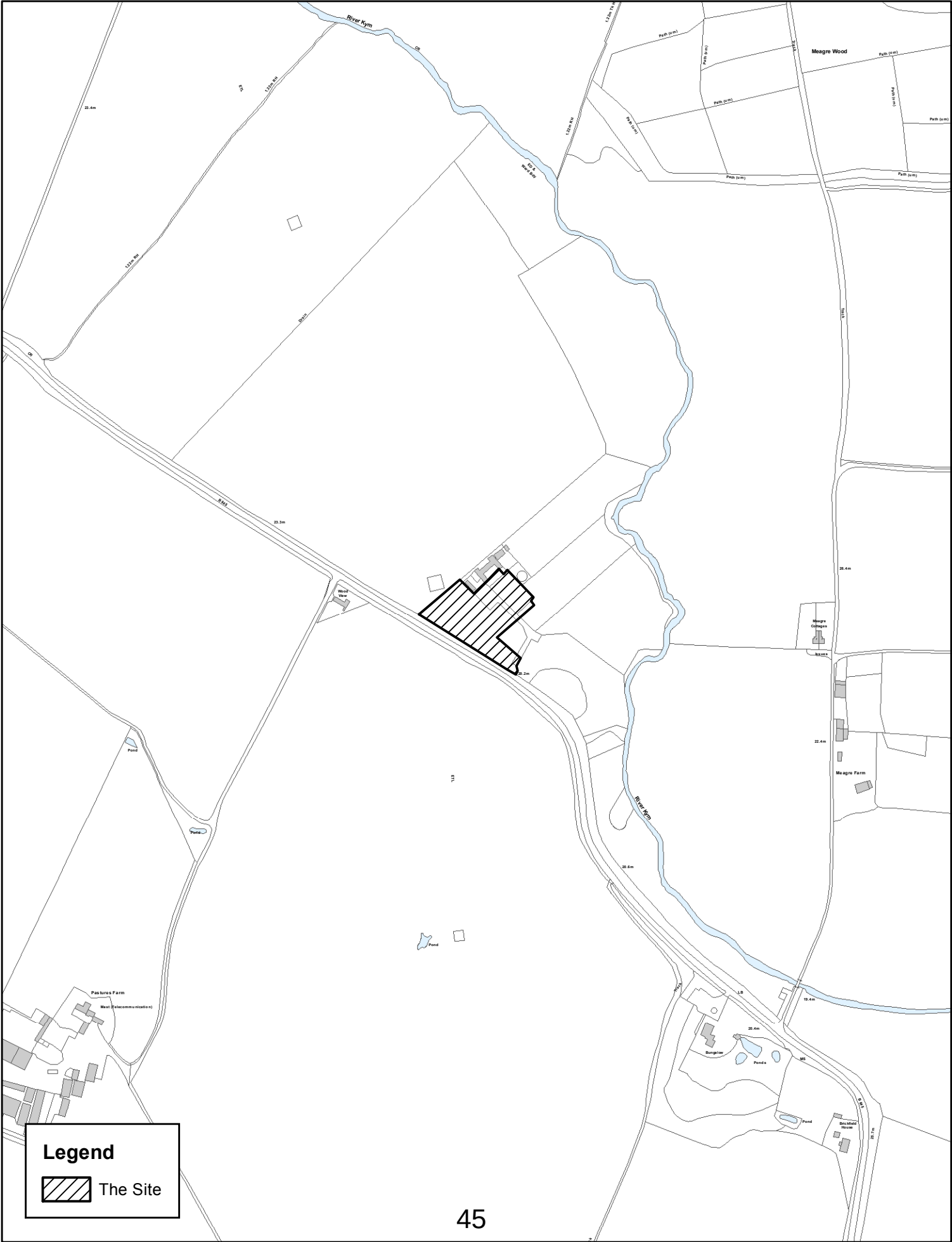
Dianne Palmer
Clerk - Great Staughton Parish Council
Garden House
Causeway Close
Great Staughton
Cambs PE19 5BG
Phone: 01480 861136
Village website: www.greatstaughton.com

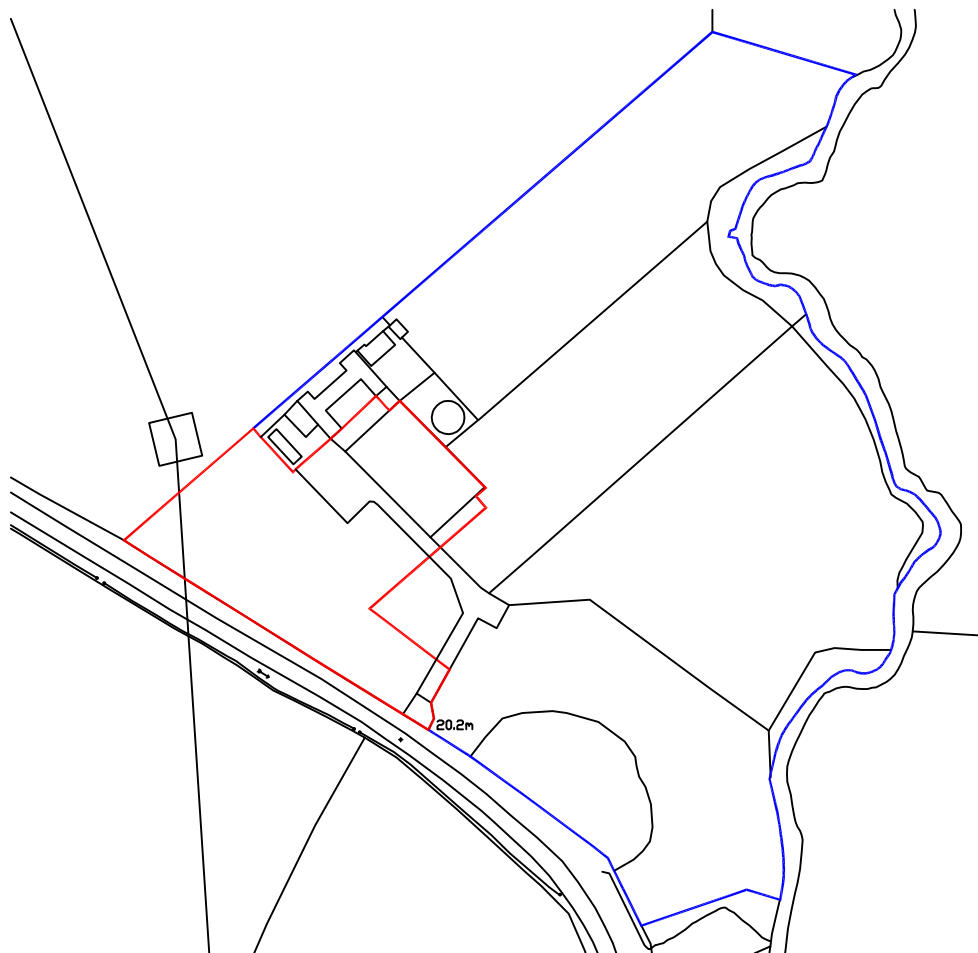
Development Management Panel



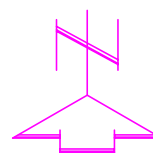
Scale =1:5,000
Date Created: 02/12/2014

Application Ref: 1401104FUL
Location: Hail Weston





OS X (Eastings) 515324
 OS Y (Northings) 263560
 Nearest Post Code PE19 5LB
 Lat (WGS84) N52:15:29 (52.258130)
 Long (WGS84) W0:18:42
 (-0.311804) LR TL153635
 mX -34709
 mY 6813122



0 metres 10 20 30 40 50

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S.A.B.DRAWING & DESIGN
 26 MARGUERITE ROAD TIVERTON DEVON
 UNITED KINGDOM EX16 6TD
 TEL: +44 (0) 1884 254004
 FAX: 0870 131 9176
 E-MAIL: steve@sabdrawings.com

TITLE
 PROVISION OF FOUR PITCHES ON LAND AT
 KYM STABLES, KIMBOLTON ROAD, HAIL WESTON,
 ST.NEOTS, PE19 5LB.
 SITE LOCATION PLAN

CLIENT
 Mrs CASH

DRN. SAB
 DATE 01.05.14
 SCALE A4 1:2500

DRG. No.
 01278/10
 Rev: 2 (27.08.14)



26 MARGUERITE ROAD TIVERTON DEVON
UNITED KINGDOM EX16 6TD
TEL: +44 (0) 1884 254004
FAX: 0870 131 9176
E-MAIL: steve@sabdrawings.com

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N.		
Rev	Date	Revision

PROVISION OF FOUR PITCHES ON LAND AT
KYM STABLES, KIMBOLTON ROAD, HAIL WESTON,
ST.NEOTS, PE19 5LB.

Mrs CASH

Rev: 8 (27.08.14)



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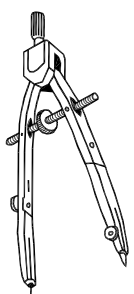
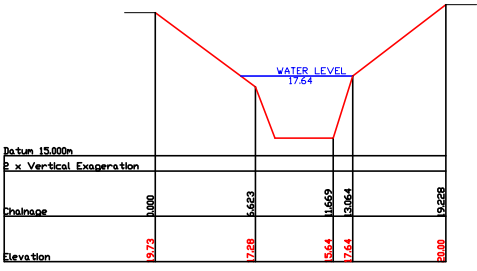
Rev	Date	Revision

TITLE
PROVISION OF FOUR PITCHES ON LAND AT KYM STABLES, KIMBOLTON ROAD, HAIL WESTON, ST.NEOTS, PE19 5LB.
PITCH LAYOUT

CLIENT
Mrs CASH

DRN.	<u>SAB</u>
DATE	<u>01.05.14</u>
SCALE	<u>A3 1:250</u>

DRG. No.
01278/1
Rev: 7 (28.08.14)



S.A.B.DRAWING & DESIGN
26 MARGUERITE ROAD TIVERTON
DEVON UNITED KINGDOM EX16 6TD
TEL: +44 (0) 1884 254004
FAX: 0870 131 9176
E-MAIL: steve@sabdrawings.com

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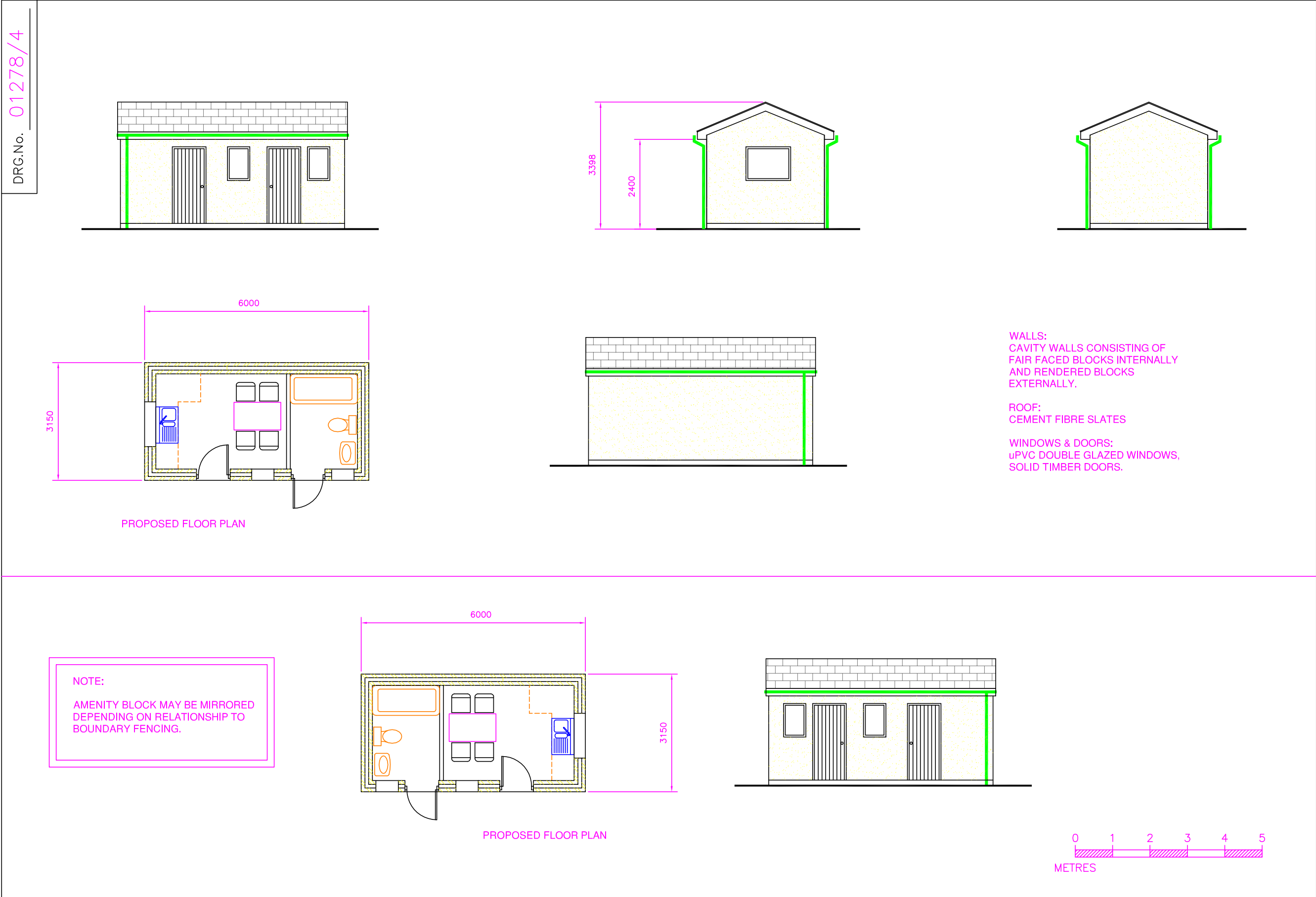
Rev	Date	Revision

TITLE
PROVISION OF FOUR PITCHES ON LAND AT
KYM STABLES, KIMBOLTON ROAD, HAIL WESTON,
ST.NEOTS, PE19 5LB.
EXISTING TOPOGRAPHY

CLIENT
Mrs CASH

DRN. SAB
DATE 01.05.14
SCALE A1 1:500

DRG. No.
01278/9
Rev: 2 (27.08.14)



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	26 MARGUERITE ROAD TIVERTON DEVON UNITED KINGDOM EX16 6TD TEL: +44 (0) 1884 254004 FAX: 0870 131 9176 E-MAIL: steve@sabdrawings.com						Mrs CASH	DATE <u>28.04.14</u>	01278/4
								SCALE <u>AT A3 1:100</u>	Rev: <u>2</u> (14.11.14)
			Rev	Date	Revision				

GREEN PAPERS FOLLOW

Huntingdonshire District Council

/ CAMBRIDGESHIRE

TOWN AND COUNTRY PLANNING ACT, 1990

Application Number: 97/1241

PLANNING PERMISSION (Subject to Conditions)

To Mr J Flint
C/O Knight & Associates
PO Box 14
St Neots
Cambs
PE19 3AZ

Huntingdonshire District Council in pursuance of powers under the above Act hereby GRANT PERMISSION for

Erection of stables at: O.S. 3753 Staughton Road Hail Weston

in accordance with your application received on 02 SEP 1997 and the plans, drawings and documents which form part of the application, subject to the conditions set out below:

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.
2. Details of the type and colour of all materials to be used for the external surfaces of the building(s) shall be submitted to and approved by the Local Planning Authority, before the commencement of the development to which this permission relates.
3. All manure or stable waste shall be stored in a suitably constructed manure bay, details of which shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of development. The manure bay shall be constructed in accordance with the approved details prior to the stables being brought into use.
4. No waste matter shall be burned on site.
5. No floodlighting or other forms of exterior lighting shall be erected without the prior written consent of the Local Planning Authority.
6. The use of the premises shall remain as a private stable and shall not extend to the hire or livery of horses for the

Dated: 06 NOV 1997

(Continued)

Elizabeth A. Wilson

Director of Operational Services

Huntingdonshire District Council

CAMBRIDGESHIRE

Application Number: 97/1241

TOWN AND COUNTRY PLANNING ACT, 1990

PLANNING PERMISSION (Subject to Conditions) (Continued)

purposes of riding or instruction without the prior detailed consent of the Local Planning Authority.

7. The access from the highway, areas for parking, turning and loading shall have been surface sealed and drained away from the public highway prior to the construction of the stables.

The reasons for the Council's decision to grant permission for development subject to the compliance with the conditions hereinbefore specified are:

1. The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act, 1990.
2. In the interests of visual amenity.
3. To ensure that the proposed use does not become a source of annoyance to the occupiers of neighbouring properties.
4. To ensure that the proposed use does not become a source of annoyance to the occupiers of neighbouring properties.
5. In the interests of visual amenity.
6. To ensure that the use remains compatible with the surrounding area.
7. In the interests of highway safety.

Notes to Applicants

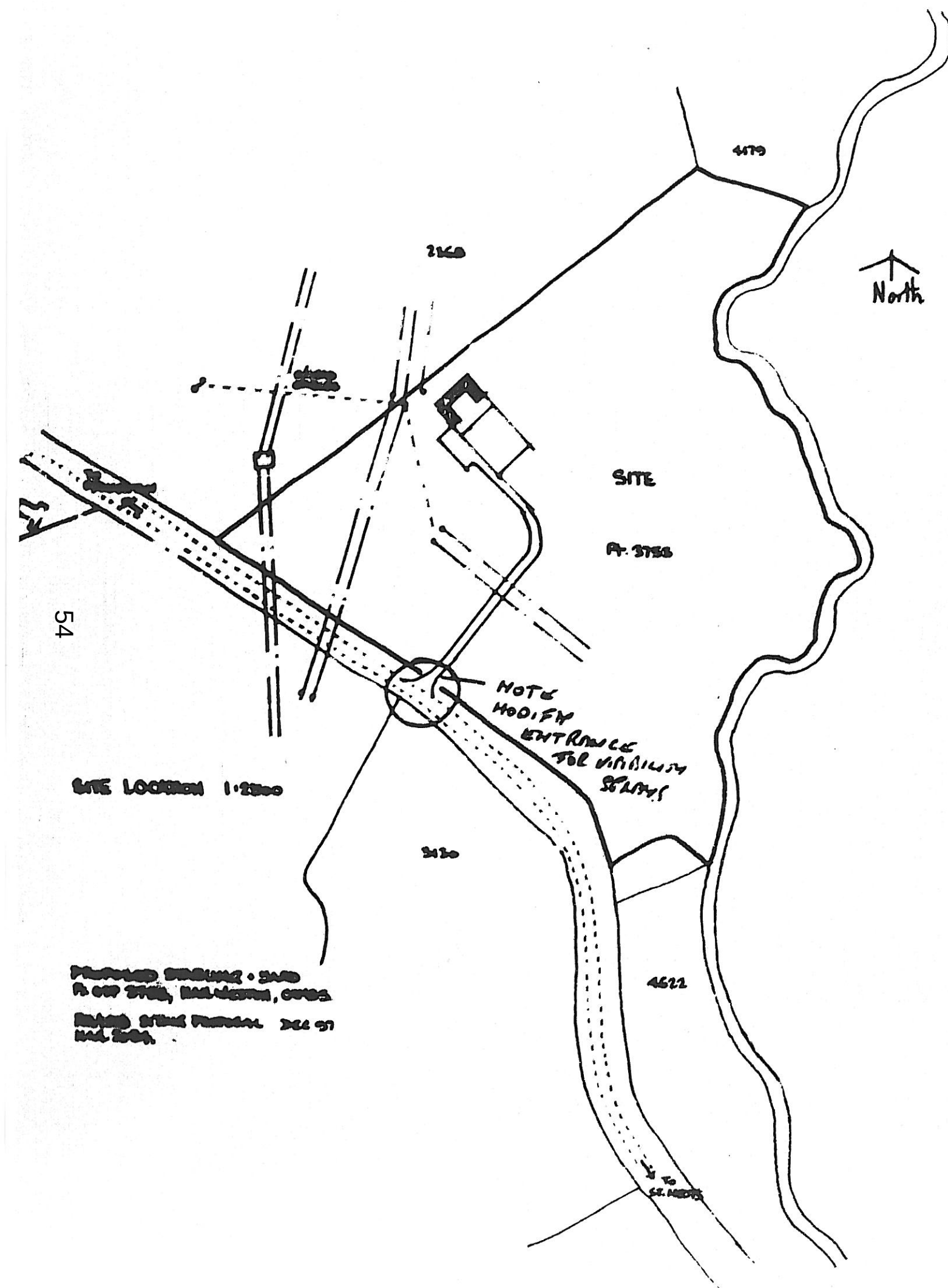
1. The applicant's attention is drawn to the enclosed letter from the Environment Agency.
2. This decision is based upon the submitted application and additional details received by letter dated 17th October 1997.
3. In the interests of highway safety, the site frontage hedge shall be trimmed back to provide a 2.4m x 250m visibility splay to the west.

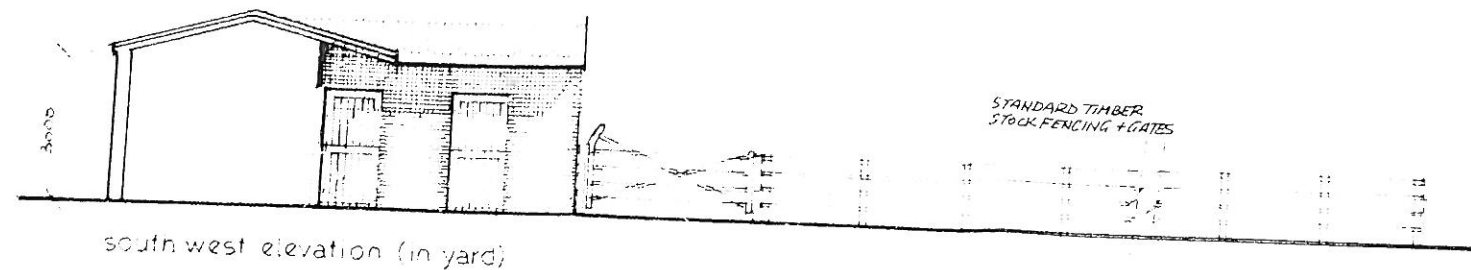
Dated: 06 NOV 1997



Operational Services Directorate, Pathfinder House, 2 -
St. Mary's Street, Huntingdon, Cambs., PE18 6TN.

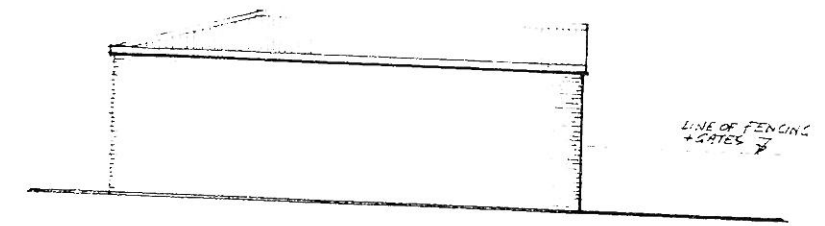
Director of Operational Services



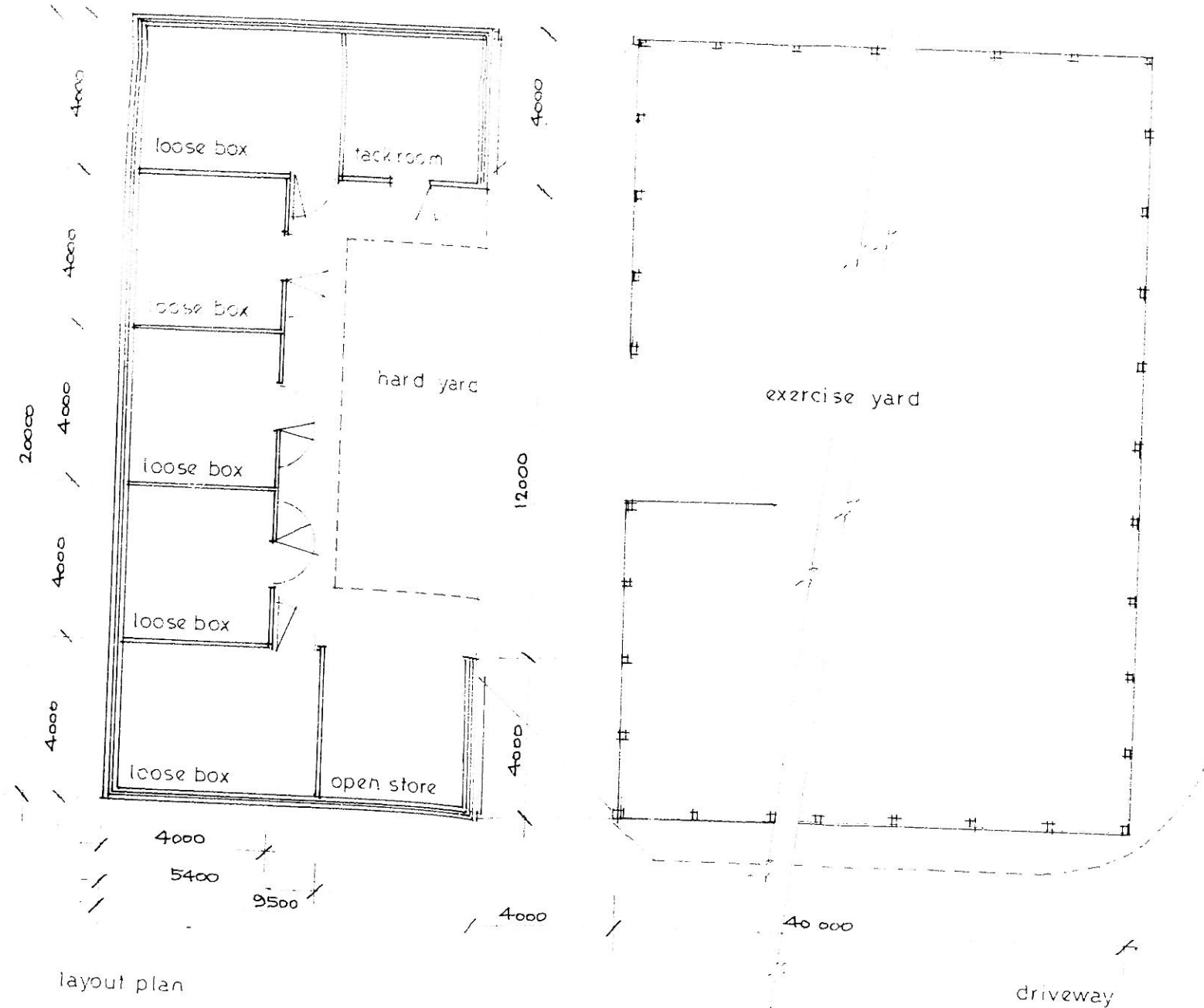


south west elevation (in yard)

north west elevation



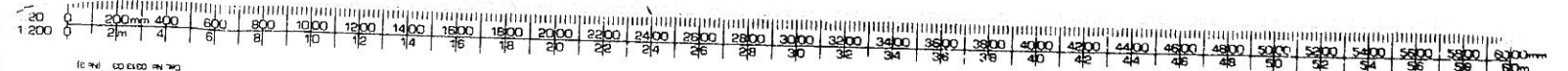
south west elevation
north east (handed)



layout plan

site location

parking



Certificate

**Town and Country Planning Act, 1990: Section 191 and 192
(as amended by Section 10 of the Planning Compensation Act, 1991)**

Town and Country Planning (Development Management Procedure) Order 2010: Article 35

**Mrs M Cash
c/o Green Planning Solutions LLP (FAO Mr M Green)
Unit D Lunesdale
Upton Magna Business Park
Upton Magna
Shrewsbury
Shropshire
SY4 4TT**

The Huntingdonshire District Council hereby certify that on the 28th August 2012 the use described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged in red on the plan attached to this certificate, was lawful within the meaning of section 191 of the Town and Country Planning Act 1990(as amended) for the following reason:

1. Reason. The evidence submitted demonstrates that on the balance of probabilities there has been continued siting of a caravan for residential use on this site for at least the 10 years prior to the date of the application and therefore the breach of planning control is immune from enforcement action and as such is lawful.

Signed 
On behalf of Huntingdonshire District Council
Date 19th October 2012

(Councils Authorised Officer)

First Schedule

Certificate of lawful (existing) use for changing use of the land for siting of a caravan for residential use

Second Schedule

**Kym Stables
Kimbolton Road
Hail Weston**

ufm11.rtf

Page 1 of 2

Date 19th October 2012


Huntingdonshire
DISTRICT COUNCIL

Pathfinder House, St Mary's Street
Huntingdon. PE29 3TN
mail@huntsdc.gov.uk
DX140316 Huntingdon SC

Tel: 01480 388388
Fax: 01480 388099
www.huntingdonshire.gov.uk

Notes

1. This certificate is issued solely for the purpose of section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use specified in the First Schedule taking place on the land specified in the Second Schedule was lawful, on the specified date and thus would not have been liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the provisions in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.



ufm11.rtf

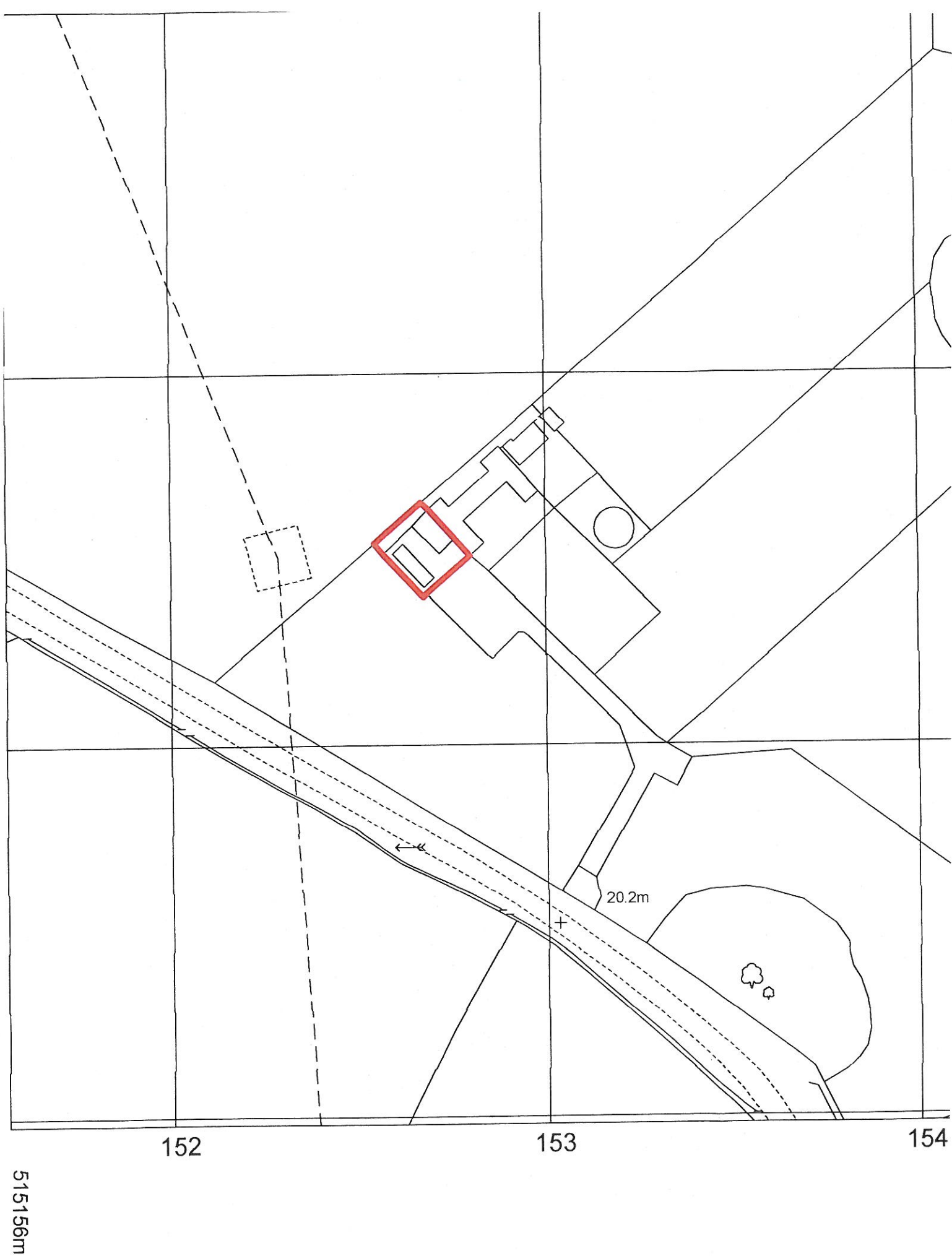
Page 2 of 2

Date 19th October 2012



Pathfinder House, St Mary's Street
Huntingdon. PE29 3TN
mail@huntsdc.gov.uk
DX140316 Huntingdon SC

Tel: 01480 388388
Fax: 01480 388099
www.huntingdonshire.gov.uk



OFFICER REPORT

Case No: 1201347CLED **Certificate of existing lawful use**

Proposal: Certificate of lawful (existing) use for changing use of the land for siting of a caravan for residential use

Location: Kym Stables Kimbolton Road Hail Weston

Applicant: Mrs M Cash

Grid Ref: 515351 263513

DESCRIPTION OF SITE AND APPLICATION

Kym stables comprises a single storey stable block, a ménage, a horse walker and residential mobile home in the open countryside west of the main settlement of Hail Weston. The site is screened from the public highway by way of a very tall hedge. Vehicular access is via gates, off the public highway, to the south east of the stables. The site is in EA Floodzone 2 and the River Kym lies beyond the eastern boundary of the site.

The applicant has submitted affidavits from a previous owner and from a person who has stabled their horse at kym stables stating that there has been a residential caravan on the site, continuously, in excess of 10 years. The application is therefore for a Lawful Existing Use Certificate for change of use of the land, on which the mobile home stands to unrestricted residential use for 1 caravan.

NATIONAL GUIDANCE

Not relevant.

The National Planning Policy Framework (2012) sets out the three dimensions to sustainable development - an economic role, a social role and an environmental role - and outlines the presumption in favour of sustainable development. Under the heading of Delivering Sustainable Development, the Framework sets out the Government's planning policies for : building a strong, competitive economy; ensuring the vitality of town centres; supporting a prosperous rural economy; promoting sustainable transport; supporting high quality communications infrastructure; delivering a wide choice of high quality homes; requiring good design; promoting healthy communities; protecting Green Belt land; meeting the challenge of climate change, flooding and coastal change; conserving and enhancing the natural environment; conserving and enhancing the historic environment; and facilitating the sustainable use of minerals.

For full details visit the government website

<http://www.communities.gov.uk> and follow the links to planning, Building and Environment, Planning, Planning Policy.

PLANNING POLICIES

Further information on the role of planning policies in deciding planning applications can also be found at the following website:

<http://www.communities.gov.uk> then follow links Planning, Building and Environment, Planning, Planning Information and Guidance, Planning Guidance and Advice and then Creating and Better Place to Live

East of England Plan - Revision to the Regional Spatial Strategy (May 2008)

Policies viewable at <http://www.go-east.gov.uk> then follow links to Planning, Regional Planning then Related Documents

Not relevant.

Cambridgeshire and Peterborough Structure Plan (2003)

Saved policies from the Cambridgeshire and Peterborough Structure Plan 2003 are relevant and viewable at

<http://www.cambridgeshire.gov.uk> follow the links to environment, planning, planning policy and Structure Plan 2003.

Not relevant.

Huntingdonshire Local Plan (1995)

Saved policies from the Huntingdonshire Local Plan 1995 are relevant and viewable at www.huntingdonshire.gov.uk/localplan95

Not relevant.

Huntingdonshire Local Plan Alterations (2002)

Saved policies from the Huntingdon Local Plan Alterations 2002

are relevant and viewable at www.huntingdonshire.gov.uk/localplan - Then click on "Local Plan Alteration (2002)

Not relevant.

Policies from the Adopted Huntingdonshire Local Development Framework Core Strategy 2009 are relevant and viewable at

<http://www.huntsdc.gov.uk> click on Environment and Planning then click on Planning then click on Planning Policy and then click on Core Strategy where there is a link to the Adopted Core Strategy.

Not relevant.

Policies from the Development Management DPD : Proposed Submission 2010 are relevant.

Not relevant.

PLANNING HISTORY

9701241FUL – Erection of Stables – Permission granted.

CONSULTATIONS

Hail Weston Parish Council – Object to the proposal but do not submit evidence to contradict supporting affidavits.

REPRESENTATIONS

None received from nearest neighbour.

SUMMARY OF ISSUES

Section 191 of the 1990 Act provides a procedure whereby applications can be made for a Certificate of Lawfulness of an Existing Use or Development when development has been carried out or a use carried out without the necessary planning permission but the time for enforcement action has expired. The time period for enforcement action is 4 years for operational development; 10 years for any other breach except in the case of a breach of planning control consisting of the

change of use of any building to use as a single dwellinghouse which is 4 years beginning with the date of the breach.

The onus of proof in a CLEUD application is on the applicant, who must prove their claim on the balance of probabilities (and not beyond reasonable doubt). If the LPA has no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate. This application is not like a planning application where objections can be considered. It must only be considered on evidence.

Planning permission was granted in 1997 for stables. That permission did not extend to the provision of a mobile home on site and therefore any stationing of a caravan/mobile home was unauthorised.

The Council's solicitors advise that no evidence has been submitted to dispute the affidavits that clearly state a residential caravan has been on the site in excess of 10 years. Furthermore, historic aerial photography shows that a mobile home was placed on site sometime between 2000 and 2003.

Conclusion:

The evidence submitted with the application, has, on the balance of probability, demonstrated that the land subject of this application has been used for a residential mobile home continuously for a period of ten years prior to the date of the application.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

BACKGROUND PAPERS:

CONTACT OFFICER:

Enquiries about this report to **Clara Kerr Development Management Officer 01480 388434**

RECOMMENDATION

SUMMARY OF CONDITIONS.

1. Reason. The evidence submitted demonstrates that on the balance of probabilities there has been continued siting of a caravan for residential use on this site for at least the 10 years prior to the date of the application and therefore the breach of planning control is immune from enforcement action and as such is lawful.



Appeal Decisions

Inquiry opened on 26 August 2009

Site visits made on 20 April 2010 and 26 January 2011

by Richard Clegg BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 April 2011

Appeal A: APP/H0520/A/09/2104200

**Land adjacent to The Paddock, Chatteris Road, Somersham,
Cambridgeshire, PE28 3DN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr F Adams against the decision of Huntingdonshire District Council.
 - The application Ref 0803523FUL, dated 10 December 2008, was refused by notice dated 23 April 2009.
 - The development proposed is the permanent change of use of land from agriculture to a caravan/ mobile home travellers' site (2 pitches), including a new vehicular access, associated roadway and hardstanding.
-

Appeal B: APP/H0520/A/09/2108476

**Land adjacent to The Paddock, Chatteris Road, Somersham,
Cambridgeshire, PE28 3DN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr F Adams against the decision of Huntingdonshire District Council.
 - The application Ref 0900550FUL, dated 10 May 2009, was refused by notice dated 6 July 2009.
 - The development proposed is the permanent change of use of land from agriculture to a caravan/ mobile home travellers' site (6 pitches), including a new vehicular access, associated roadway and hardstanding.
-

Decisions

1. I allow appeal A, and grant planning permission for the permanent change of use of land from agriculture to a caravan/ mobile home travellers' site (2 pitches), including a new vehicular access, associated roadway and hardstanding, on land adjacent to The Paddock, Chatteris Road, Somersham, Cambridgeshire, PE28 3DN, in accordance with the terms of the application, Ref 0803523FUL, dated 10 December 2008, subject to the conditions in the attached schedule.
2. I dismiss appeal B.

Procedural matters

3. The inquiry sat for eight days: on 26 August 2009, on 19 and 21-23 April and 16 September 2010, and on 25-26 January 2011.

29. The appellant referred to an appraisal for a dwelling at the dressage centre, which mentioned vulnerability to break-ins and vandalism. It was argued that the presence of residential accommodation on the appeal sites would act as a deterrent to such events. There is nothing before me to indicate that security is a problem at the dressage centre, which has its dwelling adjacent to the stable building. This matter carries little weight in support of the appeal proposals.
30. I have reached the clear view that the level of domestic activity which could be expected to be generated from the proposal for two pitches would not be significant. This site is only close to the paddocks at the eastern end of the dressage centre, and I do not consider that its presence would pose a threat to the wellbeing of horses or the safety of persons dealing with them. The larger six pitch site would inevitably give rise to more activity and noise, although this would be related to the domestic use of the site. Whilst certain allegations have been made about disturbance on the appellant's land, there is expert evidence that horses are able to adapt to changed circumstances, and even if both proposals were implemented, there are paddocks available beyond the positions of the two appeal sites. I understand that sudden noises could disturb horses, but whilst these are more likely to occur on the larger than the smaller site, they could also arise from an unexpected event on one of the roads or at the nursery. On the information before me, I do not consider that either appeal proposal B or the two proposals together would be likely to cause disruption which would threaten the wellbeing and safety of horses and their handlers. I do not doubt that the concerns expressed by Miss Osborn and her clients are genuine, but in circumstances where there is no local alternative to the specialist service offered by Long Drove, I see no reason to expect a downturn in business driven solely by a perception of what could occur. Given my findings as to the actual effect of the appeal proposals, it follows that I do not consider that they would undermine the viability of the business. I conclude that, whether considered separately or together, the appeal proposals would not have a significant adverse effect on the operation of Long Drove Dressage Centre, and that in this respect they would not conflict with Policy CS 6 of the Core Strategy.

Sustainability

31. The appeal sites are located in open countryside, to the north-east of Somersham. It is agreed in the statement of common ground that the distance to the centre of the settlement is 2.9km and 3.2km to the primary school. The statement of common ground says that all facilities are available in Somersham: the only school referred to there by the parties is a primary school and Hinchingbrooke Hospital, which is used by some of the intended occupants, is much further away in Huntingdon. Nevertheless, Somersham contains a good range of local facilities and services. In addition to the primary school these include a post office and other shops, several public houses and two surgeries. Chatteris Road carries a bus route which runs from Chatteris to St Ives. The few services on this route do not stop in the vicinity of the sites, and I heard that it is necessary to reach Somersham to catch the bus. From here, however, more frequent services are available to St Ives.
32. Planning Policy Guidance Note 13 explains that walking and cycling offer the potential to replace short car trips, particularly those under 2km and 5km respectively. Chatteris Road carries the B1050. Beyond the edge of Somersham, the road is subject to the national speed limit of 60mph, and it

has no footways and is unlit. There are grass verges which are capable of providing a refuge for pedestrians, but they do not offer an easily-used alternative to walking along the edge of the carriageway. The local facilities and services in Somersham are beyond a convenient walking distance, and the nature of much of the route would not encourage its use by pedestrians. Cycling does provide the opportunity of gaining access to Somersham, and of connecting with the bus service there for journeys further afield. Bearing in mind the nature of Chatteris Road outside the built-up area, however, I would not regard it as conducive for young children to use to cycle to primary school, irrespective of whether they were accompanied by an adult.

33. Circular 01/2006 makes it clear that gypsy sites are acceptable in rural settings which are not subject to special planning constraints. This is such a locality, and, given that the process of replacement is at an early stage, I am satisfied that the policy in the Circular remains relevant to the consideration of both these appeals. Policy CS 6 of the Core Strategy aims to provide accommodation for gypsies and travellers in sustainable locations, but there is no suggestion that rural locations would be unacceptable. Indeed the policy explains that consideration will be taken of the preference of many gypsies and travellers for a rural location with a degree of separation from the settled community, and the reasoned justification refers to the prospect of planning applications coming forward on rural exception sites to meet demand. The approach in Policy CS 6 is consistent with that of the Circular.
34. The first part of Policy CS 6 refers to *good* access by foot, cycle or public transport to facilities such as education and health. However account is to be taken of the rural nature of Huntingdonshire where the availability of public transport is limited, and the relevant criterion in the second part of the policy seeks the provision of adequate schools, shops and other community facilities within *reasonable* travelling distance and capable of being reached by foot, cycle or public transport. In this respect, it reflects Circular 01/2006 which, in regard to the suitability of rural sites, requires that a realistic view is taken about the availability of alternatives to the car in accessing local services.
35. The appeal sites are in the open countryside, but they are not in a location remote from everyday facilities and services. Apart from the primary school, these are capable of being reached by cycling to Somersham, irrespective of whether that choice is made. It may be that, as is common in rural areas, most journeys would be made by car, but this would not entail lengthy trips to and from the appeal sites. Overall, having regard to the limited availability of public transport in this rural area, I consider that a range of facilities and services are reasonably accessible from the sites on Chatteris Road and that they are not poorly located in this regard.
36. Paragraph 64 sets out a further five considerations which should be taken into account in reaching a view on sustainability. The provision of a settled base will provide easier access to health and education services than can be achieved from a lifestyle where families are frequently moving from one place to another. It should also reduce the need for long-distance travelling and the environmental damage which can be associated with unauthorised encampments. These benefits apply to any situation where the proposal would provide a settled base for gypsies and travellers who are without one. In the case of appeal A, one of the pitches is intended for the appellant and his family. They currently live in a house in Huntingdon, and their present situation already offers these advantages of a settled base. They are considerations

which carry greater weight in respect of appeal B, since the information before me indicates that none of the prospective occupants of the larger site currently have a settled base. Sites should not be located in areas at high risk of flooding. Local residents have expressed concern in this regard, and the Environment Agency's maps show both sites in flood zone 3, which Planning Policy Statement 25 identifies as areas with a high probability of flooding and where highly vulnerable development, including caravans, should not be permitted. However the most up-to-date information in the Council's Strategic Flood Risk Assessment 2009 shows the sites outside flood zone 3¹. No objection is raised in respect of flood risk by the Council, and there is no conflict with this part of paragraph 64.

37. Insofar as integrated and peaceful co-existence with the local community is concerned, I have considered the relationship of the appeal proposals to the existing community as part of issues (i) and (ii). I have found no significant adverse effect in respect of the proposals, although I am mindful that concerns held by local residents and businesses may initially cause some unease. Over time, however, I do not doubt that the appeal proposals would be capable of successfully integrating with the local community.
38. The appeal proposals would achieve the wider sustainability benefits associated with the provision of a settled base, although this carries less weight in respect of appeal A as the appellant and his family already have their own permanent accommodation, albeit in a house. Whilst I do not consider that there is a ready alternative to use of the private car for journeys to the primary school, the sites are not remote and they would provide a reasonable level of accessibility to a good range of facilities and services. Overall, I conclude that the proposals, either separately or together, would not conflict with policies which promote sustainable forms of gypsy and traveller site development.

Character and appearance

39. The sites are not within an area of countryside designated for landscape protection. As an area of countryside not subject to special planning constraints, gypsy sites are acceptable in principle in this part of Huntingdonshire, and their presence will inevitably have some effect. Policy CS 6 of the Core Strategy requires that gypsy sites should not have a significant adverse impact on the character of the landscape. The appearance of any development contributes to its character and that of its surroundings, and I have taken account of the visual effect of the proposals in assessing their effect on the character of the area.
40. Both sites are at the eastern edge of the Fen Margin Landscape Character Area, identified in the Huntingdonshire Landscape and Townscape Assessment. This is a flat landscape with occasional trees in the vicinity of the sites and sporadic built development. To the south of site A is The Paddock, a large house with a detached garage: both buildings are close to the boundary with the appellant's land. To the north, beyond paddocks at the dressage centre, are several buildings at Holwood Nursery including a house, a detached garage², glasshouses and polytunnels. The two pitch site would be positioned close to the frontage of Chatteris Road, and would be contained within the gap between the buildings at The Paddock and Holwood Nursery. The position of this small-scale development would not materially alter the arrangement of development

¹ Document G7

² The garage was under construction at the date of the site visit on 20 April 2010.

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DEVELOPMENT MANAGEMENT PANEL 18th April 2016

- Title/Subject Matter:**
1. Proposed Amendment to the Scheme of Delegation (SoD) in relation to the making and confirming Tree Preservation Orders
 2. Objection to Tree Preservation Order L/TPO/381, 15 Hunts End, Buckden

Meeting/Date: 18 April 2016

Executive Portfolio: Development Manager Panel

Report by: Planning Services Manager (Development Management)

Ward affected: Buckden

Executive Summary:

Recommendations:

1. That Members note the contents of the report and amend the Scheme of Delegation as follows:
 - i. To give delegated powers to the Head of Service (currently Andy Moffat), Planning Services Manager – Development Management (currently Jacob Jaarsma) and Planning Services Manager – Planning Policy (currently vacant) to make *and* confirm Tree Preservation Orders
2. That the Development Management Panel confirms the Tree Preservation Order L/TPO/381 at 15 Hunts End, Buckden

1. PROPOSED AMENDMENT TO THE SCHEME OF DELEGATION (SoD) IN RELATION TO THE MAKING NAD CONFIRMING OF TREE PRESERVATION ORDERS

REASONS FOR THE UPDATE REPORT

Current Situation

Currently the Scheme of Delegation gives delegated authority to the Head of Planning Services to determine applications for the felling or lopping of trees protected by Tree Preservation Orders (TPO) and the making of TPO's. Current practise is to make and confirm a TPO at officer level where there is no objections received, and where objections have been received, refer the application to a Tree Preservation Order Sub-Group (from hereon called the 'Sub-Group'), where the Sub-Group consider objections received, and proposed Tree Preservation Orders in the light of specialist advice received directly from Arboricultural Officers. However, part of this current practise does not appear to accord with the delegation in the Constitution as the Sub-Group does not have the power to confirm TPOs, their role appears to be one that considers objections to TPOs - See excerpt from Constitution below:

Town and Country Planning Act 1990 (S.198 and 201) - To determine applications for the felling or lopping of trees protected by Tree Preservation Orders and the making of Tree Preservation Orders

Head of Development or in his absence, the Planning Service Managers

Proposed Changes

Given that that Sub-Group has previously relied on specialists advice of Arboricultural Officers, it is proposed that the Scheme of Delegation is amended to give delegated powers to the Head of Service (currently Andy Moffat), Planning Services Manager – Development Management (currently Jacob Jaarsma) and Planning Services Manager – Planning Policy (currently vacant) to make and confirm Tree Preservation Orders (following input/specialist advice of Arboricultural Officers).

Given the length of time that has lapsed since the Terms of Reference were devised, and that they have not been refreshed in a while, the Planning Service Manager would like to take this opportunity to proposed amend the Terms of Reference and presented these for approval to DMP.

Recommendations:

That Members note the contents of the report and agreed to amend the Scheme of Delegation as follows:

- i. To give delegated powers to the Head of Service (currently Andy Moffat), Planning Services Manager – Development Management (currently Jacob Jaarsma) and Planning Services Manager – Planning Policy (currently vacant) to make *and* confirm Tree Preservation Order

Objection to Tree Preservation Order L/TPO/381, 15 Hunts End, Buckden

1. PURPOSE OF REPORT

- 1.1 To consider an objection to the Tree Preservation Order (TPO) L/TPO/381 made on 12.11.1015 and determine if the order should be confirmed or confirmed subject to modifications

2. DESCRIPTION

- 2.1 The protected tree is a mature yew tree, which stands within the garden of a semi-detached dwelling. The area is predominantly residential within the Buckden Conservation Area. The tree is an attractive, prominent feature of the area and clearly seen in public views from adjoining roads and houses.

3. REASON FOR TPO

- 3.1 The order was made provisionally following the receipt of a Conservation Area Section 211 Notification on the 1 October 2015 for the felling and removal of a yew, apple and a eucalyptus by the owners of the property.
- 3.2 The emerging Draft Local Plan to 2036 currently under consultation, states that:

"Where specific trees or groups of trees are of particular value (such that their removal would have a significant impact upon the local environment and its enjoyment by the public), and are potentially under threat, the Council will make Tree Preservation Orders to protect them."

The saved Policy EN19 of the Huntingdonshire Local Plan states that:

"The district council will make tree preservation orders where it considers that trees which contribute to the local amenity and/or the landscape are at risk."

- 3.3 An Amenity Evaluation Checklist is used by the Councils Arboricultural Consultant, which provides a systematic approach in determining whether or not a Tree Preservation Order should protect a tree or trees. The yew tree was assessed as having high amenity value to the area and Tree Preservation Order L/TPO/381 was made on the 12 November 2015 to ensure the protection and retention of this tree. A copy of the checklist is appended for information. (The apple and eucalyptus were smaller trees and therefore of less value as an amenity. Consequently these trees were not included in the order and there is no objection to their felling and removal).

- 3.4 In a letter dated 8 December 2015, the property owner, Mr P Witchell, wrote objecting to the order on 2015. This was received on 9 December 2015.

4. OUTLINE OF OBJECTION

The grounds for objection can be summarised as follows:

- 4.1 The yew had been left unmanaged and unkempt for many years and blocked access to the drive and garage of the property.
- 4.2 Failure to provide parking within the property itself would lead to up to four cars being parked on the side of Hunt End itself. Parking is already oversubscribed in the area and congestion is frequent. The local shops would suffer a loss of custom if parking was not available close by.
- 4.3 Mr Witchell considers that the loss of the tree would not have a detrimental effect upon the environment or the enjoyment by the public as Hunts End is not a major route and not regularly used by the general public.
- 4.4 The presence of a large Holme oak also within the garden of 15 Hunts End would limit the impact on the treed appearance of the locality if the yew was removed.
- 4.5 Mr Witchell questions the accuracy of the Local Authority Search undertaken on 25th August 2015 in that a negative reply was made to the question 3.9 which reads: "Do any of the following subsist in relation to the property, or has a local authority decided to issue, serve, make or commence any of the following-(m) a tree preservation order."

5. RESPONSE TO OBJECTION

- 5.1 The Yew tree is located in the centre of the access into driveway and to the garage. Thus the original access: unused for a long time, meant that the current access could not be used. A Tree Work Application (15/01760/TREE) for the Crown Lifting of the yew was granted on 22 January 2016. This tree work has now been carried out, allowing access to the garage (see Photo 1). Moreover, a Planning Application (16/00270/HHFUL) for replacement of existing garage with new double garage and widening of access while retaining the yew is currently under consideration.
- 5.2 The yew tree is an attractive and significant feature of the local landscape, and makes a significant contribution to the character and amenity value of the area. The loss of this tree would be of detriment to that character and amenity of the area. The tree has additional value in that it is in keeping with the historic character of the surrounding conservation area. The tree is mature and has a safe useful future life expectancy in excess of 40-50 years. An assessment has been made by your Officers of the contribution this tree makes to the amenity of the area using the (TEMPO) amenity evaluation method. The tree was found to be of suitable amenity value for protection by a tree preservation order. The attractive nature of the tree is apparent in the photographs contained in the supporting documentation.

- 5.3 In terms of the Holm Oak, this tree is set back form the frontage of the property. Though a significant tree of value, its location is not sufficiently forward to directly compensate for the loss of the Yew tree.
- 5.4 Tree Preservation Orders are made if the LPA considers that a tree of high amenity value is at risk of damage or loss. A negative response was received to the question 3.9 made in the property search because no intimation of the tree being at risk had been received at that time.

6. CONSLUSION

- 6.1 Having carefully considered and addressed the grounds of objection, it is the view of your Arboricultural Consultant that this yew tree is an attractive tree, appropriate for its location: the loss of which would be of significant detriment to the character of the Conservation Area and the general amenity of the area in which the tree stands. The reasons put forward by Mr Witchell are not considered sufficient to prevent the confirmation of the order.

7. RECOMMENDATION

- 7.1 That the Panel confirms Tree Preservation Order L/TPO/381

BACKGROUND PAPERS

Tree Preservation Order File No 912

SUPPORTING INFORMATION

- 1, Letter of objection
- 2, Tree Evaluation Method for Tree Preservation Orders- TEMPO
- 3, Location Plan
- 4, Tree Preservation Order Plan
- 5, Photographic views of TPO tree, T1 Yew
- 6, Plan showing photograph view points

CONTACT OFFICER

Mr J Jaarsma, Planning Services Manager (Development Management)
Tel No: 01480 388402.

GREEN PAPERS FOLLOW

Huntingdonshire District Council

Pathfinder House

St Mary Street

Huntingdon

PE29 3TN

Mr Paul Witchell

15 Hunts End

Buckden

Cambs

PE19 5SU

Your Ref LS/JG/TPO009136

8th December 2015

BY RECORDED DELIVERY

Dear Sirs,

Re Tree Preservation Order Number: L/TPO/381 15 Hunts End Buckden St Neots PE19 5SU

Please accept this letter as my formal objection to the above reference Tree Preservation Order made in respect of a single Yew Tree at situation "TL 19575 67553" located at the above property. The Objection being made on the following three (3) grounds:

1. Practical considerations as to the location of the tree;

The tree in question has been left unmanaged and unkempt for many years such that it has now grown so big that it blocks access to the drive and garage (and associated off street parking) so as to prevent an vehicular access to the property. The attached photograph demonstrates the situation.

Hunts End, whilst a no through road, is relatively busy due to the presence of a row of shops at the top end of Hunts End. The Road is reasonably narrow and on a sweeping bend. 15 Hunts End (the property in question) is located directly opposite the row of shops and on the bend.

15 Hunts End is a 4 bedroom property. Accordingly it is almost certain that any owners of the property will have more than 1 vehicle, particularly given Buckdens poor public transport links (having no railway station). The present owner and his family have 4 cars. Without any access to the space within the property for off street parking (due to the presence of the Yew Tree) any owners of 15 Hunts End will have no choice but to leave their vehicles on the road, outside the row of shops. Given the narrowness of the road, and that vehicles are constantly coming and going (due to the shops including a convince store, barbers, Chinese takeaway and Pharmacy) it is submitted that this is dangerous.

Further, it is submitted that the presence of the owners of 15 Hunts End numerous vehicles on the road, will have a detrimental effect on the trade for the row of shops opposite the property, there being no available parking for perspective customers to those shops.

In summary the Tree Preservation Order prevents access to the otherwise off street parking at the property, forcing any owners to park their vehicles on the road, which is dangerous, increases congestion, and it is submitted will affect trade to the shops.

2. The grounds for the Tree Preservation Order are factually flawed.

Within the Tree Preservation Order the Council claims:

'.....the tree provides an important visual amenity, such that if it were removed or damaged there would be a significant impact on the environment and its enjoyment by the public...and its loss would detract from the sylvan appearance of the locality as well as its enjoyment by the public.'

Such statements are incorrect.

As stated above Hunts End is a no through road, and therefore not a major route through Buckden to be "enjoyed by the public" The loss of the tree would not have any detrimental effect upon the environment or the enjoyment by the public of Buckden, as Hunts End is not routinely visited by the public beyond the top end by the shops. There is no reason for the public to progress further down Hunts End. The Tree is hidden from view due to its location on the inside of a sweeping bend.

It is submitted that the public would not even notice the absence of the tree.

Further the removal of the tree would not have any significant impact upon the "sylvan appearance of the locality" due to the presence of a large Holme Oak tree (also located at 15 Hunts End) which is directly behind the Yew tree when viewed from the road (the only view available to the public). The removal of the Yew would simply allow the Holme Oak to be more apparent (as viewed from the road) and have no effect upon the sylvan appearance of the locality.

Given the presence of the adjacent much larger Holme Oak tree there would be little or no impact upon the visual appearance of the area caused by the removal of the Yew tree.

3. Legal considerations

The property was subject to a very recent purchase by Mr Witchell. As part of this purchase Mr Witchell had a local authority search undertaken. The search was requested by Mr Witchell's conveyancing solicitor Anthony Stockton Solicitors on the 12th August 2015 by way of a Requisition for search and official certificate of search (copy enclosed).

Section CON 29R 'Enquiries of local authority (2007) of that search contains the following question under the heading 'PLANNING AND BUILDING REGULATIONS' under the sub section 'OTHER MATTERS'; Question 3.9 concerns 'Notices orders, directions and proceedings under Planning Acts' and asks;

Do any of the following subsist in relation to the property, or has the local authority decided to issue, serve or commence any of the following:

Item (m) of the list of the 'following' referred to in the question concerns 'a tree preservation order'.

On the 25th August 2015 Huntingdonshire District Council provided their answers to that search (copy enclosed) with the official search reference 1516_01156. In respect of question 3.9 item (m) Tree Preservation Orders, of the search question the council answered 'No' (Page 4 of 5 of the search reference 0516_01156 answers).

It is submitted that in late August 2015 the council advised Mr Witchell that not only was there no Tree Preservation Order present on the property, but further the council was not considering issuing such an order. The question seeks confirmation as to the future intentions of the local authority by way of '*has the local authority decided to issue, serve, make or commence any of the following*'. Accordingly the question is clearly NOT limited to an enquiry of a pre-existing Tree Preservation order, but additionally the (near at least) future intentions of the council.

Mr Witchell relied on those answers provided by Huntingdon District Council within the search process in deciding to proceed with the purchase of the property. As it is submitted would any perspective purchaser.

At this juncture it is worth noting that recent case law has confirmed that councils have a strict liability to prospective purchasers of property to provide correct and truthful answers to search question enquires see *Chesterton Commercial (Oxon) Ltd-v- Oxfordshire County Council [2015]*.

Mr Witchell submits that when answering questions in a property search enquiry the local authority is obligated to answer such questions honestly and to the best of its ability and knowledge.

In respect of Tree Preservation order the local authority itself is the certifying authority, ie it is the Council who issues the TPO. Accordingly if the answers provided by Huntingdonshire District Council in respect of TPO's cannot be relied upon, from whom was Mr Witchell expected to obtain such information?

As the certifying authority in respect of TPO's, when answering question 3.9 (m) of the search enquiry the Council was not only obligated to check the existence of existing TPO's but ask itself the following question;

'Is it likely that the council would decide to issue a TPO upon the property in the near future?'

When providing answers to the search enquiry the Council ought to have, and in any event is deemed to have considered the site, the presence of existing trees, and the possibility and likelihood of the Council themselves applying a TPO to the property in the near future.

When deciding to purchase the property at 15 Hunts End, Mr Witchell not only relied upon the answers provided by Huntingdon District Council in the search, but further in respect of Tree Preservation Orders, such answers were fundamental to Mr Witchell's intentions with the property.

Mr Witchell completed the purchase of 15 Hunts End on the 19th September 2015. On the 1st October 2015 Mr Witchell submitted, via his agent Leslie Dickinson, an application to remove a number of trees, including the Yew tree now the subject of the TPO in question, under a notification of proposed works to trees in a conservation area, Town and Country Planning Act 1990 (copy enclosed).

It is clear that such an application, submitted but a few days after he completed his purchase demonstrates the essential nature of the answers given by the council in the search concerning TPO's in relation to Mr Witchell's intentions with the property.

It was not until the penultimate day of the 6 week period under which the council has to respond to the application of tree works in a conservation area, that Huntingdonshire District Council issued its TPO in respect of the Yew Tree on the 12th November 2015.

In respect of these events Mr Witchell makes the following points.

Firstly either the Tree Preservation Order is wrong and misconceived or the property search answers provided by Huntingdonshire District Council on the 25th August 2015 are incorrect. Given that they are contradictory, they both cannot be correct and or valid. Given that the council confirmed they had no intention of issuing any TPO's in respect of the property on the 25th August 2015, how can the council justify its decision to issue such an order on the 12th November 2015 in respect of an application made 1st October 2015? It cannot.

It is submitted that it is more likely that the Councils decision to issue a TPO is erroneous. It is noted that the TPO is has been decided by an Arboriculture Assistant; Mr Mike Barber. It is submitted that Mr Barber has clearly reached an incorrect and conflicting decision to the same question the council must have, and in any event is deemed to have asked itself when answering the property search questions on the 25th August 2015- ie- Do any of the trees on the property warrant a TPO?

It is contended that for the reasons set out in the first part of this letter (issues 1 and 2) the TPO is incorrect and wrong and has been decided by an in experienced overzealous Assistant who has failed to consider all of the relevant factors. Mr Barber has therefore reached a conflicting answer to what was the same question considered by the local authority when providing its search answers in respect of TPO's.

The Yew tree is clearly very old. Accordingly it did not suddenly become a *tree that provides an important visual amenity, such that if it were removed or damaged there would be a significant impact on the environment and its enjoyment by the public...and its loss would detract from the sylvan appearance of the locality as well as its enjoyment by the public*, as claimed upon the TPO by Huntingdonshire District Council. If such a statement is claimed to be true on the 12th November 2015, then it must also have been true on the 25th August 2015. The tree has not suddenly sprung up in a little over 2 months! The simple truth is that the tree is NOT a tree that provides *an important visual amenity, such that if it were removed or damaged there would be a significant impact on the environment and its enjoyment by the public* [emphasis added]. If it was it would have already been the subject of a TPO in August 2015, or at the very least the council would have provided a positive response to question 3.9 (m) of the property search enquiry made in August 2015.

The alternative being that the property search answer in respect of Tree Preservation Orders provided by Huntingdon District Council on the 25th August 2015 is incorrect. If that is the case then the ramifications for the local authority are far reaching and wide ranging. It is reiterated that Mr Witchell relied upon those answers when purchasing the property. The removal of the Yew tree is fundamental to Mr Witchell plans, enjoyment and use of the property to such an extent that had he been made aware that he would not be able to remove it, and it would be the subject of a TPO

(which if the Council maintain the TPO is correct and valid he should have been made aware of by virtue of the Local Authority "correctly" answering the property search enquiry) Mr Witchell would not have purchased 15 Hunts End at all. Accordingly in such circumstances Mr Witchell will have no alternative but to hold the Council liable for his losses in purchasing a property based upon reliance of an incorrect local authority search answer being provided by Huntingdonshire District Council. In this regard legal authority is with Mr Witchell – see *Chesterton Commercial (Oxon) Ltd-v- Oxfordshire County Council [2015]*.

Conclusion

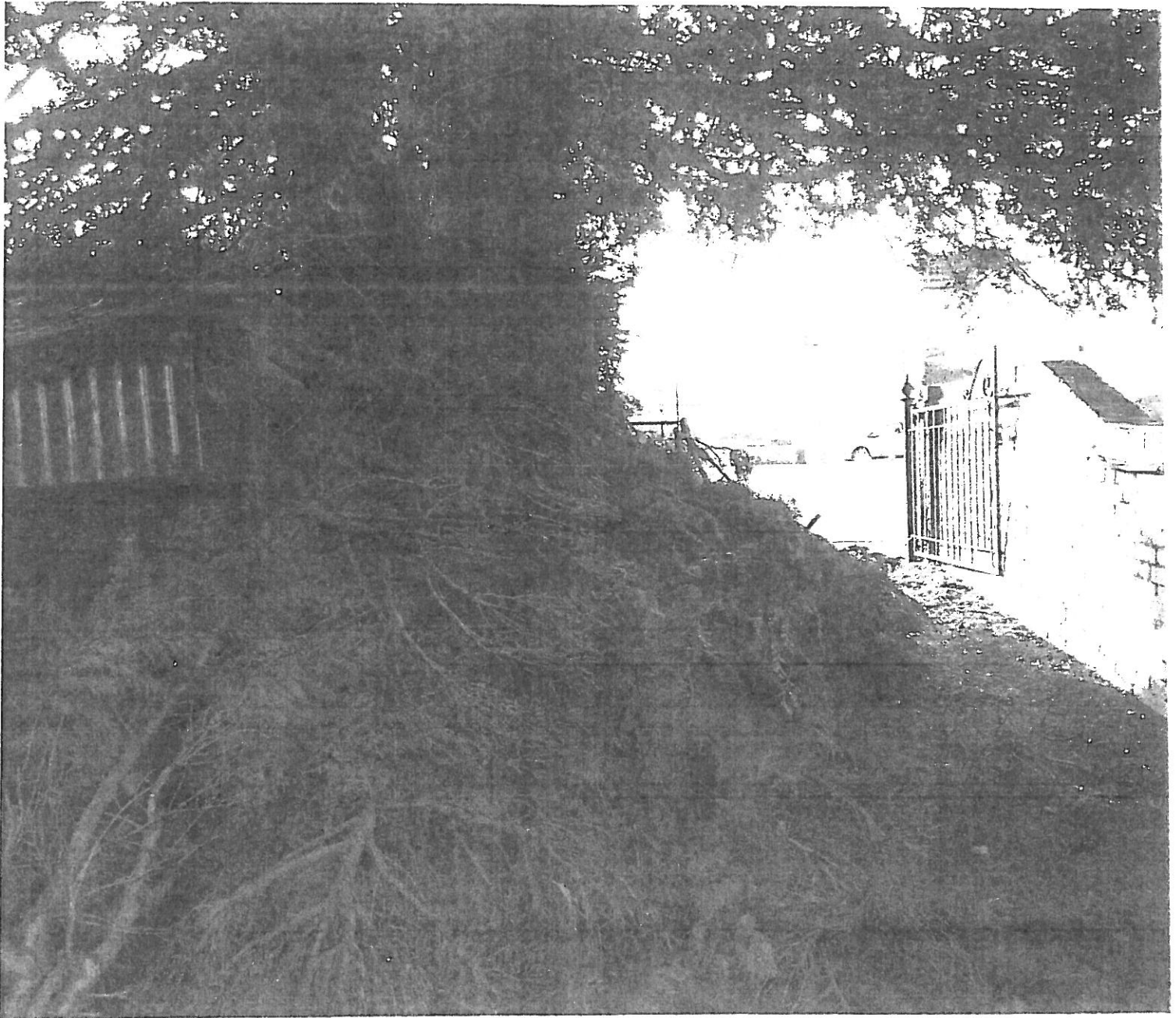
For the reasons set out in this letter it is submitted that tree preservation order L/TPO/381 15 Hunts End Buckden St Neots PE19 5SU in respect of Yew Tree at situation "TL 19575 67553" is misconceived, incorrect and wrong, and is hereby formally objected to on the grounds set out herein.

Yours faithfully,



Paul Witchell

double gates for
driveway
almost half drive
blocked by yew



SURVEY DATA SHEET & DECISION GUIDE

Date: 4-11-15	Surveyor: RAS
Tree details TPO Ref (if applicable): _____ Tree/Group No: T1 Species: Yew Owner (if known): _____ Location: _____	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- | | |
|---------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead | Unsuitable |
| 0) Dying/dangerous* | Unsuitable |

* Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes

5 - Good condition, no obvious defects.

b) Retention span (in years) & suitability for TPO

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes

5 - long lived species

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes

3 - medium tree

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- | | |
|--|-------------------------------|
| 5) Principal components of arboricultural features, or veteran trees | Score & Notes
1 |
| 4) Tree groups, or members of groups important for their cohesion | |
| 3) Trees with identifiable historic, commemorative or habitat importance | |
| 2) Trees of particularly good form, especially if rare or unusual | |
| 1) Trees with none of the above additional redeeming features | |

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- | | |
|-------------------------------|--|
| 5) Immediate threat to tree | Score & Notes
5 - Tree to be removed if no TPO |
| 3) Foreseeable threat to tree | |
| 2) Perceived threat to tree | |
| 1) Precautionary only | |

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-10 | Does not merit TPO |
| 11-14 | TPO defensible |
| 15+ | Definitely merits TPO |

Add Scores for Total:

19

Decision:

TPO.

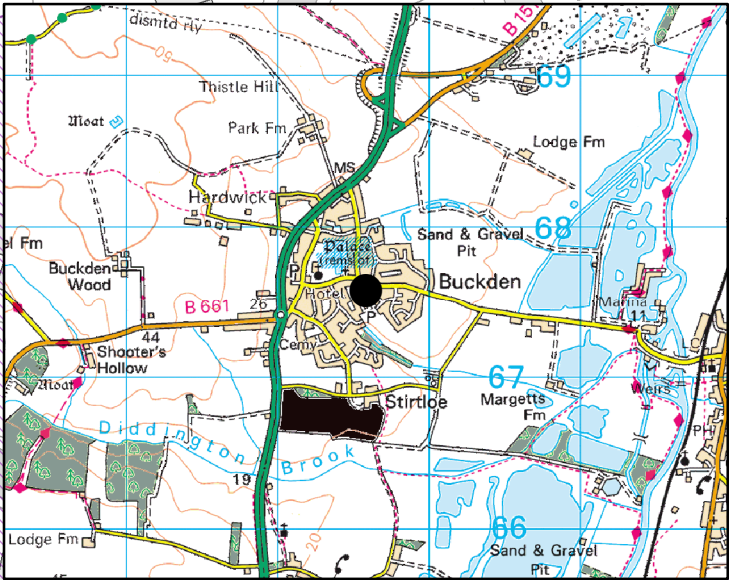
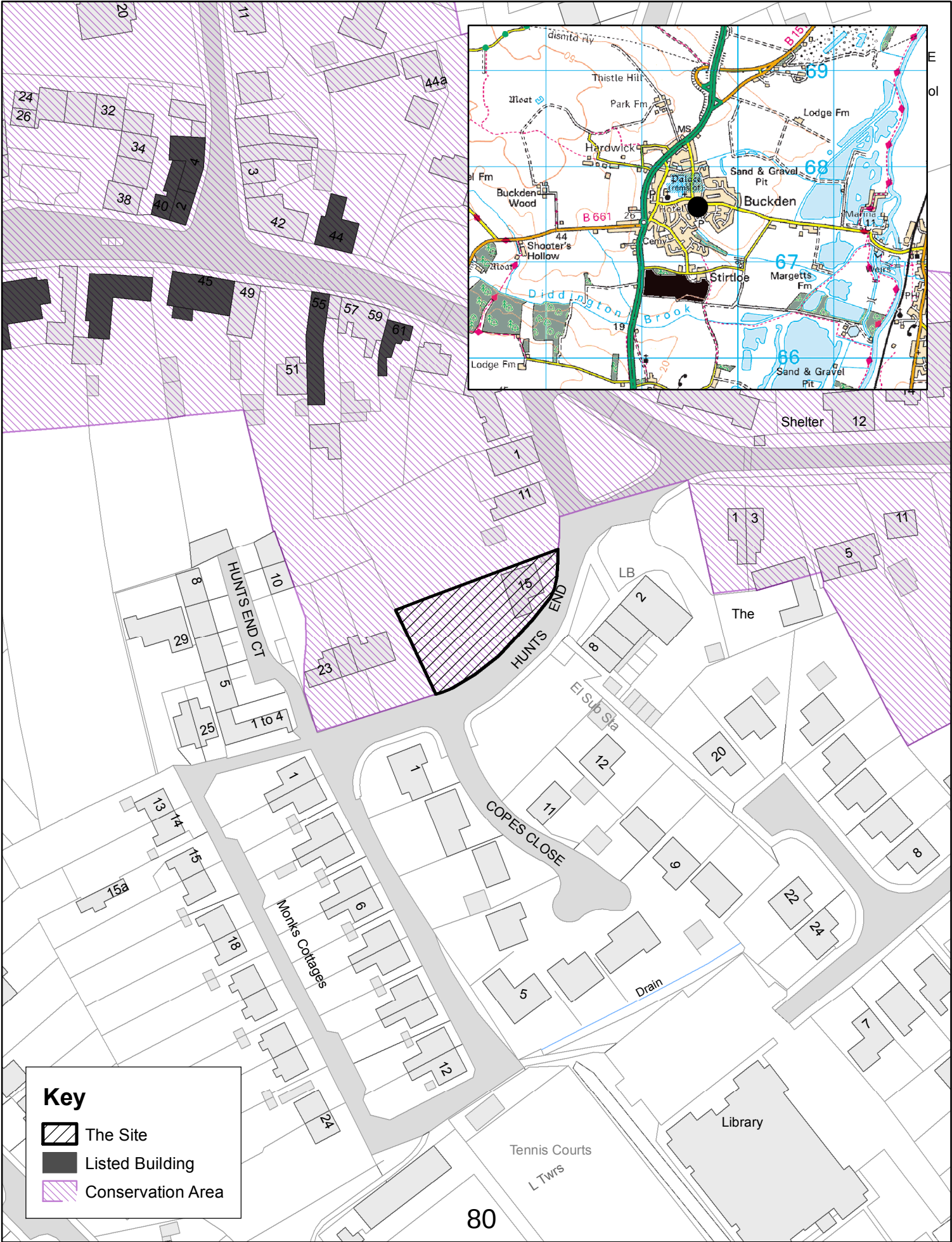
Development Management Panel



Scale =1:1,250
Date Created: 06/04/2016

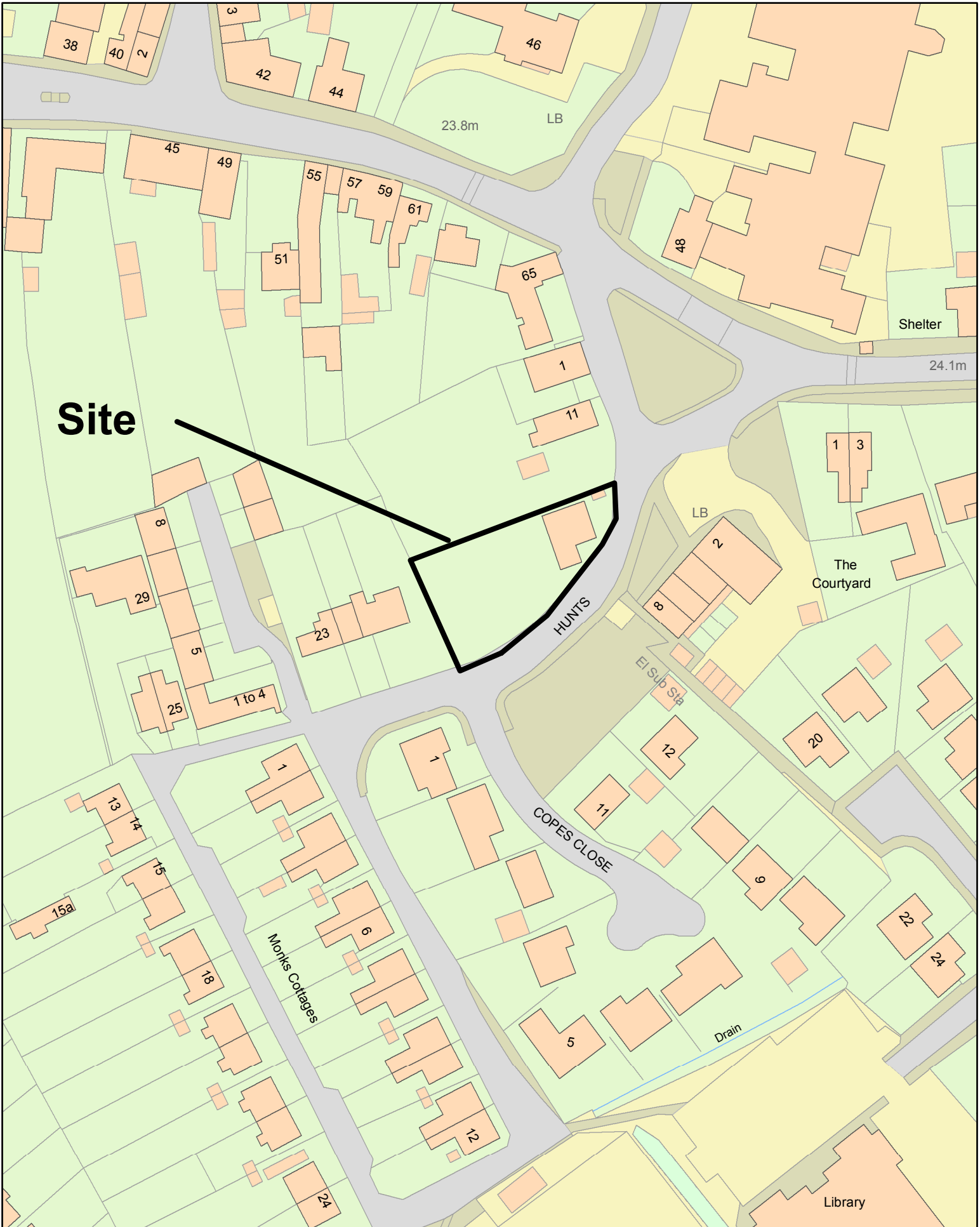
Application Ref:L/TPO/381
Location:Buckden

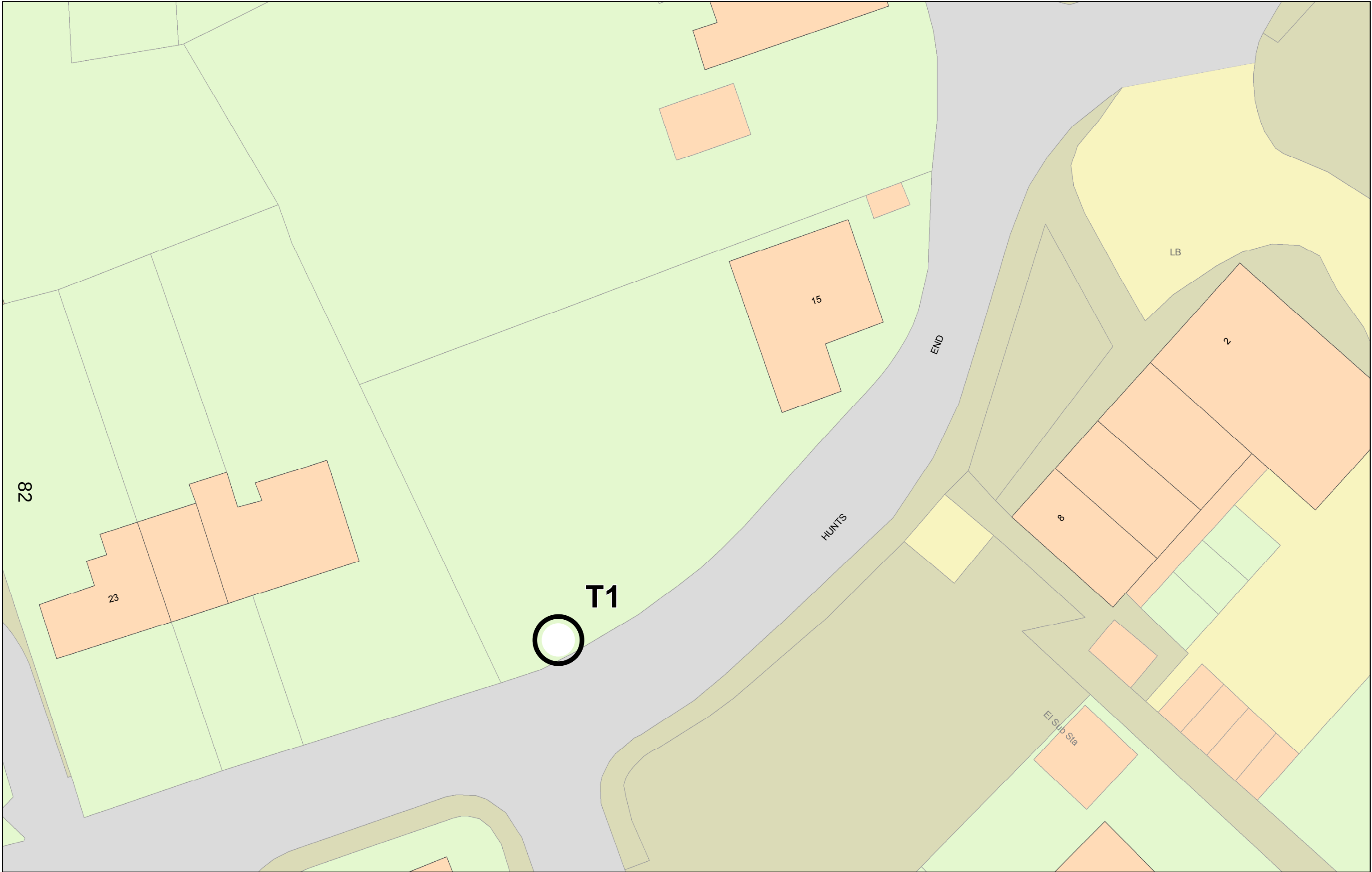
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Key

- The Site
- Listed Building
- Conservation Area





Tree Preservation Order L/TPO/381

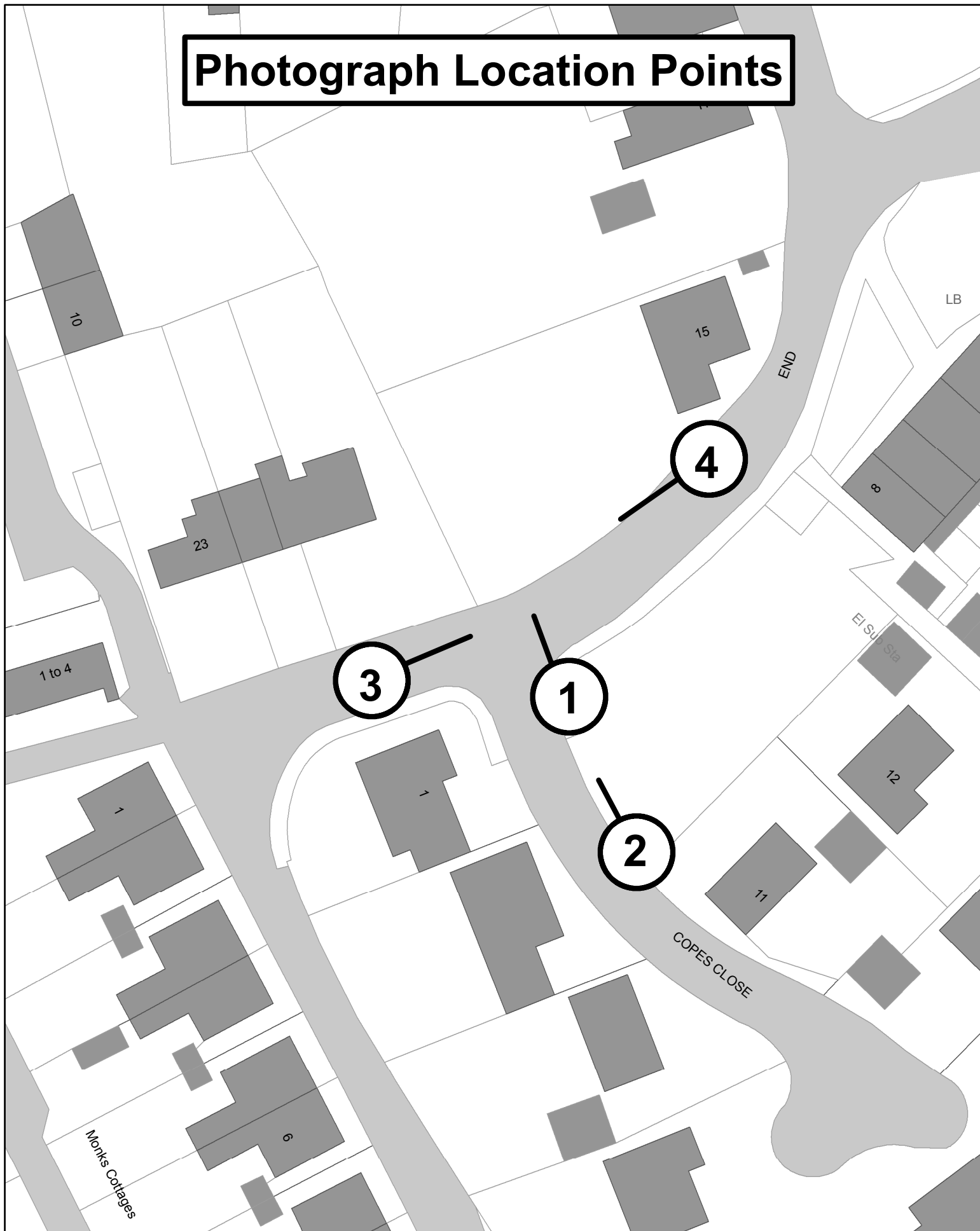
15 Hunts End

Buckden





Photograph Location Points



1:500

Date: 01/04/2016

Tree Preservation Order L/TPO/381
15 Hunts End
Bucks

Huntingdonshire
DISTRICT COUNCIL
Pathfinder House
St Mary's Street
Huntingdon
PE29 3TN
Planning Services

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DEVELOPMENT MANAGEMENT PANEL

18 APRIL 2016

Case No: 15/00682/FUL (FULL PLANNING APPLICATION)

Proposal: CHANGE OF USE TO A4 PUBLIC HOUSE, TOGETHER WITH INTERNAL AND EXTERNAL ALTERATIONS AND EXTENSION

Location: 8 MARKET HILL ST IVES PE27 5AL

Applicant: MR JON RANDALL

Grid Ref: 531439 271186

Date of Registration: 29.04.2015

Parish: ST IVES

RECOMMENDATION - Members are requested to allow the removal of the suggested condition relating to a noise meter to be installed in the beer garden.

1. ADDENDUM REPORT

- 1.1 This application is referred back to Panel following approval by Members at DMP on 15th February 2016, when the Applicant agreed to a condition requested by Members relating to a noise meter. (It should be noted that the HDC EHPO did not consider a noise monitor would be practical). However, the installation of a noise meter in the beer garden cannot be honoured due to the reasons below:
- On the face of it a noise monitor seems like a good idea, however it would only be possible to find out if the guideline level of 50dB was exceeded at the end of a 16 hour period.
 - A noise monitor could possibly undermine good management techniques as Wetherspools could fall into a situation where no action might be taken against noise until an indicator went off – which would lead to poor management.
 - The Acoustic Consultant from Spectrum says; “it would not be practical to install a permanent noise monitor on the site boundary”. The Consultant explained that he is not aware of any such system being implemented in an outdoor setting permanently. He further explained that if such a system is available, there would be no way of determining which specific noise source would trigger it. For example, if a bird sat on top of the microphone or a dog started barking nearby, this could trigger the alert system.
 - Furthermore:
 - The system would need regular calibration which is not practical.
 - An alert system cannot reduce the noise from patrons.
 - The WHO noise criteria relates to a 16hr daytime period (07:00-23:00). Therefore, only at the end of the 16hour period (23:00) would it be possible to determine if the criteria has been exceeded, by which time the garden would be closed.
 - The system could be an easy target for vandals.
 - The system would need to be weatherproof and I am not aware of this being available.

- 1.2 The Wetherspoons representative at the February DMP also stated that Wetherspoons were happy to install a sound monitor to meet the criteria if such a device could be specified to meet the criteria of the sound assessment by the EHPO. However the EHPO agree that this sound monitor is also not required and the technology to create it does not exist and the solution is not practical.
- 1.3 It is clear from the EHPO's and Acoustic Consultant's comments that this suggested condition cannot be implemented, failing some of the tests laid out in the paragraph 206 of the NPPF:
- 1.4 Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 1.5 Due to the reasons above, there is no suitable wording for a workable noise meter condition that would meet these tests.

Conclusion

- 1.6 On the basis of the above, Members are requested to reconsider the need for a noise meter as the condition fails the tests by not being enforceable or reasonable in all other respects.
- 2. RECOMMENDATION** – Members are requested to allow the removal of the suggested condition relating to the noise meter.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

CONTACT OFFICER:

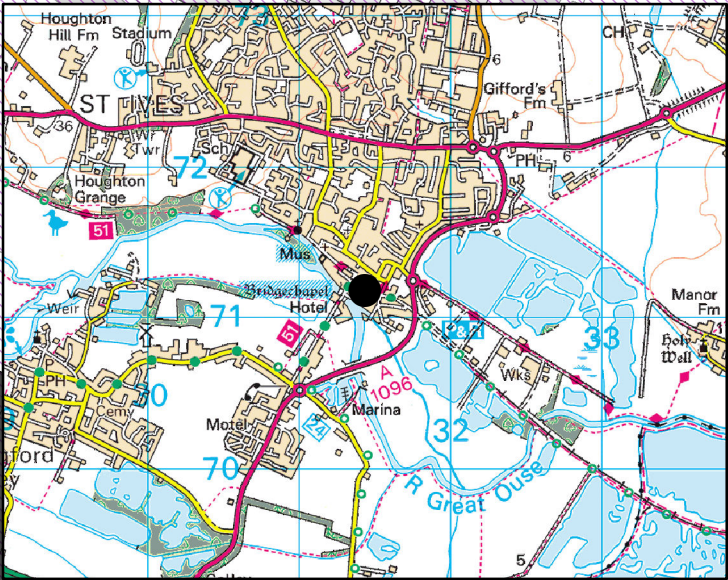
Enquiries about this report to **Ms Dallas Owen Development Management Officer 01480 388468**

Development Management Panel



Scale =1:1,250
Date Created: 05/04/2016

Application Ref:15/00682/FUL
Location: St Ives



Key

- The Site
- Listed Building
- Conservation Area

H.M. LAND REGISTRY		TITLE NUMBER
		CB206715
ORDNANCE SURVEY PLAN REFERENCE	TL 3171 O	Scale 1/1250
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GREEN PAPERS FOLLOW

Case No: 15/00682/FUL (FULL PLANNING APPLICATION)

Proposal: CHANGE OF USE TO A4 PUBLIC HOUSE, TOGETHER WITH INTERNAL AND EXTERNAL ALTERATIONS AND EXTENSION

Location: 8 MARKET HILL ST IVES PE27 5AL

Applicant: MR JON RANDALL

Grid Ref: 531439 271186

Date of Registration: 29.04.2015

Parish: ST IVES

RECOMMENDATION - APPROVAL subject to the conditions listed in Section 8 of the October Panel report attached, and to include that the beer garden is not used after 2100hrs.

This application is referred to Panel because members deferred it from their October Development Management Panel (DMP) meeting. Members deferred decision to enable officers to Improve design of shopfront; Rethink the need for a beer garden; Consult with Parish and locals.

1. Assessment

- 1.1 On the 2nd November 2015, the agent submitted an Amended Plan ref;F1673-05 Rev A – Proposed Elevations (front elevation doors to have solid bottom panels), to address Members concerns raised at DMP on 19th October 2015; and their response to MAS noise report.
- 1.2 On the 16th November 2015 there was a stakeholder meeting where approx.12 people attended; and the agents hosted a public exhibition where approx.50 people attended.
- 1.3 On the 10th December 2015 the agent submitted: the Comments received and responses to those comments received from the Public Exhibition (included in green papers). Taking into account the comments received the applicants submitted a Management Plan document. This management plan document talks about:
- (Wetherspoons working practices regarding intolerance to excessive drinking and their 'Don't Do Drunk' policy;
 - that a CCTV system operates in all their premises and their staff are trained to use it;
 - That they subscribe to the local PubWatch scheme 'Banned from One – Banned from All' initiative;
 - That they subscribe to security and Fire Safety practices;
 - That they subscribe to community Liaison which enables Managers to be contacted by local residents 24 hrs per day 365 days a year for legitimate concerns.

1.4 In addition the applicants have also submitted an Outside area Management document; Graphic mock-up of Proposed Signage; Amended Plans ref;F1673-05 Rev B(Proposed Elevations) and F1673-02 Rev L (Proposed floor plans) The key design changes are that stallrisers have been introduced at the front and sliding doors have been moved from the rear elevation to the side.

1.5 The 14 day re-consultation on the Amended Plans received on the 10th December was carried out on the 21st December 2015.

2. CONSULTATIONS

2.1 **HDC EHPO** – No objection - Notwithstanding the submitted information the view of the EHPO remains the same (as per the Report in the Green Papers). The two consultants have differing views. Spectrum has been appointed by the applicant and MAS have been appointed by a third party, so it's obvious that they will take completely different viewpoints. EHPO officers still propose that the summer doors at the rear of the Pub and the Beer Garden are closed at 9pm for all public use. Smokers should be advised to smoke outside the front entrance after 9pm to protect the residential properties at the rear from excessive noise.

Officer response: Smokers standing outside the front of P.H. is not an unusual occurrence within the Town Centre, and would protect the amenity of local residents by directing the activity to the front rather than at the rear after 9pm. A condition is recommended that the beer garden closes at 9pm.

2.2 Consultee comments on the most recent Amended Plans received 10th December 2015:

St Ives Town Council (comments dated 13th January) Recommend Refusal (COPY ATTACHED)

-The change of use is not supported by policy.

-The NPPF supports beneficial competition. The Town Council considers increasing the number of Public Houses (P.H.) from 7 to 8 has minimal benefits.

-A P.H. this size is likely to increase the number of incidents of crime.

-The disputed evidence on noise between the applicant and local residents is noted. The HDC EHPO will need to make a positive statement on the likely noise generated by 80 people in the beer garden to that a proper assessment of the noise impact can take place. It is requested that an external noise sensor is provided.

-The proposed amendment to the front elevation is welcomed.

Officer response: The LPA note the concerns of the Town Council, however the LPA consider that the change of use can be supported by policy as per the original report presented to DMP in October 2015 (see Green papers). The issue of noise has been considered fully by the EHPO. The Police Architectural Liaison Officer has examined the crime data for the whole night time economy for St Ives Town Centre and has raised no objections to the proposal.

2.3 **Cambridgeshire Constabulary Architectural Liaison** – No objection - I confirm that I have viewed these amendments and remain to have no grounds for objection, or further observations.

- 2.4 **Environment Agency** – No objection - There are no EA issues within the Amended Plans. Therefore we have no comments to add to those previously made.

3. REPRESENTATIONS

- 3.1 The Local Planning Authority has received 7 representations following re-consultation (4 objections and 3 in support).

- 3.2 The objectors raise the following issues:
- it should also be listed as A3 use due to number of meals
 - the building is only empty because it has served the purpose for the applicant
 - the proposal will result in the loss of a retail unit
 - the proposal will not be good for the economy as there are numerous A3/A4 uses in the town
 - there are many A3/A4 establishments which already exist that the applicant could have bought
 - impact on neighbours is serious.
 - where will the smokers go if banned after 9pm
 - in June 2015 Brighton LPA turned down a Wetherspoons due to loss of retail
 - urge Panel to refuse the change of use
 - that the proposal will cause noise and disturbance
 - that the beer garden at the rear will generate noise, litter and crowds resulting in loss of amenity for residential properties
 - that the proposal will impact on the wider neighbourhood from customers leaving late at night

- 3.3 In support:
- it will bring in additional footfall to the town, who will also support local businesses
 - it will also increase the capacity of the guided busway and make the town more competitive
 - provide employment
 - that the prices will promote competition of benefit to those on lower incomes e.g. pensioners
 - good value
 - the beer garden should not be a problem as the Golden Lion has a large beer garden and no body complains about that
 - A vacant shop being utilised which hopefully will bring more people into St Ives - young & old.

Officer response: the representations received following the re-consultation have raised no additional issues to those considered in October.

4. **In terms of the design changes, below is a detailed description of the changes, as well as an assessment of the acceptability of these changes:**

The shopfront

- 4.1 A traditional shopfront is now proposed with smaller openings, and the addition of stallrisers and panelling, the railings have been removed from the proposals. Signage would be subject of a separate application. This has been discussed with the Conservation Officer

who advises that the amended shopfront would be an improvement on the existing shopfront and will preserve the character and appearance of the conservation area. The proposal is therefore considered to accord with the NPPF; policies En5, En6 and En25 of the Local Plan 1995; CS1 of the Adopted Core Strategy 2009; LP1 and LP31 of the Draft Local Plan to 2036: Stage 3 2013. The draft policies can only be afforded limited weight in their consistency with the NPPF as they are emerging policies.

Alterations to the rear elevation

- 4.2 The proposed sliding doors have been moved from the rear elevation to the side elevation. Fixed glazing is proposed on the rear elevation, except for the proposed glazed Fire doors that have been repositioned from the side to the rear elevation. There is no objection to these changes in terms of visual amenity. The proposal is therefore considered to accord with the NPPF; policies En5, En6 and En25 of the Local Plan 1995; CS1 of the Adopted Core Strategy 2009; LP1 and LP31 of the Draft Local Plan to 2036: Stage 3 2013. The draft policies can only be afforded limited weight in their consistency with the NPPF as they are emerging policies.

In terms of issues relating to noise disturbance, and specifically the applicants noise survey states:

- 4.3 -Noise limits for mechanical services plant noise have been established for the sensitive trading hours and residual night time hours, based on background noise and taking account of BS 4142 guidelines relating to reasonable standards of noise. Predictions have indicated that with the specified noise control mitigation to items of mechanical plant (section 5.1.2), the overall noise from these services would meet noise limit objectives. Noise limits for the beer garden have been established taking account of WHO guidelines and BS 8233:2014. Noise levels from patrons in the beer garden area during both the normal and peak trading periods, would be lower than the WHO guideline noise levels for moderate annoyance at the nearby residential receptor locations. Furthermore, noise levels from the beer garden would not exceed the BS 8233:2014 indicated guideline noise levels outside of the nearby offices.
- Limits associated with noise breaking out of the summer opening doors at the front and rear of the premises have been established, taking account of WHO guidelines and BS 8233:2014. Predictions have indicated that noise levels would be lower than the WHO guideline noise levels for moderate annoyance at the nearby residential receptor locations. Furthermore, noise levels from open summer doors would not exceed the BS 8233:2014 indicated guideline noise levels outside of the nearby offices. The applicants noise survey concludes that the noise levels predicted for each of the potential noise impacts are sufficiently low not to cause an adverse impact on the nearby residential community.
- 4.4 Planning officers have had further discussions with the District Council pollution control officers. The pollution control team advise that the noise from the proposed use should not be a problem to sensitive receptors in the area. However, noise from the beer garden and the open back doors may have a negative effect on the Mulberry

Cottage during the late evening/night so would recommend putting time restrictions on the use of the beer garden.

- 4.5 A further Technical Document produced by Spectrum dated October 2015 was submitted by the applicant as a response to the concerns raised by MAS Environmental on behalf of the occupiers of Mulberry Cottage and Gateway House. MAS Environmental raised concerns over the conclusions of the noise impact assessment report. The Spectrum document concludes that the assessment methodology proposed by Spectrum, which was accepted by HDC, is widely accepted by many other local authorities. The criterion used is appropriate for the type of establishment to which planning permission is sought. The alternative IOA and BCC criterion suggested by MAS is intended for establishments which hold entertainment events. The Spectrum report goes on to argue that using this criteria here is misleading and is not intended for the assessment of noise from a beer garden or the summertime opening of doors at a Public House where no entertainment events would be held.
- 4.6 HDC pollution control officers advise, taking into account the additional information received, that their view remains the same (as per the Report in the Green Papers). The pollution control team add that the two consultants have differing views. Spectrum has been appointed by the applicant and MAS have been appointed by a third party, so it's obvious that they will take completely different viewpoints.
- 4.7 Subject to appropriate conditions, it is considered that the proposal complies with the NPPF; policy S14 of the Local Plan 1995; CS1 of the Adopted Local Plan 2009; LP1 and LP15 of the Draft Local Plan to 2036: Stage 3 2013. Whilst the policies are broadly consistent with the NPPF paragraphs 109 and 123 that seek to minimise against unacceptable levels of noise from new development including through the use of conditions, policies S14 and CS1 would be afforded greater weight as they are adopted policies, whilst LP1 and LP15 can only be given limited weight as they are emerging policies.

Consultation with Parish and Locals

- 4.8 In line with the Member decision to defer decision, the agents on the 16th November 2015 attended a stakeholders meeting with St Ives Town Council, Civic Society, St Ives Town Initiative, St Ives Retail Group; and hosted a public exhibition where approx.50 people attended. Data from a 'Comments Response Form' has been submitted by the applicant where the majority of responses were in support of the proposed development; the majority were in support of a viable use for the building although 9 would prefer a different use than Wetherspoons; the majority thought that the proposals would improve the appearance but it could be improved further e.g. no railings; there was a mix of general comments with only 2 people commenting that retail would be better, 1 person concerned regarding where smokers would go after 9pm and 7 people raising concerns over noise.
- 4.9 The applicant has taken these considerations into account by altering the shop front. Deliveries would take place at the front so that

neighbours at the rear would not be affected by noise associated with deliveries. A beer garden is an important aspect of the business plan, however the applicant has re-positioned the sliding doors to the side to mitigate any potential noise from the building.

Conclusion:

- 4.10 The proposed development is considered to be compliant with relevant national and local planning policy since:
- * It will bring a vacant building in a sustainable town centre location back into use.
 - * The scale and location of the development is not considered to have an overly detrimental impact upon the Conservation Area.
 - * It would not have a significant detrimental impact on the amenity of neighbours.
 - * It is acceptable in terms of highway safety.
 - * It would not be at risk of flooding or exacerbate the risk of flooding elsewhere.
 - * There are no other material planning considerations which lead to the conclusion that the proposal is unacceptable.

8. **RECOMMENDATION** - **APPROVAL** subject to the conditions listed in Section 8 of the October DMP report attached, and to include a further condition that the beer garden is not used after 2100hrs.

CONTACT OFFICER:

Enquiries about this report to **Ms Dallas Owen Development Management Officer 01480 388468**



TOWN CLERK: Alison Melnyczuk BA (Hons) FILCM
Town Hall, Market Hill, The Old Riverport, St Ives, Cambridgeshire PE27 5AL
Telephone: 01480 388929



email: clerk@stivestowncouncil.gov.uk

15 January 2016

Mr A Moffat
Head of Development
Huntingdonshire District Council

Dear Mr Moffat

Planning Application 15/00682 Wetherspoon plc

Following the decision by the HDC Development Management Panel to defer the decision at its October 2015 meeting, the Town Council met with the applicant on the 16th November and the applicant agreed to the following:

- Provide an impact statement on the development's impact on the existing pubs and restaurants in the town
- Consider an external noise sensor to enhance the monitoring of the external noise from the beer garden
- Redesign the front elevation to remove the railings and move the rear door to lessen the noise impact on adjacent properties.

St Ives Town Council considered new information on the above application at its Planning Committee on Wednesday 13 January 2016 and **recommended rejection** for the following reasons.

Change of use to A4 Public House

The change of use is a direct contravention of HDC policy S12 that seeks to retain retail units in town centre. There are no policies in the NPPF or associated guidance document that contradicts this policy. In fact these documents requires planning authorities to have policies regarding suitable uses in town centres.

The applicant agreed to provide an impact statement at a meeting on the 16th November. They have now refused to do so. There is no evidence to support policy S12 being overruled by other considerations.

The NPPF and guidance support beneficial competition (Guidance on vitality of town centres paragraph 001). The Town Council considers that increasing the number of public houses in the town from 7 to 8 has minimal competition benefits. It could however cause existing premises to close which would leave the town centre with a number of disused buildings which would be difficult to find new uses. This would not enhance the vitality of the town centre.

The Town Council notes the recent Police report into high time economy crime in St Ives. However this only considered a limited area of the town centre. Police crime reports submitted to the Town Council indicate 1 or 2 incidents of violent crime associated with people leaving pubs per month. Recent incidents were recorded on 3 October, 5 November,

6 November, 12 December and 28 December. An additional public house of this size is likely to increase the number of incidents.

The Town Council is concerned that our previous comments linked to change of use were not covered in the Officers report on the original application.

Noise

The Town Council notes the disputed evidence on noise between the applicant and local residents. The HDC Environmental Health Officer will need to make a positive statement on the likely noise generated by 80 people in the beer garden so that a proper assessment of the noise impact can take place.

The Town Council requests that an external noise sensor be provided in the beer garden, set at a level to be agreed with the EHO. The sensor would have an indicator within the bar area. This will enable staff to monitor external noise.

Building Appearance

The Town Council welcomes the new front elevation and it is much improved from the original.

Yours sincerely

**Alison Melnyczuk BA(Hons) FILCM
TOWN CLERK**

ST IVES TOWN COUNCIL PLANNING COMMITTEE : 13 January 2016
APPLICATIONS FOR PERMISSION FOR DEVELOPMENT

App No & Date Reg	Name and Address of Applicant/Agent	Proposal and Location	Type of Application	Recommendation to District Council
1500682 21.12.2015	J D Wetherspoon plc Architect Victoria House Ack Lane East Bramhall Stockport Cheshire SK7 2BE	Change of Use to A4 public house, together with internal and external alterations and extension 8 Market Hill St Ives	Full	Recommend Refusal -Refer letter
1501696 10.12.2015	Mr D Waters The Willows 46 High Street Earith PE28 3PP	Change of Use from a store building to a residential property Boiler Room Sheltered Housing Crown Close St Ives	Full	Would Recommend Approval SUBJECT TO -a full asbestos survey being carried out and measures put in place for asbestos removal -assurances that all measures will be in hand to ensure no pollution is present on the site during the works -assurance that, in accordance with the Committee's previous recommendation, that the site is made safe and confirmed to be so before granting of the planning application
	Mr D Georgiev Eshedent Ltd 8 Owl Way Hartford Huntingdon PE29 1YZ	Change of use to a D1 Dental Practice 19B East Street St Ives	Full	Recommend Approval SUBJECT TO -agreement on appropriate signage

1502232 08.12.2015	Mr and Mrs M Potter Mr G Saberton Greg Saberton Design Tom's Hole Barn Branch Bank Prickwillow Ely CB7 4UR	Increase to the ridge height/loft conversion 68 Edinburgh Drive St Ives	Full	Recommend Approval -appropriate scale of development -does not impact on the street scene
1502273 18.12.2015	Mr R Money The Old Post Office Church Street Woodhurst Huntingdon PE28 3BN	Change garage to domestic area; infill to front; change flat roof to tiled pitched roof 16 Parkway St Ives	Full	Recommend Approval -appropriate scale of development -in keeping with street scene
1502322 31.12.2015	Burgess and Walker Transport Ltd Mr M Page Barford & Co 17 Howard House Church Street St Neots PE19 2BU	Variation of conditions 3,11 and 18 of Planning Permission 15/01109 in relation to the erection of storage building with ancillary offices and use of land for outside storage with surfacing, drainage works and landscape planting Land North of Needingworth Industrial Estate Needingworth Road Needingworth	Section 73 consent	Recommend Approval -sensible amendments to conditions which do not affect the overall scheme

Date Created: 19/01/2016

Location:St Ives



H.M. LAND REGISTRY		TITLE NUMBER
		CB206715
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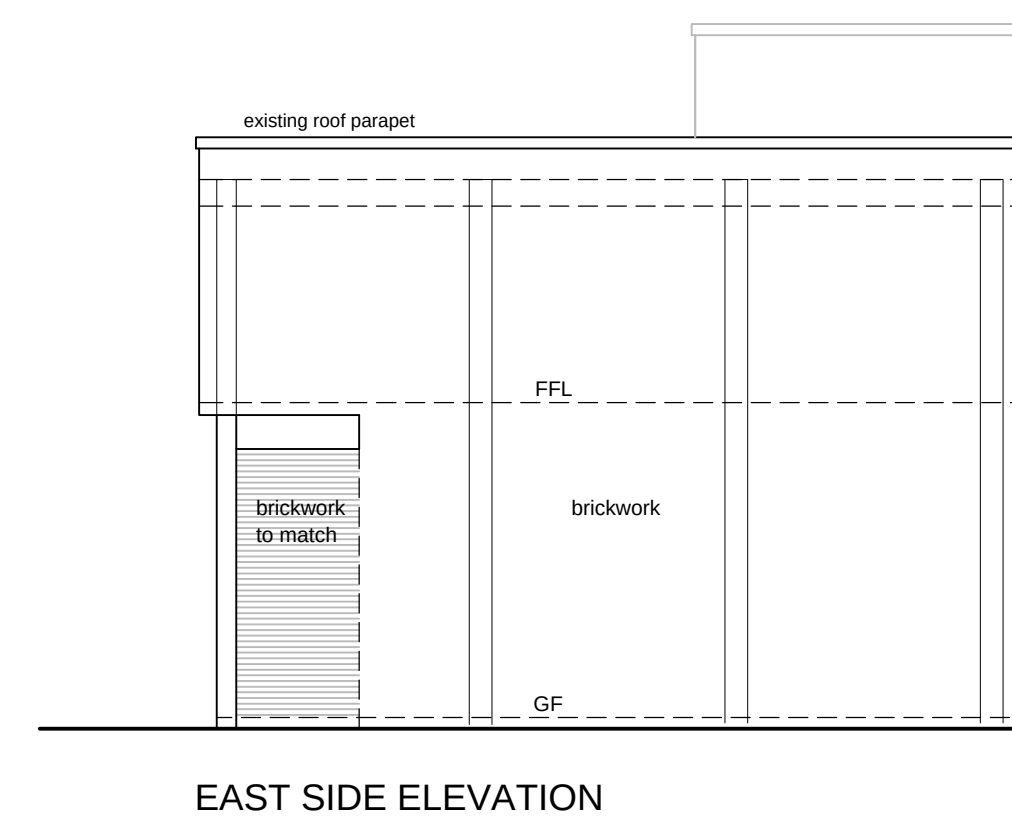
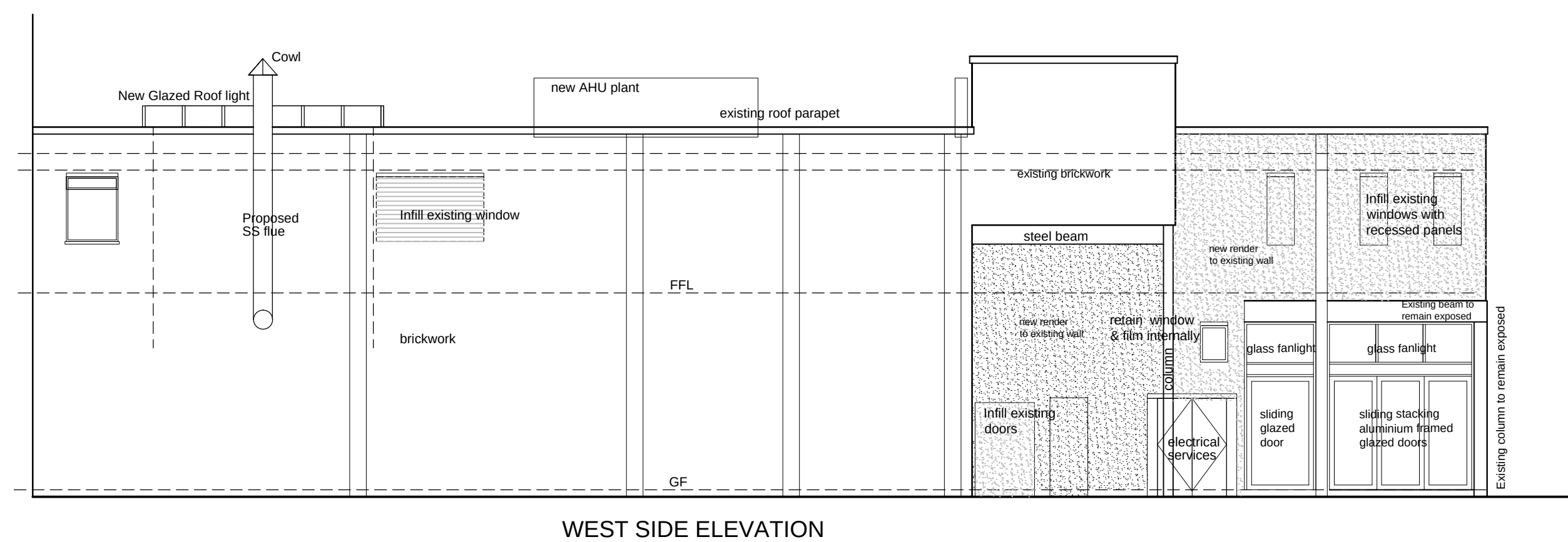
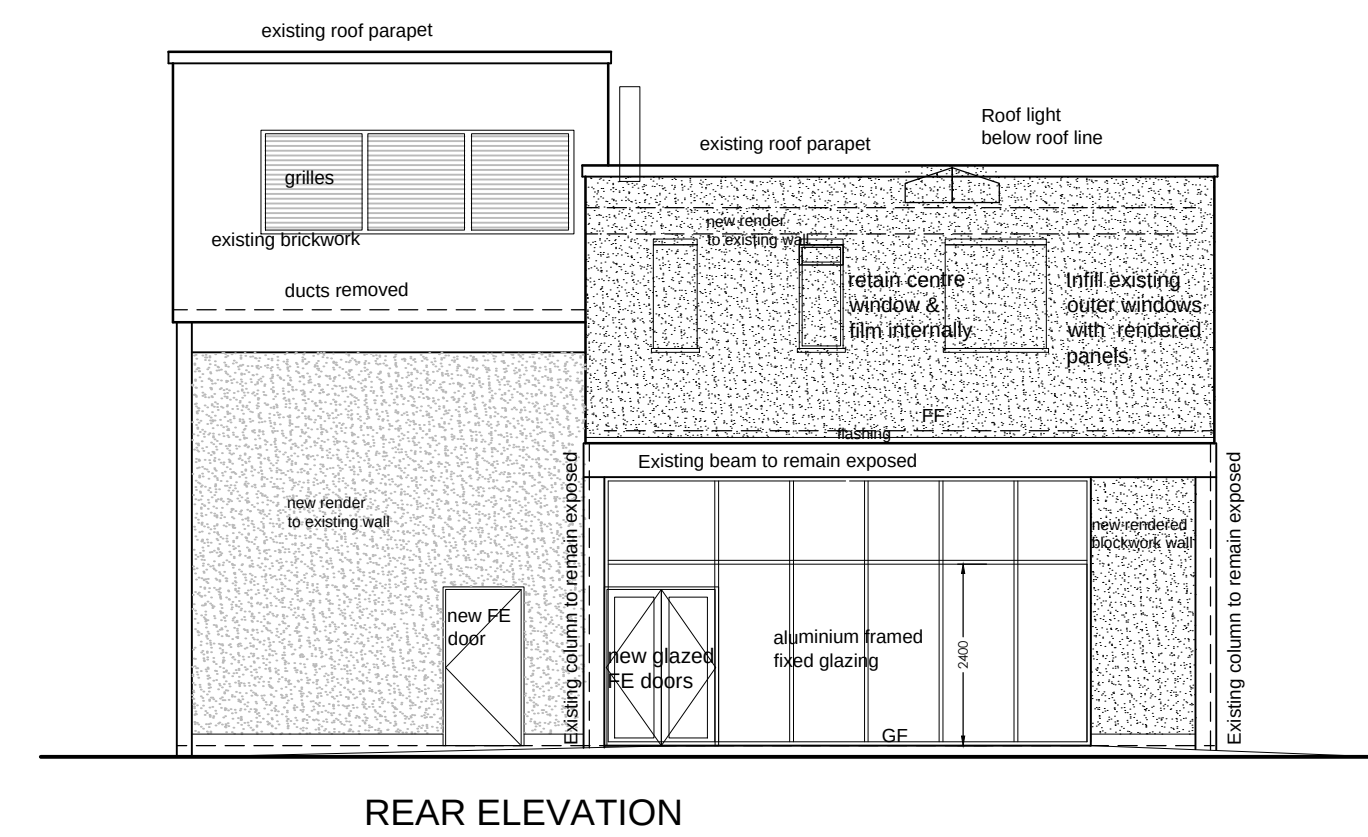
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Drawing Status			
Construction Status			
B	Updated for stall risers at front, sliding doors moved from rear elevation to side	ATG	26.11
A	Front elevation doors to have solid bottom panels	ATG	02.11
Rev.		By	Date

architect
architecture and interior design

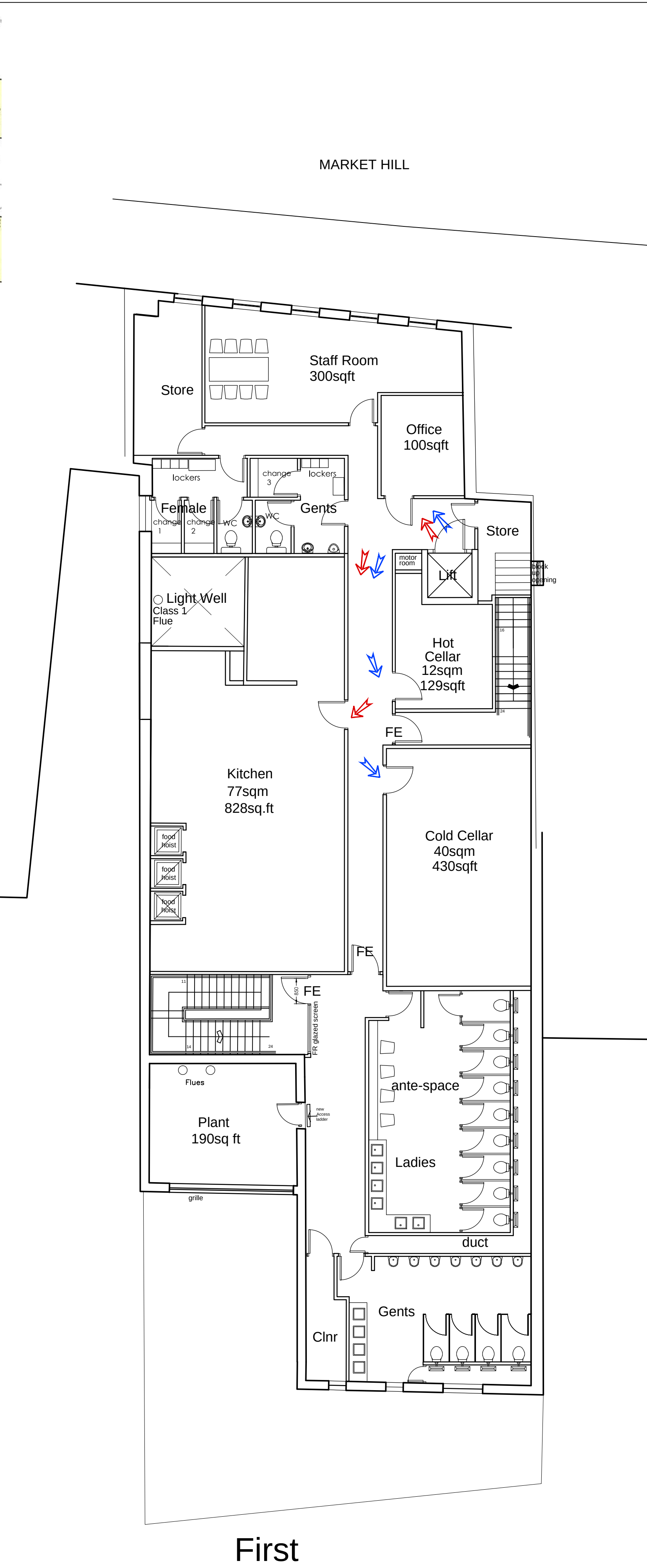
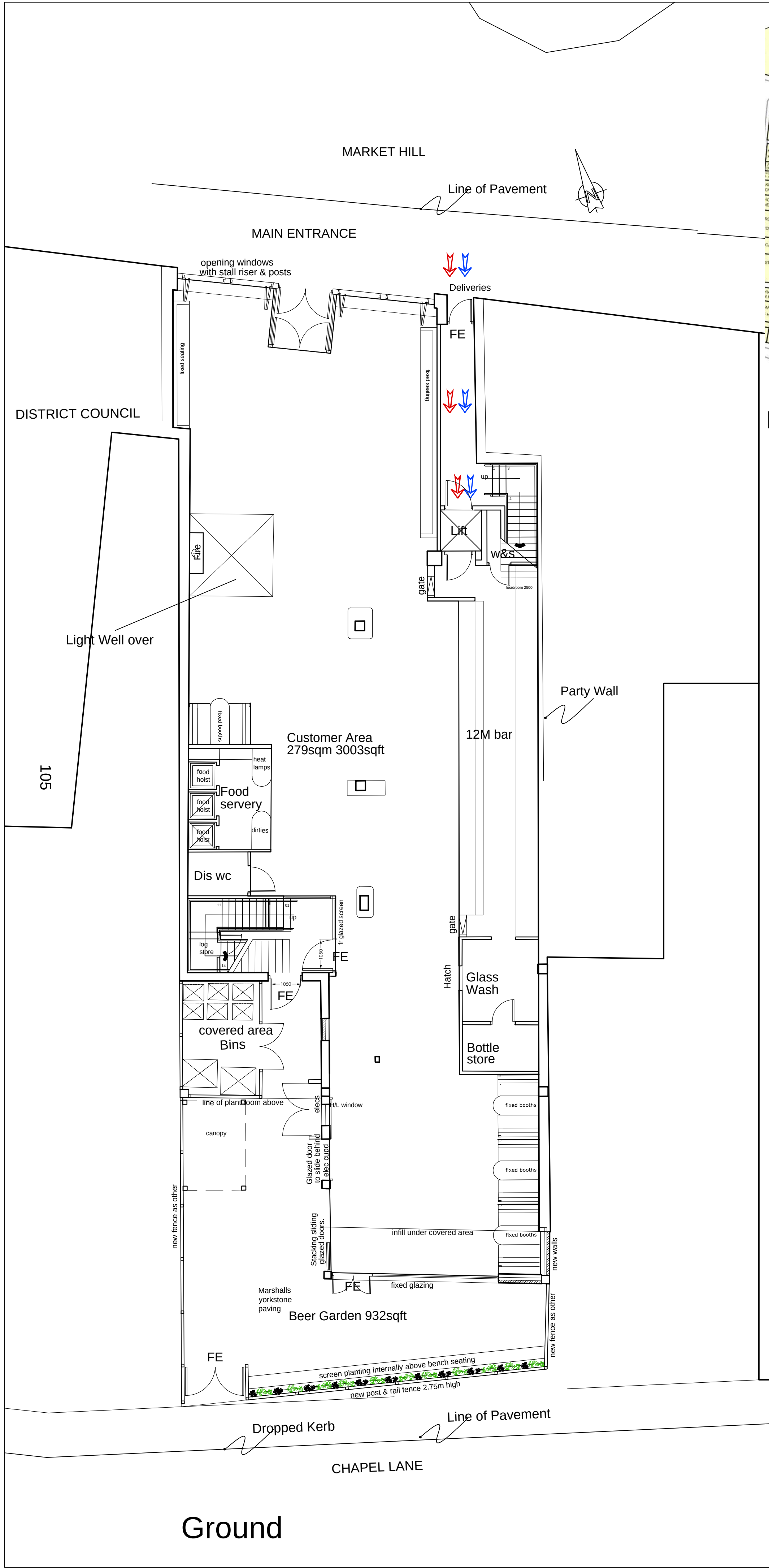
Architect CT
Victoria House
Ack Lane East
Bramhall
Cheshire
SK7 2BE

T: 0161-439 9205
E: general@architect-ct.co.uk
W: www.architect-ct.co.uk

Site MARKET HILL
ST IVES

Title	PROPOSED ELEVATIONS
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Project Manager/ Checked	Drawn By	Scale 1:100@A1	Date Mar 201
Arch./Des.	Drawing Number	F1673 -05	
			Rev. B



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Feasibility Calculations:
Trading area 279sqm 3003 sqft = 372 customers
external drinking 87sqm = 932 sqft

FIRE ESCAPE
Front FE - 1900 clear = 380
Rear stair FE - 1050 clear = 220
Side FE - 1300 clear = 260
Assuming largest (front) is blocked:
Escape Capacity = 480
Assuming rear & side are blocked (both within 45deg)
Escape Capacity = 380
Note- there is secondary escape from first floor

JDW Sanitary Calculations:
188 female = 9 wc/6wb
188 male = 4 wc/7u/4wb (no extra U req)

KEY

- Kitchen / Food deliveries
- Beer deliveries
- DAYLIGHT
- Ground Floor Customer Area = 3013sqft
- External Dining / Drinking = 932sqft

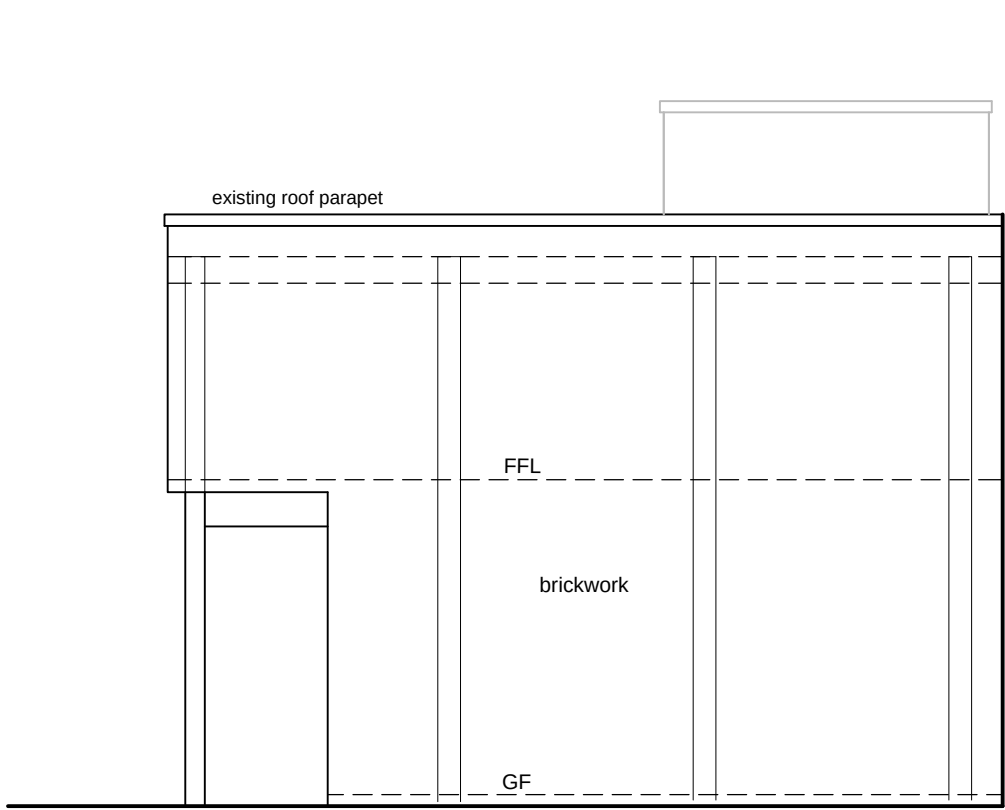
Drawing Status			
Construction Status			
L	Updated for stall risers at front, sliding doors moved from rear elevation to side	ATG	26.11.15
K	Beer garden fence increased to 2.75m high	ATG	17.08.15
J	Rooflight reduced for kitchen	SM	29.06.15
I	Revised customer toilets and staff areas	SWG	19.03.15
H	Updated from notes	SWG	05.03.15
G	Updated following dog meeting	sm	26.02.15
F	Updated	ATG	04.02.15
E	Backfill fridges omitted & beer garden increased	ATG	10.09.14
D	trading increased to 3500sqft	sm	09.09.14
C	food servery updated	sm	08.09.14
B	urinals updated	PH	04.02.14
A	Layouts amended to latest brief	PH	04.02.14
Rev.		By	Date

architect
architecture and interior design

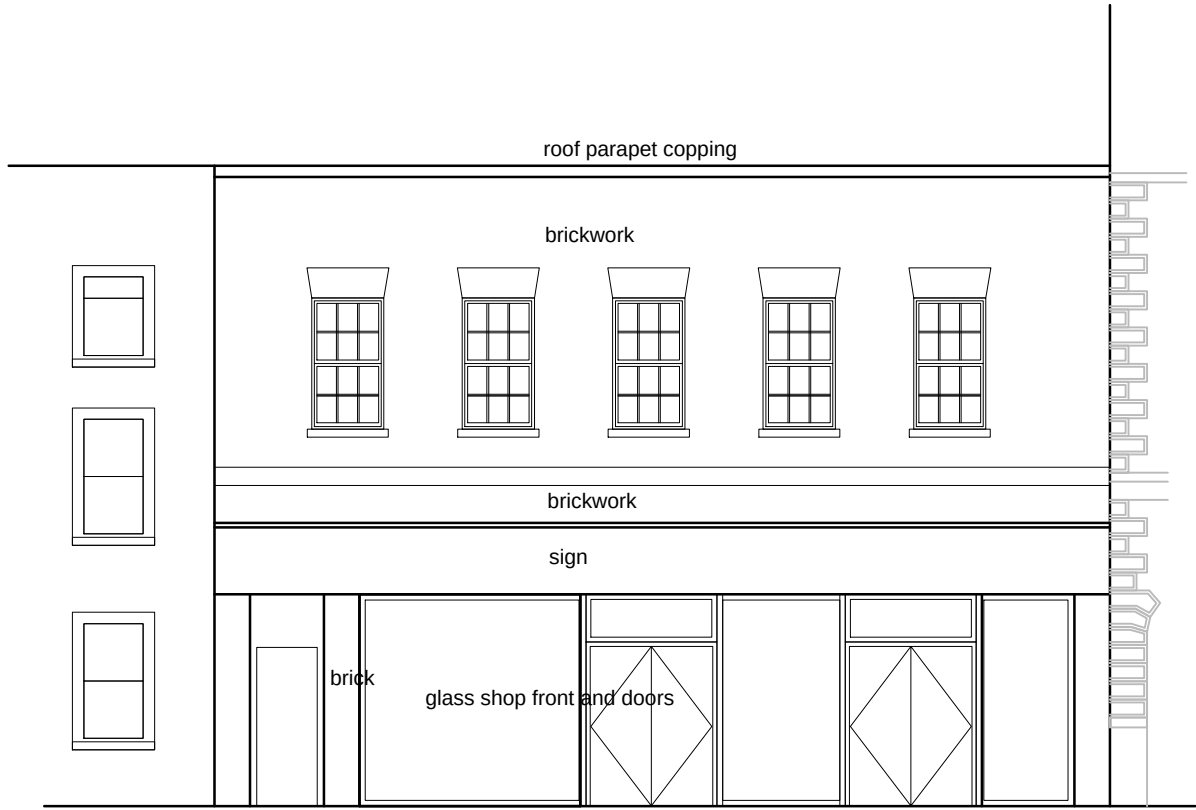
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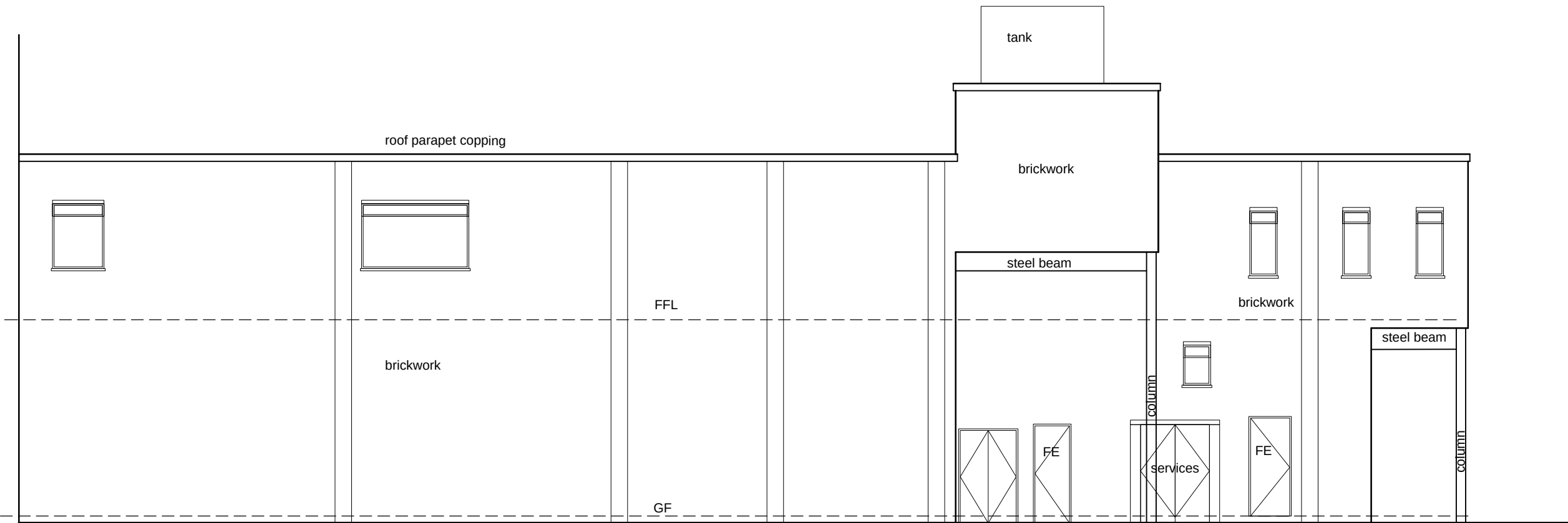
Site			
MARKET HILL ST IVES			
Title			
PROPOSED FLOOR PLANS PLANNING			
Project Manager/ Checked	Drawn By PH	Scale 1:100@A1	Date JULY 2012
Arch./Des.	Drawing Number F1673 -02	Rev. L	



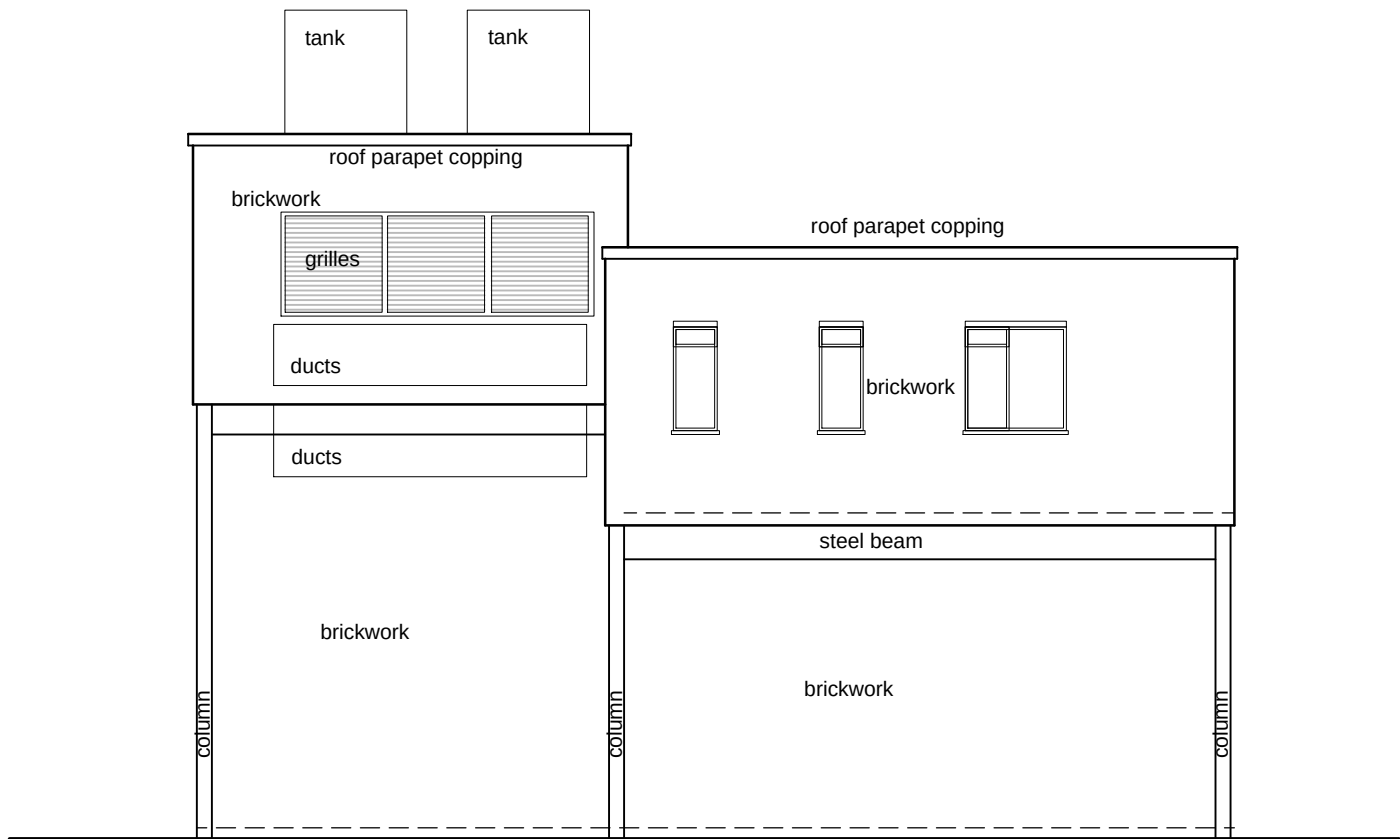
EAST SIDE ELEVATION



FRONT ELEVATION



WEST SIDE ELEVATION



REAR ELEVATION

NOTE:

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Drawing Status	
Construction Status	
Rev.	By Date

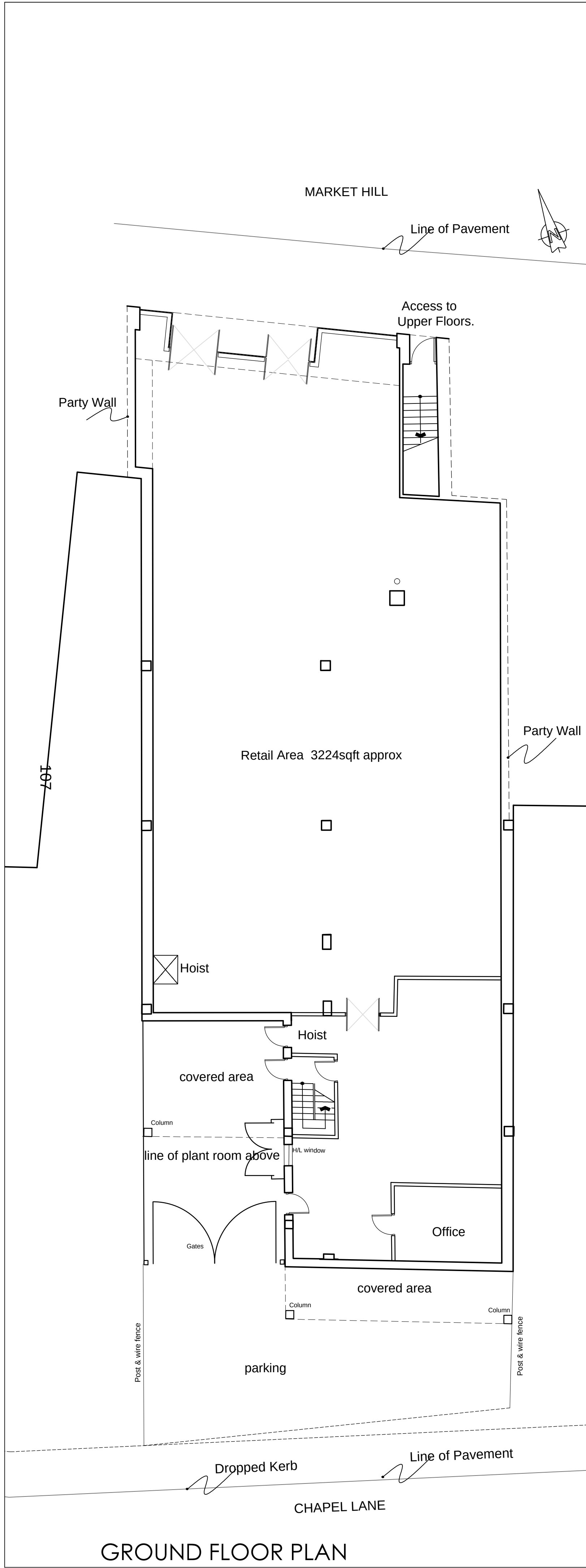


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Victoria House
Ack Lane East
Bramhall
Cheshire
SK7 2BE
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E: general@architect-ct.co.uk
W: www.architect-ct.co.uk

Site
MARKET HILL
ST IVES

Title
EXISTING
ELEVATIONS

Project Manager/ Checked	Drawn By	Scale 1:100@A1	Date Mar 2015
Arch./Des.	Drawing Number F1673 -04	Rev.	



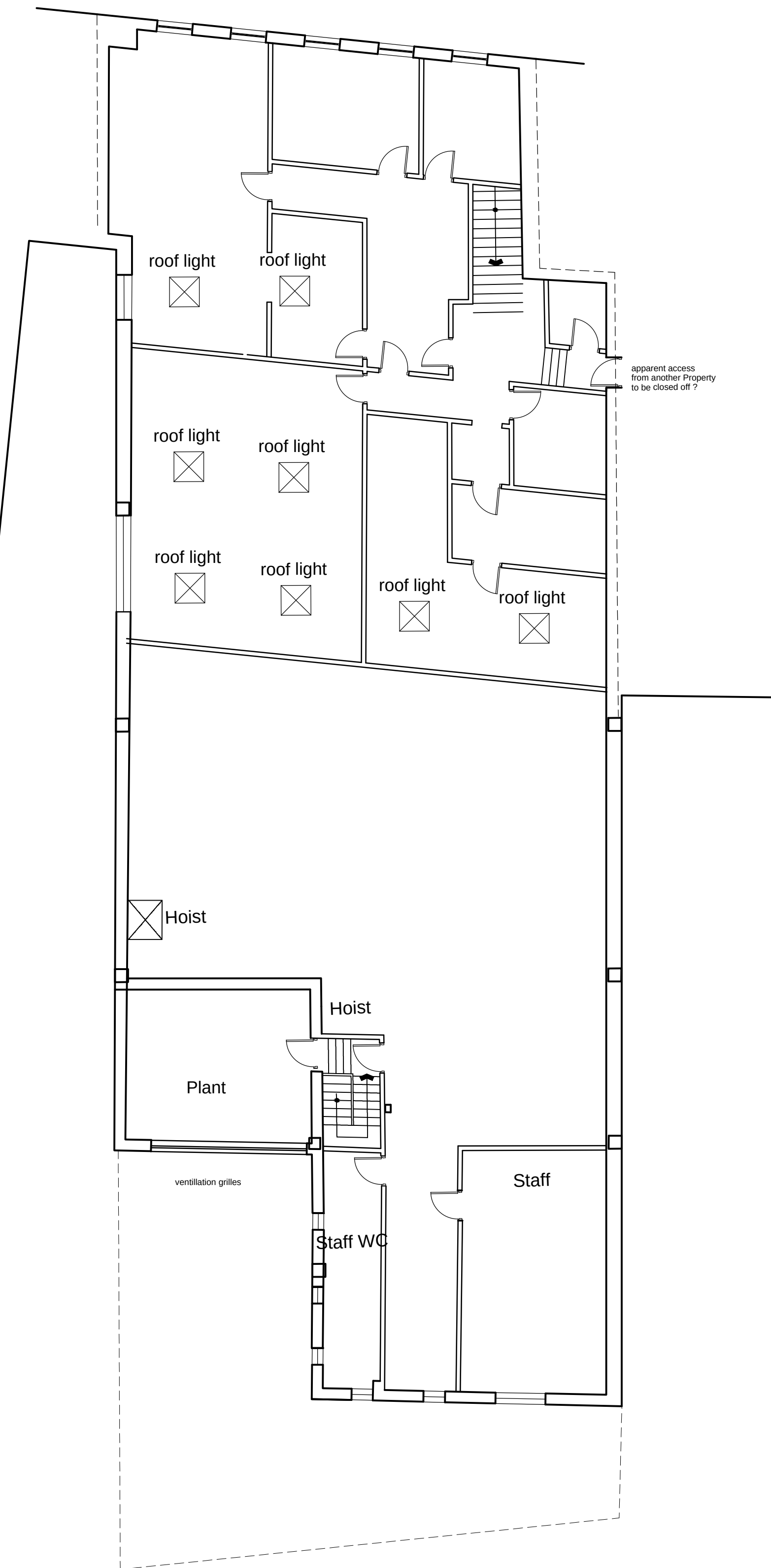
GROUND FLOOR PLAN



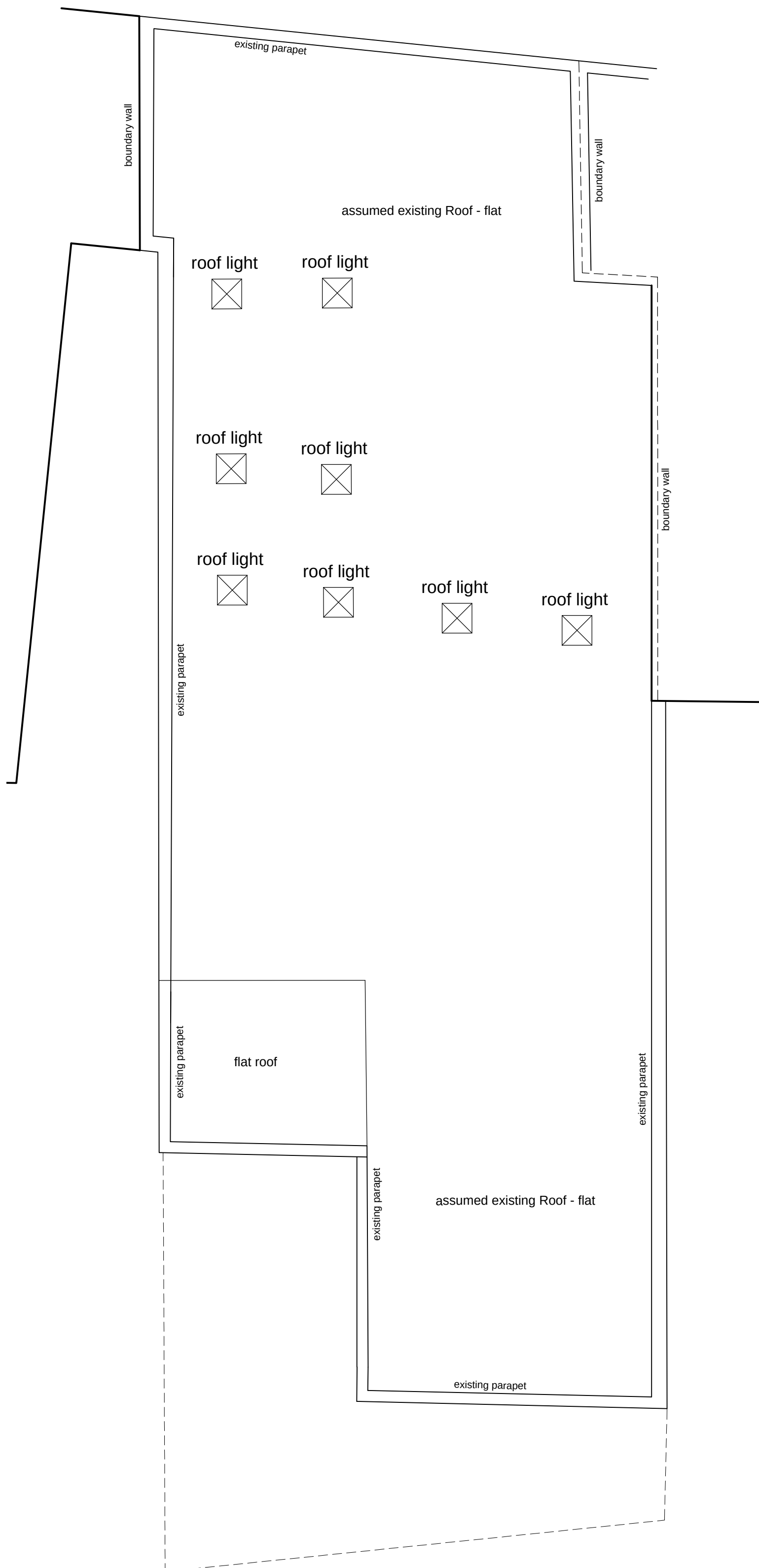
Existing front elevation



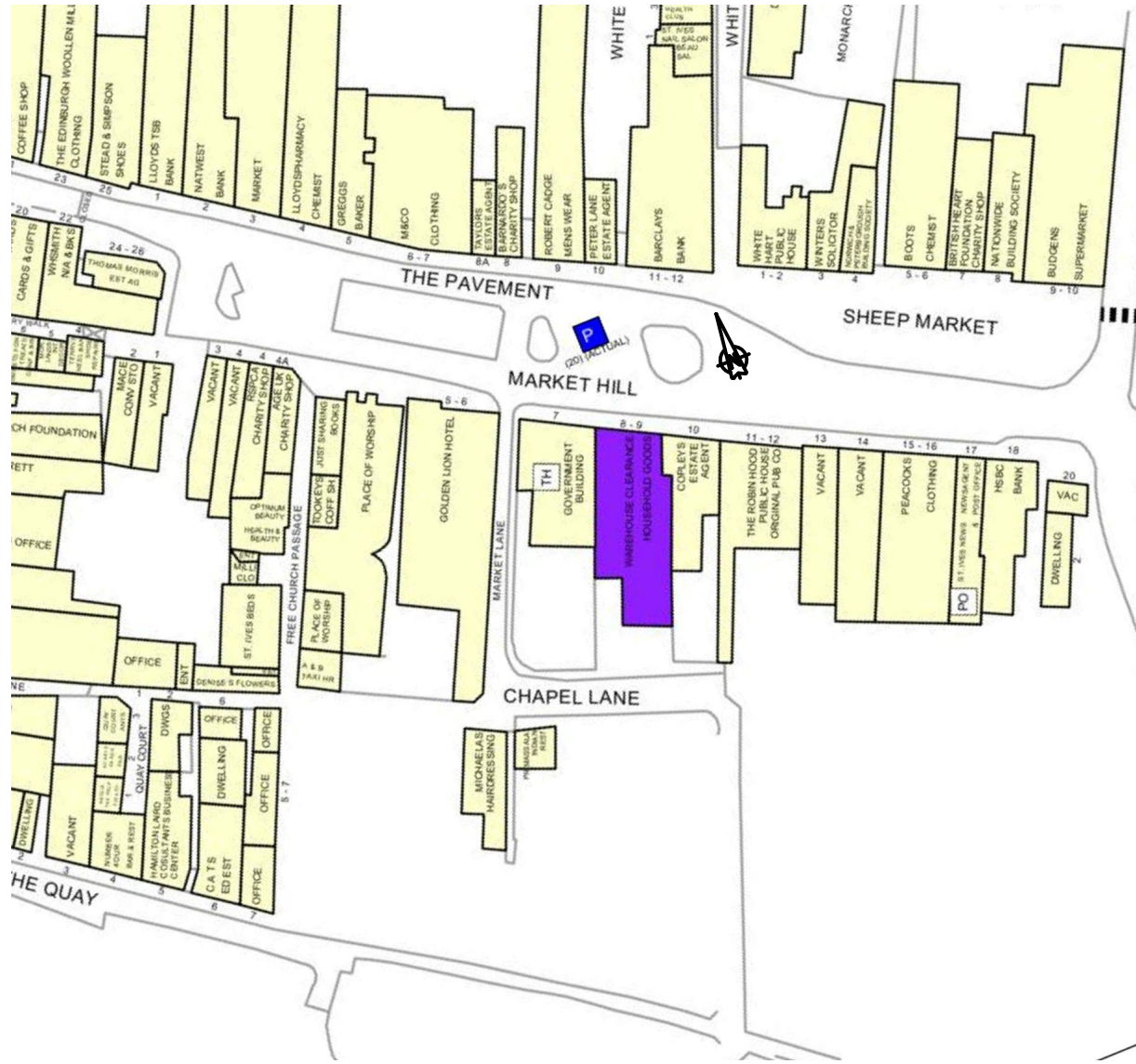
Existing rear elevation



FIRST FLOOR PLAN



Roof



Location Plan

NOTE:

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Drawing Status			
Construction Status			
C	further update	SWG	05.03.15
B	Updated	ATG	04.02.15
A	Layouts details added	PH	04.02.14
Rev.		By	Date

architect
architecture and interior design

Architect CT
Victoria House
Ack Lane East
Bramhall
Cheshire
SK7 2BE

T: 0161-439 9205
E: general@architect-ct.co.uk
W: www.architect-ct.co.uk

Site
MARKET HILL
ST IVES

Title
EXISTING
FLOOR PLANS

Project Manager/ Checked	Drawn By	Scale	Date
PH	1:100@A1	JULY 2012	
Arch./Des.	Drawing Number	Rev.	
	F1673 -01	C	

GREEN PAPERS FOLLOW

Case No:	15/00682/FUL (FULL PLANNING APPLICATION)
Proposal:	CHANGE OF USE TO A4 PUBLIC HOUSE, TOGETHER WITH INTERNAL AND EXTERNAL ALTERATIONS AND EXTENSION
Location:	8 MARKET HILL ST IVES PE27 5AL
Applicant:	MR JON RANDALL
Grid Ref:	531439 271186
Date of Registration:	29.04.2015
Parish:	ST IVES

RECOMMENDATION - APPROVE

The application is reported to the Development Management Panel as the Town Council has an opposing view to that of the planning officer.

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 The application site is located on the south side of Market Hill and consists of a large two-storey brick building of limited architectural merit, with a vacant retail unit at ground floor and office use at first floor. Huntingdonshire District Council (HDC) Business Rates section has advised that they have the premises registered as empty since August 2014. The property is within the St Ives Conservation Area and annotated as 'frontages protected for retail use' within the Local Plan 1995 Part 2: Proposals Map. The site is also within the Environment Agency (EA) Flood Zone 3, SFRA 1 in 100yr extent and 1 in 1000yr extent.
- 1.2 Although retail and commercial uses are predominant within the core of the Town Centre, there are some residential properties further away, specifically to the south of the site along Chapel Lane and Birt Lane..
- 1.3 The proposal is for the change of use of the ground and first floor to A4 public house. Permission is also sought for a small extension to the rear underneath part of the existing overhanging first floor of 1.8m by 8.2m. In addition, a new sliding glazed door at the ground floor will lead to a beer garden at the rear. This garden will be screened from Chapel Lane by a new 2.75m high planted screen fence.
- 1.4 The applicant is proposing a number of changes to the elevations. These changes include the following:
 1. Improvements to the ground floor façade treatment;
 2. Blocking of windows on the rear and side elevations;
 3. New render to the rear elevation and rear part of the west elevation;
 4. Proposed flue on the west elevation;

5. New glazed fire escape doors on the west elevation; and
6. New glazed roof light.

- 1.5 Hours of opening have not been specified on the application form.
- 1.6 The application form states that there are currently five parking spaces to the rear of the building, however the parking spaces will be lost as a result of the proposed extension and beer garden.

2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (2012) (The NPPF)
- 2.2 Planning Practice Guidance

For full details visit the government website

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>

3. PLANNING POLICIES

- 3.1 Saved policies from the Huntingdonshire Local Plan (1995)
 - S12: “Retail units” – retention will be sought in existing town centres.
 - S13: “Vitality in Town Centres”
 - S14: “A3 Uses” *In 1995 when this policy was established this would have encompassed all uses now known as A3, A4 and A5.
 - En5: “Conservation Area Character”
 - En6: “Design standards in Conservation Areas”
 - En25: “General Design Criteria”
 - En27: “Shopfront Design”
 - CS8: “Water”
 - CS9: “Flood water management”
- 3.2 Saved policies from the Huntingdonshire Local Plan Alterations (2002)
 - None relevant
- 3.3 Adopted Huntingdonshire Local Development Framework Core Strategy (2009)
 - CS1: “Sustainable development in Huntingdonshire”
 - CS8: “Retail and Town Centre Uses”
- 3.4 Draft Huntingdonshire Local Plan to 2036: Stage 3 (2013)
 - LP1: “Strategy and Principles for Development”
 - LP2: “Contributing to Infrastructure Delivery”
 - LP6: “Flood Risk and Water Management”
 - LP8: “Development in Spatial Planning Areas”
 - LP13: “Quality of Design”
 - LP15: “Ensuring a high standard of Amenity”
 - LP16: “Advertising”
 - LP17: “Sustainable Travel”
 - LP18: “Parking Provision”
 - LP20: “Town centre vitality and viability”

- LP31: “Heritage Assets and their settings”

- 3.5 Supplemental planning documents:
- St Ives Conservation Area character Statement

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

4. PLANNING HISTORY

- 4.1 There is none site specific relevant to the determination of this proposal.
- 4.2 23 Bridge Street ‘Tap Room’
Planning permission granted in September 2004 for change of use to Class A3 (food and drink (under planning reference **0402868FUL**) – opening hours were not conditioned

5. CONSULTATIONS

- 5.1 **St Ives Town Council** – recommend REFUSE (copy attached).
Not all of the points raised in the Committee’s previous comments have been addressed, i.e.
- adequate soundproofing
 - confirmation that there would be no two-way use of the fire exit
 - fitting of obscure glass in upstairs windows
 - control of noise levels
 - the plans still show loudspeakers in the garden to the rear
 - time restrictions on use of the outside area and opening front windows.

Officer response: The hours of activity for the trading of the pub, the sale of alcohol and the provision of regulated entertainment including music, the hours of operation can be considered alongside other restrictions such as doors and windows closed, electronic sound limiters, and other management controls. The conditions of the licence can be reviewed based on the licensing objectives which include the prevention of public nuisance. Further controls exist within the Environmental Protection Act 1990 regarding statutory nuisance. Movement through the fire exit will be conditioned accordingly, and the fitting of obscure glass will be a condition. The plans do not show loudspeakers in the garden to the rear. A condition regarding use of the sliding doors and beer garden are recommended accordingly, and the Environmental Health Protection Officer (EHPO) has not raised any concerns regarding the opening of front windows.

- 5.2 **Cambs Police Architectural Liaison Officer** – no objections.
- 5.3 **Environment Agency (EA)** – No objection - initially recommended refusal due to inadequate Flood Risk Assessment (FRA), however the Agent submitted an amended FRA submitted. The EA have subsequently Withdrawn their objection.
- 5.4 **HDC Environmental Health** – No objection - initially requested that additional information was required e.g., noise assessment. Following this request, the Agent submitted a noise assessment and amended the plans to address the concerns. The EHPO has concluded from the information that ‘overall the noise from the application should not

be a problem to sensitive receptors in the area'. Notwithstanding the above, the EHPO recommends that the sliding doors at the rear of the Pub and the Beer Garden be closed at 9pm as single glazed residential bedroom windows are located 10 metres from the beer garden.

The proposed specification, submitted with the application, for the extraction system will be suitable.

Officer response: A condition regarding use of the sliding doors and beer garden are recommended accordingly.

6. REPRESENTATIONS

- 6.1 In addition to a site notice and press notice, 69 neighbours were consulted. A total of 67 representations have been received – 56 object, 9 support, 2 neutral.

The objectors raise the following issues:

- a large pub chain isn't needed in St Ives
- the proposal will result in the loss of a retail unit
- that there are a lack of shops in St Ives
- that there are already too many pubs / need more good quality retailers
- that the proposal will impact of crime and security
- that the proposal will cause noise and disturbance
- request that no live music be permitted in the beer garden and, if there is live music permitted in the pub, it should not be relayed to the beer garden by loudspeaker
- that the beer garden at the rear will generate noise, litter and crowds resulting in loss of amenity for residential properties
- that the proposal will impact on the wider neighbourhood from customers leaving late at night
- that noise and fumes from the Golden Lion are already unpleasant
- that there is no parking provision for staff and delivery vehicles
- that the proposal would have a negative impact on hotel bedrooms of Golden Lion overlooking the site
- that the proposal would distort the balance of retail and commercial
- that the scale is much greater than is required to serve local needs
- that there is a need to be more creative in the use of prime town centre retail outlets and protect this resource

In support:

- any new business to employ local people and brings revenue to the town would be of benefit
- that the existing premises are an eyesore and that it will improve the existing building
- that the prices will promote competition of benefit to those on lower incomes e.g. pensioners
- Wetherspoons is exactly what St Ives needs – the food is excellent, prices reasonable and premises clean.

Neutral:

- I hope the right decision will be made for St Ives and its citizens so we don't end up with a sleepy town.
- Wetherspoons is a brand and potentially could draw other brands to town

-If St Ives wants to become 'up and coming' proper brand shops need to establish here

- 6.2 Officer response: all the points above have been addressed in report below / conditions recommended where relevant / highlighted where they are not a planning issue.
The following issues have also been raised by objectors but are not material planning considerations:
- the proposal will damage local businesses / pubs
 - that sales of cheap liquor will mean that younger people will come to St Ives getting drunk and cause problems
 - that the pub operator will lower the 'tone' of the market town

7. ASSESSMENT

- 7.1 The main issues to be determined in relation to this application are the principle of the change of use; the relationship with neighbouring residential properties; impact upon the character and appearance of the Conservation Area, and flooding.

Principle of the proposed development:

- 7.2 The property has an established A1 retail use with office use at first floor. The present policy S13 (Huntingdonshire Local Plan (1995)) for Market Hill is to maintain shopping units as they are defined as 'frontages protected for retail use'. The accompanying text with the policy states that 'the District Council has defined a prime shopping area in which change of use from Class A1 (shops) to A2 and A3 will be resisted'. (Note: In 1995 when this policy was established, A3 would have encompassed all uses now known as A3, A4 and A5). Further the accompanying text states 'It is recognised that A2 uses (financial and professional services) and A3 uses (sale of food and drink) can contribute to the vitality of a shopping area'.
- 7.3 In terms of national planning policy, the NPPF advice is more up-to-date than the Local Plan 1995 in terms of the vitality of Town Centres. The NPPF states that Local planning authorities should plan positively, to support town centres to generate local employment, promote beneficial competition within and between town centres, and create attractive, diverse places where people want to live, visit and work. Further Draft policy LP20 (Draft Huntingdonshire Local Plan to 2036: Stage 3 (2013)) supports proposals that would maintain and enhance the vitality and viability of the town centre and existing range including those which contribute to creating a balanced evening economy offering entertainment as well as eating and drinking establishments.
- 7.4 In addition, Planning Practice Guidance Appendix 2 Glossary defines main town centre uses as retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

- 7.5 Taking the above into account it is recognised that:
- the proposal would provide for a re-use of premises that are currently vacant and have been since August 2014
 - since the 1995 policy, peoples' shopping behaviours have changed, for example the increase in internet shopping, and this has had an impact on town centres, and more recently has shifted the focus in terms of town centre uses more towards leisure/café/pubs/entertainment uses.
 - Market Hill, Bridge Street, Crown Street and the Sheep Market are at the centre of the town's night time economy and feature a number of pubs and restaurants
- 7.6 For these reasons, it is considered that the principle of the proposed change of use to an A4 public house, and alterations to the external appearance of the building would help to improve the overall environment of the Town Centre in line with the aims of the NPPF, and the Planning Practice Guidance Appendix 2.
- 7.7 Notwithstanding the above, Local Plan policy S14 provides detailed guidance on the consideration of applications for restaurant and public houses – the determination of which depends on three factors:
- the effect on adjacent properties and nearby residential properties
 - whether there is an appropriate level of car parking and general highway implications
 - the proposed hours of opening and whether they can be controlled by restrictive conditions
- 7.8 These matters are discussed in the following sections of the report
- 7.9 It is considered that on balance the proposal would comply with the NPPF; and policies S14 of the Local Plan 1995; CS1 of the Adopted Core Strategy 2009; LP1 and LP20 of the Draft Local Plan to 2036. Whilst the adopted policies are broadly consistent with the NPPF paragraph 23 (which supports the vitality of town centres), policies LP1 and LP20 should be afforded the greater weight as they are more up-to-date than the policies within the Local Plan 1995.

Impact on neighbouring properties:

- 7.10 Local Plan policy S14 provides detailed guidance on the consideration of applications for restaurant and public houses – the determination of which depends on three factors. Two of those factors are the effect on adjacent properties and nearby residential properties and whether the proposed hours of operation can be controlled by restrictive conditions.
- 7.11 Although the property is within the core of the Town Centre where retail and commercial premises prevail, to the south of the site along Chapel Lane and Birt Lane there are residential properties. Specifically it is noted that that the nearest residential bedroom windows are located 10 metres from the proposed beer garden.
- 7.12 It is not unreasonable to expect public houses/restaurants in core town centre locations such as this, indeed, these types of uses

generally form part of Town Centre living conditions. It is noted that many public houses e.g., Nelsons Head, Tap Room, Robin Hood (when it re-opens), Golden Lion, Floods Tavern, The White Hart, The Royal Oak and Oliver Cromwell in the town centre all have an outside seating/drinking areas, although it is accepted that all the above sites have different characteristics and settings compared to the application site. It would nevertheless be unreasonable to refuse the application on the basis that it has a beer garden, especially if the use of an area as a beer garden can be controlled by condition (for example hours of opening), and unless there was significant and demonstrable harm to residential amenity. It is accepted that noise will be generated from the use, however taking into account:

- that the height of the fence surrounding the beer garden has been raised to 2.75m; and
- that a condition is recommended restricting no use of the rear garden/sliding doors past 2100hrs

- 7.13 It is considered that no significant harm will be caused to neighbouring residential amenity
- 7.14 Furthermore, the gate from the beer garden to Chapel Lane is to be used as a fire escape only and will be conditioned as such. Accordingly it is accepted that there would be no disturbance caused by customers/staff using the rear access.
- 7.15 In terms of windows, of the 8 windows at first floor on the west side and rear elevations, only one will remain on the rear and one on the west side at first floor, and it is considered that these alterations would be sufficient to mitigate against noise emanating from the premises. In addition, no live music is proposed for this venue and a condition is recommended restricting this.
- 7.16 No hours of opening have been proposed. However, it is considered that an 'hours of operation' condition would not be appropriate as the other public houses in the vicinity do not have restrictive conditions and in addition have been granted the following licences:
Golden Lion hotel: until 0200hrs 7 days per week
The Robin Hood: Mon-Wed and Sundays until 00.30hrs, Thurs until 01.30hrs, Fri and Sat until 0200hrs.
Oliver Cromwell: Mon-Wed and Sundays until 2330hrs, Thurs until midnight, Fri and Sat until 0030hrs.
The Tap Room: Mon-Wed and Sundays until 2330hrs, Thurs to Sat until 0130hrs.
- 7.17 Food smells are a material consideration to this application although the issues of smells / air pollution are subject to legislation that falls within the remit of Environmental Health to enforce. Notwithstanding, Environmental Health have been consulted and are satisfied that the filtration / extraction system proposed is suitable.
- 7.18 Subject to appropriate conditions, it is considered that the proposal complies with the NPPF; policy S14 of the Local Plan 1995; CS1 of the Adopted Local Plan 2009; LP1 and LP15 of the Draft Local Plan to 2036: Stage 3 2013. Whilst the policies are broadly consistent with the NPPF paragraphs 109 and 123 that seek to minimise against unacceptable levels of noise from new development including through the use of conditions, policies S14 and CS1 would be afforded

greater weight as they are adopted policies, whilst LP1 and LP15 can only be given limited weight as they are emerging policies.

Crime Prevention:

- 7.19 The site is location in a town centre location where a night time economy exists. Neighbour concerns regarding antisocial behaviour are acknowledged, although powers exist for the police to take appropriate action and this could not be a reason of refusal of the application, particularly as the Cambridgeshire Police Architectural Liaison Officer did not raise any concerns.

Impact on the character and appearance of the Conservation Area:

- 7.20 The applicant is proposing a number of changes to the fenestration. These include 1. Improvements to the ground floor façade treatment; 2. Blocking of windows on the rear and side elevations. It is considered that these changes will improve the external appearance of the building within the Conservation Area. Further a rear extension to infill under part of the existing overhang at ground floor is also proposed, and this is also considered to improve the external appearance of the building.
- 7.21 The proposal is considered therefore to comply with the NPPF; policies En5, En6 and En25 of the Local Plan 1995; CS1 of the Adopted Core Strategy 2009; LP1 and LP31 of the Draft Local Plan to 2036: Stage 3 2013. The draft policies can only be afforded limited weight in their consistency with the NPPF as they are emerging policies.

Flooding:

- 7.22 The site is within the EA Flood Zone 3, SFRA 1 in 100yr extent and 1 in 1000yr extent.
- 7.23 As part of an initial consultation, the Environment Agency in a letter dated 22 July 2015 were concerned that the FRA submitted did not comply with the requirements set out in the Planning Practice Guidance to the National Planning Policy Framework. The submitted FRA did not, therefore, provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development.
- 7.24 The applicants have since submitted a revised FRA and the Environment Agency have been re-consulted. The EA are satisfied that the revised FRA dated September 2015 addresses most of their concerns.
- 7.25 In more detail the revised FRA has assessed the residual risk in the event of a breach or overtopping of the River Great Ouse flood defences by comparing predicted flood levels with the site levels. The SFRA maps indicate that this site is located within a Rapid Inundation Zone and is therefore considered to be at risk of flooding to significant depths in the event of a breach of the defences. Although no flood resilient measures are proposed, the FRA indicates that safe access and egress and safe refuge should be available in the event of a breach or overtopping of the defences. The FRA has also considered

the requirement for a flood warning and evacuation plan. A condition is recommended that a Flood Plan (incl. method of flood warning and evacuation) is submitted to the LPA.

- 7.26 It is considered that the FRA and development has adequately considered flood risk. The proposal is therefore compliant with the NPPF, policies CS8 and CS9 of the Local Plan 1995; CS1 of the Adopted Core Strategy 2009; LP1 and LP6 of the Draft Local Plan to 2036: Stage 3 2013. Whilst all the policies are broadly consistent with the NPPF paragraph 103 that flood risk is not increased elsewhere and 104 where changes of use should meet the requirements for site-specific flood risk assessments, the draft policies can only be afforded limited weight in their consistency with the NPPF as they are emerging policies.

Parking/Highways:

- 7.27 The premises are well related to existing car parks in the town centre and are accessible by other modes of transport e.g., walking, cycling, public transport, and would accord with the sustainable objectives of the NPPF.
- 7.28 In terms of deliveries, there would have been vehicles coming and going from the site when used as retail, therefore a refusal of this proposal based on the impact of delivery vehicles would not be considered sustainable. It is proposed that deliveries would continue to take place at the front of the building, on Market Hill.
- 7.29 Any issues regarding the highway would need to be directed to the relevant authority, Cambridgeshire County Council, who is the local highway authority responsible for enforcing highway safety.

Other issues:

- 7.30 Blocking of neighbours access – this would be a civil matter between the relevant parties and is something that has the potential to occur whatever the use of the building might be.
- 7.31 Enough pubs in the town – this comment is noted but is not a material consideration in determining this application.
- 7.32 Damage local businesses / pubs – whilst the concerns are noted, current policy requires LPAs to consider the vitality and viability of town centres and positively encourages competition within and between town centres.
- 7.33 The retail unit has been empty for approx.13 months. The vitality and viability of a town is market led, and if an independent or chain retailer chose to come to St Ives they will do so. The use of buildings (whatever the size) is also market led, and changes of use are considered against relevant material considerations, not in terms of the type of retail provision or who the retailer is.

Conclusion:

- 7.34 The proposed development is considered to be compliant with relevant national and local planning policy since:

- * It will bring a vacant building in a sustainable town centre location back into use.
- * The scale and location of the development is not considered to have an overly detrimental impact upon the Conservation Area.
- * It would not have a significant detrimental impact on the amenity of neighbours.
- * It is acceptable in terms of highway safety.
- * It would not be at risk of flooding or exacerbate the risk of flooding elsewhere.
- * There are no other material planning considerations which lead to the conclusion that the proposal is unacceptable.

7.35 Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is therefore recommended that planning permission should be granted.

8. RECOMMENDATION - APPROVAL subject to conditions to include the following

- Time limit
- Development in accordance with the submitted drawings
- Materials
- Provision of a Flood Plan (incl. method of flood warning and evacuation)
- Sliding doors to the beer garden should be closed at 2100hrs
- Collection and deliveries restricted between 0800 and 2000hrs
- Proposal for a CCTV system covering both front and rear elevations (main street entry and beer garden) and also a system covering the public bar area, stairs and upstairs corridor.
- Rear gate from beer garden onto Chapel Lane to be used in the event of a fire only, and details to be submitted of fire escape door.
- Details of the hard and soft landscaping for the beer garden incl. fence and screen planting
- No live music
- Take away PD rights - no additional openings
- Obscure glazing

A full report is available on the Council's website www.huntingdonshire.gov.uk

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

CONTACT OFFICER:

Enquiries about this report to **Ms Dallas Owen Development Management Officer 01480 388468**

ST IVES TOWN COUNCIL PLANNING COMMITTEE : 24 June 2015
APPLICATIONS FOR PERMISSION FOR DEVELOPMENT

App No & Date Reg	Name and Address of Applicant/Agent	Proposal and Location	Type of Application	Recommendation to District Council
1500338 12.06.2015	Mr Paul Hunt Mr D Smith Waterland Associates Unit 4 The Incubator Alconbury Enterprise Campus Alconbury Weald Huntingdon PE28 4WX	First floor extension to side, replace 2 existing conservatories and erection of a garage/workshop in the garden 4 Westwood Close St Ives	Full (Additional information)	Recommend Approval The Committee welcomes the receipt of additional information on this application.
1500458 02.06.2015	Mr P Rourke 34 St Audrey Lane St Ives PE27 3NG	Convert existing garage to a new entrance hall with downstairs cloakroom, brick up existing front door and installation of window, removal of an existing conservatory and erection of an orangery and replace existing flat roof over dining room and conservatory with pitched roof 34 St Audrey Lane St Ives	Full AMENDED PLANS	Recommend Refusal Although slightly improved, the Committee's original views still stand: -Height of boundary wall with neighbouring property excessive thereby reducing light -Unneighbourly extension
1500528 16.06.2015	Mr J Best Blue Sky Planning Bourne House 475 Godstone Road Caterham CR3 0BL	Variation of Condition Numbers: 2,4 & 14 of planning permission 1301918 to allow for an additional hour of trading and alterations to proposed cyclepath access to the store and to vary Condition 4 to allow trading between 0700-2300 Mon-Sat and 1000-1700 on Sundays. Land west of Five Acres Farm Harrison Way, St Ives	Section 73	Recommend Approval -The Committee has concerns that the formal crossing points have been removed. The preference would be for an alternative route around the site. -If there is to be no formal route through the site the path should be routed around it.
App No &	Name and Address of	Proposal and	Type of	Recommendation to District Council

Date Reg	Applicant/Agent	Location	Application	
1500655 10.06.2015	Mr A Compton 1 Westwood Road St Ives PE27 6DH	Construction of new boundary wall 1 Westwood Road St Ives	Full	Recommend Approval -the Committee welcomes the revised design and removal of the railings.
1500656 10.06.2015	Mr A Compton 1 Westwood Road St Ives PE27 6DH	Construction of new boundary wall 1 Westwood Road St Ives	Listed Building Consent	Recommend Approval -the Committee welcomes the revised design and removal of the railings. -appropriate design for listed building
1500682 03.06.2015	Mr J Randall J D Wetherspoon plc Central Park Beech Crescent Watford WD1 1QH	Change of use to A4 Public House, together with internal and external alterations and extension 8 Market Hill St Ives	Full	Recommend Refusal -see attached letter setting out the Committee's views
1500759 05.06.2015	Ms T McCarter Mr T Partridge RPS Planning & Development Highfield House 5 Ridgeway Quinton Business Park Birmingham B32 1AF	Installation of condensing unit on side wall of supermarket Co-operative Food Constable Road St Ives	Full	Recommend Approval -the Committee would recommend that an assessment of noise levels at nearby residences ought to be conducted prior to final consent being given
1500895 12.06.2015	Mr L Marshall Mr R Biddle 12C East Chadley Lane Godmanchester PE29 2BJ	Proposed second storey extension 14 Lammas Way St Ives	Full	Recommend Approval -appropriate scale of development -in keeping with other developments in the area
1500912	Clayhill Properties	Change of use of ground floor from	Full	Recommend Approval



TOWN CLERK: Alison Melnychuk BA (Hons) FILCM
Town Hall, Market Hill, The Old Riverport, St Ives, Cambridgeshire PE27 5AL
Telephone: 01480 388929



email: clerk@stivestowncouncil.gov.uk

25 June 2015

Mr A Moffit
Head of Development
Huntingdonshire District Council

By email

Dear Mr Moffit

Planning application 15/00682 Wetherspoon plc.

St Ives Town Council considered the above application at its Planning Committee meeting on Wednesday 24 June 2015 and **recommend rejection** for the following extensive reasons.

Change of use to A4 Public House

- Against HDC policy S12 & S13 and NPPF - Application is against HDC planning policy S12 which aims to retain retail units within town centres. The loss of one of the larger retail units in the town is also counter policy S13 and the NPPF to maintain the vitality of the town centre as it will reduce the range of the A1 retail offered and make the town less attractive to shoppers. No evidence has been presented to show how the development would enhance the viability and vitality of St Ives. St Ives already has a range of food and drink outlets and another facility is unlikely to add anything to the total town retail offer.
- Impact assessment study - HDC should commission a study, paid for by the developer, to investigate the impact on the town centre. This should include, the ability to attract more people to the town, the amount of money spent in town and the possible impact on other food and drink premises.
- 2007 Planning Policy Statement E6 - The application is also counter to Policy E6 of the 2007 PPS which restricts non A1 uses to 30% of the primary shopping frontage. The policy also deals with the over concentration of non A1 units. In this case the loss of an A1 unit will result in group of non A1 building which will cover nearly 50% of one side of Market Hill comprising:
 - Robin Hood PH, Office, (this application), Town Hall, Golden Lion PH, Free Church.
- Alternative suitable locations - The applicant has not provided any evidence of attempts to find new A1 uses for the building nor efforts to find suitable alternative buildings within the town. The HDC Retail Study 2013, identified a number of retail groups that wanted to move to St Ives. A supplement in the Times newspaper (21/06/15) headlined that it was "full steam ahead for UK retail". Recent applications for the Music Box (application 14/01880) and the former Ice Bar on The Broadway (application 15/00054) suggest that alternative large licenced premises are available within St Ives.
- Unused property - It is understood that the existing tenant was removed when the applicant brought the building. Therefore to claim that the building has been unused for some time is misleading.

- Consultation - The applicant has not consulted with the Town Council as recommended by the NPPF, also as a potential neighbour, during the preparation of this application. Local residents have not been consulted and requests for meetings have been declined.

St Ives TC therefore recommend that the change of use element of the application be refused as it is counter to a number of HDC and National policies.

Changes to the building

If the change of use is accepted, there are a number of concerns regarding the proposals. Some of these will overlap with a possible future licence application:-

- Generally the Town Council consider the application to be of a poor quality with significant gaps in the information provided. We note that the Environmental Health Officer has found it impossible to make a recommendation due to the lack of detail. Additional information should be requested before the application is decided.
- The proposed full width opening doors with railings in front are totally out of keeping with other buildings in Market Square. Although the existing building may be of little architectural merit, an opportunity has been lost to make significant improvements to the façade to bring it up to the standard of adjacent listed properties in the conservation area.
- No details have been provided of the noise impact of the open windows nor any constraints when the windows will open. The Town Council recommend that there should be a constraint on when the windows are open, i.e. they must close after 21.00 in the evening
- No noise information has been given for the beer garden at the rear. The nearest homes on Birt Lane, Chapel Lane and the communal gardens of The Cloisters are just 10m away. A time constraint should be placed on the use of the beer garden and amplified music should not be permitted at any time.
- There are no details of the signage or any external lighting.
- There are no details of the rear beer garden fencing.
- The proposed flue from the fire is within Town Council land and agreement has not been reached, in fact no communication has yet been made requesting permission.
- A roof plan showing all proposed plant should be provided. Noise levels from any external plant should be identified.
- No statement on staff / user transport assessment deliveries and parking. The loss of 5 parking spaces is unacceptable.

Other comments

- The many letters of objection, and none in support of the application received by the Town Council is noted.
- The delay between HDC receiving the application (April 2015) and information being made publicly available is of concern.

Should this application not be rejected at Officer level, the Town Council requested that it is sent to the Development Control Panel for determination. Please note that should this happen the Town Council wishes to attend and speak.

Yours sincerely



Alison Melnychuk
Town Clerk

ST IVES TOWN COUNCIL PLANNING COMMITTEE : 9 September 2015
APPLICATIONS FOR PERMISSION FOR DEVELOPMENT

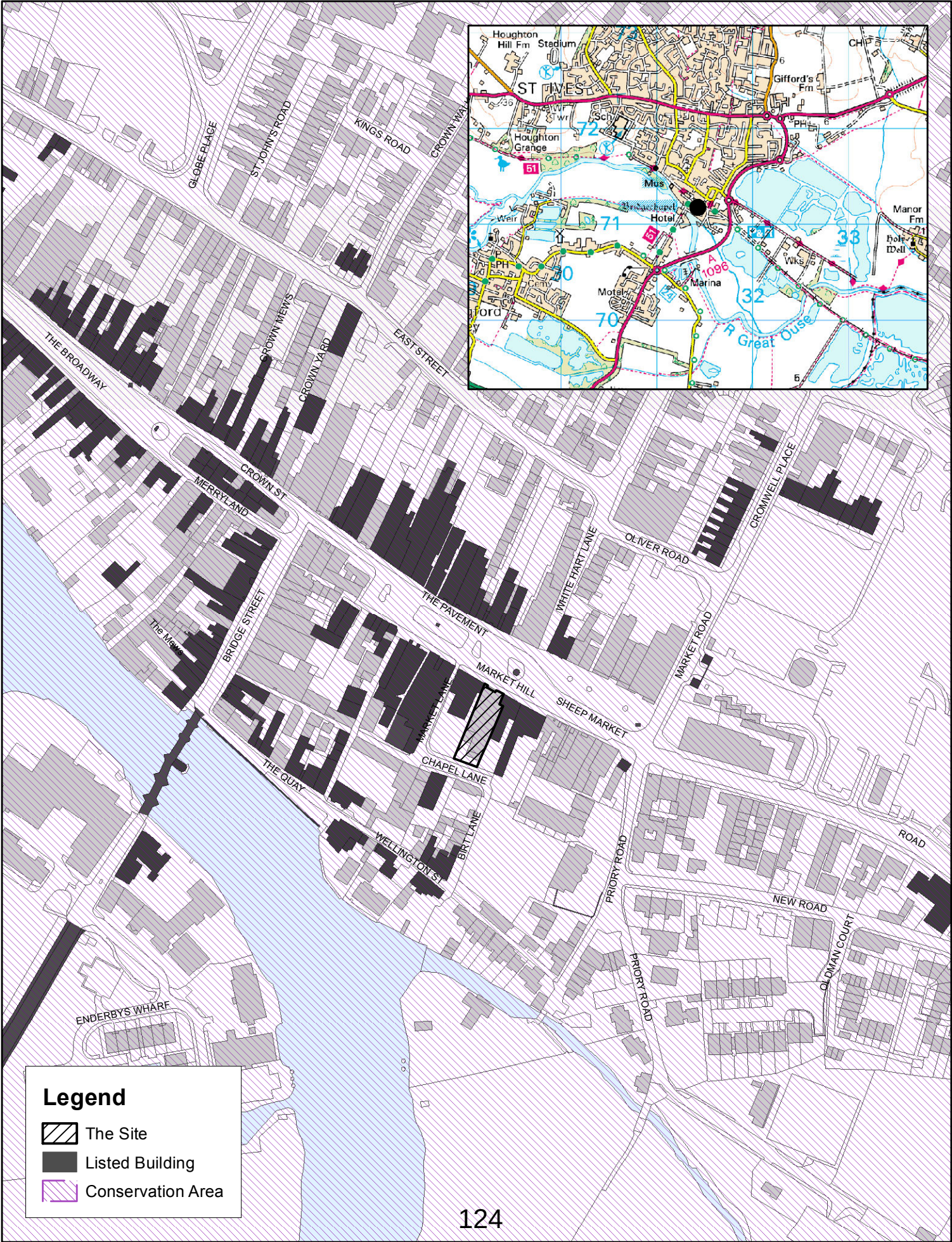
123

App No & Date Reg	Name and Address of Applicant/Agent	Proposal and Location	Type of Application	Recommendation to District Council
1500682 18.08.2015	Mr J Randall J D Wetherspoon plc Central Park Beech Crescent Watford WD1 1QH	Change of use to A4 public house together with internal and external alterations and extension 8 Market Hill St Ives	Full	Recommend Refusal Not all of the points raised in the Committee's previous comments have been addressed, ie -adequate soundproofing -confirmation that there would be no two-way use of the fire exit -fitting of obscure glass in upstairs windows There is also no indication of how noise levels will be controlled. Despite assurance there will be no amplified music, the plans still show loudspeakers in the garden to the rear The Committee would support the views of the Environmental Health Officer on placing time restrictions on use of the outside area and opening front windows.
1501137 07.08.2015	HSBC Corporate Real Estate Mr R Possnett AXIS Architecture Talbot Chambers 2-6 North Church Street Sheffield S1 2DH	Replacement of the existing external ATM HSBC Market Hill St Ives	Full	Recommend approval The Committee has no objections to the exchanging of the existing equipment for an updated version as there is no major change to the exterior of the premises as a result.

Development Management Panel

Scale =1:2,500
Date Created: 30/09/2015

Application Ref: 15/00682/FUL
Location: St Ives



H.M. LAND REGISTRY		TITLE NUMBER
		CB206715
ORDNANCE SURVEY PLAN REFERENCE	TL 3171 O	Scale 1/1250
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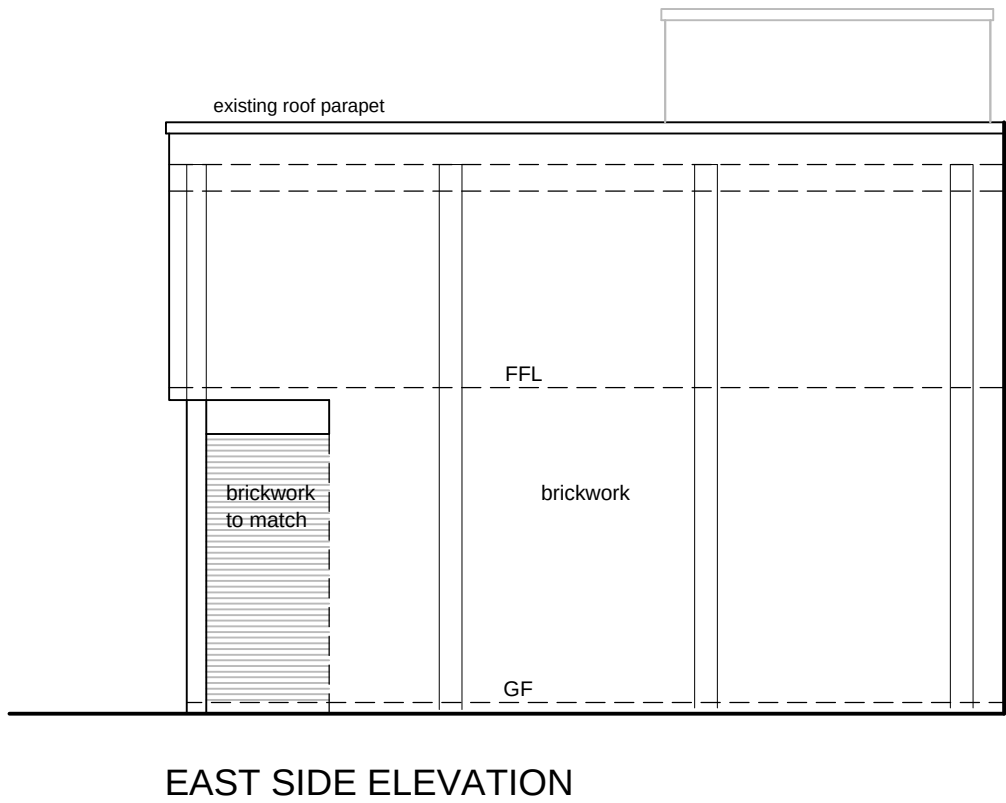
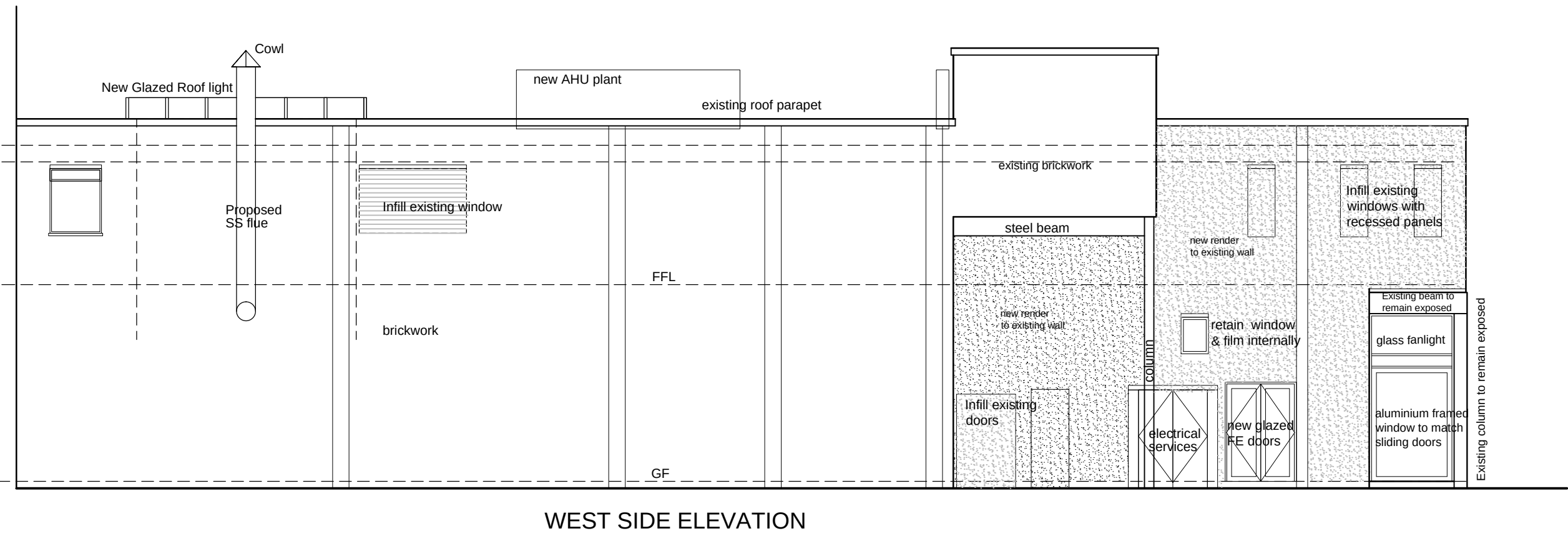
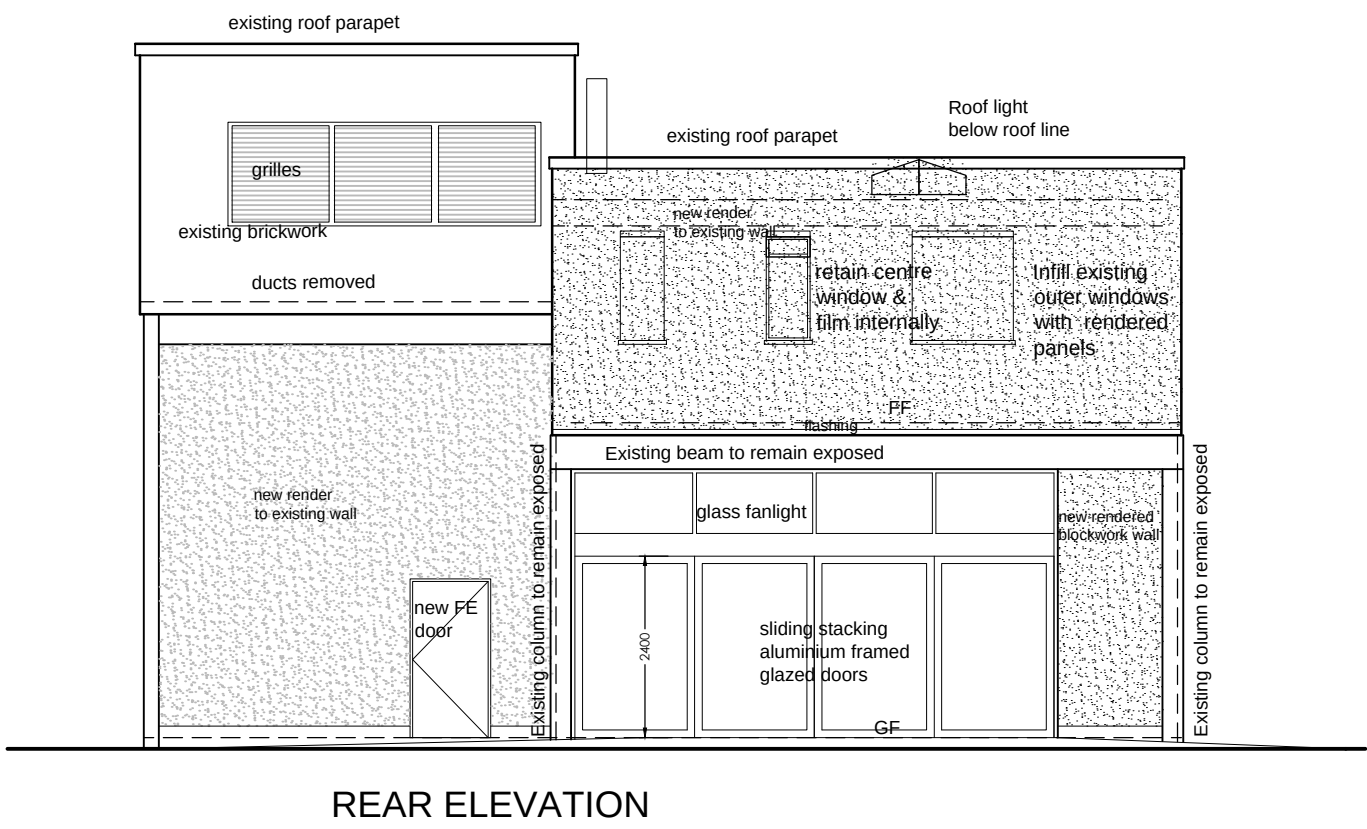
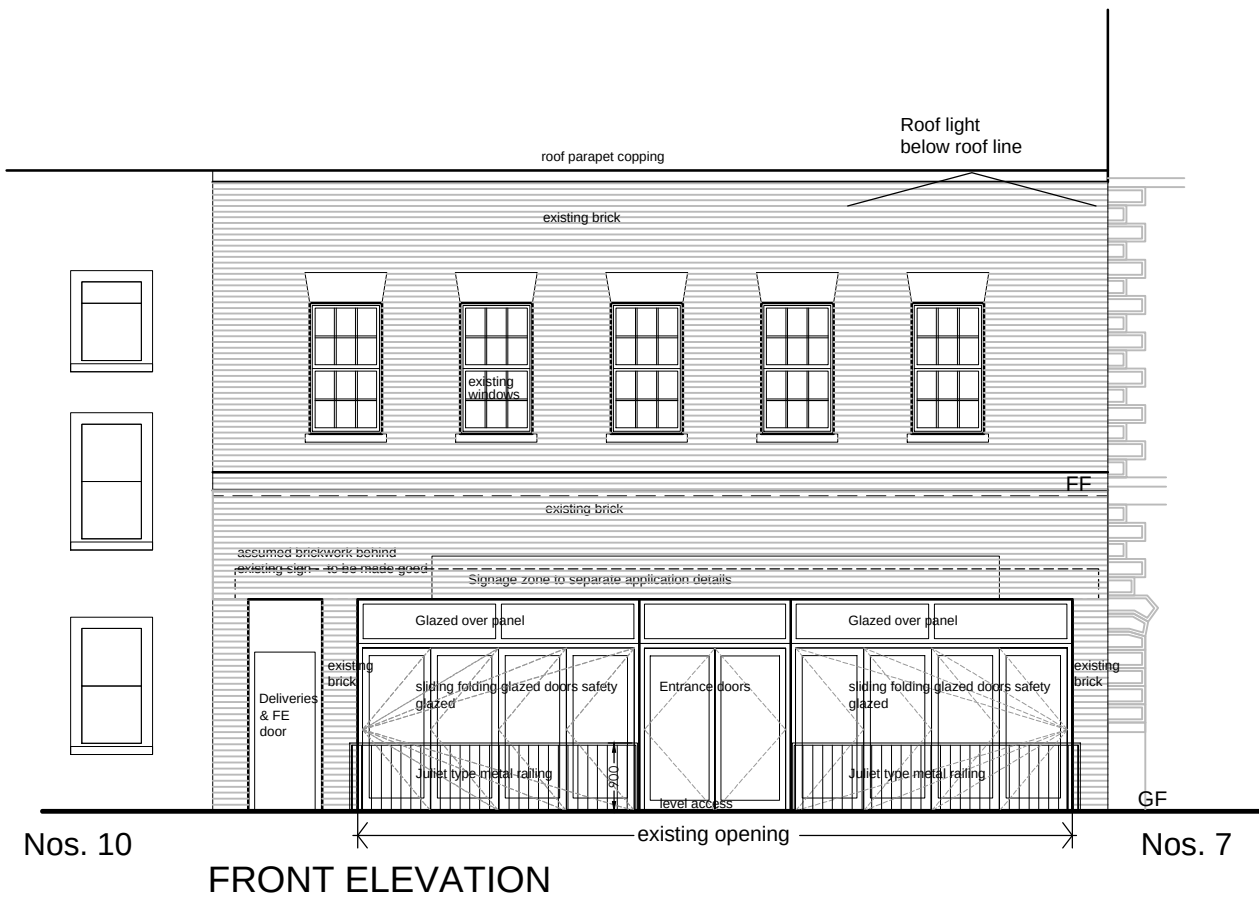
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This drawing is not intended to show details of foundation or ground conditions. Each area of ground relied upon to support the structure depicted must be investigated by the Contractor and suitable methods of foundation be provided.

THIS SCHEME IS NOT BASED ON AN ACT SURVEY

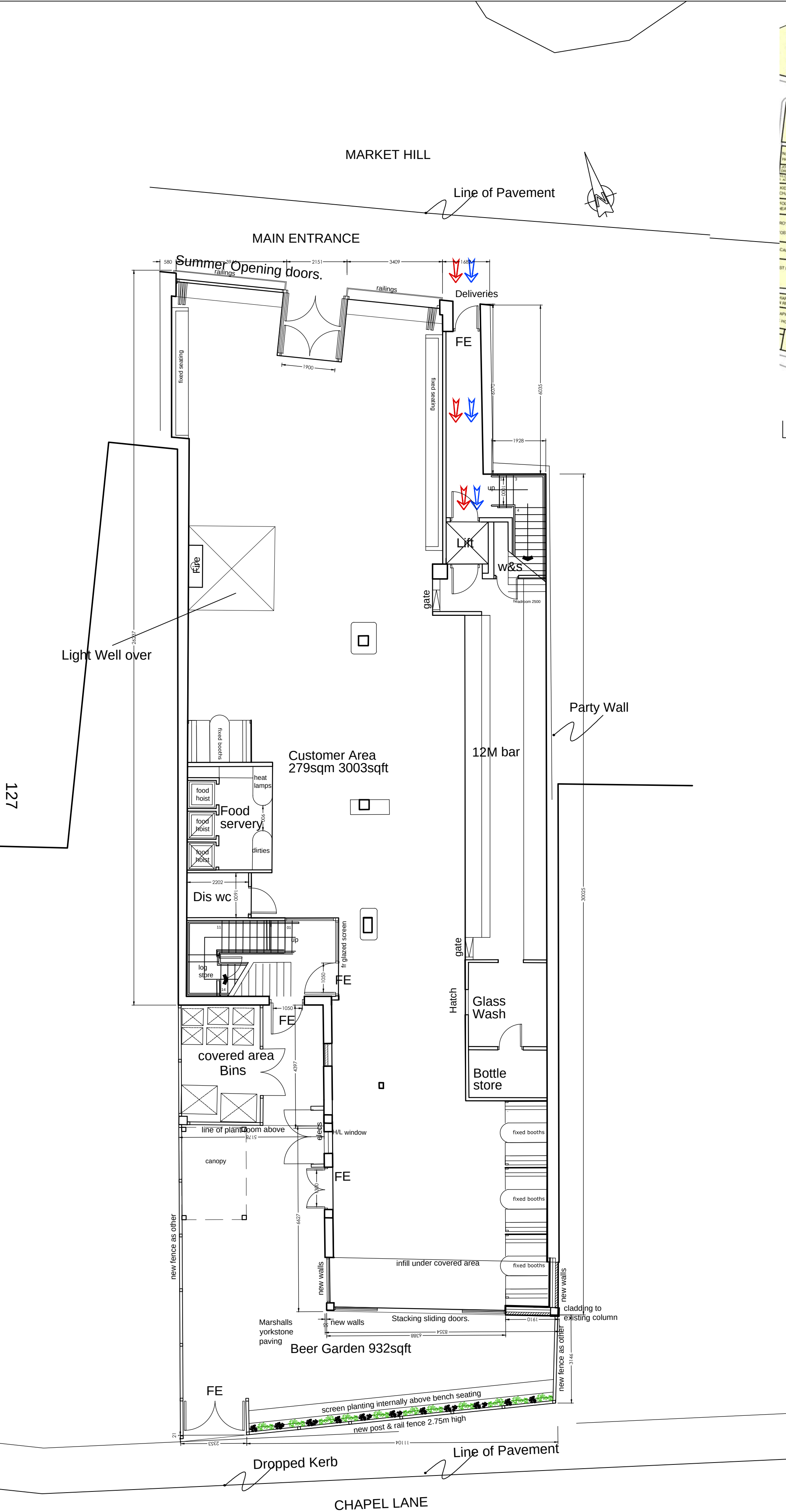
Drawing Status	
Construction Status	
Rev.	
By	
Date	

architect
architecture and interior design

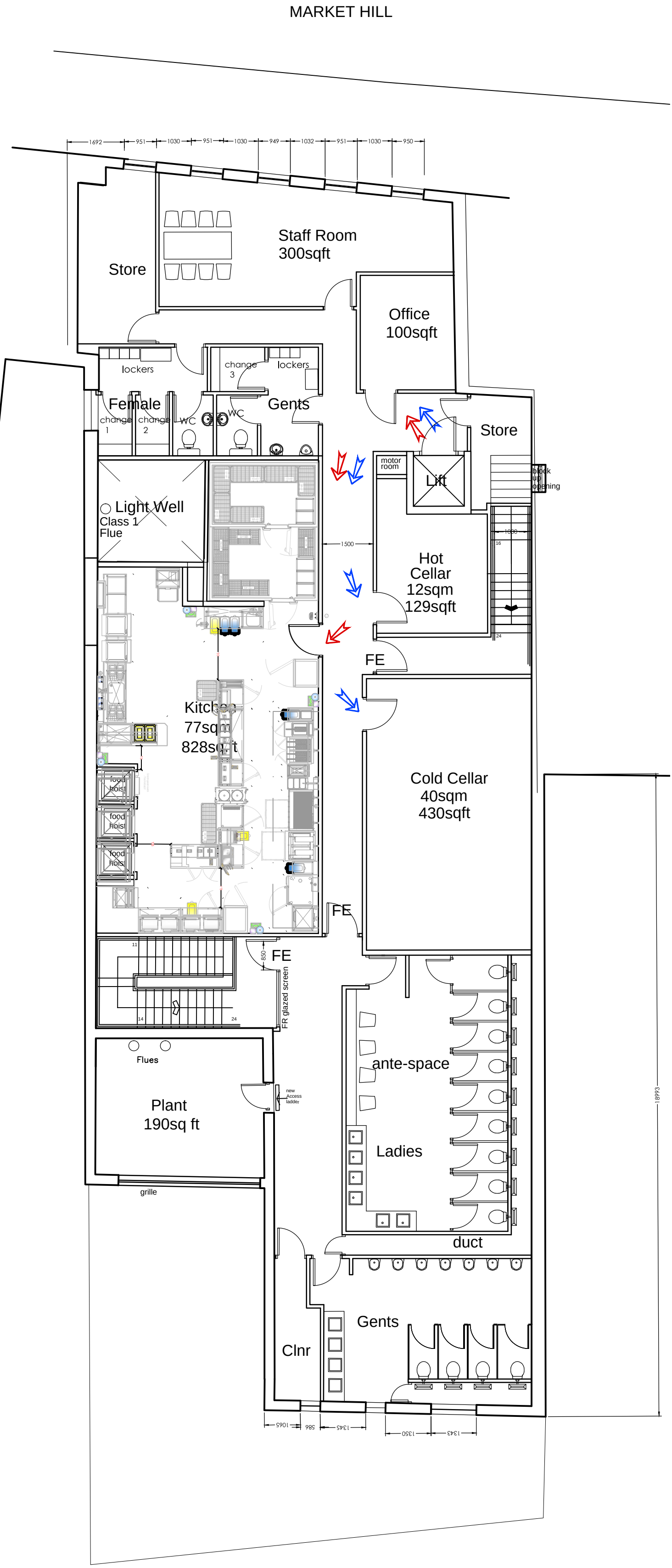
Architect CT
Victoria House
Ack Lane East
Bramhall
Cheshire
SK7 2BE

T: 0161-439 9205
E: general@architect-ct.co.uk
W: www.architect-ct.co.uk

Site	MARKET HILL ST IVES		
Title	PROPOSED ELEVATIONS		
Project Manager/ Checked	Drawn By	Scale	Date
		1:100@A1	Mar 2015
Arch./Des.	Drawing Number	F1673 -05	
		Rev.	



Location Plan



First

NOTE:

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Feasibility Calculations:
Trading area 279sqm 3003 sqft = 372 customers
external drinking 87sqm = 932 sqft

FIRE ESCAPE
Front FE - 1900 clear = 380
Rear stair FE - 1050 clear = 220
Side FE - 1300 clear = 260
Assuming largest (front) is blocked:
Escape Capacity = 480
Assuming rear & side are blocked (both within 45deg)
Escape Capacity = 380
Note- there is secondary escape from first floor

JDW Sanitary Calculations:
188 female = 9 wc/6wb
188 male = 4 wc/7u/4wb (no extra U req)

KEY

- ← Kitchen / Food deliveries
- ← Beer deliveries
- ← DAYLIGHT

Ground Floor Customer Area = 3013sqft
External Dining / Drinking = 932sqft

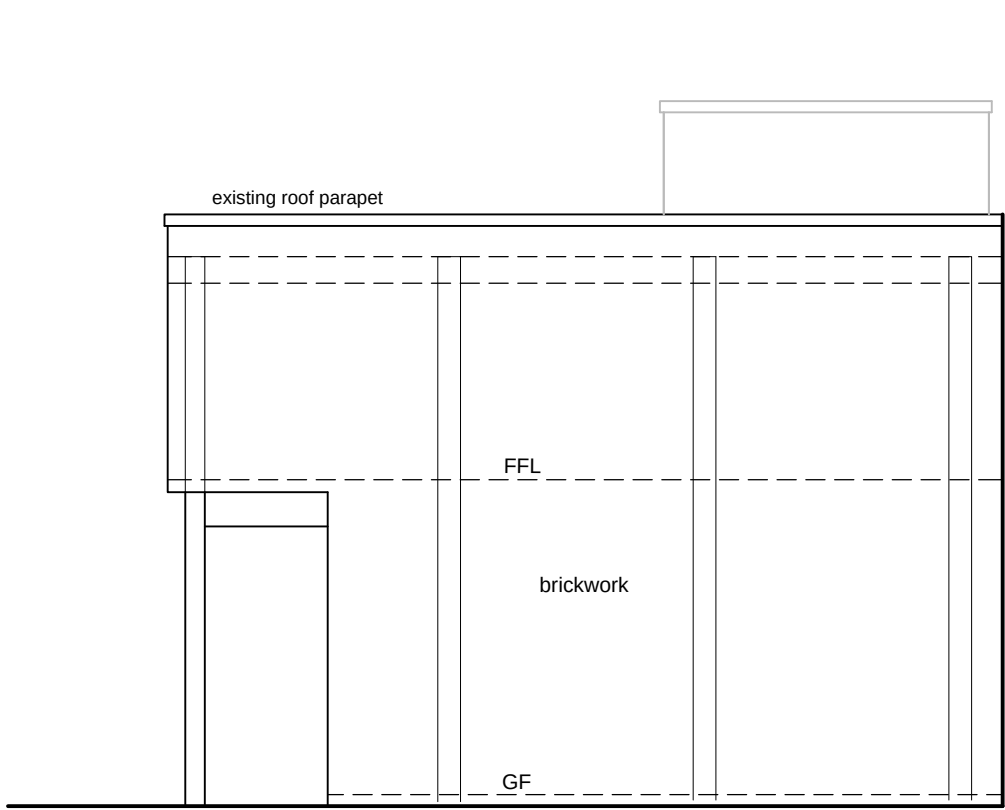
Drawing Status			
Construction Status			
K	Beer garden fence increased to 2.75m high	ATG	17.08.15
J	Rooflight reduced for kitchen	SM	29.06.15
I	Revised customer toilets and staff areas	SWG	19.03.15
H	Updated from notes	SWG	05.03.15
G	Updated following dog meeting	sm	26.02.15
F	Updated	ATG	04.02.15
E	Backfill fridges omitted & beer garden increased	ATG	10.09.14
D	trading increased to 3500sqft	sm	09.09.14
C	food servery updated	sm	08.09.14
B	urinals updated	PH	04.02.14
A	Layouts amended to latest brief	PH	04.02.14
Rev.		By	Date

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architecture and interior design

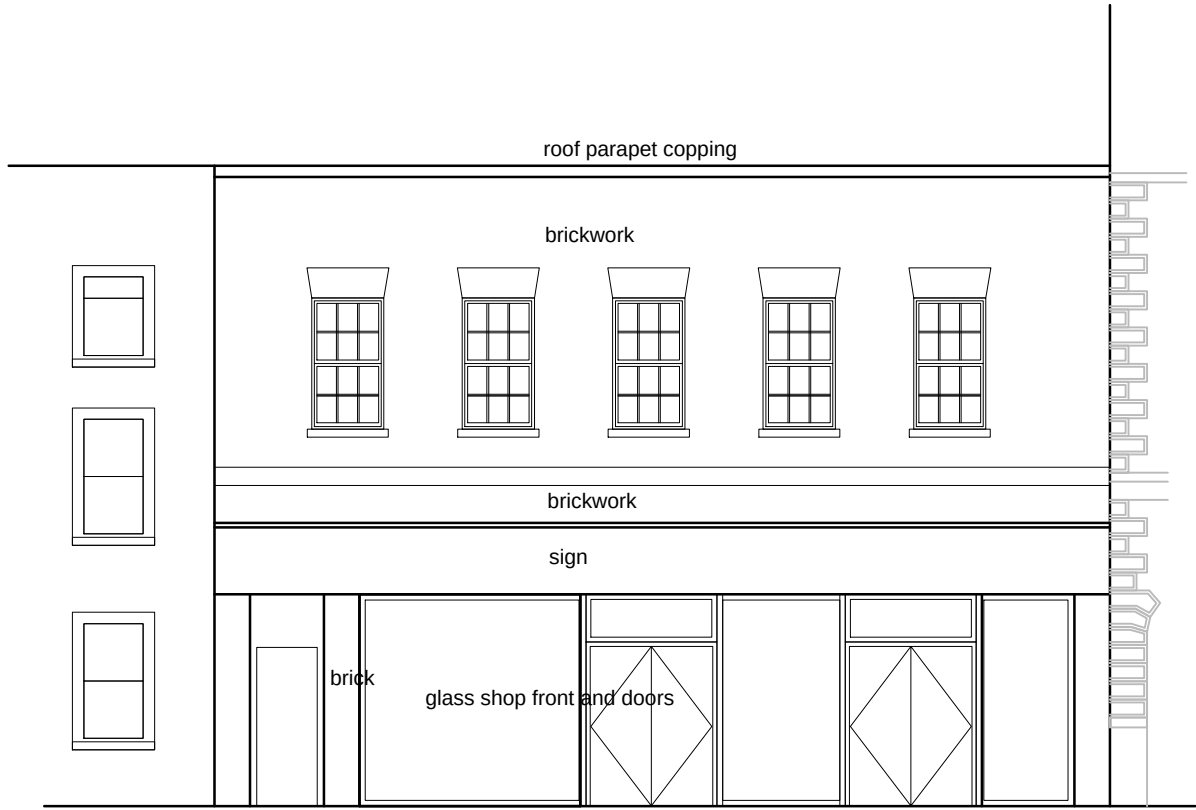
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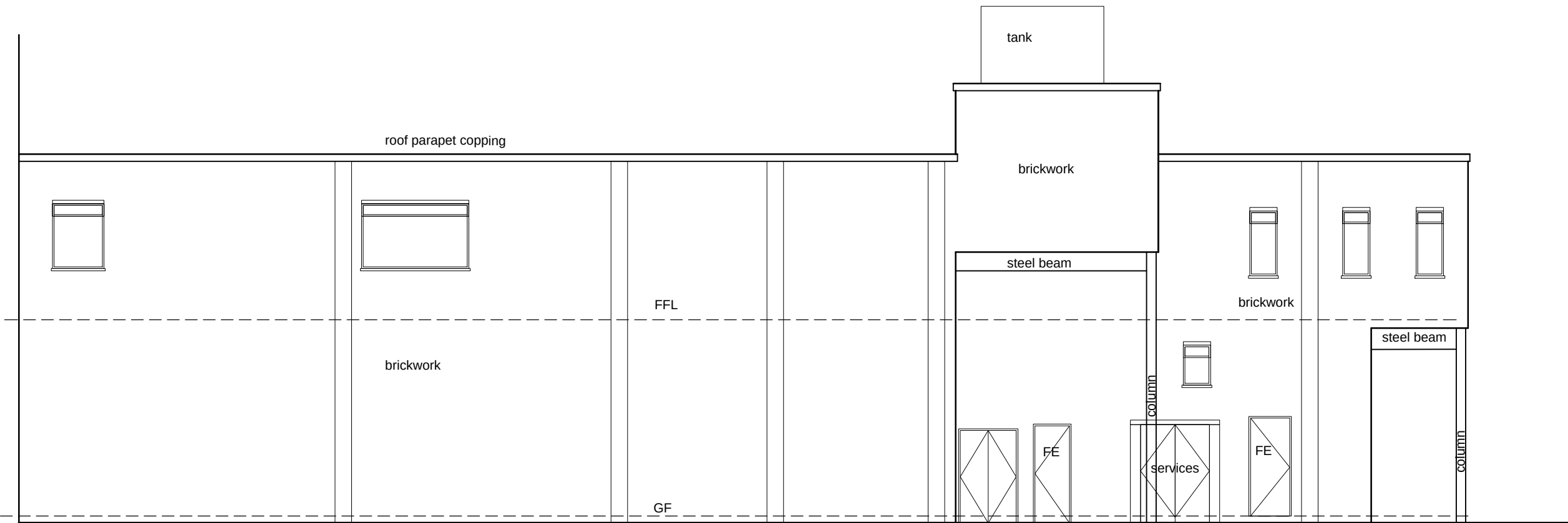
Site		MARKET HILL ST IVES	
Title		PROPOSED FLOOR PLANS PLANNING	
Project Manager/ Checked	Drawn By PH	Scale 1:100@A1	Date JULY 2012
Arch./Des.	Drawing Number F1673 -02	Rev. K	



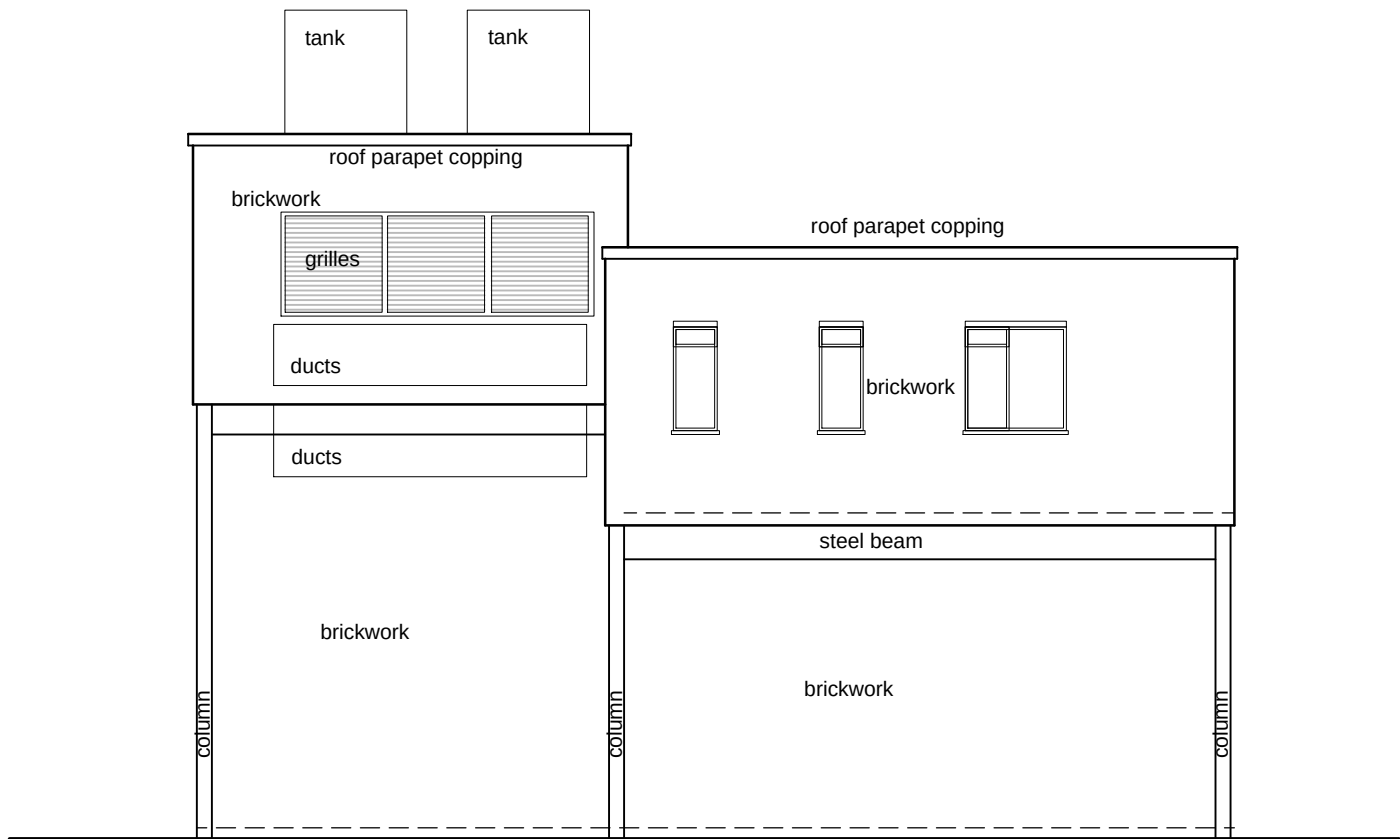
EAST SIDE ELEVATION



FRONT ELEVATION



WEST SIDE ELEVATION



REAR ELEVATION

NOTE:

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Drawing Status	
Construction Status	
Rev.	By Date

architect
architecture and interior design

Architect CT
Victoria House
Ack Lane East
Bramhall
Cheshire
SK7 2BE

T: 0161-439 9205
E: general@architect-ct.co.uk
W: www.architect-ct.co.uk

Site	MARKET HILL ST IVES		
Title	EXISTING ELEVATIONS		
Project Manager/ Checked	Drawn By	Scale 1:100@A1	Date Mar 2015
Arch./Des.	Drawing Number F1673 -04	Rev.	



Existing front elevation Existing rear elevation

NOTE:

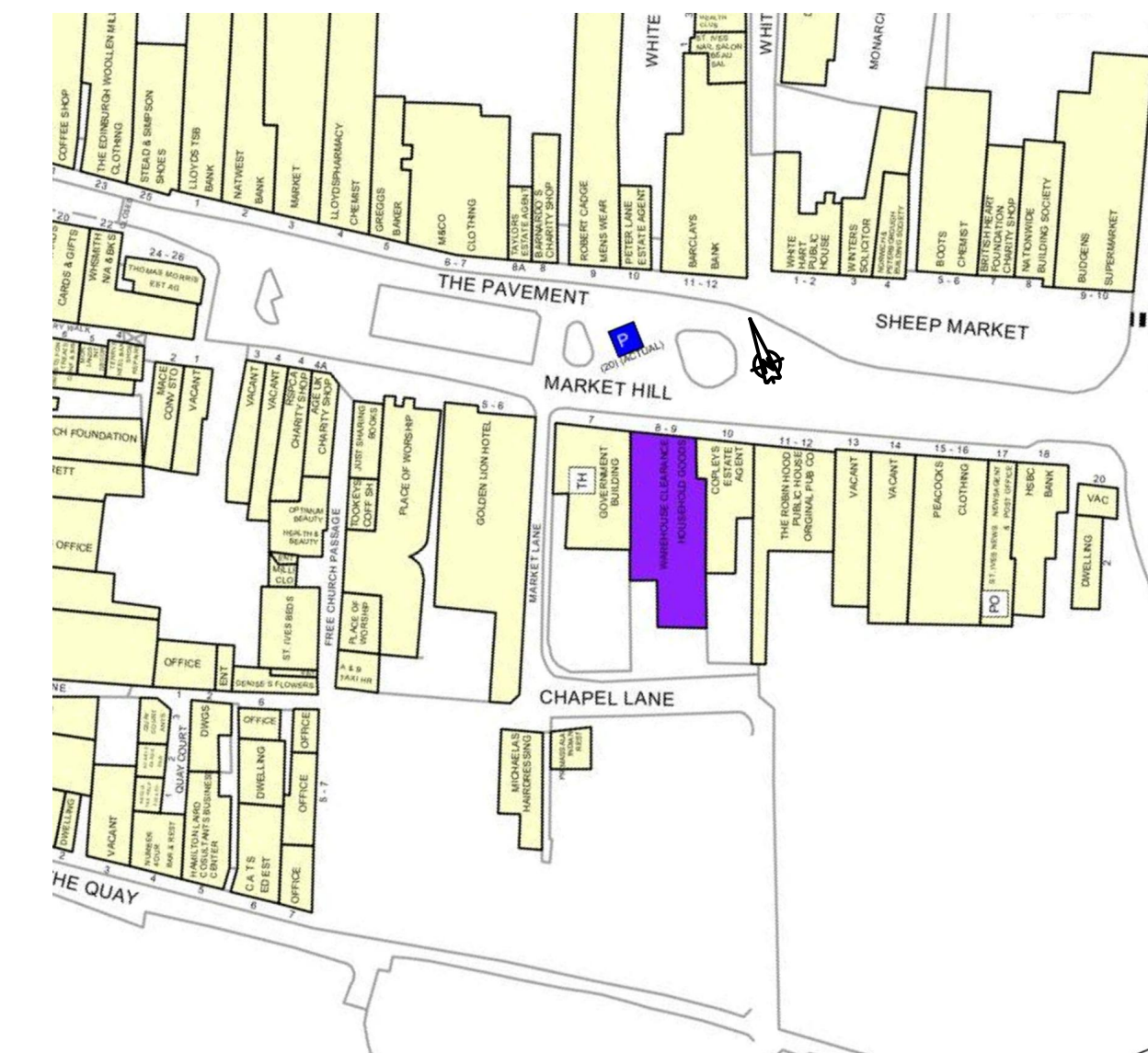
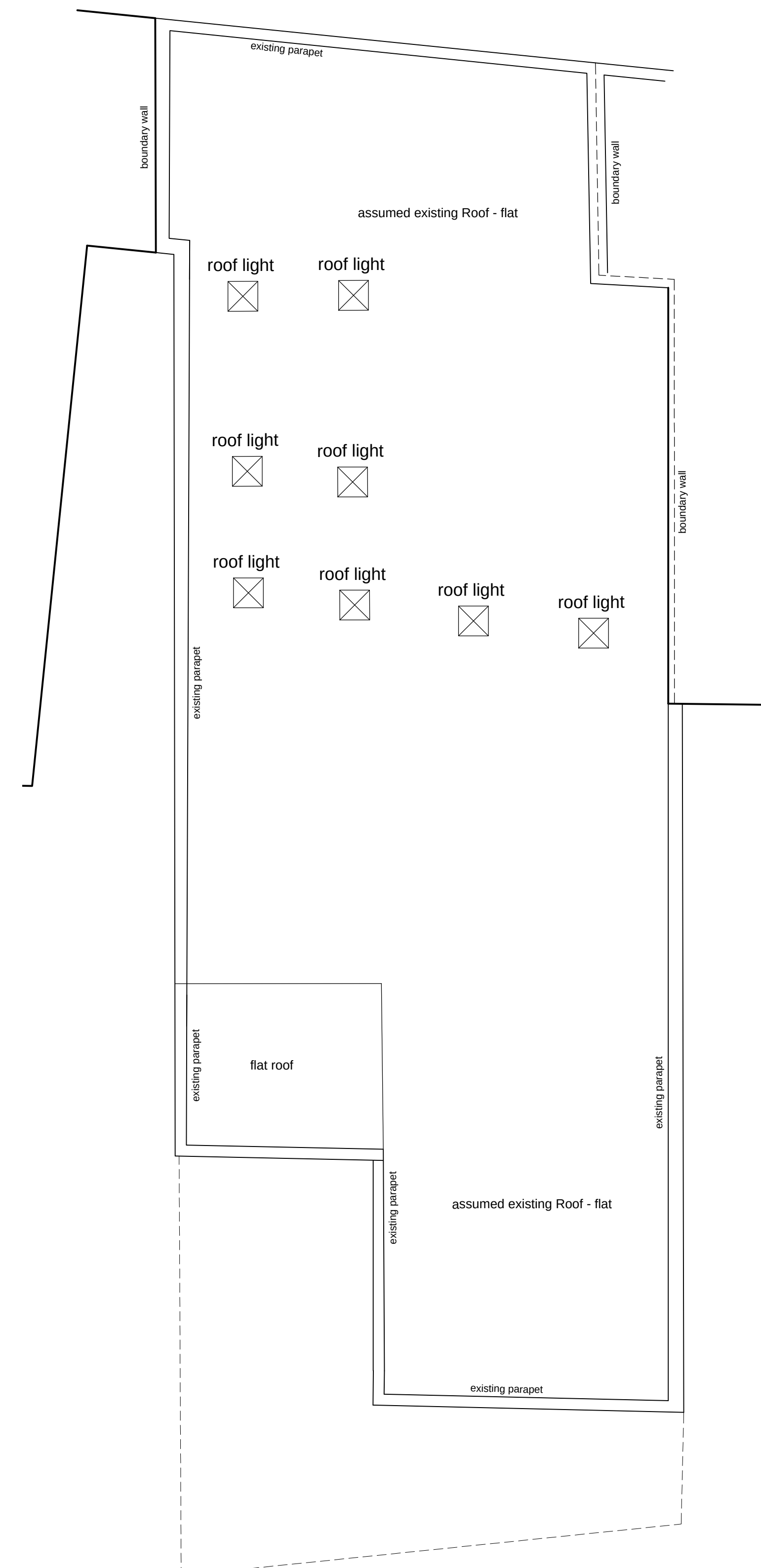
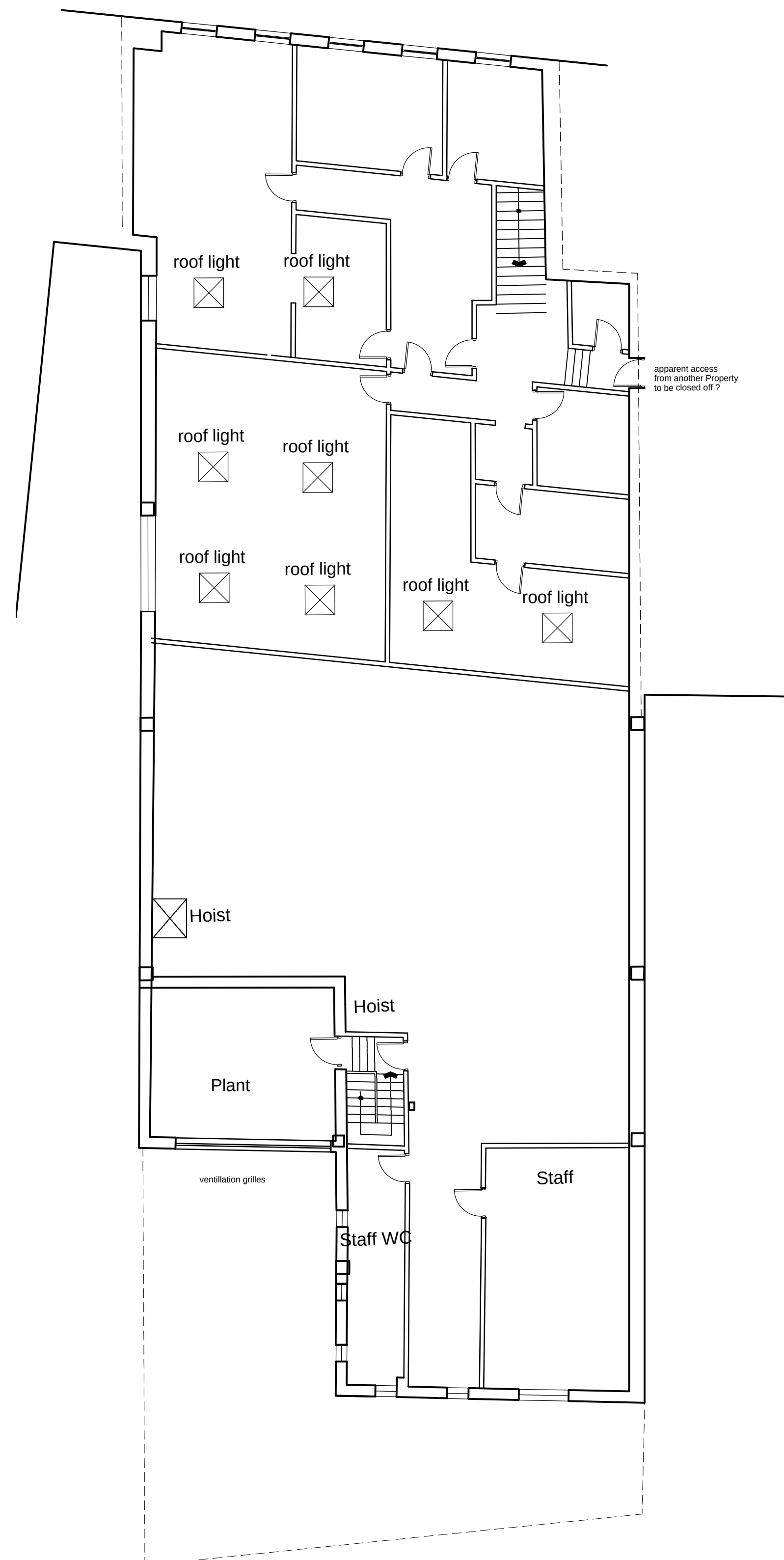
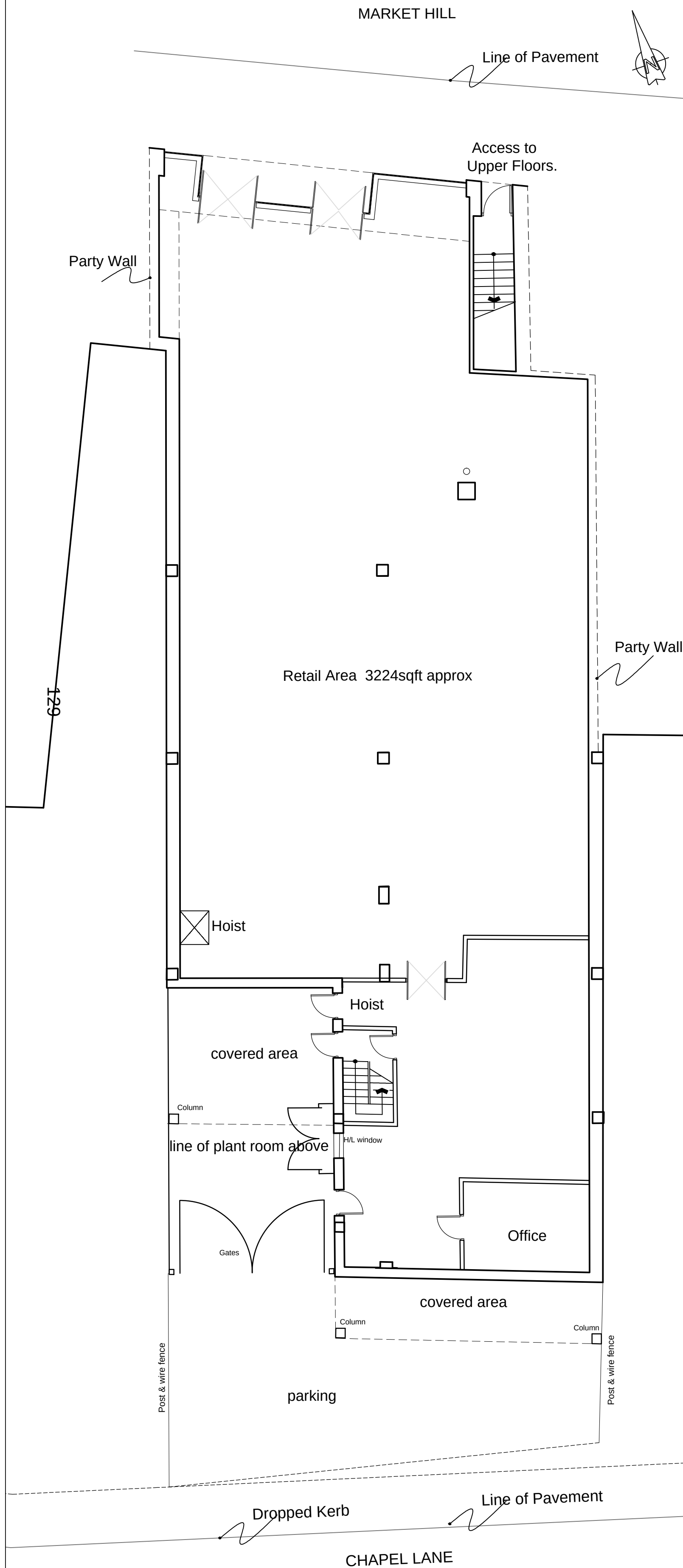
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Drawing Status			
Construction Status			
C	further update	SWG	05.03.15
B	Updated	ATC	04.02.15
A	Layouts details added	PH	04.02.14
Rev.		By	Date

architect
architecture and interior design

Architect CT
Victoria House
Ack Lane East
Bramhall
Cheshire
SK7 2BE

T: 0161-439 9205
E: general@architect-ct.co.uk
W: www.architect-ct.co.uk

Site MARKET HILL
ST IVES

Title	EXISTING FLOOR PLANS
-------	-------------------------

Project Manager/ Checked	Drawn By PH	Scale 1:100@A1	Date JULY 2012
Arch./Des.	Drawing Number F1673 -01		Rev. C

NOTICE OF PUBLIC EXHIBITION

PLANNING APPLICATION BY

J D WETHERSPOON PLC

JD Wetherspoon invite you to come and view exciting development proposals for a Wetherspoon Public House. Details of the public exhibition are provided below;

Event	'Drop In' Public Exhibition
When	Monday 16 th November 2015
Where	St. Ives Town Hall, Council Chamber, Market Hill, St. Ives, PE27 5AL
Time	13:00 to 20:00
Proposal	Change of use from vacant Shop to Public House – 8 Market Hill, St. Ives
Further Information	This consultation will provide an opportunity for any interested parties to discuss the proposed development with members of the project team. Details of the proposals are also available after the exhibition at: www.signetplanning.com/consultation
Contact	For further information about the exhibition, please contact Jamie Pyper at; Signet Planning Rowe House 10 East Parade Harrogate HG1 5LT pyperj@signetplanning.com

COMMENTS FORM

JD WETHERSPOON
MARKET HILL, ST. IVES, CAMBRIDGESHIRE

This is your opportunity to comment on the proposals and we welcome your views below. The display boards are available online at www.signetplanning.com/consultation zone from Tuesday 10th November 2015 with the closing date for responses on Monday 30th November 2015.

Q.1
PRINCIPLE

Do you support the general principle of the proposed development?

Q.2
RE-USE

How important do you consider it to find a viable new use for the vacant retail unit?

Q.3
APPEARANCE

Do you think the proposals will improve the appearance of the site?

Q.4
OTHER

Do you have any general comments which you would like to be considered?

NAME

ADDRESS / EMAIL

YOUR FEEDBACK

Please note the closing date for comments is Monday 30th November 2015. To provide us with your views you can do either of the following:

1. Visit the Signet Planning website consultation page (www.signetplanning.com/consultationzone)
2. Send an email to info@signetplanning.com
3. Send your comments to Jamie Pyper at Signet Planning, Rowe House, 10 East Parade, Harrogate, HG1 5LT.
4. Fill in the space above and leave your comments with us at the exhibition.

Comments Form Responses St Ives JDW

Question	Response	Tally
Question 1: Principle Do you support the general principle of the proposed development?	Yes	14
	No	11
	Possibly	2
Question 2: Re-Use How important do you consider it to find a viable new use for the vacant retail unit?	Very	17
	Would Prefer Different Use than as Wetherspoons	9
	No Comment	1
Question 3: Appearance Do you think the proposals will improve the appearance of the site?	Yes	13
	No	3
	To an Extent	1
	Yes - if it was a retail unit	3
	The frontage needs to be improved (i.e. railings)	6
	No Comment	1
Question 4: Other Do you have any general comments which you would like to be considered?	Retail Use would be better	2
	Personnel the pub would attract. Noise from beer garden/nuisance/deliveries (especially on market days?)	7
	Extra traffic/parking?	2
	Where do smokers go after 9pm?	1
	The exterior needs to be better/more attractive – no railings	5
	More traditional – in keeping with 'market town' – Name it 'The Riverport'	2
	Designated Family Area/Adults Area	2
	Enough pubs/restaurants already in St Ives	2
	Consultation done too late	2
	A big asset to St Ives	3
	No Comment	3

From: Lee Bradley< Lee@architect-ct.co.uk>
Sent: 25 January 2016 21:50
To: Owen, Dallas (Planning Serv.)
Subject: RE: Your Ref 15/00682/FUL 8 Market Hill St Ives CRM:0031210 ;
Attachments: Comments Form.pdf; Notice of Public Exhibition.pdf; Comments form responses St Ives JDW.PDF; ST Ives jdw_02_Option05 A -.jpg; RK1796 - JDW St Ives, Cambs - Spectrum Response to MAS Report.pdf; Management Plan jdw St Ives.pdf; JD Wetherspoon St Ives Outside Area Management Details.pdf; F1673-05B ProposedElevations-A1.pdf; F1673-02L ProposedPlans-A1.pdf; F1673-01C Existing Plans-A1.pdf; F1673-04 ExistingElevations-A1.pdf

Hi Dallas,

I finally have some more info on this FYI

RE: Your Ref 15/00682/FUL 8 Market Hill St Ives CRM:0031210 ;

Stakeholder meeting

When it was – 16th November 2015

how many attended – about 12 people

how many comments received – NA see below

summary of the comments received –

- BS4142 is the relevant regulation you use for noise levels – Do JD Wetherspoon agree?
- JDW will investigate the introduction of an external noise monitoring system for the beer garden that will notify the management when levels start to get to the upper agreed level to enable them to mitigate the levels going above the agreed (the figure discussed was 48-50db)
- JDW would look into the Civic Society and zero impact assessment on the economy of the rest of the town
- JDW would incorporate bi-folding windows on the front of the building and remove the railings.

how have they taken them into account. - see below

- 1 *BS4142 is the relevant regulation you use for noise levels states the council – JD Wetherspoon do not agree due to the following reasons*

Regarding BS 4142, the standard specifically states in Section 1 “the standard is not intended to be applied to the rating and assessment of sound from people”. Our report only assesses noise from the proposed mechanical plant in accordance with BS 4142 for this reason. It would not be appropriate to assess noise from the beer garden and summer opening doors in accordance with BS 4142.

The cumulative noise levels from the use would not exceed the WHO annoyance criterion. Therefore the cumulative noise impact for a worst case scenario would be low. For the majority of the time, the impact would be much lower.

The alternative IOA and BCC criteria suggested by MAS is intended for establishments which hold entertainment events. Using this criteria here is misleading and is not intended for the assessment of noise from a beer garden and summer opening doors at a Public House where no entertainment events would be held. A detailed response is enclosed to the MAS report.

The assessment methodology proposed by Spectrum, which was accepted by HDC, is widely accepted by many other local authorities. The criteria used is appropriate for the type of establishment to which planning permission is sought and we have confirmed with the planner and HDC that our original report is upheld with regards to noise and odour

- 2 *You will investigate the introduction of an external noise monitoring system for the beer garden that will notify the management when levels start to get to the upper agreed level to enable them to mitigate the levels going above the agreed (the figure discussed was 48-50db)*

Although on the face of it this seems like a good idea. Essentially measurements that are appropriate as agreed with the HDC relate to a 16 hour LAeq level , so it would not be practical to have an alarm system in place, because you would only really know if the guideline level of 50dB was exceeded at the end of the 16 hour period.

I have relocated the sliding doors to the side elevation –because we want to do what we can to compromise and take heed of the local communities concerns on this point.

We also accept that no food or drink be served in the garden but we request a smaller barriered off area after that time to accommodate smokers from the pub – as we don't want smokers to use the front pavements we want to manage our guests as a responsible establishment would.

A beer garden is essential for our pub to work – as it is for the adjoining Robin hood and Golden lion – So we ask that this be taken into consideration.

As our rear elevation visual shows we are prepared to close off almost all existing windows at high first floor level to the rear and frost the window to the gents past head height so that we get a little natural light in but we don't overlook any other premises.

- 3 *You would provide the Civic Society a zero impact assessment on the economy of the rest of the town*

The St Ives Civic Society and the recent consultation event requested that the applicant undertake an impact assessment of the application proposals. In response to this request it is worth highlighting that the National Planning Policy Framework (NPPF) seeks to promote positive competitive town centres and support their vitality and viability. Leisure uses such as public houses are considered an appropriate land use in town centre locations with paragraph 26 of the NPPF stating that applications for retail, leisure and office developments will only require an impact assessment where the proposals are in an out of centre location and exceed 2,500sqm (this is why it would be appropriate for the Waitrose development for example). In this instance, the scheme does not exceed 2,500sqm and it is located within a town centre and therefore assessing the impact of the proposals is not a legitimate planning requirement.

Notwithstanding the above, J D Wetherspoons have plenty of experience of moving into established town centres where alternative public houses are already available and it is our experience that Wetherspoons can be complementary to these existing businesses and attract new customers to the centre who undertake linked trips to other services and facilities.

In addition when JDW purchased the property, had it been marketed for long time – years I’m told – without interest, ‘Warehouse clearance shops’ was a small independent supermarket chain which was bought by Morrisons. Morrisons purchase was never centred around this site and they never traded from this site as it wasn’t suitable. Therefore the property was on the market for a long time.

We have previously provided you with information in relation to the job creation that will be generated by these proposals as well as the additional spending that this will create within the local economy. It is therefore the case that the proposals will offer significant benefits to the locality and should not be perceived as a threat.

I enclose a JD Wetherspoon management plan that highlights how the pub will operate the proposed development will result in significant job creation, created as part of the public house operation. These include a mixture of part-time and full-time employees, as well as various different roles in the day to day operation of the site. Based on other equivalent comparators the employment opportunities are broken down approximately as follows:

- 1 x Site Manager;
- 4 x Deputy Managers;
- 6/8 x Kitchen Staff (chefs);
- 10 x full-time bar staff (circa 39 hours per week);
- 15/17 x part-time bar staff (circa 20 hours per week); and
- 4 x cleaners.

It also must be acknowledged the contribution made by public houses to the vitality and viability of town centres, particularly where they operate an all-day facility which can interact with surrounding businesses.

This contributes to the day time and evening economy during peak and off peak periods.
The proposals will do just that.

The following figures provide an approximate indicator of the economic outputs of the proposed development. Clearly there will also be benefits to the wider local economy than those simply generated on-site.

The total construction costs will be around £1.6m and it is estimated that the gross impact generated by the implementation of the proposed development will be specialist employment for 17 people over the 16-week construction period. It is important to note that construction is a key contributor to economic activity and employment due to its heavy reliance on an extended and varied supply chain. As a result, construction activity has positive impacts that go well beyond the on-site jobs created and the capital expenditure invested in the development scheme.

Gross Value Added (GVA) per employee provides a measure of the value of the output produced by employees within the economy. It is a key indicator for economic growth. Based on data from the Office for National Statistics (ONS), the GVA generated by the on-site construction employment would total £0.255m. The public house’s workforce will generate £1.951m of additional GVA annually.

The County's ONS jobs density (total jobs to population aged 16-64) is higher than the Great Britain average and as a result many Cambridgeshire residents who are employed work within the County. Therefore it is expected that many of the jobs created by the public house will be taken up by local people. The proposal will also improve the County's underrepresentation in the accommodation and food services sector (ONS data).

I hope this helps to address your concerns re economy – while the management plan demonstrates the community benefits of the Wetherspoon development in St Ives.

We also talked about Car parking – we would be employing a majority of local staff and would encourage use of the local facilities for parking which appear to be fantastic (over 2500 spaces) and public transport. Obviously we would not condone parking on double yellow lines and there is enforcement in place for that issue outside of planning matters.

Also deliveries were mentioned – our deliveries are consolidated in an offsite warehouse to minimise deliveries and are minimal – We are delivering to the front – The only use for the rear gates is for a fire escape and for bin collections as existing as the other local business and residents current use. There is no customer access from the rear of our proposal.

- 4 *You would incorporate bi-folding windows on the front of the building and remove the railings.*

I enclose a revised visual and plans and elevations – It shows a more traditional frontage with a stall riser as we discussed and I think it's a fantastic improvement. The rails are gone and it's much more fitting on the street scene – this is a direct change from our meeting and after talking to local residents and the community at our forum.

public consultation

When it was – 16th November 2015

how many attended – about 60 people approximately

how many comments received – 112 in total – the total of the tally on the responses form

summary of the comments received – see enclosed comments responses form

how have they taken them into account. – see above

I attach a copy of the 'Notice of Public Exhibition' which was used to advertise the event; a copy of the Comments Form/Questionnaire, which was available at the event and via our website; and a copy of the Comments Form Responses, which summarises the comments received and which I trust you will have already seen

– 27 people in total completed the Comments Form.

With regards your query as to why the Comments Form Responses table shows 27no responses to Q's 1-3 though 31no to Q4,

I would suggest this is simply due to Q4 asking for 'any other comments' and, obviously, if some individuals made comments on more than one matter when responding to Q4, the table will show more than 27 comments made in total, albeit by only 27 people.

We believe approximately 60 people attended

Can you confirm that this is suitable please

And if I can do anything else to support this application

Can you confirm that the planning dept will also continue to support the application at the committee meeting please?

Many thanks
Lee Bradley
Architect CT
07747477184

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DEVELOPMENT MANAGEMENT PANEL

18 APRIL 2016

Case No:	15/02377/FUL (FULL PLANNING APPLICATION)
Proposal:	THE PROPOSED DEVELOPMENT IS TO DIVIDE THE EXISTING DWELLING INTO TWO SEPARATE DWELLINGS CONSISTING OF A ONE BEDROOM APARTMENT AND A TWO BEDROOM APARTMENT. IT ALSO INCLUDES A FIRST FLOOR EXTENSION OVER AN EXISTING GROUND FLOOR EXTENSION.
Location:	210 GREAT NORTH ROAD EATON SOCON PE19 8ED
Applicant:	LONGSHEN PROPERTIES LTD (FAO MRS T CURL)
Grid Ref:	516992 259164
Date of Registration:	20.01.2016
Parish:	ST NEOTS

RECOMMENDATION - APPROVE

This application is referred to the Development Management Panel as St Neots Town Council's recommendation of refusal is contrary to the Officer's recommendation of approval.

1. DESCRIPTION

- 1.1 This application relates to 210 Great North Road, Eaton Socon. The application site lies within the Eaton Socon Conservation Area.
- 1.2 The proposal is for the conversion of the existing first floor flat into two separate residential units and the erection of a first floor extension.

2 NATIONAL GUIDANCE

- 2.2 The National Planning Policy Framework (2012), with particular reference to paragraphs 17, 56, 58, 59 and 60.

For full details visit the government website

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>

3. PLANNING POLICIES

- 3.1 Saved policies from the Huntingdonshire Local Plan (1995)
 - EN5: Development within Conservation Areas
 - EN6: Conservation Areas: Design
 - EN9: Conservation Areas
 - EN25: General Design Criteria
 - H31: Residential Amenity and Privacy Standards
 - T18: Access Requirements for New Development

- 3.2 Saved policies from the Huntingdonshire Local Plan Alterations (2002)
 - HL5: Quality and Density of Development
 - HL10: Housing Provision
- 3.3 Adopted Huntingdonshire Local Development Framework Core Strategy (2009)
 - CS1: Sustainable development in Huntingdonshire.
 - CS3: The Settlement Hierarchy
 - CS10: Contributions to Infrastructure Requirements
- 3.4 Draft Huntingdonshire Local Plan to 2036: Stage 3 (2013)
 - LP1: Strategy and Principles for Development
 - LP2: Contributing to Infrastructure Delivery
 - LP8: Development in the Spatial Planning Areas
 - LP13: Quality of Design
 - LP15: Ensuring a High Standard of Amenity
 - LP17: Sustainable Travel
 - LP18: Parking Provision
 - LP24: Housing Mix
 - LP31: Heritage Assets and their Settings
- 3.5 St Neots Neighbourhood Plan
 - A3: High quality design
 - PT1: Sustainable transport
 - PT2: Vehicle parking
- 3.6 Supplementary Planning Documents:
 - Huntingdonshire Design Guide Supplementary Planning Document 2007

4. **PLANNING HISTORY**

15/02394/P3JPA - Prior Approval application for the change of use of ground floor from office to two residential apartments - Approved - 15.03.2016

15/01295/P3JPA - Prior Approval for the change of use of ground floor from office to residential - Approved - 11.09.2015

15/00649/P3PPA - Prior approval in respect of use of existing commercial building (B8) as dwelling (C3) - Approved - 19.06.2015

Summary:

- 4.1 The application site has been the subject of a number of recent applications for the change of use through the provisions of the GPDO 2015 (as amended).

Prior to 2015, the site comprised:

- First floor: Residential flat
- Ground floor: Office
- Storage outbuilding

Currently, the site has permission for:

- First floor: Residential flat (the subject of this application)

- Ground floor: 1x one bedroom unit with one parking space and 1x two bedroom unit with one parking space
- Conversion of storage building to 1x one bedroom unit with one parking space

5. CONSULTATIONS

- 5.1 St Neots Town Council - "Recommend refusal. Rejection reasons are [in]adequacy of parking/loading/turning and a suggestion that the proposal will result in unacceptable traffic generation".

A revised site layout was provided by the applicant on 18.03.2016. The revised layout shows only one parking space (for the two-bedroom flat) and not two parking spaces as per the original site plan. It must be noted that the Town Council was not re-consulted on the amended plan.

6. REPRESENTATIONS

- 6.1 No third party representations have been received in response to the proposal.

7. ASSESSMENT

- 7.1 The main issues to consider are:
- The principle of development;
 - The design of the proposal in relation to the existing building and street scene and the character/appearance of the area as a whole;
 - The impact on the amenity of neighbours; and
 - The impact upon highway safety/parking.

The principle of development:

- 7.2 The presumption in favour of sustainable development is clearly outlined within the NPPF, with the goal of creating positive improvements in the quality of the built, natural and historic environment, which includes widening the choice of high quality homes. Policy CS3 (The Settlement Hierarchy) of the Core Strategy identifies St Neots as a 'Market Town' in which development schemes of all scales may be appropriate within the built up area. Policy LP8 of the Draft Huntingdonshire Local Plan to 2036 defines St Neots as a Spatial Planning Area (SPA), within which residential development will be supported where it is appropriately located within the built up area.
- 7.3 The site is considered to lie within the built up area of St Neots and both national and local plan policies offer support for the principle of intensification, subject to further consideration being given to design, impact on residential amenity, and highways safety/parking..

The design of the proposal in relation to the existing building and street scene and the character/appearance of the area as a whole:

- 7.4 210 Great North Road is located on the east side of the B1428 and is set back approximately 3.5m from the highway. Dwellings lie adjacent

to the application site to the north (St Marys Court), east (1 The Crescent) and south (208 Great North Road). The layout of the existing built form along this section of the B1428 does not follow a uniform arrangement and the scale, form and finishing materials of the buildings vary, resulting in a street scene with an unstructured rhythm.

- 7.5 The proposed first floor extension to the rear of the building is considered to be subservient in scale and will be largely screened from views from the street scene to the west by the existing building. The proposal will entail alterations to the existing fenestration on the front (west) and rear (east) elevations, resulting in additional windows, however this is not considered to interrupt the interpretation of the wider street scene. Whilst the additional bulk of the proposed extension will be visible from the east and southwest, the design is considered to reflect the character of the existing building and construction/finishing materials can be secured by way of condition. With the addition a condition ensuring the materials to be used, the proposed development is considered to be acceptable.

The impact on the amenity of neighbours:

- 7.6 The proposed first floor extension to the rear of the building is not considered to create a detrimental impact upon the amenity of the occupiers of neighbouring property by way of being overbearing, or in terms of overshadowing/a loss of light due to scale, positioning and the separation distance from the other residential units.
- 7.7 Whilst the proposed fenestration on the rear elevation will face onto the residential unit approved under 15/00649/P3PPA, the development is not considered to create an unacceptable detrimental impact in terms of overlooking/a loss of privacy when the existing situation of mutual overlooking is taken into account. The proposed development is considered to be acceptable in this regard.
- 7.8 It is noted that the conversion of the existing dwelling into two properties will create additional vehicular and pedestrian movements to and from the unit, however it is considered that the increase would be relatively minor and would not result in a significant adverse impact on the residential amenity of surrounding occupiers.

The impact upon highway safety/parking:

- 7.9 The originally submitted drawings showed two car parking spaces being provided for the two proposed flats. However, the layout was deemed to be unacceptable by the HDC Transportation team, as the second parking space would have impeded vehicular movement and would have resulted in users reversing onto/off the highway.
- 7.10 To address this highway safety concern, a revised site layout was provided by the applicant on 18.03.2016. The revised layout shows only one parking space (for the two-bedroom flat) and not two parking spaces as per the original site plan. HDC Transportation team is satisfied that the revised site layout, with the removal of the second parking space, will allow vehicles to enter and leave the site in a forward gear. With the addition of a suitably worded condition to ensure that vehicles are not parked in the area to the immediate west

of the marked parking bay, the revised design has addressed the highway safety aspect of the proposal.

- 7.11 It is acknowledged that should the application be approved, there would be a total of five flats and four parking spaces within the wider site of 210 Great North Road, when the former storage building at the far east of the site is accounted for. The site is located in a sustainable location, and approximately 1.2 miles from St Neots Town Centre. There are no double yellow line restrictions in close proximity to the application site, and on street parking opportunities are available to the east and west (of the site) and within reasonable walking distance of the application site. As such, it would be reasonable to suggest that the future occupier(s) of one of the flats (if they choose the own/use a car) will be able to park on street within a reasonable walking distance from the site. In addition to the above, the overall ratio of flats to car parking spaces in this instance is considered to be acceptable and would not result in significant additional reliance on on-street car parking to such an extent that it would result in highways safety issues or on street parking saturation.
- 7.12 In light of all the above, the revised site layout and level of parking provision is, on balance, considered to be acceptable, particularly given the sustainable nature of the location, proximity of public transport links and local services.

Other matters:

- 7.13 The applicant has yet to submit a completed 'Unilateral Undertaking (Wheeled bin contribution)'. Once submitted, this would comply with the requirements of the Council's Planning Obligations Supplementary Planning Document 2011. An update regarding receipt of the document will be provided on the Friday letter.

Conclusion:

- 7.14 Taking national and local planning policies into account and having regard for all relevant material considerations, it is recommended that planning permission be granted for the development as proposed.

- 8. RECOMMENDATION - APPROVAL** subject to the receipt of a Unilateral Undertaken to secure wheeled bin provision, recommend approval subject to conditions to include:

- Time limit
- In accordance with plans
- Materials
- Parking space to be laid out before first occupation of dwelling and retained in perpetuity and details of how parking will be prevented on the access road to be submitted

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

CONTACT OFFICER:

Enquiries about this report to **Mr James Lloyd Assistant Development Management Officer 01480 388389**

St Neots Town Council
Planning Committee

Schedule of Plans - 4th February 2016

PLAN NO.	RECEIVED	REFERENCE	DEVELOPMENT DESCRIPTION	LOCATION	APPLICANT	RESPONSE DUE	PROPOSER/2ND	SNTC DECISION	NOTES
1	19/01/2016	16/00013/HHFUL	Proposed single storey extension to the side and flue for wood burner to front. (Received amended plans 25/01/16. Both will be available to view)	14, Codrington Court, Eaton Socon, St Neots, PE19 8TE	Miss S Cardorka	12/02/2016	Cllr J Dunford Cllr B Hodges	Approved	No issues
2	21/01/2016	16/00051/FUL	Installation of new kitchen extract ductwork (Retrospective).	Unit 2, The Rowley Arts Centre, Huntingdon Street, St Neots, PE19 1BY (Frankie & Benny's Restaurant)	Mr J Tripp, The Restaurant Group Ltd	09/02/2016	Cllr C Maslen Cllr Mrs D Collins	Approved	Retrospective, no issues
3	21/01/2016	16/00046/HHFUL	Proposed single storey extension to the rear.	9, The Paddock, Eaton Ford, St Neots, PE19 7SA	Mr H Williams	09/02/2016	Cllr C Maslen Cllr Mrs L Ruck	Approved	Not overlooking neighbours and within permitted development
4	21/01/2016	16/00067/HHFUL	Proposed single storey garage.	15, Beech Grove, St Neots, PE19 1HE	Mr W George	09/02/2016	Cllr Mrs D Collins Cllr Mrs J Smith	Approved	No issues
5	21/01/2016	16/00041/HHFUL	Proposed two storey rear extension.	2, Harlech Court, Eynesbury, St Neots, PE19 2RY	Mr T Wilson	09/02/2016	Cllr Mrs L Ruck Cllr C Maslen	Approved	Not overlooking neighbours
6	21/01/2016	16/00035/FUL	Proposed windows and doors replacement scheme.	Tavistock Court, Russell Street, St Neots, PE19 1BE	Mr G Taylor	05/02/2016	Cllr Mrs L Ruck Cllr Mrs J Smith	Approved	No issues
7	25/01/2016	15/02258/FUL	Rear single storey extension to create 1 additional bedroom to be used for HMO purposes. Consent already granted for 5 bedrooms as HMO (HMO means Home of Multiple Occupancy).	1. Princes Drive, St Neots, PE19 1SG	Mr R Balls	09/02/2016	Cllr Mrs J Smith Cllr Mrs D Collins	Approved	Plenty of parking available
8	25/01/2016	16/00020/HHFUL	Remove existing rear conservatory and replace with flat roofed dining extension.	42, Honeydon Avenue, Eaton Socon, St Neots, PE19 8PJ	Mr G Shipley	11/02/2016	Cllr Mrs J Smith Cllr C Maslen	Approved	No issues
9	25/01/2016	16/00092/LBC	New Pub sign.	The White Horse, 103, Great North Road, Eaton Socon, St Neots. PE19 8EL	Enterprise Inns plc	12/02/2016	Cllr K Wainwright Cllr J Dunford	Approved	No issues
10	26/01/2016	15/02377/FUL	The proposed development is to divide the existing dwelling into two separate dwellings consisting of a one bedroom apartment and a two bedroom apartment. It also includes a first floor extension over an existing ground floor extension.	210 Great North Road, Eaton Socon, St Neots. PE19 8ED	Mrs T Curl	11/02/2016	Cllr J Dunford Cllr Mrs J Smith	Rejected	Rejection reasons are Adequacy of parking/loading/turning and Traffic generation

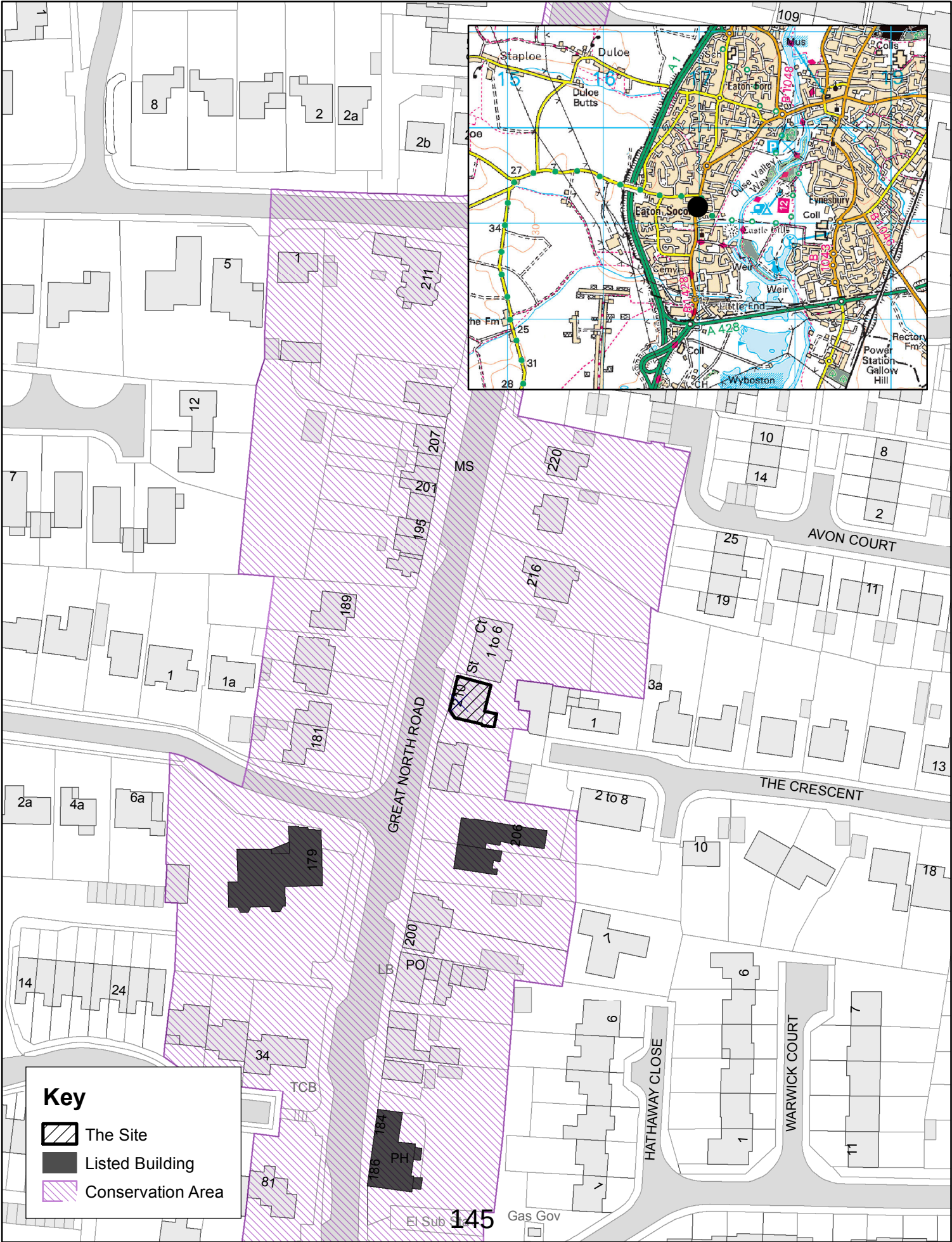
Development Management Panel

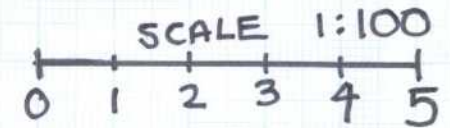


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Date Created: 24/03/2016

Application Ref:15/02377/FUL
Location: St Neots

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Ordnance Survey HDC 10002322



REVISED - CAR PARKING PLAN210 GREAT NORTH ROADREF: 15/02377/FULAREA FOR
TURNING(MARKED)
ONE PARKING
SPACE FOR
FIRST FLOOR
2 BED
FLATPRIVATE ROAD
OWNED BY
210 GREAT
NORTH RDGREAT NORTH ROADEXISTING ACCESS TO
PRIVATE ROAD
FROM GREAT NORTH
ROAD

(PAGE 1)

ELEVATION
PLAN FOR 210 GREAT NORTH ROAD

(FIRST FLOOR)



N ←

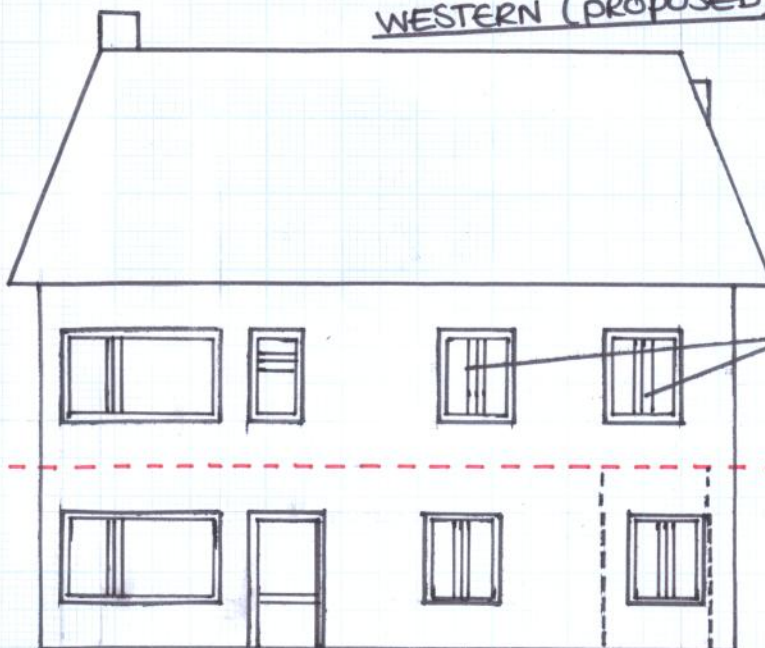
SCALE 1:100
0 1 2 3 4 5

WESTERN EXISTING

EXISTING WINDOW TO
REMAIN

LARGE WINDOW TO BE
REPLACED WITH
TWO 1000 mm (W)
X 1200 (H)

WESTERN (PROPOSED)



TWO 1000 mm (W) X 1200 mm (H)
TO REPLACE EXISTING WINDOW

NOTE: CHANGES TO GROUND FLOOR HAVE BEEN
APPLIED FOR IN A SEPERATE APPLICATION
REF: 15/02394/P3JPA

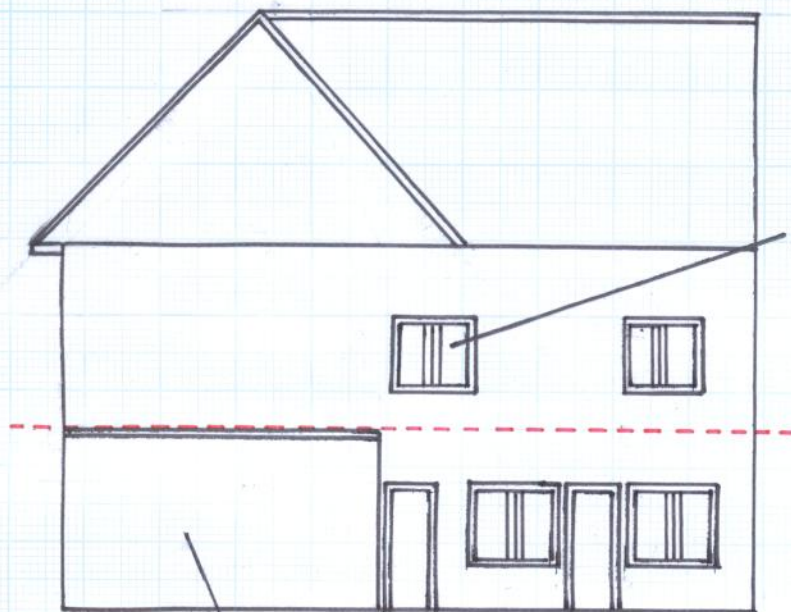
NOTE: ALL WINDOWS TO BE WHITE PVC TO MATCH EXISTING

(PAGE 2)

ELEVATION
PLAN FOR 210 GREAT NORTH ROAD

(FIRST FLOOR)

EASTERN (EXISTING)



EXISTING WINDOW TO BE REPLACED
WITH TWO 700mm (w) x 900mm (h)
WINDOWS FOR BATHROOMS



SCALE 1:100
0 1 2 3 4 5

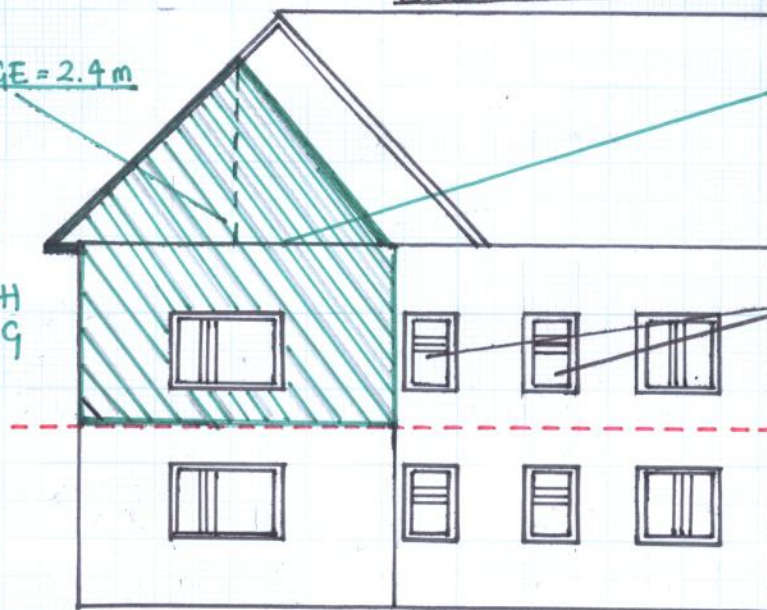
EXISTING GROUND FLOOR
EXTENSION
WITH MINERAL FELT FLAT ROOF

EASTERN (PROPOSED)

TRUSS ROOF
(TILES TO
MATCH EXISTING)

RIDGE = 2.4m

EXTENSION TO BE
FIBROBLOCK
WITH RENDER FINISH
TO MATCH EXISTING



EAVES TO MATCH
EXISTING

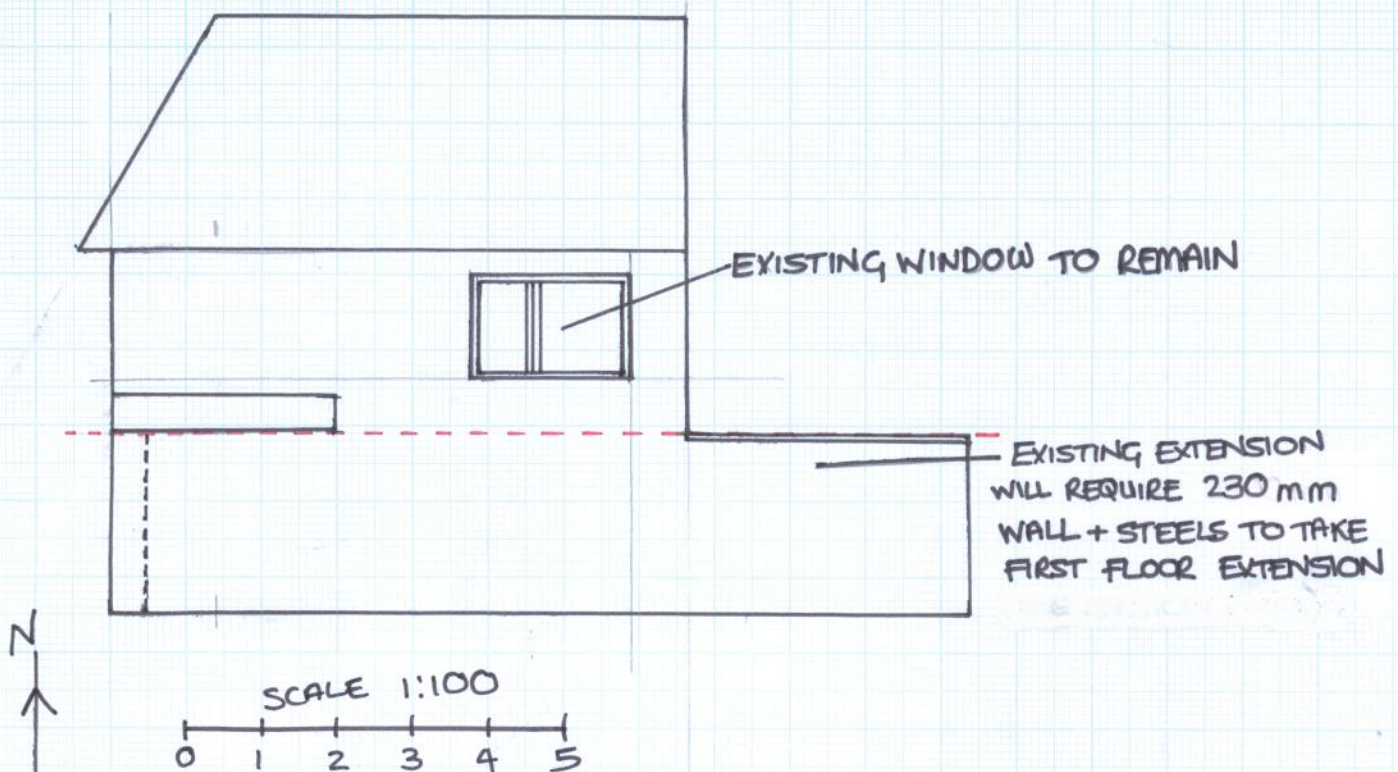
TWO x 700mm (w) x
900mm (h)
WINDOWS TO REPLACE
EXISTING WINDOW

NOTE: ALL WINDOWS TO BE REPLACED WITH WHITE PVC
TO MATCH EXISTING.

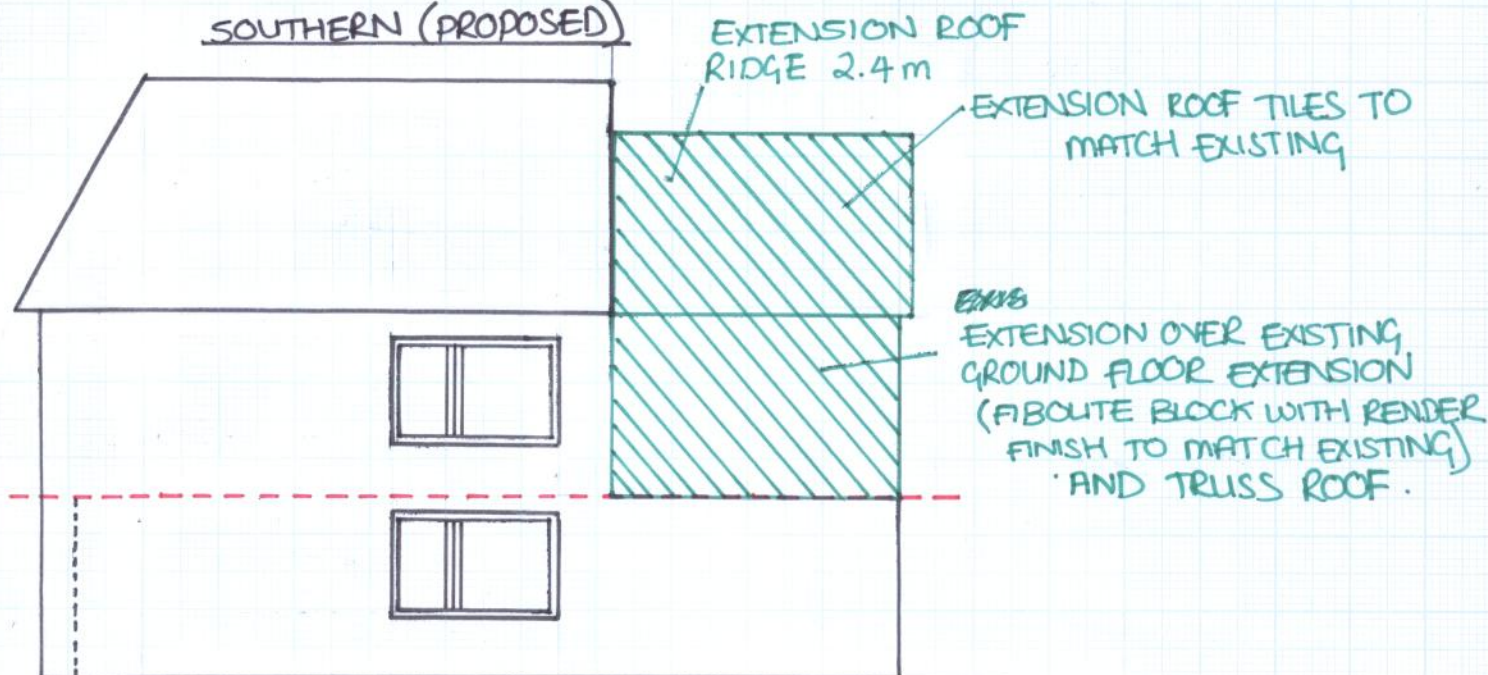
NOTE: CHANGES TO GROUND FLOOR HAVE BEEN APPLIED
FOR IN A SEPERATE APPLICATION
REF: 15/02394/P3JPA

(PAGE 3) ELEVATION
EXTENSION FOR 210 GREAT NORTH ROAD
FIRST FLOOR

SOUTHERN (EXISTING)



SOUTHERN (PROPOSED)

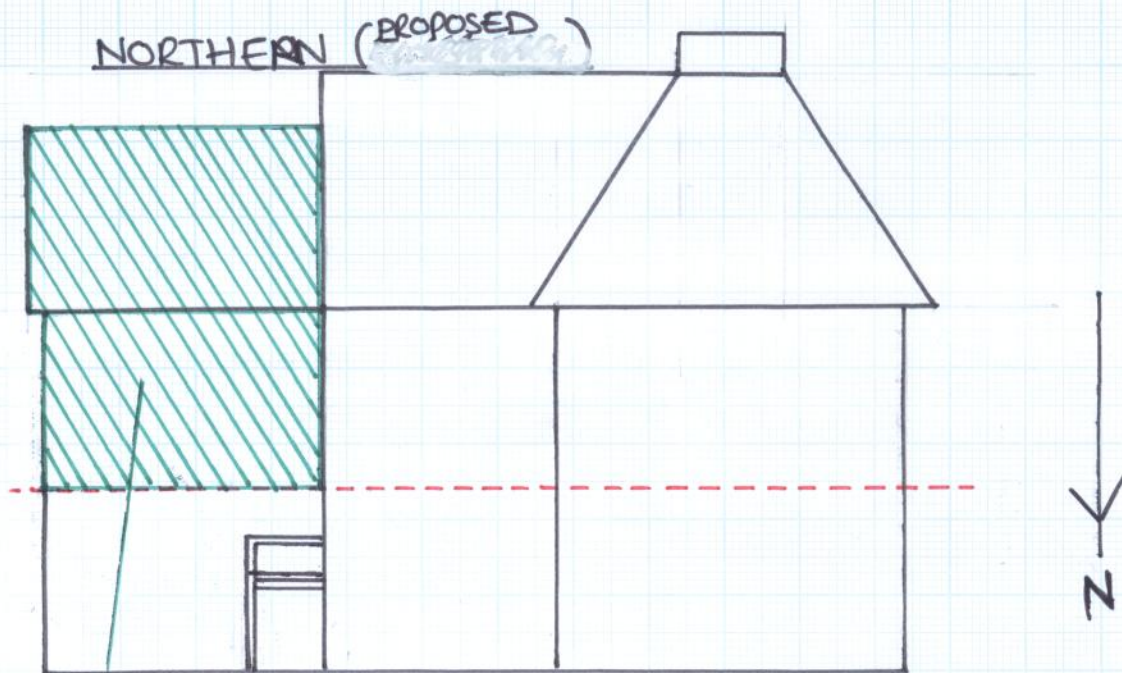


NOTE: ALL WINDOWS TO BE REPLACED WITH WHITE PVC TO MATCH EXISTING.

NOTE: CHANGES TO GROUND FLOOR HAVE BEEN APPLIED FOR IN A SEPERATE APPLICATION-REF: 15/02394/P3JPA

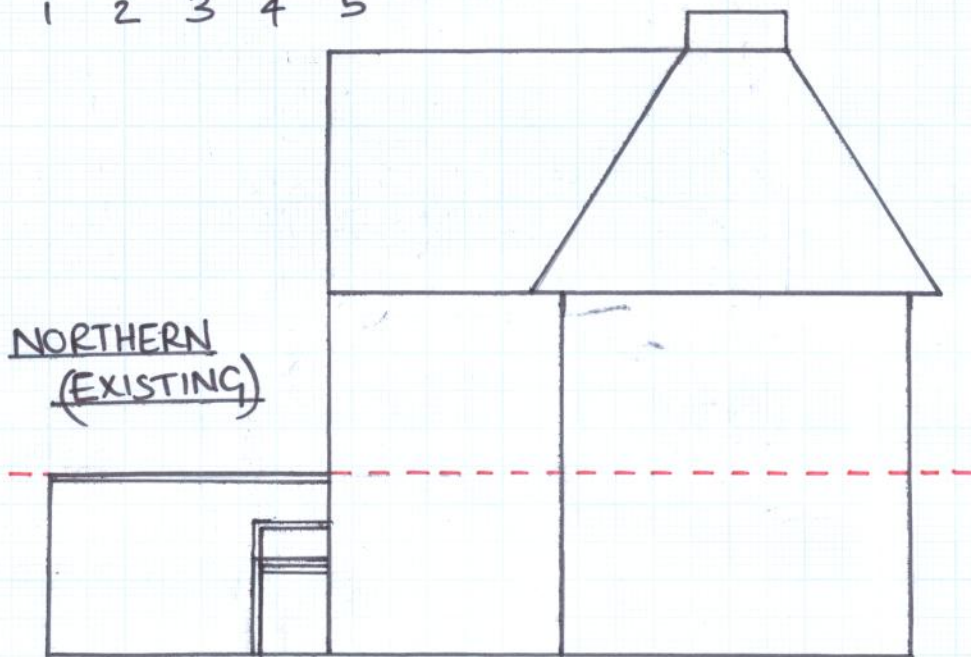
(PAGE 4)

ELEVATION
EXCAVATION PLAN FOR 210 GREAT NORTH ROAD
(FIRST FLOOR)



PROPOSED FIRST FLOOR EXTENSION
OVER GROUND FLOOR EXISTING
EXTENSION WITH TRUSS ROOF

SCALE 1:100
0 1 2 3 4 5



NOTE: ALL WINDOWS TO BE REPLACED WITH WHITE PVC TO
MATCH EXISTING.

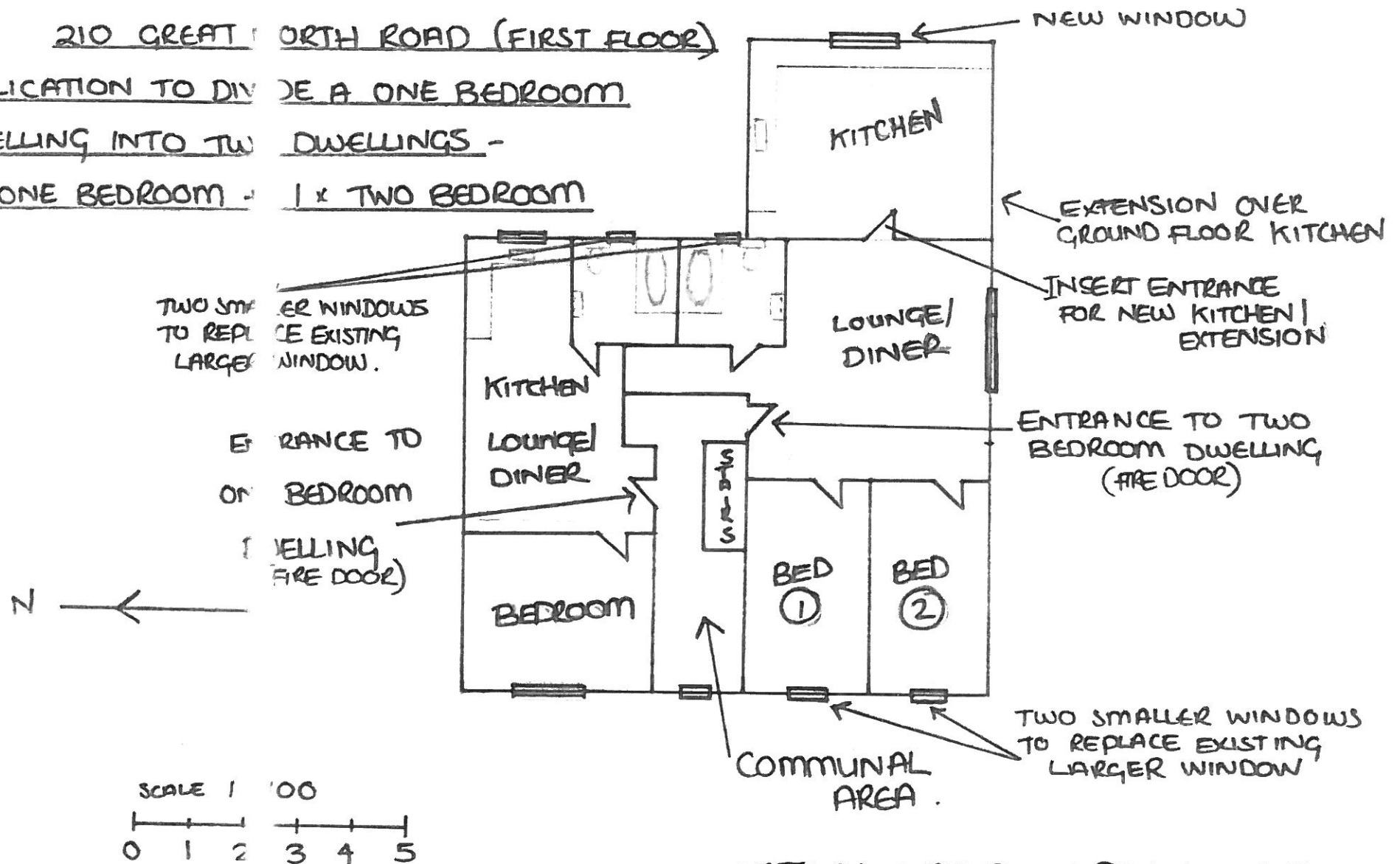
NOTE: GROUND FLOOR CHANGES HAVE BEEN APPLIED FOR
IN A SEPERATE APPLICATION- REF: 15/02394 / PJTPA

210 GREAT NORTH ROAD (FIRST FLOOR)

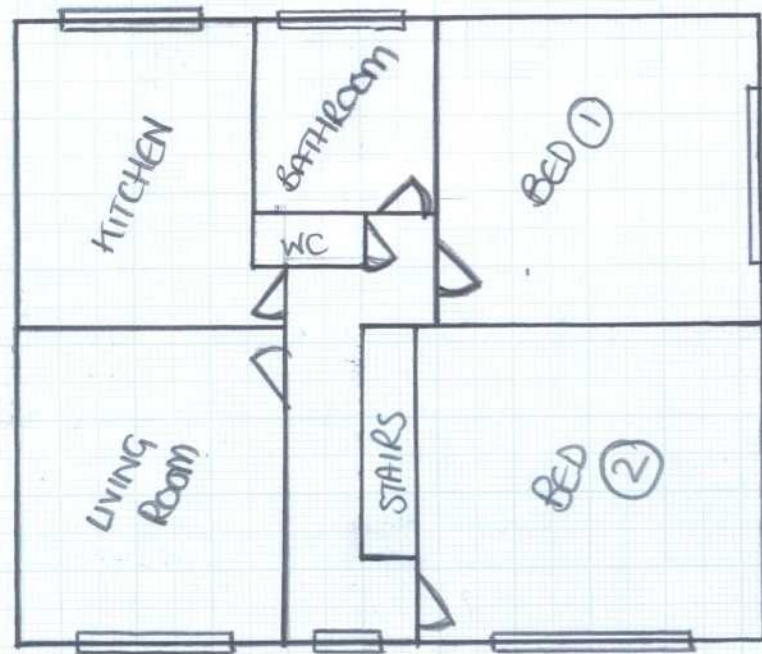
APPLICATION TO DIVIDE A ONE BEDROOM

DWELLING INTO TWO DWELLINGS -

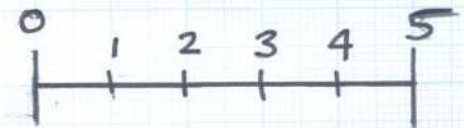
1 x ONE BEDROOM - 1 x TWO BEDROOM



NOTE: ALL WINDOWS WILL BE WHITE PVC TO MATCH EXISTING

210 GREAT NORTH ROAD (FIRST FLOOR)EXISTING FLOOR PLAN

SCALE 1:100



METERS

WINDOWS ARE NOT
TO SCALE

DEVELOPMENT MANAGEMENT PANEL

18 APRIL 2016

Case No: 15/02258/FUL (FULL PLANNING APPLICATION)

Proposal: REAR SINGLE STOREY EXTENSION TO CREATE 1NO. ADDITIONAL BEDROOM TO BE USED FOR HOME OF MULTIPLE OCCUPANCY (HMO) PURPOSES. CONSENT ALREADY GRANTED FOR 5 BEDROOMS AS HMO.

Location: 1 PRINCES DRIVE ST NEOTS PE19 1SG

Applicant: MR RICHARD BALLS

Grid Ref: 519049 260544

Date of Registration: 15.01.2016

Parish: ST NEOTS

RECOMMENDATION - REFUSE

This application is referred to the Development Management Panel as St Neots Town Council's recommendation of approval is contrary to the Officer's recommendation of refusal.

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 This application relates to the site of a two storey, semi-detached dwellinghouse of brick and tile construction in an established residential area of St Neots.
- 1.2 The proposal is for the erection of a single storey extension to the rear of the existing dwelling.

2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (2012), with particular reference to paragraphs 17, 56, 58, 59 and 60.

For full details visit the government website

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>

3. PLANNING POLICIES

- 3.1 Saved policies from the Huntingdonshire Local Plan (1995)
 - EN25: General Design Criteria
 - H34: Extension to dwellings
- 3.2 Saved policies from the Huntingdonshire Local Plan Alterations (2002)
 - No relevant policies.
- 3.3 Adopted Huntingdonshire Local Development Framework Core Strategy (2009)

- CS1: Sustainable development in Huntingdonshire
- 3.4 Draft Huntingdonshire Local Plan to 2036: Stage 3 (2013)
 - LP1: Strategy and Principles for Development
 - LP13: Quality of Design
 - LP15: Ensuring a high standard of Amenity
 - 3.5 St Neots Neighbourhood Plan:
 - Policy A3: High quality design
 - 3.6 Supplementary Planning Documents:
 - Huntingdonshire Design Guide Supplementary Planning Document 2007
 - 3.7 Due regard is also given to the provisions of Class A of the 2015 General Permitted Development Order (as amended).

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

4. PLANNING HISTORY

15/01379/CLPD - Alteration of existing 4 bedroom house to form 5 bedroom HMO, including conversion of existing garage to form habitable room - Consent - 22.10.2015

5. CONSULTATIONS

- 5.1 **St Neots Town Council:** "Approved - Plenty of parking available".

6. REPRESENTATIONS

- 6.1 None.

7. ASSESSMENT

- 7.1 The main issues for consideration are:

- The impact on the amenity of neighbours; and
- The design of the proposal in relation to the existing dwelling and street scene.

The impact on the amenity of neighbours:

- 7.2 Due to the orientation and layout of the existing built form along this section of Princes Drive, coupled with the single storey scale design of the proposed extension, on balance it is considered that the proposed development would not create an unacceptable impact in terms of overshadowing/loss of light, or by way of being overbearing. Similarly, the ground floor positioning and orientation of the fenestration upon the proposed extension is not considered to create a detrimental impact in terms of overlooking/a loss of privacy.
- 7.3 Whilst the physical form of the proposed development is considered to be acceptable in terms of potential impacts upon neighbour

amenity, significant concerns are raised with regard to the overall design of the proposed addition.

The design of the proposal in relation to the existing dwelling and street scene:

- 7.4 The existing dwelling measures approx. 10.65m by 8.6m. The proposed development would entail the erection of a flat roofed extension to the rear, measuring approx. 13.8m (at its longest point) by 5.09m. Due regard is given to the provisions of Class A of the 2015 GPDO (as amended) in terms of a fall-back position for a single storey rear extension, however whilst the height of the proposed extension would appear to be acceptable, the proposed extension exceeds permitted dimensions for both length and width.
- 7.5 Incorporating a flat roof allows the overall height of the proposed extension to be less than the height expected from a pitched structure, but the aesthetic merit of the design is limited. The scale of the proposed addition and its positioning deep into the rear amenity space is considered to reinforce the incongruity of the development.
- 7.6 It is noted that views of the proposed development from the street scene to the south will be limited, given the positioning of the extension in relation to the existing dwelling and the screening qualities of the existing boundary treatments. However, glimpsed views are considered to be achievable from both the thoroughfare to the north of the application site and to the east, such would be the impact of an addition of the scale proposed.
- 7.7 The addition of another bedroom to the dwelling would increase the total number of bedrooms to six. However the floor plan suggests that the proposed extension would not only create space for an additional bedroom, but also a kitchen/dining area and a bathroom. The creation of a single storey addition which has the facilities expected of a self-contained flat adds to the sense of overdevelopment inherent within the proposal.
- 7.8 The proposed development is considered to directly conflict with the recommendations of the Huntingdonshire Design Guide (2007) as the design fails to respect both the proportions and overall character of the existing dwelling. The scale and form of the extension are such that the proposed development is considered to represent a contrived addition to the setting of the application site and would sit uncomfortably in relation to the existing dwelling.

Conclusion:

- 7.9 Having regard for applicable national and local policies and having taken all relevant material considerations into account, it is therefore considered that planning permission should be refused in this instance for the reason explained above and outlined below.

8. RECOMMENDATION – REFUSE for the following reasons:

1. The proposed extension, by virtue of its excessive depth, footprint and flat roof design, would represent an awkward, contrived addition, which would fail to respect the scale, character and traditional proportions of the host dwelling. Furthermore, the excessive built form intruding into the rear garden would result in an overdevelopment of the site, with a significant reduction in outdoor amenity space for the intended six residents. The proposal is therefore contrary to paragraphs 56, 57, 59 and 60 of the National Planning Policy Framework; policy En25 of the Huntingdonshire Local Plan (1995); policy CS1 of the Adopted Core Strategy (2009); policy LP13 of the Draft Huntingdonshire Local Plan to 2036 (2013), Policy A3 of the St Neots Neighbourhood Plan and the recommendations of the Huntingdonshire Design Guide (2007).

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

CONTACT OFFICER:

Enquiries about this report to **Mr James Lloyd Assistant Development Management Officer 01480 388389**

St Neots Town Council
Planning Committee

Schedule of Plans - 4th February 2016

PLAN NO.	RECEIVED	REFERENCE	DEVELOPMENT DESCRIPTION	LOCATION	APPLICANT	RESPONSE DUE	PROPOSER/2ND	SNTC DECISION	NOTES
1	19/01/2016	16/00013/HHFUL	Proposed single storey extension to the side and flue for wood burner to front. (Received amended plans 25/01/16. Both will be available to view)	14, Codrington Court, Eaton Socon, St Neots, PE19 8TE	Miss S Cardorka	12/02/2016	Cllr J Dunford Cllr B Hodges	Approved	No issues
2	21/01/2016	16/00051/FUL	Installation of new kitchen extract ductwork (Retrospective).	Unit 2, The Rowley Arts Centre, Huntingdon Street, St Neots, PE19 1BY (Frankie & Benny's Restaurant)	Mr J Tripp, The Restaurant Group Ltd	09/02/2016	Cllr C Maslen Cllr Mrs D Collins	Approved	Retrospective, no issues
3	21/01/2016	16/00046/HHFUL	Proposed single storey extension to the rear.	9, The Paddock, Eaton Ford, St Neots, PE19 7SA	Mr H Williams	09/02/2016	Cllr C Maslen Cllr Mrs L Ruck	Approved	Not overlooking neighbours and within permitted development
4	21/01/2016	16/00067/HHFUL	Proposed single storey garage.	15, Beech Grove, St Neots, PE19 1HE	Mr W George	09/02/2016	Cllr Mrs D Collins Cllr Mrs J Smith	Approved	No issues
5	21/01/2016	16/00041/HHFUL	Proposed two storey rear extension.	2, Harlech Court, Eynesbury, St Neots, PE19 2RY	Mr T Wilson	09/02/2016	Cllr Mrs L Ruck Cllr C Maslen	Approved	Not overlooking neighbours
6	21/01/2016	16/00035/FUL	Proposed windows and doors replacement scheme.	Tavistock Court, Russell Street, St Neots, PE19 1BE	Mr G Taylor	05/02/2016	Cllr Mrs L Ruck Cllr Mrs J Smith	Approved	No issues
7	25/01/2016	15/02258/FUL	Rear single storey extension to create 1 additional bedroom to be used for HMO purposes. Consent already granted for 5 bedrooms as HMO (HMO means Home of Multiple Occupancy).	1. Princes Drive, St Neots, PE19 1SG	Mr R Balls	09/02/2016	Cllr Mrs J Smith Cllr Mrs D Collins	Approved	Plenty of parking available
8	25/01/2016	16/00020/HHFUL	Remove existing rear conservatory and replace with flat roofed dining extension.	42, Honeydon Avenue, Eaton Socon, St Neots, PE19 8PJ	Mr G Shipley	11/02/2016	Cllr Mrs J Smith Cllr C Maslen	Approved	No issues
9	25/01/2016	16/00092/LBC	New Pub sign.	The White Horse, 103, Great North Road, Eaton Socon, St Neots. PE19 8EL	Enterprise Inns plc	12/02/2016	Cllr K Wainwright Cllr J Dunford	Approved	No issues
157	26/01/2016	15/02377/FUL	The proposed development is to divide the existing dwelling into two separate dwellings consisting of a one bedroom apartment and a two bedroom apartment. It also includes a first floor extension over an existing ground floor extension.	210 Great North Road, Eaton Socon, St Neots. PE19 8ED	Mrs T Curl	11/02/2016	Cllr J Dunford Cllr Mrs J Smith	Rejected	Rejection reasons are Adequacy of parking/loading/turning and Traffic generation

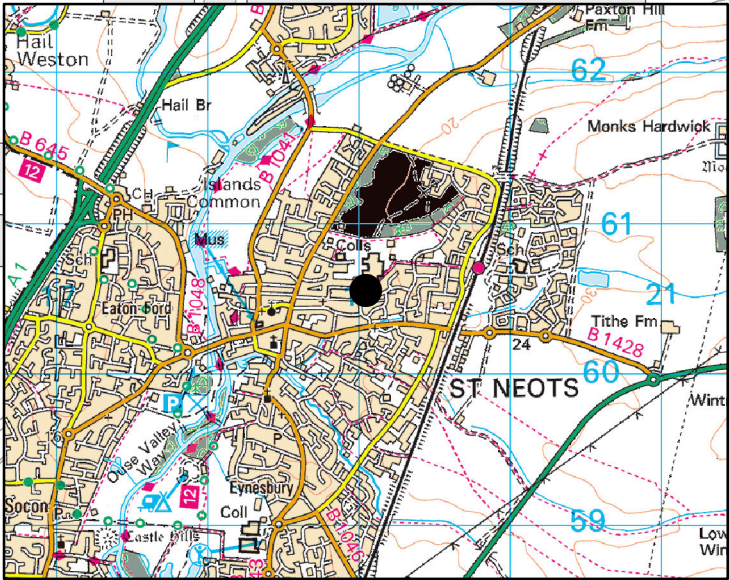
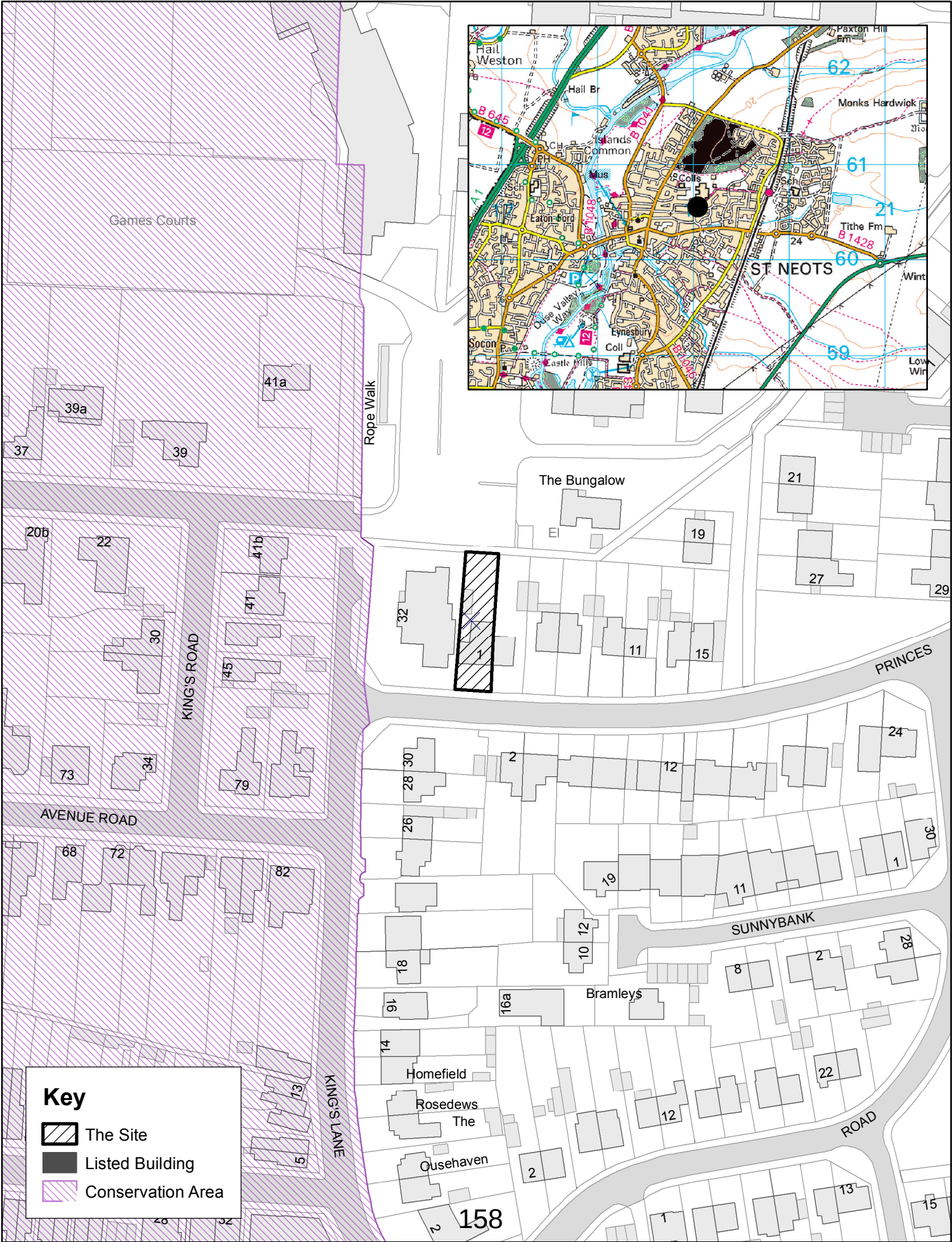
Development Management Panel



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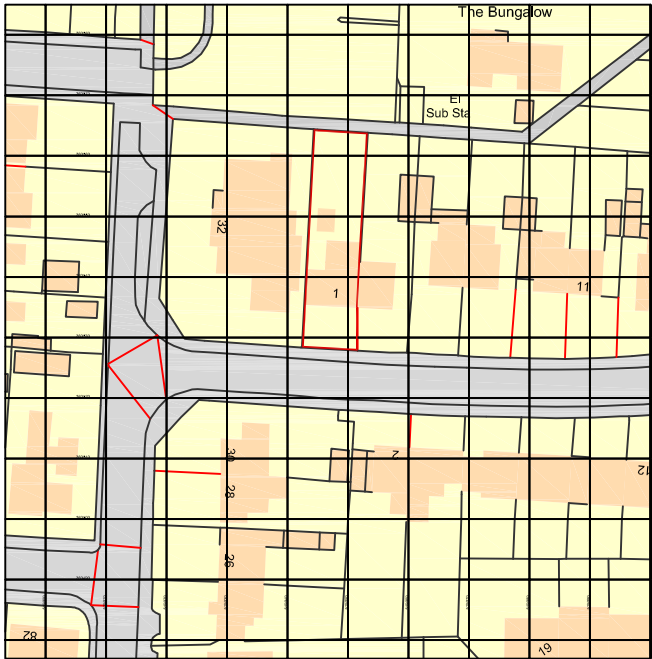
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Location: St Neots

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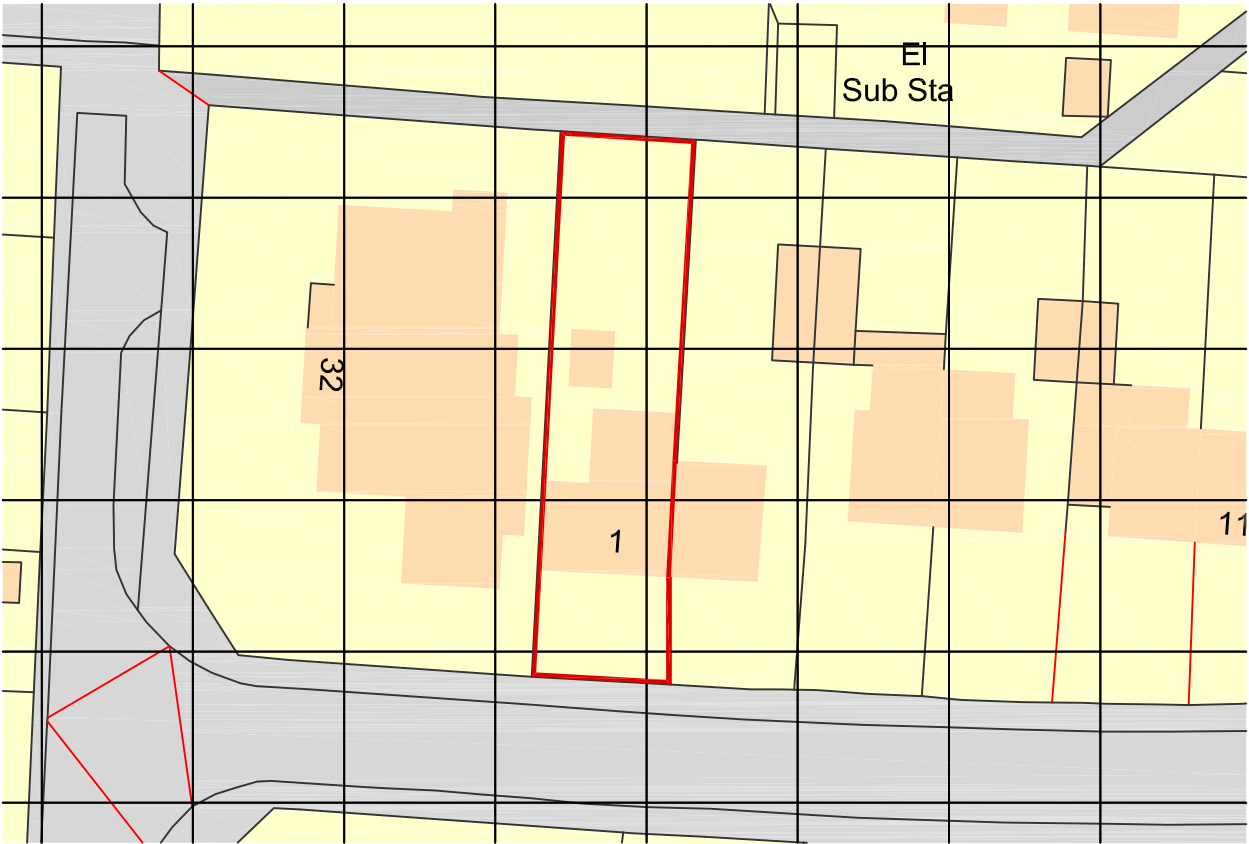


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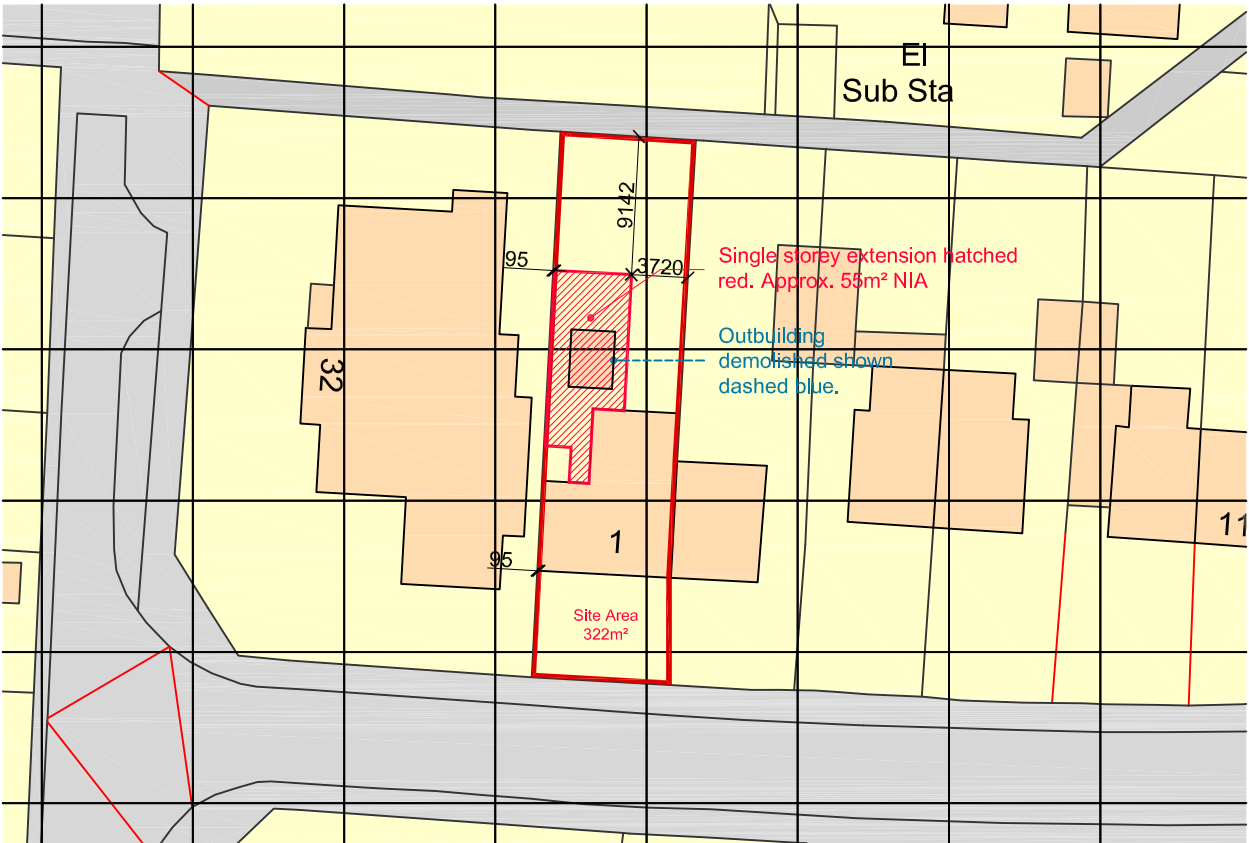
- The Site
- Listed Building
- Conservation Area



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EXISTING BLOCK PLAN
SCALE 1:500



PROPOSED BLOCK PLAN
SCALE 1:500

DO NOT SCALE FROM THIS DRAWING

The contractor is to check all dimensions on site and report any discrepancies to the architect. All rights described in chapter IV of the copyright, designs and patents act 1988 have been generally asserted.

09/2015 Drawn MDV Check TJM
FIRST ISSUE



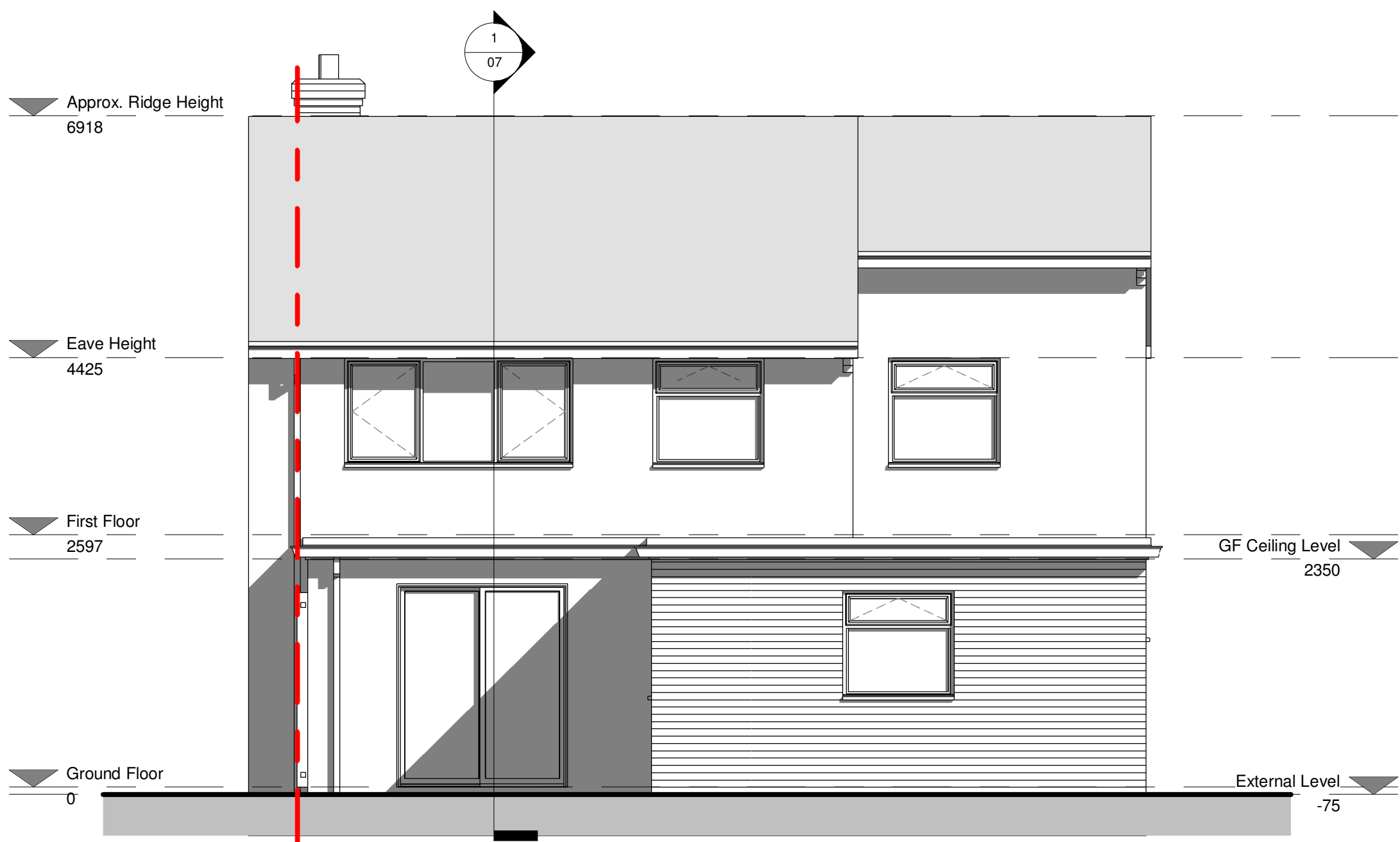
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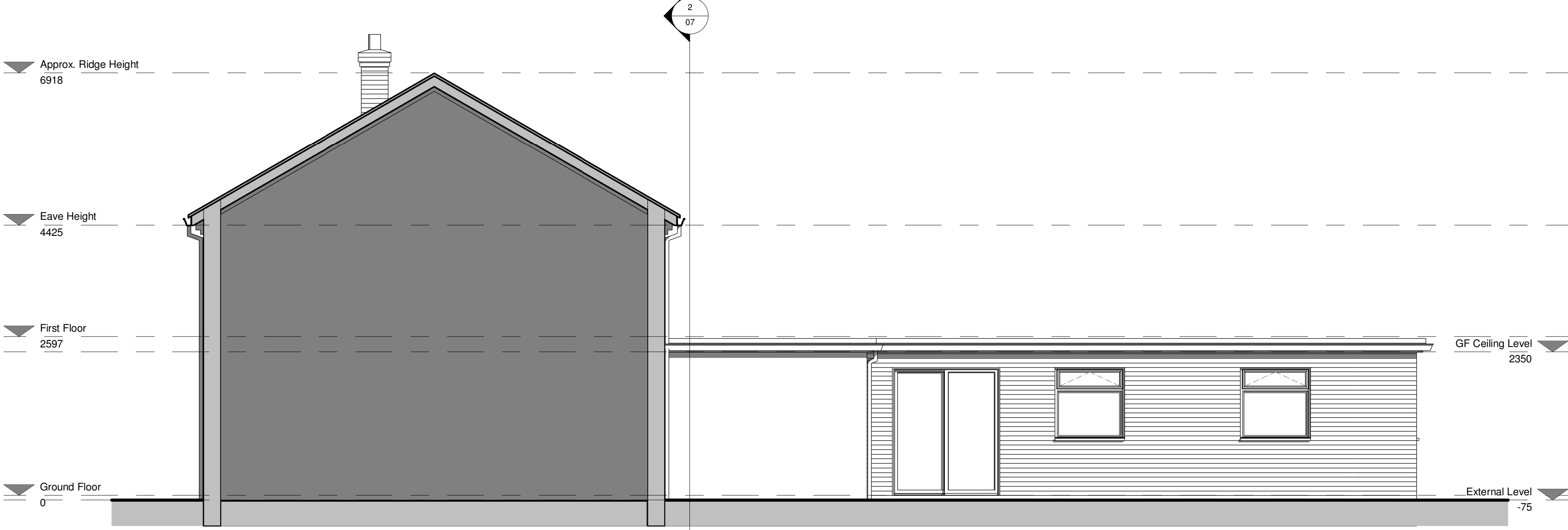
Project
1 Princes Drive
St. Neots
PLANNING APPROVAL

Drawing
Site Location and Block Plan

Scale	VARIES @ A3	Date	09/2015
Ref.	214	Drawing No.	01
Rev.			



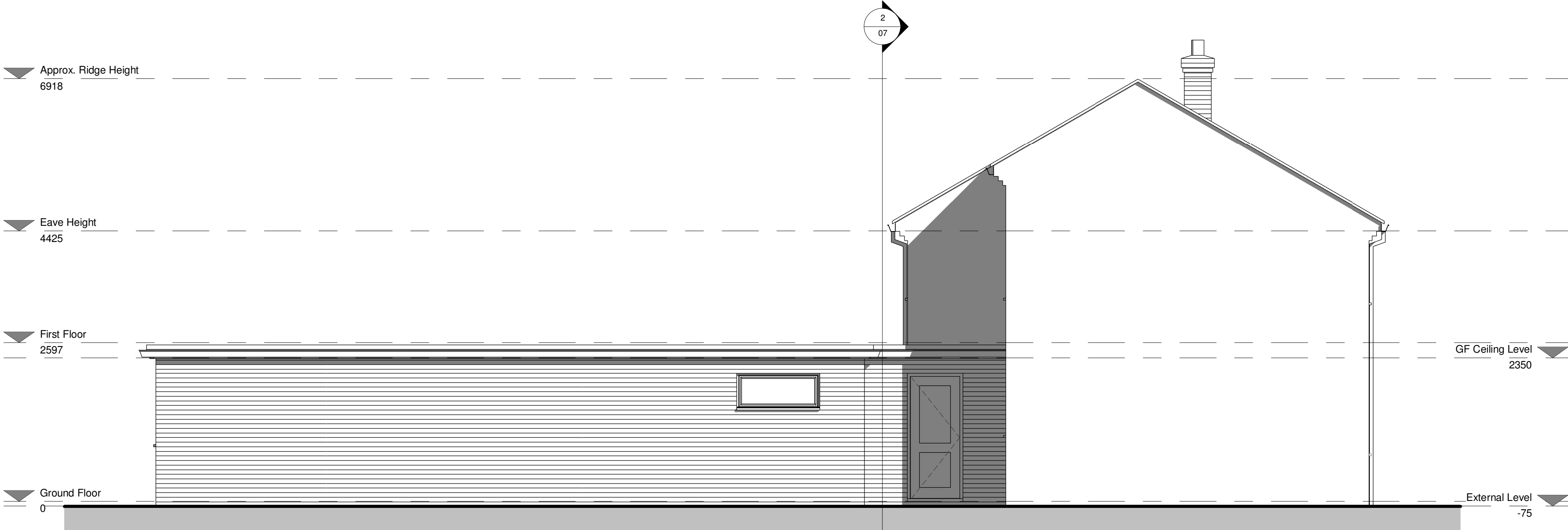
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East Elevation
1 : 50



South Elevation
1 : 50



West Elevation
1 : 50

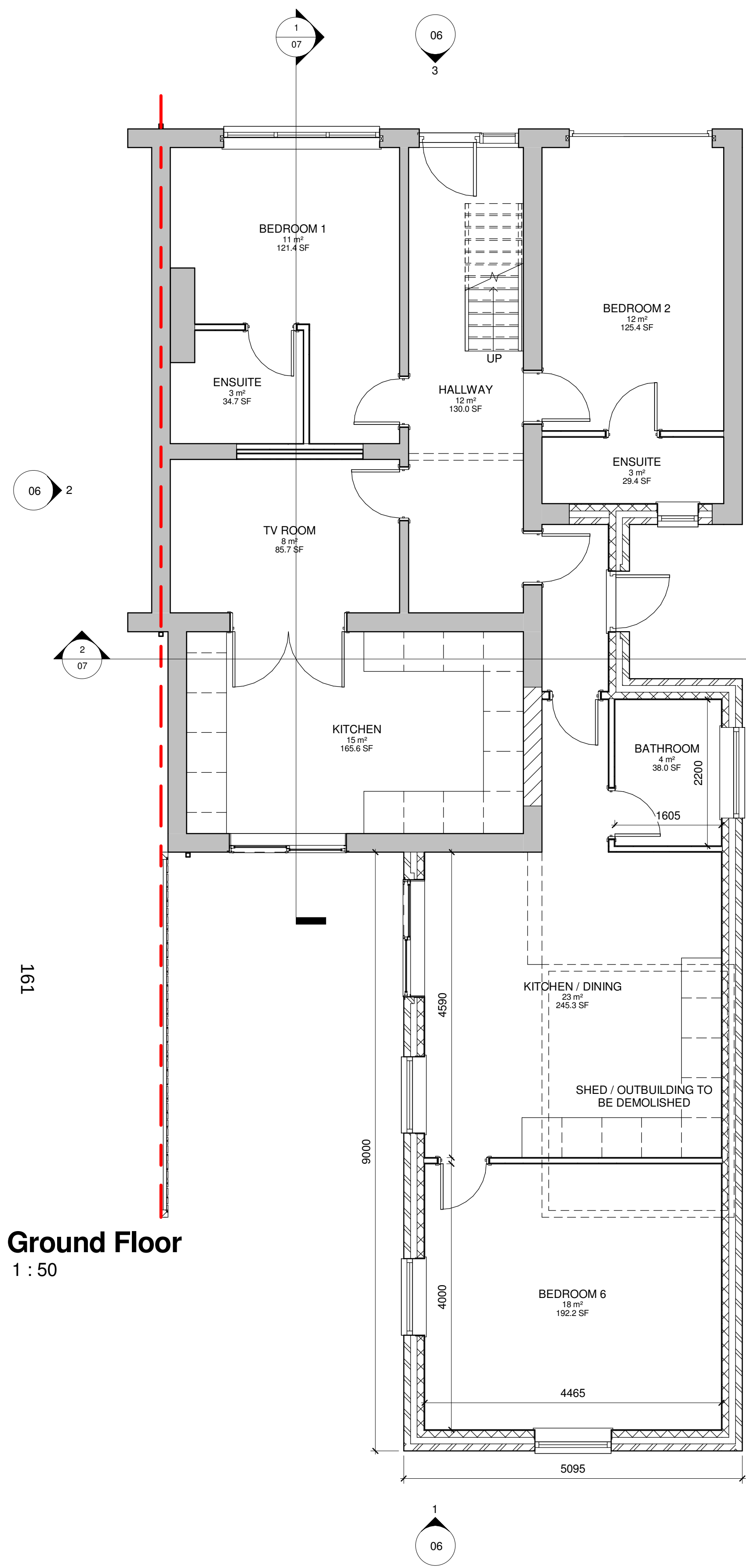
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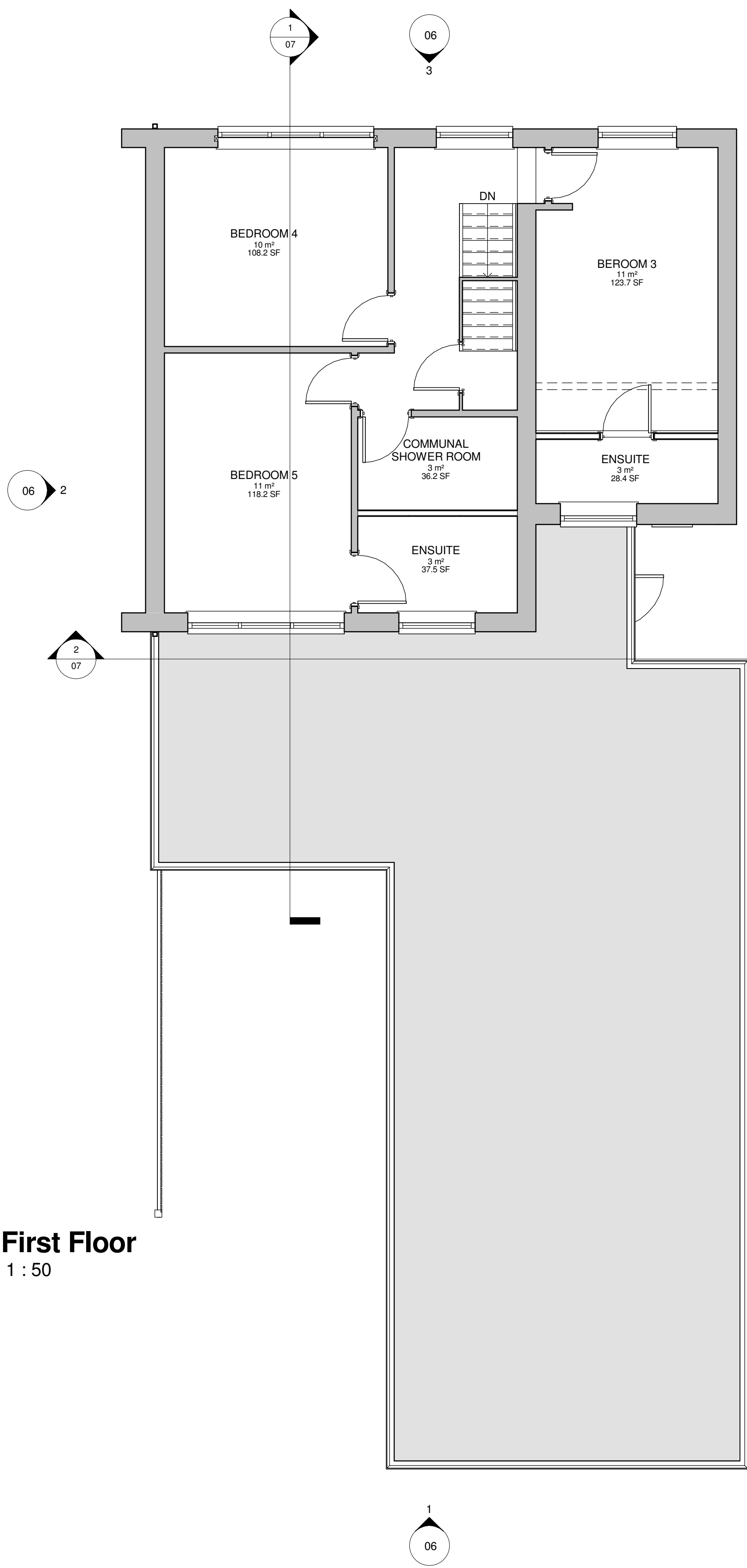
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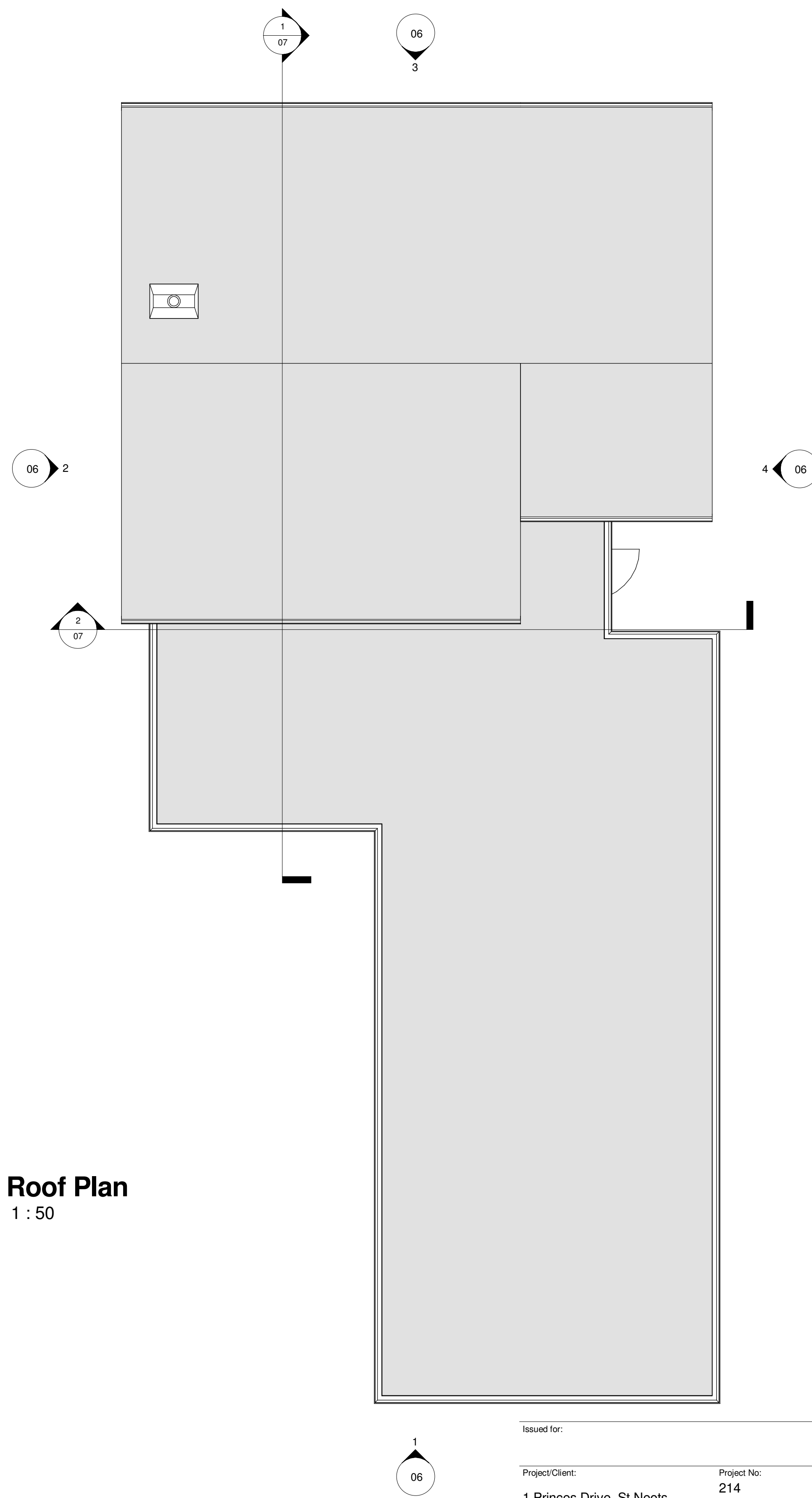
Contractors must work only to figured dimensions which are to be checked on site.



Ground Floor
1 : 50



First Floor
1 : 50



Roof Plan
1 : 50

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Project/Client:	Project No:
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Drawing:	Scale:
PROPOSED FLOOR PLANS	1 : 50 @A1
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	Checked By: TJM Date:



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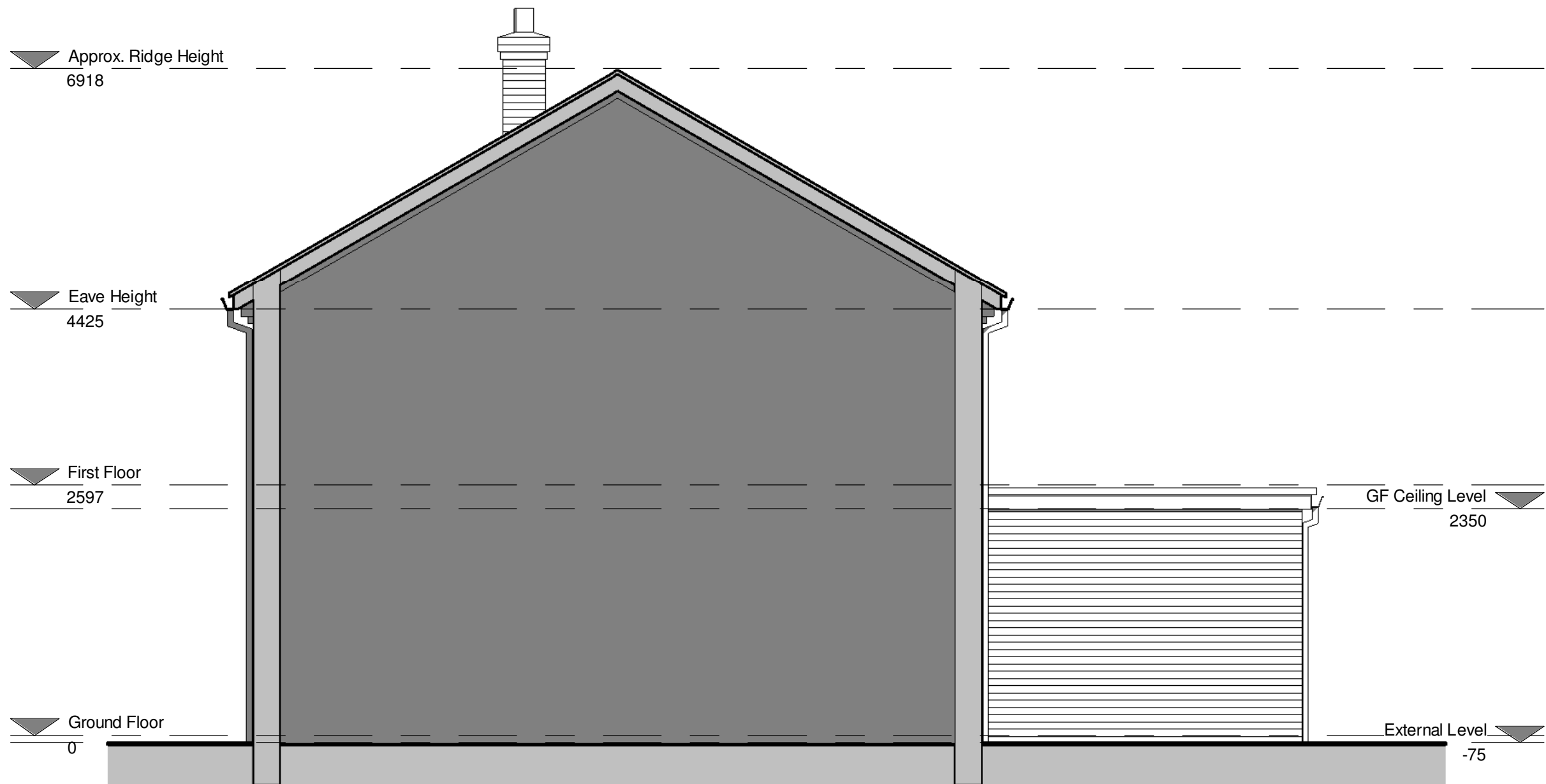
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North Elevation
1 : 50



South Elevation
1 : 50



East Elevation
1 : 50



West Elevation
1 : 50

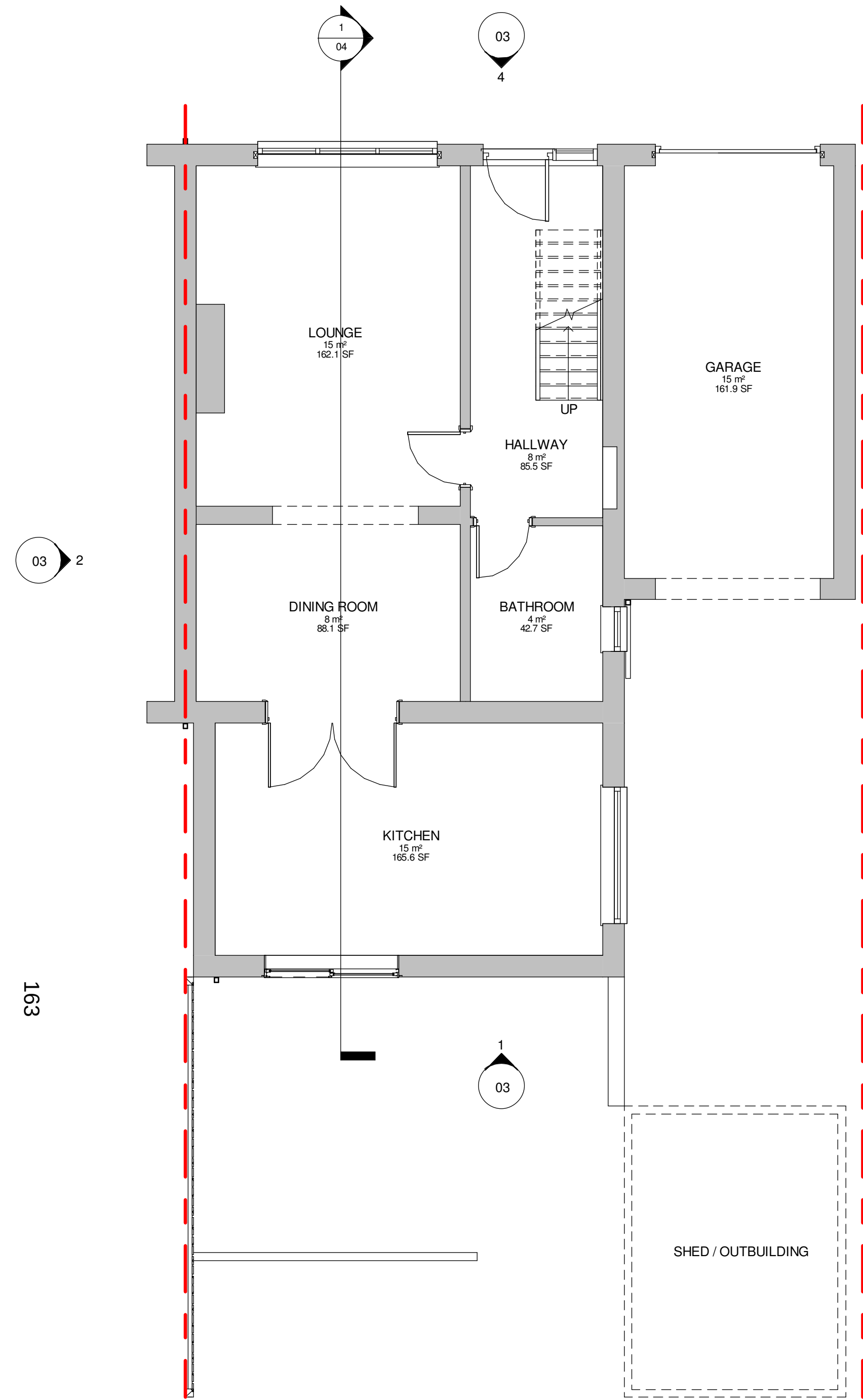
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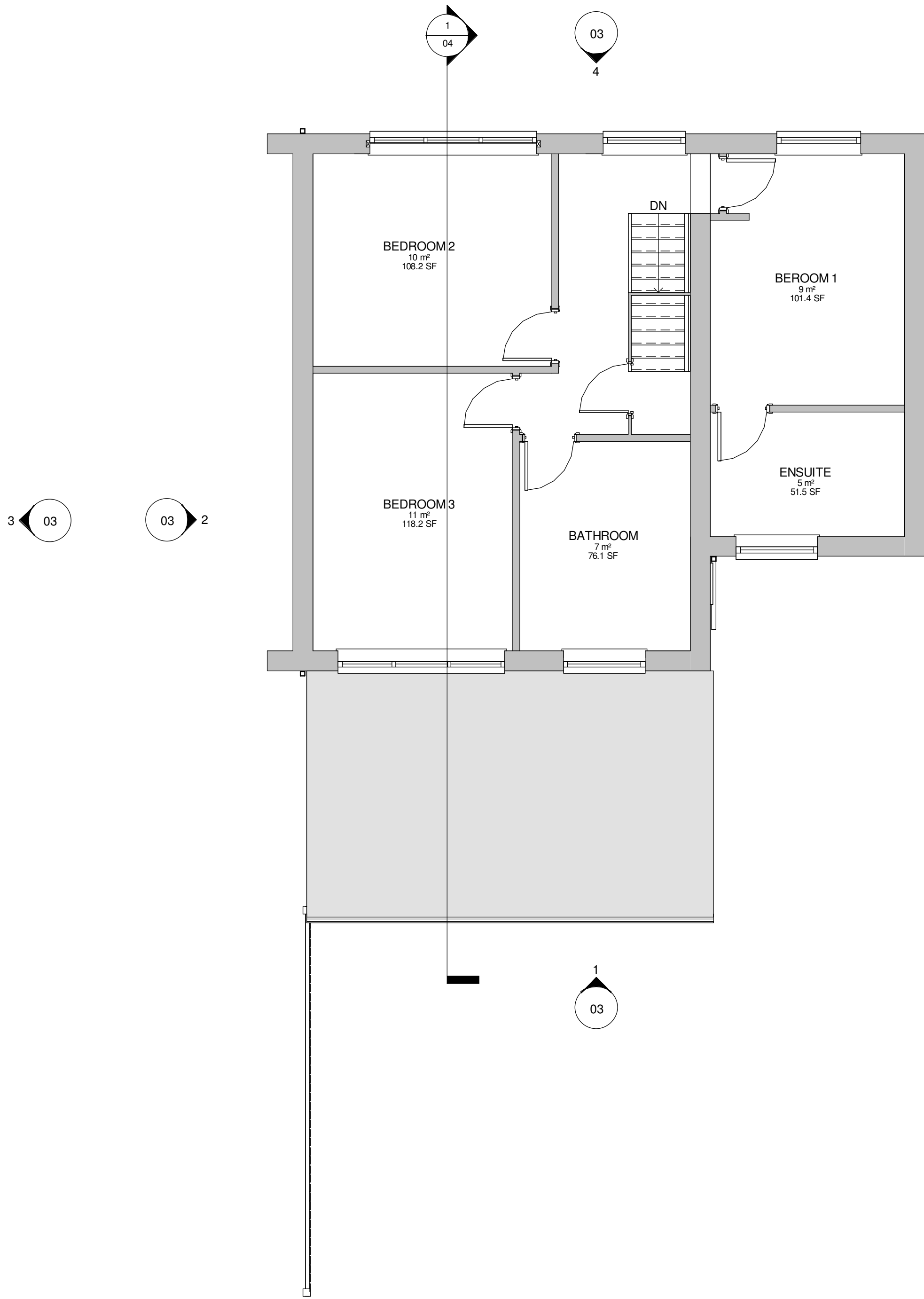
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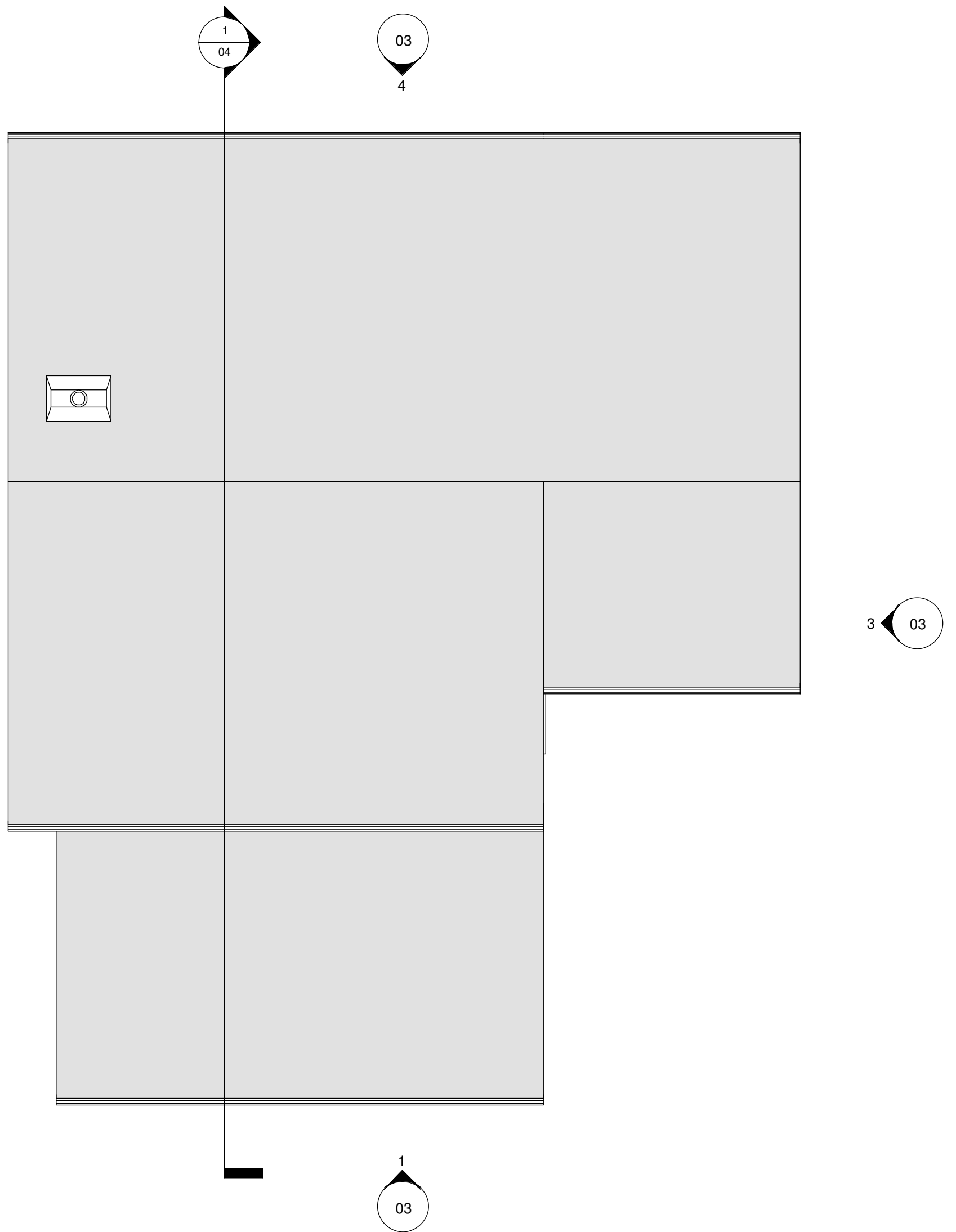


Ground Floor
1 : 50



First Floor
1 : 50

Roof Plan
1 : 50



Rev	Date	Details	Drawn	Checked

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PLANNING APPROVAL	Dwg No:
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	Rev:
Drawing:	Scale:
EXISTING FLOOR PLANS	1 : 50 @A1
	Drawn By: Date:
	MDV
	Checked By: Date:
	TJM



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DEVELOPMENT MANAGEMENT PANEL

18 APRIL 2016

Case No: 15/02405/OUT (OUTLINE APPLICATION)

Proposal: PROPOSED ERECTION OF DETACHED HOME WITH INDEPENDANT ACCESS

Location: MAY COTTAGE HOLME ROAD YAXLEY PE7 3NA

Applicant: MR M CHANNING

Grid Ref: 518239 291503

Date of Registration: 06.01.2016

Parish: YAXLEY

RECOMMENDATION - APPROVE

This application is reported to the Development Management Panel as the Parish Council's recommendation of refusal is contrary to the officer's recommendation of approval.

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 This application relates to land at the rear of May Cottage, which is located outside of the built up framework of Yaxley. The site currently has an approved business use (as approved under planning reference 1100400FUL on the 19th May 2011). There are a number of temporary structures related to the authorised use within the bounds of the site. There is a mix of planting along the boundary with Holme Road. The area is characterised by open countryside apart from some scattered sporadic housing.
- 1.2 May Cottage is located to the north west of the site and has been extended significantly over time.
- 1.3 The site is within the Environment Agency's Flood Zone 3. The site is not shown as being at risk of flooding in the Huntingdonshire Strategic Flood Risk Assessment 2010. A flood risk assessment has not been submitted on this basis.
- 1.4 A Design and assessment statement has been submitted with the application.
- 1.5 The application seeks permission in outline for the erection of a dwelling and detached garage. The approved application granted in 2011 for the erection of an MOT station has been implemented (please see green papers). The applicant has explained in supporting documents that the existing MOT business will be relocated (should planning permission be granted).
- 1.6 The access is being considered as part of this application, with all other matters reserved and to be considered in the submission of a reserved matters application.

2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (2012) sets out the three dimensions to sustainable development - an economic role, a social role and an environmental role - and outlines the presumption in favour of sustainable development. Under the heading of Delivering Sustainable Development, the Framework sets out the Government's planning policies for : building a strong, competitive economy; ensuring the vitality of town centres; supporting a prosperous rural economy; promoting sustainable transport; supporting high quality communications infrastructure; delivering a wide choice of high quality homes; requiring good design; promoting healthy communities; protecting Green Belt land; meeting the challenge of climate change, flooding and coastal change; conserving and enhancing the natural environment; conserving and enhancing the historic environment; and facilitating the sustainable use of minerals.
- 2.2 Planning Practice Guidance (2014)

For full details visit the government website

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>

3. PLANNING POLICIES

- 3.1 Saved policies from the Huntingdonshire Local Plan (1995)
- H23: "Outside Settlements"
 - H31: "Residential privacy and amenity standards"
 - En17: "Development in the Countryside"
 - En18: "Protection of countryside features"
 - En25: "General Design Criteria"
- 3.2 Saved policies from the Huntingdonshire Local Plan Alterations (2002)
- HL5: "Quality and Density of Development"
- 3.3 Adopted Huntingdonshire Local Development Framework Core Strategy (2009)
- CS1: "Sustainable development in Huntingdonshire"
 - CS3: "The Settlement Hierarchy"
 - CS10: "Contributions to Infrastructure Requirements"
- 3.4 Draft Huntingdonshire Local Plan to 2036: Stage 3 (2013)
- LP1: "Strategy and Principles for Development"
 - LP10: "Development in Small Settlements"
 - LP11: "The Relationship between the built-up area and the countryside"
 - LP13: "Quality of Design"
 - LP15: "Ensuring a high standard of Amenity"
 - LP18: "Parking Provision"
 - LP26: "Homes in the Countryside"
- 3.5 Huntingdonshire Design Guide SPD 2007
- 3.6 Huntingdonshire Landscape and Townscape SPD 2007

3.7 Developer Contributions SPD 2011

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

4. PLANNING HISTORY

- 4.1 Extensive planning history the relevant parts of which are:
9900553FUL – retention of use as car repairs and servicing, permitted October 1999.
0801315FUL – Erection of new workshop and office, refused June 2008,
0803075FUL – Erection of new workshop and office, refused December 2008
0900112FUL – Erection of new workshop and office, refused October 2009
1100400FUL – construction of a MOT station building, approved May 2011

5. CONSULTATIONS

- 5.1 Yaxley Parish Council objects to the application – (COPY ATTACHED)
The Parish Council objects to the proposed development as it lies outside the defined settlement boundary for the village. The site is situated on a 60mph road and there is no public footpath on that road to the village. The proposed development would further erode the soft fen edge view of the village from the fen and may have an adverse impact on the Great Fen project.

Officer response:

The above grounds of objection are assessed in the main body of the report.

- 5.2 County Highways Engineers (CCC) – no objection
The proposed access is indicated onto Leading Drove which is a private road; the new dwelling replaces an existing business use which would produce a greater amount of vehicle movements than that proposed. Given the above CCC would have no objections to that proposed.

6. REPRESENTATIONS

- 6.1 No third party representations have been received

7. ASSESSMENT

- 7.1 The application has been submitted in outline with access only to be considered.
- 7.2 The main issues to consider here are the principle of the development, the visual impact of the proposed development, and highway safety.

Assessment:

- 7.3 The site is located outside the built-up framework of Yaxley village, and is in the open countryside for the purposes of adopted and emerging planning guidance and policies. The relevant adopted and emerging policies are generally restrictive when it comes to new development outside the built-up framework of settlements/village, and will only permit new residential development where this is essential for the proper functioning of a rural enterprise. Any such proposals should be accompanied by specific justification, without which it cannot be supported by the Local Planning Authority. Policy CS3 states that new residential development in the countryside "will be strictly limited to that which has an essential need to be located in the countryside".
- 7.4 Paragraph 55 of the National Planning Policy Framework (NPPF) also states that Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances which include the essential need for a rural worker to live permanently at or near their place of work in the countryside.
- 7.5 The Draft Local Plan to 2036 provides further guidance on the relationship of the built-up area and the countryside. Policy LP11 provides guidance with regards to 'the relationship between the built-up area and the countryside', advising that 'The countryside includes all land outside built-up areas and those hamlets, groups of buildings and individual buildings that are clearly detached from the continuous built-up area of a defined settlement that are not themselves defined settlements'. This policy sets out that 'New homes in the countryside will require special justification for planning permission to be granted'.
- 7.6 Paragraph 215 of the NPPF requires that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 7.7 Paragraph 216 states that '...decision-takers may also give weight to relevant policies in emerging plans according to:
- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)
- 7.8 This site has a long and extensive planning history relating to the business use since 1999. Currently there are a collection of temporary buildings serving the existing business use. In 2011 planning permission was granted for a relatively large MOT testing building, which has been implemented by the laying of foundations.
- 7.9 One of the Core twelve Planning principles contained in the NPPF encourages the effective use of land by reusing land that has been previously developed land. The key objective in achieving sustainable

forms of development in the Adopted Core Strategy is the use of land that has been developed. Paragraph 111 defines previously developed land as 'brownfield land', and makes it clear that the effective use of land by re-using land that has been previously developed (brownfield land), providing it is not of high environmental value, should be encouraged. In paragraph 89 (of the NPPF), one of the exceptions to the preservation and protection of the countryside is limited infill developments or the redevelopment of previously developed sites, providing the proposed development does not have a greater impact. The application site, based on its lawful use is considered to fall within the definition of a brownfield site for the purposes of the NPPF and the adopted Core Strategy. The NPPF in Paragraph 49 also states that 'housing applications should be considered in the context of the presumption in favour of sustainable development'. Paragraph 50 of the NPPF states 'to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing.

- 7.10 The site is considered to be brownfield land, albeit outside the built-up framework, and the principle of the development is partly accepted. The development should, in the true spirit of aims of planning policy, meet the aims of sustainable development. Sustainability has three strands, environmental, economic, and social issues. The site is located approximately 1/3 of mile from the historic centre of Yaxley village, which is identified in the Core Strategy as a Key Service centre, providing a mix of services and employment opportunities. The County highways engineer has confirmed the current use of the site as a MOT station is likely to generate more vehicles to the site than the proposed residential use, therefore it is considered that the environmental impacts would be reduced by allowing the redevelopment of the site for a single family dwelling. As such, the redevelopment of this site is considered to be a more sustainable form of development compared to the approved MOT station use.
- 7.11 With regards to the comments from Yaxley Parish Council relating to the lack of public pathway provision into the village, the County Highways engineer has not objected to the proposal on grounds of pedestrian or vehicle safety, and the footpath situation remains unchanged following the recommendation of approval from the Parish Council for the MOT station building. The Parish Council have also raised concern about the erosion of the soft fen edge to the view of the village. Initial indicative plans should the new dwelling would be setback from the road, deep into the site. In addition, Members should be reminded that the Parish Council did not object to the scale and mass of the approved MOT station building, in terms of visual amenity issues.
- 7.12 Notwithstanding the above, this application has been submitted in Outline to assess the principle of the development, and the access arrangements only. The design, scale and mass, if this application is approved, will be assessed in the submission of a reserved matters application. It is expected however that any dwelling approved through the planning process in the future should be of a simple, restrained form, and subservient in nature to May Cottage, to ensure the building sits sympathetically within the site and reflects the rural character of the area.

- 7.13 The existing MOT station site lies to the south east of an existing group of three dwellings; a new dwelling in this location is considered to be more compatible with the existing uses in terms of visual appearance and the living environment of those in close vicinity to the site.
- 7.14 The existing MOT station access point is taken from the track to the north of May Cottage, it is considered that the amount of vehicles using this access would be significantly reduced with the introduction of a residential use (in the form of a single family dwelling), therefore the impacts in terms of vehicle generation, and noise and disturbance from such vehicles is considered to be a significant improvement over the existing situation.
- 7.15 Ultimately, there are no objections raised to the existing site access being used for residential purposes, on the grounds of highway safety.

Conclusion

- 7.16 Given the site can be defined as a site that has previously been developed (i.e. a brownfield site), which is relatively sustainable when compared to the authorized use, and a more compatible use go the existing developments, and based on the assessment above, on balance the proposal is considered to be acceptable in principle in this instance.

8. RECOMMENDATION - APPROVAL subject to conditions to include the following

- Time limit
- Approve plans
- Materials
- Contamination
- Remove PD Rights

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

CONTACT OFFICER:

Enquiries about this report to **Linda Walker Development Management Officer 01480 388411**

Huntingdonshire DC Public Access

From: developmentcontrol@huntsdc.gov.uk
Sent: 27 January 2016 09:42
To: DevelopmentControl
Subject: Comments for Planning Application 15/02405/OUT

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 9:42 AM on 27 Jan 2016 from Mrs Helen Taylor.

Application Summary

Address: May Cottage Holme Road Yaxley PE7 3NA
Proposal: Proposed erection of detached home with independant access
Case Officer: Linda Walker
[Click for further information](#)

Customer Details

Name: Mrs Helen Taylor
Email: clerk@yaxleypc.org.uk
Address: Yaxley Parish Council, The Amenity Centre, Main Street, Yaxley pe7 3lu

Comments Details

Commenter Type: Town or Parish Council
Stance: Customer objects to the Planning Application
Reasons for comment:
Comments: The Parish Council objects to the proposed development as it lies outside the defined settlement boundary for the village. The site is situated on a 60mph road and there is no public footpath on that road to the village. The proposed development would further erode the soft fen edge view of the village from the fen and may have an adverse impact on the Great Fen project.

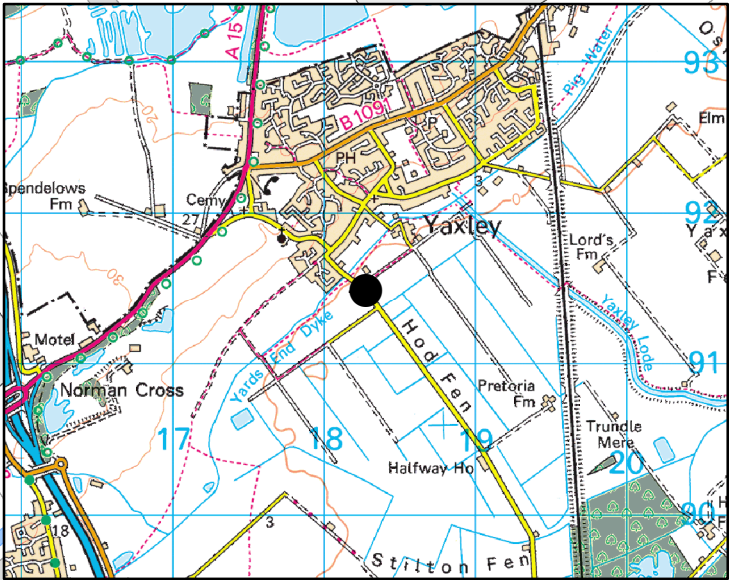
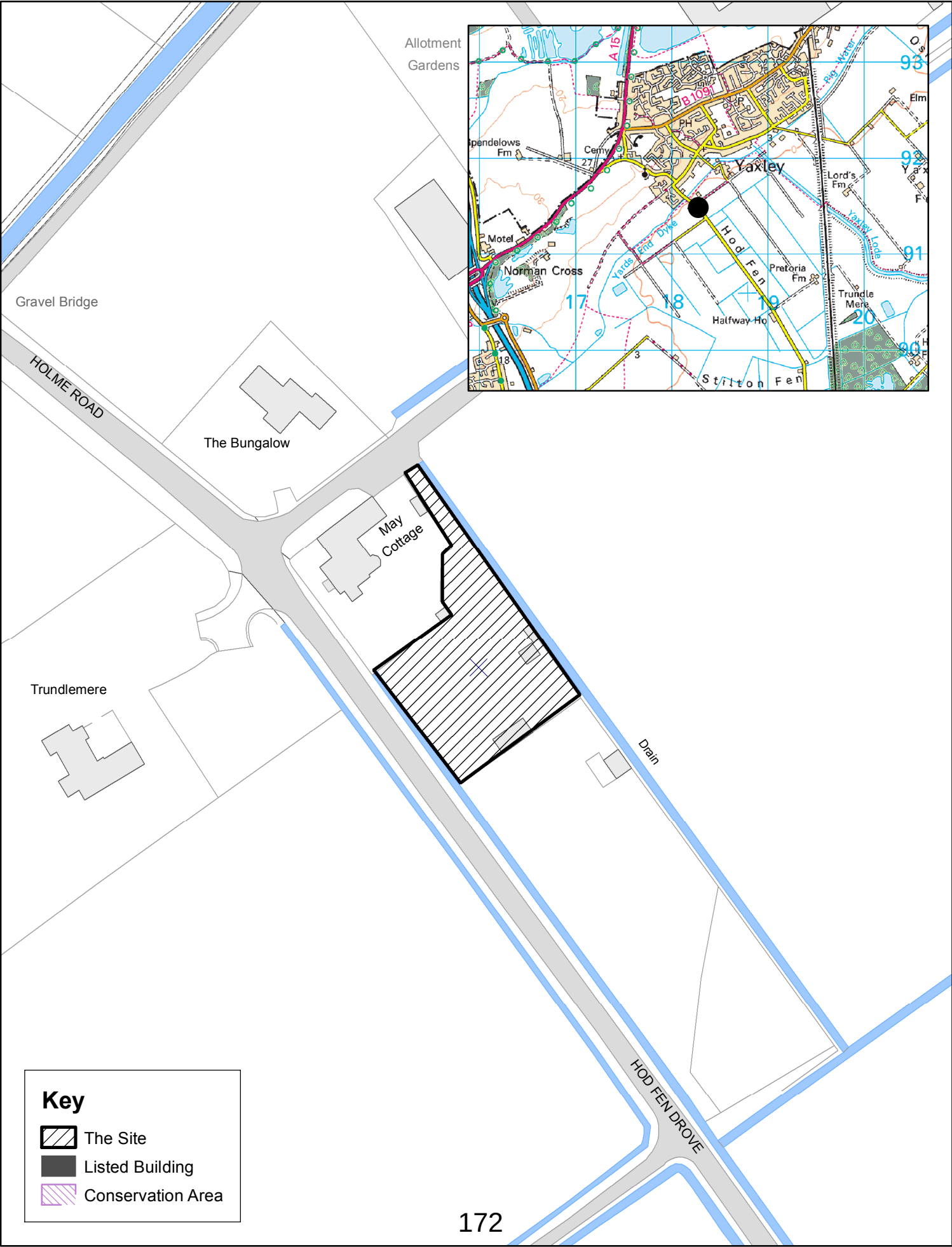
Development Management Panel



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Date Created: 04/04/2016

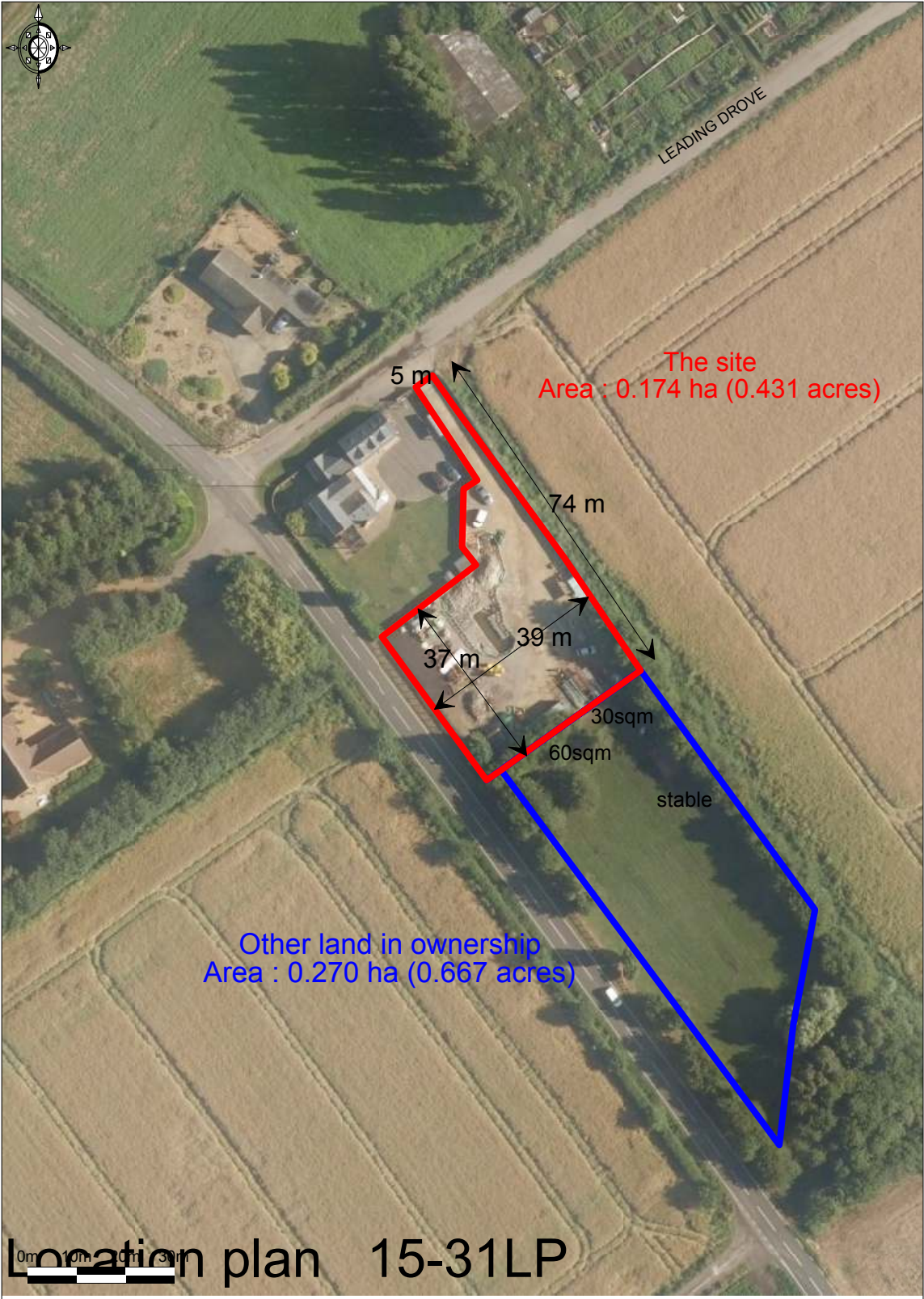
Application Ref:15/02405/OUT
Location: Yaxley

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Key

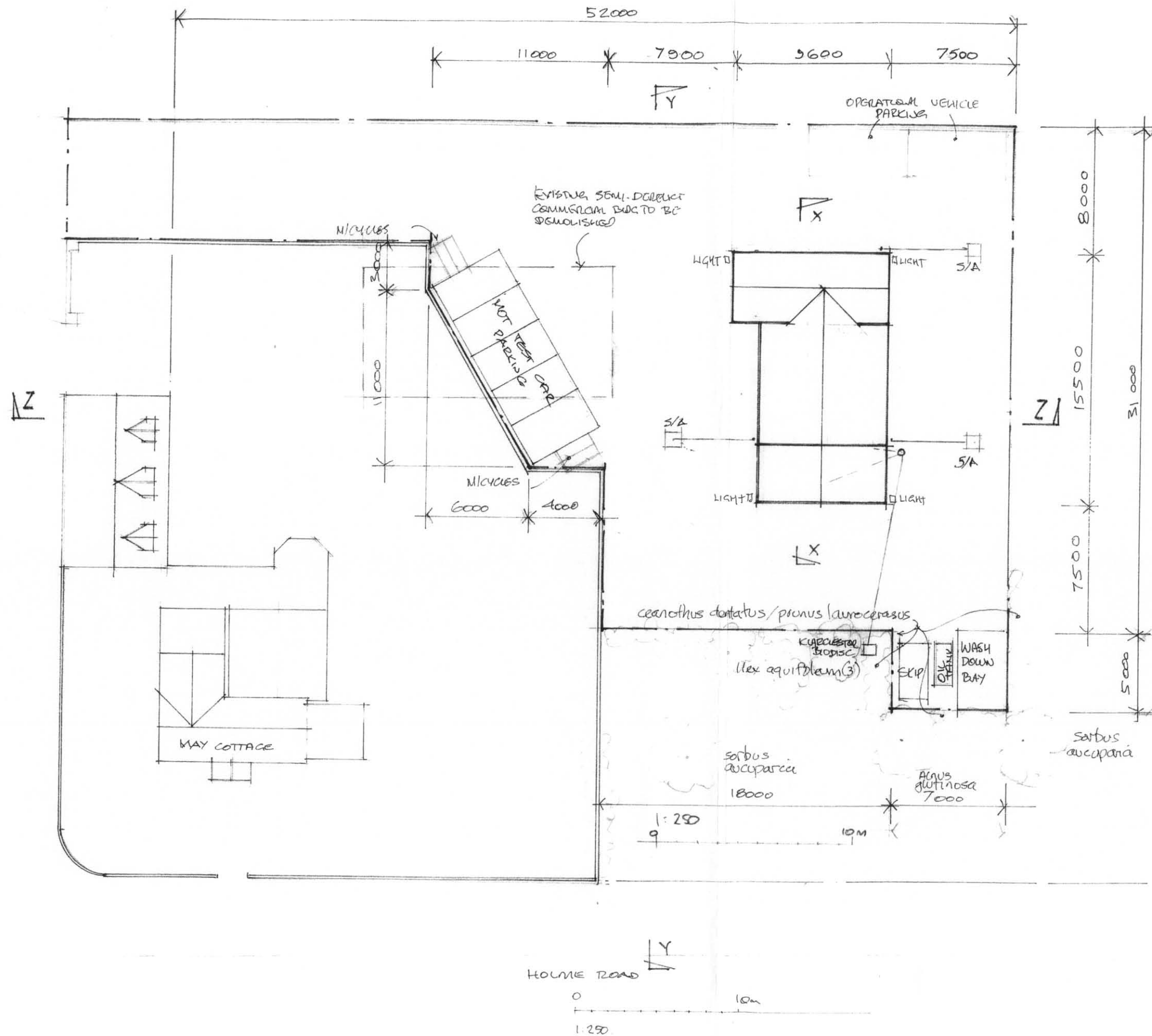
- The Site
- Listed Building
- Conservation Area



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Getmapping plc 2015. Plotted Scale - 1:1250

BARKER STOREY MATTHEWS
37 Priestgate, Peterborough PE1 1JL

GREEN PAPERS FOLLOW



1100400

PP1421371
 Proposed Vehicle
 Service Building
 With MOT Test
 Bay At Rear Of
 May Cottage
 Holme Road
 Yaxley
 Cambs

Site Plan

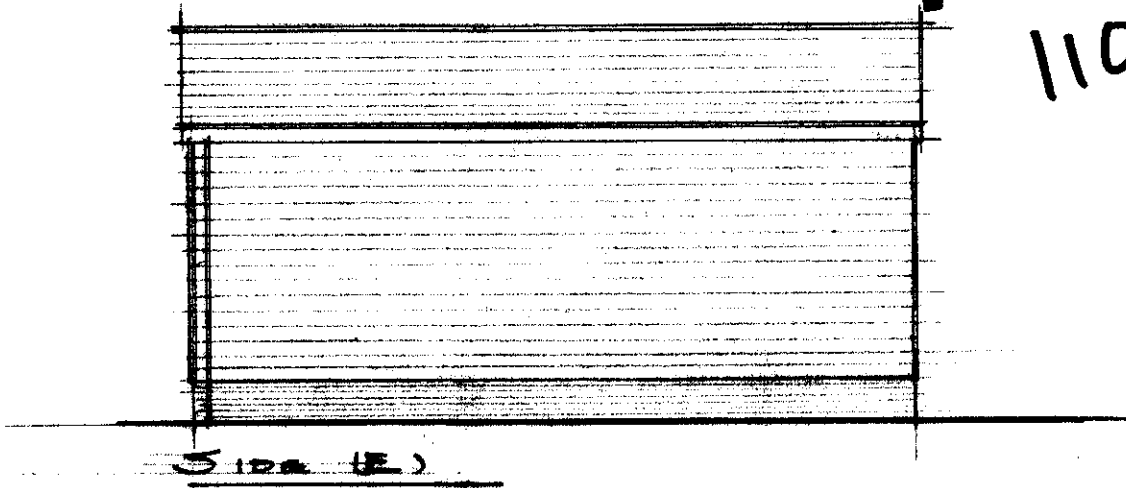
Drg. No 4251/5
 Date Feb 2011
 Scale 1:50

B. Shemeld
 264 Eastfield Rd
 Peterborough
 Cambs
 PE1 4BE
 Tel 01733 891771

HDC DOC. CENTRE

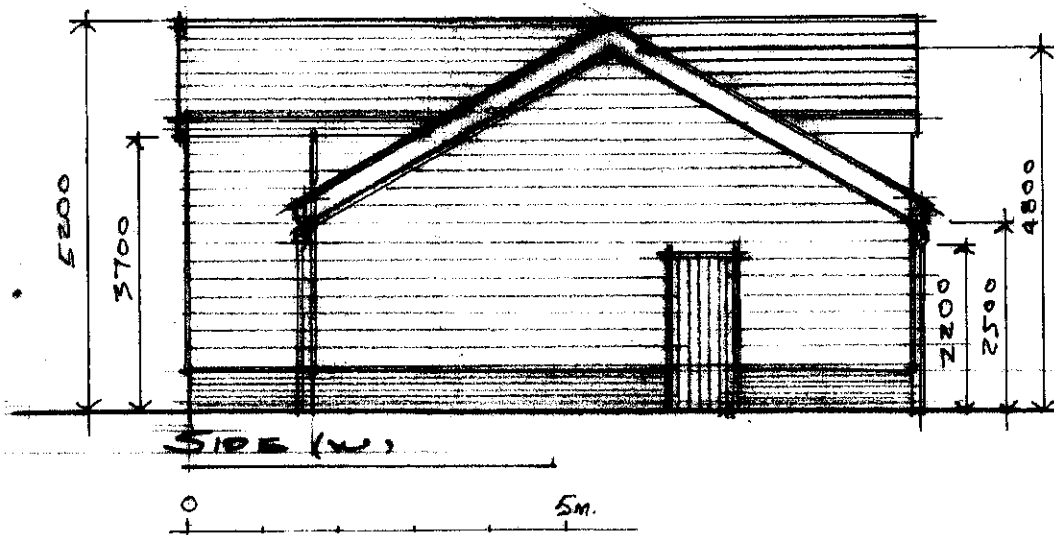
24 MAR 2011

AMENDED
1100400ful



Rev A. May 2011

West elevation
amended



*Proposed Vehicle Service
Bldg With MOT Test Bay
At Rear Of
May Cottage
Holme Road
Yaxley*

Elevations

Dr No 4251 / 1 A
Date Feb 2011
Scale 1:100

B. Shermeld
264 Eastfield Rd
Peterborough
Cambs
PE1 4BE
Tel 01733 891771



Case No: 16/00162/OUT (OUTLINE APPLICATION)

Proposal: DETACHED ECO CONSTRUCTED LODGE TO CREATE THREE BED DETACHED DWELLING

Location: LAND AT 34 CHURCH END CATWORTH PE28 0PB

Applicant: MRS R WHITE

Grid Ref: 509103 273279

Date of Registration: 26.01.2016

Parish: CATWORTH

RECOMMENDATION - REFUSE

This application is referred to the Development Management Panel as Catworth Parish Council's recommendation of approval is contrary to the Officer's recommendation of refusal.

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 This application relates to a parcel of land adjacent to 34 Church End, Catworth.
- 1.2 The proposal is for the erection of a detached dwelling. The application is for outline permission, with approval being sought for appearance, layout and scale. Access and landscaping would be considered in a subsequent Reserved Matters application.

2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (2012), with particular reference to paragraphs 17, 56, 58, 59 and 60.

For full details visit the government website

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>

3. PLANNING POLICIES

- 3.1 Saved policies from the Huntingdonshire Local Plan (1995)
 - H23: Housing development outside environmental limits
 - H31: Residential Amenity and Privacy Standards
 - H32: Sub-division of Large Curtilages
 - T18: Access Requirements for New Development
 - EN17: Development in the Countryside
 - EN25: General Design Criteria

- 3.2 Saved policies from the Huntingdonshire Local Plan Alterations (2002)
 - HL5: Quality and Density of Development
 - HL10: Housing Provision
- 3.3 Adopted Huntingdonshire Local Development Framework Core Strategy (2009)
 - CS1: Sustainable development in Huntingdonshire.
 - CS3: The Settlement Hierarchy
 - CS10: Contributions to Infrastructure Requirements
- 3.4 Draft Huntingdonshire Local Plan to 2036: Stage 3 (2013)
 - LP1: Strategy and Principles for Development
 - LP2: Contributing to Infrastructure Delivery
 - LP10: Development in Small Settlements
 - LP11: The Relationship Between the Built-up Area and the Countryside
 - LP13: Quality of Design
 - LP15: Ensuring a High Standard of Amenity
 - LP17: Sustainable Travel
 - LP18: Parking Provision
 - LP24: Housing Mix
 - LP26: Homes in the Countryside
- 3.5 Supplementary Planning Documents:
 - Huntingdonshire Design Guide Supplementary Planning Document 2007

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

4. PLANNING HISTORY

02/00850/OUT - Erection of dwelling - Refused for the following reasons:

1. The proposed development would result in an unacceptable extension of the built-form of the settlement of Catworth into the open land adjoining and abutting the established edges of the village, therefore causing harm to the rural character of the area generally and that of the designated Area of Best Landscape and the frontage for protection in particular, and would undermine the settlement strategy in the Cambridgeshire Structure Plan 1995, Huntingdonshire Local Plan 1995 and the Huntingdonshire Local Plan Alteration and be contrary to the provisions of the Cambridgeshire Structure Plan 1995, Policies SP1, SP3/3, SP12/2 and SP12/6, the Huntingdonshire Local Plan 1995, Policies H18, En14, En16 and En21, and the Huntingdonshire Local Plan Alteration, Policies STR2 and HL7.

2. The juxtaposition of the proposed dwelling with the existing property at 34 Church End would result in the loss of privacy and amenity to the potential future occupiers of the proposed dwelling. The existing dwelling at 34 Church End has been designed with a major aspect towards the application site. The proposed dwelling would therefore suffer serious problems from overlooking. The proposal would therefore be contrary to the provisions of Policy H31 of the Huntingdonshire Local Plan 1995.

8700906OUT - Erection of one cottage - Refused - Appeal dismissed
The Inspector made the following conclusions:
o "I found the site to be rural in character, lying beyond the physical limit of buildings along this part of the road..."
o "a dwelling on the site...would in my opinion intrude in its impact beyond the present built-up limit of the village..."
o "could not amount to infilling but rather it would extend the built form of Catworth in a demonstrably harmful way"

8501510OUT - Bungalow and access - Refused

8400994OUT - Erection of Bungalow - Refused - Appeal dismissed

5. CONSULTATIONS

5.1 **Catworth Parish Council** - "Recommend approval. The proposed development has no adverse impact on existing residential properties and their occupants, no issue for overlooking, no impact on noise and disturbance. The property is of the mass and scale which fits in the local environment. Parish Council can see no negative effect on the quality of life of existing residents. The property has an adequate parking and there is no change in highway access. It is in line with good design, National Planning Policy Framework Section 7, Paragraph 56. The design has retained certain of the existing natural environment, - the pond".

6. REPRESENTATIONS

6.1 None.

7. ASSESSMENT

7.1 The main issues to consider are:
o The principle of development;
o The design of the proposal in relation to the street scene and the character/appearance of the area as a whole;
o The impact on the amenity of neighbours;
o Parking and the impact upon highway safety; and
o Developer Contributions

The principle of development:

7.2 The presumption in favour of sustainable development is clearly outlined within the NPPF, with the goal of creating positive improvements in the quality of the built, natural and historic environment, which includes widening the choice of high quality homes. Policy CS3 (The Settlement Hierarchy) of the Core Strategy identifies Catworth as a 'Smaller Settlement', where proposals must demonstrate that development will secure the most sustainable option for the site. The site lies on the far eastern edge of Catworth and is considered to be situated outside of the built up area, within the countryside, as per the definition provided by paragraph 5.15 of the Core Strategy (2009), which excludes "gardens and other undeveloped land within the curtilage of buildings at the edge of the

settlement, where these relate more to the surrounding countryside than they do to the built-up parts of the village".

- 7.3 Policy LP11 of the Draft Huntingdonshire Local Plan to 2036: Stage 3 states that the built-up area excludes gardens in the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside. Due regard to both EN17 of the Local Plan (1995) and LP26 of the Draft Huntingdonshire Local Plan to 2036: Stage 3 must be given. Paragraph 55 of the NPPF and the aforementioned policies state that new homes in the countryside will only be supported where there is an essential need for a rural worker to live in the vicinity; the new home will meet an established need for affordable housing; the proposal would reuse an existing building or optimise a heritage asset; or the design of the home is *exceptional and truly innovative*. It is noted that the applicant has described the dwelling as an "eco lodge". However, no further details have been provided to explain if the dwelling is intended to fall under the exception of 'exceptional and truly innovative'. That said, it is not considered that the proposed development would be of sufficient quality to meet this exception.
- 7.4 The proposed dwelling does not meet any of the exception criteria set out in the NPPF and local policies regarding development in the countryside and is therefore unacceptable in principle.

The design of the proposal in relation to the street scene and the character/appearance of the area as a whole:

- 7.5 The proposed development would entail the subdivision of the curtilage of the existing dwelling at 34 Church End. Policy H32 of the Huntingdonshire Local Plan (1995) states that the sub-division of large curtilages will only be allowed where the resultant dwelling and its curtilage will be of a size and form sympathetic to the locality. However, the site and location plan (1:500) clearly indicates that the resultant curtilage of the proposed dwelling would be significantly smaller than the majority of the plots in the vicinity. Furthermore, the dwelling would have one of the largest footprints in the immediate area. The combination of the small plot size, and the large dwelling, positioned in very close proximity to its front and two side boundaries would result in the dwelling appearing cramped on its plot. As such, the proposed development would conflict with the prevailing pattern of development to the detriment of the character of the area.
- 7.6 It is noted that the application refers to an "eco-lodge" and any scheme which seeks to minimise a carbon footprint is considered to be positive. The immediate locality is not considered to be typified by a predominant architectural form, as a mix of designs, details and finishing materials are evident, with a number of single storey dwellings noted along the south side of Church End. As such, whilst the proposed development would represent a unique addition to the street scene, the design would be largely in-keeping with the majority of dwellings. Therefore, no objections to the appearance of the proposed development are raised; however this does not overcome the in-principle objection to the overall development for the aforementioned reasons.

- 7.7 Whilst it is noted that the screening provided by the existing boundary treatments to the front and side of the application site (which may reduce the impact of the proposed development from views from the street scene to the north) will be retained, the impact of the proposed development from views from the public right of way to the east and south of the application site must also be taken into account. It is considered that despite the retained natural screening around the site, the addition of a dwelling in this location would be visually prominent from a number of easily accessible public viewpoints, especially from Church End, when the site is approached from the east, and indeed from the west. The addition of the proposed built form would be conspicuous and is considered to sit uneasily within the interpretation of the wider countryside setting.

The impact on the amenity of neighbours:

- 7.8 The position and single storey scale of the proposed dwelling is such that the amenity of neighbours to the west is not considered to be detrimentally impacted to an unacceptable level by way of being overbearing, or in terms of a loss of light/overshadowing. Similarly, the ground floor positioning of fenestration, coupled with the separation distance between the proposed dwelling and neighbouring properties is considered to be acceptable in terms of overlooking/a loss of privacy.
- 7.9 The orientation and positioning of the fenestration upon the east elevation of 34 Church End would result in approximately four first floor windows overlooking the application site. Despite the screening provided by the existing trees, concerns were raised regarding the level of privacy afforded to the occupants of the proposed dwelling. However given the orientation of and the separation distance (approximately 19m) between the existing and proposed dwellings, this arrangement is considered to be acceptable.

Parking and the impact upon highway safety:

- 7.10 The level of parking provision for the proposed dwelling would be acceptable and adequate turning space is available for vehicles to access/egress the site in a forward gear. As such, the proposal is not considered to create a negative impact upon highway safety and the development is considered to be acceptable in this regard. Whilst full details regarding the access to the site would be considered at a later stage as a 'Reserved Matter', an indicative location was provided by the Location and Site plan (ATK/16/RW/TP3). The location of the access is considered to be acceptable. Despite this, the principle of the erection of a dwelling in this location cannot be supported.

Developer Contributions:

- 7.11 New residential development requires the provision of wheeled bins in accordance with the Developer Contributions SPD. The application includes a completed a Wheeled Bin Unilateral Undertaking and therefore accords with the requirements of the SPD.

Conclusion:

- 7.12 Having regard for applicable national and local policies and having taken all relevant material considerations into account, it is recommended that planning permission should be refused in this instance.

8. RECOMMENDATION – REFUSE for the following reasons:

1. The proposed development would be located on land which relates more to the open countryside than the built-up area of Catworth and as such, would result in unacceptable harm to the rural character and appearance of the wider area. Furthermore, by virtue of its significant footprint, with built form in close proximity to the front and side boundaries of the uncharacteristically small plot, the development would appear cramped and out of character with the more spacious form of development in the area. The proposal is contrary to the guidance of the National Planning Policy Framework (NPPF) (specifically paragraphs 55, 56, 57 and 60), policies EN17, EN25 and H32 of the Huntingdonshire Local Plan (1995); policy CS1 of the Adopted Core Strategy (2009) and policies LP11, LP15 and LP26 of the Draft Huntingdonshire Local Plan to 2036 (2013).

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

CONTACT OFFICER:

Enquiries about this report to **Mr James Lloyd Assistant Development Management Officer 01480 388389**

APPLICATION NUMBER:	16/00162/OUT	CASE OFFICER:	Mr James Loyd
----------------------------	--------------	----------------------	---------------

PROPOSAL:	Detached eco constructed lodge to create three bed detached dwelling
LOCATION:	Land at 34 Church End, Catworth

OBSERVATIONS OF CATWORTH PARISH COUNCIL

☒ APPROVE

Recommend approval:

The proposed development has no adverse impact on existing residential properties and their occupants, no issue for overlooking, no impact on noise and disturbance. The property is of the mass and scale which fits in the local environment. Parish Council can see no negative effect on the quality of life of existing residents. The property has an adequate parking and there is no change in highway access. It is in line with good design, National Planning Policy Framework Section 7, Paragraph 56. The design has retained certain of the existing natural environment, - the pond.

Ms Ramune Mimiene, Clerk to Catworth Parish Council.



Date: 10 March 2016

Failure to return this form within the time indicated will be taken as an indication that the Town or Parish Council do not express any opinion either for or against the application.

PLANNING SERVICES

dcparish.rtf

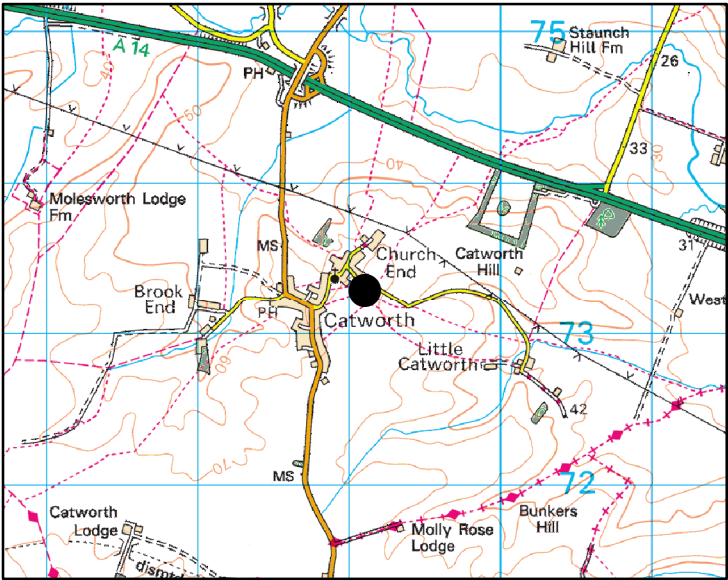
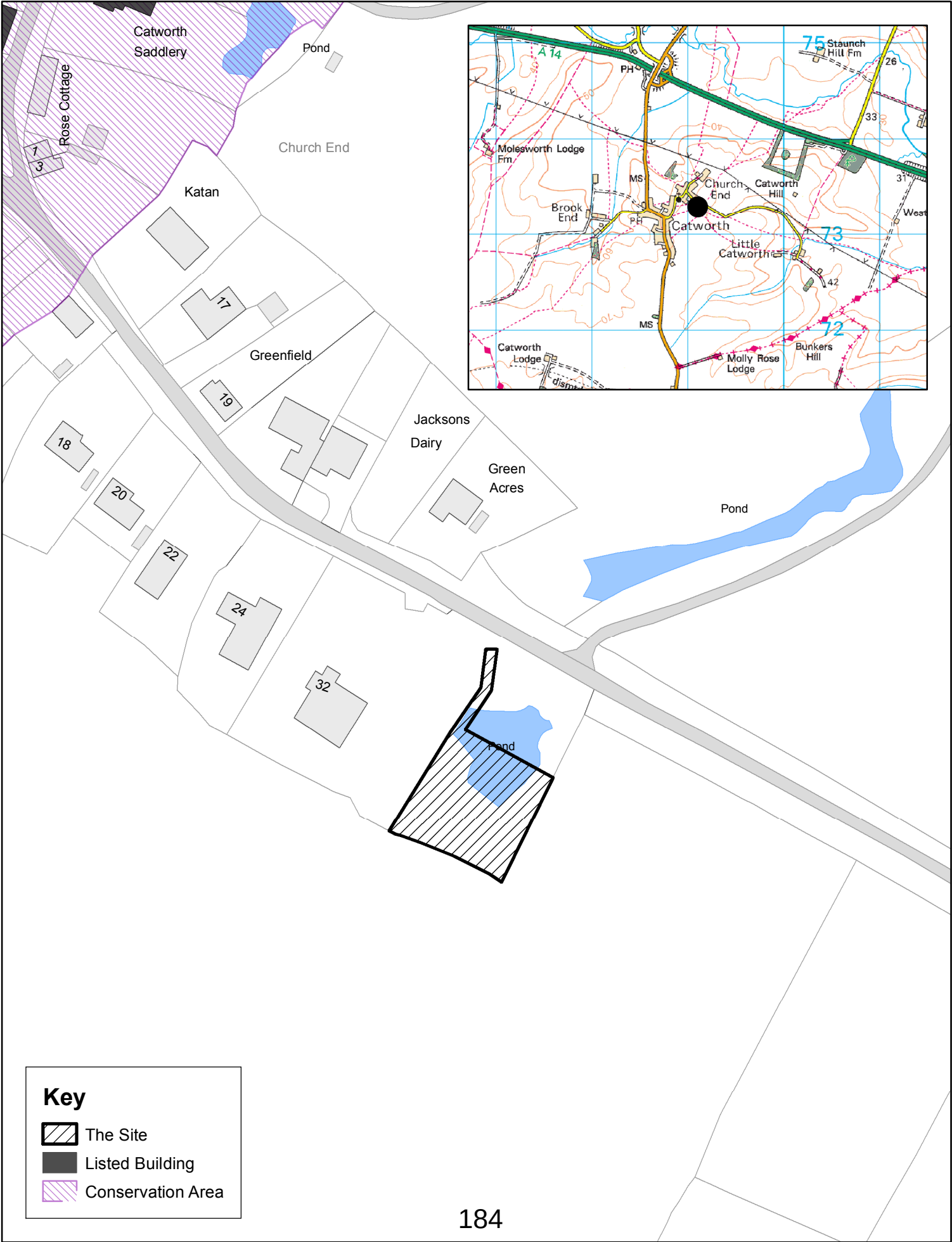
Development Management Panel



Scale =1:1,250
Date Created: 24/03/2016

Application Ref:16/00162/OUT
Location: Catworth

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Ordnance Survey HDC 100022322

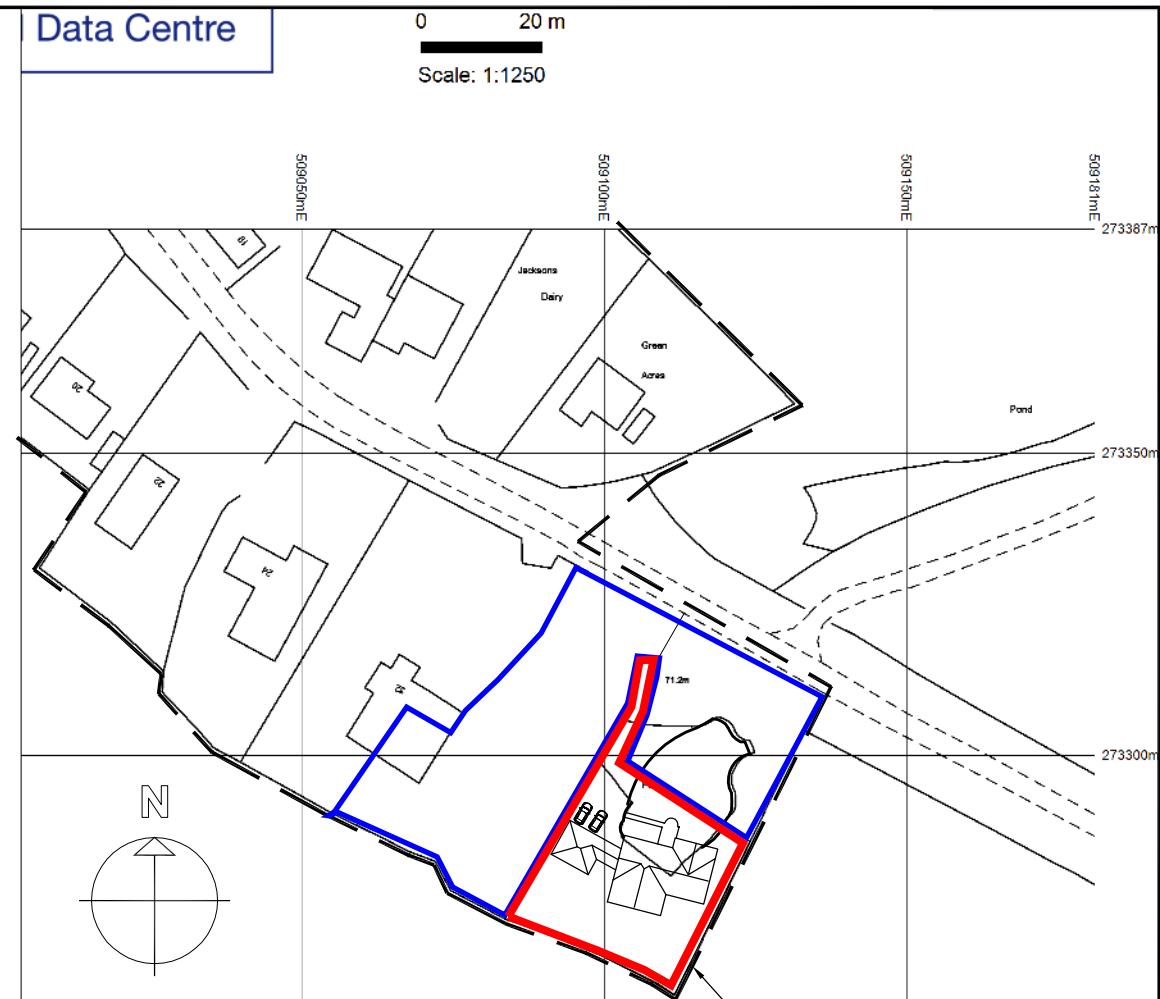


Key

 The Site

 Listed Building

 Conservation Area



ESTABLISHED VILLAGE BOUNDARY

SITE FRONTAGE TO REMAIN UNTOUCHED

No.	Revision/Issue	Date

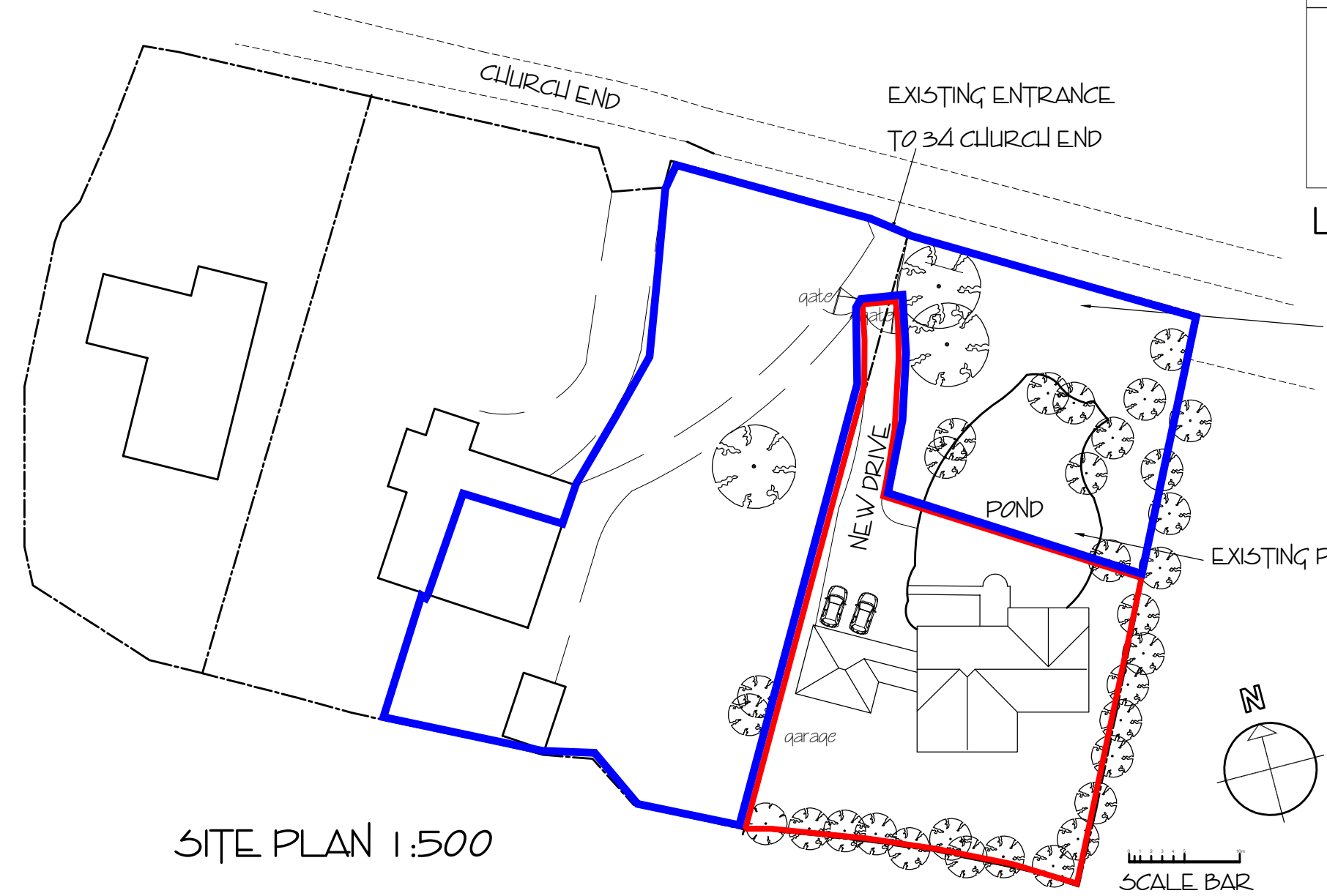
ATK DESIGNS
ARCHITECTURAL DESIGN
PLANNING CONSULTANTS
16 SCHOOL LANE, OFFLEY, NR. LITCHIN
HERTFORDSHIRE SG5 3AZ
TEL 01462 769222
MOBILE 07595295528
E-MAIL MAIL@ATKDESIGNS.CO.UK

client
MRS R WHITE
34 CHURCH END
CATWORTH

project
**PROPOSED DETACHED
ECO LODGE**

**PROPOSED SITE AND
LOCATION PLAN**

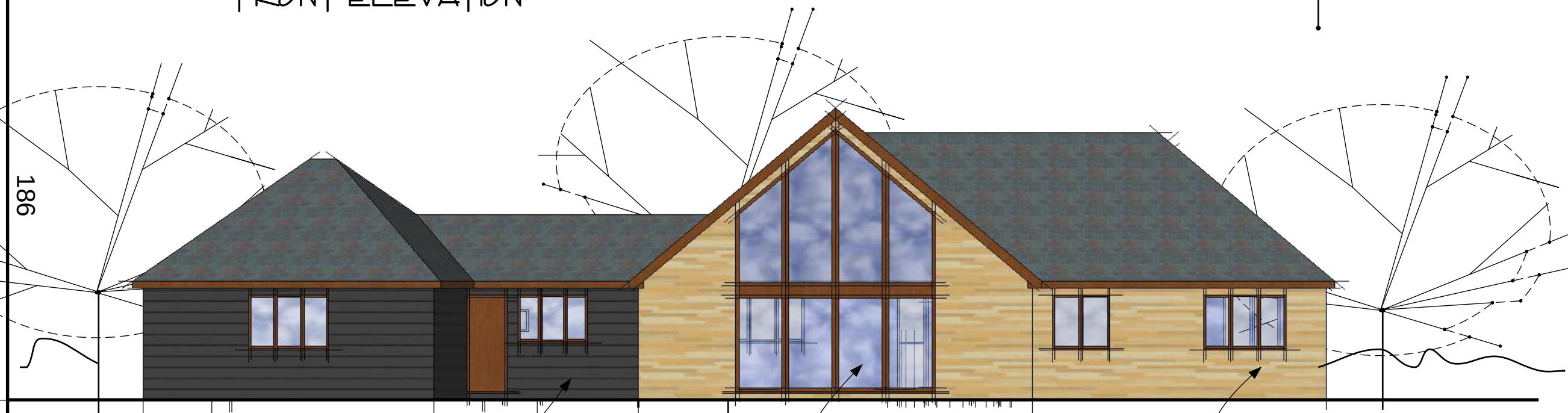
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Date JAN 2015	
Scale 1:500 1:1250	



**SITE AREA
937M2**



FRONT ELEVATION



REAR ELEVATION

CONTRASTING
• STAINED FEATHER EDGE
TO GARAGE AND UTILITY

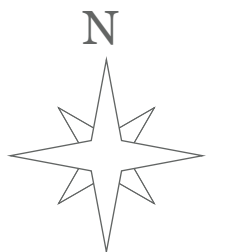
• LARGE GLAZED SOUTH FACING ELEMENT

• SUSTAINABLE TIMBER FRAME
WITH TIMBER CLADDING



scale bar

Side Elevation



ATK DESIGNS

16 SCHOOL
LANE
OFFLEY
NR LITCHIN
HERTS
SG5 3AZ
TEL 07595293528
MAIL@ATKDESIGNS.CO.UK

client

MRS R WHITE
34 CHURCH END
CATWORTH

project

PROPOSED DETACHED
ECO LODGE

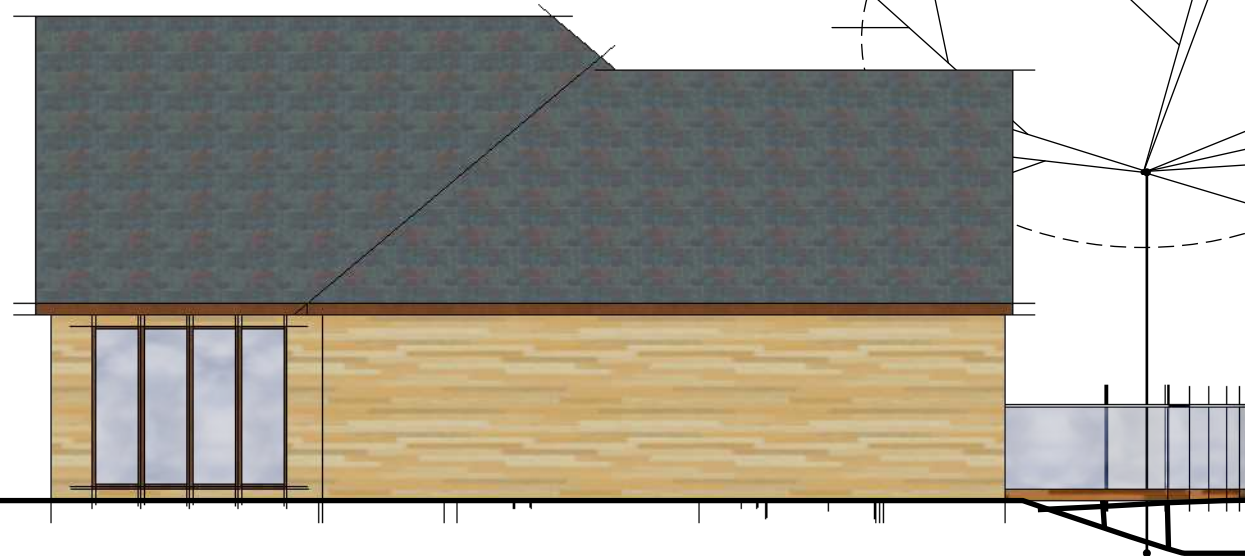
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FRONT AND REAR
ELEVATIONS

drawing no
ATK/16/RW/TP1

date JAN 2016

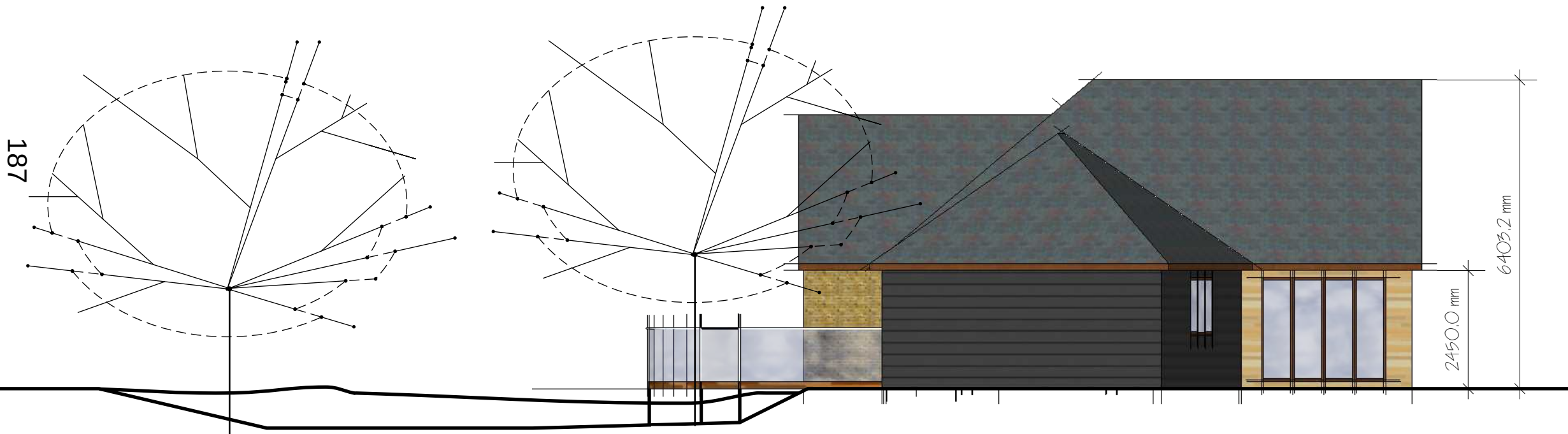
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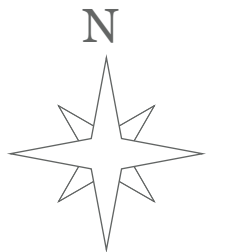


EXISTING POND TO REMAIN

SIDE ELEVATION



SIDE ELEVATION



ATK DESIGNS

16 SCHOOL
LANE
OFFLEY
NR LITCHLIN
HERTS
SG5 3AZ
TEL 07595293528
MAIL@ATKDESIGNS.CO.UK

client

MRS R WHITE
34 CHURCH END
CATWORTH

project

PROPOSED DETACHED
ECO LODGE

PROPOSED
SIDE ELEVATIONS

drawing no

ATK/16/RW/TP2

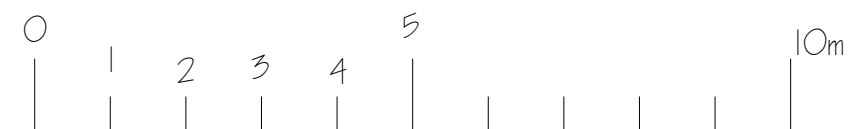
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JAN 2016

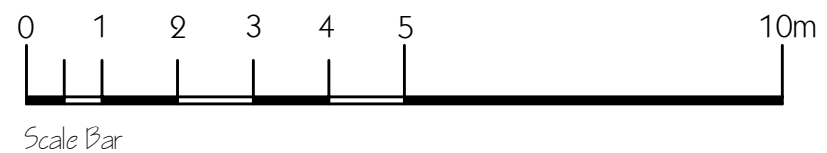
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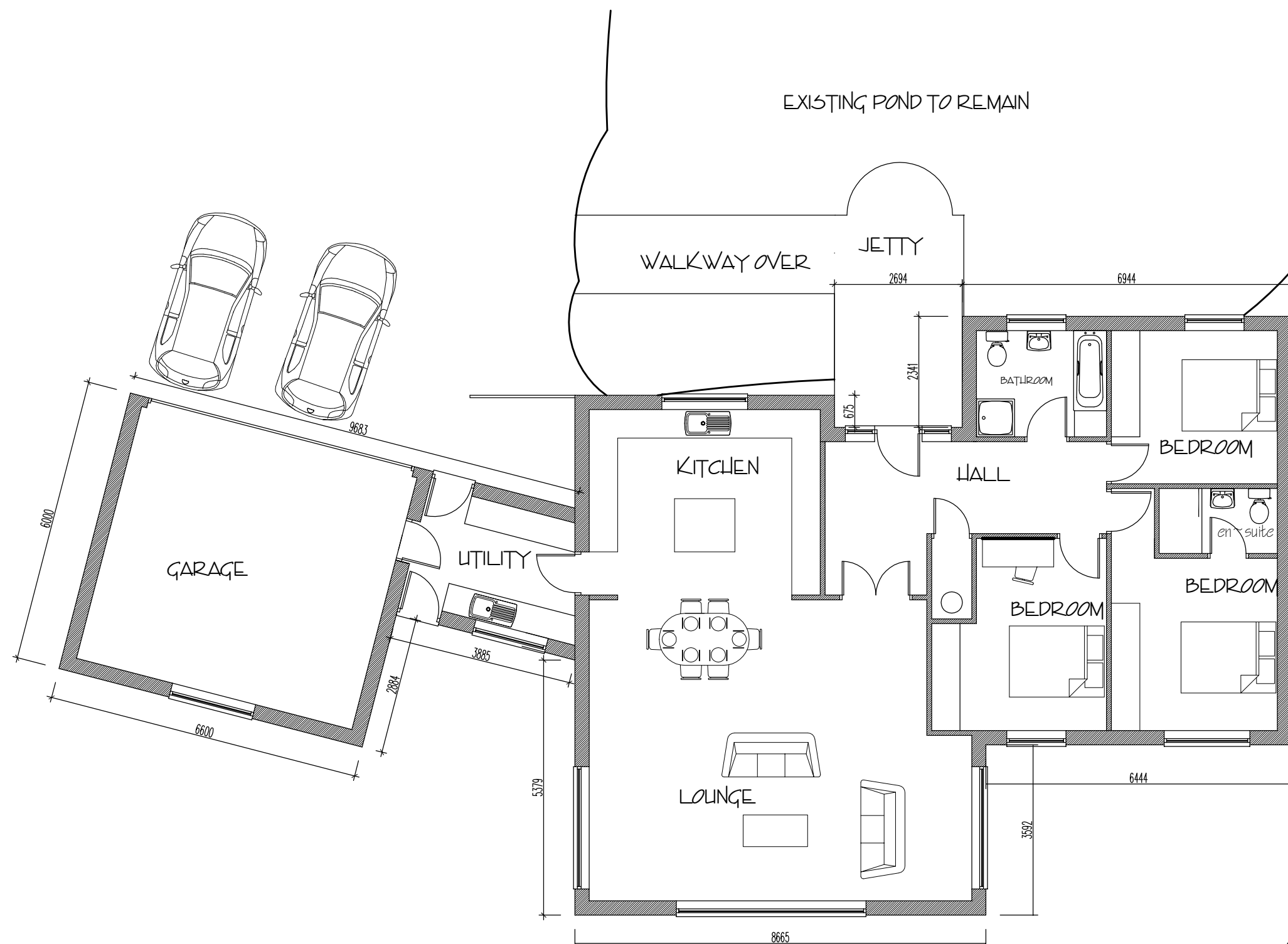


scale bar



Do not scale, use figured dims, only. All dims, to be checked on site by builder before work commences. If any discrepancies are found, ATK Designs to be notified for amendments. All work to be carried out to relevant British Standards, codes of practice & current B.Reqs. Where structural alterations take place great care must be taken by the builder, to afford restraint to all affected areas, during & after the building work. If during excavation any basements, cellars, wells etc. are found, ATK Designs must be made aware for design amendments before continuing. Where new loads are imposed on existing lintels, they must be checked by Builder for adequacy & to L.A. approval. If found not to be adequate, lintels must be replaced. Where applicable this Dwg. must be read in conjunction with Structural Calculations. If Dwgs. conflict with calculations, calculations must take preference.

188



PROPOSED GROUND FLOOR PLAN

FLOOR SPACE 144M²
GARAGE 33 M²

No.	Revision/Issue	Date

ATK DESIGNS
ARCHITECTURAL DESIGN
PLANNING CONSULTANTS
16 SCHOOL LANE, OFFLEY, NR. LITCHIN
HERTFORDSHIRE, SG5 3AZ
TEL 01462 769222
MOBILE 07595295528
E-MAIL MAIL@ATKDESIGNS.CO.UK

client
MRS R WHITE
34 CHURCH END
CATWORTH

project
PROPOSED DETACHED
ECO LODGE

PROPOSED LAYOUT PLAN

Project ATK/16/RW/TP4	Sheet A3
Date JAN 2016	Scale 1:100

DEVELOPMENT MANAGEMENT PANEL

18 APRIL 2016

Case No: 15/02226/FUL (FULL PLANNING APPLICATION)

Proposal: CHANGE OF USE OF LAND FROM AGRICULTURE TO RESIDENTIAL CURTILAGE, ERECTION OF STABLE BUILDING AND ADDITIONAL WORKSHOP UNITS (PART RETROSPECTIVE)

Location: GAULT HILL FARM COOKS LANE SAWTRY PE28 5XQ

Applicant: MR AND MRS J VELLA

Grid Ref: 519571 284558

Date of Registration: 27.11.2015

Parish: CONINGTON

RECOMMENDATION - REFUSE

This application is referred to the Development Management Panel as Parish Council's recommendation of approval is contrary to the Officer's recommendation of refusal.

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 This application relates to an existing dwelling and workshops that are situated in an isolated position in the open countryside. The property is sited approximately 2 miles to the east of the nearest settlement, of Sawtry, and 1 ½ miles to the east of the A1 trunk road. The site is accessed via a track from the Old Great North Road.
- 1.2 The existing building has a rural courtyard appearance. The curtilage of the site wraps around the north and east of the building, with some open amenity space to the west. The central parts of the courtyard are used for parking. There is an existing farm access point close to the eastern side of the existing building.
- 1.3 Since 1997 the building received planning permission for alterations to facilitate a mix of a residential use, and workshops, with associated offices. The building has since been extended and now has a permitted use as a dwelling, and a mix of B1 business uses.
- 1.4 The application seeks permission to change the use of the land to the west into a paddock, to erect stables in the north east corner of the site, and the land directly to the north is proposed to be included in the residential curtilage. A new building is also proposed to facilitate a new workshop/business use on the eastern side of the existing courtyard building. The building is proposed to be single storey. A new access point to the far eastern side of the site would be constructed to give access to a parking area to the rear of the proposed building.

2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (2012) sets out the three dimensions to sustainable development - an economic role, a social role and an environmental role - and outlines the presumption in favour of sustainable development. Under the heading of Delivering Sustainable Development, the Framework sets out the Government's planning policies for : building a strong, competitive economy; ensuring the vitality of town centres; supporting a prosperous rural economy; promoting sustainable transport; supporting high quality communications infrastructure; delivering a wide choice of high quality homes; requiring good design; promoting healthy communities; protecting Green Belt land; meeting the challenge of climate change, flooding and coastal change; conserving and enhancing the natural environment; conserving and enhancing the historic environment; and facilitating the sustainable use of minerals.

For full details visit the government website

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>

3. PLANNING POLICIES

- 3.1 Saved policies from the Huntingdonshire Local Plan (1995)
- E7: "Expansion of small businesses"
 - E11: "Expansion of Existing Firms"
 - En17: "Development in the countryside"
 - En25: "General Design Criteria"
 - R2: "Recreation"
- 3.2 Saved policies from the Huntingdonshire Local Plan Alterations (2002)
- None relevant
- 3.3 Adopted Huntingdonshire Local Development Framework Core Strategy (2009)
- CS1: "Sustainable development in Huntingdonshire"
 - CS7: "Employment Land"
- 3.4 Draft Huntingdonshire Local Plan to 2036: Stage 3 (2013)
- LP1: "Strategy and Principles for Development"
 - LP11: "The Relationship between the built-up area and the countryside"
 - LP13: "Quality of Design"
 - LP15: "Ensuring a high standard of Amenities"
 - LP17: "Sustainable Travel"
 - LP18: "Parking Provision"
 - LP19: "Supporting a strong local economy"
 - LP21: "Rural economy"
 - LP22: "Tourism, sport and leisure development"
 - LP26: "Homes in the Countryside"
- 3.5 Landscape and Townscape Assessment (2007)

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

4. PLANNING HISTORY

- 4.1 This site has an extensive planning history.

0702888FUL erection of garage and workshop following the demolition of a former wagon shed – approved 11.1.07

0303305FUL change of use of part of building from business (B1) office to unit 2 – approved 16.12.04

0301594FUL variation of condition of 97800821 to permit use to unit 1 – approved 5.8.03

9700821FUL for alterations and part change of use to dwelling with workshops & associated offices – approved 16.7.97

9500115FUL change of use to 2 industrial units – approved 16.6.95

9301124FUL conversion of farm buildings to dwelling – refused 16.1.93, a subsequent appeal was dismissed.

5. CONSULTATIONS

- 5.1 **Sawtry Parish Council** recommends the application is approved – good use of a brown fill site/no visual impacts/in keeping with existing buildings/small business use.

The officer response can be found in the main body of the report

- 5.2 **County Highways Authority** – no objections are raised, however further information required about the existing and proposed use of the buildings/units in particular vehicle movements

Officer response - Members will be fully updated prior to the meeting once the information from the planning agent has been received and the highways engineers have been re-consulted.

6. REPRESENTATIONS

- 6.1 Due to the isolated nature of the site, no consultation letters were generated or posted. There have been no third party responses received to the site notice posted close to the site.

7. ASSESSMENT

- 7.1 The main issues to consider are the principle of the development, the impacts upon visual amenity and highway safety.

Extension to the business use –

- 7.2 One of the core principles of the National Planning Policy Framework is to protect the intrinsic character and beauty of the countryside whilst aiming to support rural communities within it, in creating a prosperous rural economy. Policy En17 of the Local Plan restricts new development in the countryside unless it is essential for the efficient operation of local agriculture. The adopted Core Strategy

(2009) accepts that rural areas are important contributors to the local economy in terms of providing tourism and leisure activities, with the prime aim of supporting sustainable development. Policy CS7 promotes employment uses on brownfields sites or in sustainable locations. The Local Plan – 2036 also supports sustainable growth, subject to certain criteria. Policy LP21 gives support for employment uses falling within the B classes in the countryside, subject to the site being in (a) defined established employment area, (b) or the reuse of buildings or land, (c) for the expansion of an established business within its existing operational site; and (d) where office floorspace is limited to a maximum of 600 square metres. The site lies in the Fen Margin Landscape character area of the Landscape and Townscape Assessment (2007), which is generally characterised by a low lying gentle slopes, with sparsely populated landscape.

- 7.3 The historic plans submitted with previous planning applications dating back from 1997 marks out the application site close to the eastern and northern side of the building with amenity green space to the west. The site operations have, until recently, been contained within the bounds of the site. The applicants/owners of the site have now purchased the land around the site, which has historically been used for agricultural purposes. Two of units (unit 1 and 2) have business uses operating within the premises independent of the site owners. The other parts of the building are used for a mix of a residential use and workshop.
- 7.4 The proposal seeks, amongst other things to erect a new building for business purposes.
- 7.5 The site is situated in an isolated area, and in the open countryside. The NPPF advises that for developments to meet the aims of sustainable development, the need to travel should be minimised. Policy LP17 of the Local Plan – 2036 reflects this advice in terms of promoting sustainable forms of travel. The new proposed building is not contained within the existing site area where a number of business uses exist. The new parking layout indicates provision is made for a larger expansion of the business uses at the site, which in turn would result in further use of vehicles visiting the site.
- 7.6 The current building contributes to the character of the countryside due to its shape and form, and continued containment within the site area, which forms a courtyard style building reflecting the former agricultural uses. The new proposed building, whilst being attached to the existing building, does not sit within the original application site, and extends into land associated with agriculture. This part of the development therefore does not represent the re-use of land, as a brownfield site, as defined in Policy CS7 of the Core Strategy or the NPPF.
- 7.7 The proposed new building is not consistent with existing courtyard shape or form, and would create an awkward juxtaposition with the existing building, eroding the appearance of the site when viewed from the open countryside. The amount of hardstanding required to provide the new parking area and access point, would further formalise the site, which is contrary to the expectations of planning policy which seeks to preserve the intrinsic value and beauty of the countryside.

- 7.8 It is for these reasons that the principle of the expansion of the business use is not acceptable, as it does not fulfil the requirements of local or national planning policy in terms of sustainable development and impacts upon the countryside.
- 7.9 This part of the proposal is therefore contrary to Planning Policies E7, E11 and En25 of the Local Plan 1995, Policy CS1 and CS7 of the Adopted Core Strategy, and policies LP13, LP17 and LP21 of the Local Plan – 2036.

Stables, paddock and amenity space -

- 7.10 The proposal also includes the erection of stables, the use of the land to the west of the building as a paddock for private use, and for the land to rear (north of the building) to be used for residential purposes as amenity space.
- 7.11 The proposed stable building would be used for leisure/private purposes by the applicants/owners of the site. National and Local planning policy promotes the use of the countryside for leisure purposes.
- 7.12 Planning policies broadly aim to restrict non-essential development in the countryside to protect it for its own sake. Policy En17 restricts non-essential development in the countryside. However, this policy also refers to outdoor recreation as being one of the exceptions to the normal policies of restraint, and emerging policy LP21 of the Draft Huntingdonshire Local Plan to 2036 (Stage 3, 2013) supports operational development within the countryside where (amongst other exceptions) it relates to equine development. In addition, the National Planning Policy Framework (2012) does not specifically refer to private 'domestic' equestrian uses but supports sustainable rural leisure developments that benefit businesses, communities and visitors in rural areas and which respect the character of the countryside.
- 7.13 Given the general conformity of the local policies with the aim of the NPPF in this regard, it is considered that these policies can be accorded substantial weight as referred to in paragraphs 215 and 216 of the NPPF.
- 7.14 In this case, the proposal is not 'essential' development but would support a private outdoor recreation activity; the keeping of horses; promoting a healthy, active lifestyle by enhancing sport and recreation facilities and, the fact that the proposal would not result in the loss of the highest grade agricultural land, have all being taken into account. The principle of this part of the proposal is therefore considered to be justified and has no significant traffic implications as the proposal is for a private, non-commercial use.
- 7.15 Emerging policy LP26 of the Draft Huntingdonshire Local Plan to 2036: Stage 3 (2013) advises that a proposal for the erection of an outbuilding which is ancillary to an existing home in the countryside will be supported where it is well related to the home, of a scale consistent with it and where it remains ancillary to the home.

- 7.16 The proposed stable has been designed to reflect the rural nature of the site. The proposed design and materials of the stable block are considered acceptable and the siting of the stables close to the associated dwelling ensures that when viewed in context, the proposed stables would appear as part of the amenity land proposed with this application. Such developments are not unusual in the countryside and given the design and materials of the proposed building, the development would appear typical within its context.
- 7.17 It is therefore considered the proposed stable would not have an unduly harmful impact upon the character and appearance of the countryside, in accordance with the aims of the National Planning Policy Framework (2012) and saved policies En25 and R2 of the Huntingdonshire Local Plan (1995), policy CS1 of the Adopted Huntingdonshire Local Development Framework Core Strategy 2009, policies LP1, LP13, LP22 and LP26 of the Draft Huntingdonshire Local Plan to 2036: Stage 3 (2013) and the guidance of the Huntingdonshire Design Guide Supplementary Planning Document 2007 and the Huntingdonshire Landscape and Townscape Assessment Supplementary Planning Document 2007.
- 7.18 There is no objection to the use of the land to the west as paddock as this is permitted as a countryside activity.

Highway safety:

- 7.19 The site is served by the existing access from Cooks Lane. There have been no objections raised on highway safety grounds, as the site is not served from a classified road. However, further information has been requested with regards to the proposed vehicle movements associated with the extension to the business use at the site. Members will be fully updated prior to the meeting once the information from the planning agent has been received and the highways engineers have been re-consulted.

Conclusion:

- 7.20 The proposal to expand the existing business use outside the containment of the existing built envelope would result in an erosion of the rural appearance of the existing site and building, having an unnecessary impact on the wider countryside; In addition the further development of site for business purposes would result in unnecessary further vehicle movements to the site. The proposal is therefore contrary to planning policies that seek to protect the character of the open countryside, and meet the aims of sustainable development, such as policies E7, E11 and En25 of the Local Plan 1995, and policies CS1 and CS7 of the Adopted Core Strategy, and policies LP1, LP13, LP17 and LP21 of the Local Plan – 2036, and the NPPF.
- 7.21 Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is therefore recommended that planning permission be refused.

8. RECOMMENDATION – REFUSE for the following reasons:

1. The proposal to expand the existing business use outside the containment of the existing built envelope would result in an erosion of the rural appearance of the existing site and building, having an unnecessary impact on the wider countryside. The further development of site for business purposes would result in unnecessary further vehicle movements to the site. The proposal is therefore contrary to planning policies that seek to protect the character of the open countryside, and meet the aims of sustainable development, such as policies E7, E11 and En25 of the Local Plan 1995, and policies CS1 and CS7 of the Adopted Core Strategy, and policies LP1, LP13, LP17 and LP21 of the Local Plan – 2036, and the NPPF.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

CONTACT OFFICER:

Enquiries about this report to **Linda Walker Development Management Officer 01480 388411**

Huntingdonshire DC Public Access

From: caroline bradley <coningtonpc@gmail.com>
Sent: 23 December 2015 14:32
To: DevelopmentControl
Subject: Application ref: 15/02226/FUL Gault Hill Farm Cooks Lane Sawtry

With reference to the above application. The Parish Council met on the 21st December and unanimously agreed, to recommend APPROVAL based on the following:

No visual impact from the road as the build will be behind existing buildings

Good use of brown fill site

In-keeping with existing buildings

Workshop will have no impact on road use, etc. as the space is intended for small artisan business only

Yours faithfully

Caroline Bradley
Clerk to the Parish of Conington

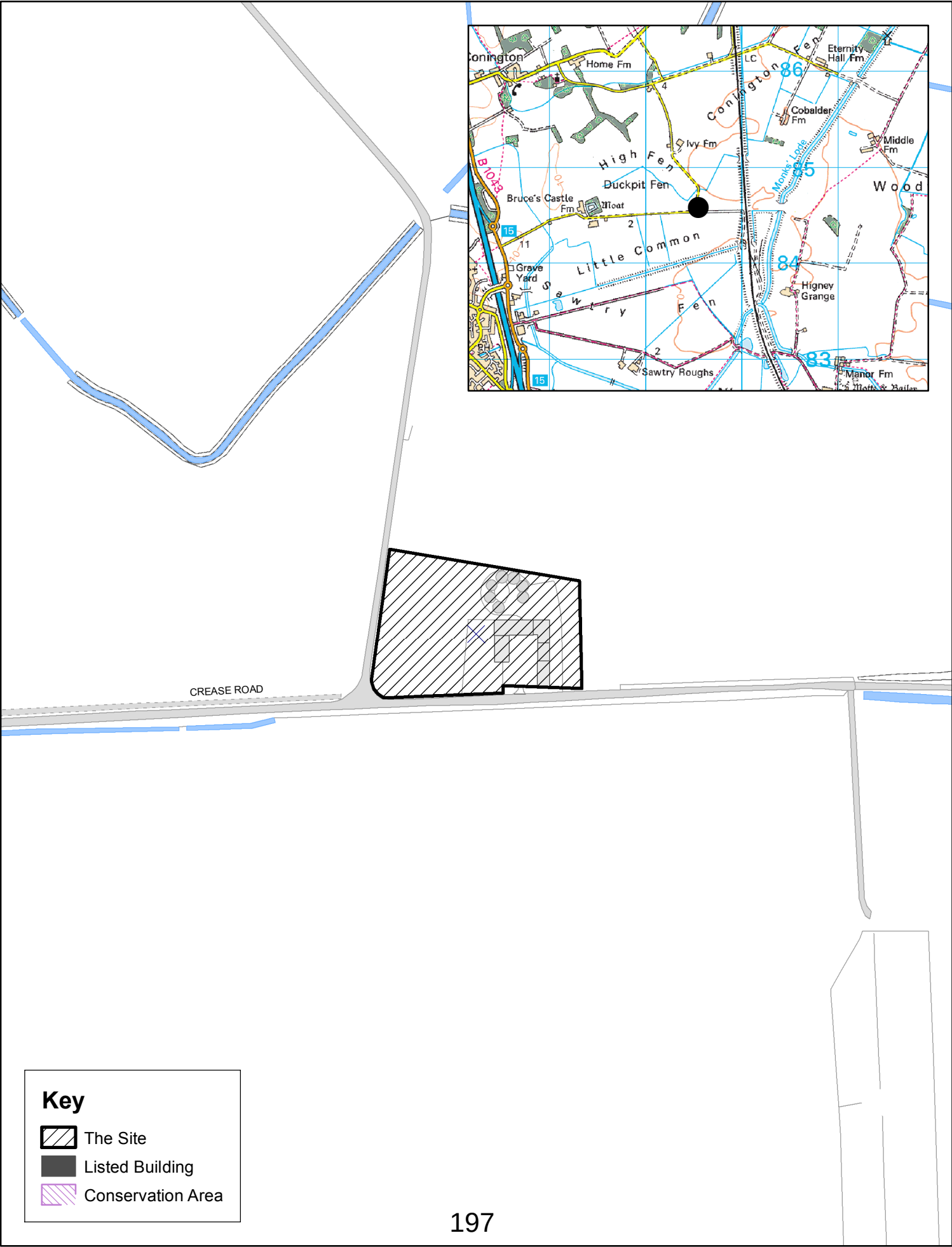
Development Management Panel



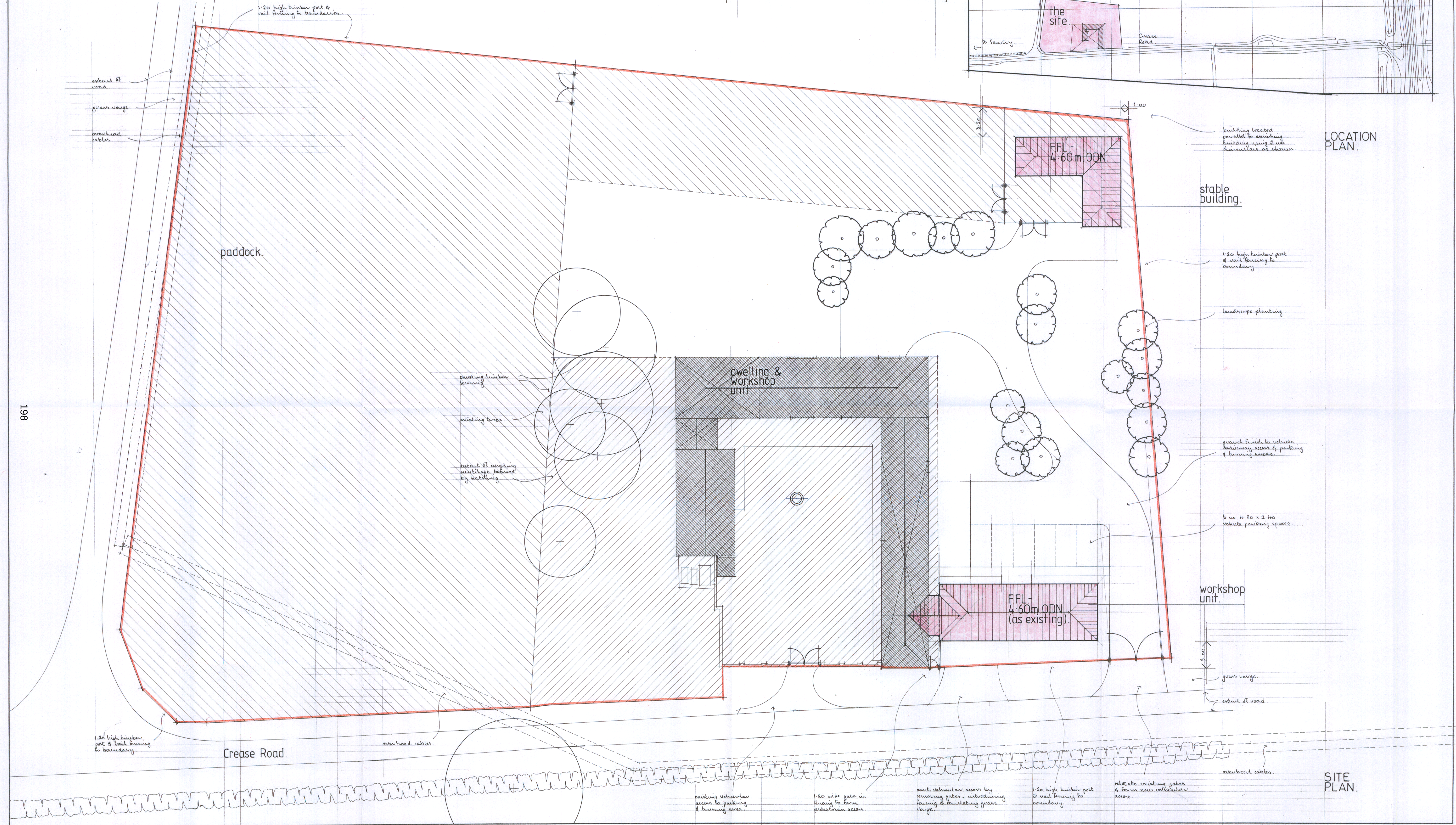
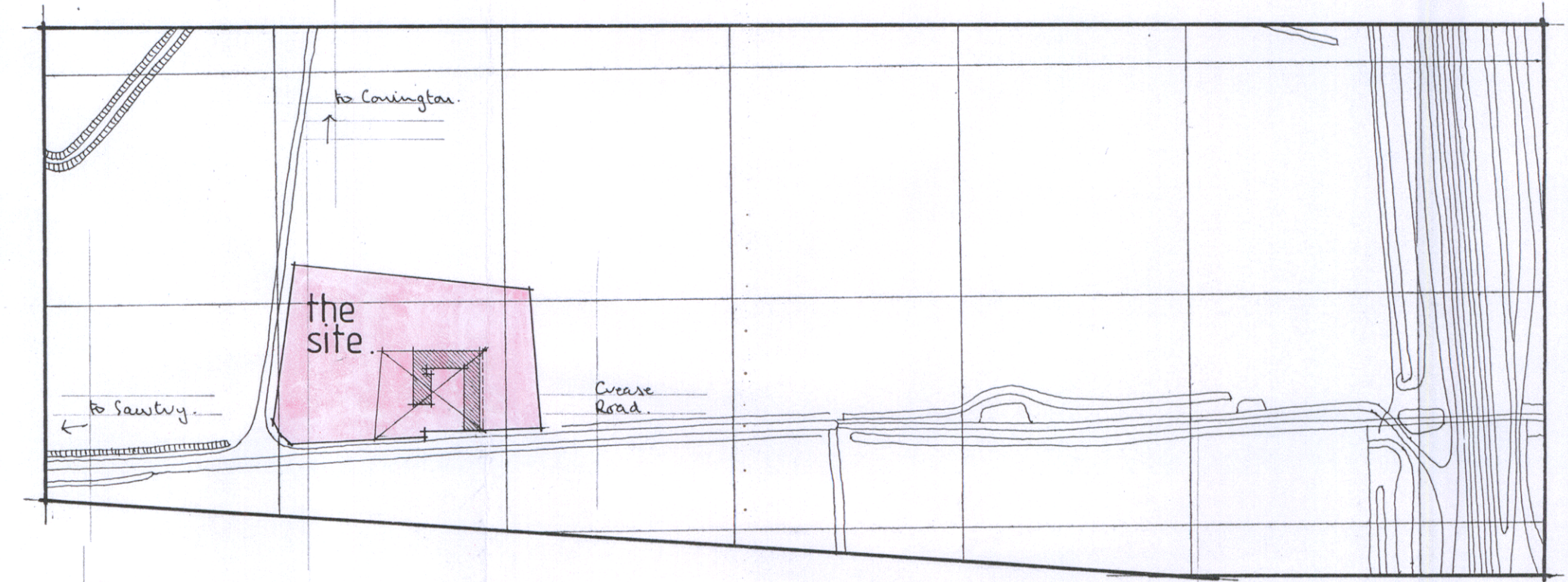
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Date Created: 04/04/2016

Application Ref:15/02226/FUL
Location: Connington

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Ordnance Survey HDC 100022322



NOTE -
To be read in conjunction with
topographical survey shown on
drawing no. ASC.15.594 prepared by
Associated Surveying Consultants.



JOHN HUGGINS

"CHERIASH",
RAVELEY ROAD,
WOODWALTON,
HUNTINGDON,
CAMBS

REVISIONS

DATE

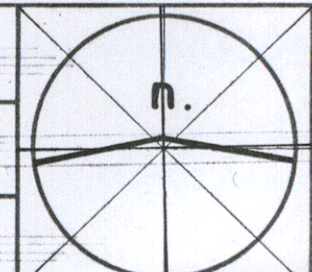
10 February 2016

SCALE

1:200 & 1:2500

DRAWN

A

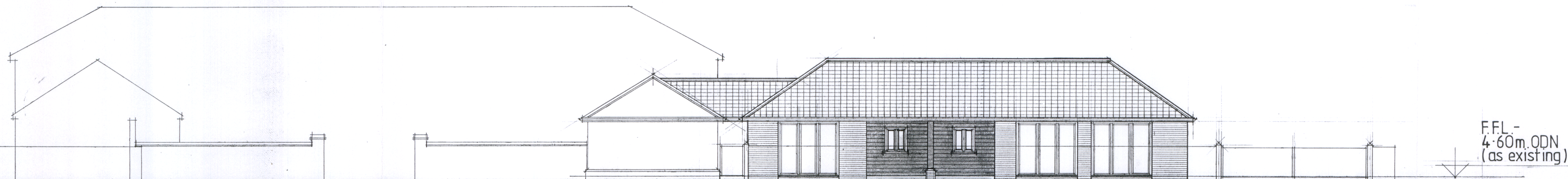


CHANGE-OF-USE OF LAND FROM AGRICULTURE TO
RESIDENTIAL CURTILAGE & ERECTION OF STABLE
BUILDING & ADDITIONAL WORKSHOP UNIT AT
GAULT HILL FARM CREASE ROAD, SAWTRY
CAMBRIDGESHIRE FOR MR. J. & MRS. C. VELLA.

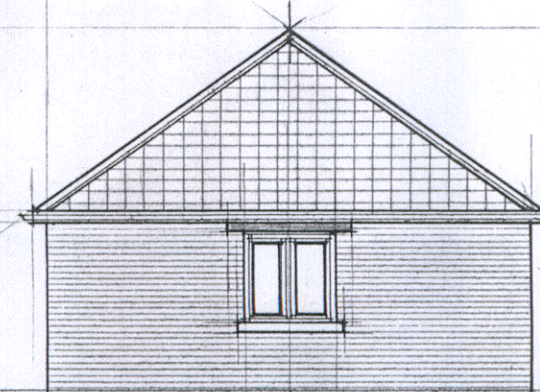
DRAWING NO.

1277/6.

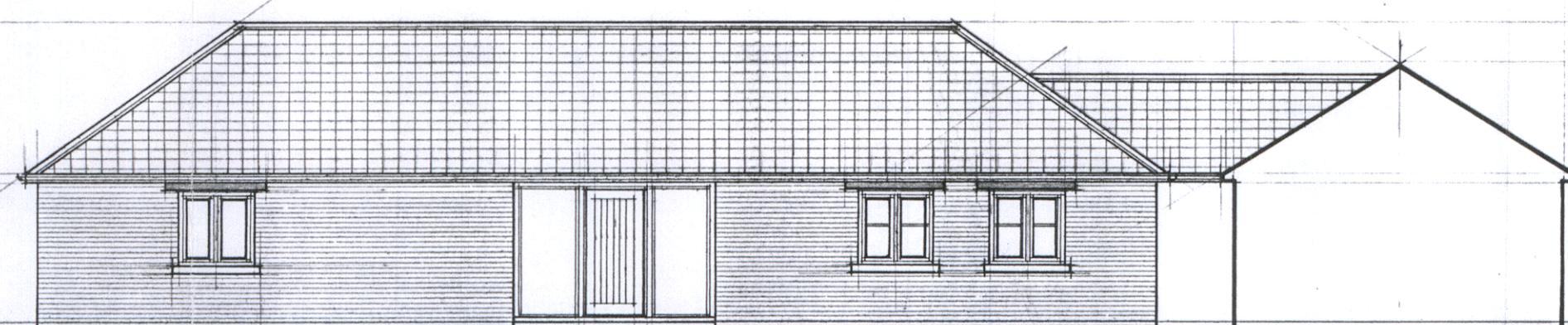
E.B.W.



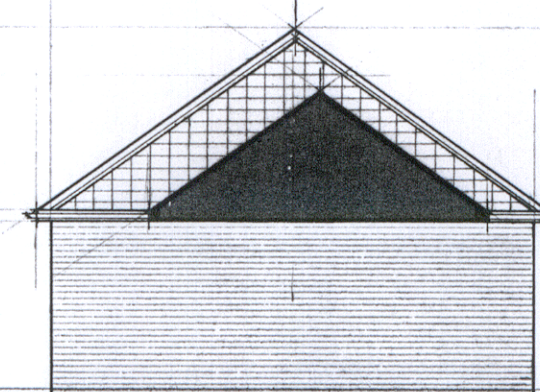
OVERALL
SOUTH
ELEVATION.



EAST
ELEVATION.

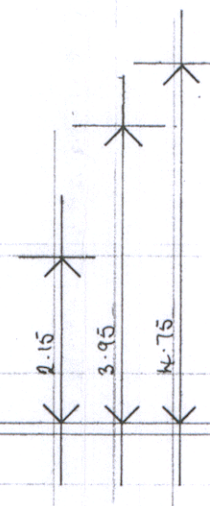


NORTH
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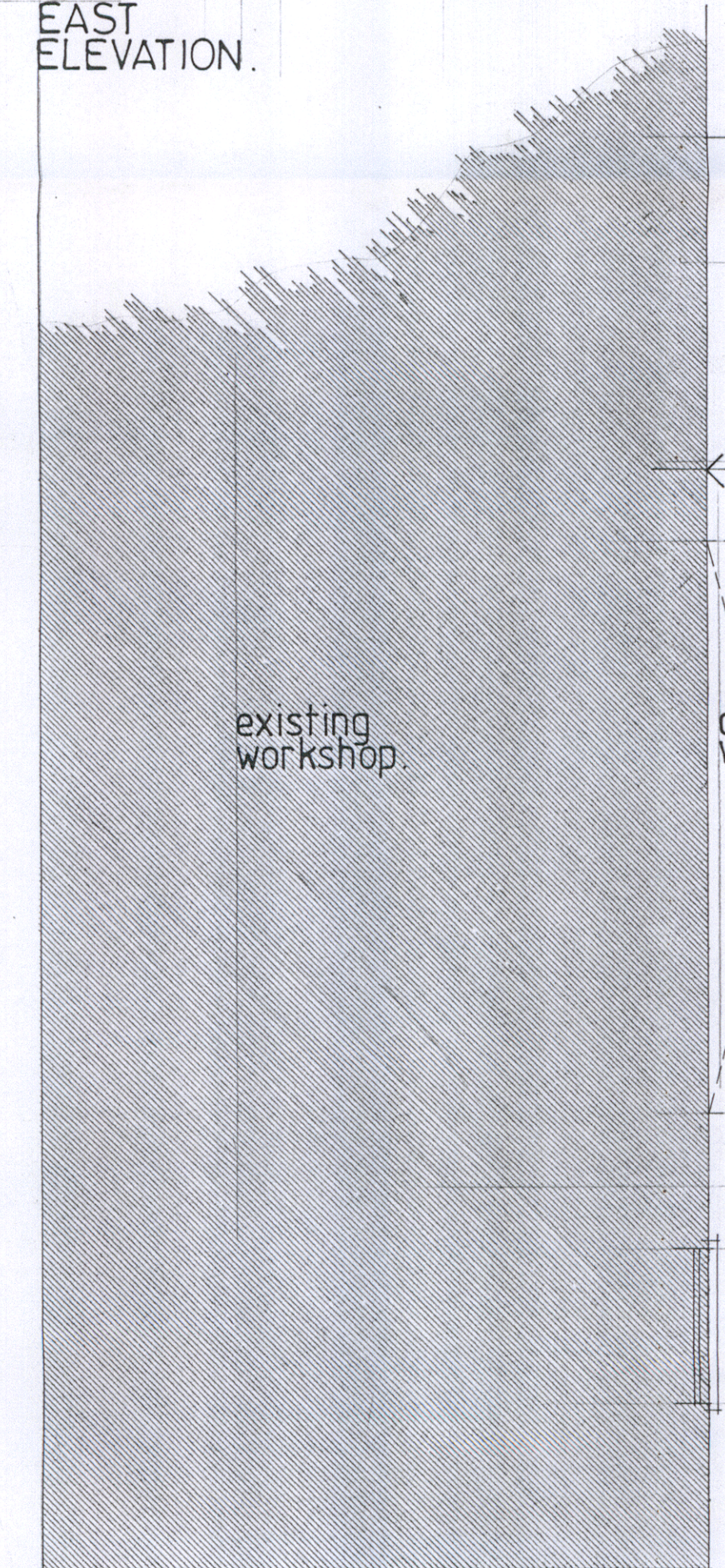


WEST
SECTIONAL
ELEVATION.

F.F.L. -
4.60m. ODN
(as existing)



199



FLOOR
PLAN.

JOHN HUGGINS

"CHERIASH",
RAVELEY ROAD,
WOODWALTON,
HUNTINGDON,
CAMBS

REVISIONS

DATE

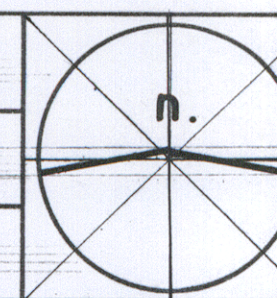
15 February 2016

SCALE

1:50 & 1:100

DRAWN

GH



CHANGE-OF-USE OF LAND FROM AGRICULTURE TO
RESIDENTIAL CURTILAGE & ERECTION OF STABLE
BUILDING & ADDITIONAL WORKSHOP UNIT AT
GAULT HILL FARM, CREASE ROAD, SAWTRY,
CAMBRIDGESHIRE FOR MR. J. & MRS. C. VELLA.

DRAWING NO.

1277 / 7.

E.B.W.

revisions -

A...23.11.15... Door added in Store/Task Room to replace feature recess.

line of fencing to boundary

SOUTH
ELEVATION.

SOUTH
SECTIONAL
ELEVATION.

F.F.L. - 4.60m. O.D.N.

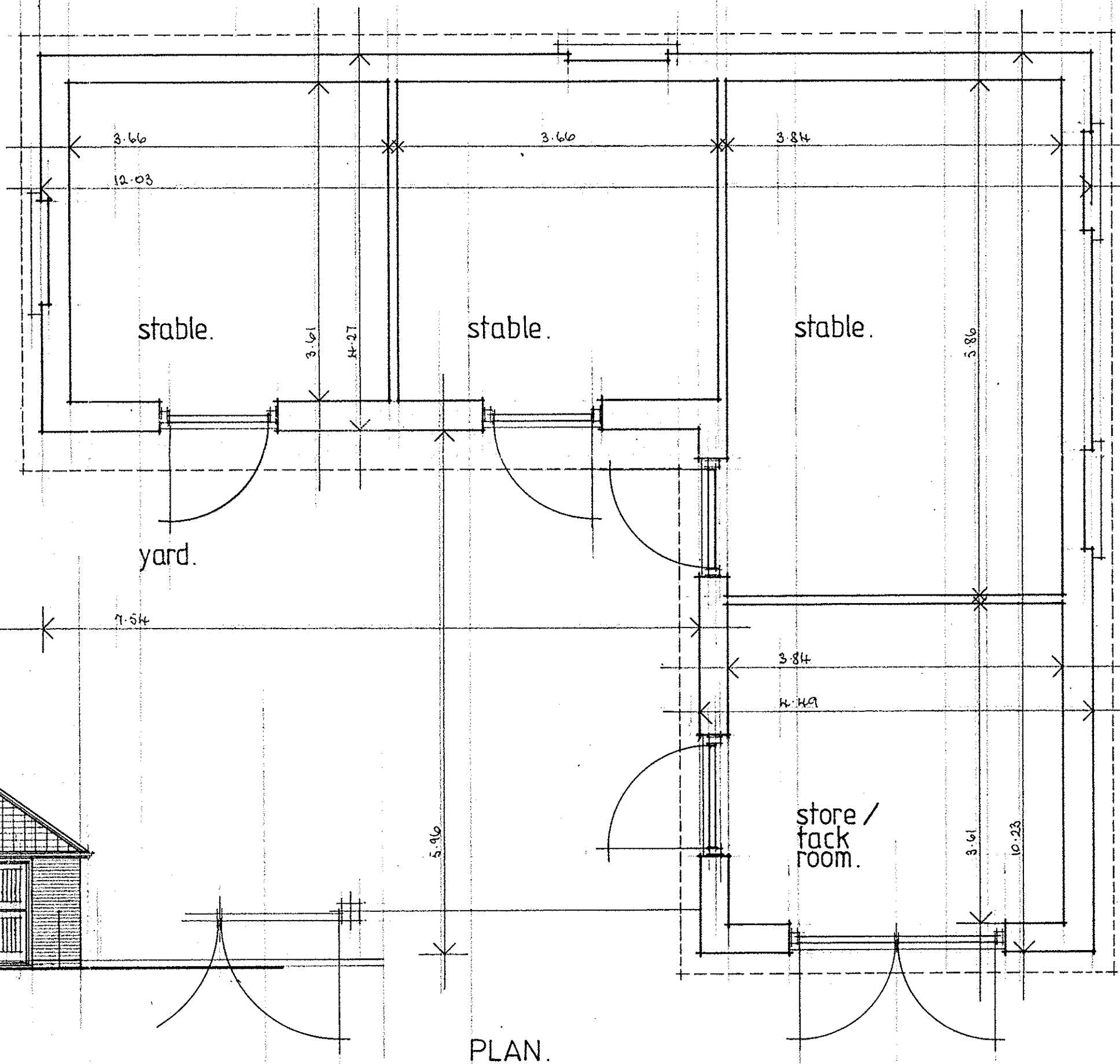
EAST
ELEVATION.

200

NORTH
ELEVATION.

WEST
ELEVATION.

WEST
SECTIONAL
ELEVATION.



JOHN HUGGINS

"CHERIASH",
RAVELEY ROAD,
WOODWALTON,
HUNTINGDON,
CAMBS

DATE

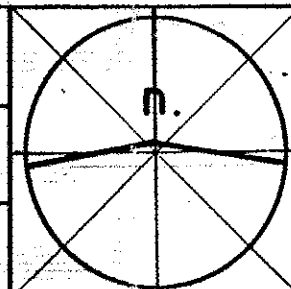
16 November 2015

SCALE

1:50 & 1:100

DRAWN

J.H.



CHANGE-OF-USE OF LAND FROM AGRICULTURE TO
RESIDENTIAL CURTILAGE & ERECTION OF STABLE
BUILDING & ADDITIONAL WORKSHOP UNITS AT
GAULT HILL FARM, CREASE ROAD, SAWTRY,
CAMBRIDGESHIRE FOR MR. J. & MRS. C. VELLA.

DRAWING NO.

1277/3.

A

E.B.W.

DEVELOPMENT MANAGEMENT PANEL

18 APRIL 2016

Case No: 16/00218/FUL (FULL PLANNING APPLICATION)

Proposal: CHANGE OF USE FROM VACANT OFFICES USED AS STORE TO VETERINARY SURGERY

Location: HUNTINGDON WYEVALE GARDEN CENTRE BANKS END WYTON PE28 2AA

Applicant: BEST FRIENDS GROUP

Grid Ref: 527037 272784

Date of Registration: 15.02.2016

Parish: HOUGHTON AND WYTON

RECOMMENDATION - APPROVE

This application is referred to the Development Management Panel as Parish Council recommendation of refusal is contrary to the Officer's recommendation of approval.

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 The site is a modern garden centre on the north side of the A1123 to the east of Huntingdon. The wider complex of approx. 9.6ha consists of an extensive building, outdoor areas, office building fronting the wider complex, and car park. There is also an existing mobile building used for the veterinary surgery located to the rear of the main building – this has been in situ since 2013.
- 1.2 There is an existing access off the A1123. The site is within Flood Zone 3.
- 1.3 The application as submitted relates to a smaller area within the red line of approx. 0.063ha, of the wider complex, and is for:
- the change of use from vacant offices (Use Class B1) used as store to veterinary surgery (Use Class D1) and includes an area for staff parking and visitor parking. The existing access off the A1123 will be used.
- 1.4 The hours proposed are Monday to Saturday 0900-1800hrs, and Sundays and Bank Holidays 1030-1600hrs. It is proposed that there will be 3 full-time and 4 part-time employees (5 full-time equivalent).

2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (2012)

For full details visit the government website

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>

3. PLANNING POLICIES

- 3.1 Saved policies from the Huntingdonshire Local Plan (1995)
- E10: "Reuse of buildings in rural areas"
 - E11: "Expansion of Existing Firms"
- 3.2 Saved policies from the Huntingdonshire Local Plan Alterations (2002)
- None relevant.
- 3.3 Adopted Huntingdonshire Local Development Framework Core Strategy (2009)
- CS1: "Sustainable development in Huntingdonshire"
- 3.4 Draft Huntingdonshire Local Plan to 2036: Stage 3 (2013)
- LP1: 'Strategy and principles for development'
 - LP11: "The Relationship between the built-up area and the countryside"
 - LP15: 'Ensuring a High Standard of Amenity'
 - LP17: "Sustainable Travel"
 - LP18: "Parking Provision"
 - LP21: "Rural economy"

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

4. PLANNING HISTORY

4.1 Application site:

0100988FUL Change of use of bungalow to offices ancillary to garden centre. Granted Jun 2001.

4.2 Wider complex:

15/01059/FUL Change of use to car wash and valet; installation of two canopies, wash screens, and cabins for customer waiting/office/rest room and secure storage, and pergola. Under consideration.

1400120FUL Erection of two entrance canopies, elevational changes and provision of hardstanding and railings. Granted Jul 2014.

0901289FUL Erection of covers over walkways within existing external sales area. Granted Dec 2009.

0001331FUL Erection of garden centre and provision of car parking. (Amended design and siting). Granted Oct 2000

9900197FUL Erection of garden centre & provision of car parking Tacchis Garden Centre Banks End, Huntingdon Road Wyton. Granted Dec 1999

9301227FUL Vary condition no. 2 of planning permission ref: 91/0769. Granted Dec 1993

9100769FUL Change of use to nursery garden centre, erection of storage & sales building and access & parking area. Granted Jul 1991

5. CONSULTATIONS

5.1 Houghton and Wyton Parish Council: recommend REFUSED (attached) for the following reasons:

- The Planning Officer informed us this would be a Change of Use to D1 Non Residential Institutions. If this is the case the application should state the precise change of use.
- We believe this is an inappropriate expansion of the business activities already carried out on this site.
- We believe that Wyevale already have an extensive list of products and services retailed here; well beyond that expected of a Garden Centre; and we see no reason why this should be added to.
- We believe this Change of Use will increase the uses on site and lead to the site being opened up for other purposes.
- We request that the original permission and conditions for this site be examined in relation to this application and its nature.
- We are concerned about the possible increase in traffic that will use the site, and resulting effect on this already dangerous junction.
- We believe the continued expansion of this site will have a detrimental effect on the vitality of the market towns of Huntingdon and St Ives.
- The Parish Council will be requesting a meeting with HDC officers to examine the use and development of this site and the lack of enforcement to reported breaches of Planning Permissions.
- We expect to be kept informed of updates as this application passes through your system and any further decisions that may affect this Parish

5.2 **Environment Agency** – No objection - There is no change in the flood risk vulnerability of this development.

5.3 **CCC Highways as LHA** – No objection- Although the vehicle movements associated with the proposed use would be higher than the existing use they are not at a level that could be objected to, given this I have no objections to that proposed.

6. REPRESENTATIONS

6.1 In addition to the site notice, eight neighbours were consulted. There have been no third party representations received.

7. ASSESSMENT

7.1 The issues in this case are the principle of the use in this location, highways issues, flooding, and the impact on neighbouring properties.

Principle

7.2 There is an existing mobile unit used by the veterinary surgery located to the rear of the main complex building. This mobile unit has been in situ since 2013, although no formal consent had been applied for. In respect of the veterinary mobile unit, there have been no complaints made to the LPA Enforcement Team.

- 7.3 The agent has advised that the existing mobile unit would be removed from the site, if Members are minded to approve the application. This can be conditioned.
- 7.4 In respect of the proposed change of use of an existing building to a veterinary surgery, there is support in the NPPF and Local Plan for the re-use of existing buildings in the countryside for business purposes. The NPPF guides Local Planning Authorities to do everything it can to support sustainable economic growth (para.19) and economic growth expansion of all types of business and enterprise in rural areas (para.28). In giving due weight to the NPPF, this proposal achieves some economic benefit without bringing significantly harmful effects with it.
- 7.5 It is considered that the site is not situated in an especially isolated location in the countryside, bearing in mind the nearby settlement of Houghton and Wyton, and slightly further afield St Ives and Huntingdon. The A1123 is a local bus route. The change of use requires no major adaptation to the land and building.
- 7.6 The conclusion reached is that the proposed change of use will allow for an existing business to re-locate to a more prominent location, utilising an existing building in the countryside, whilst still retaining the existing client base and potentially enabling the client base to grow that will help contribute to the economy and create employment.

Highways Issues

- 7.7 The NPPF para. 32 states that, in considering all proposals, safe and suitable access to the site can be achieved by all people'. Policy E10 of the Local Plan 1995 supports proposals in rural areas, subject to no overriding objection on traffic or environmental grounds. Draft policies LP17 and LP18 of the Local Plan to 2036: Stage 3 2013 support proposals where volumes of traffic can be accommodated and any adverse effects from traffic movements are minimised; and that sufficient parking can be accommodated.
- 7.8 The existing access off the A1123 will be used. Although the vehicle movements associated with the proposed use would be higher than the existing use as an office/store, they are not at a level that could be objected to, and as such this would not be a substantive reason for refusal. On this basis, it is considered that the proposal is acceptable in terms of highway/parking issues.

Flooding

- 7.9 Although the site is within the Environment Agency's Flood Zone 3, there is no change in the flood risk vulnerability of this development.

Impact on neighbouring properties

- 7.10 The existing building, subject to the proposed change of use is located a distance of 30m with staff parking located 15m away from the nearest residential property 'Redcroft'. As such it is considered that the proposed change of use will have no adverse effects and complies with policy LP15.

Other matters

- 7.11 The Parish Council's concern about the wider complex is noted. The matter is not a relevant consideration for the determination of this application.

Conclusion

- 7.12 The proposed development is considered to be compliant with relevant national and local planning policy as:
- * It is an example of enterprise that will make a contribution to the economy
 - * The scale and location of the development is not considered to have an overly detrimental impact upon the surrounding area.
 - * It would not have a significant detrimental impact on the amenity of neighbours.
 - * It is acceptable in terms of highway safety
 - * There is no change to the vulnerability category of the building in terms of flooding.
 - * There are no other material planning considerations which lead to the conclusion that the proposal is unacceptable.
- 7.13 Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is therefore recommended that planning permission should be granted.

8. **RECOMMENDATION** - **APPROVAL** subject to conditions to include the following

- Time limit
- Hours of opening as per application form
- Removal of existing mobile unit
- Restricting the use to use Class D1 - Veterinary Surgery

A full report is available on the Council's website www.huntsdc.gov.uk

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

CONTACT OFFICER:

Enquiries about this report to **Ms Dallas Owen Development Management Officer 01480 388468**

Huntingdonshire DC Public Access

From: developmentcontrol@huntsdc.gov.uk
Sent: 09 March 2016 14:46
To: DevelopmentControl
Subject: Comments for Planning Application 16/00218/FUL

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 2:45 PM on 09 Mar 2016 from Miss Lois Dale.

Application Summary

Address: Huntingdon Wyevale Garden Centre Banks End Wyton
Huntingdon PE28 2AA

Proposal: Change of use from vacant offices used as store to
veterinary surgery

Case Officer: Ms Dallas Owen

[Click for further information](#)

Customer Details

Name: Miss Lois Dale

Email: clerk@houghtonwytonpc.co.uk

Address: 46 St Margarets Road, Wyton, Huntingdon PE28 2AN

Comments Details

Commenter Type: Town or Parish Council

Stance: Customer objects to the Planning Application

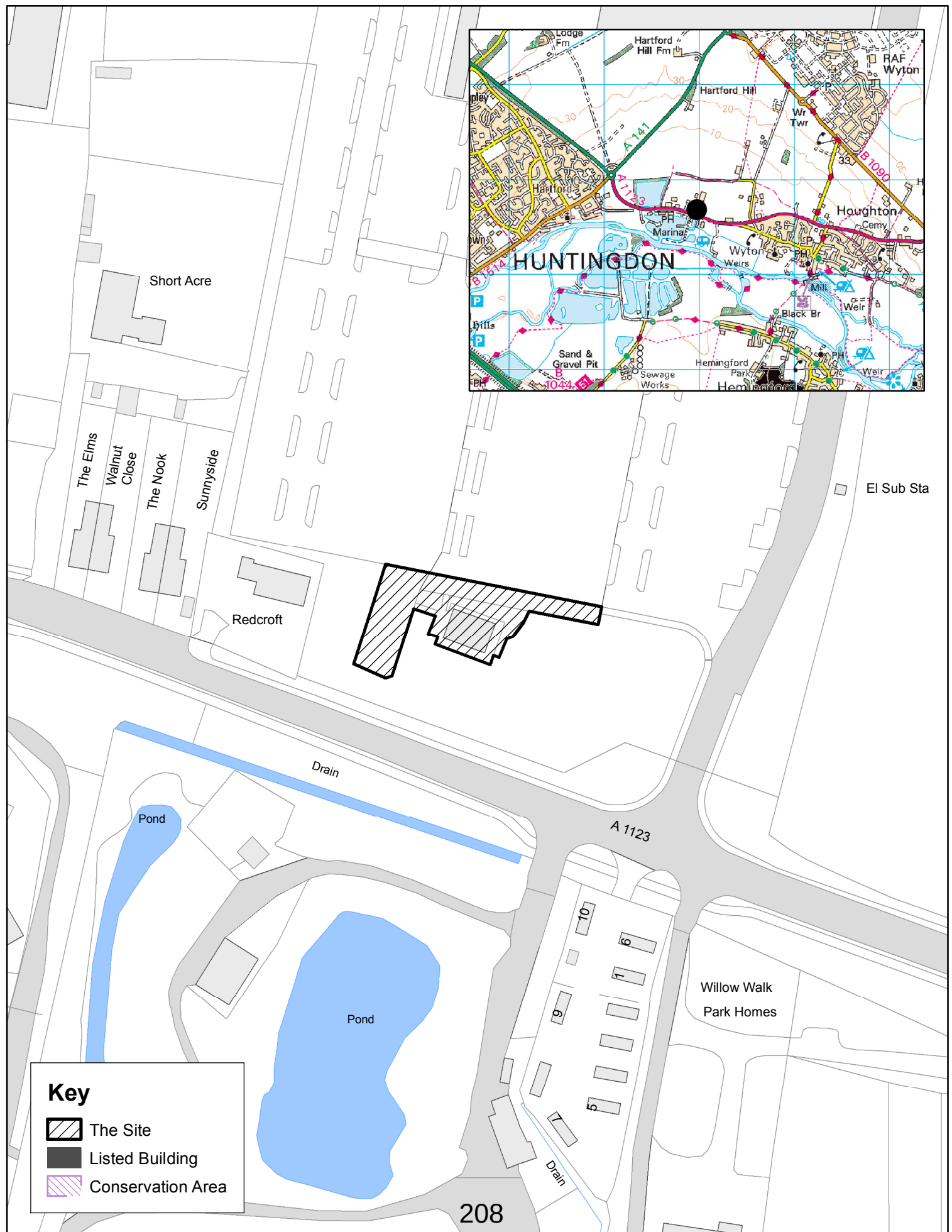
Reasons for comment:

Comments: Houghton and Wyton Parish Council recommend that this application is REFUSED for the following reasons: • The Planning Officer informed us this would be a Change of Use to D1 Non Residential Institutions. If this is the case the application should state the precise change of use. • We believe this is an inappropriate expansion of the business activities already carried out on this site. • We believe that Wyevale already have an extensive list of products and services retailed here; well beyond that expected of a Garden Centre; and we see no reason why this should be added to. • We believe this Change of Use will increase the uses on site and lead to the site being opened up for other purposes. • We request that the original permission and conditions for this site be examined in relation to this application and its nature. • We are concerned about the possible increase in traffic that will use the site, and resulting effect on this already dangerous junction. • We believe the continued expansion of this site will have a detrimental effect on the vitality of the market towns of Huntingdon and St Ives. • The Parish Council will be requesting a meeting

with HDC officers to examine the use and development of this site and the lack of enforcement to reported breaches of Planning Permissions. • We expect to be kept informed of updates as this application passes through your system and any further decisions that may affect this Parish

Date Created: 05/04/2016

Location: St Ives



Huntingdon Garden Centre



Site Location Plan 1:2500 Proposed change of use to Veterinary Surgery,
Huntingdon Garden and Leisure, Banks End, Wyton PE28 2AA

For Best Friends Group

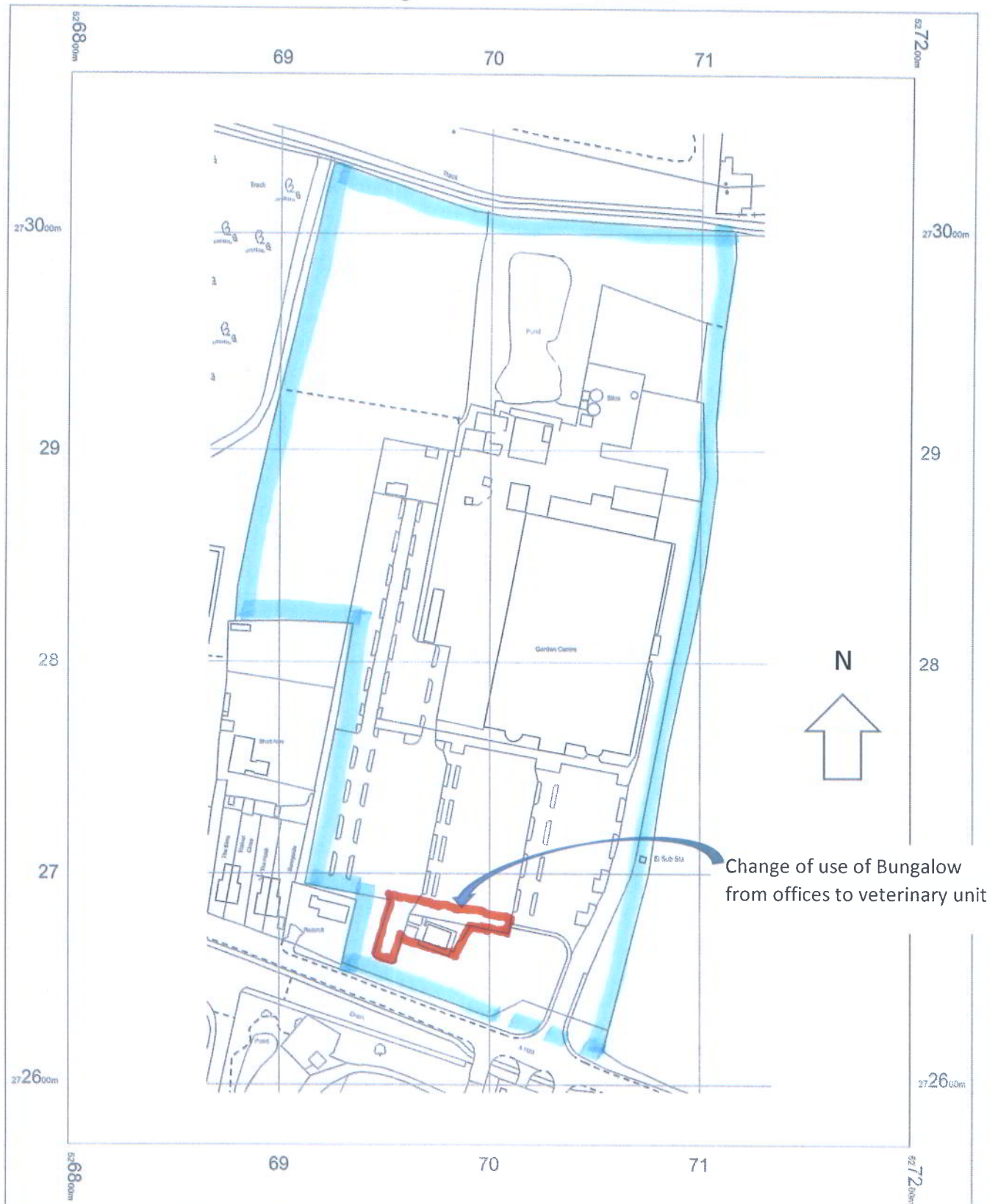
Pitts Architects 12 the Waits St Ives Cambs PE27 5BY drg no. 1356.01A/C

Rev A 10.02.2016 site location plan amended to 1:2500 to show whole site

Rev B 12.02.2016 site boundary amended to immediate area for application in red, total site in blue

Rev C 4.4.2016 exist. mobile veterinary unit added.

Huntingdon Garden Centre



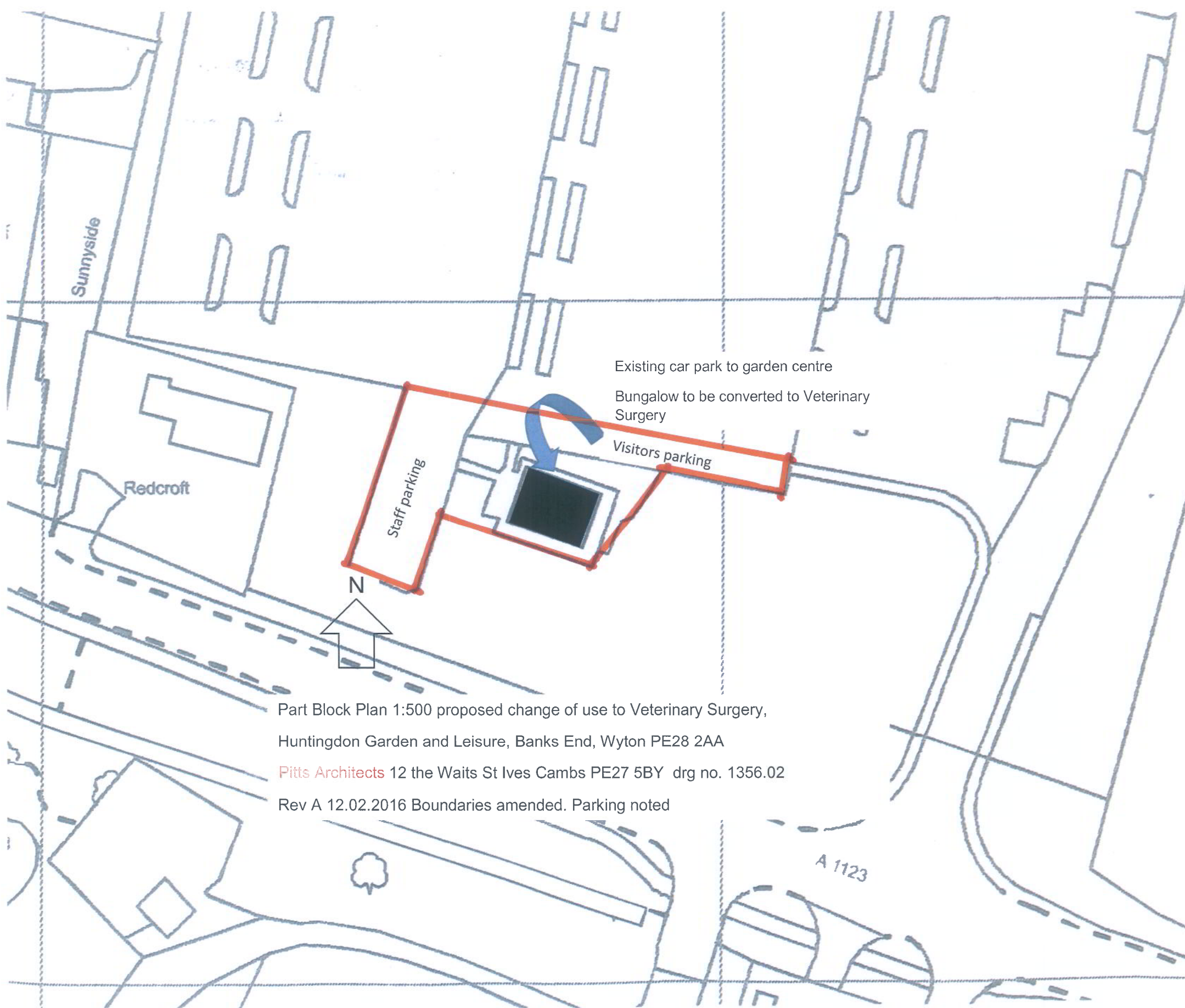
Site Location Plan 1:2500 Proposed change of use to Veterinary Surgery,
Huntingdon Garden and Leisure, Banks End, Wyton PE28 2AA

For Best Friends Group

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Rev A 10.02.2016 site location plan amended to 1:2500 to show whole site

Rev B 12.02.2016 site boundary amended to immediate area for application in red, total site in blue

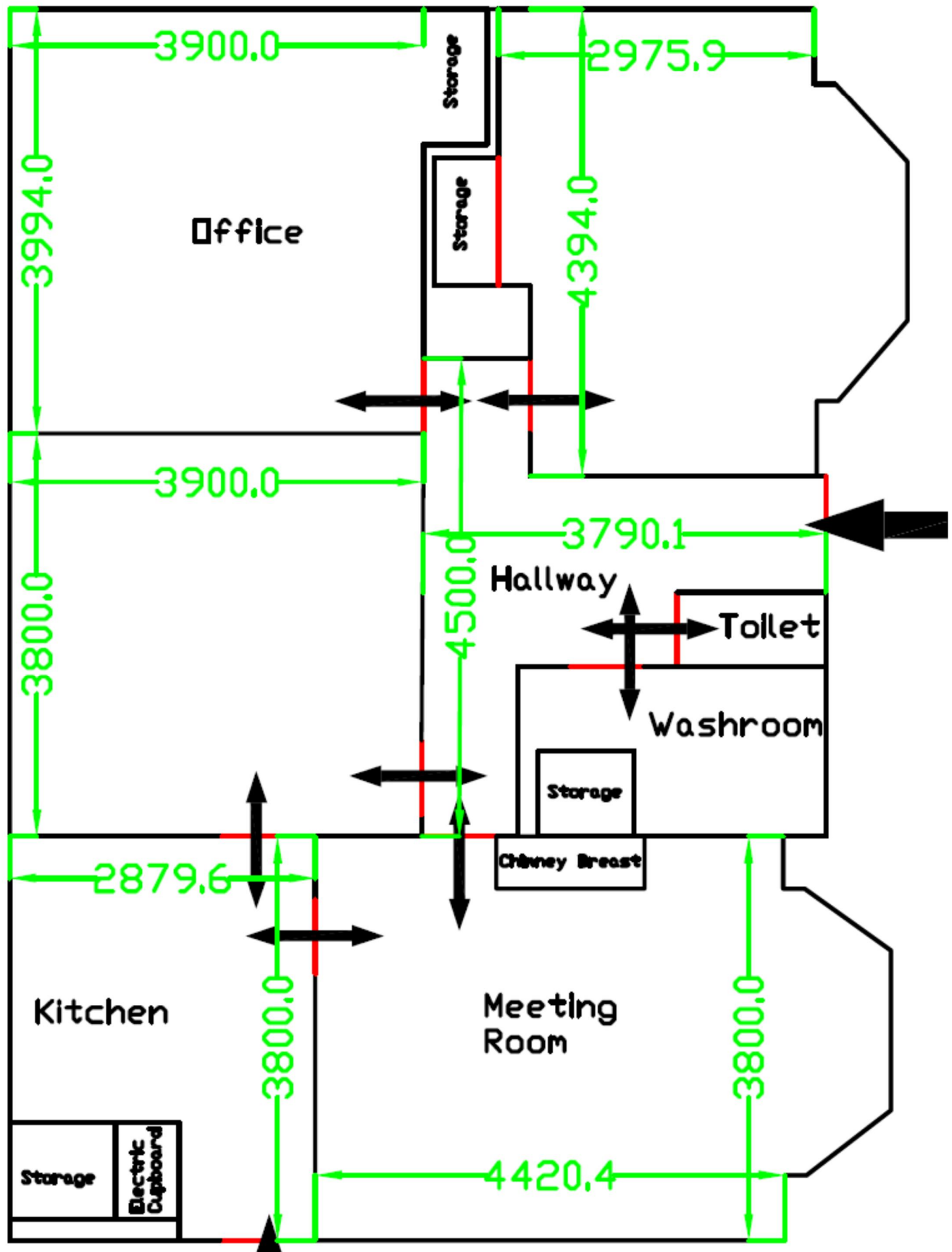


Part Block Plan 1:500 proposed change of use to Veterinary Surgery,
Huntingdon Garden and Leisure, Banks End, Wyton PE28 2AA

Pitts Architects 12 the Waits St Ives Cambs PE27 5BY drg no. 1356.02

Rev A 12.02.2016 Boundaries amended. Parking noted

Ground Floor



Bungalow Floor Plan, Huntingdon Garden Centre, proposed Veterinary Practice for Best Friends Group

PITTS ARCHITECTS, 12 THE WAITS, ST IVES, CAMBS, PE27 5BY

NTS

DRG NO. 1354.4



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DEVELOPMENT MANAGEMENT PANEL

18 APRIL 2016

Case No: 15/01353/FUL (FULL PLANNING APPLICATION)

Proposal: NEW DWELLING AND DEMOLITION OF SINGLE STOREY SIDE LEAN TO ADJACENT DWELLING.

Location: 2 WEST STREET HUNTINGDON PE29 1WT

Applicant: MR & MRS TRAN & NGUYEN

Grid Ref: 524505 272023

Date of Registration: 01.10.2015

Parish: HUNTINGDON

RECOMMENDATION - APPROVE

This application is referred to the Development Management Panel as Huntingdon Town Council's recommendation of refusal is contrary to the Officer's recommendation of approval.

1. DESCRIPTION

- 1.1 This application relates to the site of a two storey, semi-detached dwellinghouse of brick and tile construction in an established residential area of Huntingdon. The property benefits from a side and rear garden.
- 1.2 The site lies within the Huntingdon Conservation Area.
- 1.3 The proposal is for the erection of a new, detached dwelling (to be located in the side garden area), following the demolition of an existing single storey extension.

2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (2012) (NPPF), with particular reference to paragraphs 17, 56, 58, 59 and 60.

For full details visit the government website

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>

3. PLANNING POLICIES

- 3.1 Saved policies from the Huntingdonshire Local Plan (1995)
 - EN5: Development within Conservation Areas
 - EN6: Conservation Areas: Design
 - EN9: Conservation Areas
 - EN25: General Design Criteria
 - H31: Residential Amenity and Privacy Standards
 - H32: Sub-division of Large Curtilages
 - T18: Access requirements for new development

- 3.2 Saved policies from the Huntingdonshire Local Plan Alterations (2002)
 - HL5: Quality and Density of Development
 - HL10: Housing Provision
- 3.3 Adopted Huntingdonshire Local Development Framework Core Strategy (2009)
 - CS1: Sustainable development in Huntingdonshire.
 - CS3: The Settlement Hierarchy
 - CS10: Contributions to Infrastructure Requirements
- 3.4 Draft Huntingdonshire Local Plan to 2036: Stage 3 (2013)
 - LP1: Strategy and Principles for Development
 - LP2: Contributing to Infrastructure Delivery
 - LP8: Development in the Spatial Planning Areas
 - LP13: Quality of Design
 - LP15: Ensuring a High Standard of Amenity
 - LP17: Sustainable Travel
 - LP18: Parking Provision
 - LP24: Housing Mix
 - LP31: Heritage Assets and their Settings
- 3.5 Supplementary Planning Documents:
 - Huntingdonshire Design Guide Supplementary Planning Document 2007

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

4. PLANNING HISTORY

- 4.1 None relevant to the determination of this application.

5. CONSULTATIONS

- 5.1 **Huntingdon Town Council:** "Recommend refusal. Members considered this overdevelopment of the site."
- 5.2 **Cambridgeshire County Council Highways:** "No objection in principle".

6. REPRESENTATIONS

- 6.1 Two representations objecting to the proposal have been received, highlighting concerns relating to:
 - Overlooking/loss of privacy;
 - Overcrowding/cramped form of development;
 - Loss of green space and detrimental impact on biodiversity;
 - Parking;
 - Detrimental impact on aesthetic quality of the street scene.
- 6.2 One representation in support of the proposal has been received, however the letter of support highlighted:
 - A need to ensure suitable provision for access/maintenance of electricity supply which runs adjacent to the existing dwelling (2 West St).

- 6.3 The comment received from the neighbouring occupants regarding the importance of access/maintenance for the electricity supply cable which runs along 2 West Street is understood. It must be noted that planning permission does not override any legal covenants and that confirmation as to the acceptability of the arrangement with regard to access/maintenance should be sought from the owner of the electricity supply cable before the commencement of any development.

7. ASSESSMENT

- 7.1 The main issues to consider are:
- The principle of development;
 - The impact on the amenity of neighbours;
 - The design of the proposal in relation to the street scene and the character/appearance of the area as a whole; and
 - Parking and the impact upon highway safety.

The principle of development:

- 7.2 The presumption in favour of sustainable development is clearly outlined within the NPPF, with the goal of creating positive improvements in the quality of the built, natural and historic environment, which includes widening the choice of high quality homes. Policy CS3 (The Settlement Hierarchy) of the Core Strategy identifies Huntingdon as a 'Market Town', in which development schemes of all scales may be appropriate within the built-up area. Policy LP8 of the Draft Huntingdonshire Local Plan to 2036: Stage 3 (2013) defines Huntingdon as a Spatial Planning Area, where a proposal which includes housing will be supported where it is appropriately located within the built-up area.
- 7.3 Whilst numerous national and local policies offer support for the principle of the development as proposed, the remainder of this report will provide an assessment of the overall suitability of the site.

The impact on the amenity of neighbours:

- 7.4 The proposed development is not considered to create an unacceptable impact in terms of overshadowing/a loss of light or by way of being overbearing due to the scale, orientation and positioning of the proposed dwelling in relation to the existing built form in the vicinity of the application site.
- 7.5 The proposed dwelling will result in five additional windows at first floor level, two on the front (northeast) elevation, two on the rear (southwest) elevation and one on the side (northwest) elevation (facing the host property). The proposed window on the side elevation is to serve a stairway and will be finished with obscure glazing - this will be controlled by condition. The two windows on the front elevation will face towards the public highway. As such, this fenestration is considered to be acceptable.
- 7.6 It is understood that the introduction of fenestration can create or reinforce a perception of overlooking and the objections from 2 Primrose Lane regarding the rear facing windows in the new dwelling are noted. However, due to the separation distance (approximately

50m) between the proposed dwelling and the existing dwellings to the southwest, including the layout of the existing built form (which incorporates a degree of mutual overlooking across rear amenity spaces), the fenestration upon the rear elevation of the proposed development is considered to be acceptable.

- 7.7 The scale and positioning of the proposed dwelling, coupled with a design which omits fenestration on the southeast elevation, is such that the development is not considered to detrimentally impact the existing dwellings to the south of the application site to an unacceptable level.

The design of the proposal in relation to the street scene and the character/appearance of the area as a whole:

- 7.8 West Street is characterised by the arrangement of two different architectural forms upon either side of the road. To the northwest, terraced properties with long, narrow footprints are arranged in groups of four/five, whereas the southwest of West St hosts much wider, but shallower semi-detached properties which are set back further from the road and benefit from larger curtilages. A similar development to the proposed is located approximately 75m to the northwest (14a West St). This scheme also utilised space to the side of a dwelling to accommodate a detached dwelling.
- 7.9 Whilst the development will be immediately visible from views within the street scene, the scale and overall design of the proposed dwelling is considered to be appropriate within the context of the wider street scene and construction/finishing materials can be secured by way of condition.
- 7.10 The points raised regarding overcrowding/a cramped form of development are noted, however the resultant curtilage following the subdivision of the plot is considered to comply with policy H32 of the Huntingdonshire Local Plan (1995) and the application site is considered to afford sufficient private amenity space. It is noted that the separation distance between the existing and proposed dwelling is limited to 1.17m. However as the proposed dwelling is set back from the road by approximately 7.1m and the proposed dwelling and 76 Hartford Road to the southeast are separated by approximately 15m, the spaciousness which is characteristic of the southwest side of West St is retained. A landscaping plan was submitted alongside the application and these details were considered to be acceptable.
- 7.11 Views into, out of and across the Conservation Area are considered to be acceptable, given the backdrop of residential units upon which the proposed dwelling will be viewed and the screening qualities of the existing boundary treatments.

Parking and the impact upon highway safety:

- 7.12 The existing curtilage of 2 West Street affords space for two vehicles to be parked on a gravelled area to the southeast of the dwelling. The proposal will reduce parking provision to the front of 2 West Street to one vehicle.

- 7.13 The proposed dwelling would have two parking spaces (including an internal parking space) along with the external arrangement to the front of the dwelling.
- 7.14 The revised site layout plan (21515/51a) represents a layout which delivers independently workable, effective off-street parking spaces for both the existing and proposed dwelling. HDC Highways team raised no objection to the revised scheme; however a condition which removes Permitted Development rights in order to ensure the integral parking area of the proposed dwelling is necessary. As such, given the proximity of the application site to the town centre and numerous public transport links, with the addition of a condition as outlined above the proposal would have an acceptable impact upon highway safety.

Conclusion:

- 7.15 Taking national and local planning policies into account and having regard for all relevant material considerations, it is recommended that planning permission be granted for the development as proposed.

- 8. RECOMMENDATION - APPROVAL** subject to conditions to include the following
- Time limit
 - In accordance with plans
 - Materials
 - PD rights removed (Classes A, B and E)
 - Garage to be retained for car parking
 - Side facing landing window to be obscure glazed
 - Landscaping to be implemented as per approved plans

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

CONTACT OFFICER:

Enquiries about this report to **Mr James Lloyd Assistant Development Management Officer 01480 388389**

HUNTINGDON TOWN COUNCIL**PLANNING COMMENTS : 29th October 2015**

15/01117/REM

Approval of appearance, layout, landscaping and scale in respect of the construction of 128 dwellings, pocket park, associated highways, landscaping, and ancillary works. Alconbury Weald, Ermine Street, Little Stukeley.

Members noted this with thanks.

15/01353/FUL

Mr and Mrs Tran and Nguyen, 2 West Street, Huntingdon, PE29 1WT

New dwelling and demolition of single storey side lean to adjacent dwelling.

Recommend REFUSAL. Members considered this overdevelopment of the site.

15/01485/HHFUL

Mr John Gibson, 52 Wertheim Way, Huntingdon, PE29 6UX

First Floor Extension over existing accommodation. 52 Wertheim Way, Huntingdon, PE29 6UX

Recommend APPROVE

The District Council has received further information in connection with the planning application that has been made for the development of the site.

Recommend REFUSAL. Members considered this to be overdevelopment of the site, and that it could cause damage to the environment. Members questioned if Huntingdonshire District Council had received letters of objection.

15/01669/FUL

Huntingdonshire Society for the Blind, 8 St Marys Street, Huntingdon, PE29 3PE

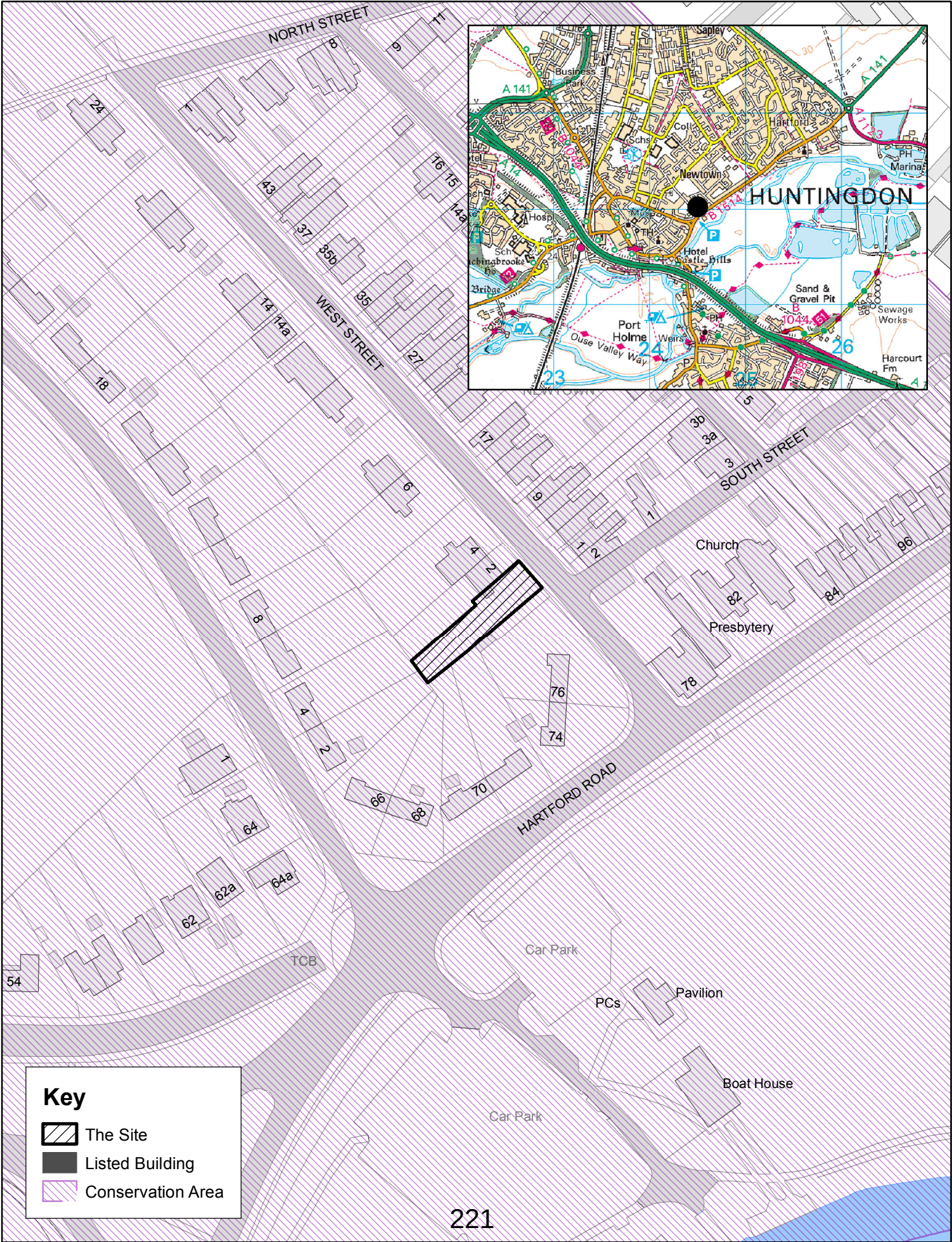
Alterations and extension (single storey) to existing building. 8 St Marys Street, Huntingdon, PE29 3PE

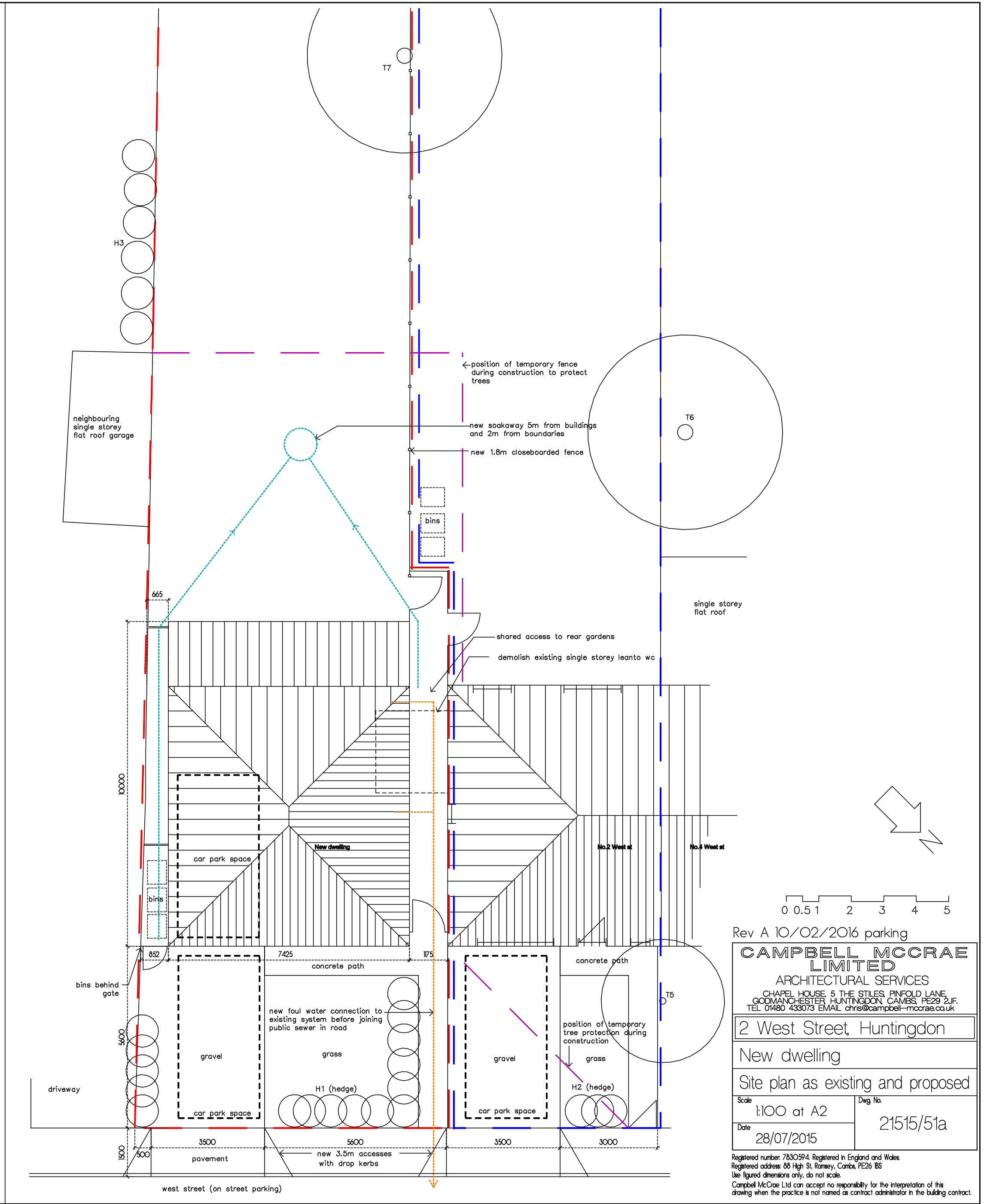
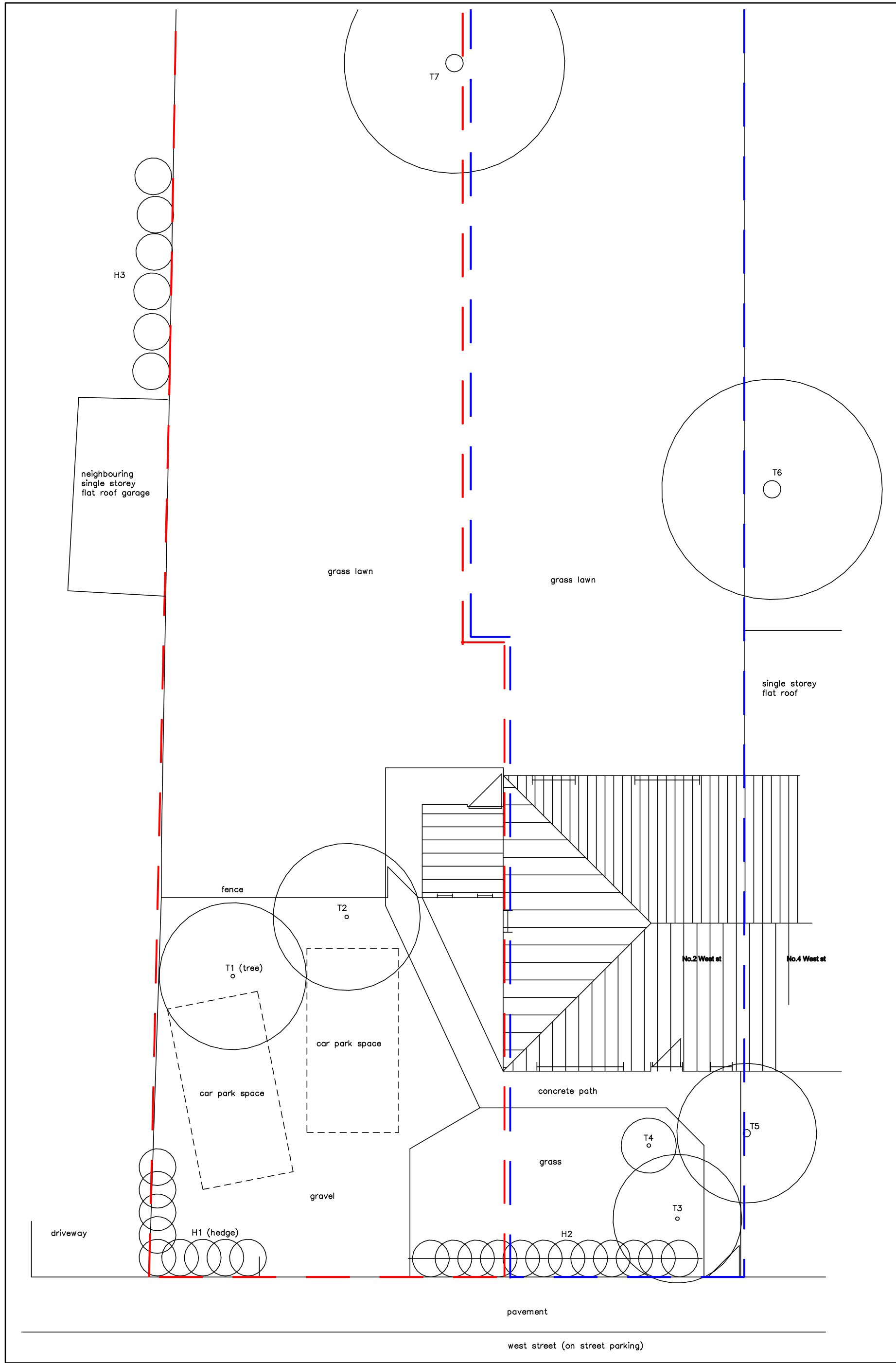
Recommend APPROVAL

Development Management Panel

Scale =1:1,250
Date Created: 05/04/2016

Application Ref:15/01353/FUL
Location: Huntingdon





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Rev A 10/02/2016 parking

CAMPBELL MCCRAE LIMITED
ARCHITECTURAL SERVICES
CHAPEL HOUSE 5 THE STILES PINFOLD LANE
GODMANCHESTER HUNTINGDON CAMBS PE29 2JF
TEL 01480 433073 EMAIL chris@campbell-mccrae.co.uk

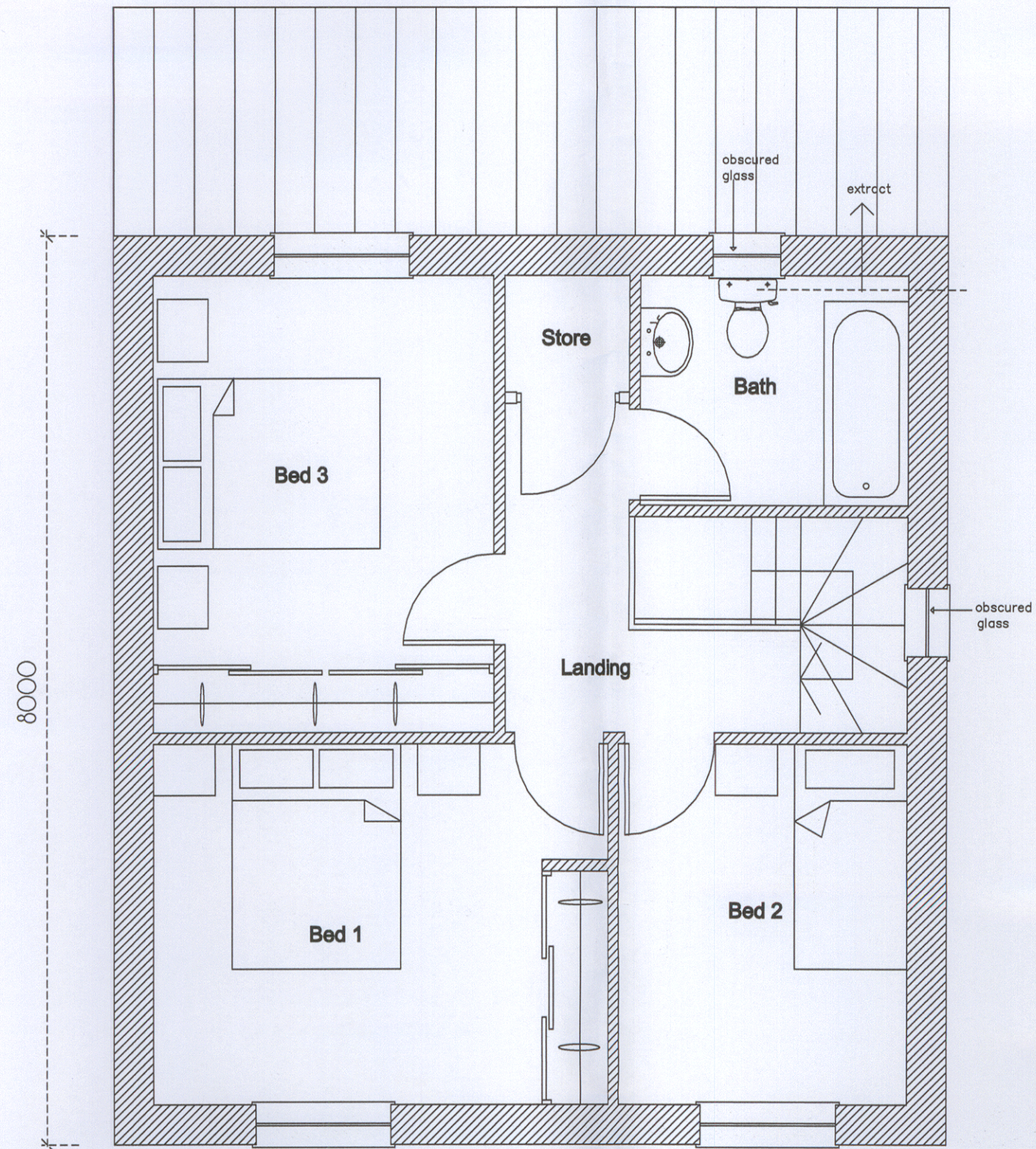
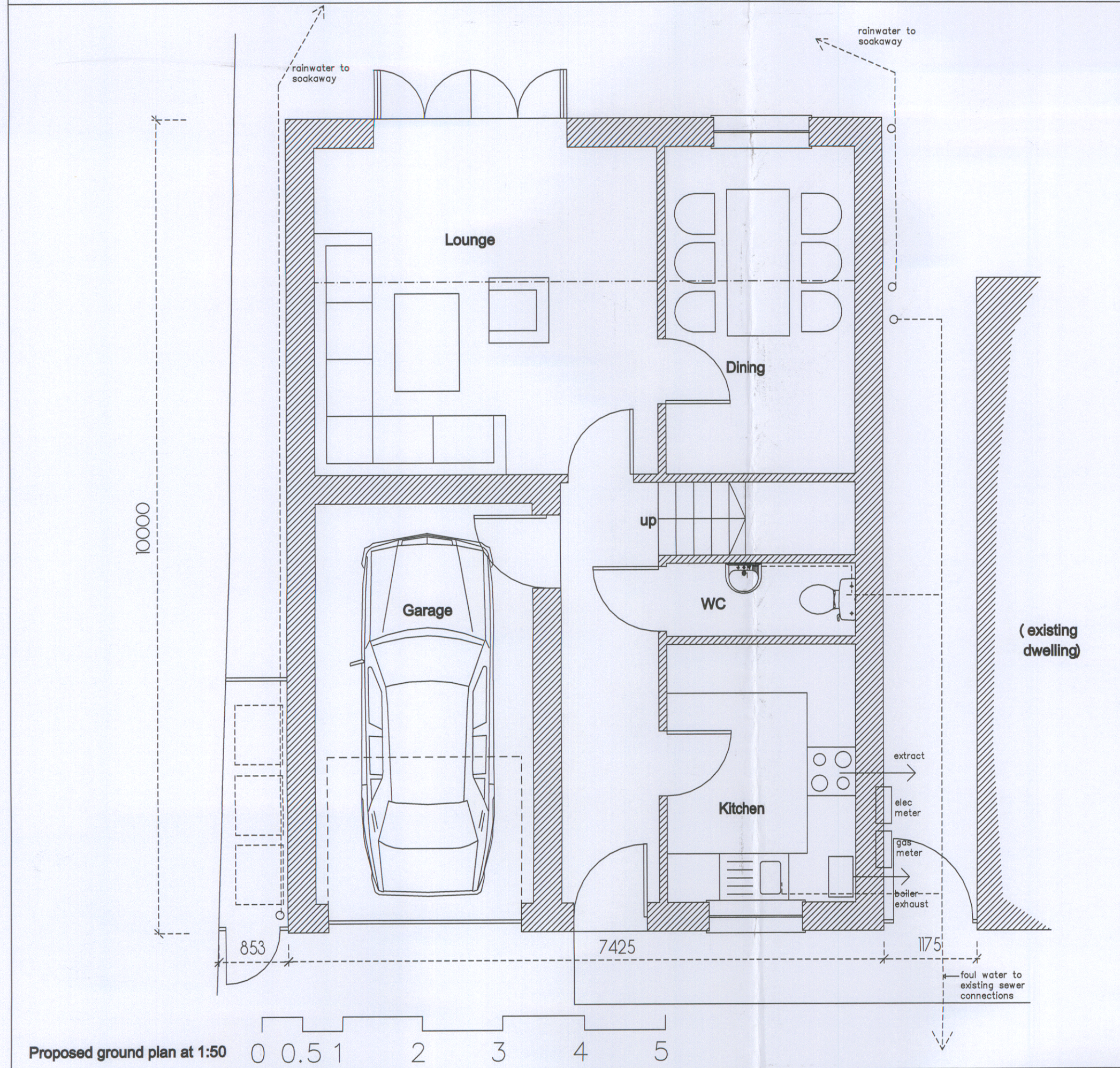
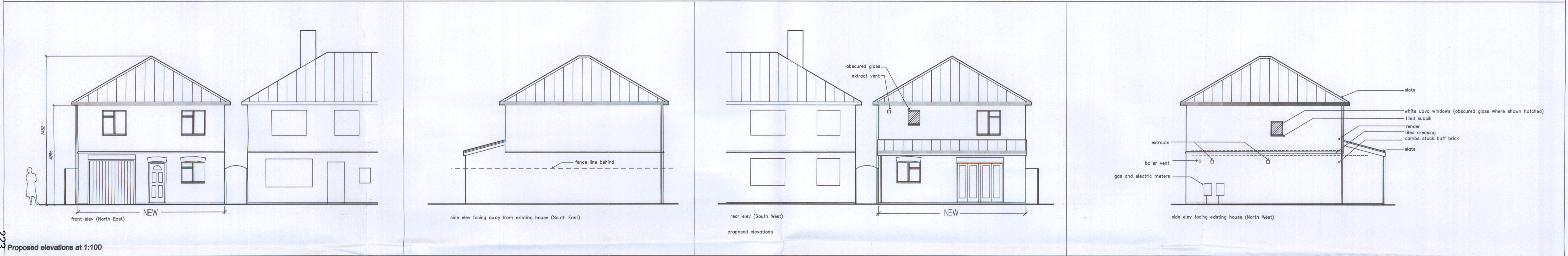
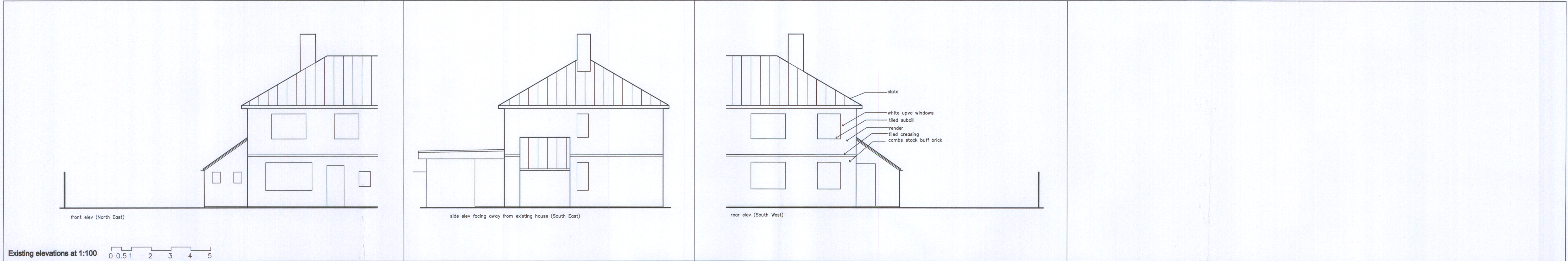
2 West Street, Huntingdon

New dwelling

Site plan as existing and proposed

Scale 1:100 at A2	Dwg No. 21515/51a
Date 28/07/2015	

Registered number: 7830594. Registered in England and Wales.
Registered address: 88 High St, Ramsey, Cambs, PE26 1BS
Use figured dimensions only, do not scale.
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2 West St. Huntingdon
New dwelling house
Site as existing and proposed

Scale: 1:50 at A1
Date: 28/07/2015
Drawing No.: 21515/50

Registered number 76502594. Registered in England and Wales.
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Agenda Item No.

Development Management Panel

18 April 2016

APPEAL DECISIONS

(Report by Planning Services Manager (Development Management))

1. **Site:** Land Cranbrook Plants, Colne Road, Somersham

Development: Conversion and part re-build of disused agricultural building into two residential dwellings

Application ref: 15/01181/PMBPA

Appellant: Cranbrook Plants

Parish: Somersham

Original Decision: Delegated Refusal – 23/09/2015

Appeal Decision (and date): DISMISSED, 17/03/2016

Cost: NA

Key Paragraphs in Appeal Decision:

Paras 10 & 11: *'it is evident that at 15%, a greater than ancillary proportion of sales come from on site retailing of plants. Moreover, the site contains a small café (which was undergoing refurbishment at the time of my visit), a florist, an arts and crafts shop as well as caravan storage. As a result, I find that the wider site is in use as a mixed horticultural and retailing business'.*

'Consequently, on the basis of the evidence before me, I cannot be certain that the buildings were solely in agricultural use as part of an established agricultural unit on 20 March 2013 or when it was last used. The proposal would therefore fail to accord with the limitations at paragraph Q.1(a).'

And

Para 12: *'As a result, there is no need to consider whether or not the proposal would comprise permitted development in respect of Class Q(b) or indeed whether or not it would require prior approval in respect of the accompanying conditions set out in paragraph Q.2.'*

2. **Site:** 8 Heron Court, St Neots, PE19 1TH

Development: Extension to existing garage to frontage.

Application Ref: 15/01575/HHFUL

Appellant: Mr D Griffiths

Parish: St Neots

Original Decision: Delegated Refusal – 05/11/2015
Appeal Decision (and date): DISMISSED, 17/03/2016
Cost: NA

Key Paragraphs in Appeal Decision:

Para 4: *‘ Elsewhere within the surrounding area there are limited examples of front extensions including porches and canopies extending across the full width of dwellings. Within the immediate area there is a front extension to a garage but this property also includes another front addition. The detailed planning circumstances of these dwellings are unavailable and, for this reason, these other schemes can only be given limited weight in the determination of this appeal.’*

Para 6: *‘ by reason of both the extent of the proposed extension’s projection into the front garden and it being wider than the existing garage, the appeal scheme would be a dominant addition to the host property which would disrupt the character and appearance of the host property. The extent of the proposed projection from the host property would result in the loss of part of the open front garden and this would be detrimental to the open character of the streetscene. Overall, the appeal scheme would be an incongruous addition to the property and the streetscene.’*

para 7 *the Inspector concluded that ‘it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the host property and the streetscene’*

3 Site: 15 Crow Tree Street, Great Gransden, Sandy, SG19 3AZ

Development: Conversion of Existing Detached Garage and Dormer Extension

App Ref: 15/01355/HHFUL

Appellant: Dr N Johnson

Parish: Great Gransden

Original Decision: Delegated refusal – 21/10/2015

Appeal Decision (and date): DISMISSED, 18/03/2016

Cost: NA

Key Paragraphs in Appeal Decision:

Para 6: *‘the materials used to construct the balcony and frames of the openings would be of contemporary appearance. Further, the size of the proposed windows and doors would be of a larger and of an uncharacteristic size when compared to the openings of the adjacent Listed Buildings. Although limited, there would be views of the altered property’s roof by the vehicle entrance.’*

And

Para 7: *‘The simple design and gabled roof form of the property would be lost because of the proposed dormer and balcony addition to the roofslope. This change to the roof would increase the prominence of the property from the available viewpoint and, as such, the appeal scheme would fail to preserve the property’s current neutral contribution to the character and appearance of the Conservation*

Area. By reason of the design, fenestration and the contemporary materials of the appeal scheme, the resulting property would fail to respect the character of the neighbouring Listed Buildings and its appearance would be detrimental to their settings, specifically No. 15. By reason of the statutory requirements associated with the heritage assets, this is not a case where the Council is seeking to impose architectural styles or innovation without any justification.'

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