



Dear Councillor

DEVELOPMENT MANAGEMENT COMMITTEE - MONDAY, 20 MARCH 2023

I am now able to enclose for consideration at the above meeting the following reports that were unavailable when the agenda was printed.

**Agenda Item
No.**

LATE REPRESENTATIONS(Pages 3 - 12)

This page is intentionally left blank

DEVELOPMENT MANAGEMENT COMMITTEE – 20 March 2023

LATE REPRESENTATIONS SUMMARY

3(a) 22/02143/OUT – Erection of 3 bedroom dwelling – 1 Bernard Road, Brampton.

No comments received.

3(b) 21/00101/FUL - Partial demolition of an existing barn and rebuild to form 6 small business units. As well as the demolition of an existing workshop and construction of 2 further small business units. Within use classes Ea, Ec (ii), Ec (iii), Eg (i), Eg (ii), Eg (iii) - The Old Nursery, Grafham Road, Ellington Thorpe, PE28 0AP.

Letter from Brown & Co (Appendix 1)

A letter has been received from Brown & Co, who are acting on behalf of the applicant. The letter raises a number of points which officers feel is necessary to address through this update report.

Refusal reason 1

Officers note the point raised in the letter regarding paragraph 84 of the NPPF which states planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings.

The Grafham and Ellington Neighbourhood Plan 2020-2036 was adopted Feb 2022. This means it can be awarded full weight in decision making. The aim of Neighbourhood Plan is to create a plan with policies to help shape the development and growth of their area. It should be noted that the Neighbourhood Plan is also the most up to date policy. Officers do not consider there is a significant conflict here between policies.

Officers have weighed up the material considerations of the proposal, including the fact that the site is previously developed land, against the relevant policies. Officers remain of the view that the proposal in its current form is contrary to Policy GENP 5 of the Grafham and Ellington Neighbourhood Plan.

Refusal reasons 2, 3 & 4

Officers remain of the view that reasons 2, 3 and 4 are appropriate given the in principle harm identified. No further amendments are being accepted at this time.

Impact upon heritage assets

Honeysuckle Cottage, a Grade II Listed Building and Peartree Meadow, a Grade II Listed Building are situated to the west of the site and is separated by Grafham road. The Crooked Billet, a Grade II Listed Building is situated to the south of the site but is separated by another parcel of land.

Section 66 of the Planning (LBCA) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Para. 199 of the NPPF set out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. Para. 200 states that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification...'

Local Plan policy LP34 aligns with the statutory provisions and NPPF advice.

Given the proposed siting, scale, design of the proposed buildings, and the distance away from the above-mentioned Listed Buildings, Officers consider that the proposed development would preserve the setting of the above-mentioned Listed Buildings. The proposal would not give rise to any harmful impact on the identified heritage assets and is compliant with the provisions of the Planning (LBCA) Act 1990, the NPPF and Local Plan policy LP34.

3(c) 21/01958/FUL – Extension to former garage and use as a permanent dwelling – 8 Grass Yard, Kimbolton, PE28 0HQ.

Recommendation

Members should note that the Officer recommendation has been amended as set out below. This is to clarify the necessary steps to revoke the planning permission (reference *1200071FUL*) need to be completed prior to granting of the new planning permission under application reference 21/01958/FUL). There is also no need for a unilateral undertaking for wheeled bins to be completed as there is existing provision in place at the property having been purchased previously from HDC.

8. RECOMMENDATION - APPROVAL subject to the satisfactory completion of the correct statutory procedure to revoke the previous planning permission reference 1200071FUL and subject to the conditions to include the following for the application 21/01958/FUL:

- *Standard time limit*
- *Approved plans*
- *Submission of specific details of proposed external materials to be approved*
- *Retention of parking and turning*

- *Obscure glazing to some windows, and restrictor openings*
- *Submission of details of proposed hard and soft landscaping schemes to be approved*
- *Submission of details and provision of a biodiversity method statement to be approved*
- *Submission of cycle storage details*
- *Compliance of the development with the optional building regulation for water efficiency*
- *Barn use to remain ancillary to dwelling*

3(d) 221/00924/FUL – Replacement of old buildings to create an organic nursery with full time work for disabled staff – Agricultural buildings south of 3 Askews Lane, Yaxley.

No comments received

Our ref: MLP/Seabrook 045688

Your ref: 21/00101/FUL

14 March 2023

Clara Kerr
Chief Planning Officer
Development Services
Huntingdonshire District Council
Pathfinder House
St. Mary's Street
Huntingdon, Cambs.
PE29 3TN

St Neots Office

The Fairways
Wyboston Lakes
Great North Road
Wyboston
Bedfordshire
MK44 3AL

E martin.page@brown-co.com
T 01480 213811
W brown-co.com

EMAIL ONLY

Dear Clara

APPLICATION 21/00101/FUL FOR THE PARTIAL DEMOLITION OF AN EXISTING BARN AND REBUILD TO FORM 6 SMALL BUSINESS UNITS. AS WELL AS THE DEMOLITION OF AN EXISTING WORKSHOP AND CONSTRUCTION OF 2 FURTHER SMALL BUSINESS UNITS. WITHIN USE CLASSES EA, EC (II), EC (III), EG (I), EG (II), EG (III) AT THE OLD NURSERY, GRAFHAM ROAD, ELLINGTON THORPE, HUNTINGDON, PE28 OAP

Although we are not the agent for the above application, we have been instructed by the applicant, Mr M Seabrook, to advise on the officer report due to be considered by the Development Management Committee next Monday.

You will of course be familiar with this site and in 2010, when the nursery/garden centre was in operation you advised the change of use of a storage building to provide a tea room and farm shop could in principle gain officer support, and I attach to this letter a copy of your advice.

Having reviewed the officer report due to be considered on Monday with four proposed refusal reasons, we consider it necessary to write raising the following points with you.

Refusal reason 1: the proposal is for speculative commercial development with no identified end user, the application therefore fails to demonstrate that there are operational requirements for a countryside location.

- The officer report gives no consideration to paragraph 84 of the National Planning Policy Framework, which states planning decisions should enable the sustainable growth and expansion of **all types of business** in rural areas, both through conversion of existing buildings and well-designed new buildings. **The proposal is therefore consistent with the National Planning Policy Framework, but the officer report does not acknowledge this.**
- Local Plan Policy LP19 (Rural Economy) states: a proposal for new business development in the countryside will be supported in particular circumstances, and Policy LP33 (Rural Buildings) states: a proposal for the conversion of a building in the countryside may be supported in particular circumstances. None of these circumstances require that the end user must have “operational requirements for a countryside location” and paragraph 7.14 of the officer report states ***“On balance, officers consider the proposal complies with the aims and objectives of policies LP19 and LP33”.***

- The first refusal reason states the proposal is in principle in conflict with Policy GENP 5 (Supporting the Local Economy) of the Grafham and Ellington Neighbourhood Plan 2020-2036, which states a proposal for new development, or the expansion of an existing business, outside of the built-up areas of Grafham and Ellington, will only be supported where it can be demonstrated that there are operational requirements for a countryside location. **This policy is ambiguous when it refers to ‘new development’ as it is not clear whether the policy is intended to apply to already developed sites?** If so, this puts the policy in conflict with the national and Local Plan policies that generally support the re-use of existing buildings in the countryside. The fact **the Parish Council is supporting the application because it “Makes better use of redundant buildings, local employment opportunity, reduces travel for employment”** would suggest the Parish envisaged the policy will apply to the development of new greenfield sites.
- Given the proposal complies with the national and Local Plan policies, the officer report overlooks assessing the conflict between the different policies, and which policies have the greater weight and why. Also, the officer assessment fails to consider other material considerations, such as this is an already developed commercial site.
- The in-principle objection rests entirely on Policy GENP 5 of Grafham and Ellington Neighbourhood Plan. This was adopted in February 2022, 9 months after the application was validated and we must highlight that had the Council processed this application in a timely manner the in-principle conflict with the Neighbourhood Plan suggested in the officer report would not have been an issue. Consequently, our client has clearly been significantly and unfairly prejudiced by the Council’s delay. Also bearing in mind the suggested Neighbourhood Plan policy conflict emerged more than a year ago, why has this only now been raised and why in the meantime has our client had to incur the costs of addressing other matters?

Reason 2: Insufficient information has been submitted with the application to demonstrate that the proposal would not result in an adverse impact on highway safety.

- The application has been handled by several case officers and more recently Thomas Gabriel had raised the highway issue for the first time. From your previous experience of the site, you will appreciate the nursery/garden centre has had a historic traffic generation, and our client has been investigating the historic trip generation and obtaining clarification on the available visibility at the access.

Reason 3: Insufficient information has been submitted with the application to demonstrate that the proposal incorporates sustainable drainage systems and would not result in flooding on the site or elsewhere.

- **During the 2 years the application has been under consideration** officers have requested additional information, yet they have not requested any additional information in respect of the surface water drainage details. Why not?
- Comparing the existing and proposed plans the proposal effectively involves converting and replacing existing buildings with the addition of permeable gravel surfacing for car parking. Consequently, it is a reasonable assumption the proposal will not involve a greater surface water runoff and this matter can be addressed by a condition requiring a surface water drainage scheme to be agreed prior to the development commencing.



Reason 4: Insufficient and inadequate information has been submitted with the application to demonstrate that the proposal would not result in harm to trees.

- At the request of Thomas Gabriel, an amended Arboricultural report was forwarded by email on 7 February. Reviewing Public Access, it is not clear if this has been considered.

Reviewing the proposed refusal reasons 2, 3 & 4 these relate to technical matters that we consider are capable of being resolved or addressed by conditions, and in our opinion these are unreasonable grounds for refusing the application.

The principle objection is clearly contained in the first refusal reason, which rests on the Neighbourhood Plan Policy GENP 5, but the officer report overlooks addressing the conflict with the higher level policies that support the proposal and other material considerations, such as this being an already developed commercial site. Also, we must stress that had officers processed this application in a timely manner the suggested conflict with the Neighbourhood Plan would not have arisen as this was adopted 9 months after the submission of the application. Consequently our client has clearly been significantly and unfairly prejudiced by the Council's delay in handling this application.

Considering the above I would appreciate an opportunity to discuss the matter with you at the earliest convenience, and before the Development Management Committee meeting.

Yours sincerely

[Redacted signature]

MARTIN PAGE MRTPI

For and on behalf of Brown & Co - Property and Business Consultants LLP

[Redacted contact information]

DDI: 01480 479084

CC. Amanda McSherry, Development Management Team Leader (North)
Lewis Tomlinson, Senior Development Management Officer

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

Huntingdonshire
DISTRICT COUNCIL

Tel: 01455 388388
Fax: 01455 388386
www.huntingdonshire.gov.uk

**Mr M Seabrook
Ellington Thorpe Nursery
Grafham Road
Ellington Thorpe
Huntingdon
Cambridgeshire
PE28 0AP**

Our Ref: 1007065PENQ

Your Ref:

11th May 2010

Dear Sir/Madam

Case Reference: 1007065PENQ

**Proposed change of use of storage building
Ellington Thorpe Nursery Grafham Road Ellington Thorpe**

Thank you for your preliminary enquiry received on 25th January 2010 and described above. I refer to the correspondence relating to the proposed conversion of outbuilding to team room and farm shop. I apologise for the delay in responding but farm shops can be complicated in terms of planning policy and I wanted to ensure that I provided you with a detailed response.

Farm shops must not conflict with village stores. If there is a local need for a village store, it should be located within the built up area of the village, in a sustainable location whereby people from the village can access the shop through a choice of transport options, including walking and cycling.

Having viewed the building, namely the smaller building, north of the access, I am of the opinion that subject to the primary use of the land being that of a nursery and this building being used for a smaller ancillary use to the nursery, a proposal to subdivide the building to provide a tea room and farm shop would gain officer support in principle.

PPS4 advises that small rural enterprises should be supported subject to traffic and environmental considerations. With that in mind, if you are minded to submit a planning application please ensure the following issues are addressed.

Sale of hot food:

It is informal officer opinion that the sale of hot meals from this location would constitute an A3 restaurant use and such a use would not gain officer support at this location. Please ensure that any application makes clear that this will be a tea room only, providing cold snacks and beverages.

Good to be sold in farm shop:

It is important that as part of your application you specify the good to be sold at your farm shop. Sales of fruit and vegetables from the nursery are acceptable, as are locally produced chutneys

1007065PENQ Ellington Thorpe Nursery.rtf

using the fruit from your nursery. It is important to list the products that will be brought to site specifically for the purpose of sale to the public.

The sales of goods normally associated with local shops such as milk, newspapers, bread will not be supported. As part of any planning permission it will be conditioned as to what can be sold from this shop. In your correspondence you refer to the sales of local meat. At this time I remain unconvinced that the sales of meat could gain support from this shop as the nursery is not associated with any butcher. It is considered that the products sold should be limited to those associated with the nursery, such as fruit and vegetables etc.

Outdoor seating:

There is no objection in principle to the provision of outdoor seating. However as part of any planning application a detailed plan should be submitted, demonstrating that the outdoor seating will not result the loss of car parking and/or vehicle manoeuvring space. However please note that noise resulting from the use of the area as outdoor seating will be a material consideration when assessing the impact of this proposal on the residential amenity of nearby properties.

No of employees:

Any planning application should have details of the number of staff proposed.

Hours of opening:

Please ensure details of opening hours are included as part of your planning application. Please note that impact on the residential amenity of neighbours will be a material consideration.

Highway matters:

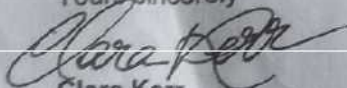
This proposal has been considered on its own merits. Taking into consideration the size of the unit it is assuming that the primary reason for visiting this site will be to visit the nursery and therefore there shall not be an intensification of use of the access. For that reason at this time it is not considered that this proposal will be detrimental to highway safety. Please note, however that it is the right of Cambridgeshire County Council to request that the access be widened to serve this site if they consider that it is necessary in the interests of highway safety. This cost is borne by the applicant. You may wish to discuss this aspect of your proposal further with Cambridgeshire County Council Highways Division prior to the submission of a planning application on 01223 717111.

Conclusion:

Subject to this proposal remaining ancillary to the primary use of the site as a nursery, this proposal is acceptable in principle. Please ensure that all points above are addressed as part of any application for this site.

I hope the above is of assistance. The comments contained within this letter are made without prejudice to the eventual determination of any planning application that may be submitted. If you would like to discuss the matter further please contact me on 01480 388434.

Yours sincerely



Clara Kerr
Development Management Officer
Huntingdonshire District Council

This page is intentionally left blank