



Dear Councillor

DEVELOPMENT MANAGEMENT COMMITTEE - MONDAY, 22 MAY 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.**

1. MINUTES(Pages 3 - 4)

To approve as a correct record the Minutes of the meeting held on 17th April 2023 and 17th May 2023 (TO FOLLOW).

LATE REPRESENTATIONS(Pages 5 - 16)

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HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the DEVELOPMENT MANAGEMENT COMMITTEE held in THE CIVIC SUITE (LANCASTER/STIRLING ROOMS), PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON, PE29 3TN on Wednesday, 17th May 2023

PRESENT: Councillors R J Brereton, E R Butler, S J Corney, L Davenport-Ray, D B Dew, I D Gardener, K P Gulson, P A Jordan, S R McAdam, D L Mickelburgh, S Mokbul, J Neish, T D Sanderson, R A Slade, C H Tevlin and S Wakeford.

APOLOGIES: None.

1 ELECTION OF CHAIR

A proposal to elect Councillor E Butler to the Chair of the Committee was moved and seconded. On being put to the vote the proposal was declared to be LOST.

A proposal to elect Councillor D Mickelburgh to the Chair of the Committee was then moved and seconded, whereupon it was

RESOLVED

that Councillor D Mickelburgh be elected Chair of the Committee for the ensuing Municipal Year.

Councillor D Mickelburgh in the Chair.

2 MEMBERS' INTERESTS

No declarations of interests were received.

3 APPOINTMENT OF VICE-CHAIR

RESOLVED

that Councillor S Mokbul be elected Vice-Chair of the Committee for the ensuing Municipal Year.

4 SECTION 106 AGREEMENT ADVISORY GROUP

RESOLVED

that Councillors R Brereton, D Dew, K Gulson, J Neish, T Sanderson, R Slade C Tevlin and S Wakeford be appointed to serve on the Section 106 Agreement Advisory Group for the ensuing Municipal Year.

Chair

DEVELOPMENT MANAGEMENT COMMITTEE – May 22nd 2023

LATE REPRESENTATIONS SUMMARY

3(a) 22/02058/FUL- REDEVELOPMENT AND CHANGE OF USE OF SITE FROM BOARDING KENNELS (SUI GENERIS) TO RESIDENTIAL (C3) COMPRISING THE ERECTION OF 5 X DWELLINGHOUSES, PROVISION OF MODIFIED VEHICULAR ACCESS, LANDSCAPING AND ANCILLARY DEVELOPMENT - TILBROOK MILL KENNELS, HIGH STREET, TILBROOK, PE28 0JR

An email response has been received from Tilbrook Parish Council following the Case Officer's request for material planning reasons or why it considers that the proposal is an appropriate development for the site.

The Parish Council's considered opinion is that they wish to maintain their view that the plan for the site should be approved.

Certainly, the site is removed from Tilbrook - though not by much and not as far removed as the Tilbrook Mill development which received approval - and yes, visiting the nearest key service centre would no doubt require the use of a vehicle, but that applies to any development in Tilbrook itself.

The Parish Council agree that if the current buildings were not at the Kennels, then there would be no case for building there, but those buildings are there and if they become redundant, what will happen on that site? There has to be a use otherwise it will become derelict, and the proposed use appears to us to be reasonable and not overdevelopment.

The Parish Council regret that no-one from this Council is available to attend DMC, so we would be obliged if our views could be presented at the meeting.

Officer Comment: The Officer report covers the issues raised in the report and therefore the recommendation remains unchanged and one for refusal as stated at section 8 in the report.

The Applicant's agent has submitted further information (rebuttal statement) which, counters the Officer Report. The statement seeks to provide an alternative point of view in light of the recommendation tabled at section 8 of the report.

Summary:

The Applicant is of the strong view that the proposal is fully in accordance with the Development Plan, and that the Reasons for Refusal do not stand up to scrutiny, particularly so when in part they are based on a misunderstanding of the sites location, do not afford sufficient weight to the support for the scheme inherent in LP33, do not factor in consented redevelopment schemes located further from Tilbrook than the site, nor recognise that the proposal would lead to a demonstrable improvement in the appearance of built-form on the site, and the contribution the whole makes within its rural and agricultural setting. That the scheme would also provide 5 family houses is another positive material consideration of note.

The Applicant and Agent therefore request that Members concur with the Applicant's opinion that the scheme is Policy compliant, over-turn the recommendation and move to approve the scheme presented subject to completion of a Legal Agreement.

Officer Comment: The Officer report covers the main issues in the report and therefore the recommendation remains unchanged and one for refusal as stated at section 8 in the report.

3(b) 22/02434/FUL- DEMOLITION OF 2 OUTBUILDINGS AND ERECTION OF 8 FLATS WITH INTEGRAL PARKING – 26-28 THE BROADWAY, ST IVES PE27 5BN

A letter of representation has been submitted by a third party on behalf of the applicant dated 17th May 2023. An amended site plan has also been submitted seeking to address reason for refusal 4. The letter sets out responses to each of the 5 reasons for refusal. The key points from this letter and the amended plan are discussed below.

1) Section 5.5 of the submitted Flood Risk Assessment discusses the sequential test and considers that it would be passed on the grounds that the proposal represents a regeneration project in central St Ives which meets wider sustainability objectives. The letter of representation from the third party states that views of the site from West Street currently detract from the Conservation Area and redevelopment of the site would lead to an enhancement to the Conservation Area and provide a regeneration opportunity within a sustainable location which meets wider sustainability objectives. Therefore, the specific benefits of this proposal cannot be achieved by building new houses elsewhere in areas at a lower probability of flooding. The submitted letter draws attention and comparison to an approved application 18/02726/FUL for 49 dwellings at the Former Car Showroom, London Road, St Ives where the Council considered that site detracted from the Conservation Area which was also adjacent to heritage assets and that the redevelopment of the site would improve the area. The conclusion was given these specific factors there were no reasonably available sites appropriate for the proposed development with a lower probability of flooding and that the sequential test was satisfied.

Officer comment:

As set out in paragraph 7.20 of the report, it is recognised that the proposed development represents a redevelopment opportunity in a highly sustainable location. However, it does not follow that the sequential test is automatically passed on that basis. The letter of

representation from the third party seeks to justify the passing of the sequential test as the applicant considers the development would lead to an enhancement to the Conservation Area and would be in a sustainable location. However, it has been established within the report (and the recommended reason for refusal 2) that the scale and mass of the proposed building would cause harm to the setting and significance of the Grade II Listed Building 26-28 and harm to the character and appearance of the Conservation Area. In addition, as set out in the recommended refusal for reason 3, it is considered that the proposed development would not provide a high standard of amenity for all users and occupiers of development and would fail to maintain an acceptable standard of amenity for users and occupiers of neighbouring buildings. Furthermore, it is considered that the functional needs of future occupiers have not been satisfactorily integrated within the development (recommended reason for refusal 4). Therefore, it is not considered that the proposed development meets with wider sustainability objectives, and it is not agreed that the sequential test is passed. It is considered that the scale and type of development proposed could be accommodated on sites at a lower risk of flooding.

With regard to the comments comparing this application to an approved redevelopment of the Former Car Showroom, St Ives, that site was allocated for development in draft versions of the Huntingdonshire Local Plan to 2036. Following the Local Plan Inquiry that was held in 2018 paragraph 154 of the Local Plan Inspectors Report stated that there were significant flood risk issues associated with the site (52% is in Flood Zone 3a and 48% in Flood Zone 2). The Inspector agreed with the Council that the site currently detracted from the Conservation Area and that redevelopment of the site would lead to an improvement in the visual amenity of the area. The Inspector stated that “Given these specific factors I consider... that there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding and that the sequential test has been satisfied”.

The Inspector accepted that there would be wider sustainability benefits to the community. However, it had not been satisfactorily demonstrated that these would outweigh the flood risk or that the site would be safe for its lifetime. It was noted that an application for 62 dwellings had been submitted but the Environment Agency had concerns. The Inspector concluded that there was insufficient basis to conclude that the exception test had been satisfied and that a suitable and safe scheme to redevelop the site could be achieved – the allocation was therefore not justified so was removed from the Local Plan.

Following amendments and the submission of further information during application 18/02726/FUL, the Environment Agency removed their objection. Officers were satisfied that the proposed redevelopment of the Former Car Showroom would pass the sequential and exceptions tests. The application was referred to the Development Management Committee with a recommendation of approval in January 2022 and approved on 22nd April 2022.

The comments made within the letter of representation are noted. However, each application is assessed on its own merits. This is especially the case where proposals affect heritage assets and are at risk of flooding where the specific impacts and risks of the case need to be factored into the assessment. In this instance, as set out above and for the reasons set out in the report, it is not considered that the proposed development would meet with wider sustainability objectives, and it is not agreed that the sequential test is passed.

2) Prior to the publication of the officer report, the applicant was not aware of any objection to the mass/scale of the design and have had no opportunity to discuss. The agent had previously been told that “the linear burgage style development is supported in design terms” and have worked very hard with the previous HDC planning team under planning application ref: 0400880FUL which was approved in 2005 to create a sensitive design and is why the clients chose a very heritage-focused architect because of the family’s long attachment with the site

and location. A sympathetic design has been created befitting of the location and history of the site by reflecting the dominance of the buildings in the Broadway and the lower scale and humbler properties towards West Street, very much in keeping with the location. The design and materials were specifically chosen to significantly enhance the area in line with the family's 90-year ownership of the site. The applicant considers the proposed development would protect and enhance the significance and historic form of the heritage assets at the site.

The questions pertaining to the boundaries were not raised with the applicant until the report was published so there has been no opportunity to clarify or discuss. Should the Listed Building application need updating then this will of course be done. Please note the scheme does not involve the demolition of the warehouse wall as 'assumed' in the report.

Officer comment:

It is acknowledged that planning permission and listed building consent was granted for a similar development in 2005. However, these approvals were not implemented and therefore lapsed.

Since the previous approval, the St Ives Conservation Area Character Statement 2007 was adopted, and the National Planning Policy Framework was first published in 2012 which placed a greater emphasis on preserving and enhancing heritage assets and high quality design. The Huntingdonshire Local Plan to 2036 was adopted in 2019. This application is therefore being determined in a significantly different policy position to when planning permission and listed building consent was granted in 2005. This application has been assessed in consultation with the Council's specialist conservation team who object to the application for the reasons set out in the report.

3) With regard to the third reason for refusal the Urban Design comments concerning the proximity of proposal to 3 Coach Mews (Mr

David Pitts, Architect) disputes the rationale of the right to light objection and sets out No 3 Coach Mews predates the demolition of the Three Tuns Public House. The windows are Late Georgian or Victorian, and already existed before the development, they are original sash windows, not altered as part of the development, so the daylight and sunlight would as originally be, so no rights as stated. There are a number of new issues raised in the report with no time to discuss and these could have been amicably addressed and it is important to note scheme was approved previously with no objections relating to the proximity of No 3 Coach Mews.

Officer comment:

As set out in the officer report, the conversion of 3 Coach Mews to residential use in 2001 postdates the demolition of the former pub, in around the 1960's. In accordance with the Huntingdonshire Design Guide, the overshadowing impacts of the proposed building upon neighbouring property have been assessed against the 25-degree test. The proposal breaches the 25-degree test and therefore, as recommended by the Council's urban design specialist, a detailed BRE assessment (VSC and Daylight distribution tests) need to be undertaken to fully understand the impacts of the proposed development on Coach Mews Cottage in terms of loss of daylight and sunlight. The agent was made aware of this requirement on 14th March 2023 but has not submitted the relevant assessment.

4) The fourth reason for refusal is regarding appropriate cycle storage, the visual prominence and amenity impact to Coach Mews Cottage associated with the proposed bin store. The Bin and Cycle storage has been amended in line with all changes requested by the Urban Design Officer (i.e. a covered and secure cycle store and an enclosed but vented bin storage area adjacent to the cycle store). Please see revised drawing 1023.2 rev I which addresses this in accordance with the Huntingdonshire Local Plan 2036 and the guidance for cycle storage for

apartments set out on page 96 of the Huntingdonshire Design Guide SPD 2017. It is considered this reason for refusal has been addressed.

Officer comment:

The amended internal cycle and refuse storage is acceptable from a design perspective and provides secure, covered cycle and refuse storage provision. However, the bin store would be located a long way back in the site and it is considered unlikely HDC Operations would accept this arrangement unless there is a bin collection point provided adjacent to the site entrance which would undermine having the internal bin store in the first place as they would result in visual clutter seen from the street, as well as noise, disturbance and unpleasant smells to Coach Mews Cottage. The Council's urban design specialist recommends locating cycle and refuse storage in place of parking Bays A and B towards the front of the site and use larger communal bins to negate the need for a bin collection point.

Given the above, reason for refusal 4 has not been fully addressed.

5) The third party has submitted a signed Unilateral Undertaking (UU) for the provision of wheeled bins

Officer comment:

The third party submitted with their letter a wheeled bin UU for the above site however the third party is not the agent assigned to the case on the file, therefore we cannot at this time accept this without further clarification from the applicant.

Officer summary:

The submitted amended plan and comments made within the letter of representation from the third party are noted. However, for the reasons discussed above, the recommended reasons for refusal 1 – 5 still stand.

3(c) 22/00757/FUL- ERECT A DETACHED SINGLE STOREY BUILDING FOR E(D) USE - HIGHFIELD FARM, WEST PERRY, PERRY.

The applicant asked officers to consider additional information which outlined that the proposed building would be used in association with the existing gym use on the site that was granted through the prior approval process.

Officers have not accepted the additional information as it failed to fully address the requirements of Policies LP19 and LP23 of the Local Plan.

The application has been assessed based on the original information submitted with the application. The submitted Design and Access Statement (Rev A) states:

The proposed building is at present without a confirmed end user. Given its rural locality, and modest size, positioned in between current Class E use, Officer and Leisure use buildings, our client view this structure as an opportunity for further recreational space to be provided. Unit 3 is suitable for E (d) Indoor sport, recreation or fitness use.

The officer recommendation remains unchanged and one of refusal.

3(d) 22/00361/FUL- CHANGE OF USE FROM HARDSTANDING STORAGE AREA TO CONTAINER STORAGE AREA - AGRICULTURAL BUILDINGS, DEPDEN LODGE FARM, ERMINE STREET, GODMANCHESTER

A letter of representation alongside supporting information has been submitted by Studio 6 Design (agent) dated 15th May 2023 to address reasons 1, 3 & 5 for refusal. Supporting information included amended plans relating to the position of security lighting, site entrance from the highway and bank statements/ payment records for the storage unit history. The key points from this letter and the amended plan are discussed below.

1) The letter states that objections raised regarding LP19 relate to new business of which does not apply to this application proposal 'as the storage facility has been active for over 10 years' The letter is accompanied by bank statements and invoices relating to payments for storage for in excess of 10 years.

The letter also explains the site is part of a 120-acre holding farm and therefore suggests the proposal be classed as farm diversification but goes onto to state the site itself is large farm building and all containers are placed either within the building or on an existing concrete apron which has been there for many years and therefore this is no loss of agricultural land.

Officer Comment: As set out in paragraphs 7.8 to 7.22 of the officer report consideration has been given to both LP2 & LP10 relating to limited and specific opportunities for development in the countryside.

The comments made within the letter of representation are noted. However, no additional information has been submitted that meets the criteria set out in these policies to consider the proposal a 'limited and specific' opportunity within the meaning of LP 10. In this instance, as set out above and for the reasons set out in the report, it is considered that

the proposed development remains contrary to LP10 and therefore the additional information does not overcome the reason for refusal.

2) The letter and accompanying plan sets out the location of the Passive Infrared Sensor (PIR) lighting and CCTV on site and states that there will be no lighting for the site dusk till dawn.

Officer Comments: The comments within the letter, accompanying email and plans are noted. However, the additional information is missing technical detail relating to luminescence, direction of the lighting and sensitivity which would allow officers to better assess that the proposal would not result in harm to any protected species or wildlife. Therefore, the additional information does not overcome the reason for refusal.

3) The letter of representation from Studio 6 Design and accompanying plan details the entrance to the site from the highway and states that the plan *“clearly shows that there is sufficient room between the boundary fences and on the driveway for two farm vehicles to pass in the first 15 metres from the edge of the carriageway.”* It goes onto to state that *“This entrance was constructed by the Highways Agency when the roundabout was constructed, to allow access to the new sections of the A14, which passes within a few hundred metres of the site”*

Officer Comments: The comments within the letter, and plans are noted. However, the detailed response from the Local Highway Authority (LHA) relate to (i) insufficient information relating to number of additional vehicles movement expected in connection with the 55 containers; ii) width of the access for use by both agricultural and public vehicles; and (iii) tracking to be provided showing simultaneous use of two of the largest vehicles likely to use the site. The additional information is missing details required by the LHA and plans do not fulfil those requirements nor has tracking of vehicles been provided. Therefore, the additional information does not overcome the reason for refusal.

Summary

The submitted amended plans and comments made are noted. However, for the reasons discussed above, the officer recommendation remains unchanged and one of refusal, as stated at section 8 in the report.