



Dear Councillor

**DEVELOPMENT MANAGEMENT COMMITTEE - MONDAY, 20 NOVEMBER
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 - 18)

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DEVELOPMENT MANAGEMENT COMMITTEE – 20TH NOV 2023

LATE REPRESENTATIONS SUMMARY

3(a) 18/01918/OUT - Mixed use development comprising: Up to 1,000 dwellings, Primary School including early years provision, Up to 205sqm community floorspace, Up to 1,000sqm retail floorspace (Class A1), Food and drink uses (Classes A3-A4), Open space and play areas, Landscaping, Pedestrian and cycle links, Associated drainage and engineering works and, highway connections including primary and secondary vehicle access from Ermine Street and the A141 (Outline Planning Application for phased development with all matters reserved except means of access onto the local highway network) - Land North West of Spittals Way and Ermine Street, Great Stukeley.

There are no late representations for this item.

3(b) 3/00724/S106 - S106 Discharge of planning obligations for the removal of requirement to provide affordable housing on-site and payment of a financial contribution to support off-site affordable housing provision instead for 19/02280/FUL and 21/02079/S73 - How Gardens, Houghton Road, St Ives.

There are no late representations for this item.

4(a) 23/80349/COND - Discharge of condition 10 (Key Phase 2 Framework) for 1201158OUT - Alconbury Airfield Ermine Street Little Stukeley PE28 4WX.

There are no late representations for this item.

4(b) 21/02422/FUL - Erection of factory extension and creation of additional parking areas and associated works – Hotel Chocolat, 3 Redwongs Way, Huntingdon, PE29 7HF.

Paragraph 1.4 within the 'Sites and Surroundings' section of the officer report is amended to:

- 1.4 The existing factory is served by three access points. These are Redwongs Way which serves staff and shop customers, Glebe West which is for delivery and distribution and Glebe North which serves delivery, distribution and staff.

Paragraph 7.3 within the 'Assessment' section of the officer report is amended to:

7.3 In Huntingdonshire the Development Plan consists of:

- Huntingdonshire's Local Plan to 2036 (2019)
- Cambridgeshire & Peterborough Minerals and Waste Local Plan (2021)
- Huntingdon Neighbourhood Plan 2018-2026

The second bullet point under the heading 'Proposed parking situation' within paragraph 7.20 within the 'Parking Provision, Highway Safety and Traffic Generation' section of the officer report is amended to:

- Given the 24-hour shift patterns for staff, travel via public transport or walking/cycling will not be an option for shift workers who form the largest proportion of staff members. Furthermore, travel to/from the site via non-car modes may not be a safe and attractive option for staff working outside of daylight hours.

Paragraph 7.25 within the 'Parking Provision, Highway Safety and Traffic Generation' section of the officer report is amended to:

7.25 The proposal would use the existing access arrangements for the site and would also include the creation of a new 'entrance only' access proposed from Redwongs Way. The Local Highway Authority have been consulted as part of the application and have advised the development is acceptable in highway safety terms subject to conditions regarding highway safety. Therefore, the proposal is unlikely to have any adverse effect on the public highway in accordance with policies LP16 and LP17 of the Huntingdonshire's Local Plan to 2036.

Paragraph 7.64 within the 'Biodiversity' section of the officer report is amended to:

7.64 The Biodiversity Net Gain Report outlines that the proposed development will result in a 3.51% biodiversity net gain for the proposal through onsite measures and offsite measures. This is beyond the requirements of Policy LP30 which states development proposals should ensure no net loss in biodiversity and provide a net gain in biodiversity where possible. This is therefore considered a benefit of the scheme. Any offsetting that is required will be secured through appropriately worded conditions and a S106 obligations to ensure purchase of required habitat units via an offsite habitat bank as well as a financial contribution for the monitoring of the scheme.

Paragraph 7.67 within the 'Trees' section of the officer report is amended to:

7.67 Officers note the concerns raised by local residents about the loss of trees. A large number of trees have been crowned during the course of the application. These trees were not afforded any protection as the site is not located within a Conservation Area and no Tree Preservation Orders were present on the site. However, during the course of the application, the Council has served a Tree Protection Order on the 5 trees to be retained within or immediately adjacent to the remaining strip of public

open space. As outlined above, under advice from the Tree Officer, 10 car parking spaces have been removed to ensure the trees don't come under pressure in the future.

Additions to the 'Conclusion and Planning Balance' section of the officer report:

In light of the above amendment to paragraph 7.64 within the 'Biodiversity' section of the officer report to provide clarification regarding biodiversity net gain, there is a subsequent addition to the 'Conclusion and Planning Balance' section of the officer report.

The proposal will result in 3.51% Biodiversity Net Gain, which is beyond Policy LP30 requirements. This forms an additional environmental benefit of the scheme and should be given weight in the planning balance. Officers are of the view that this further strengthens the overall planning balance of the scheme and provides further evidence of why the benefits of the scheme outweigh the potential harm in this case.

The officer recommendation remains one of approval.

4(c) 22/02162/FUL - Erection Of Four 5m Poles With Cameras For Cctv And Associated Power Distribution Boxes (Part Retrospective) - Buckden Marina, Mill Road, Buckden.

A further representation has been received from a neighbouring party raising concern that the applicant named on the application no longer works for Buckden Properties Ltd. The agent has confirmed the application was made on behalf of Buckden Properties Ltd. Notwithstanding the above, members should note that planning permission is attached to land and not persons.

Members should note that officers have received comments from the Wildlife Trust raising no objection to the application as the four CCTV poles along the track would not have any significant adverse ecological / biodiversity impact.

4(d) 23/00745/FUL - Erection of a bespoke designed wheelchair friendly bungalow and associated ancillary works – 49 St Neots Road, Eaton Ford PE19 7BA.

Late Rep 1:

Comments have been received from the applicant outlining the personal circumstances which underpin the design and justification for the proposed dwelling of why it needs to be a purpose built 'wheelchair friendly' bungalow.

From: [REDACTED]

Sent: 15 November 2023 17:18

To: [REDACTED]

Cc: [REDACTED]

Subject: Planning Ref 23/00745/FUL

Hi [REDACTED]

I would like the opportunity to give you some reasoning behind our application Ref 23/00745/FUL

[REDACTED], [REDACTED], has lived in St Neots all of [REDACTED] years, [REDACTED]
[REDACTED]
[REDACTED]

After some family discussions and looking at affordability to buy a suitable bungalow with wheelchair access within the St Neots area we found that the only affordable option to provide the sort of accommodation that would support [REDACTED] in [REDACTED] was to apply to build a wheel chair friendly bungalow on the land of 49 St Neots road [REDACTED]
[REDACTED].

The new bungalow would provide [REDACTED] with a purposed built accommodation, allowing us to provided [REDACTED] with the support [REDACTED] needs and also keep [REDACTED] close to family and the support structure [REDACTED] knows and loves.

This move would also free up [REDACTED] current house to be a much needed family home close to St Neots town center and local schools.

I Hope this gives you a more personnel understanding of our application and the reasoning behind why we need to keep [REDACTED] within the St Neots area.

Yours Sincerely

[REDACTED]

Whilst officers note the personal circumstances for the application and sympathise with the future occupiers situation, it is the duty of officers to consider and protect future occupiers of a development as well as the proposed occupiers. In this case, a wheelchair friendly bungalow should meet Building Regulations part M4(3) – Wheelchair User Dwellings. As outlined in the officer report, the application fails to demonstrate compliance with Building Regulations part M4(3) and therefore little weight can be given to the design of the dwelling as ‘wheel chair friendly bungalow’. Furthermore, as outlined in the report it is considered that the siting of the dwelling in Flood Zone 2 where ability to safely exit the site in a flood event is paramount and therefore the submitted personal circumstances provide further evidence of the vulnerability of the future occupier.

Members should note paragraph 7.38 of the officer report which states:

7.38 Officers have had due regard to The Equality Act 2010.

However, the application fails to provide sufficient information on whether the proposal would comply with Building Regulations M4(3) standards and fails to acknowledge that this type of development would be more vulnerable to flood risk.

Officers have considered the submitted representation and, while sympathetic to the personal circumstances of the applicant, the application does not demonstrate that the proposed dwelling is Building Regulations compliant with Part M4(3) (Wheelchair User Dwellings). Therefore, Officers are of the view that the recommendation of refusal remains and that the proposed development would place vulnerable users at risk in a flood event, given the proposal is in Flood Zone 2.

Late Rep 2:

Comments have been received from the agent (Full copy available in Appendix 1) making the following points:

Flooding:

- The submitted Flood Risk Assessment and modelling places the site outside of Flood Risk.
- Furthermore, dwellings approved to the rear of the site on Davey Mews have been approved using modelling and actual site levels while in an area designated as Flood Risk 2.
- The Environment Agency did not object to the Davey Mews scheme nor this proposal, so is acceptable.
- In relation to the submitted sequential test, given the LPA does not keep records of potential development sites for single infill plots and that the HDC Local Plan states that location-specific benefits of the scheme outweigh the impacts of flood risk to the site, the scheme being for a family-supported scheme is acceptable.
- Levels are provided in the submitted plans.
- The proposal would meet national space standards and will be an accessible home meeting building regulations.

Design, residential amenity and Unilateral Undertaking for the provision of wheeled bins:

- The plot is set back from the street scene so would not impact the wider conservation area.
- The proposal sits comfortably in the residential area and would not cause detrimental amenity impacts.
- Unilateral Undertaking was not offered, given the negative recommendation of the report by the case officer.

Officer response:

The comments are noted regarding flooding. In assessing the application, the Local Planning Authority (LPA) must use data provided from Government flood risk data. In this case, the application site is within Flood zone 2 according to the Environment Agency (EA) and the Huntingdonshire Strategic Flood Risk Assessment maps for flooding.

Therefore, while these comments relating to levels and flood modelling are noted, the LPA is duty-bound to consider this site within Flood Zone 2 and apply all national and local policies relating to its flood designation.

It must be noted that the LPA does not have the powers to change Environment Agency mapping data. Any amendment to the EA flood zone designation is the responsibility of the EA and not for the LPA to change. This requires a separate process that is outside the planning gift. The proposed residential development, therefore, as according to local and national policy must pass the sequential test to be acceptable.

It is acknowledged that development on Davey Mews to the rear of the application site includes elements on land that is in Flood Zone 2. The decision for this application is found under planning reference 15/00702/FUL for the erection of two bungalows and associated works, approved in December 2015. However, it must be noted that since this 2015 permission, national and local planning policy (The National Planning Policy Framework, the Cambridgeshire Flood and Water SPD, The Huntingdonshire Strategic Flood Risk assessment and the St Neots Neighbourhood Plan) all relating to appropriate development in flood zones has been updated and all documents are a material consideration. I also draw members attention to a recent appeal decision as outlined in paragraphs 7.20 to 7.23 of the Officer report where the Inspector concluded that residential development on sites that had previously been granted planning permission must apply the sequential test again in subsequent applications for residential development.

The EA has been formally consulted on the proposals and no response was received. However, the EA will not comment on whether the sequential test has been satisfied and so the lack of objection is not a reason to approve the proposal.

As noted in paragraphs 7.31-7.40 (Accessibility) and 7.2-7.19 (Flooding) sections of the Officer report, the sequential test is not passed and no demonstration has been provided to satisfy officers that the proposal would enable a vulnerable user to exit the site in a flood event. In this

case, it is considered that personal circumstances are not a material planning consideration, paying due consideration to the Equalities Act 2010.

It is acknowledged that levels are provided on the plans, however, the LPA would need to request levels in terms of steps into or within the property to assure that the proposal would be wheel-chair friendly. Details such as these are not supplied and so can be considered to not be sufficient to meet M4(3) building regulations.

Members are referred to paragraphs 7.48-7.56 of the Officer report where it is stated that the proposal is considered to have a detrimental impact to designated heritage assets, including the St Neots Conservation Area. This relates not only to setback but to the historic openness of the site.

Members are also referred to paragraphs 7.66-7.76 of the Officer report which states the proposal would lead to detrimental residential amenity impacts, including overbearing.

It is also not the responsibility of Officers to chase documentation which is required to be submitted after validation of the application.

Officers have considered the submitted representation and, while noting each comment remain of the view that the proposal is unacceptable as per section 8 of the Officer report. This states that the proposal is unacceptable in principle due to flood risk issues and also unacceptable in terms of impact to designated heritage assets, insufficient information to assess impacts to legally protected trees and lack of documentation relating to the provision of wheeled bins for the development.

4(e) 23/00827/S73 - Variation of Condition 5 of 20/00285/FUL - Removal of M4(2) (lifts) requirement to Blocks D1-D3 - F Vindis and Sons, St Ives Ltd, Low Road, Fenstanton.

The Location plan was missing from the Officer report to DMC, please find this attached in Appendix 2.

Appendix 1

██████████
Senior Dev Mgmt Officer
Huntingdonshire District Council
St Marys Street
Huntingdon
Cambs
PE29 3TN



GamPlan Associates
Chartered Town Planners
Development Consultants

15th November 2023

Dear ██████████

**ERECTION OF BESPOKE-DESIGNED WHEELCHAIR-
FRIENDLY BUNGALOW & ASSOCIATED WORKS**
49 ST NEOTS ROAD, EATON FORD, ST NEOTS PE19 7BA
HDC REF 23/00745/FUL

I write with reference to the above application and having now had the chance to read your report being presented to the forthcoming DMC meeting wanted to make the following points for inclusion in your 'late reps' update to members and for consideration on the night as as we have discussed I will not be able to attend to speak:

- I welcome your references to **“the highly sustainable location”** of the site and recognition of the bespoke nature of the design, **special circumstances** of the applicant and general policy support for utilising such sites to address such specialist housing need.
- Equally, confirmation of the support from the Town Council is also noted.
- When assessing either the 'local street patterns' or how to consider proposals for a bungalow in an area where broad-brush large-scale generic map colouring suggests there could be a flood risk but site & scheme-specific Flood Risk Assessment and modelling says not I question why you're reached for one appeal decision in St Ives to support your approach rather than the multiple permissions granted consideration of these very issues by both Inspectors and HDC officers for the immediately adjoining bungalows at Davy Mews.

- In each of those instances, the Environment Agency raised no objections once they had been able to consider site & scheme-specific Flood Risk Assessments, modelling and confirmation of actual site levels rather than those simply assumed by the large-scale mapping upon which you seem to be relying. I gain note that the Environment Agency have not raised any concerns in respect of the application or the proposals within.
- In seemingly discounting the submitted **Sequential Test** you requested be prepared for failing to consider each and every possible parcel of land throughout the entirety of the District (despite the very clear special circumstances of the applicant making location with **family support** a paramount concern) you ignore that the LPA does not keep records of potential development sites for single infill plots. As you will be aware, the LPA's current Local Plan sets out within the **Development Strategy** that around 25% of new homes to come forward throughout the lifespan of the plan will be on unallocated 'windfall' sites such as this one.....and where consideration of notional flood risk needs to be balanced against both site / scheme-specific assessment and whether **“the location specific benefits of the scheme outweigh the impacts of flood risk to the site”** as it is suggested is very much the case in this application.
- Full details of existing and proposed site levels are shown on the submitted drawings and referenced throughout the **Flood Risk Assessment**; I can only assume these were missed by you in your assessment of the proposals.
- Similarly, the (private) right of access across the site would be retained (as shown on the submitted plans) and no objections have been raised by either the Local Highways Authority or County Council Rights of Way team.
- The design has been carefully crafted to work on an awkward shaped plot but still allow for 75% of the plot to be available for landscaping and access. The bungalow works with **National Space Standards** at 120m² and will be designed to accord with **Accessible Homes** and **Building Regulations** to ensure full accessibility throughout. The circulation space has been reduced to a minimum whilst ensuring the privacy between the key uses (bedrooms separate from entertaining spaces) by separating them into two wings.
- The house is contemporary in nature but uses traditional roof forms and materiality to ensure no negative impact on adjacent neighbours and sits comfortably within the residential area. The height is well below the adjacent buildings around the site, but still creates a contemporary style that reflects

the roof of 49 St Neots Road. The plot is set far back from the street meaning it will not impact the conservation area, the listed building (80m away and not visible to this plot), or the streetscene because from St Neots Road you will barely notice it is there.

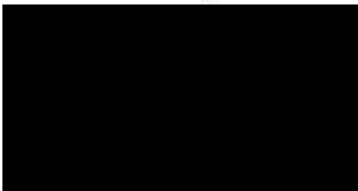
- The provision of a **Unilateral Undertaking** was something that was offered during the lengthy process of the consideration of the application, and by very definition requiring the document to include details of HDC reference and validation date etc can only be prepared after submission and once the application is up and running. Given the negative recommendation within your report it has not been felt appropriate to prepare such a document but can confirm we can have an appropriately-worded signed document with you within days if members are minded to grant permission.

In essence, the proposals would allow for a sympathetically and well-designed scheme with a layout and density of development that will actively enhance the character and appearance of the area whilst making an appropriate use of the site. The proposals would not require the loss of any site features of note and would contribute positively to the street scene and the general character and appearance of the wider locality.

As such I am happy that any valid concerns have been addressed and there is plenty of scope for you to agree with the Town Council and approve the scheme to allow this much-needed and well-designed property to be built.

Please do not hesitate to contact me should you wish to discuss any aspects of the proposals or should you feel you require any additional details, and I look forward to discussing this letter and the application with you at your earliest convenience.

Yours sincerely



Simon Richardson
GamPlan Associates

Appendix 2

Development Management Committee



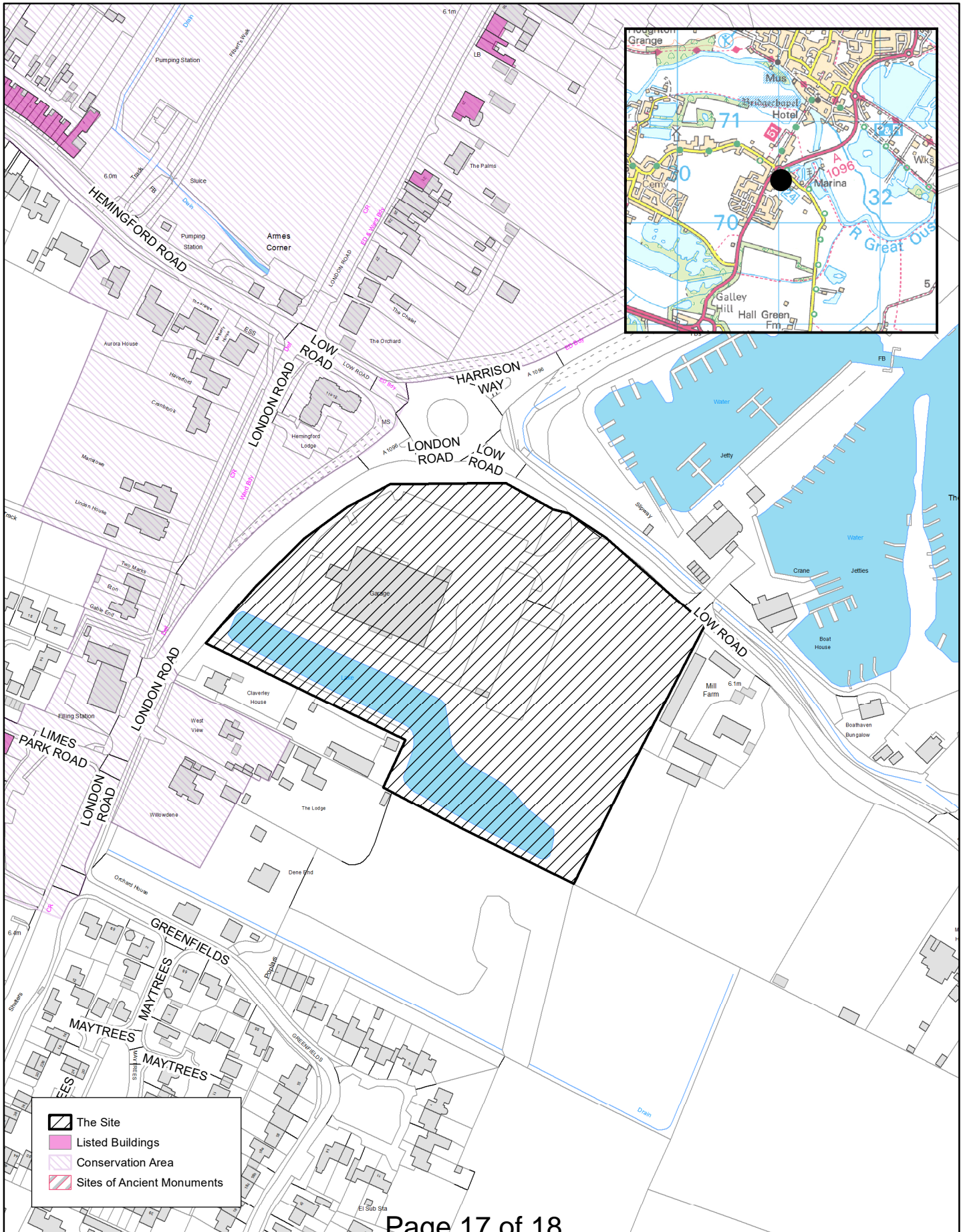
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Application Ref: 23/00827/S73

Date Created: 07/11/2023

Parish: Fenstanton

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