

A meeting of the **DEVELOPMENT MANAGEMENT COMMITTEE** will be held in **THE CIVIC SUITE (LANCASTER/STIRLING ROOMS), PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON, PE29 3TN** on **MONDAY, 17TH OCTOBER 2022** at **7:00 PM** and you are requested to attend for the transaction of the following business:-

AGENDA

PLEASE NOTE THE ORDER OF THE AGENDA MAY CHANGE

APOLOGIES

1. MINUTES (Pages 5 - 8)

To approve as a correct record the Minutes of the meeting held on 26th September 2022.

2. MEMBERS' INTERESTS

To receive from Members declarations as to disclosable pecuniary, other registerable and non-registerable interests in relation to any Agenda item. See Notes below.

3. DEVELOPMENT MANAGEMENT - OTHER APPLICATION

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

(a) Ramsey - 21/01278/S73 (Pages 9 - 22)

Variation of condition 2 (Plans) for 19/01127/FUL to vary approved plans to incorporate the repositioned access - 19 Bury Road, Ramsey, PE26 1NE.

4. APPLICATIONS REQUIRING REFERENCE TO DEVELOPMENT MANAGEMENT COMMITTEE

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

(a) St Neots - 22/01048/FUL (Pages 23 - 46)

Change of use from 6-bedroom house in multiple occupation (C4) to 7-bedroom HMO (sui generis) - 55A Hardwick Road, Eynesbury, St Neots, PE19 2UE.

(b) St Ives - 21/01948/FUL (Pages 47 - 62)

Change of use from (A1) retail to taxi business (sui generis) following the expiry of the temporary consent - planning reference 18/00326/FUL - 14 Crown Street, St Ives, PE27 5EB.

(c) Warboys - 22/00811/FUL (Pages 63 - 106)

Proposed conversion of existing building into 5 flats and 1 shop, renovation of former bakehouse/residential accommodation into 1 dwelling, erection of 2 dwellings and demolition of outbuildings - 66 High Street, Warboys, PE28 2TA.

5. APPEAL DECISIONS (Pages 107 - 108)

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

LATE REPRESENTATIONS

6 day of October 2022



Head of Paid Service

Disclosable Pecuniary Interests and other Registrable and Non-Registrable Interests

Further information on [Disclosable Pecuniary Interests and other Registrable and Non-Registrable Interests is available in the Council's Constitution](#)

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Please contact Anthony Roberts, Democratic Services, Tel: 01480 388015 / email 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](#).

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.

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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 Monday, 26th September 2022

PRESENT: Councillor D L Mickelburgh – Chair.

Councillors R J Brereton, E R Butler, S J Corney, L Davenport-Ray, I D Gardener, S R McAdam, S Mokbul, J Neish, T D Sanderson, R A Slade, C H Tevlin and S Wakeford.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors D B Dew, K P Gulson and P A Jordan.

14 MINUTES

The Minutes of the meeting of the Committee held on 18th July 2022 were approved as a correct record and signed by the Chair.

15 MEMBERS' INTERESTS

Councillor S Wakeford declared a non-statutory disclosable interest in Minute No 18 (b) by virtue of the fact that the application related to the Ward in which he lived.

16 DEVELOPMENT MANAGEMENT - OTHER APPLICATION - CHANGE OF USE OF LAND TO DOMESTIC CURTILAGE AND ERECTION OF 2M HIGH FENCE (AND ASSOCIATED LANDSCAPING). DEMOLITION OF EXISTING CAR PORT/GARAGE AND ERECTION OF SINGLE STOREY EXTENSION - 9 DITCHFIELD, SOMERSHAM, PE28 3HU - 22/01526/FUL

Consideration was given to a report by the Planning Service Manager (Development Management) on an application for a single and double rear extension, new front porch and window alterations at 72 Erica Road, St Ives. The Committee was required to determine the application for probity reasons because the applicant was an Officer of the Council. A copy of the report is appended in the Minute Book.

During their deliberations Members referred to relevant local and national planning policies.

RESOLVED

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

17 APPLICATIONS REQUIRING REFERENCE TO DEVELOPMENT MANAGEMENT COMMITTEE

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 Committee. Members were advised of further representations, which had been received since the reports had been prepared. Whereupon, it was

RESOLVED

a) **Construction of new dwelling with associated outbuilding and parking (part retrospective) – 9 Alabama Way, St Ives, PE27 6SH - 22/01102/FUL**

that the application be approved subject to conditions to be determined by the Planning Service Manager (Development Management) to include those listed in paragraph of the report now submitted together with the additional condition contained in the Late Representations.

b) **Change of use from C3 (dwellinghouse) to C2 (care home) - 31 West End, Brampton, PE28 4SD - 22/00501/FUL**

(Ms C Rendall, objector, and Mr H Hodgson, agent, addressed the Committee on the application).

See Minute No 15 for Members' interests.

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

c) **Variation of condition C20 (off site works as per plan prior to commencement) for 17/01375/OUT to reconcile the approved planning drawings pursuant to condition 20 with the associated completed off-site Section 278 works – Land North East of Mandene Gardens, Great Gransden - 22/00879/S73**

(Councillor A Pett, Great Gransden Parish Council, Councillor R West, Ward Member, Mr P Thomas, objector and Mr M Gay, agent, addressed the Committee 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 of the report now submitted.

18 APPEAL DECISIONS

The Committee received and noted a report by the Planning Service Manager (Development Management), which contained details of two recent decisions by the Planning Inspectorate. A copy of the report is appended in the Minute Book.

RESOLVED

that the contents of the report be noted.

Chair

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DEVELOPMENT MANAGEMENT COMMITTEE 17th OCTOBER 2022

Case No: 21/01278/S73 (REMOVAL/VARIATION OF CONDITION)

Proposal: VARIATION OF CONDITION 2 (PLANS) FOR 19/01127/FUL TO VARY APPROVED PLANS TO INCORPORATE THE REPOSITIONED ACCESS.

Location: 19 BURY ROAD RAMSEY HUNTINGDON

Applicant: MR PAUL JACKSON

Grid Ref: 528329 284474

Date of Registration: 22.06.2021

Parish: RAMSEY

RECOMMENDATION - APPROVE

This application is referred to the Development Management Committee (DMC) because the original planning permission 19/01127/FUL was considered by the Committee and Ramsey Town Council have objected to the application on highway safety grounds.

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 The application site forms part of a large rear garden at 19 Bury Road Ramsey. 19 Bury Road is a detached brick-built dwelling within the Ramsey Conservation Area. The site is accessed from Bury Road and the dwelling is set back from the highway and is partly screened by hedging and a number of mature trees along the highway boundary. The property has a large well maintained rear garden and a generous front garden. The site is within Environment Agency Flood Zone 1 and contains a number of trees within the rear garden, along boundaries and the boundary with Bury Road. Dwellings on this part of Bury Road are generally detached, set back from the highway in large plots, with a loose linear arrangement.
- 1.2 Planning permission was granted under 19/01127/FUL for 'Proposed detached dwelling with three car garage, access and ancillary works' on the 27 March 2022 by the Development Control Committee.
- 1.3 This application is for the variation of condition 2 to vary approved plans to incorporate the repositioned access. There are no other design changes. The approved dwelling itself remains the same.

- 1.4 Section 73 of the Town and Country Planning Act 1990 allows an application to be made for permission which does not comply with the conditions imposed on the original planning permission. This permits the Local Planning Authority to remove or vary conditions and add additional conditions following the grant of planning permission. Permission granted under section 73 takes effect as a new, independent permission to carry out the same development with new, amended or removed conditions. This sits alongside the original permission, which remains intact and unamended.
- 1.5 Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.

2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (20th July 2021) (NPPF 2021) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2021 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).
- 2.2 The NPPF 2021 sets out the Government's planning policies for (amongst other things):
- delivering a sufficient supply of homes;
 - building a strong, competitive economy;
 - achieving well-designed, beautiful and safe places;
 - conserving and enhancing the natural, built and historic environment
- 2.3 Planning Practice Guidance and the National Design Guide 2021 are also relevant and material considerations.

For full details visit the government website [National Guidance](#)

3. PLANNING POLICIES

- 3.1 Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)
- LP1: Strategy for Development
 - LP4: Contributing to Infrastructure Delivery
 - LP7: Spatial Planning Areas
 - LP11: Design Context
 - LP12: Design Implementation
 - LP14: Amenity
 - LP15: Surface Water
 - LP16: Sustainable Travel
 - LP17: Parking Provision and vehicle movement
 - LP25: Accessible and adaptable homes

- LP30: Biodiversity and Geodiversity
 - LP31: Trees, Woodland Hedges and Hedgerows
 - LP34: Heritage Assets and their Settings
- 3.2 Supplementary Planning Documents (SPD) and Guidance:
- Huntingdonshire Design Guide Supplementary Planning Document (2017):
 - Developer Contributions SPD (2011)
 - Huntingdonshire Landscape and Townscape Assessment (2007)
 - Cambridgeshire Flood and Water SPD 2017
 - Huntingdonshire Tree Guidance Note 3
 - Annual Monitoring Report – Part 1 (Housing) 2019/2019 (October 2019)
 - Annual Monitoring Report – Part 2 (Non- Housing) 2018/2019 (December 2019)
 - RECAP CCC Waste Management Design Guide (CCC SPD) 2012
 - Ramsey Conservation Area Character Assessment (December 2005)
- 3.3 The National Design Guide (2021)
- * C1 - Understand and relate well to the site, its local and wider context
 - * I1 - Respond to existing local character and identity
 - * I2 - Well-designed, high quality and attractive
 - * B2 - Appropriate building types and forms
 - *M3 - Well-considered parking, servicing and utilities infrastructure for all users
 - * H1 - Healthy, comfortable and safe internal and external environment

For full details visit the government website [Local policies](#)

4. PLANNING HISTORY

- 4.1 0101613OUT - Erection of dwelling – Refused, Appeal Dismissed 22nd April 2002 (copies of block plan and appeal decision attached)
- 4.2 19/01127/FUL - 'Proposed detached dwelling with three car garage, access and ancillary works'. (Approved)

5. CONSULTATIONS

- 5.1 Ramsey Town Council – Unanimously refused. Inadequate access and visibility splays.
- 5.2 Local Highway Authority – Supports. while the newly located proposed access does not have the vehicle to vehicle visibility indicated previously, it must be highlighted that the access proposed is for a single dwelling similar to the existing surrounding properties which all have similar access visibility to that proposed.

Therefore, given the above it would not be defensible at any subsequent appeal to recommend refusal of a single dwelling which has the same vehicle to vehicle visibility as similar single dwellings in the location. Recommends condition regarding: any gates to be 6m from the edge of the carriageway, the access to be constructed in accordance with CCC specifications, the parking to be paid out prior to first use, and pedestrian visibility splays to be kept free of obstruction over 0.6m in height.

- 5.3 Landscape Officer – No objection.
- 5.4 Conservation Officer - The application seeks the revised location of the access to the development to the rear of the existing dwelling. The trees form an important character to the area. I note my Arboricultural colleague does not raise a concern therefore there is no objection from a heritage perspective to the proposal.
- 5.5 Tree Officer –
10/8/21: No objection but subject to minor plan changes and condition to secure construction methods. The plans need to show no path or additional surfacing on the Lime tree side of the access. The Tree Protection Plans will need to be revised to show this. A condition will be needed to secure the surface type used for the no dig portion of the access. I suggest the use of the standard condition for this. An ‘Arboricultural Method Statement’ (AMS) will be required by condition.

19/4/22: I note the submitted AMS, however we do not appear to have the Tree Protection Plan (TPP) mentioned in the report? There is a plan uploaded to Anite, however this shows the layout as existing and does not include the removal of the footpath as discussed with the case officer during my last review. As such, we need the following A revised TPP & removal of the footpath element.

6. REPRESENTATIONS

- 6.1 1 objection received from a nearby resident on the following grounds:
- Development within the grounds of existing properties detracts from the values of properties in close proximity
 - Ramsey already had a hundreds of new homes being built
 - The development is unsympathetic to the surrounding area

7. ASSESSMENT

- 7.1 When determining planning applications, it is necessary to establish what weight should be given to each plan’s policies in order to come to a decision. The following legislation, government policy and guidance outline how this should be done.

- 7.2 As set out within the Planning and Compulsory Purchase Act 2004 (Section 38(6)) and the Town and Country Planning Act 1990 (Section 70(2)) in dealing with planning applications the Local Planning Authority shall have regard to have provisions of the development plan, so far as material to the application, and to any other material considerations. This is reiterated within paragraph 47 of the NPPF (2021). The development plan is defined in Section 38(3)(b) of the 2004 Act as “the development plan documents (taken as a whole) that have been adopted or approved in that area”.
- 7.3 In Huntingdonshire the Development Plan consists of:
- Huntingdonshire’s Local Plan to 2036 (2019)
 - Cambridgeshire & Peterborough Minerals and Waste Local Plan (2021)
 - St Neots Neighbourhood Plan 2014-2029 (2016)
 - Godmanchester Neighbourhood Plan (2017)
 - Houghton and Wyton Neighbourhood Plan (2018)
 - Huntingdon Neighbourhood Plan (2019)
 - Bury Village Neighbourhood Plan (2021)
 - Buckden Neighbourhood Plan (2021)
 - Grafham and Ellington Neighbourhood Plan 2020-2036 (2022)
- 7.4 The statutory term ‘material considerations’ has been broadly construed to include any consideration relevant in the circumstances which bears on the use or development of the land: *Cala Homes (South) Ltd v Secretary of State for Communities and Local Government & Anor* [2011] EWHC 97 (Admin); [2011] 1 P. & C.R. 22, per Lindblom J. Whilst accepting that the NPPF does not change the statutory status of the Development Plan, paragraph 2 confirms that it is a material consideration and significant weight is given to this in determining applications.
- 7.5 The Planning Practice Guidance (PPG) notes that there are instances where new issues may arise after planning permission has been granted, which require modification of the approved proposals.
- 7.6 It advises where these modifications are fundamental or substantial, a new planning application will be required. Where less substantial changes are proposed a non-material amendment application can be submitted, or a minor material amendment (S73 application) where there is a relevant condition that can be varied. There is no statutory definition within the PPG of a 'minor material amendment' but it states that it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.
- 7.7 The PPG advises that "Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and

unamended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission unless they have already been discharged".

- 7.8 The principle of development has been established through the granting of 19/01127/FUL. This S73 application is for the variation of condition 2 to vary approved plans to incorporate the repositioned access. There are no other design changes. The approved dwelling itself remains the same. This report will focus on the proposed changes to the extant planning permission which in this case, is the repositioning of the access.
- 7.9 Therefore, the main issues to consider as part of this application are:
- Design, Visual Amenity and impact on Heritage Assets
 - Parking Provision and Highway safety
 - Trees and Hedges

Design, Visual Amenity and impact on Heritage Assets

- 7.10 The proposal falls within Ramsey Conservation Area.
- 7.11 Section 72 of the Planning (LBCA) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 7.12 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.
- 7.13 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...'
- 7.14 Local Plan policy LP34 aligns with the statutory provisions and NPPF advice.
- 7.15 Policy LP11 of the Local Plan states that proposals will be supported where it is demonstrated that they positively respond to

their context and draw inspiration from the key characteristics of their surroundings, including the natural, historic and built environment.

- 7.16 Policy LP12 of the Local Plan states that proposals will be supported where they contribute positively to the area's character and identity and where they successfully integrate with adjoining buildings, topography and landscape.
- 7.17 The trees form an important character to the area. The Conservation Officer raises no concerns given the comments from the Tree Officer. The proposed access is considered to be, in keeping with the character of the Conservation Area and therefore would preserve or enhance the Conservation Area. The proposal would not give rise to any harmful impact on the identified heritage assets and is compliant with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and Local Plan policy LP34. The proposal is therefore considered to accord with Policies LP11, and LP12 of Huntingdonshire's Local Plan to 2036, the Huntingdonshire Design Guide SPD (2017), the National Design Guide and the NPPF (2021) in this regard.

Parking Provision and Highway Safety

- 7.18 The approved access arrangements for 19/01127/FUL consisted of the creation of a new access onto Bury Road. This S73 application seeks to reposition the access to become a shared access with the existing access for No.23 Bury Road which is located south of the previously approved access
- 7.19 The Parish Council have objected to the proposal due to the inadequate access and visibility splays.
- 7.20 Cambridgeshire County Council Local Highway Authority has been consulted as part of the application. They have commented that while the newly located proposed access does not have the vehicle to vehicle visibility indicated previously, it must be highlighted that the access proposed is for a single dwelling similar to the existing surrounding properties which all have similar access visibility to that proposed. Therefore, given the above it would not be defensible at any subsequent appeal to recommend refusal of a single dwelling which has the same vehicle to vehicle visibility as similar single dwellings in the location and for which we had previously granted permission. Therefore, the Local Highway Authority raises no objections to the proposed change of the location of the access subject to a number of conditions.
- 7.21 It is noted that the previously approved scheme would have resulted in the creation of a new access. However, this proposal seeks to extend an existing access to create a shared access. Officers therefore accept this advice from the Local Highway Authority about the acceptability of the proposed access.

- 7.22 The Local Highway Authority recommends conditions regarding: any gates to be 6m from the edge of the carriageway, the access to be constructed in accordance with Cambridgeshire County Council specifications, the parking to be paid out prior to first use, and pedestrian visibility splays to be kept free of obstruction over 0.6m in height. These conditions are considered reasonable and are recommended to be included.
- 7.23 The Huntingdonshire Local Plan to 2036 contains no minimum parking standards however the proposed development would provide adequate space for a least 2 car parking spaces, plus garage and turning within the site and is considered to be acceptable for the size and scale of the development.
- 7.24 Taking the above into account, the proposed development is considered to provide satisfactory parking and access and would comply with Policy LP17 of the Huntingdonshire Local Plan to 2036.

Trees and Hedges

- 7.25 The application site hosts a number of trees. Although none of the trees are subject to a specific Tree Preservation Order, due to the location of the site within the conservation area, any trees within the site with a trunk diameter of 75mm or over are protected.
- 7.26 The proposal would mean that the large tree at the front of the site would be retained while 2 smaller trees further into the site would be removed. Sections of the driveway which impinge on the root protection area of adjacent trees will be constructed using a cellular no-dig system as requested by the Trees Officer and specified on the summited tree protection plan.
- 7.27 The Tree Officer was consulted and did not raise any concerns with the proposal but made the following comments: the plans need to show no path or additional surfacing on the Lime tree side of the access. The Tree Protection Plans will need to be revised to show this.
- 7.28 The applicant submitted a revised arboricultural method statement. The Tree Officer was consulted again and raised concern that the footpath remains and an updated tree protection plan was not uploaded. The Tree Officer was referring to the white section adjacent to the lime tree (Tree 3), within the information titled 'Drawing pack AMS surfaces', which could be interpreted as a continuation of the existing footpath which is adjacent to the highway and immediately in front of the site. The confusion has arisen that it was not previously shown on the plan but is now shown on the latest plan. The applicant has advised the white section is not a footpath. Therefore, officers recommend a

condition for the avoidance of doubt that no footpath is to be constructed within the site adjacent to the Tree 3.

- 7.29 Officers have reviewed all the submitted arboricultural information and consider it to be sufficient in this case. A condition is recommended to ensure the tree protection is carried out in accordance with the plan. Compliance conditions are also recommended regarding a method statement and no dig construction.
- 7.30 The proposed tree protection measures are considered to be acceptable. Subject to the inclusion of the above condition, the proposal therefore accords with Policy LP31 of Huntingdonshire's Local Plan to 2036 in this regard.

Other Matters

- 7.18 A neighbour objection has been received which objects to the proposal on the following grounds: Development within the grounds of existing properties detracts from the values of properties in close proximity, Ramsey already had a hundreds of new homes being built and the development is unsympathetic to the surrounding area.
- 7.19 Officers note these concerns. However, the principle of development has already been established through the granting of 19/01127/FUL and this S73 application does not propose any changes to the design of the approved dwelling. The impact of the proposed location of the access upon the surrounding area has been addressed in the relevant sections above. In relation to the impact of the development upon the cost of neighbouring properties, this is not a material planning consideration.
- 7.20 Conditions from 19/01127/FUL have been recommended to be included on this S73 application as they are still relevant and appropriate.

Conclusion

- 7.25 The proposed development is considered to be compliant with the relevant national and local policy as it is:
- * The scale and location of the development is not considered to have an overly detrimental impact upon the surrounding area or Ramsey Conservation Area.
 - * It is acceptable in terms of highway safety
 - * It would not adversely impact trees or biodiversity at the site
 - * There are no other material planning considerations which lead to the conclusion that the proposal is unacceptable.

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

- Time limit
- Approved plans
- Materials samples
- Landscaping
- Tree Protection
- Bins and cycles
- Biodiversity enhancements
- Accessible and adaptable
- Water efficiency
- Gates set back 6m from highway
- CCC specification
- Parking and turning to be laid out
- Access drainage not onto highway
- Metalled surface 5m from highway
- Driveway material details
- Deliveries and hours restrictions
- Arb method statement compliance
- No footpath to be included

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CONTACT OFFICER:

Enquiries about this report to **Lewis Tomlinson Senior Development Management Officer** – lewis.tomlinson@huntingdonshire.gov.uk

From: developmentcontrol@huntingdonshire.gov.uk
Sent: 09 July 2021 13:05
To: DevelopmentControl
Subject: Comments for Planning Application 21/01278/S73

Comments summary

Dear Sir/Madam,

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

Comments were submitted at 09/07/2021 1:04 PM from Mr Gary Cook.

Application Summary

Address:	19 Bury Road Ramsey Huntingdon PE26 1NE
Proposal:	Variation of condition 2 (Plans) for 19/01127/FUL to vary approved plans to incorporate the repositioned access
Case Officer:	Karina Adams

[Click for further information](#)

Customer Details

Name:	Mr Gary Cook
Email:	gcook@ramseytowncouncil.org.uk
Address:	7A Church Green, Ramsey, Huntingdon PE26 1DW

Comments Details

Commenter Type:	Town or Parish Council
Stance:	Customer objects to the Planning Application
Reasons for comment:	
Comments:	Unanimously refused. Inadequate access and visibility splays.

Kind regards

Development Management Committee



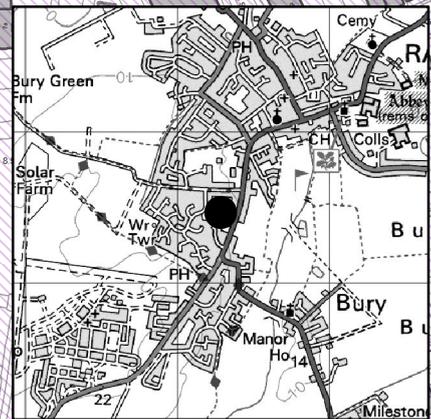
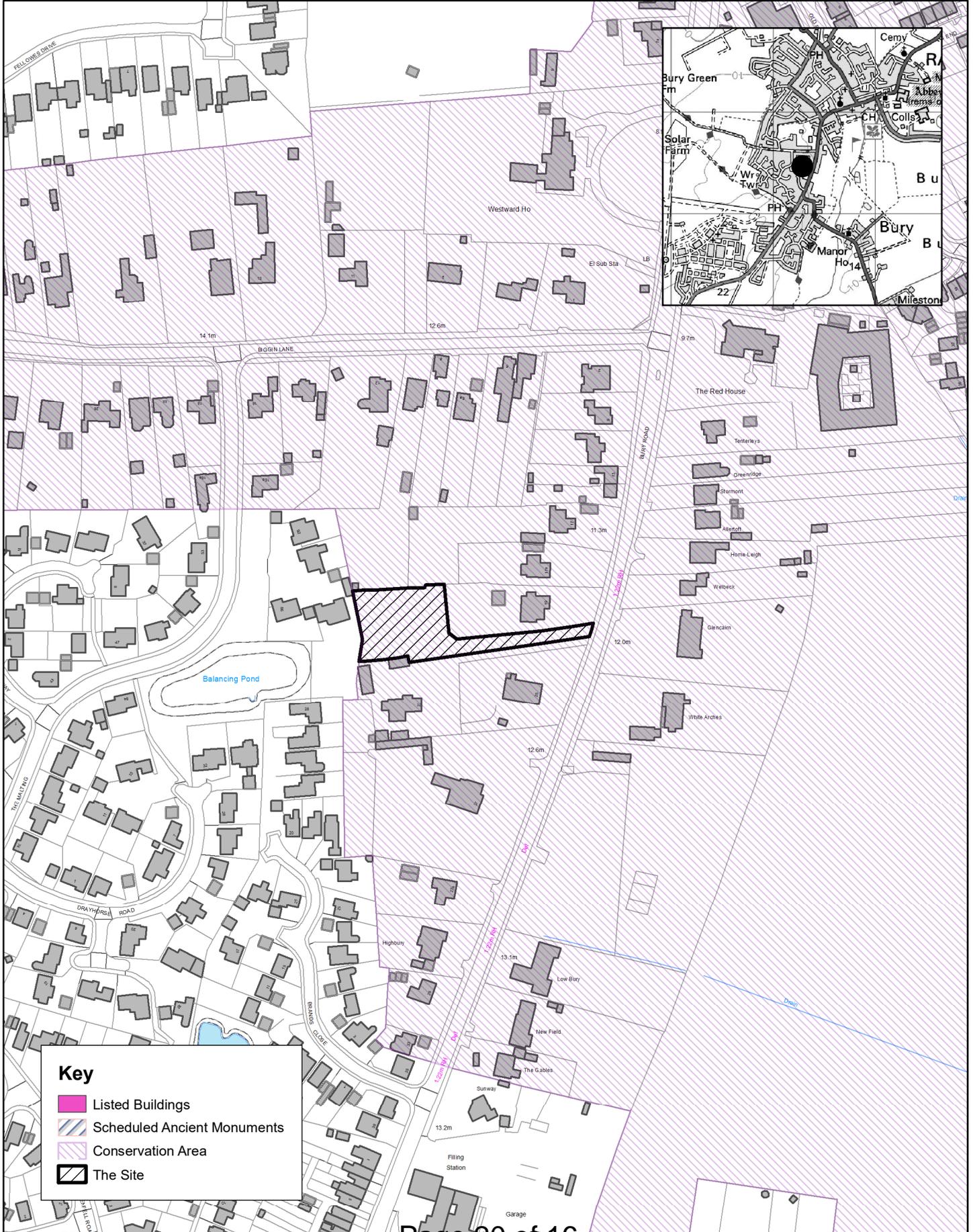
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Application Ref:21/01278/S73

Date Created: 26/09/2022

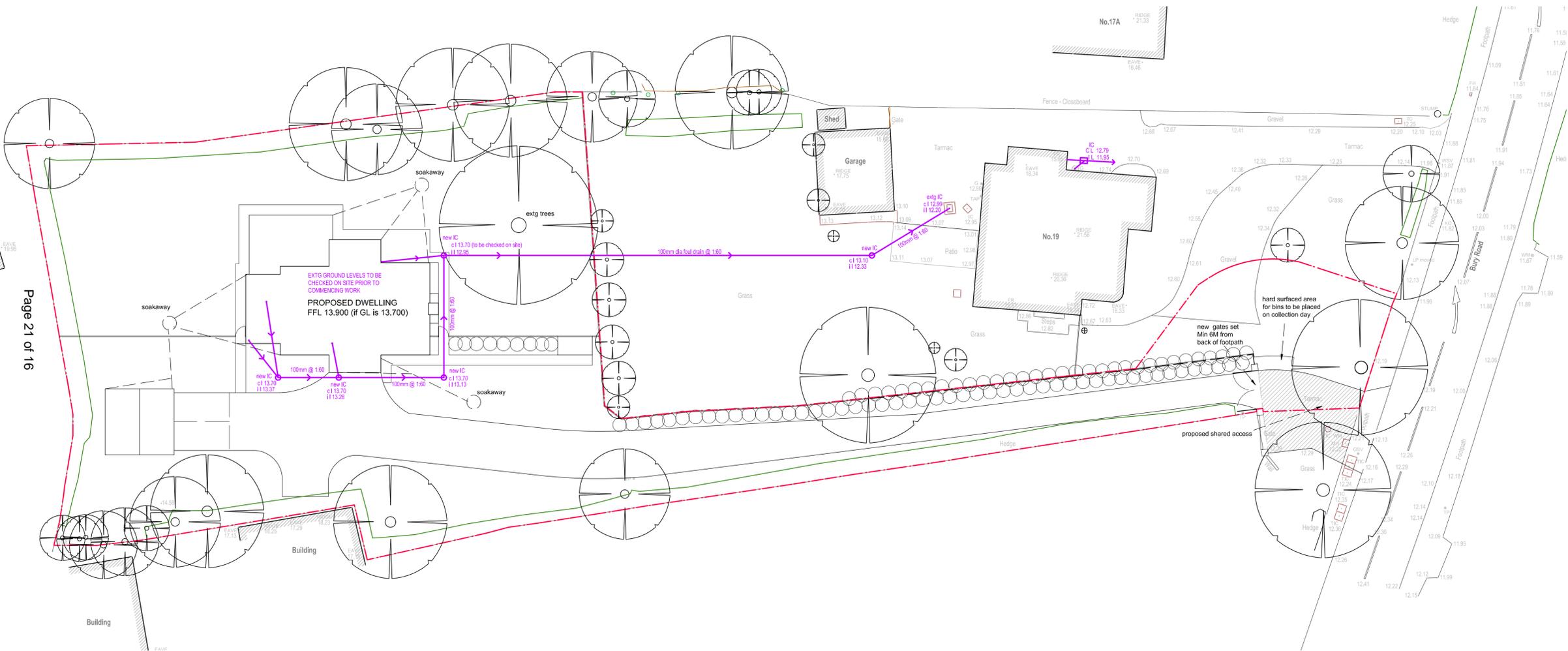
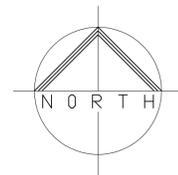
Location: Ramsey

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Key

-  Listed Buildings
-  Scheduled Ancient Monuments
-  Conservation Area
-  The Site



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No.	Date	Revision	Initial

Project _____

PROPOSED RESIDENTIAL DEVELOPMENT ON LAND AT 19 BURY ROAD, RAMSEY, CAMBS PE26 1NE

Client _____

MR PAUL JACKSON

Drawing _____

AMENDED ACCESS PLAN

Scale 1:200 @ A1 Drawn C.R

Checked _____ Date Jan 21

Drawing No. _____

JAC/18/15A

SITE PLAN 1:200



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DEVELOPMENT MANAGEMENT COMMITTEE 17^h OCTOBER 2022

Case No: 22/01048/FUL (FULL PLANNING APPLICATION)

Proposal: CHANGE OF USE FROM 6-BEDROOM HOUSE IN MULTIPLE OCCUPATION (C4) TO 7-BEDROOM HMO (SUI GENERIS)

Location: 55A HARDWICK ROAD EYNESBURY PE19 2UE

Applicant: MR MARK GREENING

Grid Ref: 518230 259494

Date of Registration: 30.05.2022

Parish: ST NEOTS

RECOMMENDATION - APPROVE

This application is referred to the Development Management Committee (DMC) as St Neots Town Council's recommendation of refusal is contrary to the officer's recommendation of approval.

1. DESCRIPTION OF SITE AND APPLICATION

Site and surroundings

- 1.1 The application site includes an existing residential property located on Hardwick Road, within the built-up area of Eynesbury, St Neots. The surrounding area is predominantly residential, with a parade of three shops opposite the site.
- 1.2 The property is a relatively large, semi-detached dwelling arranged over two floors with a two-storey extension and porch approved in 2016 under planning reference 15/02139/HHFUL. The site sits within a linear row of residential properties with its frontage set back at least 6.45 metres from the pavement and front garden comprising of hardstanding currently used as a parking area accommodating up to 5 vehicles.
- 1.3 To the north and south of the site are existing semi-detached and terraced dwellings and their associated gardens and to the east are a series of attached residential garages. The rear garden is approximately 11 metres in depth and 10 metres in width and borders neighbouring residential properties on either side.
- 1.4 The site lies approximately 21.6 metres east of the St Neots Conservation Area (to the rear), separated by land comprising of

residential garages. There are no listed buildings within the vicinity of the site. Subsequently, there are no heritage assets which could be considered to be significantly impacted by the development. The site lies within Flood Zones 1 as identified by the Huntingdonshire Strategic Flood Risk Assessment and the Environment Agency Maps for Flooding.

Proposal

- 1.5 This application seeks full planning permission for a change of use from a 6-bedroom house in multiple occupation (C4) to 7-bedroom House in Multiple Occupation (HMO) in full (land class use: sui generis).
- 1.6 The submitted proposed plans show that the changes to the existing arrangement would comprise a storage room on the ground floor to be regarded as a bedroom.
- 1.7 The existing storeroom measures 9.2 square metres, being 2.285 metres in width and approximately 4 metres in depth with a window fronting the main elevation. The proposed change of use to a bedroom would not alter the dimensions or composition of the room and would be accessed off the ground floor hallway.
- 1.8 There are no exterior alterations proposed as part of the application nor are there any alterations proposed to the grounds or access. Parking will remain as existing. Some cycle storage is proposed which is discussed later in this report.

Background

- 1.9 HMO's are defined as 3-6 occupants of unrelated individuals who share basic amenities are permitted development subject to criteria under Class C4 of the Town and Country Use Classes Order 1987, as amended. To classify as a house in multiple occupation (C4) a property does not need to be converted or adapted in any way.
- 1.10 However, HMO's where six or more people share one dwellinghouse are unclassified by the Use Classes Order and are therefore considered to be 'sui generis' and thus require planning permission.
- 1.11 Planning history for the site shows that in 2016 (planning reference 15/02139/HHFUL) permission was given to extend the dwelling via a two-storey side and single storey front 'porch' extension. The existing and proposed plans for this 2016 permission shows both the existing dwelling and proposed alterations starting and resulting in a four bedroom house.
- 1.12 The Huntingdon District Council Licensing Team have confirmed that a HMO license was granted by the council for 55a Hardwick

Road in September 2021 and is currently in place for 5 years to 2nd September 2026.

- 1.13 The submitted Planning Statement states that HMO currently hosts 6 bedrooms and has been used as a HMO since January 2021. This use was implemented under Class L of Schedule 2, Part 3 of The Town and County Planning (General Permitted Development) (England) Order 2015 (as amended).
- 1.14 This Class L legislation allows dwellinghouses (use class C3) to become a HMO (Class C4) without planning permission. To date no application has come forward to the Local Planning Authority (LPA) to confirm this status. However, there is no legal requirement for this to be submitted to the LPA as it falls under the criteria of permitted development.

2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (20th July 2021) (NPPF 2021) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2021 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).'
- 2.2 The NPPF 2021 sets out the Government's planning policies for (amongst other things):
- delivering a sufficient supply of homes;
 - building a strong, competitive economy;
 - achieving well-designed, beautiful and safe places;
 - conserving and enhancing the natural, built and historic environment
- 2.3 Planning Practice Guidance and the National Design Guide are also relevant and materials considerations.
- 2.4 For full details visit the government website [National Guidance](#)

3. PLANNING POLICIES

- 3.1 Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)
- LP1: Amount of Development
 - LP2: Strategy for Development
 - LP9: Small settlements
 - LP11: Design Context
 - LP12: Design Implementation
 - LP14: Amenity
 - LP16: Sustainable travel
 - LP17: Parking and vehicle movement

- LP25: Housing Mix
 - LP26: Specialist Housing
- 3.2 Supplementary Planning Guidance
- Huntingdonshire Design Guide (2017)
 - Developer Contributions SPD (2011)
 - Huntingdonshire Townscape and Landscape SPD (2022)

Local For full details visit the government website [Local policies](#)

4. PLANNING HISTORY

- 4.1 15/02139/HHFUL for Two storey side and single storey front 'porch' extension, APPROVED, dated 11.01.2016.

5. CONSULTATIONS

- 5.1 **Parish Council – OBJECTION**, recommends refusal on the following grounds:

- Noise and disturbance resulting from use
- Adequacy of parking/loading/turning
- Layout and density of Building

- 5.2 **HDC Environmental Health Officer**– No objections. Full comments:

Thank you for consulting us on the above. I have spoken to one of my colleagues who covers HMO's regarding the above application, and we have no issues to raise from the plans.

With any HMO application I would advise the applicant to ensure they adhere to the licensing requirements. These can be found on our website here:

<https://www.huntingdonshire.gov.uk/licensing/all-licences-and-permits/houses-in-multiple-occupation-hmo/>

- 5.3 **HDC Waste Officer** – No response.

- 5.4 **Cambridgeshire Highways** – No objections. Full comments:

The application is to increase an HMO from 6 bedrooms to 7 bedrooms.

The area is subject to significant on-street parking, with the adjacent properties not having driveways and shops opposite. Therefore, an additional vehicle will not exacerbate the existing situation significantly and I have no objections to the proposal.

However, the LPA needs to carefully consider the amenity impact this may cause.

5.5 **HDC Waste Officer** – No response.

5.6 **HDC Licensing Officer** – No objections. Full comments:

I can confirm 55a Hardwick Road was issued with an HMO Licence on 2 September 2021 and is currently in place for 5 years. Our HMO Register can be viewed on our website following this link:

<https://www.huntingdonshire.gov.uk/media/4881/hmo-register.xls>

I cannot find any record of complaints about the address regarding noise nuisance.

5.7 **Cadent Gas** – No objection, subject to informatives.

6. REPRESENTATIONS

6.1 1 letter of objection has been received from a neighbour raising the following concerns:

- Concern that no neighbour consultation was carried out when the dwelling was converted into a HMO.
- Noise and disturbance from the existing use which will be exacerbated by the proposed use of introducing a further bedroom.
- Existing lack of parking to the front of the dwelling which means parking spills onto the highway. Some of this additional parking is caused by works vehicles associated with the HMO.
- Concern regarding traffic to the site and immediate surrounds, especially as the white lines on the road have faded at the site entrance. This will be exacerbated by the need for more parking and additional vehicle movements by residents of the HMO.
- Concern for increased pressure on parking availability and traffic for the shops opposite the site and road users for St Neots Camping and Caravanning Club Site which is currently over capacity.

6.2 The letter of objection from the neighbour was also accompanied by photos showing cars parked on the driveway of the site; a car parked on the white line of Hardwick Road and cars parked on the road outside the opposite shops.

6.3 *Officer comment: Comments received relating to existing levels of traffic and levels of parking on the highway as well as the quality of road markings are beyond the scope or control of the local planning authority in determining the planning application. Also, non-material to this application is the neighbour objection due to not being consulted on the change from dwelling to HMO which does not require consultation due to permitted development rights. The matters above should not therefore be*

given any weight as material planning considerations in the determination of the application.

7. ASSESSMENT

- 7.1 When determining planning applications, it is necessary to establish what weight should be given to each plan's policies in order to come to a decision. The following legislation, government policy and guidance outline how this should be done.
- 7.2 As set out within the Planning and Compulsory Purchase Act 2004 (Section 38(6)) and the Town and Country Planning Act 1990 (Section 70(2)) in dealing with planning applications the Local Planning Authority shall have regard to have provisions of the development plan, so far as material to the application, and to any other material considerations. This is reiterated within paragraph 47 of the NPPF (2021). The development plan is defined in Section 38(3)(b) of the 2004 Act as "the development plan documents (taken as a whole) that have been adopted or approved in that area".
- 7.3 In Huntingdonshire the Development Plan consists of:
- Huntingdonshire's Local Plan to 2036 (2019)
 - Cambridgeshire & Peterborough Minerals and Waste Local Plan (2021)
 - St Neots Neighbourhood Plan 2014-2029
 - Godmanchester Neighbourhood Plan (2017)
 - Houghton and Wyton Neighbourhood Plan (2018)
 - Huntingdon Neighbourhood Plan (2019)
 - Buckden Neighbourhood Plan (2021)
 - Bury Neighbourhood Plan (2021)
 - Grafham and Ellington Neighbourhood Plan (2022)
- 7.4 The statutory term 'material considerations' has been broadly construed to include any consideration relevant in the circumstances which bears on the use or development of the land: *Cala Homes (South) Ltd v Secretary of State for Communities and Local Government & Anor* [2011] EWHC 97 (Admin); [2011] 1 P. & C.R. 22, per Lindblom J. Whilst accepting that the NPPF does not change the statutory status of the Development Plan, paragraph 2 confirms that it is a material consideration and significant weight is given to this in determining applications.
- 7.5 The main issues to consider in the determination of this reserved matters application are:
- The Principle of Development
 - Impact upon the Character of the Area

- Impact upon Residential Amenity
- Highway Safety and Parking
- Other Matters

Principle of Development

- 7.6 The site is located in Eynesbury, St Neots which is defined as being within the Huntingdon Spatial Planning area within the Huntingdonshire Local Plan to 2036 (the Local Plan). Policy LP7 'Spatial Planning Areas' of the Local Plan to 2036 sets out that *"A proposal for development on a site which is additional to those allocated in this plan will be supported where it fulfils the following requirements and is in accordance with other policies."*
- 7.7 Policy LP2 of the Local Plan seeks to concentrate development in locations which provide or have the potential to provide the most comprehensive range of services and facilities. The Spatial Planning Areas including St Neots, are designated reflecting their concentration of services and facilities in these locations and their role in providing services to residents.
- 7.8 Policy LP25 'Housing Mix' of the Local Plan states that 'A proposal for...development that includes housing will be supported where it provides a mix of sizes, types and tenures which help achieve sustainable, inclusive and mixed communities.'
- 7.9 Policy LP26 'Specialist Housing' of the Local Plan is concerned principally with Class C2 (residential institutions) and C3 uses (dwellinghouses defined as a single household of not more than 6 residents). Given that the proposal falls outside these use classes, it is considered that this policy affords limited weight to the determination of the proposed scheme. Explanatory paragraph 7.29 of LP26 states that: *"The location and design of specialist housing are integral to making specialist housing an attractive option. Proposals should demonstrate that residents will have good access to local facilities...Proposals for specialist housing should also demonstrate how the development contributes to an inclusive, mixed community, avoiding creating neighbourhoods with exclusively specialist housing provision"*.
- 7.10 Whilst the proposal is within the St Neots Neighbourhood Plan area, there are no specific policies that provide for a sui generis HMO use. The St Neots Neighbourhood Plan does, however set out vehicle parking standards which are considered elsewhere in this document.
- 7.11 The submitted planning statement confirms that the dwellinghouse ceased C3 use (a dwellinghouse used by a single household) on 3rd December 2020, with a HMO licence for 6 people issued by Huntingdonshire District Council on 2nd

December 2021 (this conflicts with the Licensing Confirmation of 2nd September).

- 7.12 It must also be noted that determining the prevalence of HMOs in the area is difficult as a change of use of a dwellinghouse to small HMO (as mentioned in paragraph 1.10) does not require planning permission by virtue of Schedule 2, Part 3, Appendix L of the GPDO 2015 (as amended).
- 7.13 On the basis of the information submitted and having viewed the site and surroundings, it is considered that the proposal to implement a HMO with 7 bedrooms under a sui generis use has the potential to be in conformity with Local Plan Policy LP2, LP7, LP25 and LP26 and the St Neots Neighbourhood Plan and is therefore considered acceptable in principle.

Impact on the Character and Appearance of the Area

- 7.14 Policy LP11 of the Local Plan requires new development to respond positively to its context. Policy LP12 requires new development to contribute positively to the area's character and identity and to successfully integrate with adjoining buildings.
- 7.15 The application is for a change of use from a 6-bedroom HMO (Use class C4) to a 7-bedroom HMO (Use class Sui Generis). Specifically, the proposal seeks to use a designated ground floor storeroom as a bedroom with no internal or external changes proposed. No part of the proposal would increase the floorspace of the host dwelling. The agent to the application has confirmed that this would be a 7-bedroom, seven person HMO, which can be secured by way of condition.
- 7.16 Given the size of the proposed room to be converted into a bedroom would likely be single occupancy, it is acknowledged that any increase in waste would not require additional waste provision on the site, with the bins noted on the submitted plans to be located to the side of the dwelling as is the existing arrangement.
- 7.17 Additionally, the proposed site plan shows a bike rack to be sited to the rear of the dwelling, resulting in minimal impact to the character and appearance of the public realm and the host dwelling.
- 7.18 Concerns have been raised by the Parish Council regarding layout and density of the building. While it is acknowledged that there would be an intensification of use of the dwelling and the loss of a store-room, regard must be given to the dwelling being already occupied as C4 (HMO) since December 2021. Therefore, as the HMO use has been established and that no loss of a C3 dwellinghouse would result from the proposed development, resisting the conversion of a storeroom to a

bedroom with no external changes or increase in footprint on layout and density grounds would not form a defensible reason for refusal in this case.

- 7.19 Furthermore, whilst it is acknowledged that the proposal would introduce a new use in planning terms, the building would remain residential in its nature with the number of occupants and associated movements similar to that which could be expected of a four-bedroom dwelling of this size in a residential area. It is also considered that given the nature of a HMO, the loss of a shared storeroom is acceptable in this instance as residents would prefer to store their belongings in their respective rooms. Subsequently, it is considered that the proposal would have a neutral effect on the character of the area and the change of use would have no significant harm in terms of layout and density of the dwelling.
- 7.20 Overall, it is considered that the proposal accords with Policies LP11 and L12 having regard for the character and appearance of the area.

Residential Amenity

- 7.21 Policy LP14 of the Local Plan states a proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of neighbouring land and buildings.
- 7.22 The NPPF at paragraph 130 (f) states that decisions should ensure that developments should create places with a high standard of amenity for existing and future users.
- 7.23 With no external changes proposed to the existing building, it is considered that the proposal would not create any additional harm to residential amenity in terms of overlooking, overbearing or loss of light.
- 7.24 The neighbour and St Neots Town Council representations regarding noise and disturbance amenity impacts are noted and are addressed below.
- 7.25 Paragraph c of Local Plan policy LP14 (residential amenity) states that [A proposal will therefore be required to ensure] that predicted adverse noise impacts, including internal and external levels, timing, duration and character, will be acceptable.
- 7.26 It is considered that whilst the proposed site could be used by up to 7 people, there is nothing to restrict the site to be used by a large family given the four-bedroom nature of the original dwelling. The site also has a fallback position of being a HMO for up to 6 people. It is therefore considered that the conversion of one storeroom into a bedroom for one additional person would

not result in a significant rise in adverse level of impact on neighbour amenity of the adjoining neighbouring properties that could reasonably warrant a refusal of the application on residential amenity grounds. However, a condition can be applied to any consent given restricting occupants to 7 to limit incremental occupancy and reduce any additional detrimental residential amenity impacts.

- 7.27 The development would have to accord with Huntingdonshire District Council's licensing regime for HMOs which sets out mitigation measures for when complaints are received regarding noise and disturbance, allowing for formal warnings or eviction notices to be issued following the involvement of Environmental Health when a formal complaint is received. The HDC Licensing Team have confirmed that to date, no noise or disturbance complaints have been received for 55a Hardwick Road.
- 7.28 Concerns have been raised that allowing additional occupants to reside at the HMO would also contribute to the number of vehicle movements and therefore noise and disturbance. It is considered that one additional bedroom would not likely increase the number of vehicle movements on a day-to-day basis to be significantly greater than the existing C4 use and as such would not result in additional noise or disturbance from vehicle movements so substantial that it would warrant a refusal of the proposal on noise and disturbance impacts.
- 7.29 In terms of the future occupiers of the dwelling, it is considered that the proposed development will provide adequate living facilities for future tenants, by virtue of its adherence to the Huntingdonshire District Council's Schedule 1 Mandatory Licencing Conditions which are required in line with the HMO licensing agreement.
- 7.30 A site visit has been undertaken. Given the adjacent context, location, size, and design of the proposal, and in the absence of any external development, the proposals are unlikely to give rise to any significant amenity impacts in terms of overlooking, overshadowing, enclosure or overbearing.
- 7.31 Therefore, it is considered that the site would provide a high standard of amenity for future users of the HMO and the proposal would retain acceptable amenity standards for neighbours in accordance with Policy LP14 of the Local Plan to 2036 in respect of residential amenity and the National Planning Policy Framework paragraph 130 (f) 2021.

Highway Safety and Parking

- 7.32 There are no specific parking policy standards within the HDC Local Plan. Policy LP17 of the Local Plan to 2036 requires

appropriate space within the site for vehicular movements, facilitates accessibility for service and emergency vehicles and incorporates adequate parking for vehicles and cycles. Specifically, it requires a clear justification for the space for vehicle movements and level of vehicle and cycle parking proposed will need to be provided taking account of:

- a. highway safety and access to and from the site;
- b. servicing requirements;
- c. the accessibility of the development to a wide range of services and facilities by public transport, cycling and walking;
- d. the needs of potential occupiers, users and visitors, now and in the future;
- e. the amenity of existing and future occupiers and users of the development and nearby property; and
- f. opportunities for shared provision, where locations and patterns of use allow this.

7.33 Chapter 2 of The St. Neots Neighbourhood Plan to 2029 is concerned with parking and traffic. Policy PT1 states: *“Development proposals must demonstrate how opportunities for the use of sustainable modes of transport are maximised. This should be achieved through maximising the potential for cycling and walking throughout the site.”*, while Policy PT2 cites: *“All development proposals which include an element of residential development, including change of use to residential, must provide adequate space for vehicle parking to meet the expected needs of residents and visitors.”*

7.34 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Off-Road Parking Provision

7.35 The existing front drive currently accommodates 5 off-road parking spaces which will remain unchanged should the proposal be implemented.

7.36 The site benefits from being located in a sustainable location and is within walking and cycling distance from nearby facilities such as shops, health and social facilities and restaurants within cycling distance and public transport connections from St Neots town centre. Secure cycle parking is shown on the proposed plans and will be secured by a condition to allow the site to be non-dependent on car use.

7.37 Third-party objections raise concerns regarding the safety of any vehicle to load and turn within the site and the adequacy of the site to meet the parking provision required.

- 7.38 While these concerns are noted, it is reiterated that there are no specific parking policy standards within the HDC Local Plan, and therefore no requirement of the applicant to provide specific levels of off-road parking provision. Due regard, however, must be given to The St. Neots Neighbourhood Plan policies PT1 and PT2, the latter of which stating: *“All development proposals...must provide adequate space for vehicle parking to meet the expected needs of residents and visitors.”*
- 7.39 The proposal would provide one additional bedroom and one extra person regularly using the site, thereby exceeding the five-vehicle provision currently available. While, if at full capacity, there would be reduced space for turning and exiting the site in forward gear, it is considered that at a width of approximately 13 metres and minimum depth of 6.45 metres on a road with a 30mph speed limit, the front drive at lower capacity would allow a forward gear exit to be achievable on site. Additionally, instances where vehicles would be required to exit in reverse gear would not significantly exceed the existing situation and the existing off-road parking provision would not be reduced. Cambridgeshire County Highways have assessed the proposal and raise no objections, stating that an additional vehicle will not exacerbate the existing situation significantly.
- 7.40 Notwithstanding this, the site has a fallback position of being used as a HMO for 6 residents which can be carried out without planning permission with no control on the limits of the existing front drive. It is therefore considered that the additional pressure on the highway for one vehicle and associated visitor parking resulting from the development is relatively minor, and on balance acceptable and in conformity with LP17 and St Neots NP Policies PT1 and PT2.

Impact to public Highway

- 7.41 Hardwick Road is mainly a residential area and as such carries a 30mph speed limit. There is some additional pressure on the highway due to a row of shops opposite the site.
- 7.42 It is acknowledged that concerns have been raised by a neighbour and the town council local resident in terms of the capacity of the surrounding road network in its ability to meet the needs of the development.
- 7.43 Cambridgeshire County Highways have assessed the proposal and raise no objections relating to public highway impacts, stating that an additional vehicle will not exacerbate the existing situation significantly.
- 7.44 It is acknowledged that the proposal may increase pressure on surrounding roads by virtue of an extra vehicle being introduced in conjunction with the site. However, in real terms, the addition

of one extra vehicle and associated visitor parking would increase the number of vehicular movements on the public highway to such an extent that it would be considered to cause an unacceptable harm to highway safety, nor would the cumulative impacts on traffic be so severe that the application could be refused on the grounds of highway or parking impacts in conflict with NPPF paragraph 111.

- 7.45 Moreover, planning conditions cannot control issues with parking or loading on the public highway as any driver can choose to park on a public highway, including but not limited to, local residents, patrons of the shops opposite the site and delivery drivers. However, while the potential for additional vehicles parking on and off site could lead to harm both in respect of highway safety and wider public amenity, it is considered that the amount of extra parking and traffic resulting from the proposal would be minimal and not a reason to refuse the proposal on highways grounds. The concern regarding fading white or yellow lines is a county council issue and not within the remit of the applicant to address.
- 7.46 Given the minor scale and use of the proposed development, whilst acknowledging third-party objections, it is recognised that in its provision of cycle storage and proximity to public transport and walking distances to St Neots, that the future occupiers of the development would not be considered to be wholly dependent on the use of cars for travel. Therefore, officers are satisfied the proposal is acceptable with regards to highway safety and parking provision. Subject to the above stated conditions, the application therefore complies with Policy LP17 of the Huntingdonshire Local Plan to 2036.

Other Matters:

- 7.47 It is noted that Cadent Gas have asked for a number of informatives to be attached to any consent given to this application relating to legal rights of access to and or restrictive covenants that exist to assets and impacts to apparatus owned by Cadent Gas. Given that the proposal is for a change of use only with no proposed alteration, expansion or physical development, it is considered that these informatives are not necessary or relevant in this case and should not be included in any consent given to the application.
- 7.48 Having regard to all relevant material considerations, it is recommended that approval be granted, subject to the imposition of appropriate conditions.

- 8. RECOMMENDATION - APPROVAL subject to conditions to include the following**
- Standard 3 year time limit
 - Approved plans

- The proposal shall only be used as a House of Multiple Occupation (HMO) by no more than 10 residents and shall be retained as such thereafter.
- Provision and retention of parking spaces
- Details of, provision of and retention of cycle storage

CONTACT OFFICER:

Enquiries about this report to:

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marie.roseaman@huntingdonshire.gov.uk

SCHEDULE OF PLANNING APPLICATIONS – 28 June 2022

No.	Reference	Development	SNTC Decision	Notes
1	22/00734/REM	<p>Mr Henry Woodward Wintringham Park, Cambridge Road, St Neots Application for Reserved Matters Approval for green and grey infrastructure to include: elements of a north-south secondary road including a vehicular access to adjacent residential parcel to the east, elements of north-south and east-west linear parks including connections to adjacent residential parcel, temporary sales car parking, hard and soft landscaping, and all ancillary works, associated infrastructure and engineering works</p>	Approve	Fits in with local street scene. Satisfactory proposal in terms of scale and pattern of development.
2	22/01153/S73	<p>Mr Aldrich 4 Berkley Street Eynesbury St Neots Variation of condition 2 (Plans) for 21/01696/S73 (Parent Permission 20/00513/FUL) to correct previous error on Decision Notice and to clarify boundary treatment (following demolition of garage).</p>	Approve	Minimum impact on neighbours.
3	22/01116/FUL	<p>Mr Thanh Hang Elle Le 37 Huntingdon Street St Neots PE19 1BG This is an application for change of use only, from Hair Saloon (Sui Generis) to Nail Parlor (Sui Generis). No Internal or External alterations, structural changes or material changes are proposed.</p>	Approve	We consider that the proposal would assimilate itself to the existing part of the town.
4	22/00845/FUL	<p>Mr Maneesh Mathew 12 High Street St Neots PE19 1JA Proposed single storey extension</p>	Approve	Improves the property. Makes efficient use of its site.
5	21/01565/HHFUL	<p>Miss Elaine Nelson 39 Ridgeway Eynesbury St Neots PE19 2QU Erection of front garden fencing following hedge removal (Retrospective).</p>	Object	Design, appearance and materials. Does not fit in with the local street scene.
6	22/00877/LBC	<p>Sara de Barros 14 Brook Street St Neots PE19 2BP Alterations to side entrance to provide disabled access</p>	Approve	Improves the property. Committee members welcomed the proposed alterations to the listed building to improve access which is not always easy to

SCHEDULE OF PLANNING APPLICATIONS – 28 June 2022

No.	Reference	Development	SNTC Decision	Notes
				achieve. Members support action taken to improve access within our town.
7	22/01197/LBC	Mrs Stella Green The Rectory Church Street St Neots The demolition of the southern garden boundary wall and re-building to match existing.	Approve	Subject to approval of HDC Conservation Officer. Minimum impact on neighbours. The proposal will enhance the character of the conservation area.
8	22/01054/HHFUL	Mr Mark Young 32 Chaucer Place, Eaton Ford, St Neots Part garage conversion and side extension	Approve	Improves the property. Makes efficient use of its site.
9	22/01182/HHFUL	Mr And Mrs McInnes 4 Orchard Close, Eaton Ford St Neots Proposed single storey extension to the side/rear	Approve	Improves the property. Makes efficient use of its site. Within a sustainable location.
10	22/01048/FUL	Mr Mark Greening 55A Hardwick Road Eynesbury St Neots Change of use from 6-bedroom house in multiple occupation (C4) to 7-bedroom HMO (sui generis)	Object	Noise and disturbance resulting from use. Adequacy of parking/loading/turning. Layout and density of building.
11	22/00984/HHFUL	David Moore (GNRES Ltd) 106 Great North Road Eaton Socon St Neots Replacement roof and single storey rear extension to existing dwelling	Approve	We consider that the proposal would assimilate itself to the existing part of the town. Makes efficient use of its site.
12	22/00819/FULTDC	Mr K Odunaiya Windmill House Windmill Row St Neots PE19 1JF Technical Details Consent on Permission In Principle Ref: 20/01812/PIP (Demolition of derelict outbuildings and residential development of 9 dwellings)	Object	Adequacy of parking/loading/turning Traffic congestion. Effect on listed building and conservation area. Design, appearance and materials. Scale of the development. Committee members raised concerns over the lack of parking bays for the proposed development of 9 dwellings, access to the High Street, drainage and flooding and the effect on the conservation area, in particular the War Memorial located close by.
13	21/02678/HHFUL	Andy Dawson 14 Collingwood Road Eaton Socon St Neots Conversion of garage into bedroom and erection of single storey side extension connecting the house to the garage.	Approve	Fits in with local street scene. We consider that the proposal would assimilate itself to the existing part of the town. Satisfactory proposal in terms of scale and pattern of development.

SCHEDULE OF PLANNING APPLICATIONS – 28 June 2022

No.	Reference	Development	SNTC Decision	Notes
14	22/01170/HHFUL	Mrs Bradford 13 Wordsworth Avenue Eaton Ford St Neots Single storey front extension	Approve	Improves the property. Makes efficient use of its site. Will have no negative impact on the wider landscape character of the area.
15	22/01138/HHFUL	Mr & Mrs Robson 12 Criccieth Way Eynesbury St Neots Proposed first floor extension over existing porch and two storey extension to rear	Approve	Improves the property. Makes efficient use of its site.
16	22/01105/HHFUL	Patrick & Hannah Parker 3 Sunnybank, St Neots PE19 1SF Two storey side extension, single storey rear extension and re roof existing rear extension	Approve	Improves the property. Makes efficient use of its site.
17	22/00972/FUL	Mr T Aslan 49 Market Square St Neots PE19 2AR Conversion of commercial property to self-contained one-bedroom residential flat vvvvvvv	Approve	Minimum impact on neighbours. Satisfactory proposal in terms of scale and pattern of development. Makes efficient use of its site. Within a sustainable location.

Committee Chairperson

Development Management Committee



Scale = 1:1,250

Application Ref:22/01048/FUL

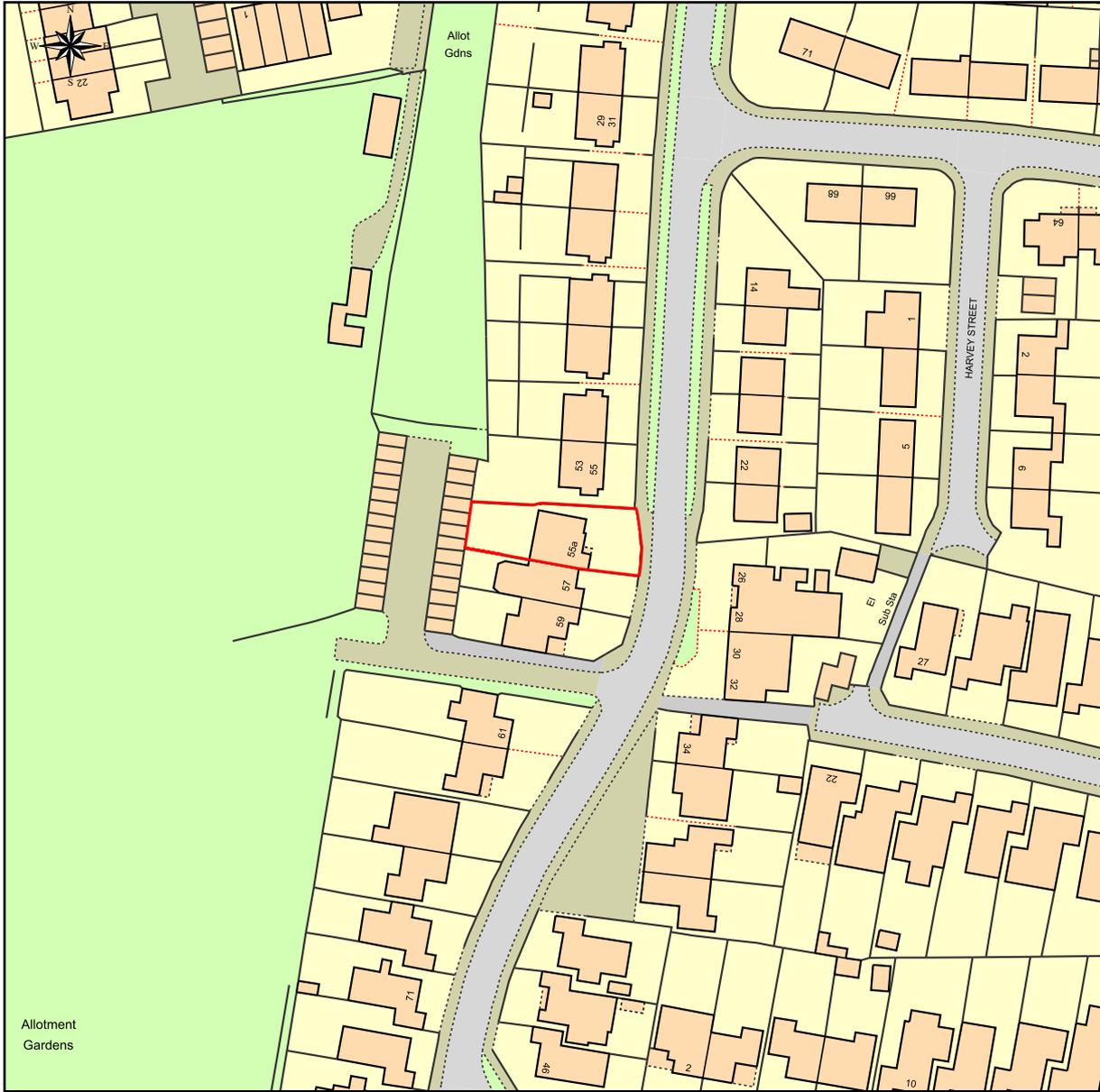
Date Created: 28/09/2022

Location: St Neots

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Location Plan of 55A Hardwick Road, Eynesbury, St Neots, PE19 2UE



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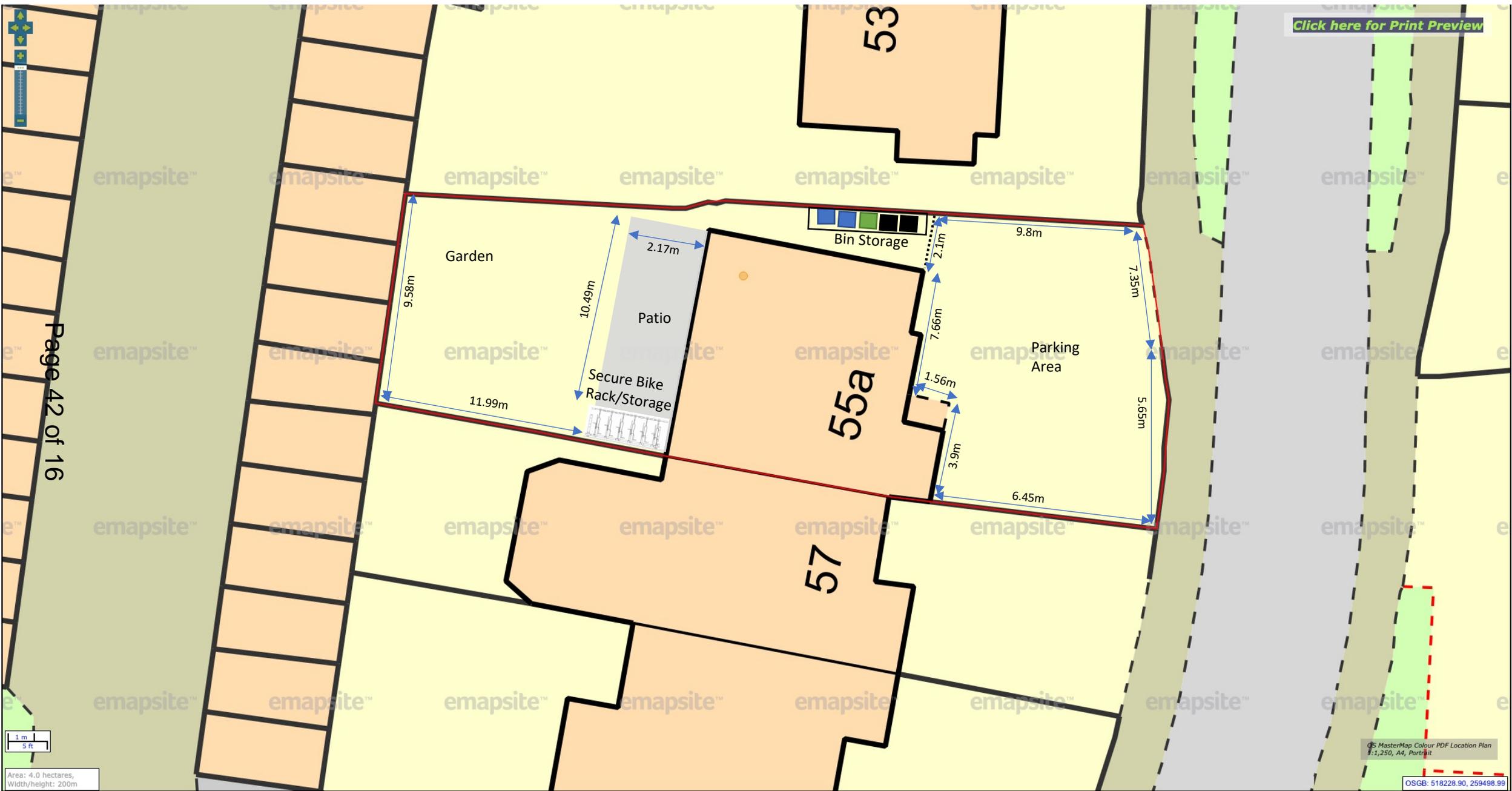
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Scale: 1:1250, paper size: A4



Site Plan

[Click here for Print Preview](#)

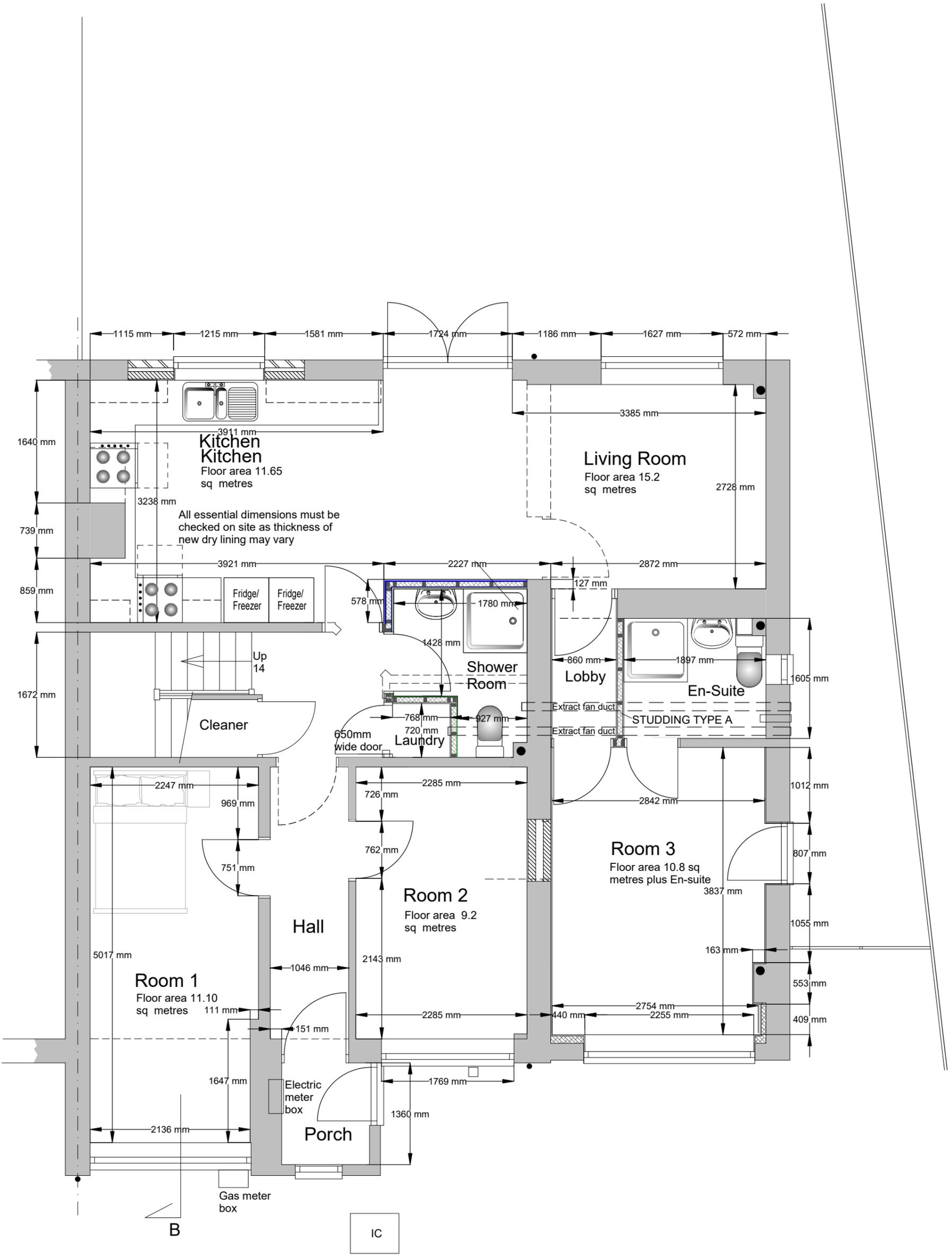


1 m
5 ft

Area: 4.0 hectares,
Width/height: 200m

OS MasterMap Colour PDF Location Plan
1:1,250, A4, Portrait

OSGB: 518228.90, 259498.99



Proposed Ground Floor Plan

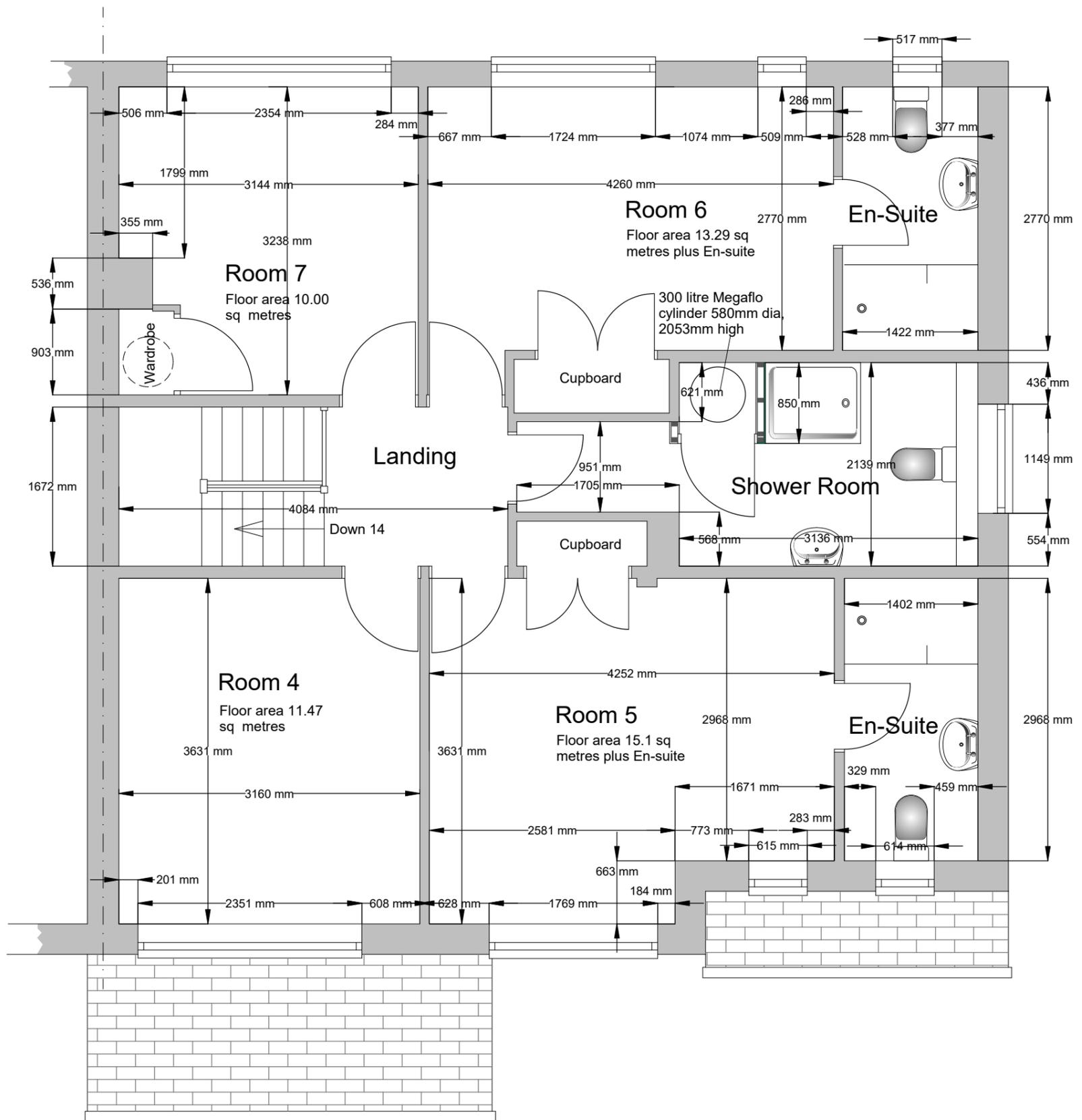
Scales 1:50 when printed at A3 size (To print accurately to scale, select "Actual Size" from Adobe Reader print dialogue box)



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**55A Hardwick Road, Eynesbury,
St Neots, Cambridgeshire, PE19 2UE** © 2020



Proposed First Floor Plan (Dimensioned)

All essential dimensions must be checked on site as thickness of new dry lining may vary

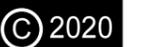
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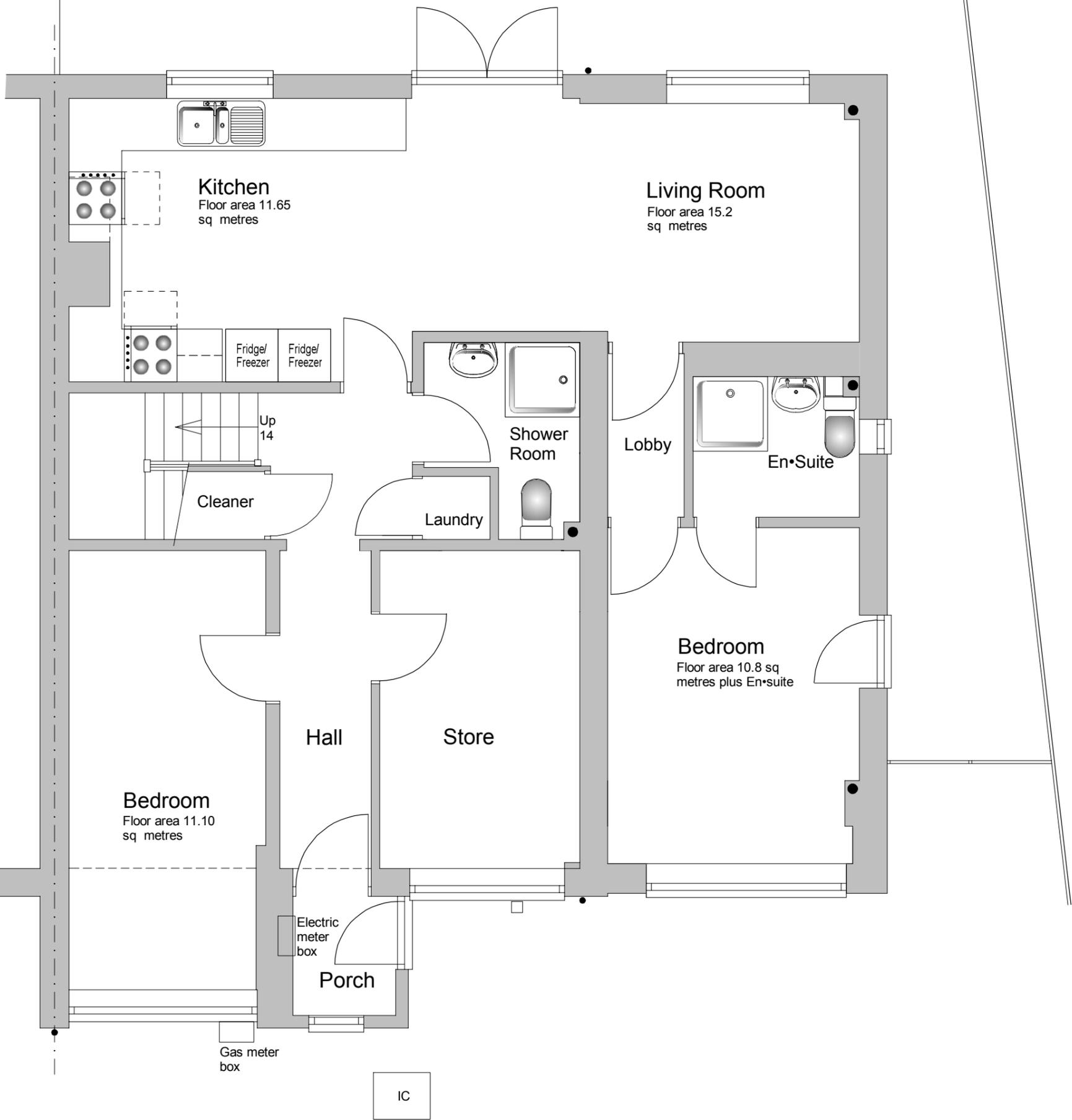


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Existing Ground Floor Plan

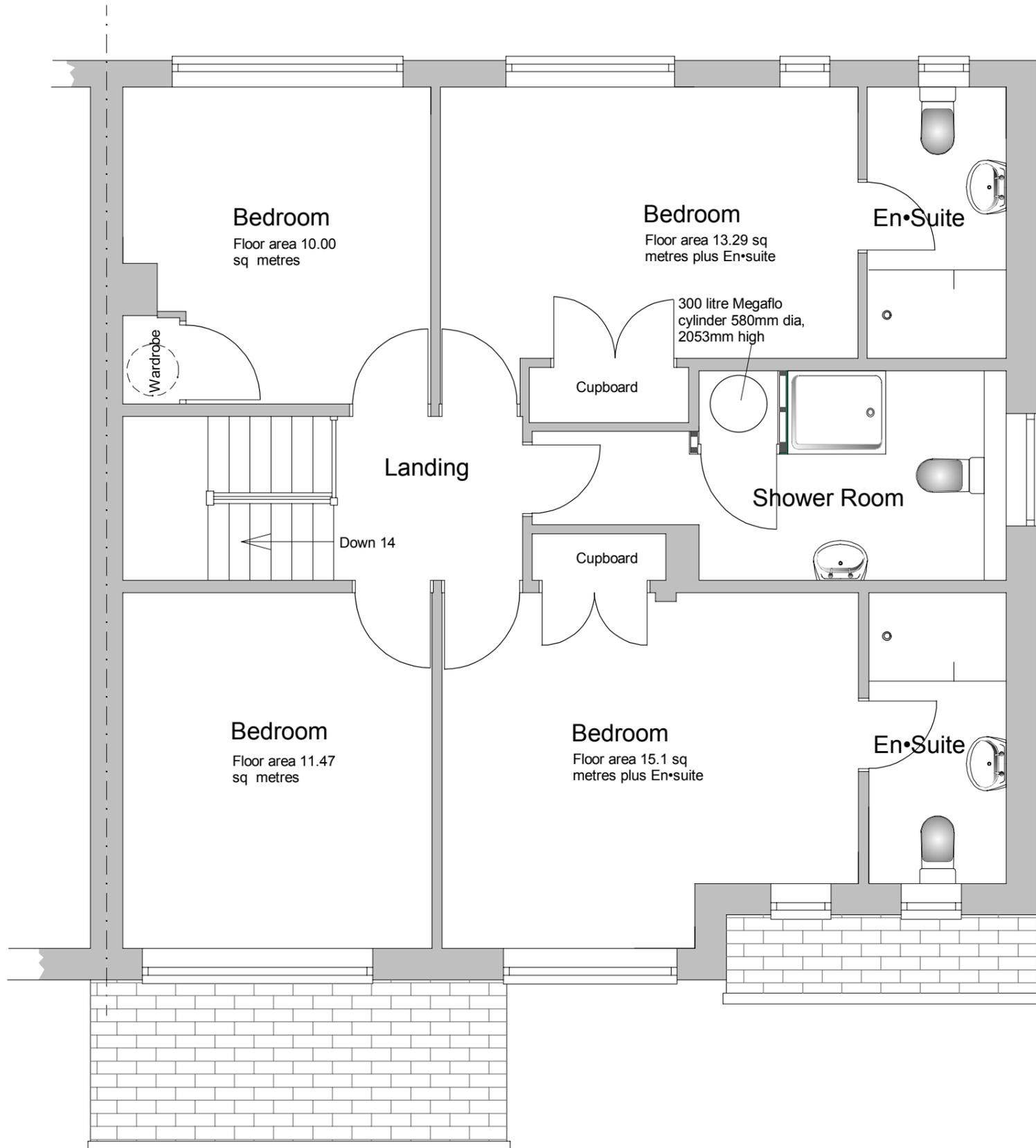
Scales 1:50 when printed at A3 size (To print accurately to scale, select "Actual Size" from Adobe Reader print dialogue box)



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Existing First Floor Plan

All essential dimensions must be checked on site as thickness of new dry lining may vary

Scales 1:50 when printed at A3 size (To print accurately to scale, select "Actual Size" from Adobe Reader print dialogue box)



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DEVELOPMENT MANAGEMENT COMMITTEE 17th October 2022

Case No: 21/01948/FUL (FULL PLANNING APPLICATION)

Proposal: CHANGE OF USE FROM (A1) RETAIL TO TAXI BUSINESS (SUI GENERIS) FOLLOWING THE EXPIRY OF THE TEMPORARY CONSENT - PLANNING REFERENCE 18/00326/FUL

Location: 14 CROWN STREET ST IVES PE27 5EB

Applicant: T & T PRIVATE HIRE (MR ALI)

Grid Ref: 531312 271298

Date of Registration: 25.04.2022

Parish: ST IVES

RECOMMENDATION - APPROVE

This application is referred to the Development Management Committee (DMC) as the proposed change of use from retail unit to taxi business in the Primary Shopping Frontage of St Ives Town Centre is a departure from the policies of the Development Plan and St Ives Town Council's recommendation of refusal is contrary to the officer recommendation of approval.

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 No. 14 Crown Street is a three-storey terraced building, located adjacent to several businesses including retail, restaurants, a pub and offices within St Ives Town Centre.
- 1.2 The site is Grade II Listed within the historic core of the St Ives Conservation Area and also within the setting of a number of other Grade II Listed Buildings. The site is located within Flood Zone 2 of the Huntingdonshire Strategic Flood Risk Assessment 2017 Maps.
- 1.3 This application follows planning permission reference 18/00326/FUL which approved a change of use at ground floor level from retail (A1) to taxi business (sui generis) on a 3-year temporary basis.
- 1.4 The proposal is for a permanent change of use from (A1) retail to taxi business (sui generis) following the expiry of the temporary consent.

2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (20 July 2021) (NPPF 2021) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2021 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).'
- 2.2 The NPPF 2021 sets out the Government's planning policies for (amongst other things):
- delivering a sufficient supply of homes;
 - building a strong, competitive economy;
 - achieving well-designed, beautiful and safe places;
 - conserving and enhancing the natural, built and historic environment
- 2.3 Planning Practice Guidance and the National Design Guide 2021 are also relevant and material considerations.
- 2.4 Sections 66 and 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990

For full details visit the government website [National Guidance](#)

3. PLANNING POLICIES

- 3.1 Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)
- LP1: Amount of Development
 - LP2: Strategy for Development
 - LP5: Flood Risk
 - LP7: Spatial Planning Areas
 - LP11: Design Context
 - LP12: Design Implementation
 - LP14: Amenity
 - LP17: Parking Provision and Vehicle Movements
 - LP21: Town Centre Vitality and Viability
 - LP34: Heritage Assets and their Setting

Local policies are viewable at [Local policies](#)

4. PLANNING HISTORY

- 4.1 05/00706FUL – Change of Use of first floor to taxi office
Permission granted 03.06.2005

- 4.2 18/00326/FUL - Retrospective change of use - ground floor from retail (A1) to taxis (sui genesis) 3-year temporary permission granted 15.06.2018

5. CONSULTATIONS

- 5.1 St Ives Town Council: Objection - There are already considerable parking issues in Crown Street. Clarification is sought on the arrangements for parking/picking up passengers etc. Pavements are damaged and access for pedestrians and wheelchair users is severely restricted. Other road users are forced to drive along the opposite pavement. It is noted that despite the statement in section 1.6 of the design and access statement, T&T taxis continue to park outside 14 Crown Street.
- 5.2 Cambridgeshire County Council Highways: Neither objecting or supporting - No parking is provided regarding the taxi business and the planning statement indicates that there is ample parking on Broadway. Indicating that cars are radio operated and no need for parking outside the property. That said if inappropriate parking is noted by the applicants or anyone else enforcement action could be undertaken by police if required. The plan provided is devoid of any real information and does not indicate any public waiting area within the taxi office, which would attract members of the public to get picked up at this location. I note the previous application 18/00326/ful was original given a temporary consent so as the LPA could assess any amenity issues associated with the use. To this end has the LPA collected any evidence to indicate any issues (related to the taxi office) have occurred as indicated by the Town Council either by photographic evidence or consulted the police to see if there have been any such issues?
- 5.3 Cambridgeshire Constabulary (initial consultation comments): No objection – I consider this to be an area of low vulnerability to the risk of crime at present. The only crimes of note are a business robbery in Crown Street and a robbery in Market Street.
- 5.4 Cambridgeshire Constabulary (further consultation comments): No objection subject to condition - Having re-looked at the reported incidents and crimes for a 2 year period in Crown Street and Bridge Street, there were three offences where taxi was mentioned, two were members of the public using taxi office as a location to report assaults and one of a taxi driving in an anti-social manner not within the aforementioned streets.

I have spoken to the local policing team who are aware of issues along both the above named streets they advised me there are issues with taxi's and other vehicles parking illegally and causing obstructions. They have spoken to the local authority taxi licensing officer for help and support on this matter and been advised that it is a policing issue. I'm sure you are aware this

isn't just a policing issue it is also a licensing issue. Whilst enforcement is undertaken by the police there is an expectation that the licensing authority ensure that licensed taxi drivers abide by the law and traffic regulations, if this is granted it should be conditioned that customers ordering a taxi from the office meet the taxi at a pre-determined location where it is legal for them to wait, and that No taxi's should be parked in the vicinity of the taxi office. There are signs before you enter Crown Street (Pedestrian Zone, 8-6, except disabled, loading and local buses. At any time).

The local policing team have issued warnings and tickets to any vehicles parked in Crown Street as it is also a No Waiting Area, these instances have been witnessed when the officers are on patrol and not something that has been reported and the officers sent to. To clarify these are not in relation to incidents that have been reported as it is evident from my searches that there have been no such reports for the past two years.

- 5.5 *OFFICER NOTE: Following receipt of the Constabulary's further consultation comments, officers requested the applicant provide a detailed scheme of operations setting out how the taxi business proposes to operate in the interest of minimising parking issues in the Town Centre and to ensure taxi's do not enter the pedestrian zone. On receipt of the applicant's scheme of operations document, further discussions were held between officers and the constabulary regarding the preciseness and enforceability of the previously recommended condition.*
- 5.6 Cambridgeshire Constabulary (final consultation comments): No objection - Having read the attached document from the applicant (scheme of operations) and your comments, I have consulted with my colleague, and we are satisfied that the applicant has provided sufficient information to allay and concerns that we had.
- 5.7 HDC Environmental Health: No objection - I understand that the taxi business has been in full operation for approx. 3 years. As discussed, we have no records of complaints and the area EH officer is not aware of any issues, therefore I have no concerns to raise if the same controls that were on the temporary permission regarding residential amenity are applied to any permission granted.
- 5.8 HDC Economic Development: No objection - This part of town has a mix of retail use, between travel agents, clothes, accessory shops, barbers, hairdressers, opticians and a couple of recognised national chains, Fat Face and Poundland. It is also in the heart of town between Bridge Street and Broadway where the largest concentration of St Ives' night time economy activity takes place. And a taxi office, open late at night to help get people home from restaurants, pubs and clubs might help reduce

any issues around public order in the town centre. The flow of pedestrians and vehicles late at night works better from that part of town as most of the night time economy businesses are situated around that part of the town's road network. Crown street does have some independent boutiques, café's, fish and chip shops and other businesses but it is not where the greatest concentration of retail is situated. On balance I would say that what it offers to the cluster of night time economy businesses outweighs what it takes away from the retail element in that location of Crown Street in St Ives. And the larger units in town that need filling will contribute much more to retail in the future once they are re-occupied.

6. REPRESENTATIONS

- 6.1 The application has been advertised via press and site notice twice and 6 adjacent properties have been consulted via letter. No neighbour representations have been received.

7. ASSESSMENT

- 7.1 The main issues to consider in assessing this application are whether there is any conflict with Development Plan policies. If there is any conflict, whether the application can be considered to be in accordance with the Development Plan when taken as a whole. If the application is not in accordance with the Development Plan, whether there are any material considerations, including the NPPF (2021), which indicate that planning permission should be granted. With this in mind, the report addresses the principal, important and controversial issues which are in this case:

- The Principle of Development
- Highway Safety, Access, and Parking Provision
- Residential Amenity
- Impact on the Character and Appearance of the Area and Designated Heritage Assets
- Flood Risk and Drainage

The Principle of Development

- 7.2 The application is for a permanent change of use from a shop (Use Class E) to a Taxi Business (Sui Generis). The most recent use of the ground floor prior to its temporary conversion for taxi business use was as a Jewellers. The site is located within the Spatial Planning Area and Market Town Centre of St Ives and forms part of the Primary Shopping Frontage as shown on the Adopted Policies Map.

- 7.3 Policy LP21 of the Huntingdonshire Local Plan to 2036 (the Local Plan) states, *“A proposal for a shop (class ‘A1’), restaurant/ café (class ‘A3’) or drinking establishment (class ‘A4’) will be supported within a primary shopping frontage to encourage uses which support the vitality and viability of the location whilst maintaining its essential retail nature. A proposal for any other main town centre use at ground floor level may be supported where it will:*
- a. make a positive contribution to vitality and viability by enhancing the existing quality, diversity and distribution of retail, leisure, entertainment, arts, heritage, cultural facilities, community facilities or tourist attractions; and*
 - b. continue to provide an active frontage where there is an existing shopfront.*
- A proposal for any non-main town centre use will not be supported at ground floor level within a primary shopping frontage.”*
- 7.4 Main town centre uses are defined in the Local Plan as *“Retail development (including retail 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 A taxi business is not a main town centre use and therefore the proposed change of use from a retail unit to taxi business at ground floor level within the primary shopping frontage is not supported by Policy LP21 of the Local Plan.
- 7.6 Within the officer report for the 3-year temporary consent (ref: 18/00326/FUL) it was recognised that the emerging ‘Town Centre Vitality and Viability’ policy did not support non-main town centre uses at ground floor within the primary shopping frontage. However, it was considered that the extension of the existing taxi business (from that already operating at first floor) would complement the surrounding businesses by creating an additional opportunity for residents and visitors to access services within the town centre.
- 7.7 The main consideration in terms of the principle of the proposed change of use is the impact the loss of the retail unit would have on the vitality and viability of the town centre. The consultation comments from the Councils Economic Development team recognise that the site is in the heart of the town between Bridge Street and Broadway where the largest concentration of St Ives’ night time economy activity takes place, and that while Crown Street does have some independent boutiques, café’s, fish and

chip shops and other businesses, it is not where the greatest concentration of retail is situated.

- 7.8 The loss of this small retail unit in this part of the town is not considered significantly detrimental to the vitality and viability of the town centre. There is greater interest and emphasis on larger units in the town which need filling and will contribute much more to retail in the future once they are re-occupied. Therefore, on balance it is considered that what the taxi business offers to the cluster of night time economy businesses outweighs what it takes away from the retail element in this location of Crown Street.
- 7.9 Overall, while it is accepted the proposed change of use is contrary to Policy LP21 of the Local Plan, material considerations in the form of the benefits of a complementary taxi business to the towns night-time economy which outweigh the loss of a small retail unit in this location, indicate that the vitality and viability of the town centre would be preserved and therefore the proposed development is considered acceptable in principle in this instance.

Highway Safety, Access, and Parking Provision

- 7.10 Policies LP16 and LP17 of the Local Plan requires applications for development to fully consider how the opportunities and impacts of the range of travel and transport modes are addressed in their proposals, and to ensure new development provides sufficient space and parking provision to meet the needs of users and residents and minimise impacts on neighbouring uses.
- 7.11 The site is located in a restricted pedestrian zone between 8am – 6pm except for wheelchair loading and local buses with no parking permitted at any time. The Town Council has raised the issue of taxi vehicles illegally parking within the pedestrian zone. This matter has been recognised by the Cambridgeshire Constabulary who have reportedly issued warnings and tickets to any vehicles parked in Crown Street as it is also a No Waiting Area. This has been during patrols of the area and not following reports to the police.
- 7.12 In this instance it is ultimately the responsibility of the police to enforce against illegal vehicle movements and parking. However, the planning process plays an important role in seeking to minimise the likelihood and opportunity for such unauthorised activities through development. With this in mind and following discussions with the Constabulary, the applicant was requested to provide a detailed scheme of operations setting out how the running of the taxi business would minimise disruption to the local road network within the town centre and ensure there is no need for taxi vehicles to enter the pedestrian zone at any time.

- 7.13 The accompanying scheme of operations states that the company has recently invested into a dispatch system which not only provides additional ways of providing services but also automates the process of minimising the need for the vehicles to be in a certain area to receive jobs like that used to be via radio. Their dispatch system sends out the booking over the air to the driver's Personal Digital Assistant (PDA) device which takes away the need for the driver to be in town or waiting on the road in order to receive a job.
- 7.14 The business also recently invested into moving their head office to 12 Huntingdon Business Centre, Stukeley Road, Huntingdon PE29 6HQ where they have parking space for around 50 vehicles, car wash, garage for vehicle repairs & all the administrative work to be carried out including accounts office & admin office. So, although their office in 14 Crown street is based within the town centre of St Ives, T&T does not require any vehicle to be parked there nor there is any need for any drivers to be visiting the premises as all the management staff has now moved to their headquarters in Huntingdon. 14 Crown Street is now used as the main call centre for St Ives where customers can either walk in to make the bookings or call in and the dispatch system will make sure that the nearest vehicle available is sent out. It is stated that staff are all local and walk to work but if anyone does need to drive in there are 2 allocated parking spaces at the back of Montaz restaurant which are reserved for T&T Private Hire Ltd at all times.
- 7.15 The Constabulary reviewed the submitted scheme of operations and confirmed it addresses their previous concerns. The County Council Highways comments raise no significant issues and note the three year temporary permission was to allow the planning authority to assess any amenity impacts associated with the change of use. The HDC Environmental Health (EH) team have confirmed no records of complaints and the area EH officer is not aware of any issues during the approximate 3 years of operation. At the time of writing there have been no neighbour representations received. The application has been advertised via press and site notice twice and 6 adjacent properties have been consulted via letter.
- 7.16 It is considered that the submitted scheme of operations demonstrates how the taxi business has recently invested in improved ways of operating which minimises the impacts of taxi vehicles on the local road network and provides assurance that there is no need for taxis to enter the pedestrian zone. It is therefore considered that the proposed permanent change of use to a taxi business would not raise any highway safety issues and would not have a significant impact on the local road network including areas of public parking within the town centre. The

proposal therefore accords with Policies LP16 and LP17 of the Local Plan and the NPPF 2021 in this regard.

Residential Amenity

- 7.17 Policy LP14 of the Local Plan states that a proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of neighbouring land and buildings.
- 7.18 The HDC Environmental Health officer has raised no concerns subject to the same controls that were on the temporary permission regarding residential amenity being applied to any permission granted. Condition 3 of the temporary planning permission states, "The change of use, hereby permitted, shall not be operated outside the hours of 07:00 to 24:00 Sunday to Thursday and 07:00 to 04:00 Friday and Saturday."
- 7.19 The new methods of working set out in the accompanying scheme of operations make it less likely for vehicles to be idling in the town centre around residential properties awaiting their next pick up. There have been no neighbour representations made on this application which suggests there are no significant amenity issues relating to the taxi businesses and their hours of operation. It is considered reasonable and necessary to repeat the above operating hours condition to ensure there would be no significant adverse impacts on neighbour amenity.
- 7.20 Subject to the abovementioned condition, it is considered the proposed development would retain acceptable amenity standards for users and occupiers of neighbouring buildings in accordance with Policy LP14 of the Huntingdonshire Local Plan to 2036 and the NPPF 2021 in this regard.

Impact on the Character and Appearance of the Area and Designated Heritage Assets

- 7.21 Sections 66 and 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, requires that a Local Planning Authority, in considering whether to grant planning permission for development which affects a Listed Building or its setting, or a Conservation Area, shall have special regard to the desirability of preserving or enhancing its intrinsic significance setting or any features of special architectural or historic interest which it possesses. This is also reflected at a local level where Policy LP34 of the Local Plan seeks to ensure that development proposals protect and conserve the district's heritage assets and where possible enhance them and their settings.
- 7.22 Paragraph 1.7 of the accompanying Planning Statement confirms there are no internal or external changes proposed and

the appearance of the building will remain as existing. The proposal is purely for the change of use of the building. Any change in signage may require separate advertisement consent. The proposed change of use is therefore not considered to have a detrimental impact on the character and appearance of the area or any designated heritage assets and is acceptable against Policies LP11, LP12 and LP34 of the Local Plan and the NPPF 2021 in this regard.

Flood Risk and Drainage

- 7.23 Policy LP5 of the Local Plan seeks to ensure that the users and residents of development are not put at unnecessary risk in relation to flooding. Policies LP6 and LP15 of the Local Plan set out the Council's approach to the management of foul and surface water drainage in a sustainable manner.
- 7.24 Paragraph 161 of the NPPF 2021 states that All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.
- 7.25 While the site is in Flood Zone 2, the proposed development is a change of use and therefore is not subject to the sequential and exceptions tests as set out in the NPPF. However, a site-specific Flood Risk Assessment (FRA) is required.
- 7.26 The submitted FRA states the building has a finished floor level of 7.35 AOD which is above the 1 in 1000 year water level as per the Environment Agency modelled flood data. The existing finished floor level would be retained and therefore no flood mitigation measures have been proposed.
- 7.27 The proposed use is within the same 'Less Vulnerable' classification as the existing use as per the NPPF 2021. It is considered that the submitted FRA provides an acceptable assessment of flood risk relative to the scale and nature of the proposal and it is not considered any flood mitigation measures are necessary in this instance given the proposal is solely for change of use and the finished floor level and means of drainage will remain as existing. The proposal is therefore considered acceptable against Policies LP5, LP6 and LP15 of the Local Plan and the NPPF 2021 in this regard.

Conclusion and Planning Balance

- 7.28 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 7.29 The presumption in favour of sustainable development requires proposals to achieve economic, social and environmental gains; as such a balancing exercise has to be undertaken to weigh the benefits of the scheme against its disadvantages. When considered in the round, a development proposal would contribute to the economic, environmental and social dimensions of sustainability.
- 7.30 In terms of the economic dimension of sustainable growth, the proposal provides employment opportunities and complements the Town's night time economy through an additional means of access for people to get to and from the Town Centre. In this case, there is conflict with Local Plan Policy LP21 which does not provide support for non-main town centre uses at ground floor level within the primary shopping frontage of town centres. However, the site is located in a part of town where most of the night time economy businesses are situated and would therefore support the vitality and viability of the St Ives town centre night time economy. It is considered that what the proposal offers to the cluster of night time economy businesses outweighs what it takes away from the retail element in this part of St Ives Town Centre.
- 7.31 With regard to the social dimension, the taxi business provides a greater level of accessibility for people to access services and facilities which support the local communities' health, social and cultural well-being. The taxi business is considered to complement the role of the Town Centre as the focus for local communities attracting people in for retail, entertainment, office, leisure, cultural and tourist facilities without significantly diminishing its retail nature.
- 7.32 In terms of the environmental dimension, the proposal makes no changes to the building's appearance and retains its existing floor level which are acceptable measures in preserving the character and appearance of the area and ensuring no increased risk of flooding. In addition, the proposal has demonstrated that the taxi business can operate in a manner which minimises disruption to the local road network and adjacent residents as well as ensuring there is no need for taxis to enter the pedestrian zone.
- 7.33 In this instance, the impacts of losing this small retail unit and replacing it with a taxi business within this part of town away from the greatest concentration of retail activity is not considered detrimental to the overall aims and objectives of Policy LP21 which is for town centres to retain their roles as the focus for local communities attracting people in for retail, entertainment, office, leisure, cultural and tourist facilities.
- 7.34 Therefore, having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory

requirements of the Town and Country Planning Act 1990, the views of statutory consultees and wider stakeholders, it is considered the development would contribute to the economic, environmental and social dimensions of sustainability, and material considerations indicate that the proposed development is acceptable in this instance. The recommendation is therefore to approve the application.

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

- Time limit
- Approved plans
- Opening hours as imposed on the previous temporary consent
- Retain existing finished floor level

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 **Lewis Collins Senior Development Management Officer** – lewis.collins@huntingdonshire.gov.uk

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT
25 May 2022

Application No Applicant/Agent	Proposed Development	Recommendations
21/01948/FUL T & T Private Hire Partners in Planning and Architecture Suite 2 Clare Hall Parsons Green St Ives PE27 4WY	Change of use from (A1) retail to taxi business (sui generis) following the expiry of the temporary consent - planning reference 18/00326/FUL 14 Crown Street St Ives	REFUSAL There are already considerable parking issues in Crown Street Clarification is sought on the arrangements for parking/picking up passengers etc Pavements are damaged and access for pedestrians and wheelchair users is severely restricted. Other road users are forced to drive along the opposite pavement. It is noted that despite the statement in section 1.6 of the design and access statement, T&T taxis continue to park outside 14 Crown Street.
21/02471/FUL Mr Luke Mitchell Extending Solutions 11 High Street Baldock SG7 6AZ	Rear two storey extension 25 High Leys St Ives	APPROVAL Appropriate scale of development Similar to other extensions in the area
22/00579/FUL Mr Peter Townsend PJTA 12 Hill Rise St Ives PE27 6SP	Domestic porch and single storey rear extension 12 Hill Rise St Ives	REFUSAL Porch is out of keeping with the street scene

Development Management Committee



Scale = 1:1,250

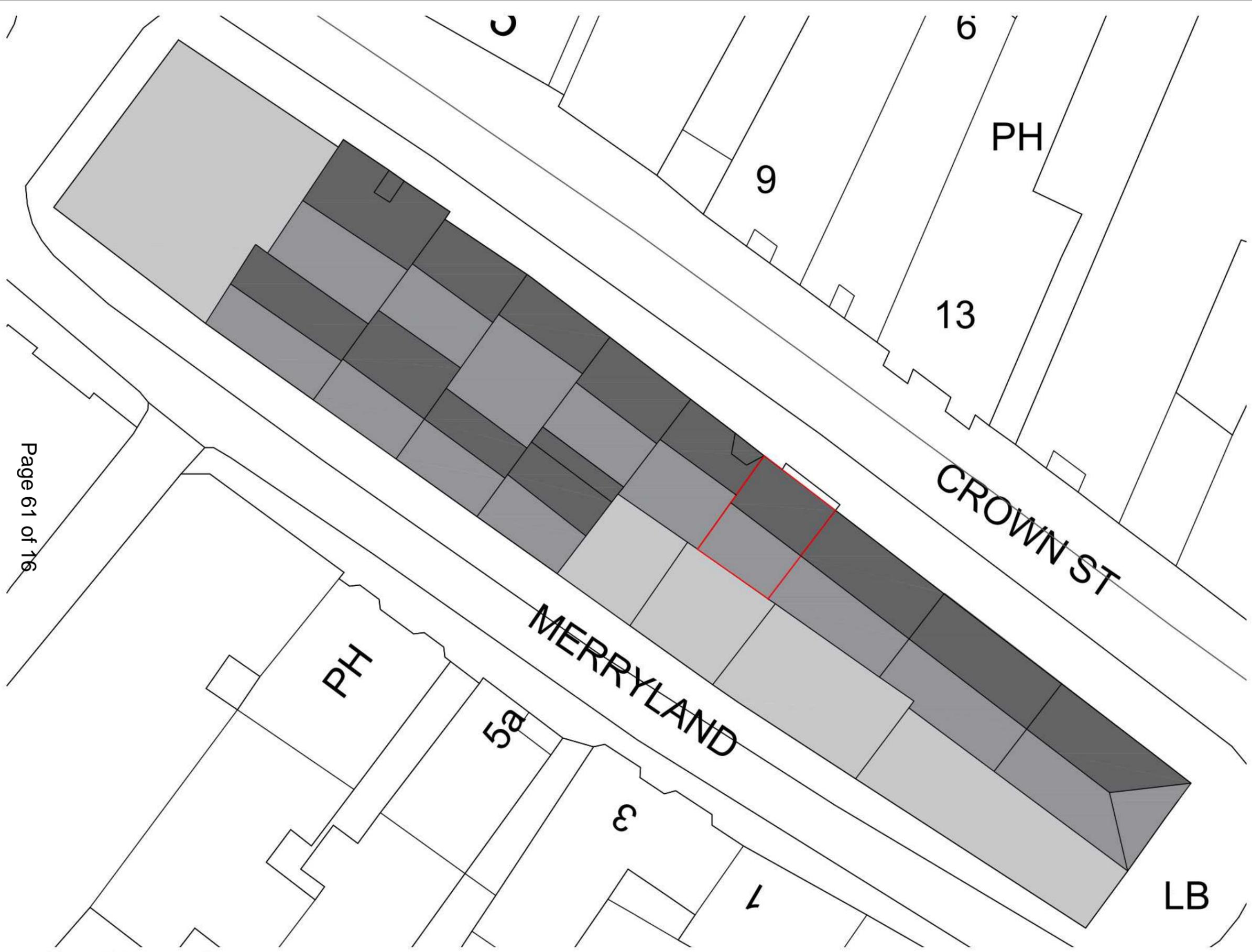
Application Ref:21/01948/FUL

Date Created: 26/09/2022

Location: St Ives

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Ordnance Survey HDC 100022322





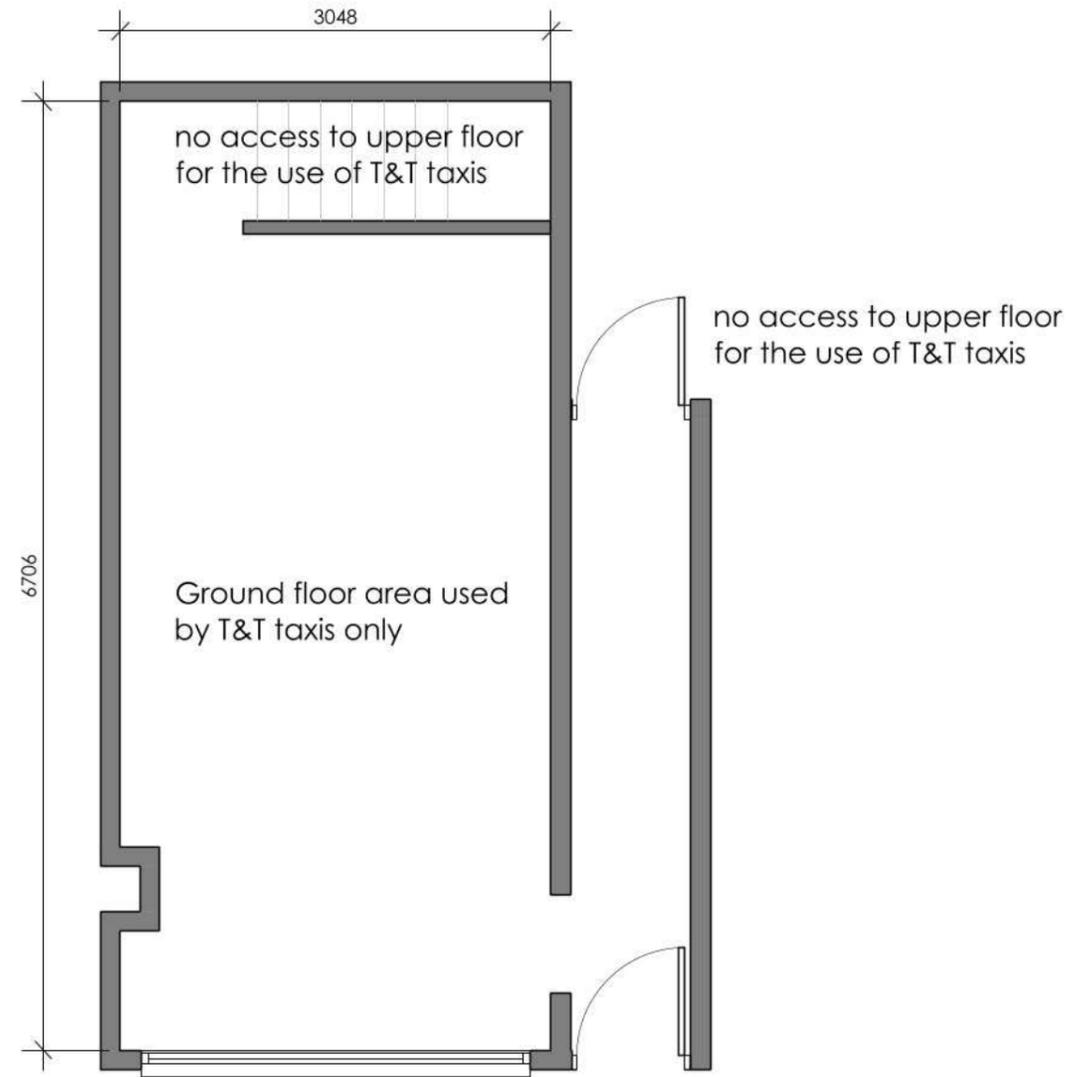
Page 61 of 16

SCALE 1:200 (METRES)

1:200 Block Plan



REV	DATE	BY	REVISION NOTES
			Suite 2, Clare Hall, St Ives Business Park, Parsons Green, St Ives, Cambs, PE27 4WY
			© COPYRIGHT Tel: 01480 494969 Email: enquiries@planningandarchitecture.co.uk Web: www.planningandarchitecture.co.uk
			
PROJECT Proposed Change of Use to Private Hire/Taxi Office 14 Crown Street, St Ives, Huntingdon, Cambs, PE27 5EB			
CLIENT Mr Ali			
DRAWING TITLE Block Plan			
DRAWN BY SD		SCALE 1:200@A3	
DATE 19.04.2022		DWG. No. 2018.07.102	REV.



1:50 Floor Plan

SCALE 1:50 (METRES)



REV	DATE	BY	REVISION NOTES
Suite 2, Clare Hall, St Ives Business Park, Parsons Green, St Ives, Cambs, PE27 4WY			
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PARTNERS in PLANNING and ARCHITECTURE			
PROJECT Proposed Change of Use to Private Hire/Taxi Office 14 Crown Street, St Ives, Huntingdon, Cambs, PE27 5EB			
CLIENT Mr Ali			
DRAWING TITLE Floor Plan			
DRAWN BY SD	SCALE 1:50@A3		
DATE 19.04.2022	DWG. No. 2018.07.101	REV.	

DEVELOPMENT MANAGEMENT COMMITTEE 17 October 2022

Case No: 22/00811/FUL (FULL PLANNING APPLICATION)

Proposal: PROPOSED CONVERSION OF EXISTING BUILDING INTO 5 FLATS AND 1 SHOP, RENOVATION OF FORMER BAKEHOUSE/RESIDENTIAL ACCOMMODATION INTO 1 DWELLING, ERECTION OF 2 DWELLINGS AND DEMOLITION OF OUTBUILDINGS.

Location: 66 HIGH STREET WARBOYS PE28 2TA

Applicant: KEY DEVELOPMENTS LTD (MR A MCAFFREY)

Grid Ref: 530794 280109

Date of Registration: 21.04.2022

Parish: WARBOYS

RECOMMENDATION - REFUSE

This application is referred to the Development Management Committee (DMC as the previous application on the site was considered by the committee)

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 The application relates to 66 High Street which is a Grade II listed building that lies within the Warboys Conservation Area and covers an area of approximately 0.11 hectares. The site comprises the main building fronting High Street and a smaller derelict building to the rear that is understood to have been a bakery. Beyond the bakery is a larger overgrown garden that lies outside the Conservation Area.
- 1.2 The site is bound on all sides by residential development. The adjoining property, Clifford House, is a three-storey listed building that has been converted into flats.
- 1.3 66 High Street is described in the Historic England listing as: Mid 19th Century house and shop. Gault brick. Hipped, slate roof with saw-tooth eaves cornice. Two storeys. Four hung sashes with glazing bars at first floor. House door at left hand side. Panelled door with rectangular fanlight. Original shopfront at right hand. Shop interior intact.
- 1.4 The shop has been closed for many years. The site is currently fenced off to prevent access.

- 1.5 The site is identified within the Environment Agency Maps for Flooding and the Council's Strategic Flood Risk Assessment 2017 as lying entirely within Flood Zone 1 - land that is at least risk of flooding. The site is also not shown to be at risk of surface water flooding.
- 1.6 The application proposes the retention of the existing shop premises and the conversion of the rest of the building to five flats. No alterations to the elevations of the listed building are proposed except for a small window to the rear of the side gable at ground floor level to provide a window to a living room. Four one bed flats and one two bed flat are to be provided in the main building.
- 1.7 The former bakehouse is to be repaired, repointed and rebuilt where necessary and converted to a small one-bedroom dwelling. To the rear of the site, a pair of three-bedroom semi-detached dwellings is proposed. The proposed building is located 7.5m from the rear boundary with the dwellings to the rear and 12.3m from the former bakehouse. The new building is to be faced in timber cladding, horizontal to the front and rear elevations, and vertical to the gable ends, with metal clad dormer windows.
- 1.8 Eight car parking spaces would be provided on the site, including two each for the three-bedroom properties. Leaving 4 spaces for the 5 flats, bakery conversion and shop.
- 1.9 A number of trees in the centre of the site are to be removed and those on the boundary of the site are to be retained and supplemented with new planting, particularly along the rear boundary.
- 1.10 The application differs from the previous refused scheme on the site in the following ways;
- the re-siting of the proposed pair of semi-detached dwellings 500mm further forward in the plot;
 - the introduction of a bench immediately to the front of the listed building;
 - a reduction in the number of and a minor change in the siting of bike stores/ stands on the site;
 - additional planting to the rear and side of the site;
 - increase in the height of the rear fence by 500mm;
 - removal of the site gate to the bakehouse; and
 - squaring off the bakehouse courtyard.
- 1.11 The application is supported by the following documents and reports;
- Design and Access Statement
 - Planning and Heritage Statement
 - Precedent Study
 - Structural Inspection Report

- Tree Survey, Arboricultural Impact Assessment and Method Statement
- Views from 66 High Street Bakehouse and estate proper
- Biodiversity Checklist
- Unilateral Undertaking

2. NATIONAL GUIDANCE

2.1 The National Planning Policy Framework (20 July 2021) (NPPF 2021) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development - see paragraph 8. Paragraph 9 explains that these objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF. It explains that they are not criteria against which every decision can or should be judged. Decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. Paragraph 10 of the NPPF states: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development'. That presumption in favour of sustainable development is contained in paragraph 11 of the NPPF. As was explained by the Court of Appeal in *Barwood Strategic Land LLP v East Staffordshire Borough Council and SSCLG* [2017] EWCA Civ 893 (when considering an earlier version of the NPPF), paragraph 14 (which has now been replaced by paragraph 11) sets out in clear and complete terms, the circumstances and way in which the presumption is intended to operate and that there is no other presumption in favour of sustainable development in the NPPF. As Lord Justice Lindblom explained at paragraph 35(3):

When the section 38(6) duty is lawfully performed, a development which does not earn the "presumption in favour of sustainable development" - and does not, therefore, have the benefit of the "tilted balance" in its favour - may still merit the grant of planning permission. On the other hand, a development which does have the benefit of the "tilted balance" may still be found unacceptable and planning permission for it refused [...]. This is the territory of planning judgment, where the court will not go except to apply the relevant principles of public law [...].

2.2 The NPPF 2021 sets out the Government's planning policies for (amongst other things):

- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- achieving well-designed, beautiful and safe places;
- conserving and enhancing the natural, built and historic environment

2.3 The National Design Guide 2021:

- C1 - Understand and relate well to the site, its local and wider context
- C2 - Value heritage, local history and culture
- I1 - Respond to existing local character and identity
- I2 - Well-designed, high quality and attractive
- I3 - Create character and identity
- B2 - Appropriate building types and forms
- M3 - Well-considered parking, servicing and utilities infrastructure for all users
- N3 - Support rich and varied biodiversity
- H1 - Healthy, comfortable and safe internal and external environment
- H2 - Well-related to external amenity and public spaces
- H3 - Attention to detail: storage, waste, servicing and utilities

2.4 The National Planning Practice Guidance and the Noise Policy Statement for England are also relevant and are material considerations

For full details visit the government website [National Guidance](#)

3. PLANNING POLICIES

3.1 Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)

- LP1: Amount of Development
- LP2: Strategy for Development
- LP3: Green Infrastructure
- LP5: Flood Risk
- LP6: Waste Water Management
- LP8: Key Service Centres
- LP9: Small Settlements
- LP11: Design Context
- LP12: Design Implementation
- LP13: Placemaking
- LP14: Amenity
- LP15: Surface Water
- LP16: Sustainable Travel
- LP17: Parking Provision and Vehicle Movement
- LP22: Local Services and Community Facilities
- LP30: Biodiversity and Geodiversity
- LP31: Trees, Woodland, Hedges and Hedgerows
- LP34: Heritage Assets and their Settings

3.2 Supplementary Planning Documents (SPD) and Guidance:

- Huntingdonshire Design Guide (2017) including the following chapters:

- 1.0 Introduction:
- 1.6 Design principles
- 2.1 Context and local distinctiveness
- 2.5 Landscape character areas
- 2.7 Architectural character
- 3.5 Parking/servicing
- 3.6 Landscape and Public Realm
- 3.7 Building Form
- 3.8 Building Detailing
- 4.1 Implementation
 - Developer Contributions SPD (2011)
 - Huntingdonshire Townscape and Landscape Assessment SPD (2007)
 - Cambridgeshire Flood and Water SPD 2017
 - Huntingdonshire Tree Guidance Note 3
 - Annual Monitoring Report - Part 1 (Housing) 2020/2021 (October 2021)
 - ECAP CCC Waste Management Design Guide (CCC SPD) 2012

Local For full details visit the government website [Local policies](#)

4. PLANNING HISTORY

- 4.1 22/00710/LBC Proposed conversion of existing building into five flats and one shop, renovation of former bakehouse/residential accommodation into one dwelling, erection of two dwellings and demolition of outbuildings. Concurrent application.
- 4.2 21/01410/FUL Proposed conversion of existing building into 5 flats, restoration and reinstatement of existing shop, renovation of former bakehouse/residential accommodation into one dwelling, erection of two dwellings and demolition of outbuildings. Refused January 2022 on the grounds that the development would fail to respect the setting of the listed buildings to the detriment of the character of the area and the public benefit does not outweigh the harm to the setting of the listed buildings.
- 4.3 21/01411/LBC - Same description as 21/01410/FUL. Not determined.
- 4.4 9500742FUL - Change of use to shop, flat and four bedsits. Approved September 1995.
- 4.5 9201387FUL - Change of use of shop and dwelling to shop and two flats. Alterations and extension. Approved March 1993.
- 4.6 9201386FUL - Change of use from shop and dwelling to flat, shop and bedsits. Alterations and extension. Refused September 1993.

5. CONSULTATIONS

- 5.1 Parish Council: (Received 17 May 2022) - The Parish Council recommends that the above applications be approved as it would bring the building back into use, it having stood empty and fenced off for over 25 years. It is an attraction for youngsters who have often broken in to indulge in drug and alcohol taking. We now have a new owner who is prepared to invest in the property and restore it after 25 years of neglect.

The Parish Council disagrees with the reason for refusal of the previous application - that it would harm the setting of the listed building. The listed building has been allowed to deteriorate while standing empty for more than 25 years which has been hugely detrimental to the character of the area. To the contrary, a sympathetic refurbishment of the site would be of benefit to the local community and would complement the refurbishment of the adjoining listed building at 64 High Street, the former Clifford's Garage.

The development now proposed will re-establish the frontage of the former Newman's Stores at No. 66 with its attractive façade. The rear of the property already has modern development on two sides which is not in keeping with the setting of the listed building.

It is inconsistent for the planning authority to grant permission for the listed building at 64 High Street to be converted into 6 flats with a car park at the rear and for the remainder of the site to be developed as a housing estate but to refuse permission for a smaller development at the rear of 66 High Street on the grounds that it would harm the setting of that listed building.

- 5.2 Cambridge County Council Highways (Received 31 May 2022) - Have the following comments;
- Access dimension minimum 5m wide for 10m from highway edge. This is acceptable for shared residential use;
 - No Gates, acceptable;
 - On- site parking and manoeuvring areas are indicated, I note the amount of parking associated with the site, I assume that the LPA are considering this level of parking in such a location as this?;
 - Pedestrian splays are shown and acceptable;
 - The vehicle-to-vehicle visibility splay is indicated at 2.4m x 43m however this appears to go over the boundary of 70 and 72. The splay in this direction should be redrawn indicating 2.4m x 43m without going over 3rd party land. Manual for Streets allows the splay to be taken 1m (maximum) from the road edge.

Given the above, there is no objection in principle, but an amended plan should be provided in regards of the vehicle to vehicle splay indicated above.

- 5.3 HDC Environmental Health (from the previous application) - No objections subject to a condition regarding a Construction Environmental Management Plan regarding mitigation measures for the control of pollution including noise, dust and lighting during the construction and demolition phases.
- 5.4 HDC Conservation Officer (Received 27 July 2022) – Objections to the application: The significance of this site lies in the combined architectural aesthetic artistic and historic interest of this site and the buildings contained within. The relationships between the structures and the way in which the building is experienced in its setting (both from the garden and from the public realm) helps us appreciate this group of structures and their significance.

The front half of the site is located within the Warboys conservation area, part of the rear garden lies outside but abuts the conservation area boundary.

The Planning history of the site is complex;

92/01386/FUL Change of use from shop and dwelling to 1 flat (basement and first) one shop and four bedsits (1st floor) alterations and extension

92/01387/FUL Change of use from shop and dwelling to flat, shop and two flats alterations and extension.

Both schemes proposed identical external appearance and ground floor basement usage. The difference between the applications was at first floor only one application sought to turn the first floor into a self- contained residence. The second application sought permission to use the first floor as a guest house accommodation ancillary to the ground floor residence.

92/0138/LBC Listed building consent for demolition of rear extension and outbuilding. Alterations and extension to dwelling and front wall.

95/00742/FUL Change of use to shop and flat and four bedsits. Works were undertaken to the building which substantially exceeded the scope of the permission/consent and resulted in the unauthorised removal of significant historic fabric, no conditions were discharged, with works to the shop fixtures being specifically excluded from the consents. Walls, Doors, staircases, Ceilings and fixtures including fireplaces were removed without consent as were the original shop fixtures. The works to the basement exceeded what was consented. Whilst fabric has been

removed the historic interest of the building as a purpose built Victorian shop with live in accommodation for the shopkeeper and his family, this is illustrated through the layout of the building. The site has now been purchased by a new owner who is seeking consent to split the principle building into 6 flats drwgs 732_06D and 732_07A.

The Planning (Listed Buildings and Conservation Areas) Act 1990 S66 and S72 requires that the determining authority shall have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area and special regard to the preservation of the special architectural and historic interest of a listed building.

A listed building enforcement notice could be served requiring the remediation of the unauthorised works to bring the building back to its state before the unauthorised works were undertaken. The NPPF advises that (p196) where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

The starting point for this development therefore is not the blank canvas that is currently presented but the building as it would have been if the unauthorised works had not been undertaken. In assessing the impact of these proposals therefore I am mindful of the original layout and fabric of the building and I consider the opportunity to reinstate fabric as a positive part of a balancing assessment.

The building has been unlawfully stripped of all fixtures, there are no floors, ceilings, plaster, walls or doors. This application does not state what works are to be undertaken to repair this building, there are no details on the proposed specification of works, therefore it is not possible to understand or assess the benefit/harm of the works to the overall historic significance of this building.

Building regulation approval will be required and this will impact on what works are needed, without details of these additional works being provided these cannot be considered at this stage and a separate consent may be required.

The Bakehouse

This structure meets the criteria for being protected as part of the listing of the main dwelling. The structure appears to have been a bakehouse or external kitchen and contains the remains of a large range, the structure is two storeys in height and is in a poor condition. The application seeks to convert this structure to form a single detached dwelling. It is fundamentally unclear if this structure is to be converted or knocked down and rebuilt.

There is a lack of information about the scope of the proposed works. The notes on the drawing include generic statements such as 'restore, brickwork, restore stairs/ internal features etc, but this does not define what works will be undertaken, The notes on the drawing are in direct contrast to the submitted engineers report.

The Heritage statement states 'In spite of the conclusions contained in the structural report, it is not intended at this stage to dismantle and re-build, but to carefully repair the structure in situ and renovate as necessary'. Whilst the intentions are noted, the professional advice of the engineer must be considered to be more realistic, until proven otherwise.

The structural engineers report dated Dec 2020 is a basic visual assessment, which is insufficient, it refers to the steel outbuildings and the bakehouse.

The report considers the bakehouse to be in parts structurally unstable and suggests the following works;

- Dismantle and rebuild roof and structure
- Take down and rebuild displaced sections of wall
- Tie in narrow cracks with helibars
- Grub out vegetation roots and repair/rebuild founds.

The report recommendation states that this will mean the taking down of the entire structure and its reconstruction – this therefore would constitute demolition, but the application does not state this. These works appear to be required in part because of the intention to convert the building to habitable use, if the building were to be repaired as a store then I question if this level of work would be needed.

The intention appears not to reconstruct the entire structure, the single storey lean to on the eastern side of the building will not be rebuilt, to facilitate traffic circulation to the rear plots. Reliance is placed on the 95 consent which was not implemented and has lapsed. The loss of this lean to is harmful.

There are no existing elevations of the bakehouse. The proposed elevations illustrate a building of poor quality and design, the openings are of a different size and the design and method of fenestration opening is unacceptable, the proposal is devoid of the character and detail currently illustrated by this structure. If this structure were to be rebuilt in this format, it would harm the setting of the listed building and would lose all of its historic character.

With the exception of a small courtyard space (delineated with a brick wall) and a green space forming the gardens to the new dwellings, the entire setting of the building will be given over to traffic circulation and bin storage.

A number of trees appear to be removed as part of the proposals, an arboricultural report has been supplied July 21. G1, G2, T2, T3, T4, T5 T6, T7, T8 trees to be removed but these are indicated as retained on the site plan (T6, T7, T8)

Development to the rear

The applicant proposes 2 x 3 bedroom semi- detached units to the rear of the site the associated small garden spaces are south facing and dominated by trees. Some of the site trees will be removed as part of this proposal and the remaining trees are unlikely to be sustainable. Trees make a positive contribution to the character of the conservation area, whilst these are outside the conservation area their canopy makes a contribution to longer views.

The design of the new dwellings within this context has little relevance to the supplied 'precedent study'. The building is a 1.5 storey structure which has no relevance to the character or design of the principle listed building. This development will harm the setting of the listed building and will not reflect the special architectural and historic interest of the conservation area which it sits adjacent.

Conclusion

The significance of this historic building and its setting has been given little respect, this appears to be an exercise in maximising the amount of accommodation that can be fitted onto the site rather than a proposal that pays special regard to the special interest of the building or its setting. No attempt has been made to restore the original character of the building, important spaces have been subdivided and the character of the shop is eroded. The demolition of the coach house needs to be fully justified, if demolition is permitted with the resultant loss of significance then there will be no obligation on the Council to accept the construction of a facsimile structure as it will contribute little to the history of the building/site. The site is to be laid out as a one way traffic circulation utilising the new 'bakehouse' as a central island in a sea of gravel and bins.

Even though this proposal will greatly harm the significance of the principle listed building, result in the loss of the bakehouse and substantially harm the setting of the listed building it will result in a high level of harm but that harm will be categorised as less than substantial under the terms of the NPPF as the exterior of the building will not be harmed.

There will therefore be a low level of harm to the character and appearance of the conservation area due to the destruction of

the bakehouse and the loss of the setting of the building including tree cover.

Discussion

66 High Street Warboys is a grade II listed building, of national importance and part of the history of Warboys.

The building has suffered from unauthorised works and has been vacant for a number of years.

Historic England have declined to delist this building at this time. The building whilst devoid of internal feature is in itself in reasonable structural condition (the applicant has not requested consent to undertake any work to the roof or structure of the building).

The Council is not seeking the full restoration of the building to its condition before the unauthorised works were undertaken, it recognises that historic fabric has been lost and it would be incorrect to insist on a full historically accurate restoration scheme, the applicant has been advised that there would be flexibility in specifications therefore the cost of refurbishment would be limited to those similar to a standard refurbishment.

The legal search of this property show that the applicant purchased the building in 2019. The cost of the building works has not been provided to support the applicant's assertion that the new build is justified. No supporting Enabling Development information has been supplied which would provide a viability argument for the dwellings.

The applicant states that 'Whilst the new build may be fundamental to the overall viability of the scheme, its inclusion is clearly not in conflict with planning policies set out in the Local Plan or the national policies of the Framework and so should not be subject to the level of scrutiny advised for schemes reliant on "enabling development" which would not otherwise be granted permission, because they are contrary to planning policy'.

The applicant is incorrect in his assertions as the proposed new units will be in conflict with Policy LP34 Heritage Assets and their Settings which states;

'Great weight and importance is given to the conservation of heritage assets (see 'Glossary') and their settings. The statutory presumption of the avoidance of harm can only be outweighed if there are public benefits that are powerful enough to do so'.

The NPPF 2021 and the planning balance.

The Planning (Listed Buildings and Conservation Areas) Act 1990 s66 and s72 requires that the determining authority shall have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area and

special regard to the preservation of the special architectural and historic interest of a listed building.

Considerable weight and importance should be given to the avoidance of harm to the conservation area and the significance of a listed building and its setting. The presumption against the avoidance of harm is a statutory one, it is not irrefutable but can only be outweighed only if there are material considerations that are powerful enough to do so.

Paragraph 202 of the NPPF 2021 applies; 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.

Fundamentally the development of this site will result in a private benefit to the developer, there will be some public benefit through bringing a listed building into use and the provision of two new residential units. These benefits are not considered to be sufficient to outweigh the overall harm that this proposal would generate.

This development does not represent optimum viable use which is described as the level of development necessary to secure the public benefit with the minimal level of harm.

No evidence has been provided by the developer that the new development is the minimum amount of development essential to secure the repair of the listed building.

Recommendation

The proposal will cause a high level of harm to the significance of 66 High street Warboys and the Warboys Conservation Area.

This level of harm is considered under the terminology of the NPPF to be less than substantial, there is a statutory duty on the decision maker to avoid harm to this asset. Great weight must be given by the decision maker to this level of harm in the determination of this application. The application should be refused as it is contrary to Policy LP34 of the Huntingdonshire Local Plan to 2036 and the NPPF2021.

6. REPRESENTATIONS

- 6.1 The application has been advertised by means of site and press notices, given the application would affect a listed building and the character and appearance of a Conservation Area. Neighbouring properties were also notified of the application by letter.
- 6.2 Comments have been received from six of the neighbouring and surrounding properties, three supporting the proposal and three objecting on the following grounds;

- While the principle of the development is acceptable, concern is raised about the size of the development and the infrastructure proposed;
- The level of parking is inadequate and will result in on-street parking;
- Cycling would not be used as a method transport for work by the future residents of the site;
- The scheme does not stack up for the residents of Warboys, but does for the developers;
- The proposal is overdevelopment of the site;
- The amendments to the previous scheme on the site would make very little difference to the degree of loss of privacy and overshadowing and the scheme is still below the required 21m distance;
- Visual intrusion; and
- The proposed new dwellings would harm the listed building and the Conservation Area.

7. ASSESSMENT

7.1 As set out within the Town and Country Planning Act 1990 (Section 70(2)) in dealing with planning applications the Local Planning Authority shall have regard to have provisions of the development plan, so far as material to the application, and to any other material considerations. The Planning and Compulsory Purchase Act 2004 (Section 38(6)) explains that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This is reiterated within paragraph 47 of the NPPF (2021). Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. The development plan is defined in Section 38(3)(b) of the 2004 Act as "the development plan documents (taken as a whole) that have been adopted or approved in that area".

7.2 In Huntingdonshire the Development Plan consists of:

- Huntingdonshire's Local Plan to 2036 (2019)
- Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)
- 21 Neighbourhood Plans

7.3 The statutory term 'material considerations' has been broadly construed to include any consideration relevant in the circumstances which bears on the use or development of the land: *Cala Homes (South) Ltd v Secretary of State for Communities and Local Government & Anor* [2011] EWHC 97

(Admin); [2011] 1 P. & C.R. 22, per Lindblom J. Whilst accepting that the NPPF does not change the statutory status of the Development Plan, paragraph 2 of the NPPF confirms that it is a material consideration and significant weight is given to the NPPF as a matter of planning judgment in determining applications.

- 7.4 The main issues to consider in assessing this application are whether there is any conflict with Development Plan policies and if there is any conflict, whether the application can be considered to be in accordance with the Development Plan when taken as a whole.
- 7.5 Where an application is not in accordance with the Development Plan, it must be considered whether there are any material considerations, including local and national guidance, that indicate that planning permission should be granted.
- 7.6 With this in mind, the report addresses the principal, important and controversial issues which are in this case:
- Principle of Development
 - Highway Safety, Access and Parking Provision
 - Design and Impact upon the Historic Environment – Character and Appearance of the Conservation Area and the setting of the listed building
 - Residential Amenity
 - Ecology, Biodiversity and Trees
 - Flooding and Drainage
 - Open Space
 - Housing Mix
 - Accessible and Adaptable Dwellings
 - Water Efficiency
 - Infrastructure Requirements and Planning Obligations
 - Other issues

Principle of Development

- 7.7 Paragraph 119 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 7.8 Paragraph 123 of the NPPF states that local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.
- 7.9 The Local Plan, at paragraph 4.84, defines the built-up area as being a distinct group of buildings that includes 30 or more homes. Clusters smaller than this are deemed to comprise isolated or sporadic development within the countryside. The site

is located within the centre of Warboys. The site therefore lies within the built-up area.

- 7.10 Policy LP8 of the Local Plan deals with Key Service Areas, of which Warboys is one, and states that a proposal for housing development will be supported where it is appropriately located within the built-up area of a Key Service Centre.
- 7.11 The proposed development therefore accords with the requirements of Policy LP8 in principle given that it is located within a built up area. Whether the site is appropriate for the development proposed is addressed in the following sections of the report.

Highway Safety, Access and Parking Provision

- 7.12 Paragraph 110 of the NPPF advises that in assessing applications for development, it should be ensured that 'appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location' and that 'safe and suitable access to the site can be achieved for all users', and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 7.13 Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.14 Policy LP16 of the Local Plan states that new development will be expected to contribute to an enhanced transport network that supports an increasing proportion of journeys being undertaken by sustainable travel modes. A proposal will therefore be supported where it is demonstrated that:
- * Opportunities are maximised for the use of sustainable travel modes;
 - * Its likely impacts have been assessed, and appropriate mitigation measures will be delivered;
 - * Safe physical access from the public highway can be achieved;
 - * Any potential impacts on the strategic road network have been addressed in line with Circular 2/2013 and advice from Highways England;
 - * There are no severe residual impacts.
- 7.15 Policy LP17 of the Local Plan states that a proposal will be supported where it incorporates appropriate space for vehicle movements, facilitates accessibility for service and emergency vehicles and incorporates adequate parking for vehicles and cycles. A clear justification for the space for vehicle movements

and level of vehicle and cycle parking proposed will need to be provided taking account of:

Highway safety and access to and from the site;

Service arrangements;

The accessibility of the development to a wide range of services and facilities by public transport, cycling and walking;

The needs of potential occupiers, users and visitors, now and in the future;

The amenity of existing and future occupiers and users of the development and nearby property; and

Opportunities for shared provision, where locations and patterns of use allow this.

- 7.16 In detail, access to the site is provided from High Street. Sufficient width at the point of access is provided and Cambridgeshire County Council as the Local Highway Authority has considered the application and is satisfied that the proposed development makes appropriate provision for highway safety and access, subject to the provision of suitable visibility splays at the entrance/ exit to the site that do not go over third-party land and has no objections on highway grounds to the proposed development. The site is in a sustainable location within walking distance of shops and services in Warboys with public transport opportunities to travel to both Huntingdon and Peterborough.
- 7.17 There are no maximum or minimum parking standards within the Local Plan. Each of the proposed new two bed houses would be provided with two parking spaces. Four further spaces would be provided for the accommodation in the converted buildings. Given that the site lies within the centre of the village and the application concerns the conversion of a derelict building, bringing it back into use, it is considered that an appropriate number of parking spaces are provided, given sustainability considerations and having regard to Policy LP17 of the Local Plan. Secure cycle storage is provided at a rate of one space per bedroom, in accordance with the Council's stated standards. Full details of cycle stores have not been provided but these may be secured by condition in the event that the application is found acceptable.
- 7.18 As set out above, Paragraph 111 of the NPPF 2021 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The County Highways Authority considers that there would be no such unacceptable or severe impacts subject to the provision of the required visibility splays. In light of this, it is considered that a recommendation of refusal on parking grounds could not be robustly or appropriately justified and the proposed

development would accord with the requirements of the NPPF 2021 and Policies LP16 and LP17 of the Local Plan.

Character and Appearance of the Conservation Area

- 7.19 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether or not to grant permission for development that affects a listed building or its setting, the authority shall have special regard to the desirability of preserving the building or its setting. Section 72 contains similar requirements with respect to Conservation Areas.
- 7.20 Paragraph 199 of the NPPF states 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'.
- 7.21 Paragraph 200 of the NPPF 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'. In this case, the proposal is considered to cause 'less than substantial harm' in NPPF terms but that does not mean that the harm is acceptable. Paragraph 201 of the NPPF requires the harm to 'be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use'.
- 7.22 Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments;
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- 7.23 The National Design Guide 2021 addresses the question of how we recognise well-designed places, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics. The Guide supports paragraph 130 of the NPPF that permission should be refused for development of poor design.
- 7.24 The Huntingdonshire Design Guide 2017 sets out design principles based on recognised best practice and explains key requirements that the Council will take into consideration when

assessing planning proposals. The Design Guide promotes locally distinctive design which respects and enhances the character of Huntingdonshire.

- 7.25 Paragraph 40 of the National Design Guide states that development should respond positively to the features of the site itself and the surrounding context, including layout, form and local character.
- 7.26 Policy LP11 of the Local Plan requires new development to respond positively to its context. Policy LP12 requires new development to contribute positively to the area's character and identity and to successfully integrate with adjoining buildings.
- 7.27 Policy LP34 of the Local Plan states that great weight and importance is given to the conservation of heritage assets and their settings. The statutory presumption of the avoidance of harm can only be outweighed if there are public benefits that are powerful enough to do so. The policy continues that where works are proposed to a heritage asset or within its setting, it must be demonstrated that the proposal, amongst other things:
- * Protects the significance of designated heritage assets and their settings by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, materials, siting, layout, mass, use and views both from and towards the asset.
 - * Does not harm or detract from the significance of the heritage asset, its setting and any special features that contribute to its special architectural or historic interest and the proposal conserves and enhances the special character and qualities.
- 7.28 The Warboys Conservation Area Character Statement was published in 2006. The Conservation Area covers development along the village's three main roads - High Street, Ramsey Road and Church Road. The Statement notes that development in the High Street is quite dense compared to the more loosely developed Church Road and Ramsey Road and the more spread-out weir area. It notes that buildings are quite regular and formal in style and that most stand close to the pavement with little or no front garden.
- 7.29 The site is currently fenced off and as the building has been allowed to deteriorate for many years and has been an eyesore in the centre of the Warboys Conservation Area, attracting many adverse comments from local residents about its appearance. The applicant bought the site from the previously owner in 2020.
- 7.30 Map 2 in the Conservation Area Character Statement confirms that the former bakehouse to the rear of 66 High Street is a 'visible outbuilding of particular merit'. The boundary to the Conservation Area runs to the rear of this outbuilding. The

Appraisal states that old outbuildings are an important feature of the village, hinting at the agricultural and industrial past and contrasting with the formal buildings that face onto the street and that they are visible through entrances and up the lanes that run between the long, narrow plots.

- 7.31 The concerns of the Council's Conservation Officer relate principally to the new properties built within the rear garden. The proposals would bring 66 High Street back into use and while, as the Conservation Officer points out, many internal changes have been made which have not benefited from Listed Building Consent, these have been made by a previous owner. The applicant has revised the application such that the shop is retained and reinstated and so the application is now clearly not an exercise in maximising the amount of development that can be accommodated on the site.
- 7.32 The applicant appropriately seeks to retain the bakehouse, but the building is obviously in a very poor state of repair and the applicant is advised by a structural survey of works that are necessary. The site has been derelict for many years, and it is considered that given that the bakehouse is specifically referred to in the Warboys Conservation Area Character Statement as a visible outbuilding of particular merit, there does appear to be justification for the works that the applicant seeks to undertake.
- 7.33 The applicant has set out that the costs of the work to bring the long derelict buildings back into use cannot be undertaken without the additional income that would be generated by the construction of the two new dwellings within the rear garden. These two dwellings have not been formally submitted as enabling development and the case that the applicant makes has not been made with supporting viability information.
- 7.34 While the former bakehouse would screen the new buildings from public view from the highway, they would be nevertheless be visible and the former bakehouse would be seen in a far different setting than its current one within a rear garden.
- 7.35 Despite the new dwellings lying outside the Conservation Area, the proposal taken as a whole would harm the significance of the principal listed building, resulting in the loss of the original bakehouse and substantially harming the setting of the listed building. The harm caused is categorised as less than substantial under the terms of the NPPF as the exterior of the building will not be harmed.
- 7.36 There will therefore be harm to the character and appearance of the Conservation Area due to the loss of the original bakehouse and the loss of the setting of the building including some tree cover.

- 7.37 The Planning (Listed Buildings and Conservation Areas) Act 1990 sections 66 and 72 require that the determining authority shall have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area and special regard to the preservation of the special architectural and historic interest of a listed building.
- 7.38 Considerable weight and importance should be given to the avoidance of harm to the conservation area and the significance of a listed building and its setting. The presumption against the avoidance of harm is a statutory one, it is not irrefutable but can only be outweighed if there are material considerations that are powerful enough to do so.
- 7.39 Paragraph 202 of the NPPF states 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.
- 7.40 The development of this site will result in a private benefit to the developer, although there will be a public benefit through bringing a listed building into use, the reinstatement of the shop and the provision of the residential units. No formal evidence has been provided to justify that this level of development is required or that the scheme does not represent optimum viable use, which is the level of development necessary to secure the public benefit with the minimal level of harm. As such, and on balance, it is not considered possible to recommend approval of the scheme.

Residential Amenity

- 7.41 Policy LP14 of the Local Plan states that a proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of the neighbouring land and buildings.
- 7.42 The proposed new dwellings would be sited 14.5m from the rear elevation of the bungalows to the east on Forge Way. The proposed dwellings would have no windows on the side elevations other than obscure glazed windows to an en-suite bathroom. The proposed dwellings would be sited 7.5m from the shared boundary with the two storey dwellings to the rear of the site. These existing dwellings have comparatively short gardens, the shortest being just 5.5 metres deep. However, the proposed dwellings are designed with the upper floor within the roof space such that the eaves would be 3.9 metres above ground level and the bedrooms at the rear of the proposed dwellings would be served by skylights rather than windows that directly face neighbouring dwellings. In addition, the tall hedge along this rear boundary would be retained and supplemented. The plans note

that the title deeds would have a covenant requiring the retention of the planting in perpetuity.

- 7.43 With regard to the distances between habitable room windows, there would be no rear windows other than a skylight in the former bakehouse. This one-bedroom dwelling would have windows facing the street to its two habitable rooms.
- 7.44 With regard to the proposed bedrooms in the basement of the listed building, each would benefit from natural light from existing lightwells to the front and side of the building. The proposed living room would benefit from light from an existing lightwell and from light from the existing stairwell that accesses the basement. This basement flat is the largest of the five that are proposed at 68 square metres.
- 7.45 The conversion of basements to living accommodation is considered acceptable in certain circumstances. Those circumstances include where the building is listed and where each room benefits from some natural light and where the living accommodation is not cramped or restricted. As such, the provision of basement living accommodation is considered to be acceptable in this instance.
- 7.46 The lack of private amenity space for the five flats in the listed building is a common feature with the conversion of such buildings within town and village centres. It is noted though that there is a sports ground and a play area within 150 metres of the site. This is considered acceptable as an alternative to garden space for each of the flats.
- 7.47 The redevelopment of the site for residential purposes is considered acceptable in terms of impact upon the neighbouring occupiers. It is therefore considered that the proposed development complies with the requirements of Policy LP14 of the Local Plan and the requirements of the NPPF.

Ecology, Biodiversity and Trees

- 7.48 Policy LP30 of the Local Plan sets out to conserve and enhance biodiversity and advises that opportunities should be taken to achieve beneficial measures within the design and layout of development and that existing features of biodiversity value should be maintained and enhanced. As a minimum, it requires that a proposal will ensure no net loss in biodiversity and achieve a gain where possible.
- 7.49 Policy LP31 of the Local Plan requires proposals to demonstrate that the potential for adverse impacts on trees, woodland, hedges and hedgerows has been investigated and that a proposal will only be supported where it seeks to conserve and enhance any such feature of value that would be affected by the proposed development.

- 7.50 Paragraph 174 of the NPPF states planning policies and decisions should contribute to and enhance the natural and local environment including by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 7.51 Though the planning application was submitted with a Biodiversity Checklist (which indicated that to the best of the applicant's knowledge, there are no protected species on the site), a Preliminary Ecological Appraisal was not submitted with the application. However, the appearance of the bakehouse building in the middle of the site in such that it is considered it may contain bats or other protected species. With regards to bats, it is considered that at the very least, a Presence or Absence Survey should be undertaken in order to ascertain whether the site is home for, or has been a roost for, bats. As a protected species, bats and their habitats are protected under national and international law. It is illegal to wilfully damage or destroy sites which may contain bats. Accordingly, surveys to establish the presence of such species is necessary. In the absence of such a survey, it is not known whether such species or their habitats would be harmed by the development.
- 7.52 The Arboricultural Implications Assessment and Method Statement states that none of the trees on the site are large or within the two highest categories, A and B, where it would be desirable to retain the trees. All trees that are to be removed are category C trees to the rear of the site. The tree closest to High Street would be retained. The site is overgrown: a reasonable clearing of the site would result in a small loss of biodiversity on the site. Of the eight trees on the site the proposed site plan indicates that five would be retained and eight new trees planted. While no formal biodiversity or ecology assessment has been submitted, it is considered that any small loss in biodiversity is acceptable when measured against the wider benefits of the proposal that include the bringing back into viable use the listed building and the provision of parking spaces.

Flooding and Drainage

- 7.53 Policy LP5 of the Local Plan states that a proposal will only be supported where all forms of flood risk, including breaches of flood defences or other defence failures, have been addressed. The overall approach to flooding is given in paragraphs 159-169 of the NPPF and these paragraphs set out a sequential, risk-based approach to the location of development. This approach is intended to ensure that areas at little or no risk of flooding are developed in preference to areas at higher risk. It involves applying a sequential test to steer development away from medium and high flood risk areas (flood zones 2 and 3), to land with a low probability of flooding (flood zone 1).

- 7.54 The site is identified as lying entirely within Flood Zone 1, land that is at least risk of flooding. In addition, the site is not shown to be at risk of surface water flooding. It is therefore considered that subject to conditions regarding foul and surface water drainage as well as flood mitigation measures, the development can be made acceptable in flood risk terms in accordance with the requirements of Policies LP5, LP6 and LP15 of the Local Plan and the NPPF (2021).

Accessible and Adaptable Homes

- 7.54 The requirements of Policy LP25 of the Local Plan relating to accessible and adaptable homes are applicable to all new dwellings. It states that all dwellings should meet Building Regulations requirement M4(2) 'accessible and adaptable dwellings'. These include design features that enable mainstream housing to be flexible enough to meet the current and future needs of most households, including in particular older people and those with some disabilities, and also families with young children.
- 7.55 A condition could be attached to any approval securing compliance with Policy LP25 and M4(2) standards.
- 7.56 The proposal is therefore considered to be in accordance with Policy LP25 of the Local Plan.

Water Efficiency

- 7.57 Policy LP12 of the Local Plan states that new dwellings must comply with the optional Building Regulation standard for water efficiency set out in Approved Document G of the Building Regulations. A condition could be attached to any consent to ensure compliance with the above standards, in accordance with Policy LP12 of the Local Plan.

Infrastructure Requirements and Planning Obligations

- 7.58 The Infrastructure Business Plan 2013/2014 was developed by the Growth and Infrastructure Group of the Huntingdonshire Local Strategic Partnership. It helps to identify the infrastructure needs arising from the development proposed to 2036 through the Core Strategy.
- 7.59 Statutory tests set out in the Community Infrastructure Regulations 2010 (Regulation 122) require that S106 planning obligations must be:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.

Community Infrastructure Levy (CIL)

- 7.60 The development will be CIL liable in accordance with the Council's adopted charging schedule; CIL payments will cover infrastructure relating to footpaths and access, health, community facilities, libraries and lifelong learning and education.
- 7.61 Section 106 obligations are intended to make development acceptable which would otherwise be unacceptable in planning terms.
- 7.62 A contribution towards the provision of wheeled bins is also required for the two new dwellings proposed. This may be agreed with the applicant in the event of the application being found acceptable.

PLANNING BALANCE AND CONCLUSIONS

- 7.63 This proposal seeks permission for the conversion of the existing listed building at 66 High Street into five flats with the renovation and reinstatement of the former shop, which is a key feature of the listing. The proposal also includes the renovation and rebuilding where necessary of the curtilage listed former bakehouse, an outbuilding noted within the Warboys Conservation Area Character Statement as a visible outbuilding of particular merit, and the provision of two new dwellings towards the rear of the site that the Applicant states are necessary in order to fund the works to these two listed buildings.
- 7.64 The application must be determined in accordance with the statutory tests in section 38(6) of the Planning and Compulsory Purchase Act 2004, namely, in accordance with the Development Plan unless material considerations indicate otherwise. Policies set out above that are the most important for determining the application are considered to be up-to-date and are afforded full weight.
- 7.65 In this instance, the development lies within the built-up area of Warboys and is supported in principle subject to compliance with other policies of the Development Plan.
- 7.66 In terms of the economic dimension of sustainable development, the proposal would contribute towards economic growth, by job creation - during the construction phase and in the longer term through the additional population assisting the local economy through spending on local services/facilities. There will also be Council Tax receipts arising from the development.
- 7.68 In terms of the environmental dimension of sustainable development, the proposal offers the opportunity to return to use a vacant building within the Warboys Conservation Area that currently detracts from the character and appearance of the

Conservation Area. The application site constitutes a sustainable location in respect of access to local services and facilities within Warboys, with public transport opportunities to travel to both Huntingdon and Peterborough. However, the proposed two new dwellings in the scheme would have an adverse impact upon the setting of the Grade II listed building at 6 High Street and the curtilage listed former bakehouse on the site. Moreover, the proposal would fail to preserve or enhance the character and appearance of the Warboys Conservation Area.

7.69 The development of this site would result in a private benefit to the developer, although there will be a public benefit through bringing a listed building into use, the reinstatement of the shop and the provision of residential units. No formal evidence has been provided to justify that this level of development is required or that the scheme does not represent optimum viable use, which is the level of development necessary to secure the public benefit with the minimal level of harm.

7.70 As such, and on balance, it is not considered possible to recommend approval of the scheme.

8. RECOMMENDATION- REFUSAL for the following reasons:-

REASON 1. By virtue of its size, scale, bulk and massing, the proposed new building housing the pair of semi-detached dwellings would, as a result of its proximity to the listed property at 66 High Street and the curtilage listed former bakehouse on the site, have an adverse impact upon the setting of these listed buildings. The proposed development is therefore contrary to Policy LB34 of the Huntingdonshire Local Plan to 2036, paragraphs 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the National Planning Policy Framework (2021).

REASON 2. By virtue of the absence of a Preliminary Ecological Appraisal in the application, it has not been possible to assess whether the site contains or is home to any protected species and in particular, bats. In the absence of such a survey, it is not known whether such species or their habitats would be harmed by the development. The proposal is therefore contrary to Policy LP30 of the Huntingdonshire Local Plan to 2036, the Wildlife and Countryside Act (1981), the Conservation of Habitats and Species Regulations (2017) and the National Planning Policy Framework (2021).

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 **Carry Murphy Development
Management South Team Leader –**
carry.murphy@huntingdonshire.gov.uk

Pathfinder House, St Mary's Street
Huntingdon. PE29 3TN
Developmentcontrol@huntingdonshire.gov.uk

01480 388424
www.huntingdonshire.gov.uk

Head of Planning Services
Pathfinder House
St. Mary's Street
Huntingdon
Cambridgeshire PE 29 3TN

Application Number: 22/01020/HHFUL Case Officer Marie Roseman
Proposal: Loft conversion with hipped dormers on the front and rear elevations
Location: Roundhouse Farm Bungalow Puddock Road Warboys
Observations of Warboys Town/Parish Council.

Please ✓ box as appropriate

Recommend **approval** because (please give relevant planning reasons in space below)

The application does not conflict with the policies contained in the Development Plan.

Recommend **refusal** because... (please give relevant planning reasons in space below)

No observations either in favour or against the proposal

Mr R Reeves Clerk to Warboys Town/Parish Council. (For GDPR purposes please do not sign)

Date: 17/5/22

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.

Please send response to email address below:-

Development.control@huntingdonshire.gov.uk

(Development Management)

Application Nos. 22/00811/FUL and 22/00710/LBC

66 High Street, Warboys – Proposed conversion of existing building into 5 flats and 1 shop, renovation of former bakehouse/residential accommodation into 1 dwelling, erection of 2 dwellings and demolition of outbuildings.

The Parish Council recommends that the above applications be approved for the following reasons.

66 High Street in Warboys has stood empty in the centre of the village and heart of the Warboys Conservation Area for over a quarter of a century since it ceased being used as a retail shop. During that time, it has stood behind heras fencing and steadily deteriorated in condition, the house and shop have been gutted internally by the previous owner, the bakehouse has been completely hidden by vegetation and the whole site has become overgrown.

Not only has this become an eyesore, it has proved an attraction for youngsters who have often broken in to indulge in drug and alcohol taking. The Police have been called on many occasions by local residents when such incidents have occurred.

Throughout that time, the Parish Council has urged the District Council to take action to protect the listed building but have repeatedly been told that there was nothing that could be done to require the previous owner to refurbish the building and improve the site. The Parish Council has also been told that the shop fittings which formed part of the listing and which had been removed from site were in safe storage at a location in St Ives.

We now have a new owner who is prepared to invest in the property and restore it after 25 years of neglect.

The Parish Council is aware that the District Council refused planning application 21/01410/FUL to develop the site as ‘the proposal would fail to respect the setting of the Listed Buildings to the detriment of the character of the area’ and that ‘the public benefit identified is not considered to outweigh this harm to the setting of the Listed Buildings at 66 High Street’.

The Parish Council fundamentally disagrees with this assessment. The listed building has been allowed to deteriorate while standing empty **for more than 25 years** which has been hugely detrimental to the character of the area. To the contrary, a sympathetic refurbishment of the site would be of benefit to the local community and would complement the refurbishment of the adjoining listed building at 64 High Street, the former Clifford’s Garage, which was approved previously by the District Council.

The development now proposed will re-establish the frontage of the former Newmans Stores at No. 66 with its attractive façade. The rear of the property already has modern development on two sides which is not in keeping with the setting of the listed building. This includes an imposing gable wall of a dwelling in Croftholme Close, a small estate that was developed on the site of the adjoining listed building at 64 High Street.

It is inconsistent for the planning authority to grant permission for the listed building at 64 High Street to be converted into 6 flats with a car park at the rear and for the remainder of the site to be developed as a housing estate but to refuse permission for a smaller development at the rear of 66 High Street on the grounds that it would harm the setting of that listed building.

There is a further inconsistency in the District Council's approach. The Council propose to dispose of land in their ownership on the outskirts of Warboys for affordable housing on the grounds that there is a pressing need for such accommodation, notwithstanding the fact that the land is not allocated for development in the Local Plan and there is strong local opposition to the proposal. The scheme for 66 High Street presents an opportunity to create 7 homes in the centre of the village in a far more sustainable location than the land which the District Council wish to develop against the wishes of local people.

The Parish Council understands that the Conservation Team wish the original fittings to be restored to the shop. Members of the Parish Council have visited the site and observed the condition of the fittings. Despite the consistently given assurance that they have been in secure storage since their removal from site, this does not appear to have been the case and they are now in an extremely poor condition through no apparent fault on the part of the current owner. Little appears salvageable and capable of being refitted without extensive and costly repair. Such repairs would result in a replica of the original fittings which would have lost their historical uniqueness.

Moreover, the end result would be a replica shop of little or no value to the community. One of the few remaining shops in the High Street closed in 2020 and a planning application is being considered to convert another shop into part of a family home. Yet another shop is vacant and has been on the market for sale since before lockdown. Smaller shops struggle to survive economically in the present day and there is virtually no possibility of anyone being interested in re-opening the shop at 66 High Street with its refitted units. The conversion of the remainder of the building into residential flats would mean that the shop unit itself would comprise a single room with no other storage. As such it would not be a viable proposition and the likelihood is that it would simply stand empty in future years.

For the reasons given, the Parish Council considers that the District Council's approach to the refurbishment of 66 High Street is wholly inconsistent. The scheme offers the best opportunity in over 25 years for the property to be restored and for an eyesore in the centre of the village to be removed. The Parish Council therefore urges the planning authority to approve these applications.

R. Reeves.
Clerk to Warboys Parish Council
17th May 2022

Development Management Committee



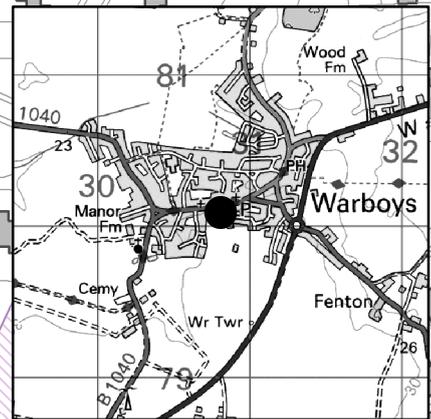
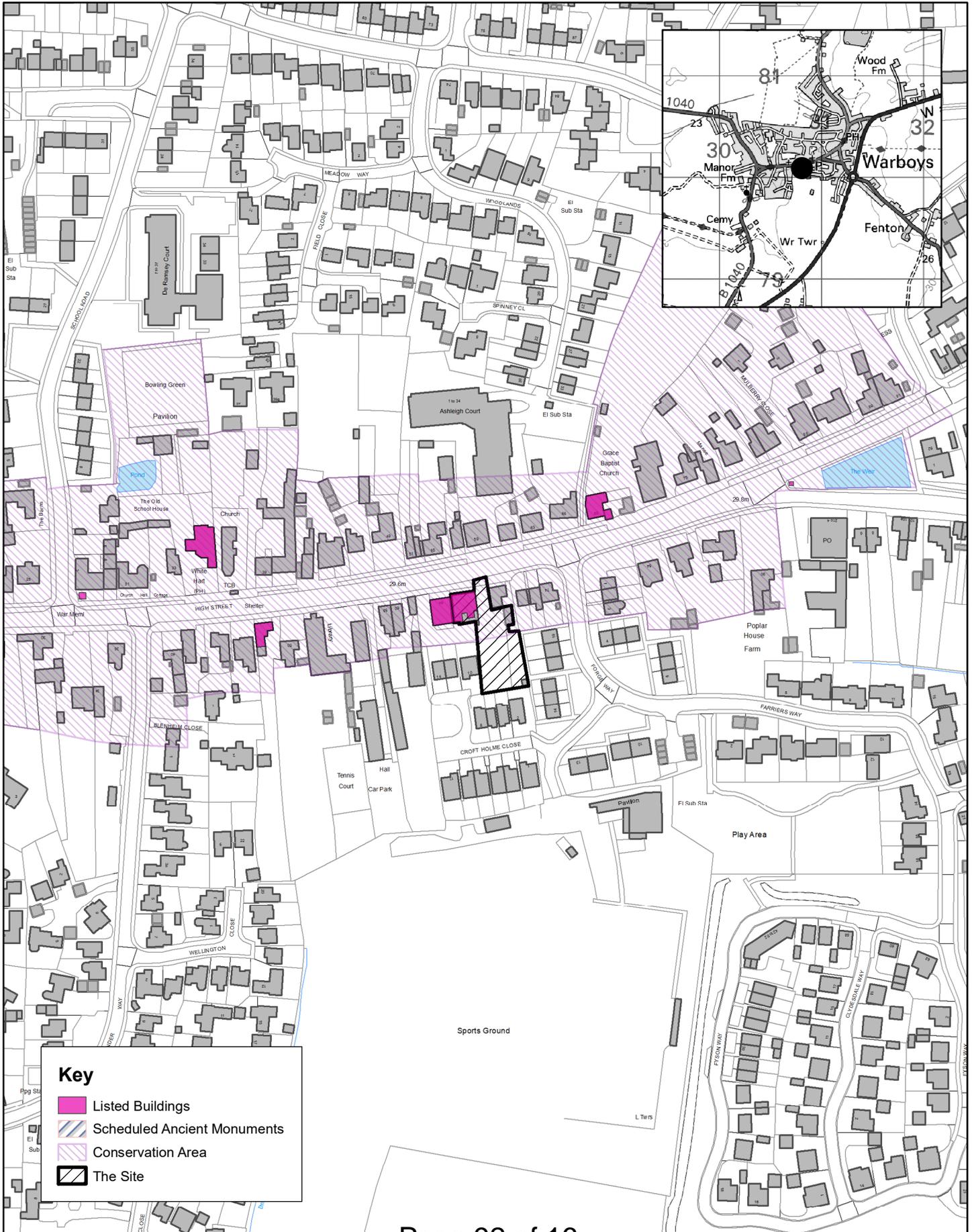
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Application Ref:22/00811/FUL

Date Created: 04/10/2022

Location: Warboys

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Ordnance Survey HDC 100022322



Key

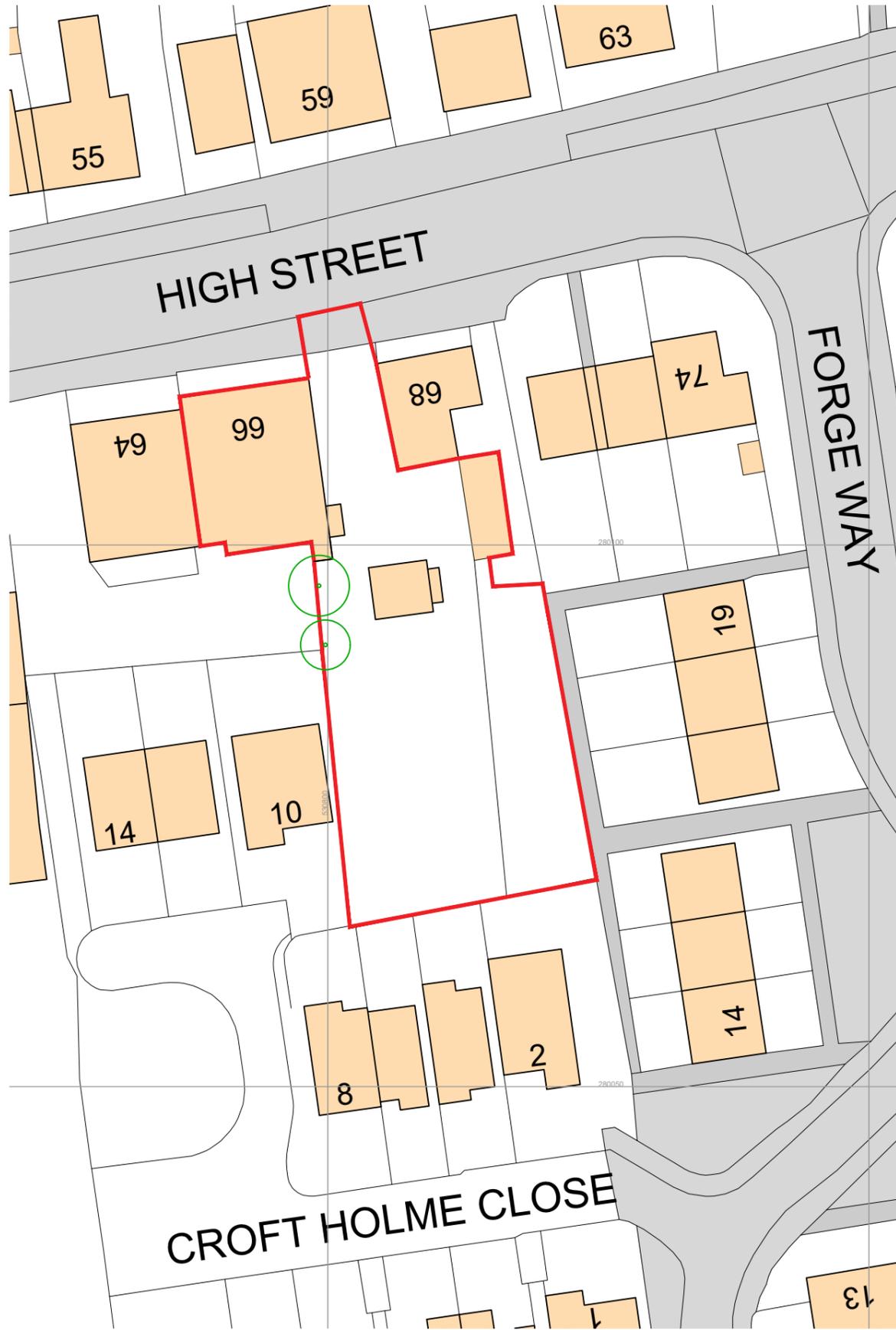
- Listed Buildings
- Scheduled Ancient Monuments
- Conservation Area
- The Site



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LOCATION PLAN
SCALE 1:1250



EXISTING BLOCK PLAN
SCALE 1:500

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23.10.20 FIRST ISSUE TG MDV

Rev Date Details Drawn Checked
Issued for:

PLANNING

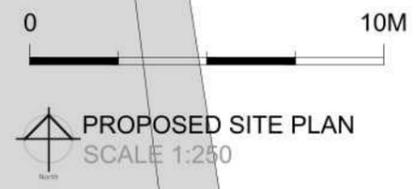
Project Name: 66 HIGH STREET, WARBOYS, PE28 2TA	Project No: 732 Dwg No: 01 Rev:
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Drawing Name: EXISTING SITE LOCATION AND BLOCK PLAN	Scale: Varies @A3 Drawn By: Date: TJM 23.10.2020 Checked By: Date: MDV 23.10.2020
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The Repeater Station, London Road,
Norman Cross, Peterborough, PE7 3TB

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I	06.06.22	VISION SPLAY UPDATED	TJM
H	01.02.22	UPDATED TO CLIENTS COMMENTS	TJM
G	17.11.21	UPDATED TO CLIENTS COMMENTS	TJM
F	15.11.21	UPDATED TO CLIENTS COMMENTS	TJM
E	05.10.21	UPDATED TO CLIENTS COMMENTS	TJM
D	27.08.21	UPDATED WITH HIGHWAY COMMENTS	TJM
C	29.04.21	UPDATED TO CLIENT COMMENT	TJM
B	01.04.21	UPDATED TO PLANNERS EMAIL	TJM
A	23.03.21	ADDITIONAL TREES ADDED	TJM MDV
-	05.03.21	FIRST ISSUE	TJM MDV

Rev	Date	Details	Drawn	Checked
PLANNING				
Project Name:		Project No:		
66 HIGH STREET, WARBOYS, PE28 2TA		732		
Drawing Name:		Dwg No:		
PROPOSED SITE PLAN		03		
Scale:		Rev:		
1:250 @A3		I		
Drawn By:		Date:		
TJM		03.02.2021		
Checked By:		Date:		
MDV		03.02.2021		

TMV ARCHITECTS

The Repeater Station, London Road,
Norman Cross, Peterborough, PE7 3TB

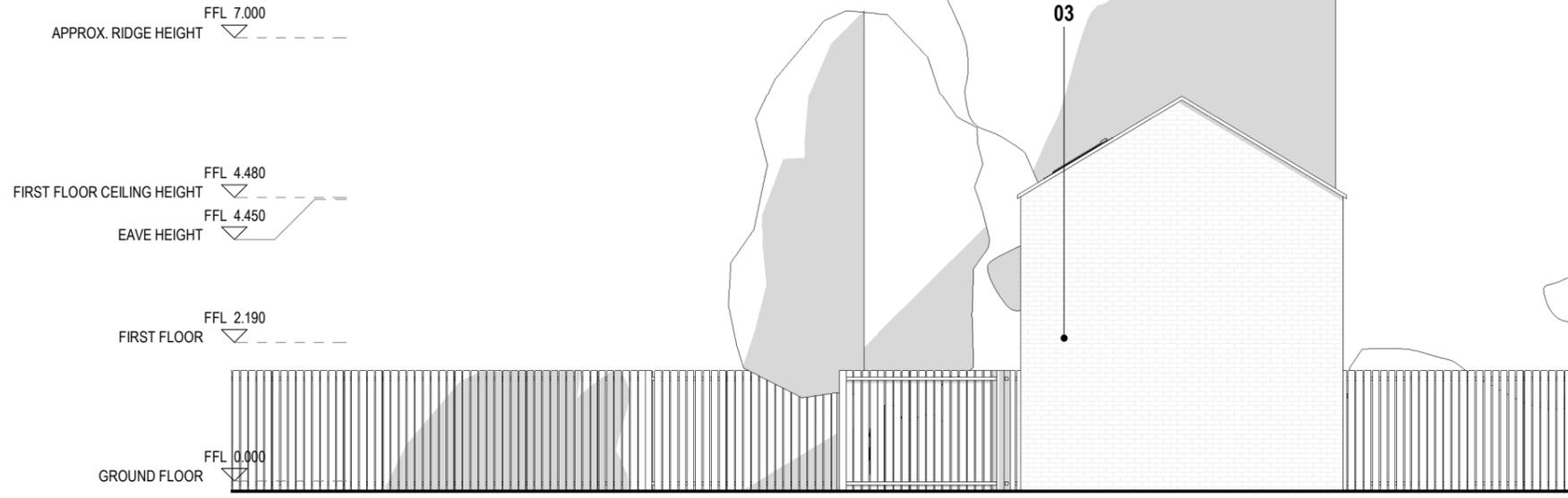
EXTENSION AREA SCHEDULE

FLOOR LEVEL	AREA (m2)	AREA (sq ft)
FIRST FLOOR	24.3 m ²	261.16 ft ²
GROUND FLOOR	24.3 m ²	261.16 ft ²
	48.5 m ²	522.33 ft ²

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-  Existing Walls
-  Proposed Walls
-  Demolished Elements
-  Principal Entrance

- MATERIALS**
- 01 Existing pantiles to be repaired
 - 02 Timber Windows
 - 03 Existing brickwork to be repaired and repointed
 - 04 Timber Doors



Elevation 1
1 : 100



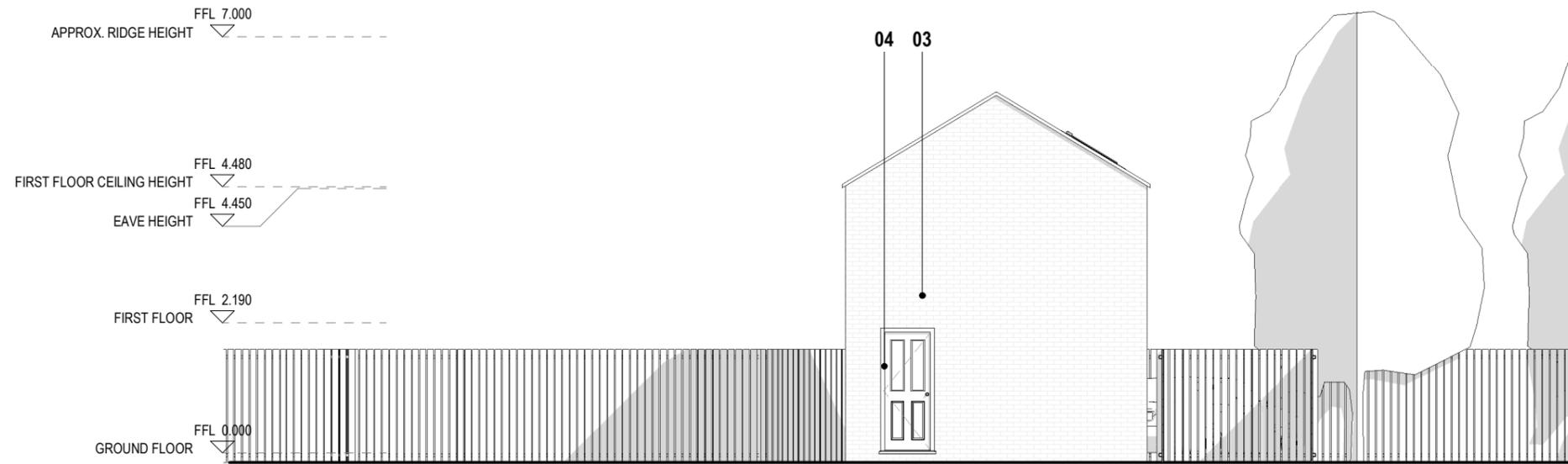
Elevation 2
1 : 100



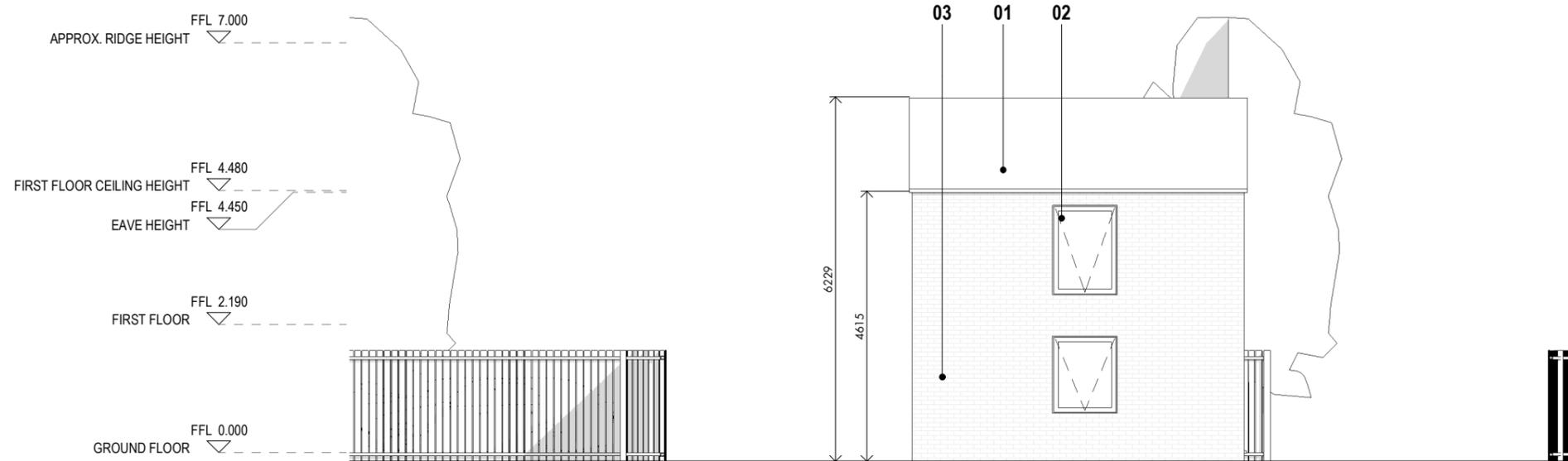
01.04.21	CONTEXT ADDED TO ELEVATIONS	TJM	EBS
09.03.21	DOOR ADDED TO GARDEN	TJM	EBS
04.03.21	FIRST ISSUE	TJM	EBS
Rev	Date	Drawn	Checked

PLANNING

Project Name:	Project No:
HIGH STREET, WARBOYS- THE OLD BAKERY	732
Dwg No:	Rev:
021	
Drawing Name:	Scale:
PROPOSED ELEVATIONS- SHEET 1	1 : 100 @A3
Drawn By:	Date:
EBS	04.03.21
Checked By:	Date:
TJM	04.03.21



Elevation 3
1 : 100



Elevation 4
1 : 100

01.04.21	CONTEXT ADDED TO ELEVATIONS	TJM	EBS
09.03.21	DOOR ADDED TO GARDEN	TJM	EBS
04.03.21	FIRST ISSUE	TJM	EBS
Rev	Date	Drawn	Checked

PLANNING

Project Name:	Project No:
HIGH STREET, WARBOYS- THE OLD BAKERY	732
Dwg No:	Rev:
022	

Drawing Name:	Scale:
PROPOSED ELEVATIONS- SHEET 2	1 : 100 @A3
Drawn By:	Date:
Author	04.03.21
Checked By:	Date:
Checker	04/01/21

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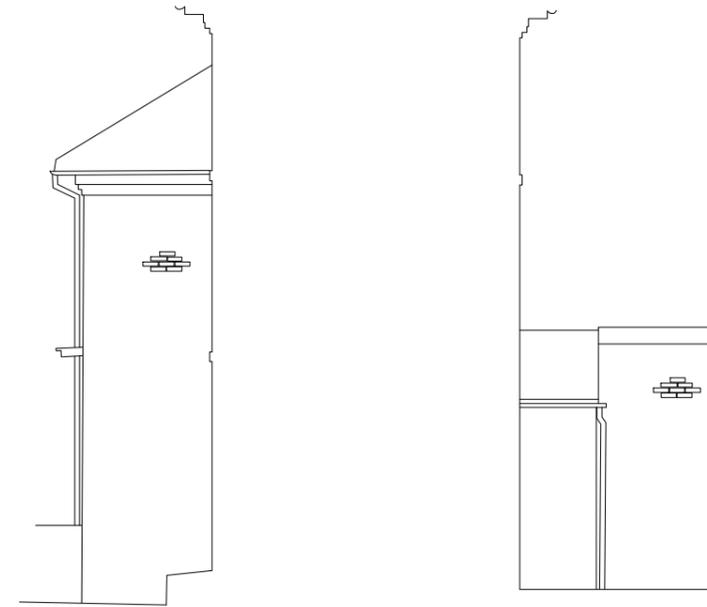
LEVEL DATUM 28.5m(AOD)

PROPOSED FRONT ELEVATION A-A
SCALE 1 : 50 @ A3



1ST FLOOR LEVEL 33.27

GD FLOOR LEVEL 30.19



LEVEL DATUM 28.5m(AOD)

PROPOSED SIDE ELEVATION D-D
SCALE 1 : 50 @ A3



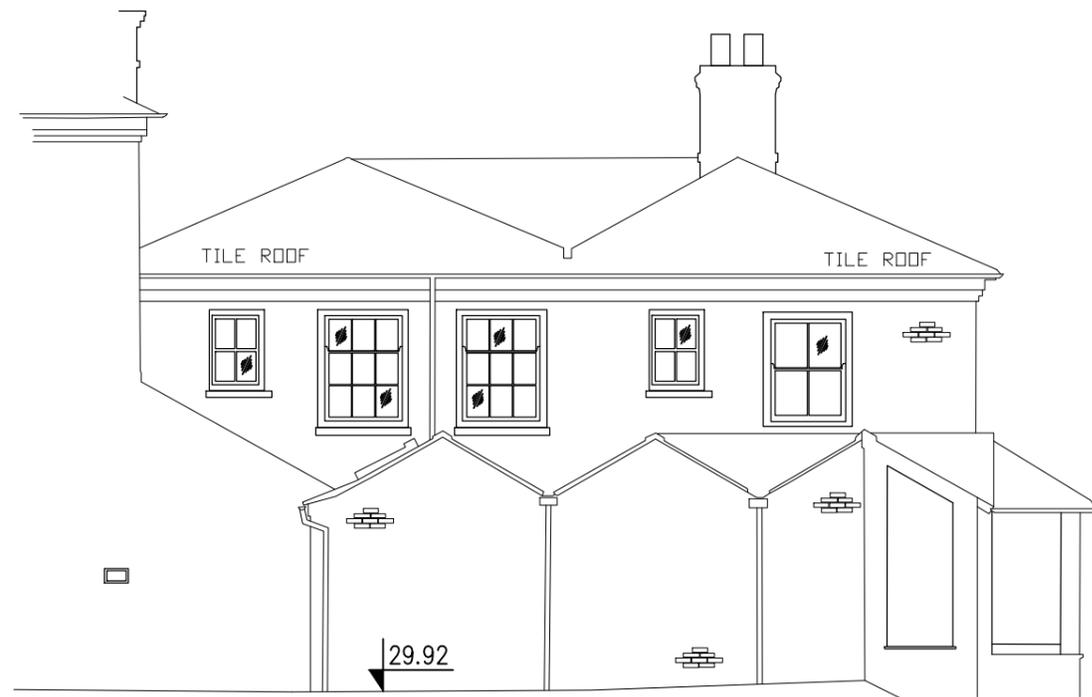
CELLAR LEVEL 27.87

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LEVEL DATUM 28.5m(AOD)

PROPOSED SIDE ELEVATION B-B
SCALE 1 : 50 @ A3



LEVEL DATUM 28.5m(AOD)

PROPOSED REAR ELEVATION C-C
SCALE 1 : 50 @ A3



Rev	Date	Details	Drawn	Checked
B	06.04.21	Updated to planners comments	TJM	MDV
A	23.03.21	Updated to clients comments	TJM	MDV
-	16.03.21	First Issue	TJM	MDV

Issued for:

PLANNING

Project Name:	Project No:
66 HIGH STREET, WARBOYS, PE28 2TA	732
Dwg No:	09
Rev:	B
Drawing Name:	Scale:
PROPOSED ELEVATIONS	1:100@A3
Drawn By:	Date:
TJM	11.03.21
Checked By:	Date:
MDV	11.03.21

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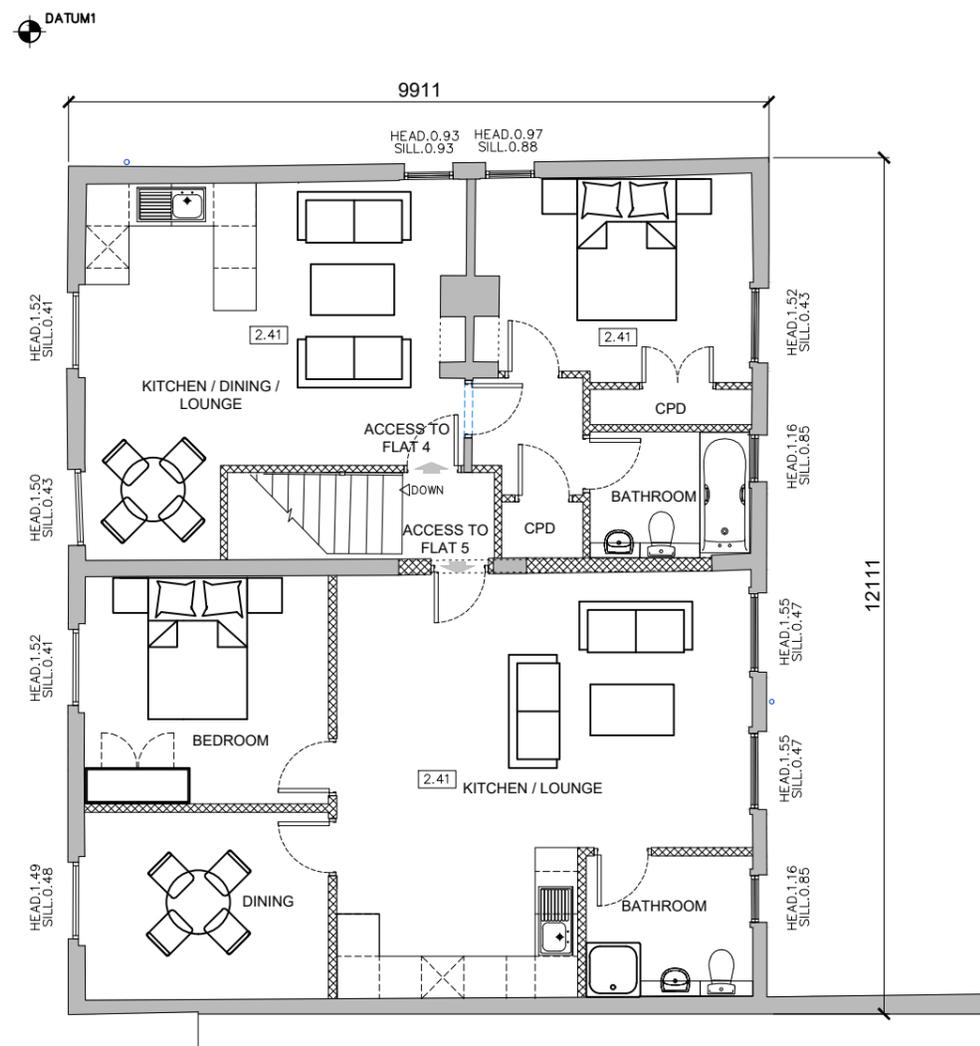
KEY

-  = EXISTING WALL
-  = NEW WALL
-  = DEMOLISHED
NEW MODERN BREEZE BLOCK
CONSTRUCTED WALLS.

AREAS:

5 No. FLATS
BASED ON GIA

- Flat 1 - 68m² / 731sqft - 2 Bed
- Flat 2 - 60m² / 645sqft - 1 Bed
- Shop - 52m² / 559sqft
- Flat 3 - 49m² / 527sqft - 1 Bed
- Flat 4 - 44m² / 473sqft - 1 Bed
- Flat 5 - 56m² / 602sqft - 1 Bed



PROPOSED FIRST FLOOR PLAN
SCALE 1 : 50 @ A3



Rev	Date	Details	Drawn	Checked
A	23.03.21	Updated to clients comments	TJM	MDV
-	23.10.20	First Issue	TJM	MDV

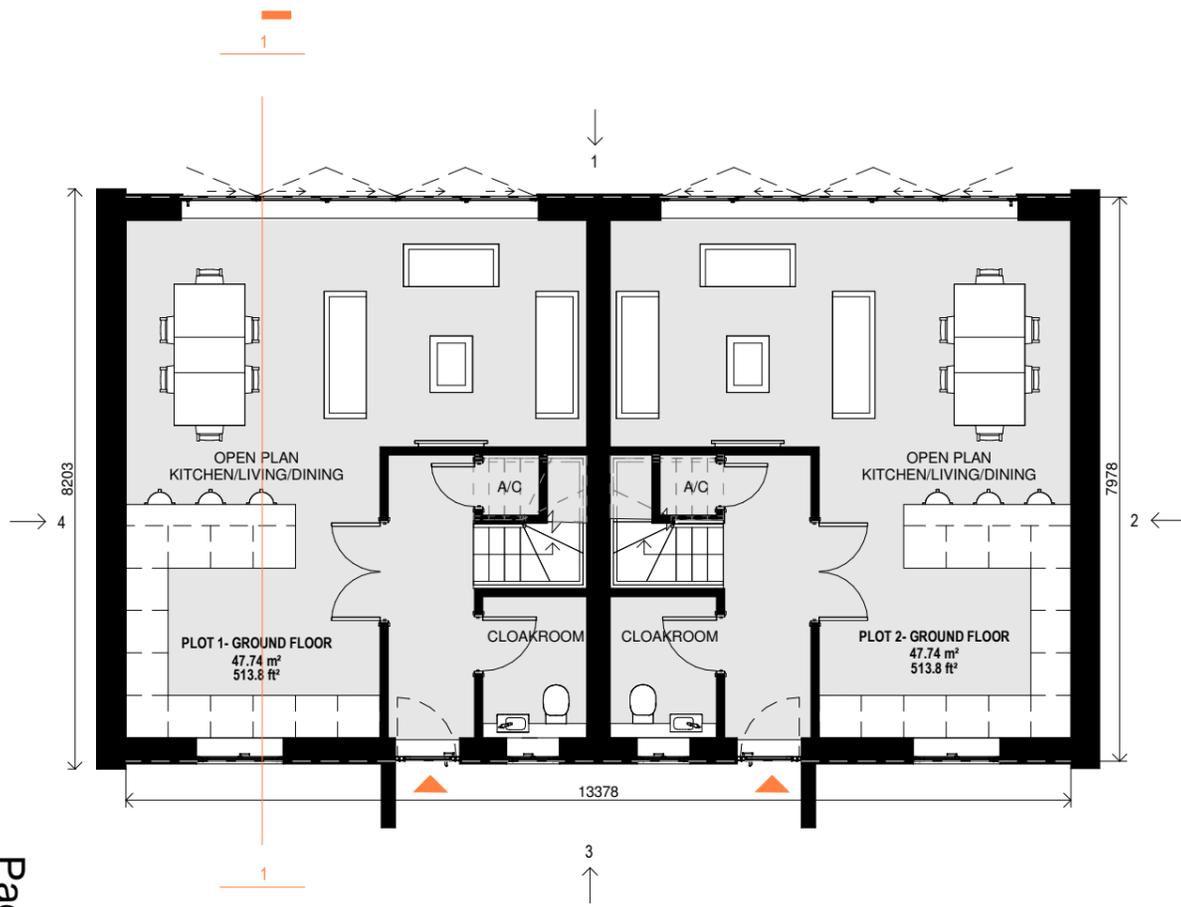
Rev	Date	Details	Drawn	Checked
Issued for:				

PLANNING

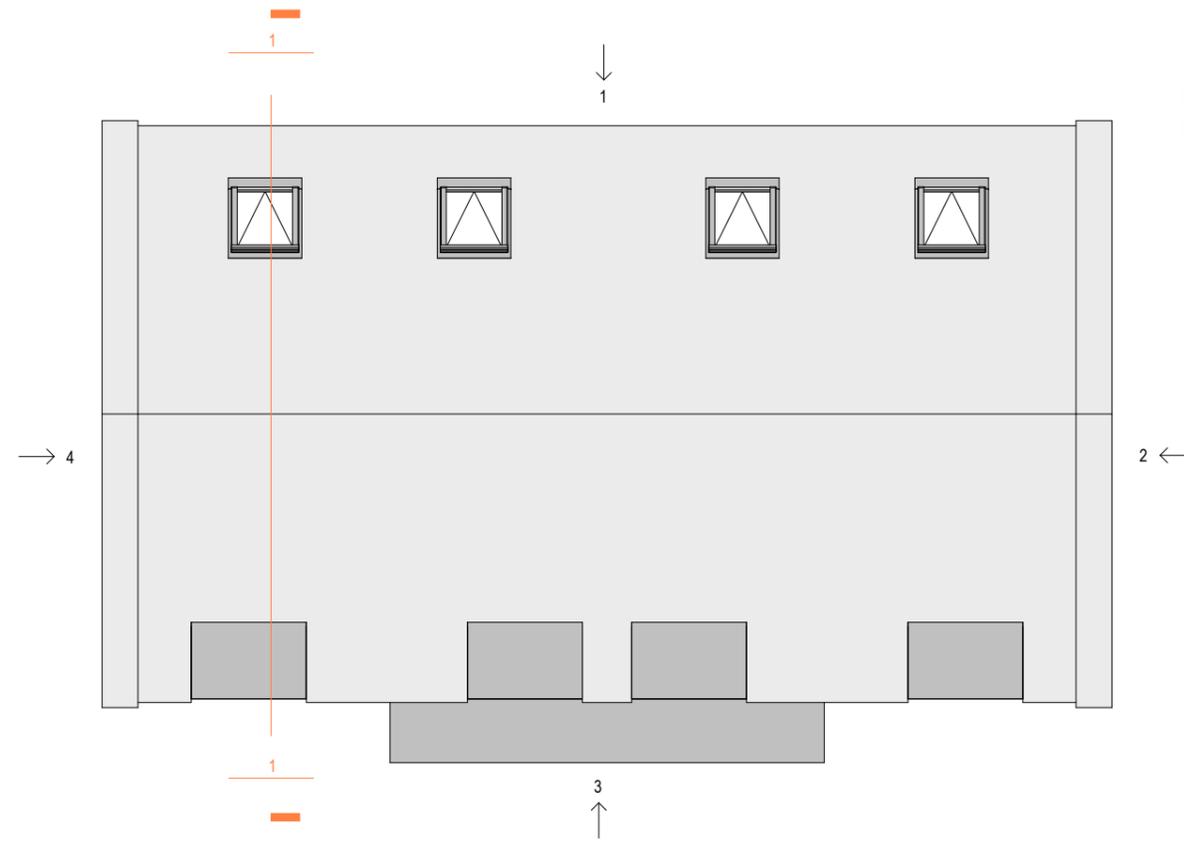
Project Name:	Project No:	
66 HIGH STREET, WARBOYS, PE28 2TA	732	
Dwg No:	Rev:	
07	A	
Scale:	Scale:	
1:100@A3	1:100@A3	
Drawing Name:	Drawn By:	Date:
PROPOSED FIRST FLOOR PLAN	TJM	23.10.20
Checked By:	Date:	
MDV	23.10.20	

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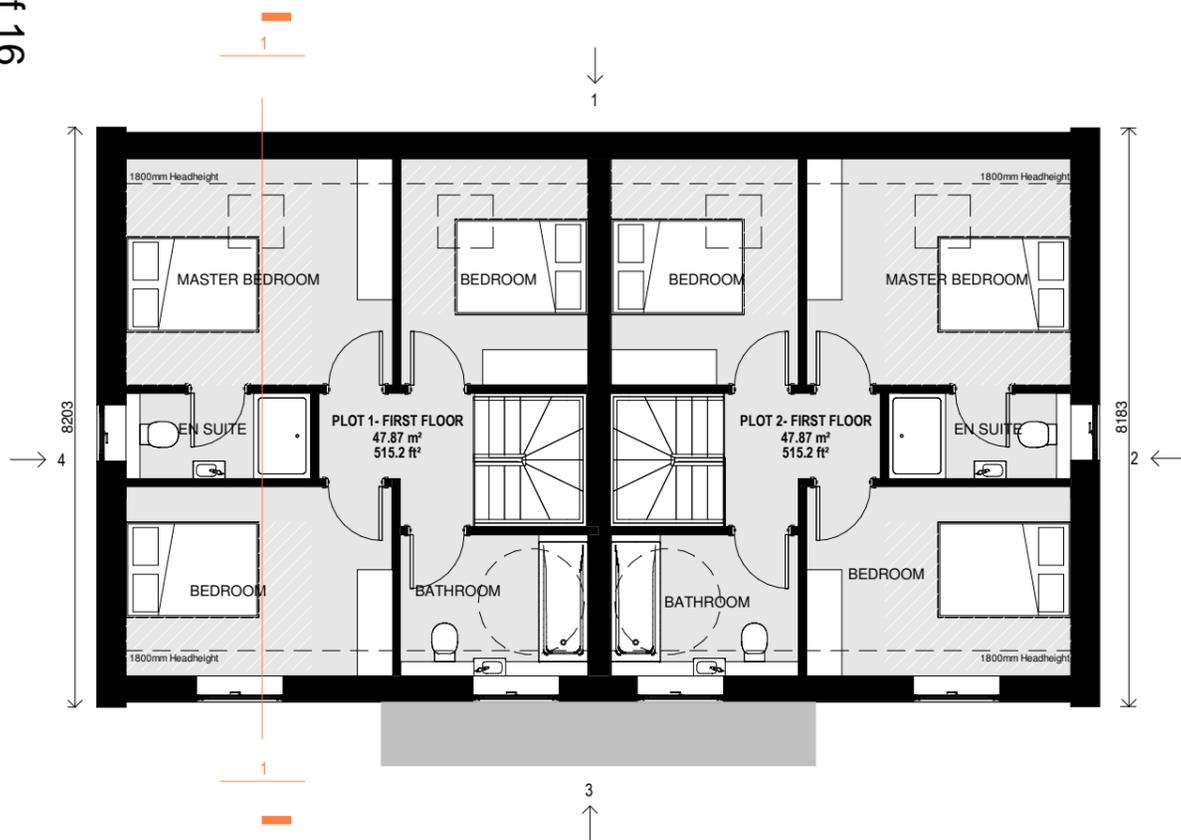
-  Existing Walls
-  Proposed Walls
-  Demolished Elements
-  Proposed Extension
-  Principal Entrance



Level 00 - Ground Floor - Proposed
1 : 100



Roof Plan - Proposed
1 : 100



Level 01 - First Floor - Proposed
1 : 100



09.03.21	FIRST ISSUE	Details	EBS	TJM
Rev	Date	Issued for:	Drawn	Checked
PLANNING				
Project Name:		Project No:		
HIGH STREET, WARBOYS		732		
		Dwg No:		
		031		
		Rev:		
Drawing Name:		Scale:		
PROPOSED FLOOR PLANS		1 : 100 @A3		
		Drawn By: Date:		
		EBS 09.03.21		
		Checked By: Date:		
		MDV 09.03.21		

EXTENSION AREA SCHEDULE

FLOOR LEVEL	AREA (m2)	AREA (sq ft)
PLOT 1- FIRST FLOOR	47.9 m ²	515.22 ft ²
PLOT 1- GROUND FLOOR	47.7 m ²	513.84 ft ²
PLOT 2- FIRST FLOOR	47.9 m ²	515.22 ft ²
PLOT 2- GROUND FLOOR	47.7 m ²	513.84 ft ²
	191.2 m ²	2058.13 ft ²

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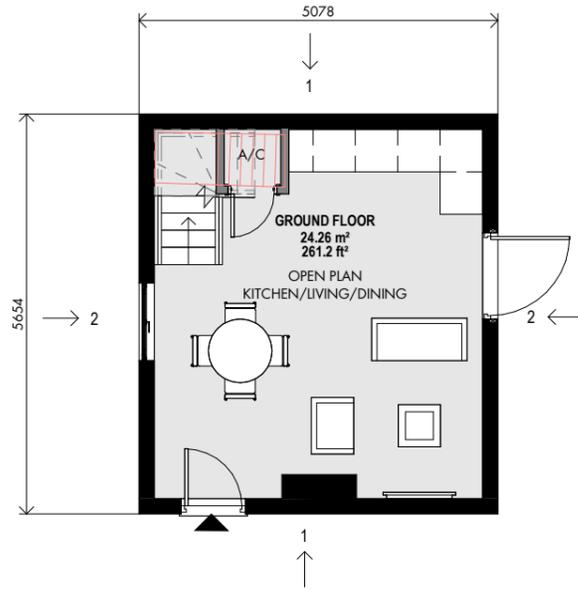
EXTENSION AREA SCHEDULE

FLOOR LEVEL	AREA (m2)	AREA (sq ft)
FIRST FLOOR	24.3 m ²	261.16 ft ²
GROUND FLOOR	24.3 m ²	261.16 ft ²
	48.5 m ²	522.33 ft ²

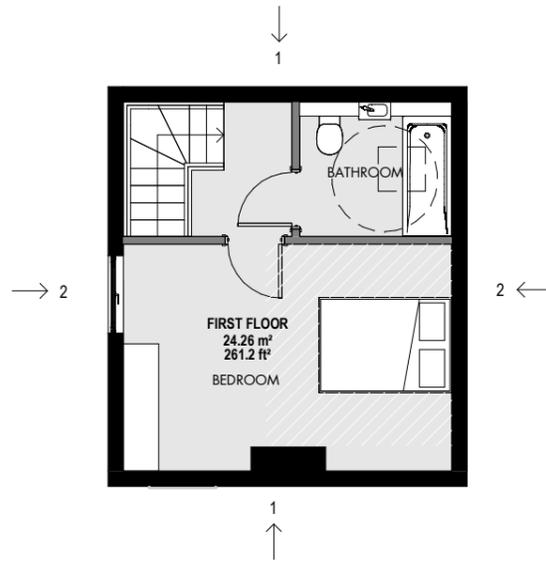
Contractors must work only to figured dimensions which are to be checked on site, any discrepancies are to be reported to the architect before proceeding.
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-  Existing Walls
-  Proposed Walls
-  Demolished Elements
-  Principal Entrance

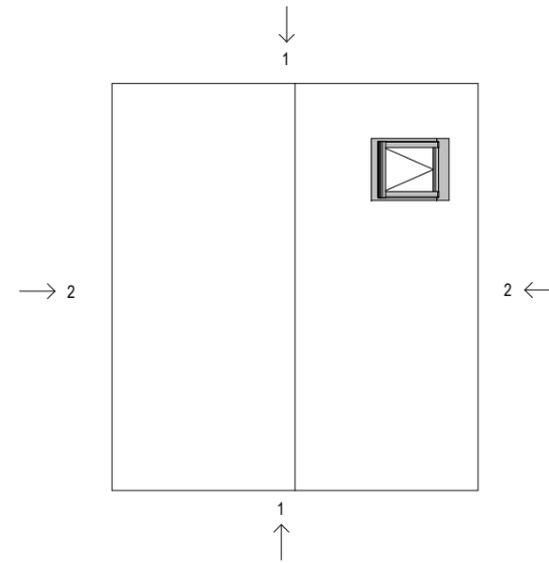
Page 101 of 16



Level 00 - Ground Floor - Proposed
1 : 100



Level 01 - First Floor - Proposed
1 : 100



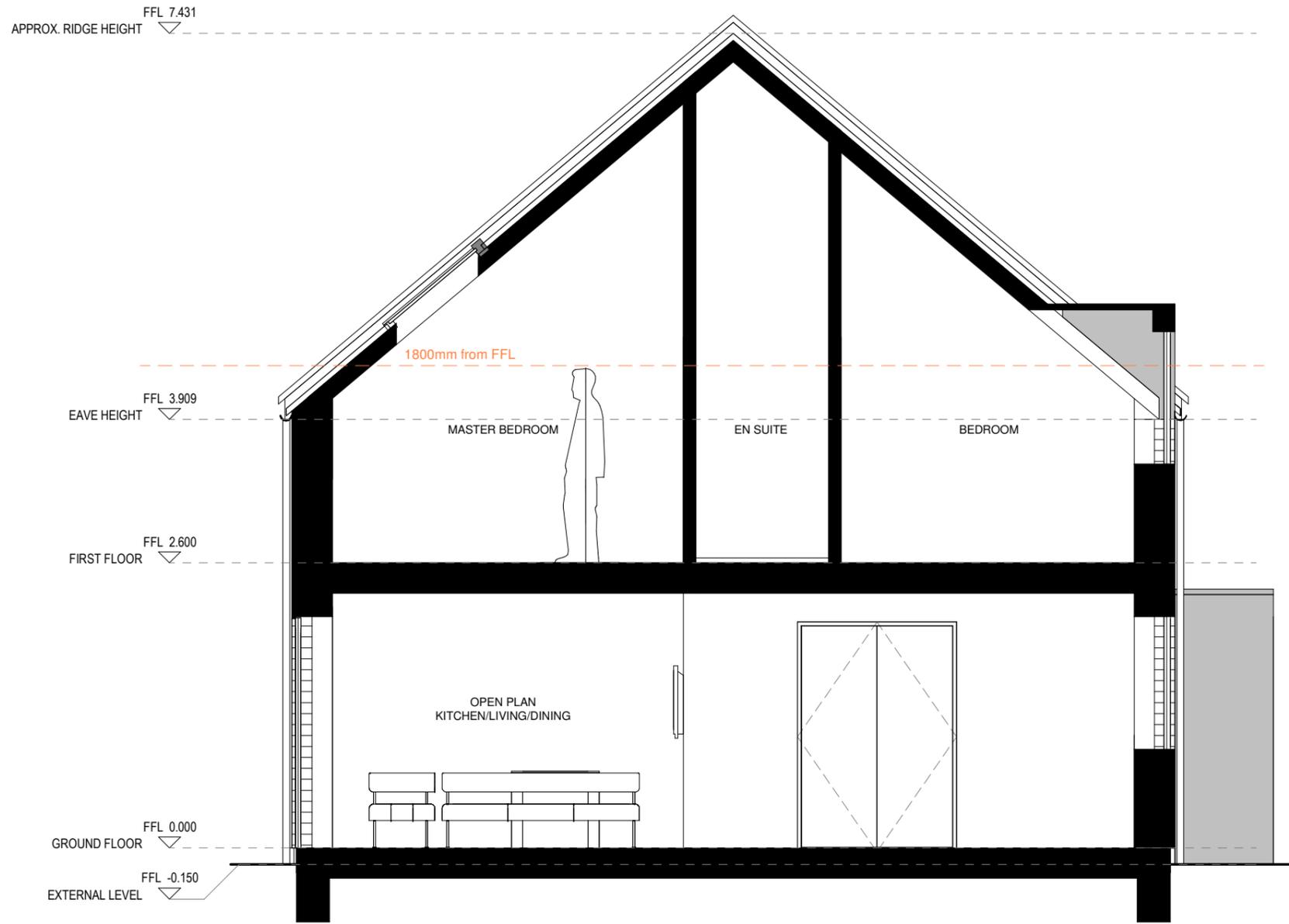
Roof Plan - Proposed
1 : 100



01.04.21	CONTEXT ADDED TO ELEVATIONS	TJM	EBS
09.03.21	DOOR ADDED TO GARDEN	TJM	EBS
04.03.21	FIRST ISSUE	TJM	EBS
Rev	Date	Drawn	Checked

PLANNING

Project Name:	Project No:
HIGH STREET, WARBOYS- THE OLD BAKERY	732
Dwg No:	Rev:
020	
Drawing Name:	Scale:
PROPOSED FLOOR PLANS	1 : 100 @A3
Drawn By:	Date:
EBS	04.03.21
Checked By:	Date:
TJM	04.03.21



Section AA
1 : 50

01.04.21 FIRST ISSUE		EBS	TJM
Rev	Date	Drawn	Checked
Issued for: PLANNING			
Project Name:	Project No:		
HIGH STREET, WARBOYS	732		
	Dwg No:		
	033		
	Rev:		
Drawing Name:	Scale:		
PROPOSED SECTION	1 : 50 @A3		
Drawn By:	Date:		
EBS	09.03.21		
Checked By:	Date:		
TJM	09.03.21		

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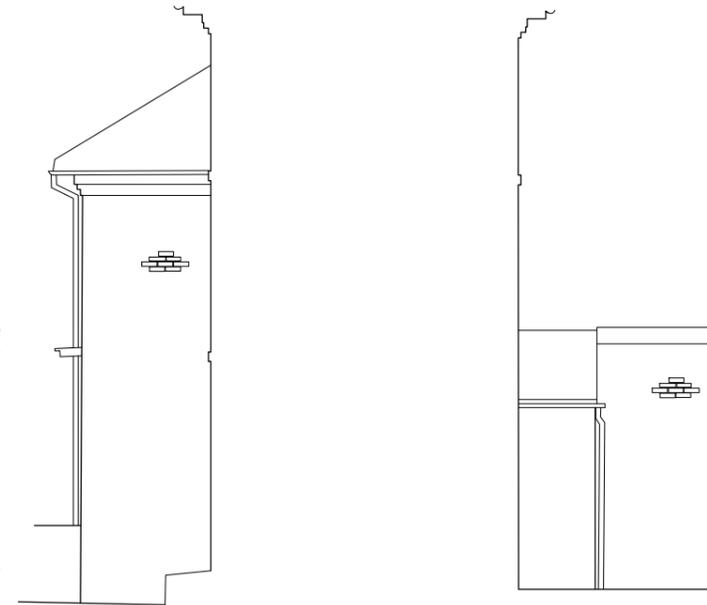


1ST FLOOR LEVEL 33.27

GD FLOOR LEVEL 30.19

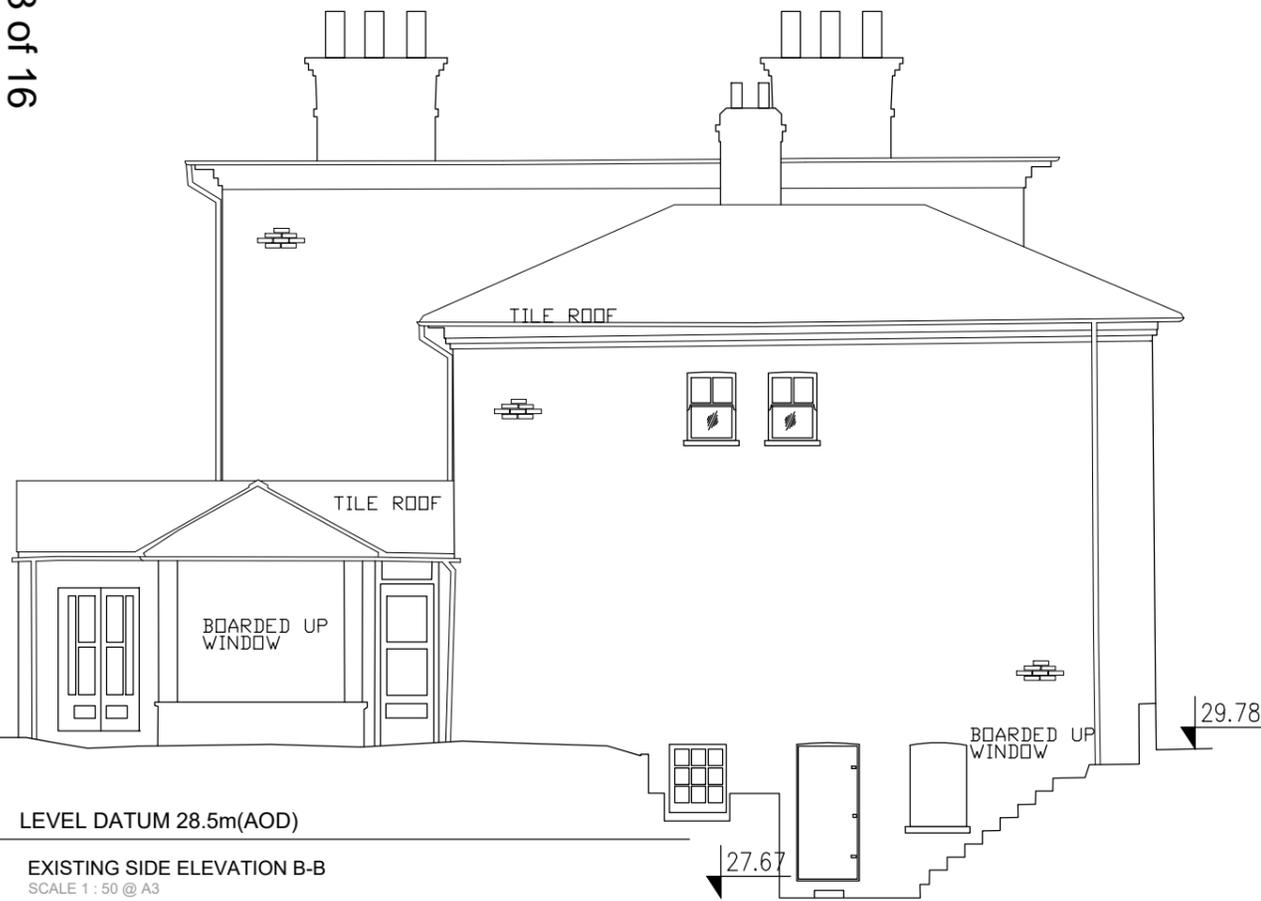
LEVEL DATUM 28.5m(AOD)

EXISTING FRONT ELEVATION A-A
SCALE 1 : 50 @ A3



LEVEL DATUM 28.5m(AOD)

EXISTING SIDE ELEVATION D-D
SCALE 1 : 50 @ A3



LEVEL DATUM 28.5m(AOD)

EXISTING SIDE ELEVATION B-B
SCALE 1 : 50 @ A3



LEVEL DATUM 28.5m(AOD)

EXISTING REAR ELEVATION C-C
SCALE 1 : 50 @ A3



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16.03.21 First Issue TJM MDV

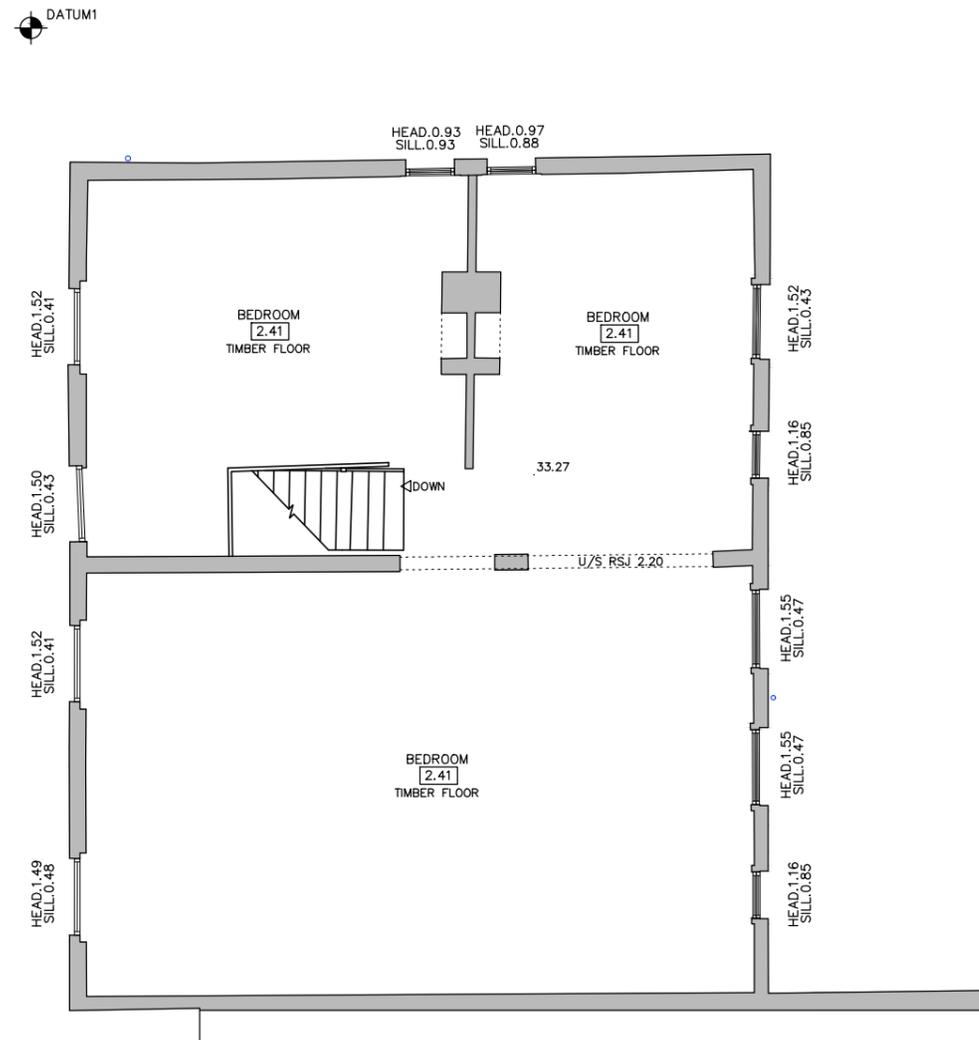
Rev Date Details Drawn Checked

PLANNING

Project Name: 66 HIGH STREET, WARBOYS, PE28 2TA	Project No: 732
Dwg No: 08	Rev: 00
Scale: 1:100@A3	Drawn By: Date: TJM 11.03.21
Checked By: Date: MDV 11.03.21	

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EXISTING FIRST FLOOR PLAN

SCALE 1 : 50 @ A3



23.10.20 First Issue TJM MDV

Rev Date Details Drawn Checked

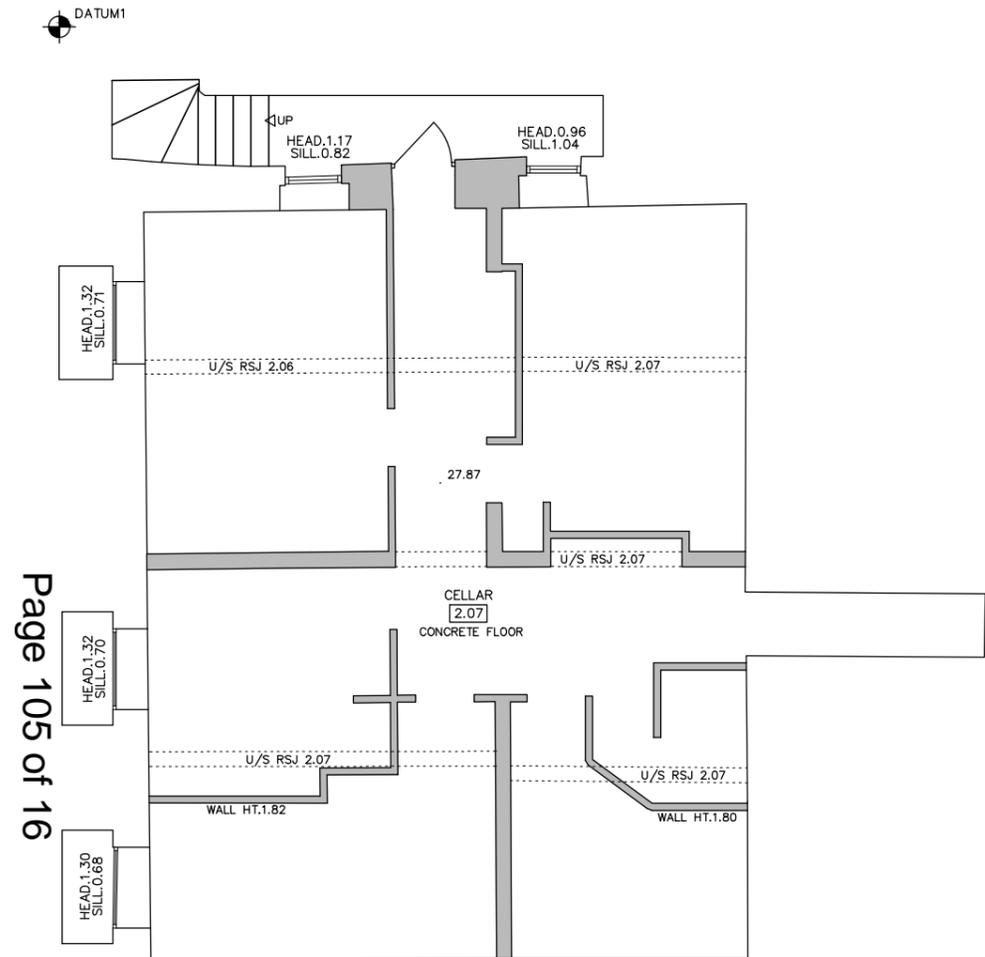
PLANNING

Project Name: 66 HIGH STREET, WARBOYS, PE28 2TA	Project No: 732
	Dwg No: 05
	Rev: 00
Drawing Name: EXISTING FIRST FLOOR PLAN	Scale: 1:100@A3
	Drawn By: Date: TJM 23.10.20
	Checked By: Date: MDV 23.10.20

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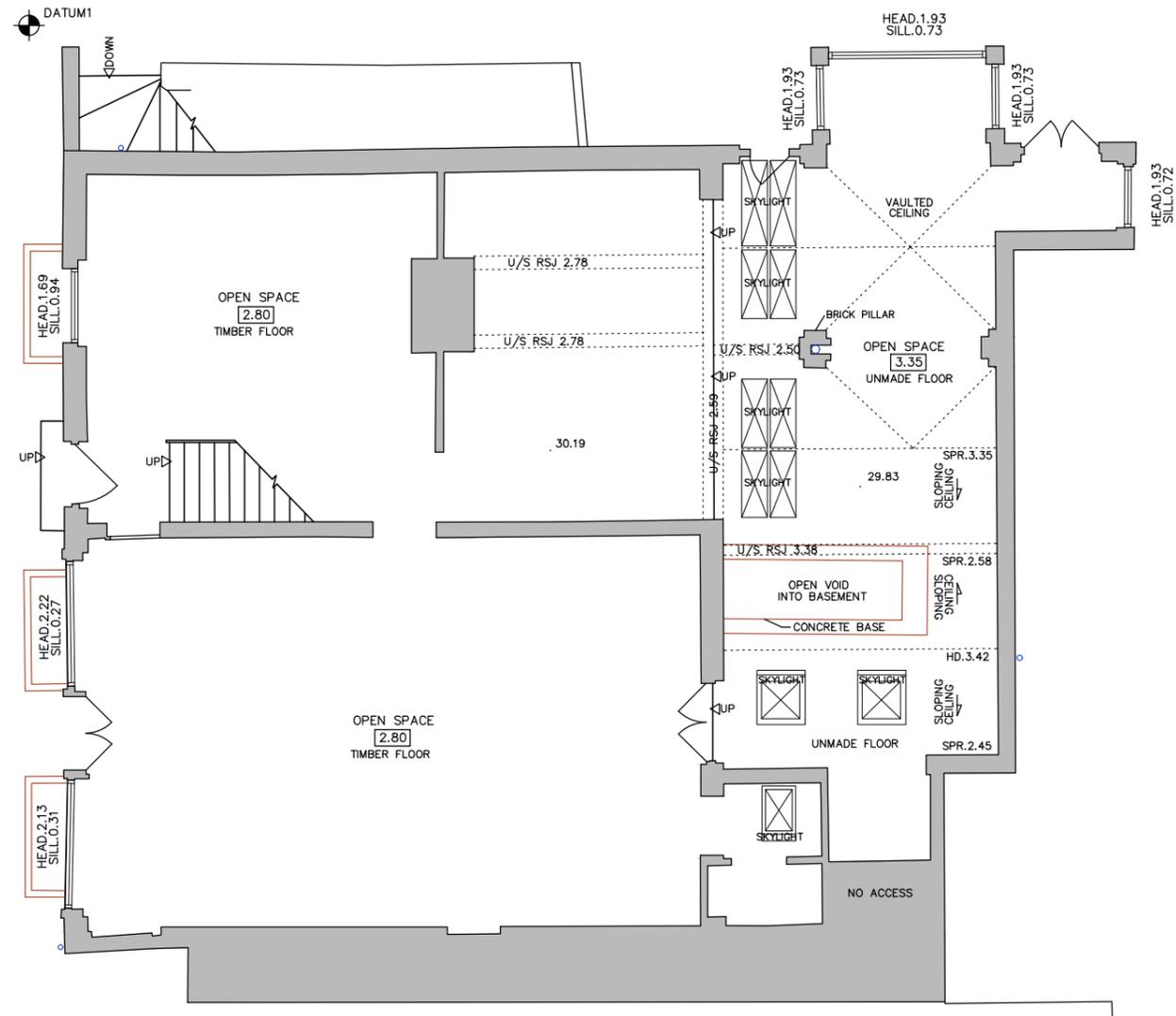
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EXISTING BASEMENT FLOOR PLAN
SCALE 1 : 50 @ A3



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EXISTING GROUND FLOOR PLAN

SCALE 1 : 50 @ A3



23.10.20 First Issue TJM MDV

Rev Date Details Drawn Checked
Issued for:

PLANNING

Project Name:	Project No:
66 HIGH STREET, WARBOYS, PE28 2TA	732
Dwg No:	Rev:
04	00
Scale:	1:100@A3
Drawing Name:	Drawn By: Date:
EXISTING BASEMENT AND GROUND FLOOR PLAN	TJM 23.10.20
	Checked By: Date:
	MDV 23.10.20

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Planning Appeal Decisions Since September 2022 Committee

Ref No	Appellant	Parish	Proposal	Site	Original Decision	Delegated or DMC	Appeal Determination	Date	Costs
21/016 42/HH FUL	Mr Sait	St Neots	Two-storey front extension, single storey side extension and rear dormer (revised description)	9 St Neots Road Eaton Ford St Neots PE19 7BD	Refusal	Delegated	Dismissed	13/07 /22	N/A
21/011 67/ S73	Mr H Marshall	Abbots Ripton	Variation of condition 3 (Materials) to 20/01066/HHFUL and 20/01691/LBC for an alternative roof tile	2 Rectory Farm Close Abbots Ripton Huntingdon PE28 2LJ	Refusal	Delegated	Dismissed	25/08 /22	N/A
21/014 06/ LBC	Mr J Ware	Bythorn and Keyston	Proposal is to install 10 black solar panels on the west facing roof, and 16 black solar panels, and a conservation roof light on the eastern facing roof.	The Hatchery Keyston Barns Loop Road Keyston Huntingdon PE28 0RE	Refusal	Delegated	Dismissed	13/09 /22	N/A

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