

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, 20TH MARCH 2023** 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 20th February 2023.

**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. APPLICATIONS REQUIRING REFERENCE TO DEVELOPMENT MANAGEMENT COMMITTEE**

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

**(a) Brampton - 22/02143/OUT (Pages 9 - 30)**

Erection of 3 bedroom dwelling - 1 Bernard Road, Brampton, PE28 4RW.

**(b) Ellington - 21/00101/FUL (Pages 31 - 52)**

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

**(c) Kimbolton - 21/01958/FUL (Pages 53 - 70)**

Extension to former garage and use as a permanent dwelling - 8 Grass Yard, Kimbolton, PE28 0HQ.

**(d) Yaxley - 22/00924/FUL (Pages 71 - 98)**

Replacement of Old buildings to create a organic nursery with full time work for disabled staff – Agricultural Buildings South of 3 Askews Lane, Yaxley.

**4. APPEAL DECISIONS (Pages 99 - 100)**

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

**LATE REPRESENTATIONS**

8 day of March 2023

***Oliver Morley***

Head of Paid Service

**Disclosable Pecuniary Interests and other Registrable and Non-Registrable Interests**

Further information on [Disclosable Pecuniary Interests and other Registerable and Non-Registerable 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](mailto: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, 20th February 2023

PRESENT: Councillor D L Mickelburgh – Chair.

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

APOLOGIES: None.

### 42 MINUTES

The Minutes of the meeting of the Committee held on 23rd January 2023 were approved as a correct record and signed by the Chair.

### 43 MEMBERS' INTERESTS

Councillor S Mokbul declared a Non-Registrable Interest in Minute No 45 (a) by virtue of the facts that the application related to the Ward she represented and that she was a Member of St Ives Town Council.

Councillor R Slade declared a Non-Registrable Interest in Minute No 45 (c) by virtue of the fact that he was a Member of St Neots Town Council.

Councillor I Gardener declared a Non-Registrable Interest in Minute No 45 (d) by virtue of the fact the applicant was a close associate, left the room for the duration of the item and took no part in the discussion or voting.

### 44 AGENDA ITEM 3 (e) - APPLICATION REQUIRING REFERENCE TO DEVELOPMENT MANAGEMENT COMMITTEE - ERECTION OF A PAIR OF SEMI-DETACHED DWELLINGHOUSE TO LAND REAR OF EXISTING DWELLING - 2 POTTON ROAD EYNESBURY PE19 2NP - 21/02827/FUL

Having noted that the application had been withdrawn, it was

RESOLVED

that the item be not determined.

### 45 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) Change of use of amenity land to form garden curtilage and erection of boundary fencing - 40 Nursery Gardens, St Ives, PE27 3NL - 22/01205/FUL**

*(Councillor N Wells, St Ives Town Council, and K Baulk, applicant, addressed the Committee on the application).*

See Minute No 43 for Members' interests.

that the application be refused because by virtue of its design, material and prominent siting within Nursery Gardens, the proposed close boarded fence would be a visually incongruous feature to the front and side of the dwelling and would be out of keeping with the character and appearance of the street scene. The proposal therefore fails to comply with Policies LP11 and LP12 of Huntingdonshire's Local Plan to 2036 and the guidance contained within parts 3.6 and 3.8 of the Huntingdonshire Design Guide (2017).

**b) Change of Use of Land for the creation of 6no. Gypsy/Traveller pitches comprising the siting of 1no. Mobile Home, 1 no. Touring Caravan, and formation of hardstanding area, per pitch - Land West of East View to Llala, Parkhall Road, Somersham - 21/02861/FUL**

*(Councillor R Sutton, Somersham Parish Council, and P Casey, applicant, 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 8 of the report now submitted.

**c) Demolition of existing outbuildings and erection of detached dwelling - 5 Howitts Lane, Eynesbury, PE19 2JA - 22/01342/FUL**

*(Councillor T Wylie, St Neots Town Council, J Thorpe, objector and S Richardson, agent, addressed the Committee on the application).*

See Minute No 43 for Members' interests.

that the application be refused for the following reasons:

- a) The proposed dwellings, by virtue of their scale, siting and design in close proximity to the rear garden of No.45 Philips Garden would introduce a dominating 2 storey dwelling of significant mass which would lead to an oppressive and overbearing impact between the proposed dwellings and the private amenity space of No. 45 Philip Gardens. This would be through the combination of the perception of being overlooked from the southwest facing first floor windows and from the scale of the proposed building within 1.45 metres of the boundary and would fail to maintain a high standard of amenity for users and occupiers of No. 45 Philips Garden. The proposal is therefore contrary to Policy LP14 of

Huntingdonshire's Local Plan to 2036, Paragraph 130 (f) of the NPPF (2021) section H2 of the National Design Guide.

- b) The proposed access would lead to vehicle movements in close proximity to the northern (principal elevation) and south eastern side of No. 2 Potton Road. This would result in detrimental impact on the amenity of No. 2 Potton Road by virtue of unacceptable noise impact and lights from vehicles. The proposal is therefore contrary to Policy LP14 of the Huntingdonshire Local Plan to 2036, Paragraph 130 (f) of the NPPF (2021) section H2 of the National Design Guide.
  - c) The application is not accompanied by a completed Unilateral Undertaking for the provision of wheeled bins and therefore fails to comply with part H of the Developer Contributions Supplementary Planning Document (2011) and Policy LP4 of the Huntingdonshire Local Plan to 2036.
  - d) The proposed development, by virtue of insufficient information, fails to demonstrate what potentially harmful impact from noise would result due to the proximity to the railway line and is therefore not considered to be in accordance with Policy LP14 of the Local Plan to 2036 and paragraph 127(f) of the NPPF (2019).
- d) Demolition of stables and associated paraphernalia and erection of 3 no. dwellings - one pair of semi-detached (3 beds) and 1 detached (2 beds) with associated parking (cartlodges) – Stables, Hamerton Road, Alconbury Weston - 22/00298/FUL**

*(Councillor N Morton, Alconbury Weston Parish Council, S Boyles, objector, and A Bussetil, agent, addressed the Committee on the application).*

See Minute No 43 for Members' interests.

that the application be approved subject to conditions to be determined by the Planning Service Manager (Development Management) together with an additional Grampian condition to secure completion of drainage measures before development commences.

## **46 APPEAL DECISIONS**

The Committee received and noted a report by the Planning Service Manager (Development Management), which contained details of three 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 20<sup>th</sup> MARCH 2023

**Case No:** 22/02143/OUT (OUTLINE APPLICATION)

**Proposal:** ERECTION OF 3 BEDROOM DWELLING

**Location:** 1 BERNARD ROAD BRAMPTON HUNTINGDON PE28  
4RW

**Applicant:** MRS A MARIEH

**Grid Ref:** 520484 271004

**Date of Registration:** 28.10.2022

**Parish:** BRAMPTON

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### RECOMMENDATION - APPROVE

**This application is referred to the Development Management Committee (DMC) as Brampton Parish Council's recommendation of refusal is contrary to the Officer recommendation of approval.**

#### 1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 The site forms a significant part of an approximately triangular side garden of 1 Bernard Road, a semi-detached 2-storey house in residential built-up area of Brampton. The area is generally comprised of two storey dwellings of similar age, style and materials, with some variance in colour, although dwellings to the south on The Green have differing scale, design and ages.
- 1.2 The site fronts onto Bernard Road where it is bounded by high fences and which flank a short section of hedge. The back south-western boundary to the rear gardens of 32 and 36 The Green is marked respectively by a close boarded fence and a hedge.
- 1.3 The southern part of the site (south of a line running in line with the back garden boundaries of 30 and 32 The Green to either side of Bernard Road) lies within Brampton Conservation Area.
- 1.4 The site is in flood zone 1 (low risk). There are no other site constraints.
- 1.5 The application seeks outline planning permission for the erection of a two-storey dwelling with all matters reserved. The final details of appearance, access, landscaping, layout and scale are 'Reserved Matters' to be considered at a future date (should outline permission be granted).

- 1.6 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 (NPPF) dated July 2021 sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 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 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 2019 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
  - LP4: Contributing to Infrastructure Delivery
  - LP5: Flood Risk
  - LP7: Spatial Planning Areas
  - LP11: Design Context
  - LP12: Design Implementation
  - LP 13: Placemaking
  - LP14: Amenity
  - LP15: Surface Water
  - LP16: Sustainable Travel
  - LP24: Affordable Housing
  - LP25: Housing Mix
  - LP30: Biodiversity and Geodiversity
  - LP31: Trees, Woodland, Hedges and Hedgerows
  - LP34: Heritage Assets and their Settings
- 3.2 Supplementary Planning Documents/ Guidance
- Huntingdonshire Design Guide SPD (2017)
  - Developer Contributions SPD (2011)

- Huntingdonshire Landscape and Townscape Assessment (2007)
- Cambridgeshire Flood and Water SPD 2017
- Huntingdonshire Tree Guidance Note 3
- Annual Monitoring Review regarding housing land supply.

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

#### **4. PLANNING HISTORY**

- 4.1 18/01708/FUL to erect a new 3 bed bungalow to the south of the site with associated parking, REFUSED 25.01.2019.

#### **5. CONSULTATIONS**

- 5.1 Brampton Parish Council – Recommend refusal of the application. Comments: - Lack of space for access and too close to the boundary of the conservation Area.
- 5.2 CCC Highway Authority – Commented as follows: - Looking at that proposed, it is singular dwelling in a residential location similar to the surrounding dwellings with proposed onsite turning.

Following a careful review of the documents provided to the Highway Authority as part of the above planning application, the effect of the proposed development upon the Public Highway should be mitigated if the following conditions form part of any permission that the Planning Authority is minded issuing in regard to this proposal:

- Removal of permitted development for gates.
- The vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.
- The on-site parking / servicing / loading, unloading / turning / waiting area to be constructed and drained in accordance with the approved plan and thereafter retained for that specific use.
- Visibility splays
- Access to be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway.

Recommended informatives: Vehicular Access & Public Utilities.

- 5.3 HDC Conservation Officer – No objections. Summary comments: - Supports proposal in principle subject to prior approval of all

details of design, construction, materials, features, finishes and ancillary development.

A previous application 18/01708/FUL proposed a new dwelling adjacent to 1 Bernard Road which was not approved. However, that proposal differed from this current proposal and the Conservation Officer who commented on that application had no objection to this current proposal.

## **6. REPRESENTATIONS**

6.1 2 Neighbour representations have been received by the council objecting to the proposal (32 and 34 The Green), as summarised below. Full copies of the representations may be viewed via Public Access.

- Overdevelopment given the size of the site.
- The proposal does not preserve or enhance the conservation area and its setting. The underdeveloped garden area and visual separation between historic buildings makes a significant positive contribution to the views in and out of the conservation area.
- Heritage Statement fails to properly consider impact to nearby Listed Buildings.
- Residential Amenity: Statement within proposal that there would be restricted views to and from Nos. 32 and 36 The Green is not correct.
- Concern regarding loss of privacy: No windows indicated on plans, site levels are higher and No.1 (the host dwelling) already overlooks No.32 The Green. Concern that removing tree on site would cause additional overlooking to neighbours. The proposal would worsen direct views into neighbouring properties.
- Concern that there would be a sense of overbearing to No.32 The Green.
- Noise and disturbance due to intensification of the site
- Biodiversity: Concern regarding impact to bat population
- Highway Safety Issues: Proposal is close to a busy junction used by school children.

## 7. ASSESSMENT

- 7.1 The main issues to consider in the determination of this application are:
- Principle of development
  - Impact on the Character and Appearance of the Area
  - Impact upon Heritage Assets
  - Impact on residential amenity
  - Parking provision and impact on highway safety
  - Ecology and Biodiversity
  - Trees
  - Flood Risk
  - Other matters

### **The Principle of Development**

- 7.2 The site is located within the built-up area of Brampton and considered to be an individual plot of minor scale which provides an infill opportunity with land that is physically, functionally and visually related to existing buildings. The site also has reasonable access to shops, services and public transport.
- 7.3 Huntingdonshire's Local Plan identifies Brampton as part of the Huntingdon Spatial Planning Area under policy LP7. This policy states that *'a proposal for housing development (class 'C3') ... will be supported where it is appropriately located within a built-up area of an identified Spatial Planning Area settlement'*. The site is in the built-up area and the proposal is considered acceptable in principle in terms of settlement policy being in a sustainable, accessible location, subject to other aspects, including street scene and amenity considerations, being satisfactory.
- 7.4 Policy LP2 states that approximately three quarters of the objectively assessed need for housing will be focused in spatial planning areas, which includes Brampton.
- 7.5 The principle of the proposal is therefore considered to be in accordance with policies LP7 of Huntingdonshire's Local Plan, subject to the material planning considerations outlined below.

### **Impact on the Character and Appearance of the Area**

- 7.6 Policies LP11 and LP12 of the Local Plan state that developments should respond positively to their context, draw inspiration from the key characteristics of its surroundings and contribute positively to the area's character and identity. The impact of a development is assessed having regard to the bulk and design of the proposal and how it harmonises with the site and the wider locality.

- 7.7 Bernard Road comprises two-storey dwellings principally uniform in form and age, set back from the back edge of pavement behind landscaped front gardens. Parking is predominantly located to the side of the dwellings with garages setback behind the prevailing building line. The road is tree lined with footpaths and grass verges either side, which contributes to the landscaped character of the road.
- 7.8 Whilst the application is in outline form, to allow full evaluation and consideration of the development and also to determine whether the proposed amount of development can be satisfactorily accommodated on the site, an indicative block plan has been provided to demonstrate the potential location of a two-storey dwelling. The submitted drawing shows the proposed dwelling set back from Bernard Road sufficiently so that it would match the approximate mass and linear building line of Nos. 1 & 3 Bernard Road.
- 7.9 Officers note that objections have been received with regards the impact upon the character of the area, in the form of a cramped form of development within a current residential garden. The development is located in an area which is characterised by residential development. There are varying scales of residential development such as two storey detached dwellings and terraced cottages within the vicinity with varying plot sizes and garden forms and the scale of development and the plot size are not considered to be out of keeping with the pattern of local development
- 7.10 Officers consider the submitted indicative plan demonstrates that such a dwelling could be satisfactorily accommodated within the site without any harm being caused to the character and appearance of the wider area. The siting would not be overly prominent and space is included for landscaping opportunities.
- 7.11 It is acknowledged that a neighbour has object to the proposals on the basis of a cramped form of development. The site measures 338 sqm, which equates to 0.0338 hectares in area. This translates to 29.6 dwellings per hectare (dph) in density which is considered relatively medium (medium is considered between 25-50 dph) and so is appropriate in this instance where the general area is urban in nature and more dense development is acceptable. Notwithstanding this, the scale, appearance and other issues would be carefully considered in detail as part of the relevant reserved matters submission having regard to the wider landscape context.
- 7.12 Consequently, the proposed development alongside the loss of the garden space to the host dwelling is not considered to be harmful to the general character of the area. Whilst a future reserved matters application would be submitted assessing further details such as scale, layout, appearance and

landscaping, given the levels of the site which, as observed on a site visit to be higher than the host dwelling, it is considered reasonable and necessary to add a levels condition to the planning permission, in the interest of visual and residential amenity. With this condition appended to any consent given to the application, overall, the application is considered to be in accordance with policies LP11 and LP12 of Huntingdonshire's Local Plan and the NPPF.

### **Impact upon Heritage Assets**

- 7.13 The dwelling within number 1 Bernard Road lies outside the Brampton Conservation Area, but the proposal site lies partly inside and partly outside the Conservation Area (by approximately 11 metres to the south). The proposed built form is outside the designated conservation area, with the front garden within the conservation area boundary. The proposal is also within the settings of the Conservation Area and Grade II Listed Buildings Nos. 17 and 34 The Green, Brampton.
- 7.14 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.
- 7.15 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.
- 7.16 Paras 189 - 202 of the NPPF provide advice on proposals affecting heritage assets and how to consider different levels of harm. Para. 194 states 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'. Local Plan policy LP34 aligns with the statutory provisions and NPPF advice.
- 7.17 The proposal site lies north of The Green a large, roughly oval, open green space edged by tall trees and surrounded by, mostly historic, buildings of various styles and dates. The Green is an important feature in the village of Brampton and the Conservation Area.
- 7.18 Bernard Road leads into the northern side of The Green and there are two Listed Buildings on The Green (Numbers 34 and 17). Number 34 stands south of the proposal site and Number 17 stands on the opposite side of The Green from Bernard Road.
- 7.19 Number 34 The Green (Grade II) is described in its listing as an early 17th century timber framed, rendered cottage of one storey

and attics, with lobby entry and with a thatched roof at two levels, on a three bay plan with later extension to the west and entry opposite the stack.

- 7.20 Number 17 The Green (Grade II) is described in its listing as a late 17th or early 18th century cottage on a T plan, one storey and attics, originally two cottages, timber framed and plaster rendered with thatched roof, except for part at rear, with an external stack at the rear.
- 7.21 This application is an 'Outline' application, and the applicant has submitted a plan showing the proposed new detached house. It stands close to the south elevation of the existing semi-detached house at Number 1 Bernard Road and aligns with it and the adjoining house at Number 3. The proposed house is slightly shorter north-south than the house at Number 1 and a smaller, single storey element adjoins its south elevation. The garden areas are retained to the south and west, including the triangle of land within the Conservation Area. Some details of the proposed house have been submitted within the submitted Planning Statement. This includes a description of the proposed two storey house, single storey element, bin and cycle stores, driveway and access, an intention to use fenestration and materials to match the local vernacular, retain existing boundaries and a close boarded fence between the proposed house and Number 1.
- 7.22 Bernard Road leads away from The Green between a late 19th century two storey yellow gault brick house (32 The Green) on the west side of Bernard Road and a pair of cottages (28 and 30 The Green) of one storey and attic on the east. Number 34 stands on the west side of the 19th century house and south-west of the proposal site.
- 7.23 Most buildings around The Green are tall and consequently there are only limited views into the backlands although some buildings beyond The Green are visible in gaps between buildings from some locations on The Green. Houses on The Green and beyond stand at a variety of different orientations, producing a mix of contrasting gables and roofslopes.
- 7.24 The south brick gable of 1 Bernard Road is clearly visible in the distance beyond the buildings on The Green from a limited number of locations on The Green. There is a gap between Number 34 and the 19th century house Number 32, and the brick gable is visible beyond them, and there are views into the mouth of the junction of Bernard Road from The Green which allows views of the brick gable and front elevations of Numbers 1 and 3 Bernard Road. Viewed from The Green, the proposed new house will stand in the foreground of 1 Bernard Road and will replace the gable of 1 Bernard Road when seen between Number 34 and the 19th century house Number 32. Its front



elevation will be seen in views into the mouth of the junction from The Green.

- 7.25 By adding another house the proposal will partly close the existing gap created by the garden of 1 Bernard Road between the modern houses in Bernard Road and The Green. This will increase the impact of the development in Bernard Road on views from The Green, and the Conservation Area.
- 7.26 It is acknowledged that Brampton Parish Council and neighbours have objected to the proposals on the basis that significant harm would be caused to the wider conservation area and listed building to the south. Huntingdonshire District Council's Conservation Officer has reviewed the proposals and raises no significant concerns, noting that the proposed house is set back from The Green and because of its location, alignment, orientation and scale is intended to relate to the houses in Bernard Road. The south gable of the proposed house will be in view in a similar way to the existing south gable of 1 Bernard Road. The proposal will also retain as existing the part of the site which falls within the Conservation Area. The proposed house maintains a distance from 34 The Green in a similar way to 1 Bernard Road, and so will still be seen as a distant feature in the background and the two-storey element of the proposed house is closest to Number 1 (furthest from Number 34) and its single storey element is closest to Number 34 and the 19th century house Number 32. Houses in Bernard Road are also visible elsewhere in the background to other houses on The Green.
- 7.27 In addition, HDC's Conservation Officer comments that the 19th century house Number 32 has an adjoining flat roofed modern garage on its west, between it and the Listed Building at 34 The Green. Views of these two buildings from The Green contain this garage, filling the gap between the two buildings at ground floor level and partly blocking views to the rear. The gable end of 1 Bernard Road within views of Numbers 34 and 32 is seen above the flat-roofed modern garage and partly obscured by it, reducing views of it to the top of the existing gable and the chimneys of Numbers 1 and 3.
- 7.28 The proposal retains the green space nearest The Green, Conservation Area and Listed Building at 34 The Green. The proposed house aligns with the existing houses at 1 and 3 Bernard Road and is of similar scale and size. There are limited existing glimpsed views of 1 and 3 Bernard Road from The Green and views of the proposed house will be similarly limited. Therefore, in principle, this proposal is considered to preserve the character and appearance of the Conservation Area and the contribution which the existing site makes to the setting of the Listed Building at 34 The Green, subject to further details of the proposal.

- 7.29 This application is an 'Outline' application which requires only limited information on the proposal. Therefore, there is insufficient detail to fully assess the potential impact on the heritage assets from the proposal and Huntingdonshire DC are not able to fully comply with the requirement in the NPPF to assess the potential impact of a proposal on any heritage assets affected. For that reason, Officers support this proposal in principle and would be subject to prior approval of all details including design, construction, materials, features, finishes and ancillary development.
- 7.30 Taking the above into account, it is considered that the proposed development would not, subject to conditions, cause significant harm to the identified heritage assets in line with the aims and objectives of Local Plan policy LP34 and the advice at Paragraph 202 of the NPPF.

### **Impact on Residential Amenity**

- 7.31 Officers note that objections have been received in relation to the impacts upon residential amenity of the occupiers of the adjacent land. The NPPF and policy LP14 of Huntingdonshire's Local Plan seeks to protect the amenity of neighbouring occupiers. The policy also seeks to ensure that residential amenity is not harmed as a result of development; the NPPF within the core principles states that planning should "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users".
- 7.32 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. A site visit was carried out during the consultation period of the application.
- 7.33 The impact of the proposed development on residential amenity of neighbouring dwellings and the amenities of the future occupants is considered in terms of the impact on access to day/sun/sky light and privacy, outlook and overbearing. Policy LP14 of the Local Plan apply and seek to provide good standard of design in all new development. The Huntingdonshire Design Guide SDG (2017) supplements policy LP14 and expects that development should not cause loss of light or be unduly dominant from adjoining properties, as a result of either the length of projection, the height, or the proximity of the development. This reflects the guidance at paragraph 130(f) of the NPPF, which seeks amongst other things to create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users of development.

- 7.34 The properties that would be affected by the development are those to the immediate south of the application site. These are numbers 32-34 The Green, who have both cited concerns regarding overlooking and loss of privacy. The properties to the immediate south are in a form of two-storey dwellings sited at distance of at least approximately 16m from the southernmost wall of the proposed dwelling. It is considered that due to this distance, with the orientation of the proposed dwelling and the omission of any windows on the southern elevation, the proposal would not have any significant adverse impact on the amenities of the occupiers. Having regard to the physical separation from these neighbouring properties, the proposed development is unlikely to have an adverse impact on neighbouring amenity through a loss of light, loss of privacy or appearing overbearing.
- 7.35 It is also considered that the noise and disturbance created by a single dwelling on the site would not be significant enough to warrant a refusal of the proposal on residential amenity impacts alone. It is arguable that the location of the site within a built-up residential area already generates some noise and disturbance on the amenities of these occupiers to a degree. It is Officers view that the proposal would not cause material harm to the living conditions of the occupiers due to noise and disturbance and that the existing occupiers are aware of such concerns by living in an environment such as a residential estate.
- 7.36 The application has been submitted in outline form, with all matters reserved, therefore the submitted layout plan is indicative only. Officers need to be satisfied at this stage that the site is capable of accommodating the amount of development proposed without having a significantly detrimental impact on neighbour's amenity. Having regard to the size of the plot and the relationship with the existing dwellings of 1 Bernard Road and 32 and 34 The Green, it is considered that the site would be able to accommodate a single dwelling. In preparing any subsequent application for reserved matters, the scale of the proposed development should give careful consideration to the relationship to neighbouring properties and the impact on residential amenity.
- 7.37 In terms of built development, the reserved matters application(s) will fully assess the impacts of matters such as overlooking, overshadowing and loss of privacy, both in relation to the dwelling proposed and the impact upon neighbouring properties.
- 7.38 Therefore, it is considered that one dwelling at this site could be accommodated without resulting in a significant adverse impact on the amenity of neighbouring properties and would secure a high standard of amenity for future occupiers in accordance with policy LP14 of the Huntingdonshire Local Plan, the Huntingdonshire Design Guide, the National Design Guide and the NPPF in this regard.

## **Parking Provision and Impact to Highway Safety**

- 7.39 Policy LP17 of the Local Plan seeks to ensure that new development incorporates appropriate space for vehicle movements, facilitates access for emergency vehicles and service vehicles and incorporates adequate parking for vehicles and cycles.
- 7.40 With regard to parking, the application proposes 2 car spaces to the northern front section of the site with a further hardstanding to the south to allow for turning and exiting the site in forward gear. The Huntingdonshire Local Plan does not have a policy specifically identifying the number of parking spaces that should be provided for new dwellings and each site is considered separately. It is considered that the provision of off-road parking spaces for the development is sufficient and acceptable in this instance and would accord with Local Plan policy LP17.
- 7.41 Cambridgeshire County Council as the Local Highways Authority has reviewed the proposals and raise no significant concerns with the proposed access, subject to conditions, noting that the proposed is a singular dwelling in a residential location similar to the surrounding dwellings with proposed onsite turning. The recommended conditions by the Highway Officer includes the removal of permitted development for gates, that the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification, that the proposed on-site parking / servicing / loading, unloading / turning / waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and thereafter retained for that specific use, drainage measures and visibility splays of 2m x 2m not exceeding 0.6m above the level of the footway are provided and maintained in the interests of highway safety. A number of informatives are also recommended to be appended to any consent given to the application.
- 7.42 Therefore, while the Parish Council and third parties have raised concerns that there are lack of spaces for access and safety concerns regarding road users, given the Highway Officer deems the proposals as submitted as acceptable subject to conditions and informatives, it is Officers view that concerns raised are not significant enough to warrant a refusal of the application and that the safety on the site and the adjoining highway would not be compromised as a result of the proposal being approved.
- 7.43 It is therefore considered overall that subject to conditions, the proposed development would achieve a satisfactory standard of development in accordance with Policy LP17 of the Local Plan.
- 7.44 Policy LP17 of the Local Plan and the Huntingdonshire Design Guide (2017) seek the provision of secure and covered cycle parking based on 1 space per bedroom. The proposed

development includes provision of a cycle store located to the side southern elevation. As such, it is considered that storage for 1 bike per bedroom can be achieved on site and can be conditioned if planning permission is forthcoming.

- 7.45 Notwithstanding the above, it is considered overall on balance, and subject to the planning conditions listed above, that the application would achieve a satisfactory standard of development in accordance with Policy LP17 of the Local Plan and the NPPF in this regard.

### **Ecology and Biodiversity**

- 7.46 Paragraph 174 d) of the NPPF states planning policies and decisions should contribute to and enhance the natural and local environment.
- 7.47 Policy LP30 of the Local Plan requires proposals to demonstrate that all potential adverse impacts on biodiversity and geodiversity have been investigated and ensure no net loss in biodiversity and provide a net gain where possible, through the planned retention, enhancement and creation of habitats and wildlife features, appropriate to the scale, type, and location of development.
- 7.48 The application is supported by a biodiversity checklist which lists no biodiversity risks. Furthermore, the Case Officer has visited the site and are satisfied that the site is currently of limited ecological interest, and the risk of harm to protected species is low. A condition will be added to the decision notice requiring details of landscaping to be submitted at reserved matters stage which would identify any landscape features that were to be retained and enhanced as well as the introduction of new planting, Officers are satisfied that a small net gain in biodiversity could be achieved as a result of the development. Therefore, subject to conditions, the proposed development is considered to accord with Policy LP30 of the Local Plan and paragraph 174 d) of the NPPF.

### **Trees**

- 7.49 Policy LP31 of the Huntingdonshire 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 existing tree, woodland, hedge or hedgerow of value that would be affected by the proposed development. It is noted that the site is partly within the conservation area and although there are no trees which are subject to a Tree Preservation Order, trees on site are afforded statutory protection by virtue of the conservation area status. It must be noted that the existing trees/hedgerow/vegetation form an integral part of the character and appearance of the area and

as such the removal of these would impact on the greenery character of the area. However, it is considered that the proposal could be made acceptable in terms of impact to trees.

- 7.50 The application is in outline form with all matters reserved. With that in mind, a condition will be added to the decision notice requiring details of on-site trees in the form of an Arboricultural Impact Assessment (AIA) to be submitted at reserved matters stage which would identify any impact to trees on and adjacent to the site.
- 7.51 It is considered overall that subject to the imposition of appropriate conditions, the proposal would respect any trees on or adjacent to the site and could accord with Policies LP31 of the Huntingdonshire Local Plan.

### **Flood Risk**

- 7.52 National guidance and Policy LP5 of the Local Plan seek to steer new developments to areas at lowest risk of flooding and advises this should be done through application of the Sequential Test, and if appropriate the Exceptions Test (as set out in paragraphs 159-169 of the NPPF).
- 7.53 The application site is situated in Flood Zone 1 based on the Environment Agency Floods Maps and the Strategic Flood Risk Assessment (2017). This results in a low probability of surface, groundwater or fluvial flooding and is considered low risk and is not subject to the sequential and exception tests as set out within the NPPF.
- 7.54 The proposed development is therefore considered to accord with policy LP5 of the Local Plan and the NPPF in this regard.

### **Other Matters**

#### Third-party reference to previous applications on this site

- 7.55 Officers note that reference has been made by third party objections in regard to a refused application (reference 18/01708/FUL, refused 25.01.2019) for the erection of a 3 bedroom bungalow on the site with associated parking. This application was submitted as a full application (all matters considered), unlike that under consideration, which is an outline application and is generally used to find out, at an early stage, whether or not a proposal is likely to be approved by the planning authority and allows fewer details about the proposal to be submitted before any specific details are finalised.
- 7.56 The dwelling under this submission differed to the current application principally due to its form, single storey nature and siting forward of the established building line. Parking

arrangements were also further sited more southerly than this application. This earlier 18/01708/FUL application was subsequently refused on the basis of form, bulk, scale and siting, as well as visibility splays and cumulative impact to the wider conservation area. The previous proposal was also refused on the lack of Unilateral Undertaking for the provision of a wheeled bin.

- 7.57 Therefore, whilst regard is paid to that proposal and decision, each application should be considered on its own merits, and as in all cases, regard will be given to the proposal at hand against the development plan and the NPPF. It should be noted that the report on 18/01708/FUL stated that the principle of a residential dwelling was acceptable subject to material planning considerations, such as heritage impact, amenity etc. It's also noted that Huntingdonshire's Local Plan was adopted in May 2019 and that a the NPPF was updated in 2021.

#### Accessible and Adaptable Homes

- 7.58 Policy LP25 of the Local Plan requires proposals that include housing to meet the optional Building Regulation requirement M4(2)" Accessible and adaptable dwellings" unless it can be demonstrated that site specific factors make this unachievable. The applicant has confirmed the proposal will meet standards.
- 7.59 However, a condition can be imposed upon any consent to ensure that the development is built in accordance with these standards and that they are maintained for the lifetime of the development.

#### Water Efficiency

- 7.60 Policy LP12(j) of the Local Plan requires proposals that include housing to comply with the optional building regulation for water efficiency, as set out in Approved Document G. The applicant has confirmed the proposal will meet standards.
- 7.61 However, a condition can be imposed upon any consent to ensure that the development is built in accordance with these standards and that they are maintained for the life of the development.

#### Community Infrastructure Levy (CIL) and Bins

##### Community Infrastructure Levy (CIL):

- 7.62 The development will be CIL liable in accordance with the Council's adopted charging schedule; CIL payments will cover footpaths and access, health, community facilities, libraries and lifelong learning and education.

##### Unilateral Undertaking for Wheeled Bins:

- 7.63 A Unilateral Undertaking to secure the provision of wheeled bins has been submitted as part of the application. On this basis the proposal would provide a satisfactory contribution to meet the tests within the CIL Regulations. The proposal would therefore accord with policy LP4 of the Huntingdonshire Local Plan and the Developer Contributions Supplementary Planning Document (2011).
- 7.64 There are no other material planning considerations which have a significant bearing on the determination of this application.

**Conclusion:**

7.65 In this instance a proposal for the erection of a dwelling within the built-up Brampton is not considered to cause significant and demonstrable harm that would outweigh the economic, social and environmental benefits of the proposal (although limited) and the proposed development is considered to be compliant with relevant national and local planning policy as:

- The principle of the development of this site for a residential dwelling is acceptable.
- The proposed development could be accommodated and would not have a significant adverse impact on the overall character of the area.
- The proposed development would not have a significant adverse impact on any heritage assets.
- The proposed development could be accommodated and could be designed to satisfactorily safeguard the amenities of neighbouring dwellings.
- There are no overriding highway safety and parking issues.
- The proposal will not impact on existing ecology and would be able to enhance biodiversity.
- The proposal is acceptable in regard to flood risk.

7.66 There are no other material planning considerations which have a significant bearing on the determination of this application.

7.67 Taking national and local planning policies into account, and having regard for all relevant material considerations, it is recommended that outline planning permission be granted, subject to appropriate conditions.

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

- Approval of the details of the access, appearance, layout, scale and landscaping, known as "the reserved matters".
- Time limits.
- Restrict development to one dwelling.



- Details of site levels.
- Approval of the details of external materials to be used.
- Biodiversity Method Statement.
- Arboricultural Impact Assessment.
- Highway matters.
- Permitted Development removed for gates.
- Compliance with the Building Regulations 2010 (as amended) optional requirement M4(2).
- Compliance with the Building Regulations 2010 (as amended) optional requirement for water efficiency, as set out in Approved Document G.

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 **Marie Roseaman Senior Development Management Officer** – [marie.roseaman@huntingdonshire.gov.uk](mailto:marie.roseaman@huntingdonshire.gov.uk)

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Head of Planning  
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St. Mary's Street  
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Cambridgeshire  
PE29 3TN

Application Number: 22/02143/OUT Case Officer: Marie Roseaman

**Proposal:** 1 Bernard Road Brampton Huntingdon PE28 4RW

**Location:** Erection of 3 bedroom dwelling

Please ✓ box as appropriate

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

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

Lack of space for access and too close to the boundary of the conservation area

No observations either in favor or against the proposal

K Hornett, Assistant Clerk to Brampton Parish Council  
(For GDPR purposes please do not sign)

Date : 18 November 2022

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)**

# Development Management Committee



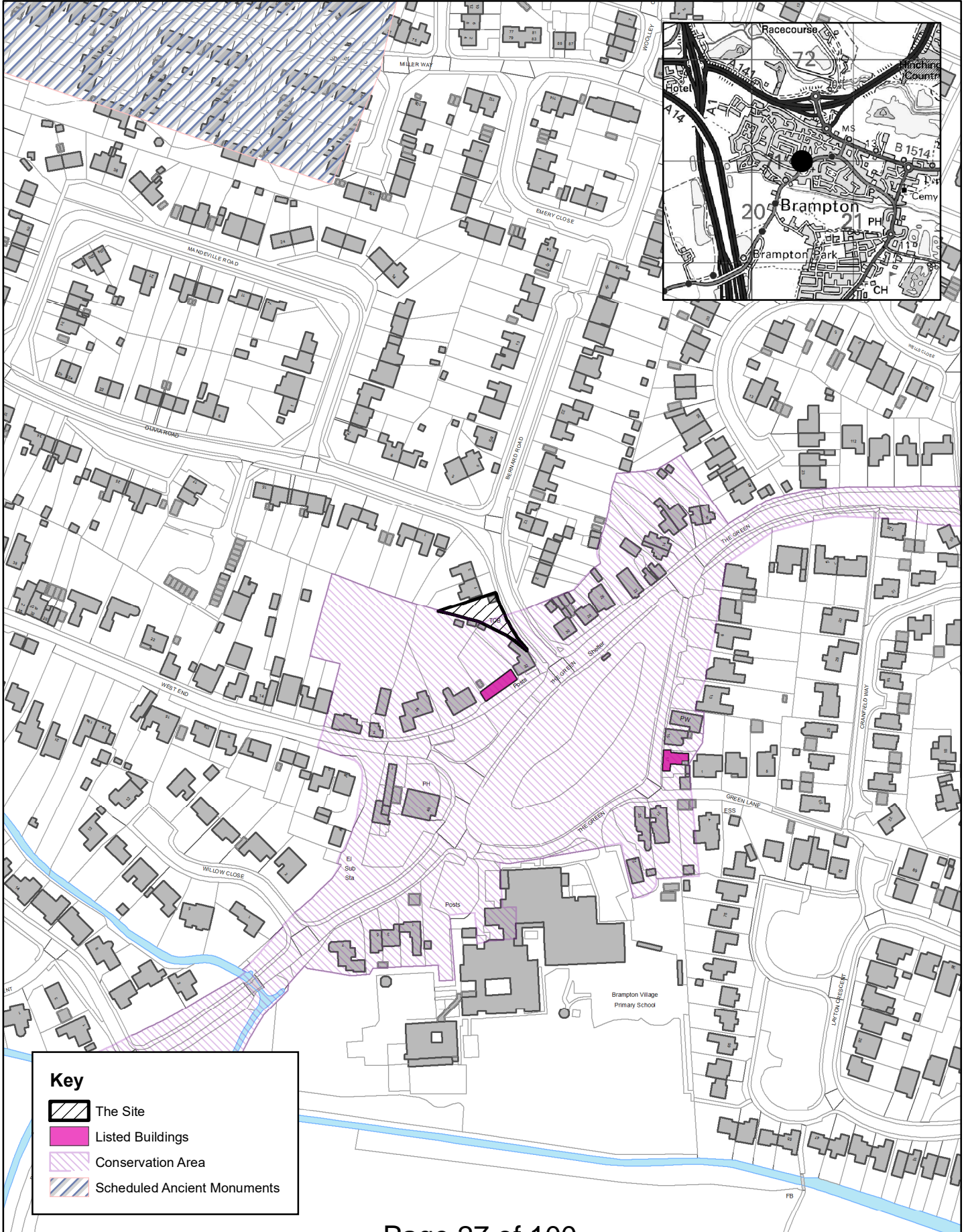
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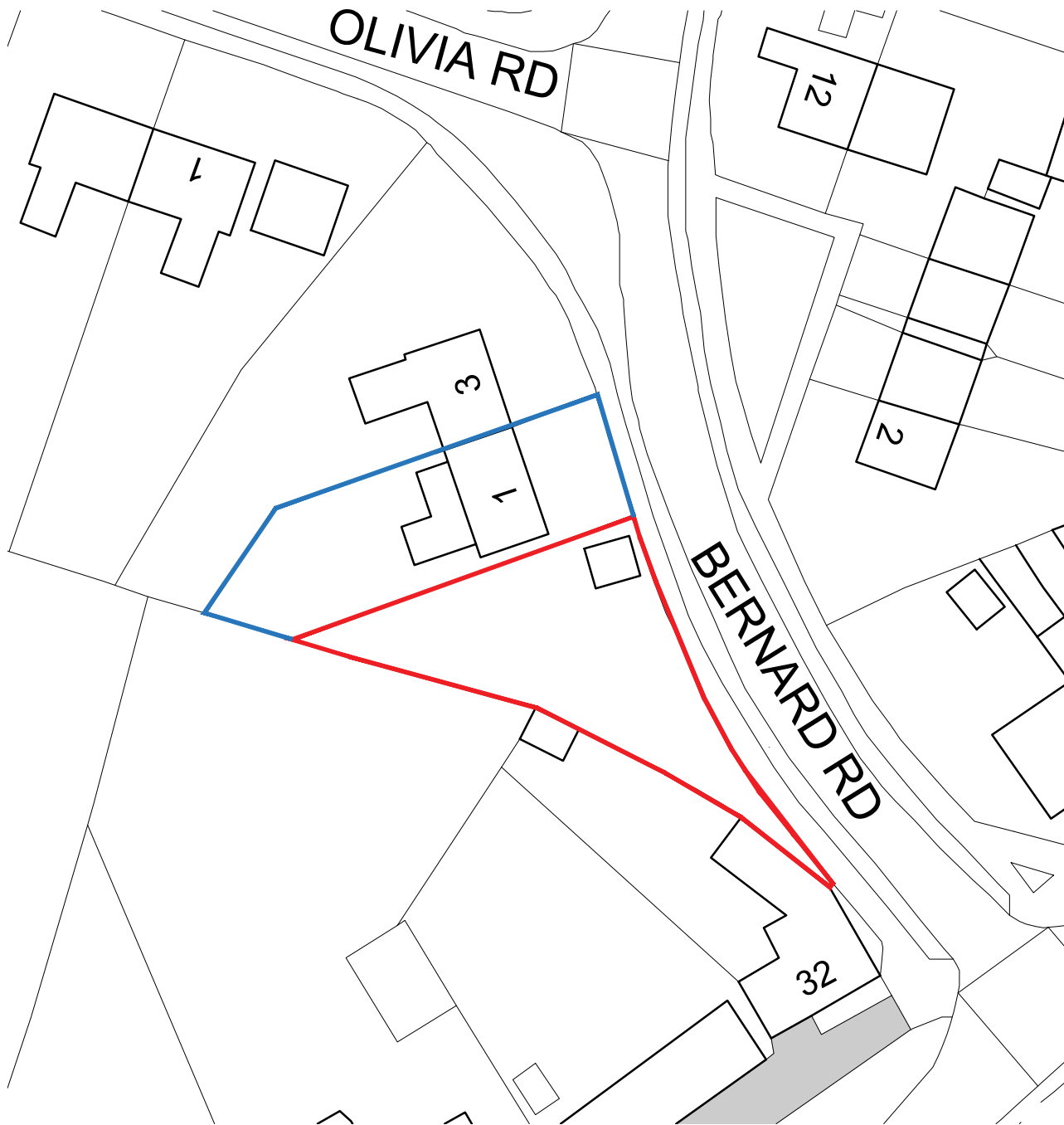
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Date Created: 06/03/2023

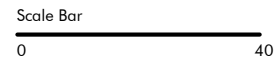
Location: Brampton

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Rev.	Date	Details
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### Planning

Drawing Name  
 Site Location Plan

Project Name  
 1 BERNARD ROAD, BRAMPTON

Project No.  
 896

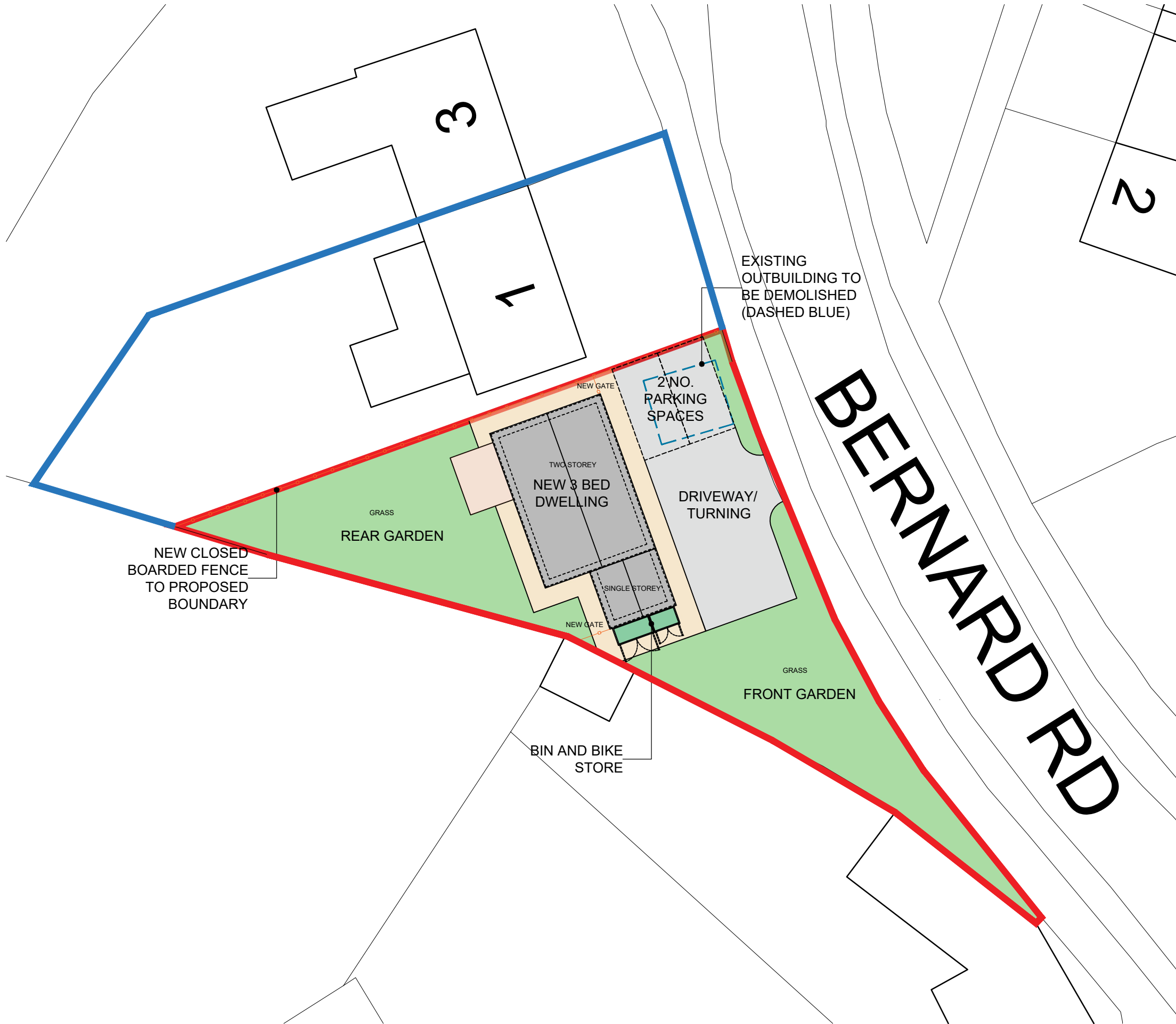
Dwg No.  
 001

Rev.

Scale  
 1:500 @ A4

Drawn  
 EBS

Date  
 07.12.21



Proposed Block Plan

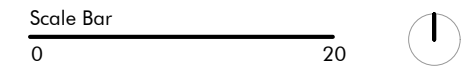


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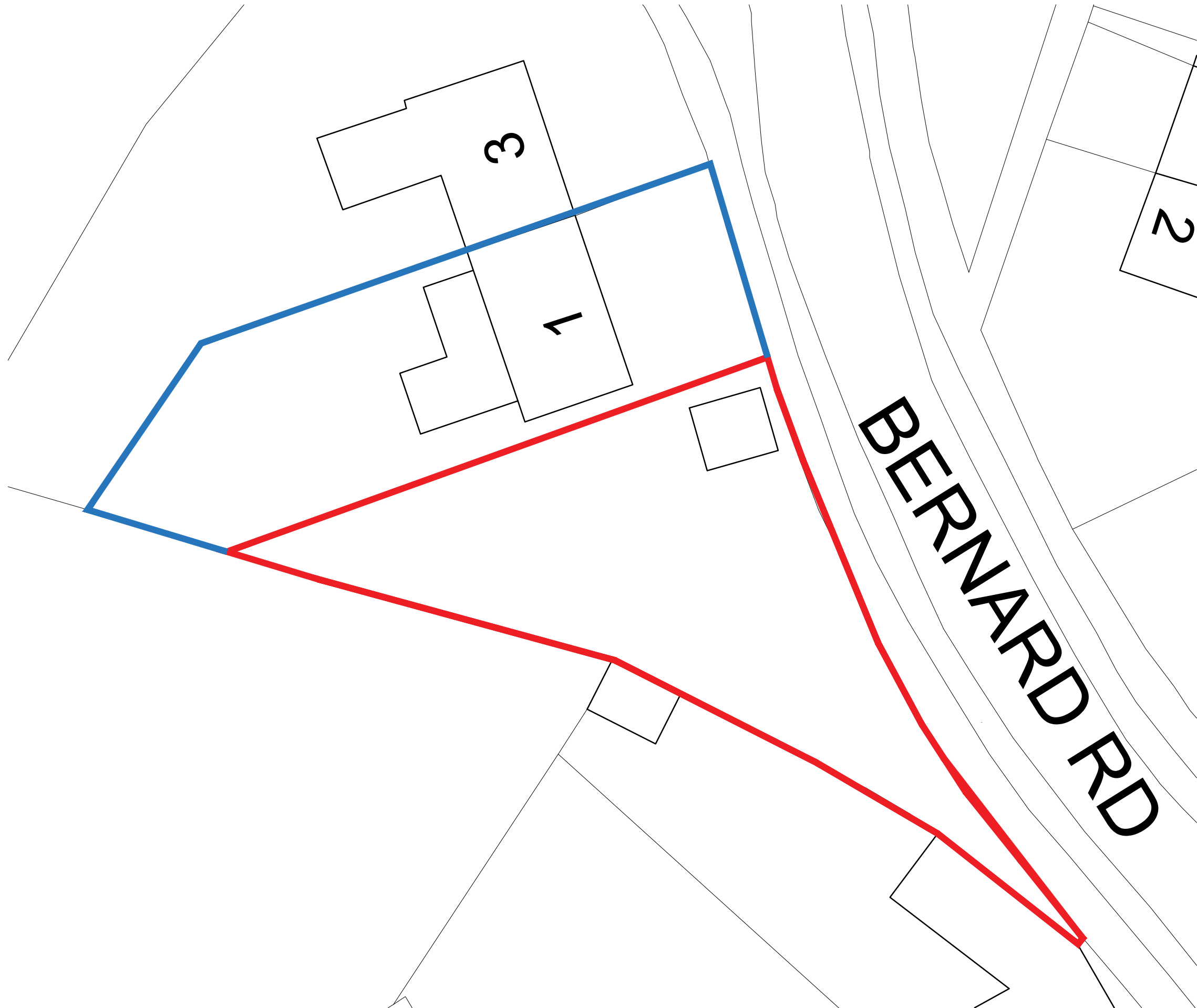


Rev.	Date	Details
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Planning

**Drawing Name**  
 Proposed Block Plan

Project Name	Project No.	Dwg No.
1 BERNARD ROAD, BRAMPTON	896	003
Rev.	Scale	
-	1:200 @ A3	
Drawn	Date	
EBS	07.12.21	



Existing Block Plan

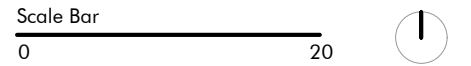


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Rev.	Date	Details
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Planning

**Drawing Name**  
 Existing Block Plan

Project Name	Project No.	Dwg No.
1 BERNARD ROAD, BRAMPTON	896	002
Rev.	Scale	
-	1:200 @ A3	
Drawn	Date	
EBS	07.12.21	

## **DEVELOPMENT MANAGEMENT COMMITTEE 20<sup>th</sup> March 2023**

**Case No:** 21/00101/FUL

**Proposal:** PARTIAL DEMOLITION OF AN EXISTING BARN AND REBUILD TO FORM 6 SMALL BUSINESS UNITS. AS WELL AS THE DEMOLITION OF AN EXISTING WORKSHOP AND CONSTRUCTION OF 2 FURTHER SMALL BUSINESS UNITS. WITHIN USE CLASSES EA, EC (II), EC (III), EG (I), EG (II), EG (III).

**Location:** THE OLD NURSERY, GRAFHAM ROAD, ELLINGTON THORPE, HUNTINGDON, PE28 0AP

**Applicant:** MR M SEABROOK

**Grid Ref:** 516008 270831

**Date of Registration:** 11 MAY 2021

**Parish:** ELLINGTON

---

### **RECOMMENDATION - REFUSE**

**This application is referred to the Development Management Committee (DMC) because the Officer recommendation is contrary to the Parish Council recommendation.**

#### **1. DESCRIPTION OF SITE AND APPLICATION**

##### Site and Surroundings

- 1.1 The application site comprises a largely screened and overgrown plot of land with a number of barns and glasshouses on it. The site was used by MWS Landscapes as a part time nursery (weekends and bank holidays) for the selling of trees and shrubs and ancillary nursery/ garden centre supplies between 2007 and 2012. The site is in Flood Zone 1.

##### Proposal

- 1.2 The application is for the partial demolition of one of the barns and it's rebuild to form 6 small business units, and the demolition of the existing workshop and the construction of two further small business units within use classes Ea, Ec (ii), Ec (iii), Eg (i), Eg (ii) and Eg (iii). These uses incorporate the display and retail of goods, other than hot food; professional services (other than medical or health services) and other services appropriate in a commercial, business or service locality; and uses which can be carried out in

a residential area without detriment to its amenity – offices for operational or administrative functions, research and development of product or processes and industrial processes.

1.3 Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.

1.4 The application is supported by the following documents;

- Design and Access Statement
- Ecology report
- Arboricultural Report
- Proposed drawings

## **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: Amount of Development
- LP2: Strategy for Development
- LP4: Contributing to Infrastructure Delivery
- LP5: Flood Risk
- 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
- 3.3 Grafham and Ellington Neighbourhood Plan (2020- 2036)
- GENP1: Definition of Built Up Area Settlement Boundary)
  - GENP2: Protecting Heritage Assets
  - GENP5: Supporting the Local Economy
  - GENP7: Zero Carbon Initiatives
  - GENP8: Electric Car Infrastructure
  - GENP10: Biodiversity and Natural Environment
  - GENP13: Flood Risk and Drainage
- 3.4 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 18/02256/PMBPA - Conversion of two agricultural buildings to two dwellings - Withdrawn.

## 5. CONSULTATIONS

### 5.1 Ellington Parish Council – Recommends approval.

As this makes better use of redundant buildings, provides local employment opportunities, and reduces travel for employment.

### 5.2 Local Highway Authority – Object. Insufficient information.

No objections in principle, but I would like the following information submitted;

\* Largest vehicles likely to use the site and the access designed to cater for simultaneous movements of such vehicles with appropriate tracking provided. This will dictate the size of the access required.

\* The proposal looks to be an intensification of the use and therefore vehicle to vehicle visibility splays should be appended to the access. As this is a 60mph road, the required splays are 2.4m by 215m.

### 5.3 Environmental Health - No objection.

### 5.4 Landscape Officer – Object. Insufficient information.

A revised tree survey, arboricultural impact assessment and arboricultural method statement to accord with BS5837: 2012 are required. Landscaping should be secured by condition.

### 5.5 Internal Drainage Board - It is noted that the proposed method of storm water disposal is by soakaways. It is essential that the soakaways be investigated and if ground conditions are found satisfactory, constructed in accordance with the latest BRE Digest 365. In the event that the soakaways are not found to be suitable, any direct discharge to the nearby watercourse will require the Board's prior consent.

Please also note that the watercourse on the boundary of, or passing through the site, is under the statutory control of the Board. In accordance with the Board's byelaws, no development should take place with 9m of the bank's top, without the Board's prior consent. This includes any planting, fencing or other landscaping.

### 5.6 Wildlife Trust – The additional ecological report with the results of the Great Crested Newt eDNA surveys addresses the missing information from the original submission. The results of the pond surveys came back as negative so there are no further implications for the design of the development. The ecological mitigation and enhancement recommendations included in chapter 4 of the original PEA report should be secured through an appropriately worded planning condition.

5.7 Natural England – No objection.

5.8 Urban Design Team – No objection.

Site layout: Proposed rebuild buildings in similar location to buildings currently on the site. The existing courtyard between the rebuilt buildings appears to be underutilised and could accommodate parking to the front of the central landscaped area and adjacent to the northern unit, it is recommended that these be delineated within this area. This may therefore negate the requirement for introducing a new 16 space car park to the north east of the site on part of the current undeveloped part of the site which forms a large area of hardstanding that extends beyond the existing buildings. If additional parking is required it is recommended that this be where the existing polytunnel is located, therefore being closer to the southern barn. See comments on commercial car park in the HDC Design Guide SPD requiring soft landscaping both within and around the external edges of commercial car parks to soften the appearance of parking.

Scale, Mass and Appearance: No objection to the proposed rebuild units, or materials in principle, however details to be agreed via condition.

Other comments: Clarify approach to both staff and visitor cycle parking – this is within cycling distance of both Ellington and Grafham and as such cycle parking should be provided to encourage sustainable travel. Clarify approach to refuse storage – this should either be within the internal footprint of the units, or within a dedicated store. Ease of bin collection should be considered. Clarify hard and soft landscaping including boundary treatments. No particular concerns regarding impact on retained trees – however defer to tree / landscape colleagues.

Recommendation – no objection subject to amendments on layout and clarification on bin / cycle storage. External materials, hard / soft landscaping to be conditioned including boundary treatments and delineation of parking spaces.

## **6. REPRESENTATIONS**

6.1 No comments have been received.

## **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)
  - Grafham and Ellington Neighbourhood Plan 2020-2036  
(adopted 23rd Feb 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 as part of this application are:
- Principle of Development
  - Design, Visual Amenity and impact on the surrounding area
  - Residential Amenity
  - Parking Provision and Highway safety
  - Flood Risk
  - Biodiversity
  - Trees

### **Principle of Development**

- 7.6 The site is located within the open countryside and the proposal is for commercial development.
- 7.7 Local Plan Policy LP19 (Rural Economy) states: *a proposal for new business development in the countryside will only be supported where it;*
- a. is within a defined Established Employment Area;*
  - b. immediately adjoins and is capable of being integrated with an Established Employment Area;*
  - c. involves the reuse of land in use or last used for business uses (class 'B'); or*

*d. involves the reuse or replacement of existing buildings as set out in policy LP 33 'Rural Buildings'. In all cases office uses (class 'B1a') will be limited to a total of 600m2 floorspace.*

- 7.8 The applicant has submitted additional information regarding the previous use of the site as nursery. This information outlines the following: the nursery has been in existence since about 1973, the applicant purchased the site in 2006, The nursery use specialised in providing trees and shrubs to both local landscapers and the public, and this included the sale of 'bought in' products such as potting compost and the supply of Christmas trees on a seasonal basis.
- 7.9 The applicant has also outlined that the Town and Country Planning Use Classes Order has been updated since the adoption of the Local Plan. Class B1(a) offices, B1(b) research and development of products or processes, and B1(c) For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area) became Class E in 2020. Use Class E now includes: Commercial, Business and Service - Use, or part use, for all or any of the following purposes:
- a) Shop other than for the sale of hot food
  - b) Food and drink which is mostly consumed on the premises
  - c) the following kinds of services principally to visiting members of the public
    - i. financial services
    - ii. professional services (other than medical services)
    - iii. any other services which it is appropriate to provide in a commercial, business or service locality
  - d) Indoor sport and recreation (not swimming pools, ice rinks or motorised vehicles or firearms)
  - e) Medical services not attached to the residence of the practitioner
  - f) Non-residential creche, day centre or nursery
  - g) i) office ii) the research and development of products or processes or iii) any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area)
- 7.10 The applicant has put forward the argument, that based on the above information, the former activity on the site would therefore include an element of Class E business use. Officers note this argument regarding policy LP19 part c).
- 7.11 Policy LP19 part d) involves the reuse or replacement of existing buildings as set out in policy LP 33 'Rural Buildings'. This is relevant given that the proposal includes the replacement of existing buildings.
- 7.12 Local Plan Policy LP33 (Rural Buildings) states: *a proposal for the conversion of a building in the countryside that would not be dealt*

*with through 'Prior Approval/ Notification' will be supported where it can be demonstrated that:*

*a. the building is:*

*i. redundant or disused;*

*ii. of permanent and substantial construction;*

*iii. not in such a state of dereliction or disrepair that significant reconstruction would be required; and*

*iv. is structurally capable of being converted for the proposed use; and*

*b. the proposal:*

*i. would lead to an enhancement of the immediate setting; and*

*ii. any extension or alteration would not adversely affect the form, scale, massing or proportion of the building.*

7.13 The applicant has submitted additional information to demonstrate compliance with the criteria of Policy LP33:

- Criterion a.i): The buildings are redundant or disused.
- Criterion a.ii): Submitted photos and document demonstrating that the buildings are of a permanent and sustainable construction nature.
- Criterion a.iii): The Design and Access statement outlines the proposed works which demonstrates that the buildings are not in such a state of dereliction or disrepair that significant reconstruction is essential for the proposed business.
- Criterion a.iv): The barn is capable of being converted and re-used. The workshop could also be retained and converted.
- Criterion b.i): The proposal will ensure a functional use for the site.
- Criterion b.ii): The proposed alterations are considered appropriate and proportion.

7.14 On balance, officers consider the proposal complies with aims and objectives of policies LP19 and LP33.

7.15 The site is located within the parish of Ellington. The proposal therefore also needs to be assessed against the Grafham and Ellington Neighbourhood Plan 2020-2036.

7.16 Policy GENP 5 (Supporting the Local Economy) of Grafham and Ellington Neighbourhood Plan 2020-2036 states for outside of the built up areas:

*A proposal for new development, or the expansion of an existing business, outside the built-up areas of Grafham and Ellington, will only be supported where it can be demonstrated that there are operational requirements for a countryside location and the scale, character and siting of the proposed use will not have a detrimental impact on the countryside or the amenity of nearby properties. Any proposal shall also demonstrate that expected traffic can be safely accommodated on the highway network.*

- 7.17 The submitted Design and Access Statement outlines that the proposal is for speculative development within use classes Ea, Ec (ii), Ec (iii), Eg (i), Eg (ii), Eg (iii). It also states that the aim of the proposal is to attract new tenants to the site and provide small business premises for local companies. Based on the information submitted, there is no identified end user for the development.
- 7.18 The application fails to demonstrate that the principle of development is acceptable. As the proposal is for speculative commercial development with no identified end user, the application therefore fails to demonstrate that there are operational requirements for a countryside location. The proposal is therefore contrary to Policy GENP 5 of Grafham and Ellington Neighbourhood Plan 2020-2036.

### **Design, Visual Amenity and impact on the surrounding area**

- 7.19 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.
- 7.20 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.
- 7.21 Following comments from the Urban Design Team, the applicant amended the proposal to move car parking over to the area of the removed polytunnel to the rear of the site and added further landscaping to help strengthen green spaces within the site and the boundary treatment.
- 7.22 Officers consider the proposed buildings would be well designed and suitable for their purpose and given that the development would involve the clearance of several derelict structures from the site and the overall significant tidying of the site, the proposal is considered to respond positively to the area's character of limited and sporadically sited buildings, largely screened from immediate view.
- 7.23 If the application were to be recommended for approval, Officers would recommend conditions regarding materials, landscaping, cycle and bin storage etc. Trees are addressed in the below relevant section.
- 7.24 The proposed buildings would not detract from the site but would be in keeping with the overall character and identity of the area. They would not be harmful or intrusive within the setting of the site

and would comply with Policies LP11 and LP12 of the Local Plan, the Council's Design Guide and the design guidance contained in the NPPF.

### **Residential Amenity**

- 7.25 Policy LP14 states that a proposal will be supported where a high standard of amenity is maintained for all occupiers of neighbouring land and buildings.
- 7.26 The nearest residential property is on the opposite side of the road but is screened by a high hedge. Given the distance away from the site, officers consider that the proposed development and its use would not have any significant adverse impacts upon residential amenity. The proposal therefore accords with Policy LP14 of the Local Plan and the guidance in the NPPF.

### **Parking Provision and Highway Safety**

#### Parking

- 7.27 Policy LP17 states that a proposal will be supported where it incorporates adequate parking for vehicles and cycles.
- 7.28 The proposal shows 16 (with an additional 3 visitor) car parking and 6 cycle parking spaces within the site. Officers consider that the parking for the proposal can be sufficiently accommodated within the site. The proposal would be in accordance with Policy LP17 of the Huntingdonshire Local Plan to 2036

#### Highway Safety

- 7.29 Policy GENP 5 (Supporting the Local Economy) of Grafham and Ellington Neighbourhood Plan 2020-2036 states for outside of the built up areas: *Any proposal shall also demonstrate that expected traffic can be safely accommodated on the highway network.*
- 7.30 The proposal would use the existing access arrangements for the site and would also widen the access from 4m to 5.5m.
- 7.31 The application is not supported by a Transport Statement, plans showing tracking for vehicles or plans showing vehicle visibility splays.
- 7.32 The Local Highway Authority have been consulted as part of the application and have objected on insufficient information regarding what vehicles would use the site, the appropriate tracking for such vehicles and the appropriate access design and size to accommodate such vehicles. They have also objected on insufficient information within the application demonstrating that the required vehicle visibility splays of 2.4m x 215m are achievable as the road is 60mph.



- 7.33 Insufficient information has been submitted with the application to demonstrate that the proposal would not result in an adverse impact on highway safety. The proposal is therefore contrary to policies LP16 and LP17 of the Huntingdonshire's Local Plan to 2036.

## **Flood Risk**

- 7.34 The application site is within Flood Zone 1. The Internal Drainage Board have been consulted as part of the application and have advised that it is essential that the soakaways are investigated and if ground conditions are found satisfactory, that they are constructed in accordance with the latest Building Research Establishment Digest 365. If the soakaways are not found to be suitable, any direct discharge to the nearby watercourse will require the Board's prior consent. In the event of permission for the proposal being granted, they have recommended that the above be conditioned.
- 7.35 Policy GENP 13 (Flood Risk and Drainage) of Grafham and Ellington Neighbourhood Plan 2020-2036 states:  
*A proposal shall neither exacerbate existing water supply or wastewater issues nor create water supply or disposal issues for properties elsewhere in the neighbourhood plan area. A proposal for a new development shall provide a surface water drainage solution using a sustainable drainage system that does not discharge or risk discharge, to the existing foul sewer systems in the villages. Surface water drainage design shall comply with the guidance given in the Cambridgeshire Flood and Water Supplementary Planning Document [Ref 15] and the CCC Surface Water Drainage Guidance for Developers [Ref 16]. It shall be noted that these documents prohibit soakaway design infiltration rates lower than  $1 \times 10^{-6}$  m/s. It is anticipated that soakaways in the heavy clay soils in the neighbourhood plan area will not be possible. Where this is the case, other infiltration methods such as swales, ponds and wetlands shall be explored or, where demonstrably unsuitable, such alternatives as may be acceptable to the local planning authority with the advice of the Lead Local Flood Authority. A proposal shall not increase flood risk from any form. A site-specific flood risk assessment in line with the requirements of local and national policy advice shall accompany a proposal on a site with an identified risk of flooding or where otherwise justified by the local planning authority.*
- 7.36 It is clear from the proposed site plan, that the proposal will increase the amount of hard landscaping on the site. Taking the above into account on whether soakaways are suitable for the site, and in the absence of a surface water drainage strategy for the site, Officers consider the application does not contain enough information to assess the drainage implications of the proposal.

- 7.37 Insufficient information has been submitted with the application to demonstrate that the proposal incorporates sustainable drainage systems and would not result in flooding on the site or elsewhere. The proposal is therefore contrary to policies LP5, LP6 and LP15 of the Huntingdonshire's Local Plan to 2036 and GENP 13 of Grafham and Ellington Neighbourhood Plan 2020-2036.

### **Biodiversity**

- 7.38 Policy LP30 of Huntingdonshire's Local Plan to 2036 requires proposals to demonstrate that all potential adverse impacts on biodiversity and geodiversity have been investigated. Policy LP30 also requires development proposals to ensure no net loss in biodiversity and provide a net gain in biodiversity where possible.
- 7.39 Policy GENP 10 (Biodiversity and Natural Environment) states: All new development shall protect biodiversity and the natural environment and provide a biodiversity net gain and establish, enhance or extend ecological corridors and the connectivity between them.
- 7.40 There are two ponds within 100 metres of the proposed development.
- 7.41 The Wildlife Trust has been consulted as part of the application. Following the submission of a revised ecological report with the results of the Great Crested Newt eDNA surveys (negative in regards to the presence of Great Crested Newts), the Wildlife Trust supports the proposal subject to the inclusion of conditions regarding ecological mitigation and enhancement recommendations included in chapter 4 of the original PEA report.
- 7.42 Officers consider that the proposal would not result in harm to protected species or wildlife subject to the above condition. The proposal therefore complies with policy LP30 of the Huntingdonshire's Local Plan to 2036, GENP 10 of Grafham and Ellington Neighbourhood Plan 2020-2036, The Wildlife and Countryside Act (1981), the Habitats and Protected Species Regulations (2017) and the National Planning Policy Framework (2021).

### **Trees**

- 7.43 An Arboricultural Report has been submitted with the application.
- 7.44 The Landscape Officer has reviewed the submitted information and has objected on the grounds that tree survey and tree protection and removal plans in the report by East Midland Tree Surveys do not reflect the standards set out in BS5837:2012. The

Landscape Officer therefore cannot fully assess the impact of the proposal upon the trees.

- 7.45 Insufficient and inadequate information has been submitted with the application to demonstrate that the proposal would not result in harm to trees. The proposal is therefore contrary to policy LP31 of the Huntingdonshire's Local Plan to 2036.

## **Conclusion**

- 7.46 Officers have considered the submitted information and have taken into account the arguments put forward by the applicant in regards to the principle of development. As the site is located within the countryside and as the proposal is for speculative development with no identified end user, the application therefore fails to demonstrate that there are operational requirements for a countryside location which is contrary to the relevant policy of the Grafham and Ellington Neighbourhood Plan.
- 7.47 The proposal is also inadequate in terms of the submitted information on highway safety, drainage/flood risk and trees.
- 7.48 Having regard to all relevant material considerations, it is concluded that the proposal would not accord with local and national planning policy. Therefore, it is recommended that planning permission be refused.

## **8. RECOMMENDATION - REFUSAL for the following reasons:**

1. The application fails to demonstrate that the principle of development is acceptable. As the proposal is for speculative commercial development with no identified end user, the application therefore fails to demonstrate that there are operational requirements for a countryside location. The proposal is therefore contrary to Policy GENP 5 of Grafham and Ellington Neighbourhood Plan 2020-2036.
2. Insufficient information has been submitted with the application to demonstrate that the proposal would not result in an adverse impact on highway safety. The proposal is therefore contrary to policies LP16 and LP17 of the Huntingdonshire's Local Plan to 2036.
3. Insufficient information has been submitted with the application to demonstrate that the proposal incorporates sustainable drainage systems and would not result in flooding on the site or elsewhere. The proposal is therefore contrary to policies LP5, LP6 and LP15 of the Huntingdonshire's Local Plan to 2036 and GENP 13 of Grafham and Ellington Neighbourhood Plan 2020-2036.

4. Insufficient and inadequate information has been submitted with the application to demonstrate that the proposal would not result in harm to trees. The proposal is therefore contrary to policy LP31 of the Huntingdonshire's Local Plan to 2036.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388424 and we will try to accommodate your needs

**CONTACT OFFICER:**

Enquiries about this report to **Lewis Tomlinson Senior Development Management Officer** – [lewis.tomlinson@huntingdonshire.gov.uk](mailto:lewis.tomlinson@huntingdonshire.gov.uk)

## Lewis Tomlinson

---

**From:** Clerk <clerk@ellingtonparishcouncil.gov.uk>  
**Sent:** 19 May 2021 14:14  
**To:** DMAdmin  
**Subject:** RE: Planning Permission Consultation - The Old Nursery Grafham Road Ellington Thorpe (ref 21/00101/FUL)

Dear Sir/Madam

Ellington PC met on 18th May to discuss this application.

Recommendation: Approval

Reasons: Makes better use of redundant buildings, local employment opportunity, reduces travel for employment

Best wishes

Darren Tysoe

Clerk

On 12 May 2021, at 14:46, <Dmadmin@huntingdonshire.gov.uk> wrote

Dear Parish Clerk,

Please find correspondence from Development Management at Huntingdonshire District Council attached to this email in relation to the following application for planning permission.

Proposal: Partial demolition of an existing barn and rebuild to form 6 small business units. As well as the demolition of an existing workshop and construction of 2 further small business units. Within use classes A1, B2 and E(g)(i)

Site Address: The Old Nursery Grafham Road Ellington Thorpe

Reference: 21/00101/FUL

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If you have any doubts or concerns relating to this email please contact us directly, our contact details are provided below.

Development Management  
Huntingdonshire District Council

T: 01480 388388

E: [dmadmin@huntingdonshire.gov.uk](mailto:dmadmin@huntingdonshire.gov.uk)

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# Development Management Committee



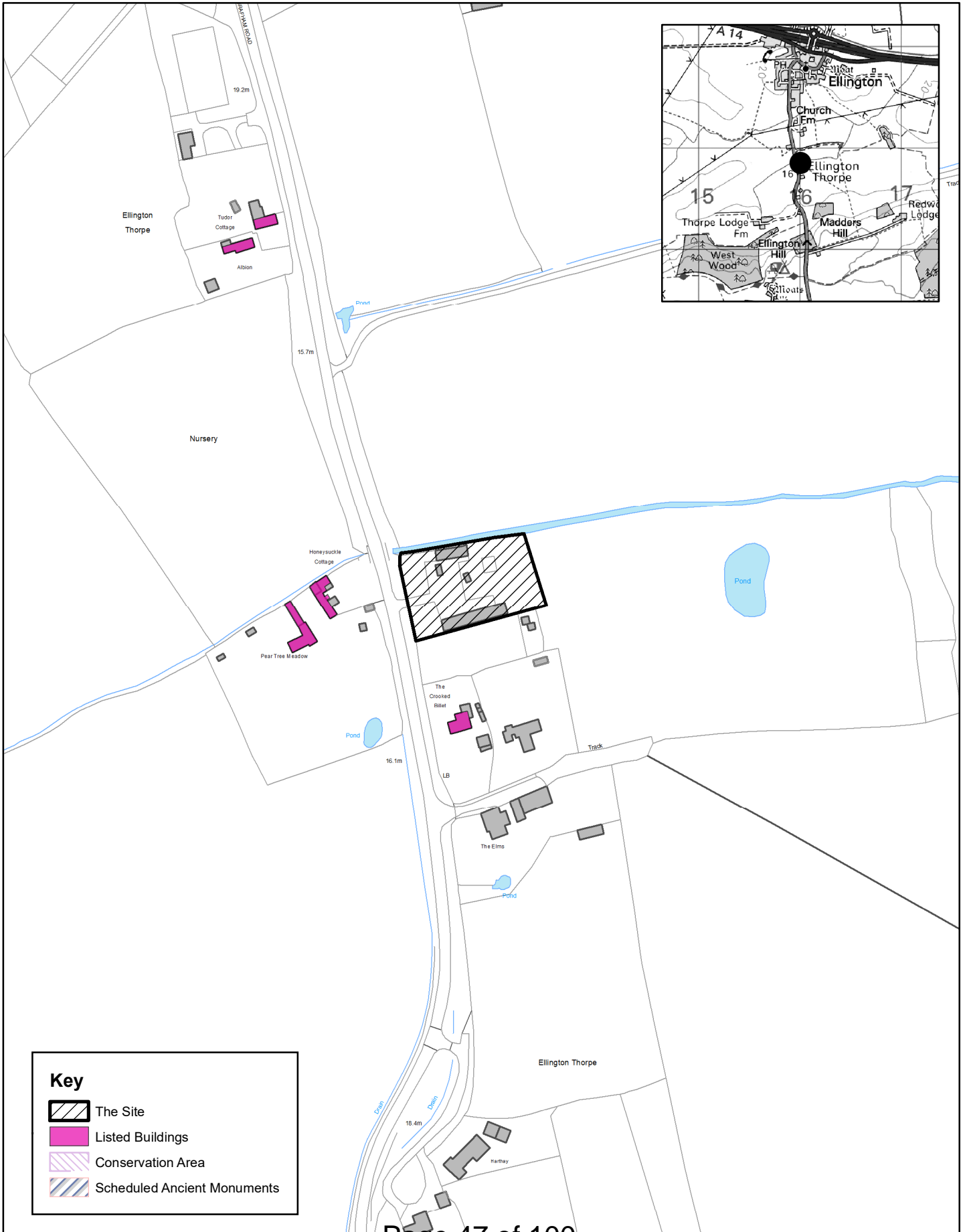
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Application Ref: 21/00101/FUL

Date Created: 06/02/2023

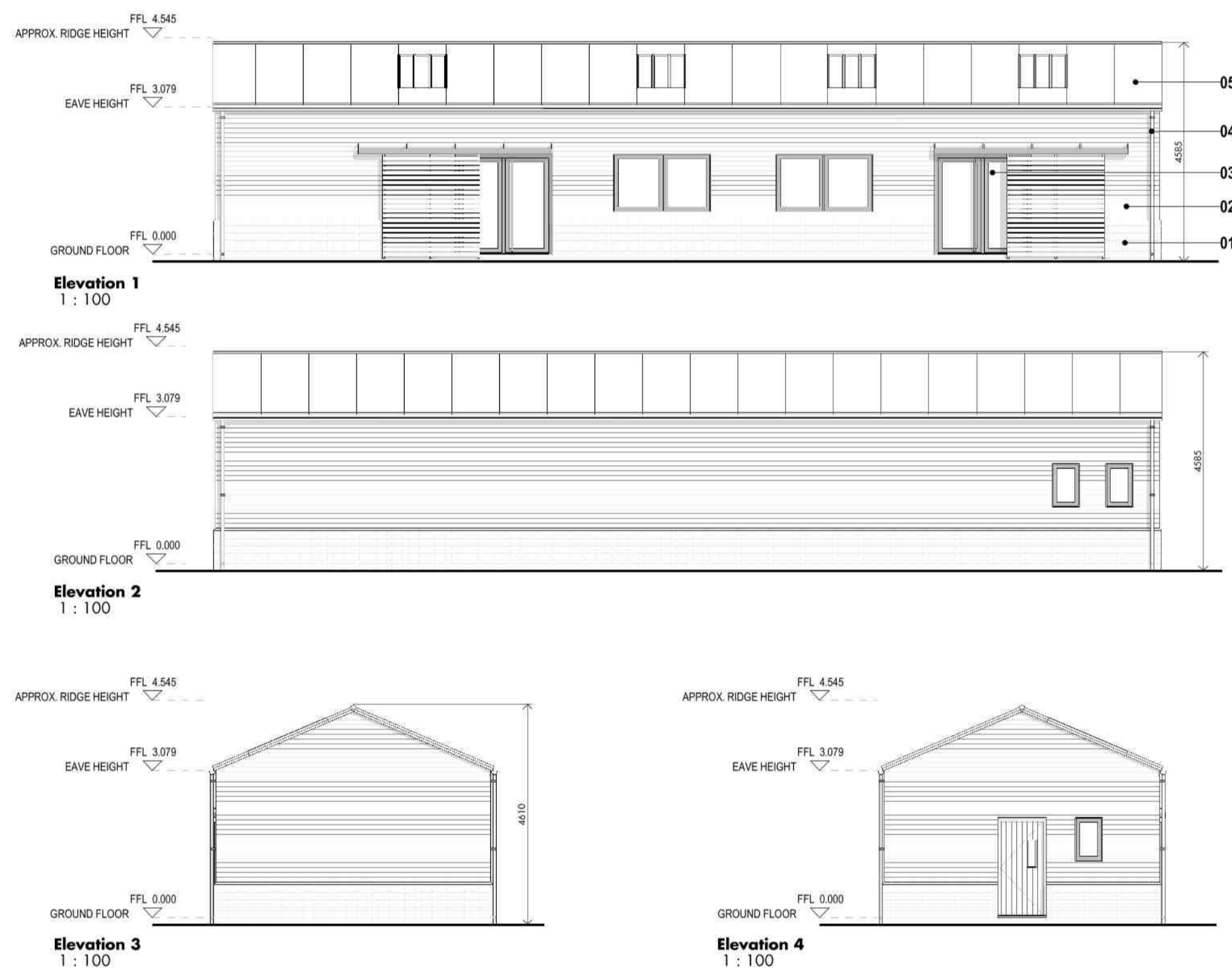
Location: Ellington

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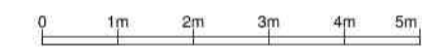






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- MATERIALS**
- 01 Brickwork
  - 02 Composite horizontal cladding
  - 03 Aluminium windows & doors
  - 04 Aluminium gutters & downpipes
  - 05 Metal insulated panels



PLANNING	
Project Name:	ELLINGTON THORPE NURSERY
Project No.:	740
Drawn By:	009
Rev.:	
Scale:	1:100 @A3
Drawn By:	TM
Checked By:	TM
Date:	03.12.2020
Date:	03.12.2020

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

**AREA SCHEDULE**

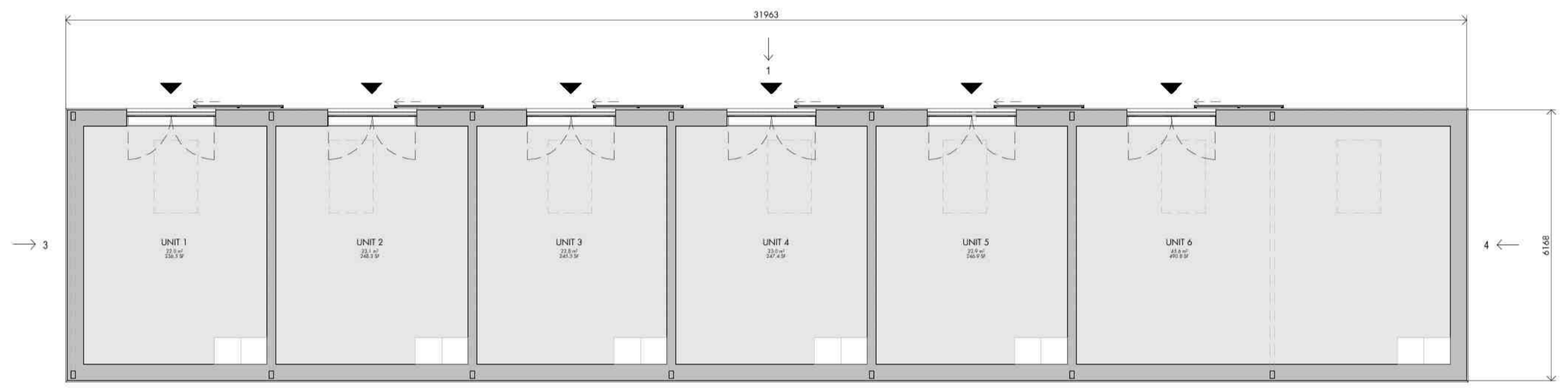
FLOOR LEVEL	AREA (m <sup>2</sup> )	AREA (sq ft)
BARN	169.2 m <sup>2</sup>	1821.36 sq ft
WORKSHOPS	93.7 m <sup>2</sup>	1030.05 sq ft
	264.9 m <sup>2</sup>	2851.41 sq ft

Construction shall not be used to signify dimensions which are to be provided on site, any dimensions are to be provided on the drawings and shall be subject to the usual tolerance of the industry.

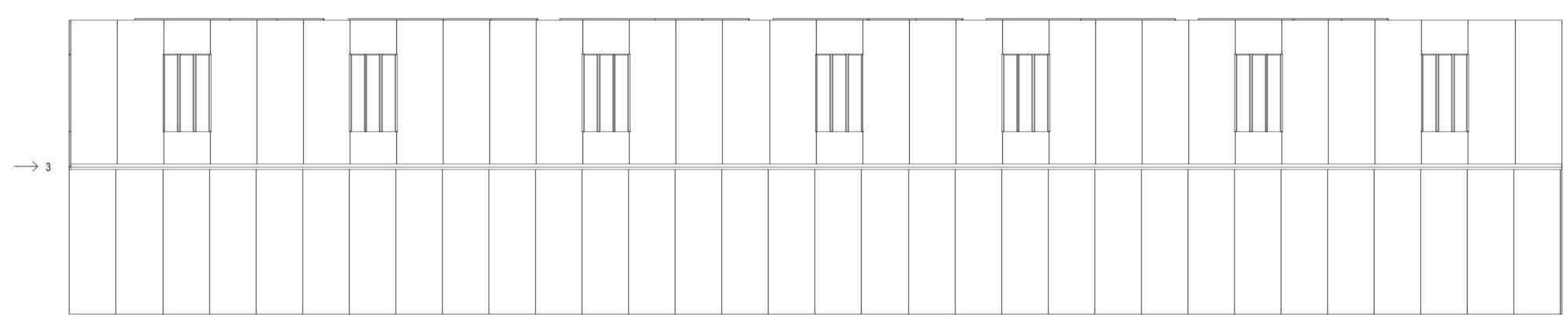
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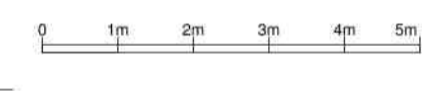
- Proposed Walls
- Proposed Area
- Principal Entrance



**Level 00 - Barns Ground Floor - Proposed**  
1 : 100



**Barns Roof Plan - Proposed**  
1 : 100



PLANNING

Project Name:	ELLINGTON THORPE NURSERY	Project No.:	740
Location:	GRAFHAM ROAD	Date:	03.12.2020
Scale:	1 : 100	Drawn By:	TJM
Sheet:	@A3	Checked By:	TJM
Drawn Date:	03.12.2020	Issue:	03.12.2020

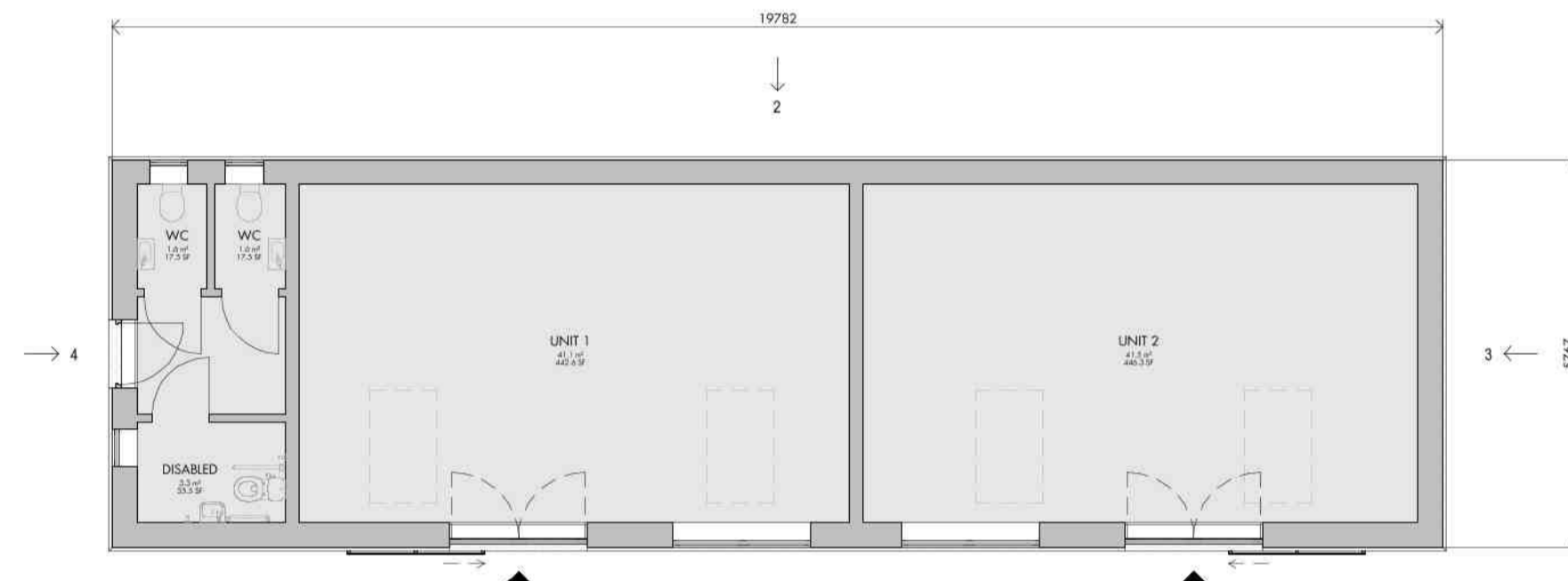
**TMV ARCHITECTS**  
The Repeater Station, London Road,  
Norman Cross, Peterborough, PE7 3TB

**AREA SCHEDULE**

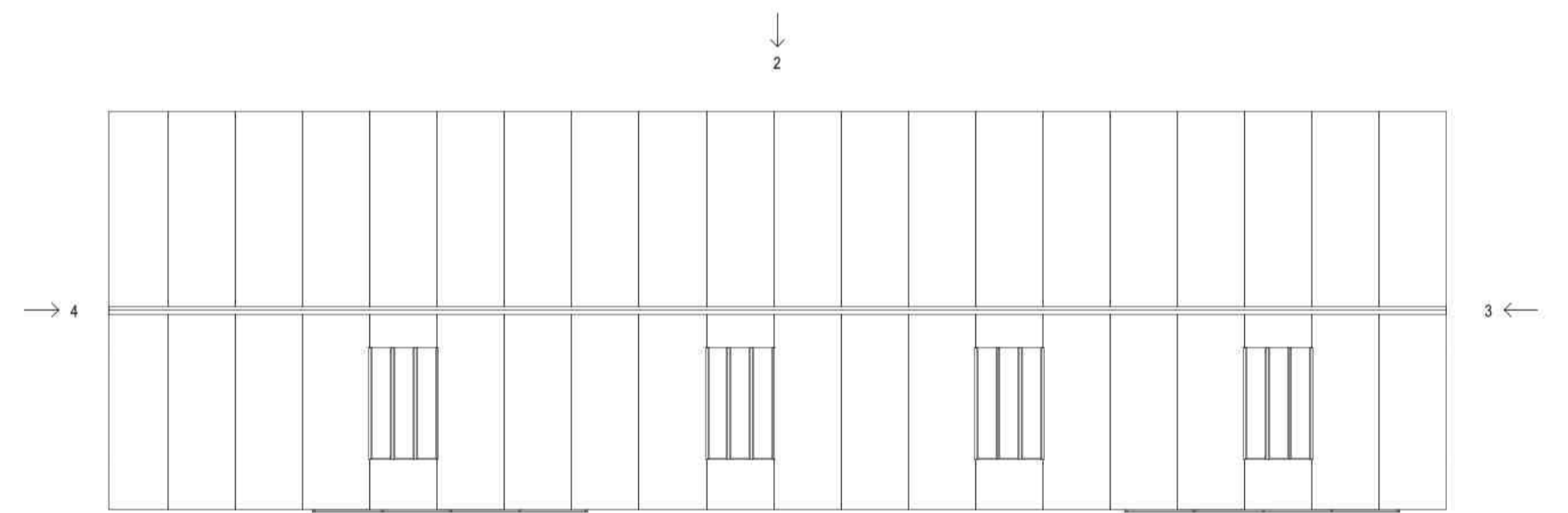
FLOOR LEVEL	AREA (m <sup>2</sup> )	AREA (sq ft)
BARN	169.2 m <sup>2</sup>	1821.36 ft <sup>2</sup>
WORKSHOPS	93.7 m <sup>2</sup>	1030.05 ft <sup>2</sup>
	264.9 m <sup>2</sup>	2851.41 ft <sup>2</sup>

Construction that will only be required if the proposed work is to be carried out in the proposed area is shown in light grey. All other construction is shown in dark grey. All rights reserved in respect of the copyright, design and patents and other intellectual property rights of the architect. Information contained within this drawing is the sole property of TM Architects and should not be reproduced or copied in any form without written permission.

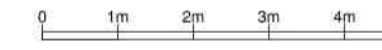
- Proposed Walls
- Proposed Area
- Principal Entrance



**Level 00 - Workshops Ground Floor - Proposed**  
1 : 100



**Workshops Roof Plan - Proposed**  
1 : 100



TM ARCHITECTS	
Project Name	ELLINGTON THORPE NURSERY
Project No.	740
Client	OOB
Rev.	
Scale	1 : 100 @A3
Drawn By	TM
Checked By	TM
Date	03.12.2020

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

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**DEVELOPMENT MANAGEMENT  
COMMITTEE 20<sup>th</sup> MARCH 2023**

**Case No:** 21/01958/FUL (FULL PLANNING APPLICATION)  
**Proposal:** EXTENSION TO FORMER GARAGE AND USE AS A PERMANENT DWELLING,  
**Location:** 8 GRASS YARD KIMBOLTON PE28 0HQ  
**Applicant:** MR AND MRS JAMES HIGGINS  
**Grid Ref:** 509774 267789  
**Date of Registration:** 27.09.2021  
**Parish:** KIMBOLTON

---

**RECOMMENDATION - APPROVE**

This application is referred to the Development Management Committee (DMC) because of the complex history of the site and the need to revoke an earlier planning permission (1200073FUL).

In 2007 planning permission was granted for a detached garage in the curtilage of No. 6 Grass Yard and this was subsequently built in 2007. In February 2013 planning permission was granted on appeal for the conversion and extension of an existing barn also within the curtilage to a dwelling under ref 1200073FUL. Work commenced on the conversion but stopped shortly after due to an access dispute. The permission was therefore implemented but never completed and the barn has been used as a storage building ever since.

The application currently under consideration seeks approval for the change of use of the former garage to be used as a permanent residential dwelling. The garage has previously been granted permission to be temporarily used as a residential dwelling during the construction and implementation of the barn conversion (1200073FUL).

In order to ensure that as a result of the proposal currently under consideration the site does not contain two separate private, residential dwellings, the application has been accompanied by a signed Unilateral Undertaking (dated 4th November 2021) to revoke permission 1200073FUL and reinstate its use as a barn ancillary to the main dwelling.

Section 97 of the Town and Country Planning Act 1990 states that:

- (1) If it appears to the local planning authority that it is expedient to revoke or modify—

(a) any permission (including permission in principle) to develop land granted on an application made under this Part, or

(b) any permission in principle granted by a development order, the authority may by order revoke or modify the permission to such extent as they consider expedient.

(2) In exercising their functions under subsection (1) the authority shall have regard to the development plan and to any other material considerations.

(3) The power conferred by this section may be exercised—

(a) In the case of planning permission that relates to the carrying out of building or other operations, at any time before those operations have been completed;

(4) The revocation or modification of a planning permission for the carrying out of building or other operations shall not affect so much of those operations as has been previously carried out.

As the development of the barn has started but has not yet been completed, under section 97(1) of the Town and Country Planning Act 1990, the Council can, with the agreement of the interested parties, revoke the planning permission. Once approved it will become the 'Order' as referred to at S.97 of the Act – 'the authority may by order revoke or modify the permission to such extent as they consider expedient'. This will be done by exchange of legal letters.

## **1. DESCRIPTION OF SITE AND APPLICATION**

- 1.1 The site is a long rectangular parcel of land that is accessed via Grass Yard - a private, unclassified road, which is west of High Street, Kimbolton. The site currently comprises of a barn conversion at the southern end of the site (approved under permission 1200073FUL) and an existing building that has been used as a residential dwelling on a temporary basis (permissions 15/01434/FUL and 17/00508/S73). The site is bound along western boundary by a close-boarded fence and along the eastern boundary by a brick wall.
- 1.2 The application seeks approval for the change of use of the former garage to be used as a permanent residential dwelling. The proposal also involves the erection of a single storey rear extension comprised of a flat roof, link element to a square, hipped roof element that would measure 5.6m by 5.6m with an eaves height of 2.5m and a ridge height of 5.4m. The proposed extension would be constructed of matching brick and roof tile to the existing building.
- 1.3 The application is accompanied by a Unilateral Undertaking to revoke planning permission 1200073FUL to prevent the creation of two dwellings on site.

## 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: Amount of Development
  - LP2: Strategy for Development
  - LP5: Flood Risk
  - LP4: Contributing to Infrastructure Delivery
  - LP8: Key Service Centre
  - LP11: Design Context
  - LP12: Design Implementation
  - LP14: Amenity
  - LP15: Surface Water
  - LP16: Sustainable Travel
  - LP17: Parking Provision and Vehicle Movement
  - LP25: Housing Mix
  - 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 SPD (2022)
  - Huntingdonshire Strategic Flood Risk Assessment (2017)
  - Cambridgeshire Flood and Water SPD 2017
  - LDF Developer Contributions SPD (2011)

- Annual Monitoring Review regarding housing land supply (2020)
- Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- Kimbolton Conservation Area Character Statement

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

#### **4. PLANNING HISTORY**

- 4.1 0701283FUL - Erection of garage/studio - Approved.
- 4.2 1200071FUL - Demolition of existing single storey garage and construction of detached double garage elsewhere on the site - Refused.
- 4.3 1200073FUL - Extension and conversion of existing barn to create a 2 bedroom single storey dwelling - Allowed on appeal.
- 4.4 15/01434/FUL - Use of garage as temporary residential accommodation for one year – Approved 22.12.15.
- 4.5 17/00508/S73 - Variation of condition 2 on application no 15/01434/FUL - To allow continued residential use of the garage until 01/05/2019 – Approved 04.05.17.

#### **5. CONSULTATIONS**

- 5.1 Kimbolton and Stonely Parish Council - Have no objections subject to the application being accompanied by a Unilateral Undertaking which limits the total number of dwellings to two.
- 5.2 Cambridgeshire County Council Highway Authority - Have no objections to the application. The application is to extend the former garage which has been used as a temporary dwelling and make it permanent. The garage has been used as a dwelling for many years and has an area for parking and turning so there will be no intensification of movements.

#### **6. REPRESENTATIONS**

- 6.1 Two representations from neighbouring properties have been received making the following comments:
- A previous planning application for the initial conversion, differed sufficiently from the structure that was actually built and for its purpose. Can we be assured that planning regulations are adhered to this time?



- This is not a single storey extension except for the link as the roof level is the same height as the original two storey conversion which has living accommodation on both floors.
- Query the need for roof lights as there are windows and French/patio doors on three sides of the proposed extension. The roof level would be a major factor in causing overshadowing and loss of privacy to our property.

*Officer Response: The Agent has provided a response to the above comments stating that there is insufficient headroom with a pyramidal roof to insert a first floor. The apex of the roof would be 5.47m above ground level and would be 7.1m from the boundary with No. 47. Given the single storey nature of the proposal, it is not considered that the proposal would result in an unacceptable impact upon overshadowing or loss of privacy. The Velux roof lights on the West elevation will be conditioned to be obscure glass.*

## **7. ASSESSMENT**

- 7.1 The main issues to consider are:
- The principle of development
  - Design and visual amenity
  - Residential amenity
  - Highway safety

### **The Principle of the Development**

- 7.2 The site is located within the settlement of Kimbolton, which the adopted Local Plan identifies as a Key Service Centre. Policy LP 8 states that a proposal for development on a site which is additional to those allocated in this plan will be supported where it is located within a built-up area of a Key Service Centre. The site is considered to be located within a built-up area, which the Local Plan identifies as distinct group of buildings that includes 30 or more homes.
- 7.3 The building in question has previously been granted permission to be temporarily used as a residential dwelling during the construction and implementation of planning permission 1200073FUL. In order to ensure that the site does not contain two separate private, residential dwellings, that would be unacceptable for other planning reasons, any planning permission granted would be accompanied by a Unilateral Undertaking to revoke permission 1200073FUL to reinstate its use as a barn.
- 7.4 As such, the principle of development is considered to be acceptable, subject to a Unilateral Undertaking and all other planning matters being addressed.

## **Design, Visual Amenity and Heritage**

- 7.5 The Local Planning Authority is required to ensure that with respect to any buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area, through the Planning (Listed Buildings and Conservation Areas) Act 1990 at Section 72.
- 7.6 The site is located within the Kimbolton Conservation Area. The application seeks approval for the former garage to be used as a private residential dwelling, alongside the erection of a single storey rear extension.
- 7.7 Given the building in question has been used as a residential dwelling for a number of years on a temporary basis, the proposed permanent change of use is not considered to result in any detrimental impacts on the character of the area or the Kimbolton Conservation Area. Furthermore, the proposed dwelling would include adequate area of private rear amenity space and would benefit from the existing boundary treatment and landscaping arrangements that are considered to be acceptable for the dwelling.
- 7.8 The proposed single storey extension would extend beyond the existing rear elevation and would be made up of a flat roof link measuring 2.7m by 3.1m with a height of 2.8m connecting to a hipped, square extension that would measure 5.6m by 5.6m with an eaves height of 2.5m and a ridge height of 5.4m. The proposed extension would be subservient to the main building, both in terms of its footprint and its height. Furthermore, the proposed extension would be constructed of matching facing materials as the existing building, which would be acceptable.
- 7.9 The proposed extension includes the provision of an external chimney stack. Whilst the chimney stack would be located on the subservient element of the dwelling as opposed to the main portion of the dwelling, its introduction would be reflective of the majority of properties within the immediate vicinity and the wider Kimbolton Conservation Area, where chimney stacks are common features.
- 7.10 Therefore accords with Policies LP11, LP12 and LP34 of Huntingdonshire's Local Plan to 2036, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Sections 12 and 16 of the National Planning Policy Framework (2021) in this regard.

## **Residential Amenity**

- 7.11 The proposed extension is not considered to result in any detrimental overbearing, overshadowing or overlooking impacts on any neighbouring residential property as it would be single

storey in height only, with the roof sloping away from the boundary - which would be approximately 2.4m away (between the site and The Manor House to the east) and 4.3m away (between the site and 47 Castle Gardens to the west).

- 7.12 The previous approval for the residential use of the garage included conditions requiring obscure glazing and restrictions on opening of the side facing first floor window and rooflights. The glass has been obscured and a restrictor fitted to the Velux roof lights in the north-east roof slope and the south-east facing gable window. The proposed Velux roof lights on the west and south elevation will be conditioned in the same manner. The relevant conditions are recommended to be re-imposed as 'compliance' conditions to ensure the retention of these measures for the duration of the use of the building as a dwelling in the interests of protecting neighbouring residential amenity.
- 7.13 It is also worth noting that as the building in question has been used as a residential dwelling for a number of years on a temporary basis, the proposed permanent change of use is not considered to result in any detrimental noise and disturbance impacts on any neighbouring residential property over and above the existing arrangement. Furthermore, any approval would be subject to a Unilateral Undertaking that would ensure that the site does not host two residential dwellings. Confirmation is being sought as to whether or not the temporary use as a dwelling secured wheeled bins for the residents and if not the Unilateral undertaking proposed would also seek the standard wheeled bin contribution for the provision of wheeled bins on site.
- 7.14 Therefore, taking the above factors into consideration, the proposal is considered to be acceptable with regard to its impact on residential amenity and therefore accords with Policy LP14 of Huntingdonshire's Local Plan to 2036 in this regard.

### **Highway Safety**

- 7.15 Officer's note that the temporary two-year duration sought for the continued residential use of the building was to allow the vehicular access through Grass Yard to be formalised. It is understood that the owner of Manor House has now granted a vehicular right of way across Grass Yard for access. CCC Highways have been consulted on the application and have stated that an area for parking and turning is already present on the site and offer no objection.
- 7.16 The proposed extension would be located to the rear of the property and would not impact the parking or turning provision. Furthermore, as any approval would be accompanied by a Unilateral Undertaking to ensure there is only one dwelling within the site, the proposal would not constitute an intensification of the existing access.

7.17 Therefore, the proposal is considered acceptable in terms of its impact on highway safety and therefore accords with Policy LP17 of Huntingdonshire's Local Plan to 2036 and Section 9 of the National Planning Policy Framework in this regard.

## **Conclusion**

7.18 The proposed development is considered to be compliant with the relevant national and local policy as it is:

\*Acceptable in principle

And it:

\* Is of an appropriate scale and design;

\* Would preserve the character and appearance of the Kimbolton Conservation Area;

\* Would not have a significantly detrimental impact upon the amenity of neighbours;

\*Would not be detrimental to highway safety in the locality;

\*There are no other material planning considerations which lead to the conclusion that the proposal is unacceptable.

7.19 Taking national and local planning policies into account, and having regard for all relevant material considerations, it is recommended that planning permission be granted, subject to a Unilateral Undertaking and the imposition of appropriate conditions.

## **8. RECOMMENDATION - APPROVAL subject to a Unilateral Undertaking to revoke the previous planning consent and potentially wheeled bins and subject to conditions to include the following**

- Standard time limit
- Approved plans
- Submission of specific details of proposed external materials to be to be approved
- Retention of parking and turning
- Obscure glazing to some windows, and restrictor openings
- Submission of details of proposed hard and soft landscaping schemes to be approved
- Submission of details and provision of a biodiversity method statement to be approved
- Submission of cycle storage details
- Compliance of the development with the optional building regulation for water efficiency
- Barn use to remain ancillary to dwelling

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 Team Leader (South)**

[carry.murphy@huntingdonshire.gov.uk](mailto:carry.murphy@huntingdonshire.gov.uk)

**From:** [clerk@kimboltonandstonely-pc.gov.uk](mailto:clerk@kimboltonandstonely-pc.gov.uk)  
**To:** [Niamh McMenamin](#)  
**Subject:** RE: 21/01958/HHFUL 8 Grass Yard, Kimbolton  
**Date:** 20 December 2021 13:00:22  
**Attachments:** [image001.png](#)

---

Dear Niamh,

My apologies for creating confusion by not being clear as to my Council's wishes.

Essentially, they have no objection to the application subject to a unilateral undertaking being provided which limits the total number of dwellings to two.

Regards

Lionel Thatcher  
Clerk to the Council

---

**From:** Niamh McMenamin <[Niamh.McMenamin@huntingdonshire.gov.uk](mailto:Niamh.McMenamin@huntingdonshire.gov.uk)>  
**Sent:** 16 December 2021 09:37  
**To:** [clerk@kimboltonandstonely-pc.gov.uk](mailto:clerk@kimboltonandstonely-pc.gov.uk)  
**Subject:** 21/01958/HHFUL 8 Grass Yard, Kimbolton

Good Morning,

I am writing in relation to the above application.

I did ask the agent to clarify matters following comments from the Parish Council -

*I wanted to alert to you comments from the Parish Council -  
We have a major concern that this development, if permitted, could ultimately result in an application to change the new dwelling into a dwelling which is entirely separate from 8 Grass Yard. Providing the applicant gives a **unilateral agreement signed before planning approval is given** that this will not happen, we would have no objection. Should this not happen, then the application should be refused.*

*Will the proposed permanent dwelling continue to be solely associated with 8 Grass Yard and not a dwelling in its own right?*

Agent Response:

**No the property is a dwelling in its own right and has been since the pp in 2016(?). The UU which accompanies the application revokes the pp for the conversion of the building at the bottom of the garden. As such there will only be one dwelling on the land if pp is granted.**

**Suffice to say my client is not prepared to enter into a UU to the effect that the dwelling is ancillary to no. 8.**

Can I please ask if the Parish Council are recommending the application for approval or refusal?

Kind regards,

**Niamh McMenamin**  
**Development Management Officer**

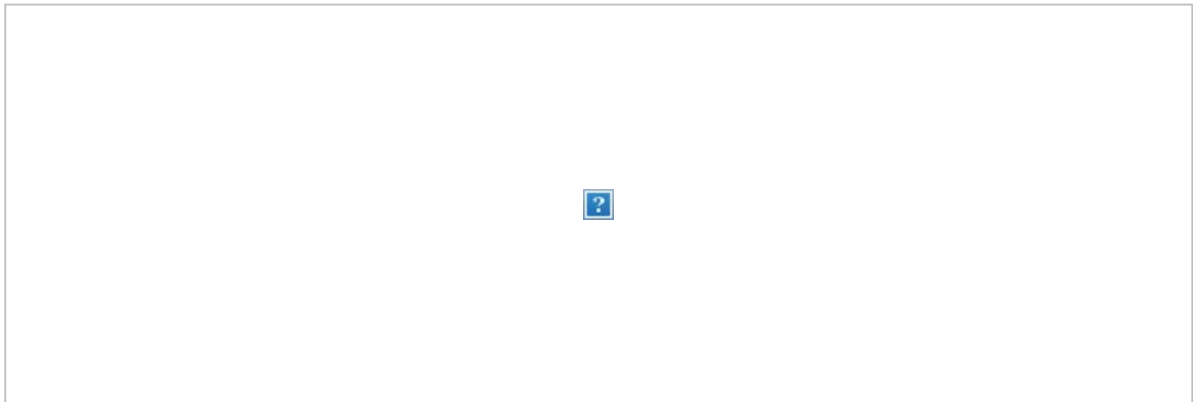
Development Services  
Corporate Delivery  
Huntingdonshire District Council  
Pathfinder House, St Marys Street  
Huntingdon  
PE29 3TN



✉ [Niamh.McMenamin@huntingdonshire.gov.uk](mailto:Niamh.McMenamin@huntingdonshire.gov.uk)

**Please visit the Planning Pages of our new website at <http://www.huntingdonshire.gov.uk/planning> for all planning related enquiries, including full details of the pre-application services we are providing.**

*Any comments represent the informal opinion of an officer of Huntingdonshire District Council. These comments are made without prejudice to any eventual determination through the planning process.*



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# Development Management Committee



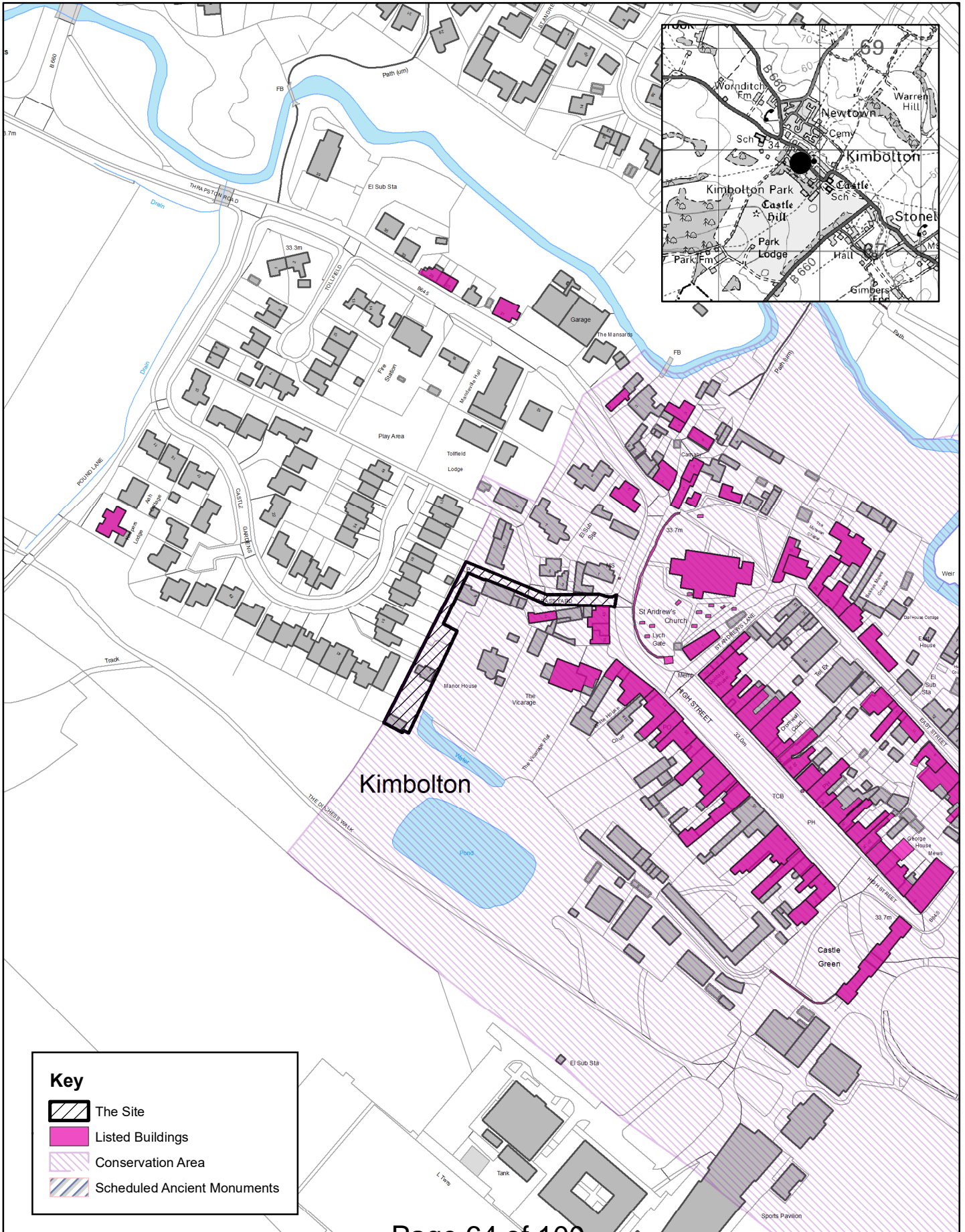
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Application Ref: 21/01958/FUL





Date Created: 03/03/2023

Location: Kimbolton

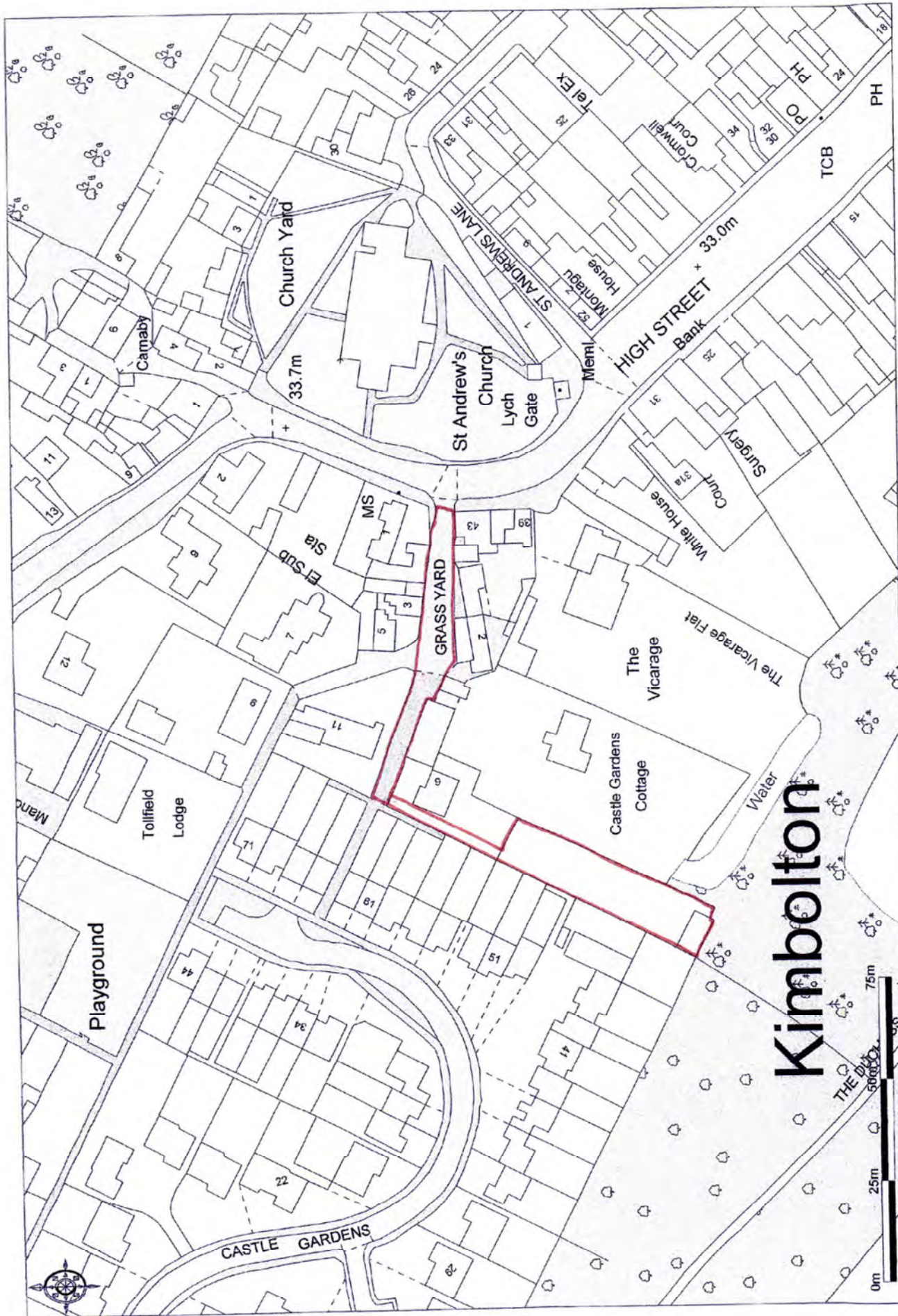
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Ordnance Survey HDC 100022322



**Key**

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





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Vehicular Access  
to Grass Yard

51

47

47

Page 66 of 100

Existing Parking

The Manor House

5460

4355

3730

2450

14830

③

①

②

①

Existing Barn

New Build

Proposed barn conversion &  
extension implemented consent  
No. 1200073/FUL to be rescinded

NOTES

- Contractors must check all dimensions on site. Only figured dimensions are to be worked from. Discrepancies must be reported to the Architect or Engineer before proceeding.  
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KEY

- Existing planting beds
- Patio
- Lawn

REV	DESCRIPTION	DRN	CHD	DATE
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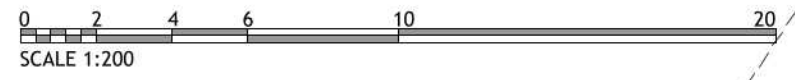
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DRAWN	PJP	CHK	PJP
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DRAWING NO.	PL004	REV	A
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TITLE	8_GRASS_YARD KIMBOLTON_PE28_OHQ
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DETAILS	PROPOSED BLOCK_PLAN
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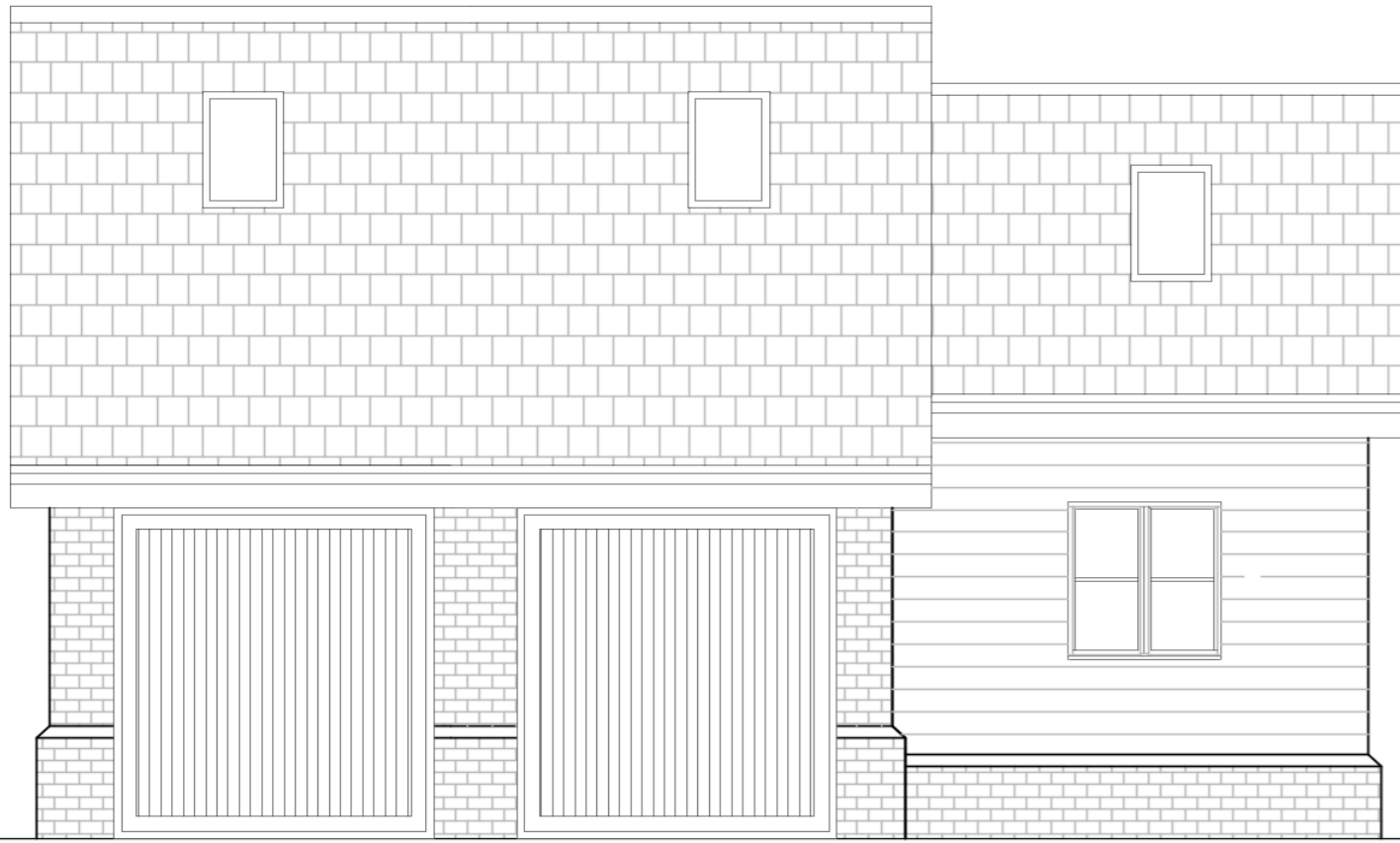


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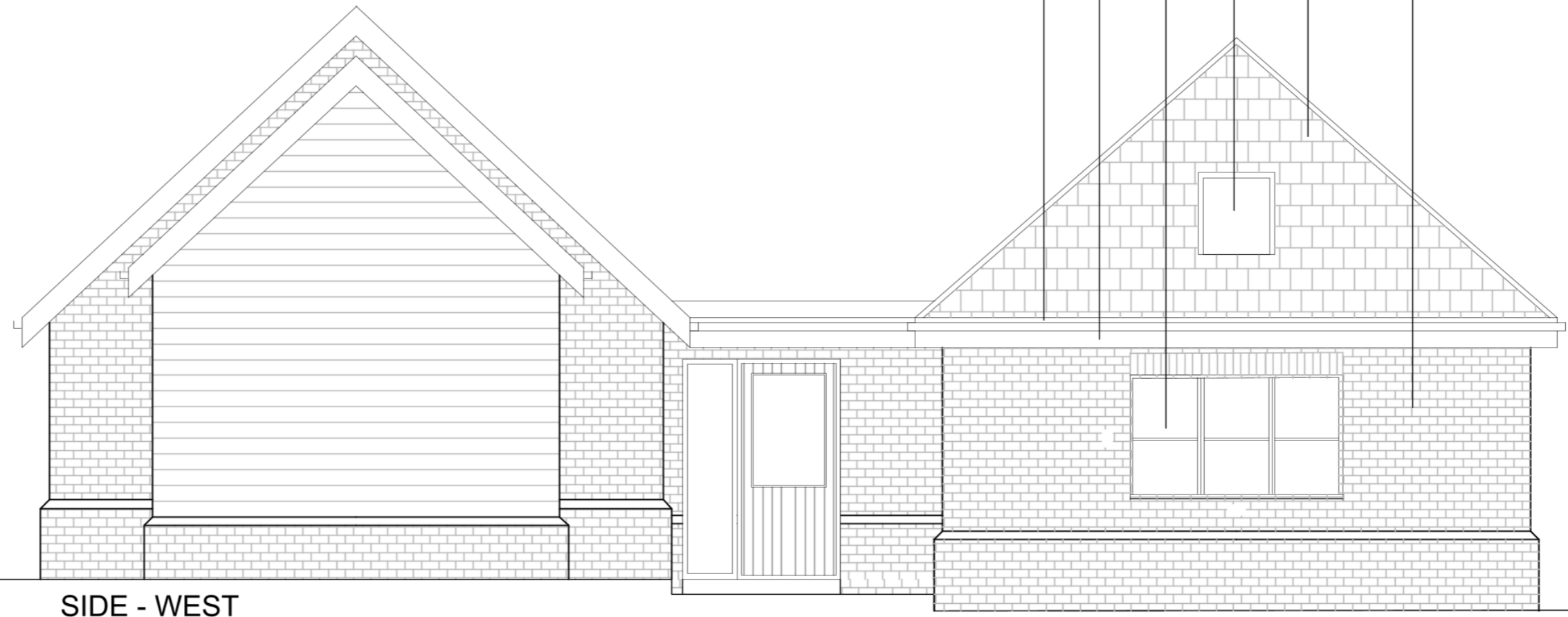
- Contractors must check all dimensions on site. Only figured dimensions are to be worked from. Discrepancies must be reported to the Architect or Engineer before proceeding.  
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MATERIAL KEY

- Red brickwork blend to match existing
- White uPVC windows & doors to match existing
- Slate roof to match existing
- Black uPVC rainwater goods
- White uPVC soffit / fascia
- Rooflight dark grey
- Brick chimney



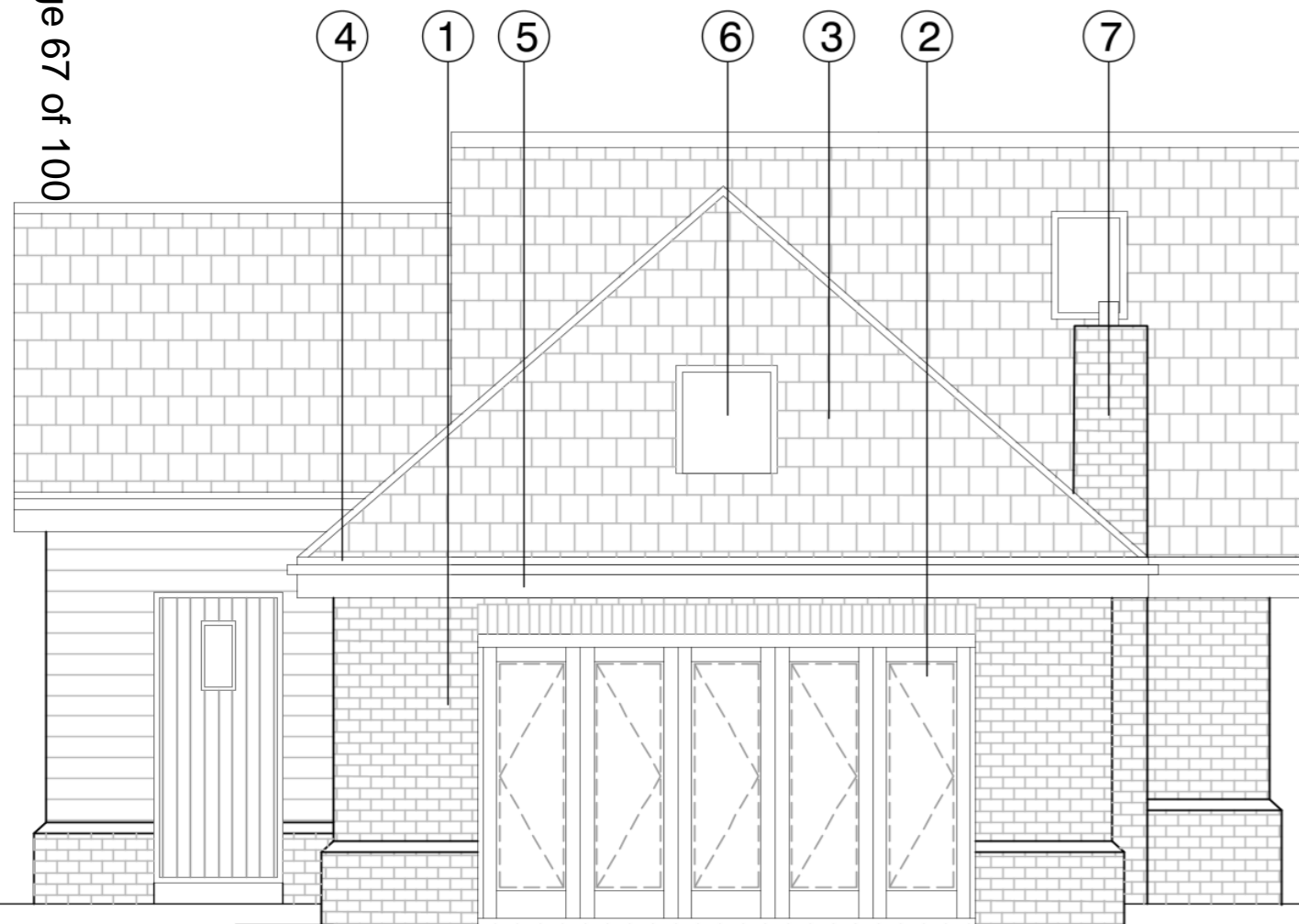
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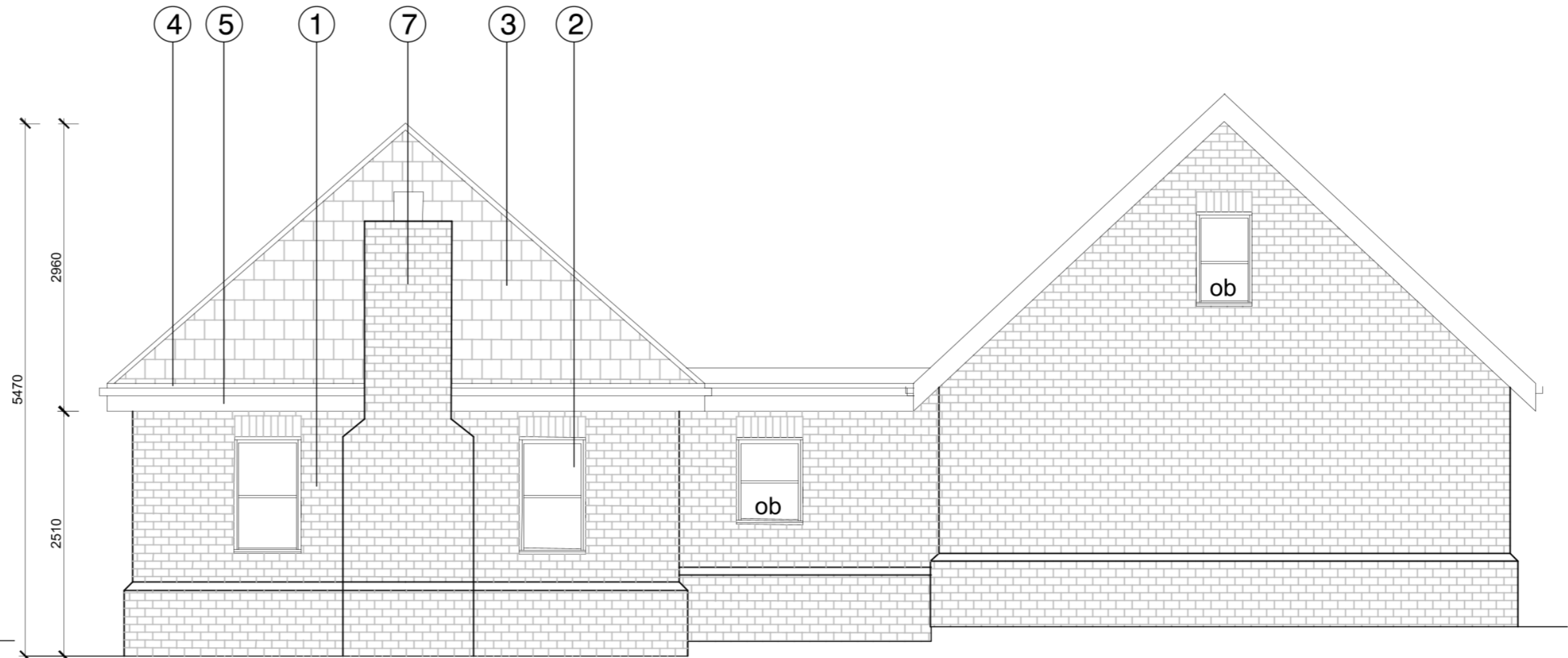
SIDE - WEST

2960  
5470  
2510

Page 67 of 100

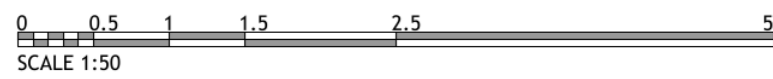


REAR - SOUTH



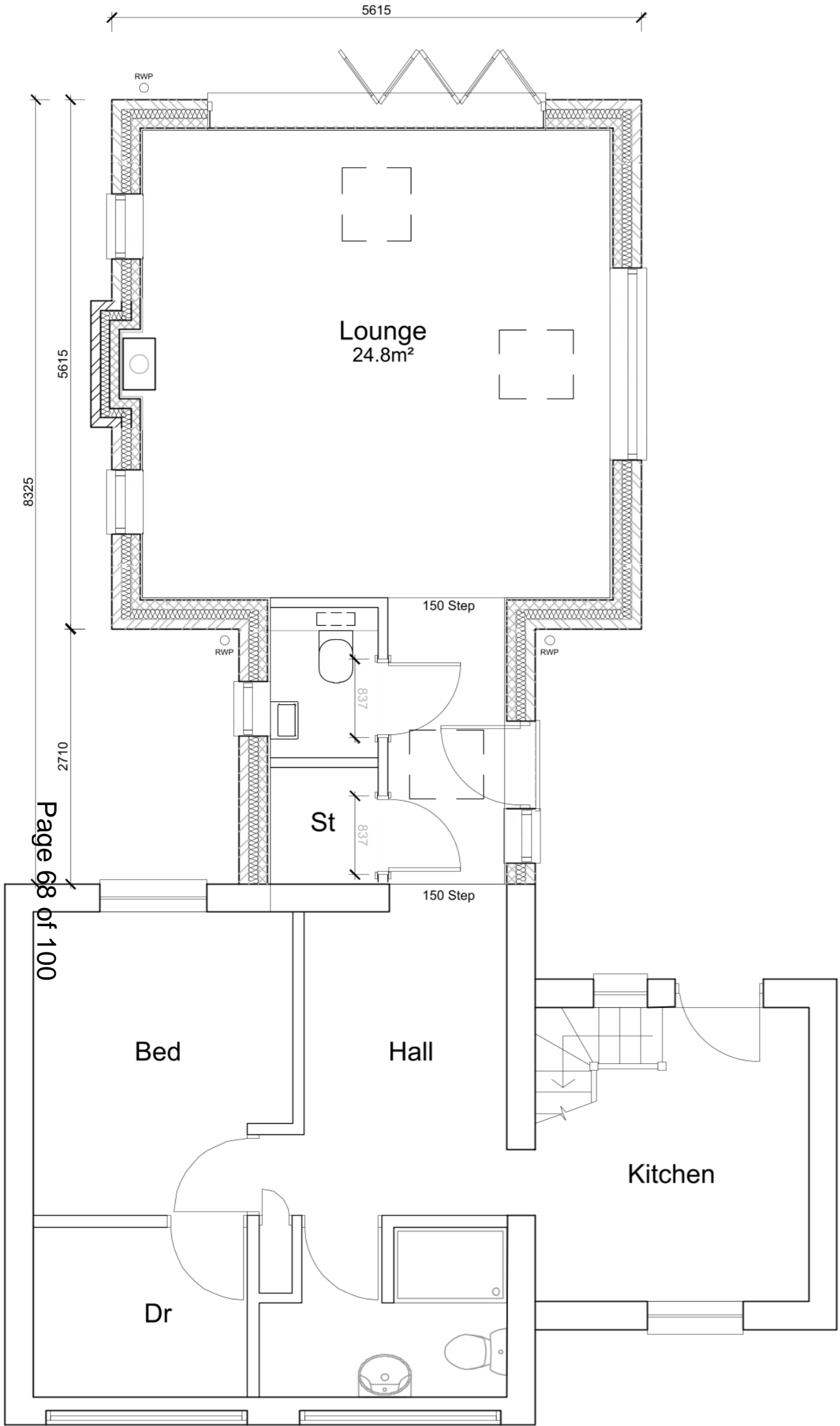
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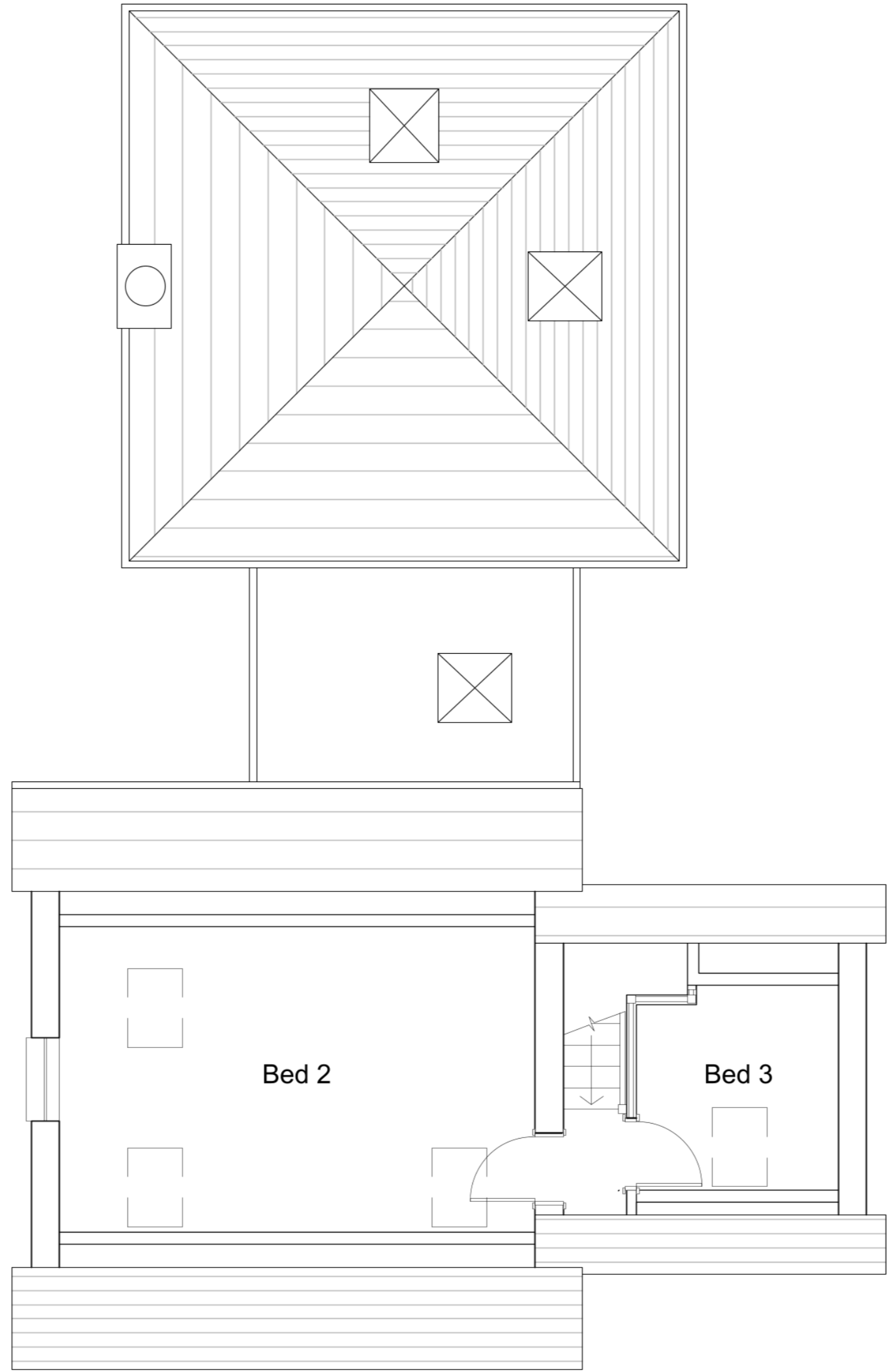


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DETAILS	PROPOSED ELEVATIONS			

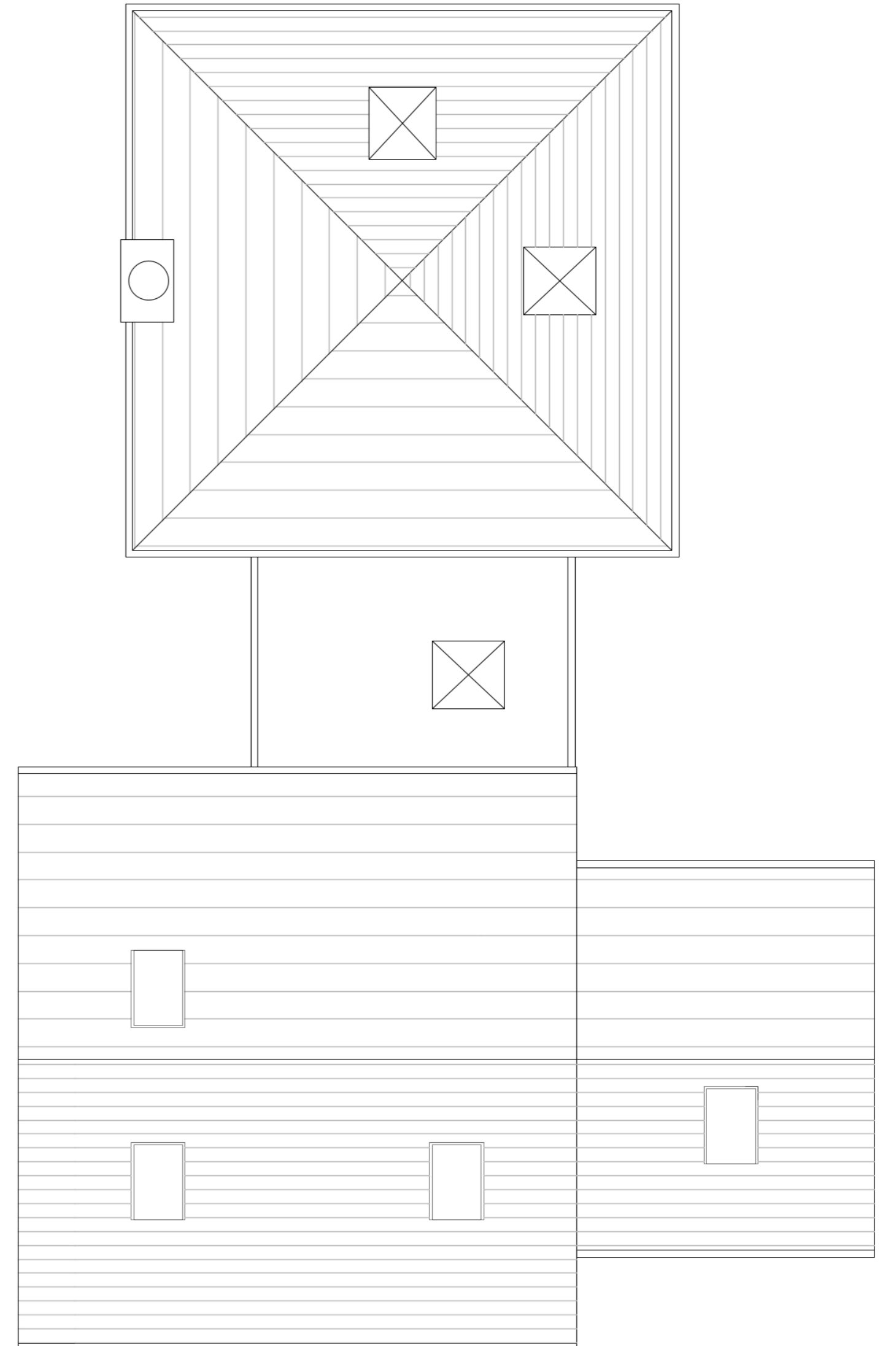
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 1. Contractors must check all dimensions on site. Only figured dimensions are to be worked from. Discrepancies must be reported to the Architect or Engineer before proceeding.  
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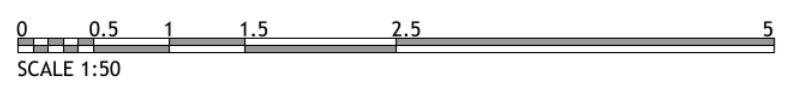
Ground Floor  
68.2m²



First Floor  
23.4m²

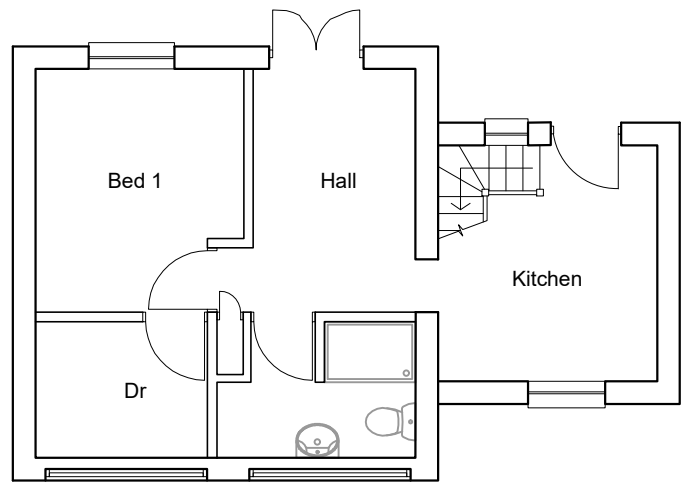


Roof Plan

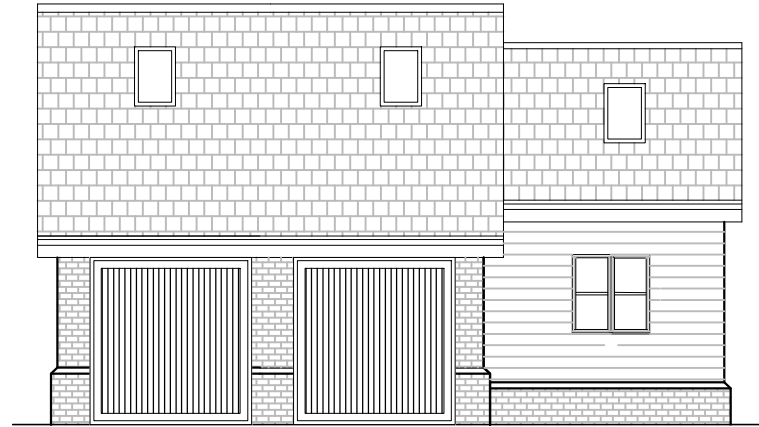


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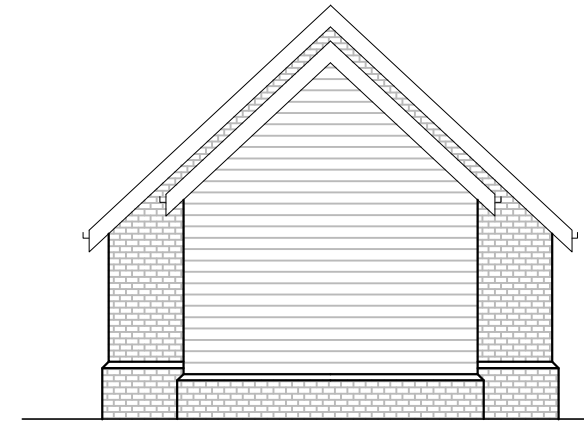
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TITLE	8_GRASS_YARD KIMBOLTON_PE28_OHQ			
DETAILS	PROPOSED PLANS			



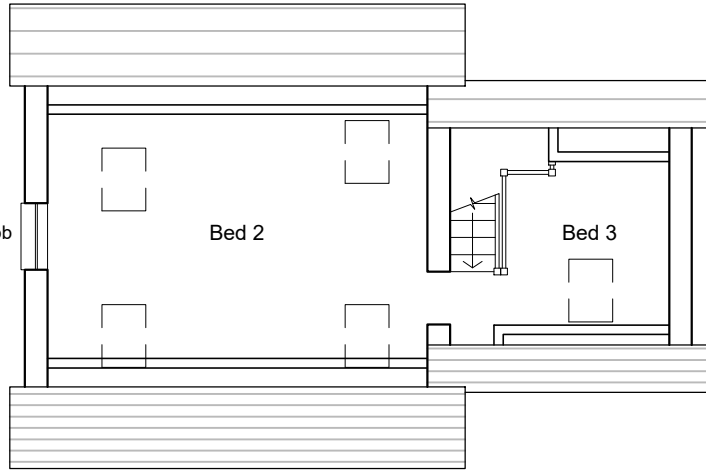
Ground Floor  
35.1m<sup>2</sup>



FRONT - NORTH



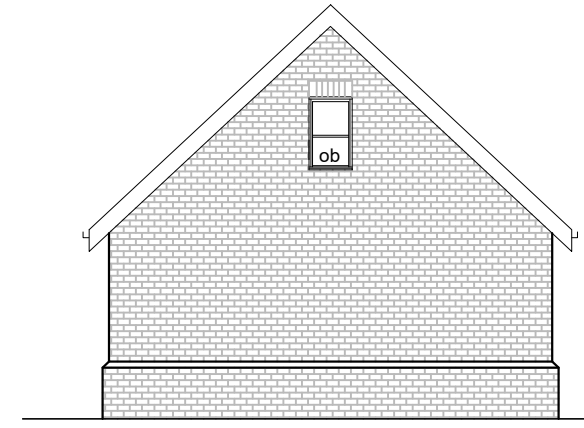
SIDE - WEST



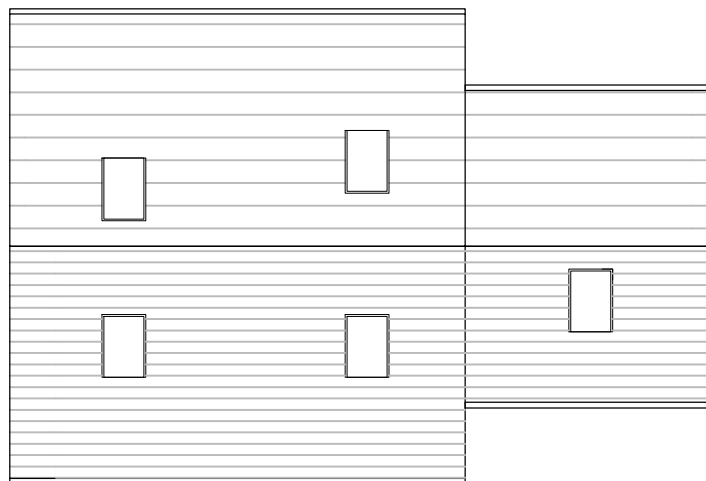
First Floor  
23.4m<sup>2</sup>



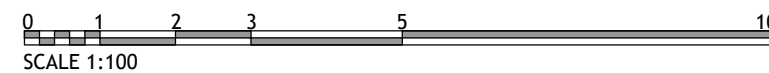
REAR - SOUTH



SIDE - EAST



Roof Plan



NOTES

- Contractors must check all dimensions on site. Only figured dimensions are to be worked from. Discrepancies must be reported to the Architect or Engineer before proceeding.  
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REV	DESCRIPTION	DRN	CHD	DATE
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DRAWN	PJP	CHK	PJP	
DRAWING NO.	PL003	REV	-	
TITLE	8_GRASS_YARD KIMBOLTON_PE28_OHQ			
DETAILS	EXISTING PLANS_&_ELEVATIONS			

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## **DEVELOPMENT MANAGEMENT COMMITTEE 20<sup>th</sup> MARCH 2023**

**Case No:** 22/00924/FUL (FULL PLANNING APPLICATION)

**Proposal:** REPLACEMENT OF OLD BUILDINGS TO CREATE A ORGANIC NURSERY WITH FULL TIME WORK FOR DISABLED STAFF

**Location:** AGRICULTURAL BUILDINGS SOUTH OF 3 ASKEWS LANE, YAXLEY

**Applicant:** MR & MRS OLIVER

**Grid Ref:** 518539 291902

**Date of Registration:** 19.05.2022

**Parish:** YAXLEY

---

### **RECOMMENDATION - REFUSE**

**This application is referred to the Development Management Committee (DMC) as Yaxley Parish Council's recommendation of approval is contrary to the officer recommendation of refusal.**

#### **1. DESCRIPTION OF SITE AND APPLICATION**

- 1.1 The application site comprises 2.23 hectares of land to the south-west of 3 Askews Lane, Yaxley within the countryside. The land has an agricultural classification as partly 'urban' and partly 'Grade 1' agricultural land and is widely visible from Askews Lane.
- 1.2 To the north of the site is Public Footpath No. 4 and Yards End Dyke and the built-up area of Yaxley, to the east boundary is a drainage ditch and residential properties 3 – 11 Askews Lane, to the south is the open countryside and to the west are the allotment gardens and football ground.
- 1.3 The site appears to be an unmaintained and overgrown area of open space and is in use as storage for various items such as building materials and general building waste, a new access has also been created to the east of the site near to No. 5 Askews Lane although this has not been included within the application. There is a small wooden shed type building providing in the region of 73.2sq.meters of floorspace (no existing plans have been provided) to the south-west of the site which appears to be in a significant state of disrepair and also three trailers to the north-east and a dilapidated touring caravan. Within the western

corner of the site are allotment gardens. It is unclear what remains of the other buildings given the unsafe nature and overgrown state of the land. These are described within the supporting documents and plans as being footings of previous buildings.

- 1.4 In terms of constraints, the site is not within or adjacent to a Conservation Area and there are no Listed Buildings or protected trees in the immediate vicinity. The site does however lie within Flood Zones 2 and 3.
- 1.5 This application is described as seeking full planning permission for the replacement of old agricultural buildings to create an organic nursery with full time work for disabled staff. The development would require the removal of the existing dilapidated storage building and the remaining footings of what appears to be a polytunnel and large greenhouse as shown on the proposed location plan. Two of the three storage containers are proposed to be retained within the proposed Unit 2.
- 1.6 The proposals seek the erection of two buildings with a net floor area of 485.68sqm as shown on the submitted plans (Unit 1 and Unit 2), Unit 1 would measure approximately 4.62m high, 32m long and 12m wide providing 384sqm of floorspace. The building will be clad in green steel profile, powder coated sheet, with 8no. 1.2m x 1.5m translucent polycarbonate profile roof sheets. This unit is proposed to house internal greenhouses for the purposes of growing plants and food as well as providing office space and disabled W/C. Other produce will be grown on the surrounding land within the site 2.23 hectare site.
- 1.7 Unit 2 is a barn style shed measuring approximately 3.86m high, 12.3m long and 8.2m wide, providing 101.68sqm of floorspace and is described as storage to accommodate vintage farm equipment and will house two reused storage containers described as storage for 'vintage barn equipment' and 'vintage parking equipment' within the supporting Planning statement.
- 1.8 The proposals as submitted show a mixed use development of 1) horticulture (Organic Nursery – agricultural use with an element of educational use (F1(a) Educational Use) within Unit 1, and 2) Vintage Machinery Store (B8 – Storage Use) within Unit 2.
- 1.9 Vehicular access is shown to utilise the existing gated access to the north of the site and the proposals include widening the access to approximately 6m. Parking is shown within the site for 13 vehicles.
- 1.10 This application follows a similar application which was refused in November 2021 under planning reference 18/02621/FUL. This previous application proposed to demolish the existing building on site and replace with two buildings to store vintage farm



equipment in. This proposal is to use one of the new buildings for the storage of vintage barn equipment and the other to grow food and plants and organic nursery (horticulture) providing employment for disabled staff. The size, scale and layout of the proposed buildings under this application have not changed from that of the previously refused application.

- 1.11 The application is supported by the following information, plans and reports:
- Planning Application Form and ownership certificate
  - Flood Risk Assessment
  - Biodiversity Checklist
  - Preliminary Ecological Appraisal
  - Proposed Plans
  - Location Plan
  - Topographical Surveys

## **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, National Design Guide and the Noise Policy Statement for England 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: Amount of Development
  - LP2: Strategy for Development
  - LP4: Contributing to Infrastructure Delivery
  - LP5: Flood Risk
  - LP8: Small Settlements
  - LP10: The Countryside

- LP11: Design Context
- LP12: Design Implementation
- LP14: Amenity
- LP15: Surface Water
- LP16: Sustainable Travel
- LP17: Parking Provision and Vehicle Movement
- LP30: Biodiversity and Geodiversity
- LP33: Rural Buildings

### 3.2 Supplementary Planning Documents (SPD) and Guidance:

- Huntingdonshire Design Guide SPD (2017)
- Huntingdonshire Townscape and Landscape Assessment SPD (2022)
- Developer Contributions SPD 2011
- Huntingdonshire Strategic Flood Risk Assessment (2017)
- Cambridgeshire Flood and Water SPD 2017
- RECAP CCC Waste Management Design Guide (CCC SPD) 2012

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

## 4. PLANNING HISTORY

The key planning applications relevant to this application are:

### 4.1 18/02621/FUL - Demolish existing farm type building and replace with Modern barn type building and build farm type building to enclose two existing containers to store the vintage farm equipment in – Refused 25.11.2021. for the following reasons:

1. The proposed development does not lie within the built-up area and would by virtue of its scale and siting relatively close to the Askews Lane boundary would appear as a prominent and incongruous encroachment of built development into the countryside that fails to protect the character of the area or recognise the intrinsic character and beauty of the countryside. The proposal does not meet any of the specific opportunities identified within the Huntingdonshire Local Plan and the proposal would therefore be unacceptable in principle and would be contrary to Policies LP1, LP2 LP10 (parts b and c), LP11, LP12 and LP33 of Huntingdonshire's Local Plan to 2036, section 12 of the NPPF (2021), parts C1, I1, I2 and B2 of the National Design Guide (2019).

2. The application is not supported by sufficient detail relating to vehicle movements within and to and from the site, nor does it consider the potential for sustainable travel methods to be introduced. Therefore, based on the lack of detail the proposal is considered to be contrary to Policies LP16 and LP17 of Huntingdonshire's Local Plan to 2036.

3. The proposed development is considered not to pass the Sequential Test in relation to flood risk as stipulated by the NPPF (2021) Insufficient information has been provided to justify the scale of development proposed in Flood Zone 3a and no details have been provided relative to the management of surface water within the site. The proposal is therefore considered to be contrary to Policies LP5 and LP15 of Huntingdonshire's Local Plan to 2036 and the NPPF in this regard.

## 5. CONSULTATIONS

5.1 Yaxley Parish Council recommends approval of the application and commented "*The Parish Council supports the application, once completed it will rejuvenate the area.*"

5.2 Cllr Gulson, Ward Councillor for Yaxley commented that "*if the application were to be refused, I would be looking to call it in to DMC.*" No further comments were received.

5.3 Cambridgeshire County Council, Local Highways Authority (LHA) whilst the LHA did not object, they sought further information and commented:

*“if you are assessing it as a new site, then we need further information regarding the vehicle movements and how the staff with leaning difficulties will be travelling to the site. If they are expected to walk then, as you say, there may be highway safety issues. The Planning Statement says that there would be 15 vehicle movements per day but if the three employees are being individually driven there and then collected again, plus any supervisory/carer staff plus customers, then this will be greater. Also, if there are only 15 movements per day then why are thirteen parking spaces needed? Would you ask the agent for clarification please?”*

5.4 Cambridgeshire County Council, Lead Local Flood Authority (LLFA) – Made no review of the application as it is not a major development, however stated that sustainable drainage techniques (SuDS) should be used when managing surface water run-off.

5.5 Cambridgeshire County Council, Public Rights of Way (PROW) – Object to the proposals and commented:

*“Public Footpath No.4a, Yaxley runs within the site northern boundary of the site. The Definitive Map team note that the alignment of the public footpath is not shown on the submitted plans. Also, that the Planning Statement refers to a proposal to widen “the existing vehicular access by widening the historic entrance point, which adjoins Yards End Dyke, to 6 metres”. The Definitive Map team seek clarification as to how the applicant’s proposals to widen the access affect the alignment of the public footpath. We request that the relevant plans be*

*amended to highlight the interaction between the Public Right of Way and the proposals. In the absence of this information, and the clarification requested concerning the access, the Highways Authority's Definitive Map team are unable to assess any impact of the planning application on the Public Right of Way and therefore raises an objection at this time."*

The PROW team requested several informatives be added should Members be minded to grant planning permission.

5.6 Environment Agency – None received.

5.7 The Cambridgeshire Wildlife Trust – Commented:

*"The submitted report is only a PEA, and as it has recommended further surveys for amphibians (great crested newts), reptiles and badgers, this information should ideally be provided as part of the planning application and prior to determination, having been undertaken at the appropriate time of year*

*The risk to each of these species may be low, however I am not comfortable conditioning all of suggested surveys, in particular the great crested newt ones. It would probably be better for the applicant to choose to go down the Natural England District Licencing route for great crested newt and to provide evidence they will be accepted into the scheme before the application is determined. Otherwise, the proposed surveys will need to wait until April-June next year.*

*As to the other species, in this case, the additional surveys for reptiles and badger could be conditioned, as there would appear to be scope to provide appropriate mitigation within the design of their scheme. A landscape plan incorporating the other suggested ecological enhancements should also be conditioned."*

5.8 HDC, Environmental Health – No objections, identified the superficial geology of the site as being Peat which produces quantities of ground gases of methane and carbon dioxide. Recommended conditions securing a ground gases risk assessment or a hydrocarbon gas mitigation method statement and a condition relating to the reporting of unexpected contamination.

5.9 HDC, Landscaping – recommended refusal of the proposals in their current form due to the unacceptable effects on landscape and views. Recommends appropriate landscape mitigation measures to be secured by condition.

5.10 HDC, Urban Design – recommends refusal and consider the previous reasons for refusal equally apply to the revised scheme.

## **6. REPRESENTATIONS**

6.1 Representations were received from 3 Askews Lane and Fen View, 9 Askews lane raising the following summarised concerns (full comments are available on public access):

- No objection to the development/buildings or site itself but traffic issues will hasten the destruction of the bridge which will impact on other users;
- Access not fit for the proposed purpose as it's a single lane;
- Lack of information, regarding size of vehicles coming to the site, or if it is for retailers and wholesale purposes. Potential HGV's being brought to the site on a regular basis;
- Widening of the gate would indicate the intention for larger vehicles;
- Lack of sufficient highway infrastructure;
- conflicting information no parking details on the application form however the plans show 13 parking spaces;
- Less than an acre of the 6 acre site is proposed for the development, the remaining plot is detailed as dense vegetation which including abandoned equipment and caravan and not maintained. The use of this land is not addressed in the proposal therefore it does not justify the comment that the site will be rejuvenated;
- The site should be used for crop or outdoor produce growing like the surrounding fields;
- Outside the built-up area;
- Unit 2 proposes to house 2 containers storing vehicles which currently stand on the land without prior council approval. We cannot see the connection with the proposed use, would appear to be for personal use of the proprietor.
- conflicting information provided on the plans regarding the proposed materials which are not in keeping with the area;
- no detail on how water will be resourced or how it will be discharged;
- Lack of renewable energy – solar panels;
- the previous nursery use ceased 7-10 years ago, if the business fails concern is the buildings would be used for residential purposes;
- No business plan to demonstrate how it is sustainable or succeed; and
- We understand the proprietor recently stepped off the parish council, and therefore concerned that there is a conflict of interest in their (Parish Council) approval of this 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 and Peterborough Minerals and Waste Local Plan (2021)
  - St Neots Neighbourhood Plan (2016)
  - Godmanchester Neighbourhood Plan (2017)
  - Houghton and Wyton Neighbourhood Plan (2018)
  - Huntingdon Neighbourhood Plan (2019)
  - Bury Neighbourhood Plan (2021)
  - Buckden 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 report addresses the principal, important issues which are in this case:
- The Principle of the Development
  - Design, Visual Amenity and the Impact upon the Character and Appearance of the Countryside
  - Impact upon Residential Amenity
  - Highway Safety, Parking Provision and Access and Public Footpath
  - Biodiversity
  - Flooding Risk and Surface Water Drainage
  - Infrastructure Requirements (CIL)

## The Principle of the Development

### The site and Location

- 7.6 The NPPF (2021) outlines a presumption in favour of sustainable development. Paragraph 6 of the NPPF is explicit supporting sustainable economic development. Paragraph 84 (Supporting a prosperous rural economy) identifies that planning decisions “should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.”
- 7.7 Whilst recognising the need to protect the countryside and locating development in sustainable locations, the NPPF also seeks to build a strong, competitive economy with one of the core principles set out in the NPPF states that planning should proactively drive and support sustainable economic development to deliver, amongst other criteria, business and industrial units that the country needs.
- 7.8 Pages 53 - 55 of the Local Plan provides the general definition of built-up areas "A built-up area is considered to be a distinct group of buildings that includes 30 or more homes. Land which relates more to the group of buildings rather than to the surrounding countryside is also considered to form part of the built-up area." The supporting guidance on page 54 of the Local Plan is relevant to this application in that the "The built-up area will exclude sports and recreational facilities and agricultural buildings which extend into the countryside or primarily relate to the countryside in their use, form character or connectivity.
- 7.9 Whilst the site is located close to the residential dwellings to the north and east, the land clearly relates more to the countryside in terms of its previous use. Whilst there is development on three sides of the site, the allotments and the football ground are excluded from the built up area guidance in terms of defining what is considered to be the built-up area. The site is therefore considered to be within the countryside and outside of the built-up area of Yaxley.
- 7.10 Assessment of horticulture (Organic Nursery – agricultural use with an element of educational use (F1(a) Educational Use) – Unit 1 and Storage of vintage machinery – Unit 2.
- 7.11 With regard to the NPPF, the construction of new buildings in the open countryside for the purposes of agriculture is not an inappropriate development. In relation to determining whether or not an agricultural building is inappropriate, the NPPF does not set out any limiting criteria in relation to size or any other matters. Whilst unit 1 and the surrounding land is proposed to be used as an organic nursery for horticultural purposes (with an incidental educational use), the agricultural use of the land could be carried

out without the need for Planning permission. The matter for the LPA is if the proposed mixed use development as a whole is acceptable in this countryside location.

7.12 Given the location of the site within the countryside, Policy LP10 of Huntingdonshire's Local Plan to 2036 'The Countryside' is considered relevant and aims to protect the character and beauty of the countryside by restricting development unless it accords with the limited and specific opportunities provided under other relevant Policies within the plan. Specifically, LP10 states that:

7.13 All development in the countryside must:

a. Seek to use land of lower agricultural value in preference to land of higher agricultural value: i. Avoiding the irreversible loss of the best and most versatile agricultural land (Grade 1 to 3a) where possible, and ii. Avoiding grade 1 agricultural land unless there are exceptional circumstances where the benefits of the proposal significantly outweigh the loss of land;

b. recognise the intrinsic character and beauty of the countryside; and

c. not give rise to noise, odour, obtrusive light or other impacts that would adversely affect the use and enjoyment of the countryside by others.

7.14 With regards to part a. of Policy LP10, some 98% of the district comprises land within Grades 1 to 3, with 15% being Grade 1 and an estimated 77% of land falling within the definition of best and most versatile land. Whilst the proposal would result in the loss of an area designated as 'urban' and Grade 1 agricultural land, the proposed Unit 1 building will be used for agricultural purposes and conforms to criterion a. of LP10. The storage building Unit 2 does not appear to relate to the agricultural use and there are no exceptional circumstances or benefits of storage in this location, therefore the proposals would not meet criteria a. of this policy.

7.15 In regards to the assessment of parts b. and c. of Policy LP10 the proposals seek agricultural style buildings which would be compatible with this rural countryside location. The buildings would be seen in the wider context of the existing buildings and would adversely affect the use and enjoyment of the countryside by others. To ensure any proposed external lighting is kept to a minimum, a condition could be added to the decision notice requiring landscaping and lighting details to be submitted and agreed in writing by the LPA, prior to development to help minimise the effects of the development. However, as stated above the application does not sufficiently demonstrate a need for Unit 2 which is intended to be for the storage of vintage barn equipment and unrelated to the agricultural use of the overall



site. This building appears to be unnecessary and would therefore result in unjustified harm to this countryside location. The proposals as a whole would therefore fail to meet the aims and objectives of Policy LP10 parts a, b and c, which seek to protect the countryside from unnecessary development amongst other things.

7.16 In terms of replacing the existing dilapidated shed/storage building, Policy LP33 of the Local Plan 'Rural Buildings' provides support for the conversion of rural buildings where:

a. the building is:

- i. redundant or disused;
- ii. of permanent and substantial construction;
- iii. not in such a state of dereliction or disrepair that significant reconstruction would be required; and
- iv. structurally capable of being converted for the proposed use; and

b. the proposal:

- i. would lead to an enhancement of the immediate setting; and
- ii. any extension or alteration would not adversely affect the form, scale, massing or proportion of the building.

7.17 A proposal for the replacement of a building in the countryside (as in this case) will be supported where criteria a, i to iii above are fulfilled and the proposal would lead to a clear and substantial enhancement of the immediate setting. A modest increase in floorspace will be supported.

7.18 Assessment in terms of criteria a. i to iii. The proposals seek to replace the existing storage shed which has a footprint measuring in the region of 73.2sqm and is disused, meeting criteria a.i. In terms of criteria a.ii and a.iii the existing storage shed is not considered to be of permanent construction and is in a state of dereliction and disrepair and would require significant reconstruction to function as a storage building.

7.19 Whilst it is acknowledged that the proposals could lead to an enhancement of the area with the removal of the dilapidated storage building and footings of previous agricultural structures and removal of building materials, the net increase in floor space for the proposed two buildings (412.48sqm) is not considered to be a modest increase in floorspace. The proposals would therefore fail to meet the requirement of Policy LP33 a.i to iii.

7.20 Whilst it is accepted that the proposed development is on land classed as 'urban' as defined within the agricultural land classification the land does not appear to be in use for agricultural purposes at present, no sufficient justification has been provided by the applicant as to the requirement for two buildings at the scale proposed in this location such to

demonstrate how these would accord with the other relevant policies within the plan. There is concern that whilst a building for an organic nursery may be required the large size and scale of unit one seems excessive for this use, and its prominent sitting along the northern edge of the site would result in visual harm to the surrounding countryside location without sufficient justification. The second building whilst smaller would still intrude into the surrounding countryside setting, and its storage use does not seem to have a genuine need in this countryside location that would outweigh its visual harm.

7.21 The limited supporting information within the planning statement details that the intention is to reactivate the site into an organic nursery using unit 1 for growing produce and storage of what is described within the planning statement as either vintage barn machinery or vintage parking machinery and does not appear to relate to the overall proposed use of the site as an organic nursery. The Planning Statement also states that the applicant intends to employ disabled staff and also to provide educational facilities but no further details of how this will be achieved have been provided.

7.22 Policy LP19 states that a proposal for business uses (Class 'B') will be supported where it:

- a. is within a defined Established Employment Area;
- b. immediately adjoins and is capable of being integrated with an Established Employment Area;
- c. involves the reuse of land in use or last used for business use (class 'B'); or
- d. involves the reuse or replacement of existing buildings as set out in Policy LP33 'Rural Buildings'

7.21 The application site is not within an Established Employment Area (EEA), adjoining or capable of being integrated within an EEA. The applicant has not demonstrated how this will involve the re-use of land previously used as business class 'B'. In relation to Policy LP33 and as established above the proposals do not meet the criteria of Policy LP33.

7.23 Overall it is considered that the applicant has failed to adequately demonstrate the need for two buildings of this size and scale in this location to allow the Local Planning Authority to support the application under the requirements of LP19. The proposed replacement buildings do not accord with the requirements of LP33 and it is further considered that the proposals would result in some degree of harm to the countryside location and whilst there may not be a significant level of harm in relation to part c of LP10 it is concluded that the proposal would not meet the requirements of part b in recognising the intrinsic character and beauty of the countryside.

7.24 The development is therefore considered to be unacceptable in principle and is not supported on this basis.

### **Design, Visual Amenity and the Impact on the Character and Appearance of the Countryside**

7.25 The application site lies to the southern edge of Yaxley lying outside of the main village centre. The area is characterised as rural open land with clear and uninterrupted views across the open Fen countryside. There is a small level of residential/agricultural development to the immediate north-east.

7.26 As established in the preceding sections of this report the land in question appears as unmaintained, it contains a dilapidated shed building, storage trailers, a caravan and various other items such as building materials and building waste. It does not have a substantial boundary and clear views are available on to the site. It is accepted that some degree of clearance and development may be of benefit to the aesthetics in the locality.

7.27 This proposal seeks to replace the existing (partially collapsed) building with an agricultural building (unit 1) of a larger scale, at a depth of approx. 32 metres by approx. 12 metres and height of approx. 3.9 metres. Whilst its construction would appear typical of a building designed for the purposes of agricultural use details of how plant will be grown within the building have not been provided. Furthermore, it is proposed to enclose the two trailers to the north-east of the site with a further building of similar design but reduced scale which has no apparent link to the proposed use of the site as an organic nursery.

7.28 Officers note that the land in question is at a slightly lower level in comparison with Askews Lane itself and the application is accompanied by topographical detail which reflects this variance. However, notwithstanding this matter it is considered that the buildings proposed, given their scale and siting relatively close to the Askews Lane boundary would appear as a prominent and incongruous addition to the countryside location and would be harmful to the character and appearance of the area and to the wider countryside without any justification.

7.29 The development is therefore considered to be contrary to Policies LP1, LP2, LP10 (parts b and c), LP11, LP12 and LP33 of Huntingdonshire's Local Plan to 2036, section 12 of the NPPF (2021) and the National Design Guide.

### **The Impact upon Residential Amenity**

7.30 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. Paragraph 130 (f) of the NPPF (2021) also reflects these aims.

- 7.31 Owing to the separation distance between the proposed buildings and adjacent dwellings, the variance in land levels there are considered to be no concerns with regard to overbearing impacts, overshadowing or loss of light. Owing to the design of the buildings there are also considered to be no issues with regard to overlooking or loss of privacy.
- 7.32 In terms of impacts of other factors such as noises and obtrusive light, Unit 1 is described as an Organic Nursery (horticulture) with associated office space and cloakroom facilities whilst Unit 2 will be used for the storage of vintage barn equipment/vintage parking machinery. It is considered that based upon the information submitted that there are no obvious reasons that these operations may be detrimental to residential amenity particularly given the rural nature of the area and separation distances from the nearby residential dwellings.
- 7.33 As part of the assessment of the application HDC's Environmental Health Team have been consulted and whilst they raised no objections to the proposals in this regard they have identified that there is potential for contamination within the site and have recommended certain conditions to be appended to any decision notice in this regard.
- 7.34 Therefore, subject to conditions based on the information submitted Officers conclude that the proposed development is acceptable with regard to overbearing impacts, overshadowing, loss of light, overlooking and loss of privacy, would not have a significantly detrimental impact on residential amenity and subject to conditions (securing further investigations/mitigation of potential contamination) would be safe for the occupiers of the proposals.
- 7.35 It is therefore concluded that the development as proposed would accord with LP14 of Huntingdonshire's Local Plan to 2036 and the NPPF (2021) in this regard.

### **Highways Safety, Parking Provision, Access and Public Footpath**

- 7.36 Policies LP16 and LP17 of the Local Plan to 2036 seeks to ensure that new development incorporates appropriate space for vehicle movements, facilitates access for emergency vehicles and service vehicles and incorporates adequate parking for vehicles and cycles.

- 7.37 The proposals seek to utilise the existing access from Askews Lane which will be widened to 6m. And, whilst the application form states that there is no vehicle parking conversely the submitted plans show parking provision within the site for 13 vehicles. Also, it is indicated that the longer-term plan for the site would potentially result in increased vehicle movements and therefore the impact of this would need to be considered.
- 7.38 The site is also located of a stretch of highway that has no footpath and any staff accessing the site on foot would have to walk within the highway.
- 7.39 The proposals have also been assessed in consultation with Cambridgeshire County Council as the Local Highways Authority (LHA). Whilst initially they did not object to the proposals, they asked the LPA for further clarification on the condition of the glasshouses. Following confirmation from the LPA that the glasshouses were not evident on the site, the LHA requested further information be submitted by the applicant in regards to the potential vehicle movements, and details of how staff with learning difficulties will be travelling to the site and stated that there may be highway safety issues. The LHA also questioned the need for 13 parking spaces and concluded that further clarification was needed in terms of highway safety impacts.
- 7.40 Given the scale and nature of the proposed use the Local Planning Authority would also seek the inclusion of some measures such to support sustainable methods of transport, whilst secure cycle storage is referred to in the Planning Statement no details have been provided within the submitted plans.

#### Public Footpath

- 7.41 Public Footpath No.4 runs along the northern boundary to the site, the proposals seek to widen the existing access which is within close proximity to the public right of way. The proposals have therefore been assessed in consultation with Cambridgeshire County Council, Public Rights of Way (PROW) team who have objected to the proposals and seek further clarification from the applicant as to how the proposals to widen the access affect the alignment of the public footpath and request the plans are amended to reflect the changes to allow a proper assessment of the impacts on the right of way if any.
- 7.42 Therefore, based upon the lack of detail and clarity associated with potential increased vehicle and pedestrian movements and lack of information to adequately assess the impacts of the proposal on the public right of way and adjacent highway, the proposal is considered to be contrary to Policies LP16 and LP17 of Huntingdonshire's Local Plan to 2036 in terms of highway safety.

## **Biodiversity**

- 7.43 Policy LP30 of the Local Plan to 2036 states a proposal will be required to demonstrate that all potential adverse impacts on biodiversity and geodiversity have been investigated and would ensure no net loss in biodiversity and provide a net gain where possible, through the planned retention, enhancement and creation of habitats and wildlife features, appropriate to the scale, type, and location of development.
- 7.44 The application is accompanied by a Preliminary Ecological Appraisal (P.E.A) prepared by Elite Ecology dated July 2021. The summary of the survey concludes that there are no designated sites on or adjacent to the proposed development site and that no habitats of conservation concern were located on the site itself. However, the site is considered to hold the potential to support protected and/or rare species (amphibians great crested newts, reptiles and badgers) and therefore the P.E.A makes recommendations relating to further site investigations, mitigation, and enhancement measures.
- 7.45 On the previously refused application the Cambridgeshire Wildlife Trust (CWT) did not comment on the proposals and the Officer considered that if the refused decision was appealed that the surveys could be conditioned. However, this is not the case, and as per the CWT comments on this application the surveys would be required prior to determination of the application in order to fully assess the potential impacts on protected species, in particular the impacts on great crested newts. In addition, this proposal has failed to demonstrate how a net gain in biodiversity would be achieved.
- 7.46 The proposals are therefore considered to be contrary to Paragraph 174(d) of the National Planning Policy Framework 2021 and Policy LP30 of Huntingdonshire's Local Plan to 2036 in this regard.

## **Flood Risk and Surface Water Drainage**

- 7.47 The overall approach to the consideration of flooding in the planning process is given in paragraphs 148-169 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 (FZ2 and FZ3 land respectively), to land with a low probability of flooding (FZ1).
- 7.48 The NPPF recognises that flood risk and other environmental damage can be managed by minimising changes in the volume

and rate of surface run-off from development sites through the use of Sustainable Drainage Systems (SuDs). Further the accepted principles are that surface water arising from a developed area should, as far as practicable, be managed in a sustainable manner to minimise the surface water flows arising from the site prior to the proposed development, while reducing the flood risk to the site itself and elsewhere, taking climate change into account.

7.49 In this case, the application site lies almost entirely within flood zone 3a as identified by the Strategic Flood Risk Assessment 2017 and the Environment Agency Flood Maps for Planning. Due to the nature of the proposed agricultural and storage use, the development is considered a 'less vulnerable' use and therefore whilst the sequential test to flood risk should be applied, it is not a requirement for the exception test to be completed. The proposed development will result in an increase in floor area of 'built development' of approximately 484 square metres.

7.50 The NPPF (2021) in paragraphs 159 and 161 states that inappropriate development in areas at high risk of flooding should be avoided by directing development away from areas at the highest risk (whether existing or future). It further 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 such to avoid, where possible, flood risk to people and property. The PPG indicates that the aim is to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible. This approach is also reflected in the Cambridgeshire Flood and Water Supplementary Planning Document 2017. Where development is proposed in areas that are at the highest risk of flooding.

7.51 The application is accompanied by a Flood Risk Assessment prepared by Ellingham Consulting Ltd dated June 2021, the conclusions of which determine that:

- The site has a medium risk of flooding (annual probability between 1% and 3.3%);
- The site has a very low risk of surface water flooding (annual probability less than 0.1%); and
- The site is not within an area at risk of reservoir flooding

It also details that:

- The probability of the development flooding from localised drainage systems is low. The risk of the site flooding from Yards End Dyke or Yaxley Lode is less than 1% annual probability (1 in

100 chance each year) because of the standards of the existing flood defence systems and storage within existing drainage channels

- Failure of Yaxley Fen Pumping Station or Bevill's Lean Pumping Station could lead to an increased level of risk at the site.

- The probability of the site flooding from any Environment Agency system during the design life of the development is less than 1% annual probability (1 in 100 chance each year) because of the standards of the existing flood defence systems.

- The proposed development will reduce the permeability of the site and therefore there is the potential that the development will increase flood risk elsewhere.

7.52 The FRA also does not recommend any flood mitigation measures and considers the development to pass the sequential test. It is noted that the FRA details that the site to be acceptable as it is protected by the Middle Level Barrier Bank which was not considered during the preparation of the Environment Agency Flood Map for Planning. The 2010 SFRA demonstrates that the risk of flooding at the site when the Middle Level Barrier Bank is considered is low.

7.53 However, the Local Planning Authority does not consider this statement, or the actions taken as an acceptable application of the Sequential Test which should seek to identify suitable development sites over a wider area. This could include sites within a neighbouring settlement or indeed at any other site within the district. Officers note the introduction of permeable tarmac and paving to the areas of hardstanding, but it is considered that given the scale of the buildings proposed in comparison with the level of built development which currently exists within the site along with the lack of justification for development of this nature and scale in this location that the proposed development is unacceptable in terms of its impact on flood risk. Aside from the permeable areas there is also no supporting detail explaining how surface water will be managed. Though it is accepted that the site is currently an area of unmaintained land which appears to have been used as a storage area there is likely to be a more appropriate means to address its appearance as opposed to the erection of two buildings with a total overall surface area of approx. 484 square meters and introduction of hardstanding (permeable or otherwise).

7.54 In conclusion it is not considered that sufficient information has been submitted by the Applicant to demonstrate that the sequential test has been passed, as there is no justification as to why buildings of this size and scale should be provided in this location when there are other sites in the locality which are not at risk of flooding or at a lower risk of flooding. As such the proposal fails the Sequential Test as explained above and set



out in the NPPF 2021. Compliance with the Sequential Test is a fundamental requirement of the NPPF and Planning Policy Guidance. Further, no specific details as to the management of surface water have been provided. As such, the development is considered to be contrary to the requirements of Policies LP5 and LP16 of Huntingdonshire's Local Plan to 2036 and the requirements of the NPPF in this regard.

### **Community Infrastructure Levy (CIL)**

7.55 The development would be CIL liable in accordance with the Council's adopted charging schedule; CIL payments will cover footpaths and access, health, community facilities, libraries and lifelong learning and education.

### **Planning Balance**

- 7.56 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.57 Whilst the principle of agricultural development in this location is supported, the storage of vintage barn machinery / vintage parking machinery appears to be unrelated to the agricultural use therefore its countryside location cannot be justified. Overall, therefore, given the limited and conflicting information within the application submission, on balance, the mixed use development is not supported in this countryside location.
- 7.58 Whilst the proposals aim to bring about some employment, including disabled staff there is insufficient and conflicting information within the application to establish how this would be achieved.
- 7.59 Given the lack of information within the application the proposals do not adequately demonstrate a need for the development of this scale in this countryside location and would result in some visual harm to the character and appearance of the area.
- 7.60 The proposals fail to demonstrate the proposals will be safe in terms of highway safety for vehicles or pedestrians and fail to adequately demonstrate how the site will be accessed via sustainable travel modes either on foot or by cycle. It also fails to demonstrate how access improvements can be carried out without harm to the adjacent Public Right of Way.
- 7.61 The proposals also do not demonstrate that they will be safe in regards to flood risk, how surface water will be managed within the site or why there are no other sites available within a lower flood risk zone thereby justifying why the proposals must be located in this high risk flood zone.

- 7.62 The proposals fail to demonstrate that there will be no significant detrimental impacts on protected species and demonstrate how a net gain in biodiversity would be achieved as a result of the development.
- 7.63 On balance the identified harm is not considered to be outweighed by the limited public benefits of the scheme.
- 7.64 Taking national and local planning policies into account, and having regard for all relevant material considerations, it is concluded that the proposed development is contrary to policy and not acceptable. The proposed development is considered to be in conflict with the Development Plan when taken as a whole and is not acceptable. There are no overriding material considerations that indicate that permission should be granted in this instance. Therefore, it is recommended that the application be refused.

## **Conclusion**

- 7.65 Having regard to all relevant material considerations, it is concluded that the proposal would not accord with local and national planning policy. Therefore, it is recommended that members recommend the application be refused.

## **8. RECOMMENDATION - REFUSAL for the following reasons:**

Reason 1 - The proposed development does not lie within the built-up area and would by virtue of its scale and siting relatively close to the Askews Lane boundary would appear as a prominent and incongruous encroachment of built development into the countryside that fails to protect the character of the area or recognise the intrinsic character and beauty of the countryside. The proposal does not meet any of the specific opportunities identified within the Huntingdonshire Local Plan and the proposal would therefore be unacceptable in principle and would be contrary to Policies LP1, LP2, LP10 (parts a, b and c), LP11, LP12 and LP33 of Huntingdonshire's Local Plan to 2036, section 12 of the NPPF (2021), parts C1, I1, I2 and B2 of the National Design Guide).

Reason 2 - The application is not supported by sufficient detail relating to vehicle movements or how pedestrians will access the site on foot safely or potential impacts on the public right of way to the north of the site, nor does it consider the potential for sustainable travel methods to be introduced. Therefore, based on the lack of detail the proposal is considered to be contrary to Policies LP16 and LP17 of Huntingdonshire's Local Plan to 2036

Reason 3 - The proposed development is considered not to pass the Sequential Test in relation to flood risk as stipulated by the

NPPF (2021) Insufficient information has been provided to justify the scale of development proposed in Flood Zone 3a and no details have been provided relative to the management of surface water within the site. The proposal is therefore considered to be contrary to Policies LP5 and LP15 of Huntingdonshire's Local Plan to 2036 and the NPPF in this regard.

Reason 4 - The proposals fail to demonstrate that there would be no significant detrimental impacts on protected species and fails to demonstrate that the proposals can achieve a net gain in biodiversity. The proposals are therefore considered to be contrary to Paragraph 174 (d) of the National Planning Policy Framework 2021 and Policy LP30 of Huntingdonshire's Local Plan to 2036.

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 **Debra Bell, Senior Development Management Officer. Email [Debra.bell@huntingdonshire.gov.uk](mailto:Debra.bell@huntingdonshire.gov.uk)**

**From:** developmentcontrol@huntingdonshire.gov.uk  
**Sent:** 01 June 2022 09:29  
**To:** DevelopmentControl  
**Subject:** Comments for Planning Application 22/00924/FUL

**Categories:** [REDACTED]

## Comments summary

Dear Sir/Madam,

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

Comments were submitted at 01/06/2022 9:29 AM from Mrs Helen Taylor.

### Application Summary

Address:	Agricultural Buildings South Of 3 Askews Lane Yaxley
Proposal:	Replacement of Old buildings to create a organic nursery with full time work for disabled staff
Case Officer:	Debra Bell

[Click for further information](#)

### Customer Details

Name:	[REDACTED]
Email:	clerk@yaxleypc.org.uk
Address:	Yaxley Parish Council, The Amenity Centre, Main Street, Yaxley pe7 3lu

### Comments Details

Commenter Type:	Town or Parish Council
Stance:	Customer made comments in support of the Planning Application
Reasons for comment:	
Comments:	The Parish Council supports the application, once completed it will rejuvenate the area.

Kind regards

# Development Management Committee



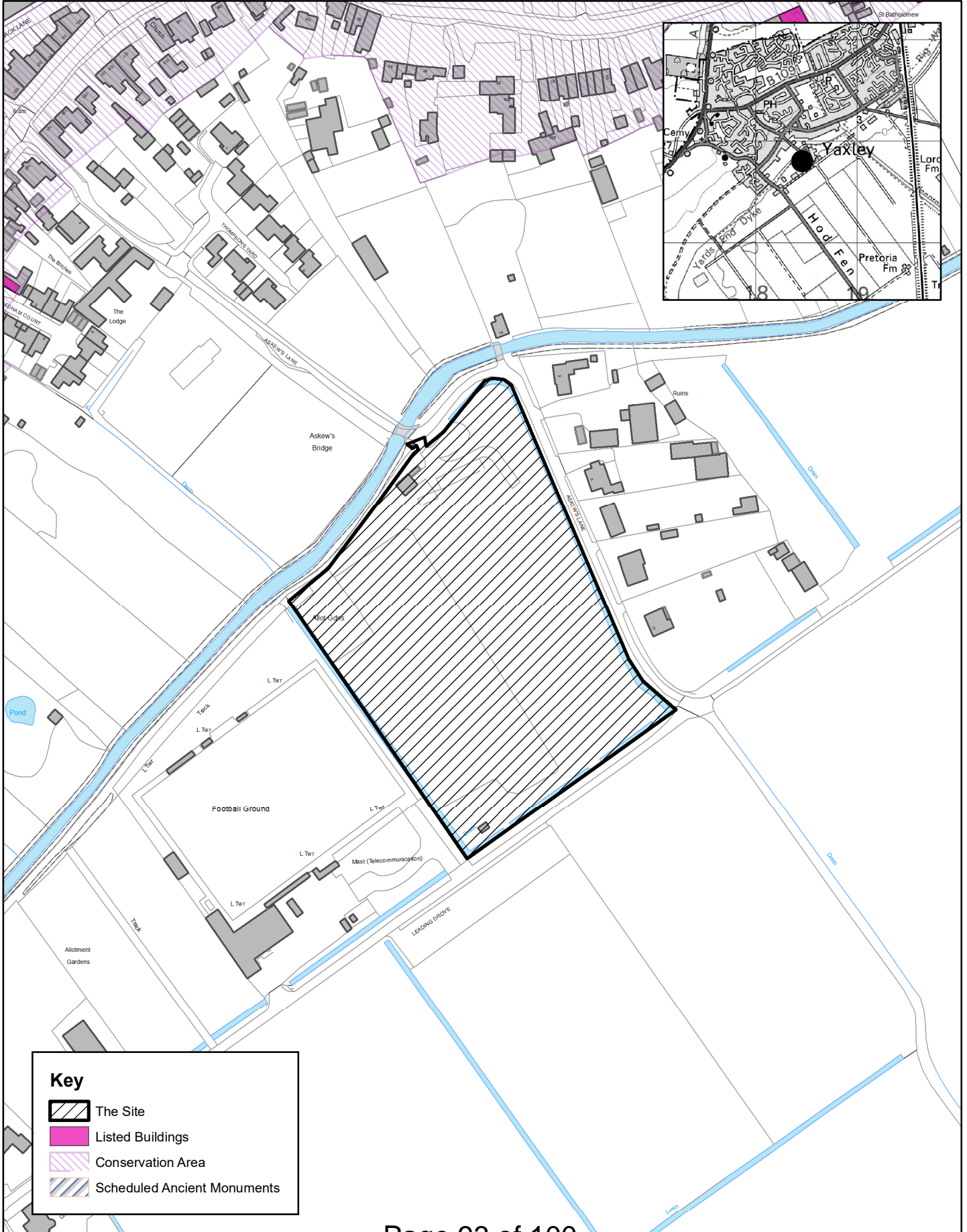
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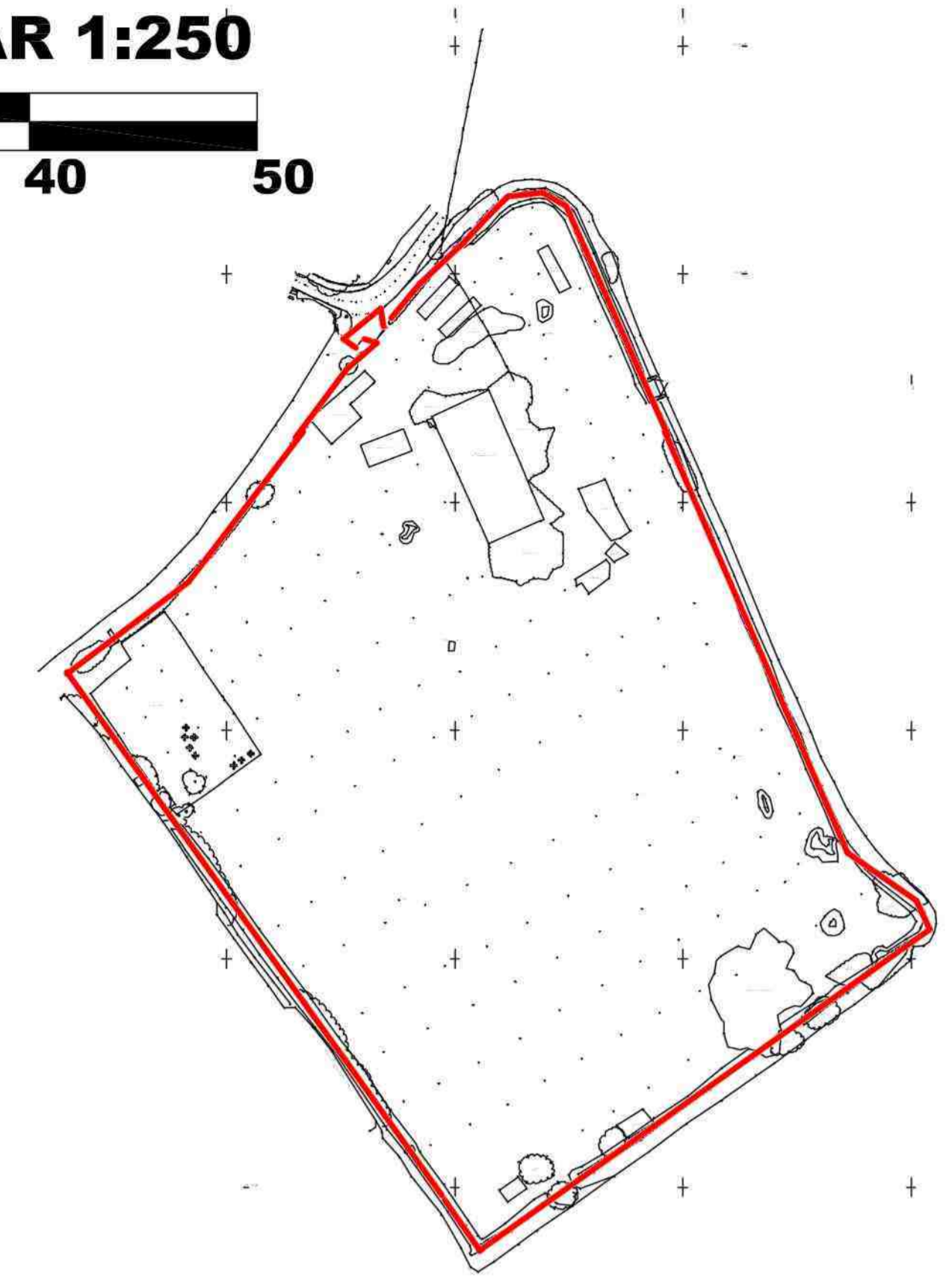
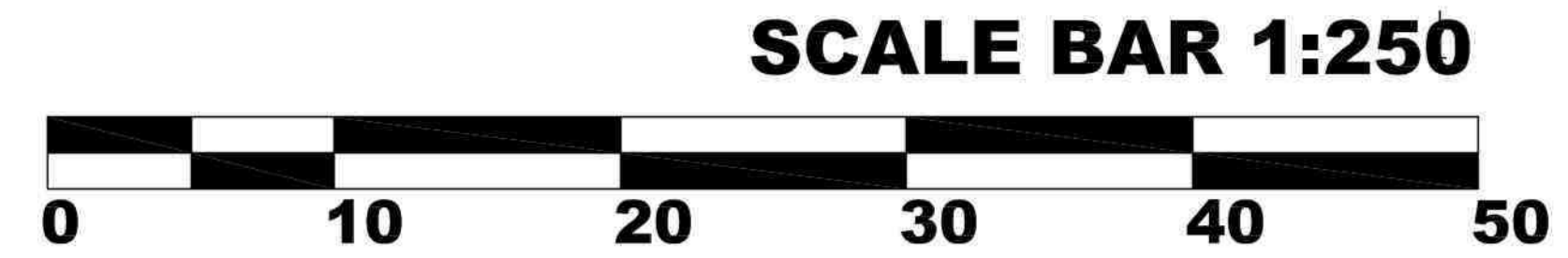
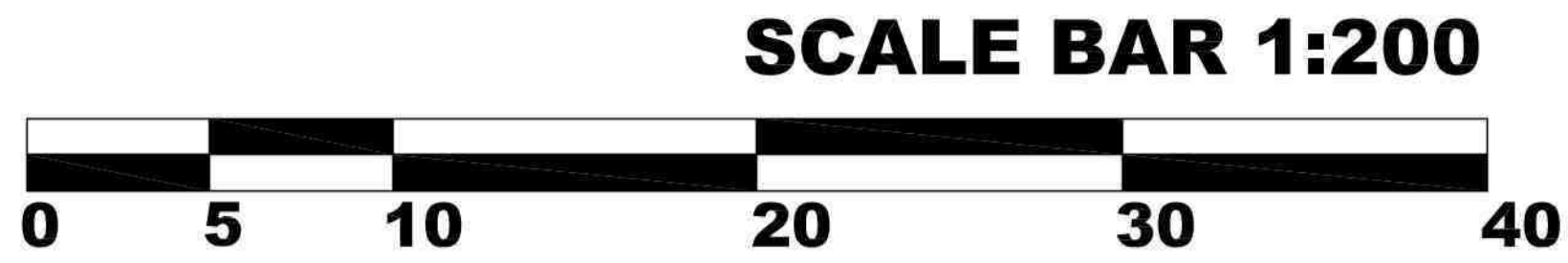
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Date Created: 06/03/2023

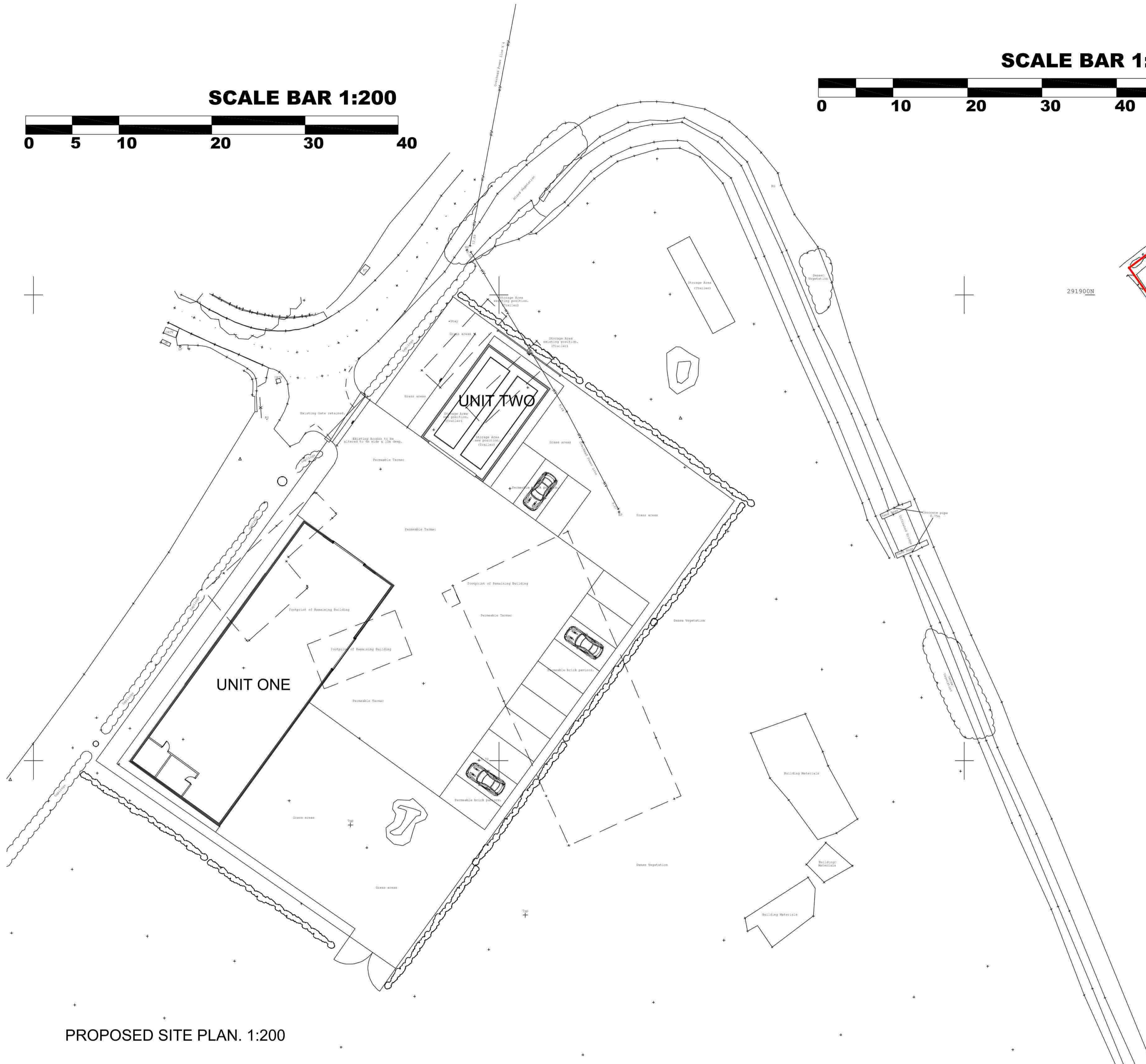
Location: Yaxley

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LOCATION PLAN. 1:1250



PROPOSED SITE PLAN. 1:200

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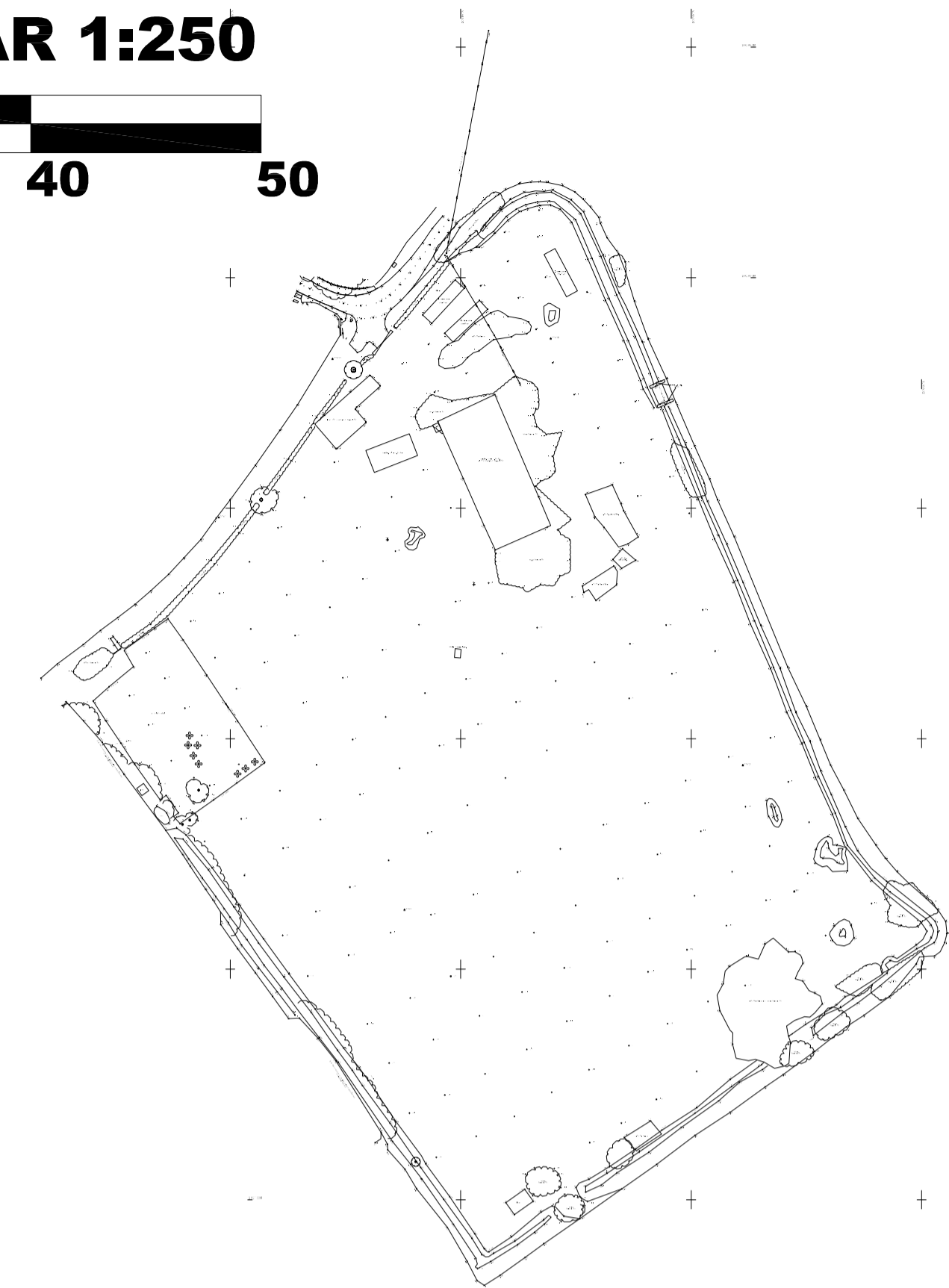
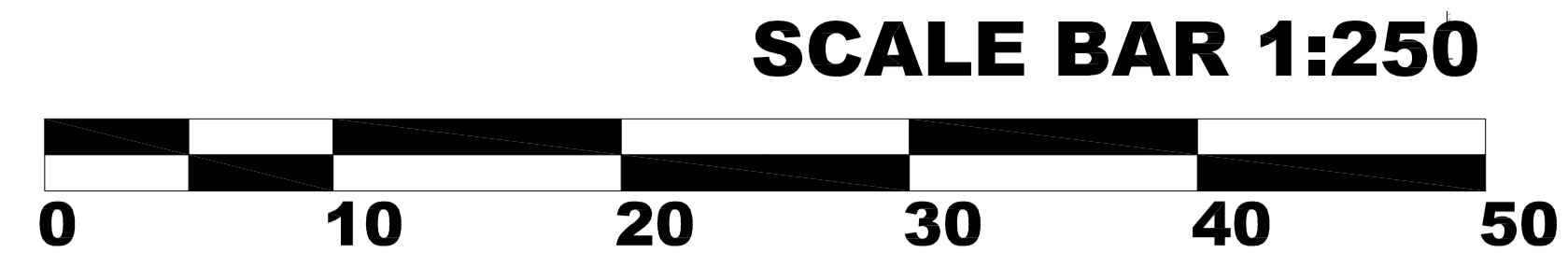
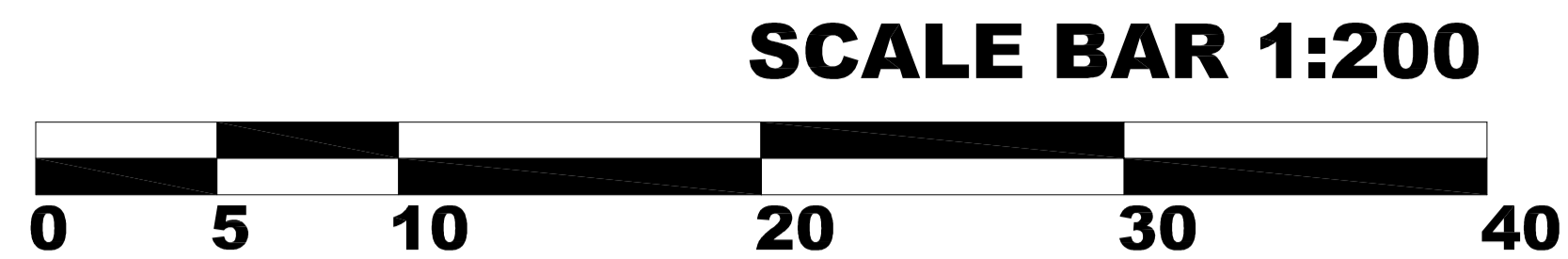
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Scale: 1:200 Date: MAY 2021 Drawn: PB

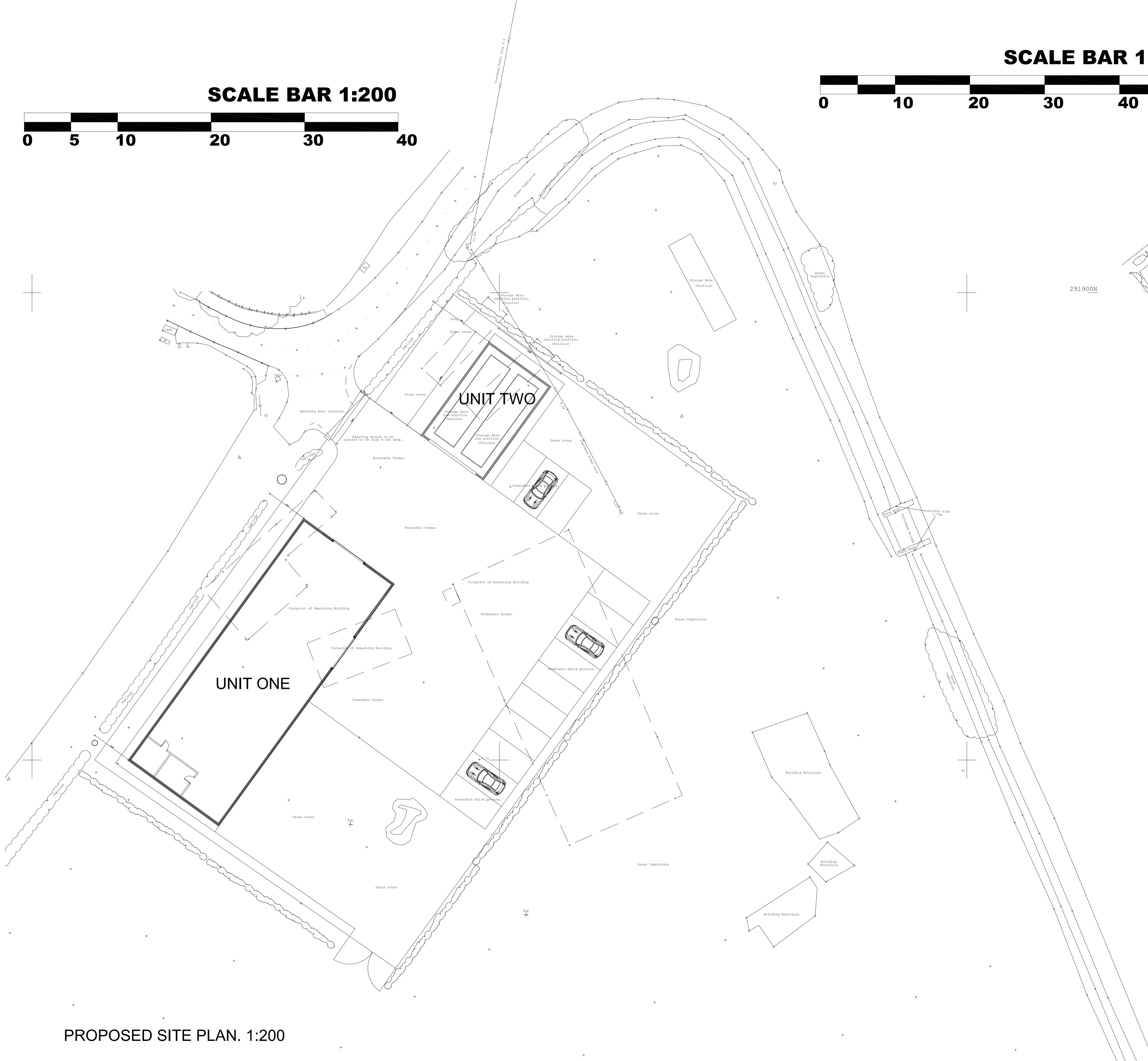
Project No: 3528 Drawing No: 103 Revision: B

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LOCATION PLAN. 1:1250



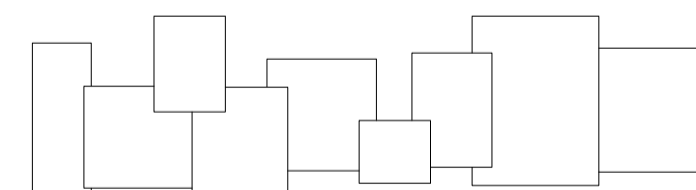
PROPOSED SITE PLAN. 1:200

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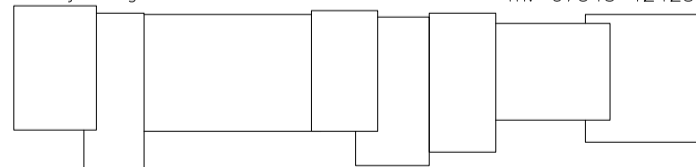
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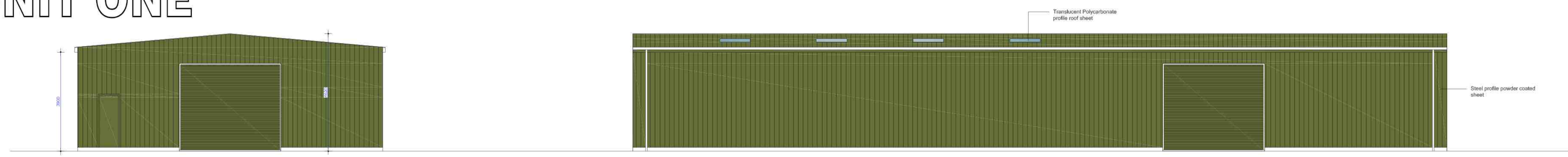
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Drawing Title:  
PROPOSED SITE AND LOCATION PLAN.

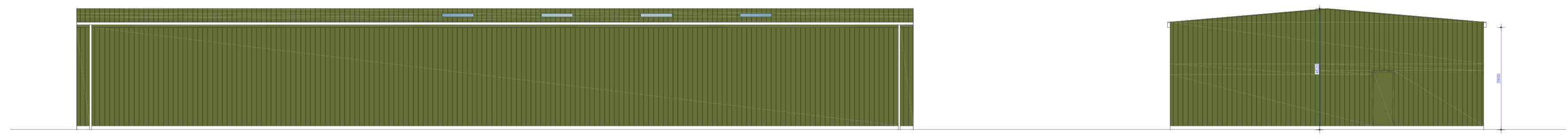
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Project No: 3528	Drawing No: 103	Revision: C

# UNIT ONE



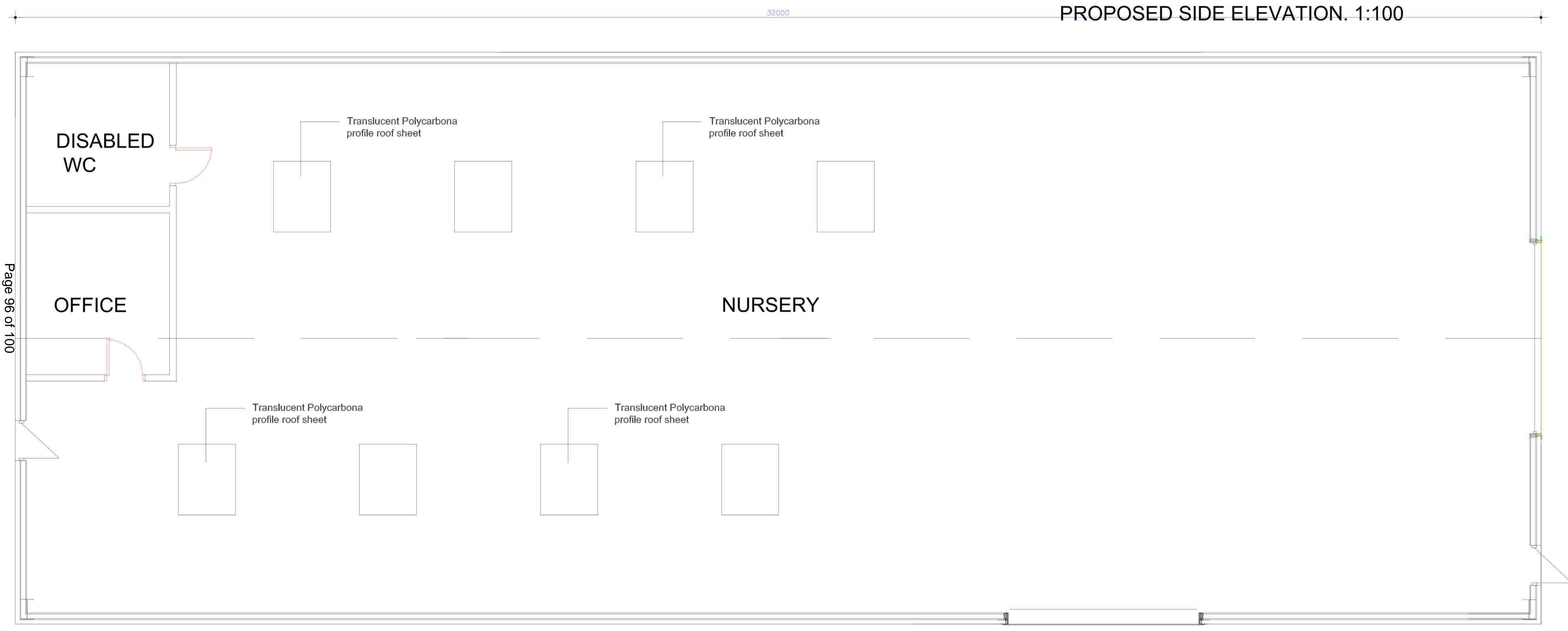
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PROPOSED FRONT ELEVATION. 1:100

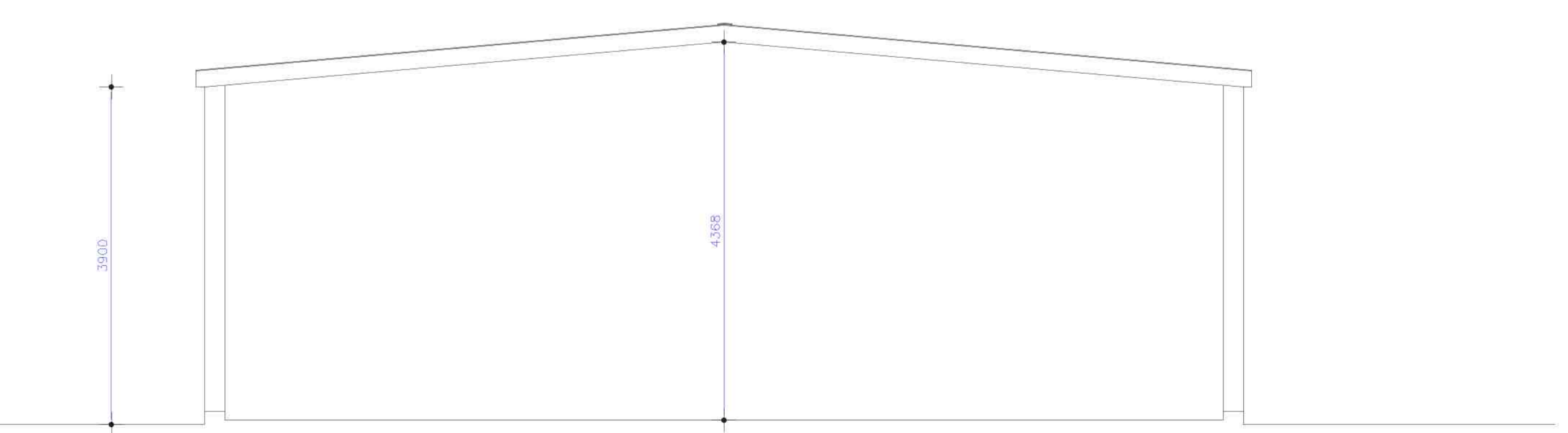


PROPOSED REAR ELEVATION 1:100

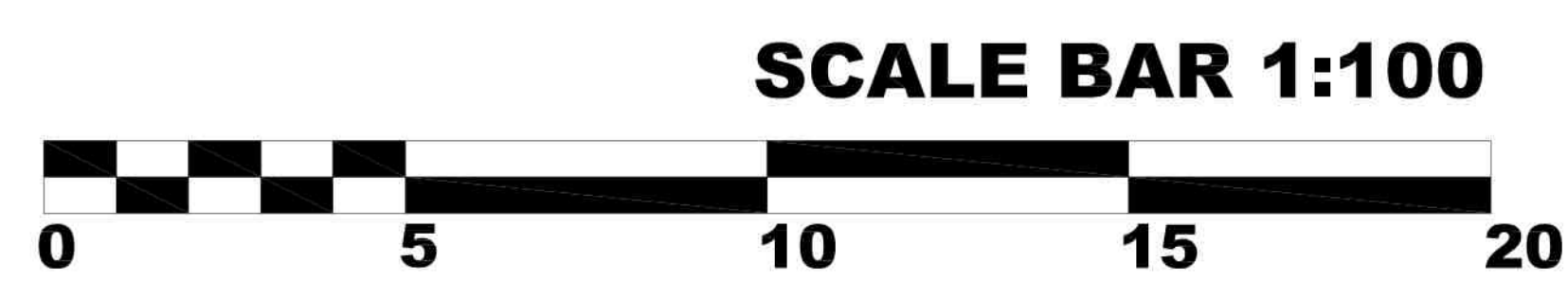
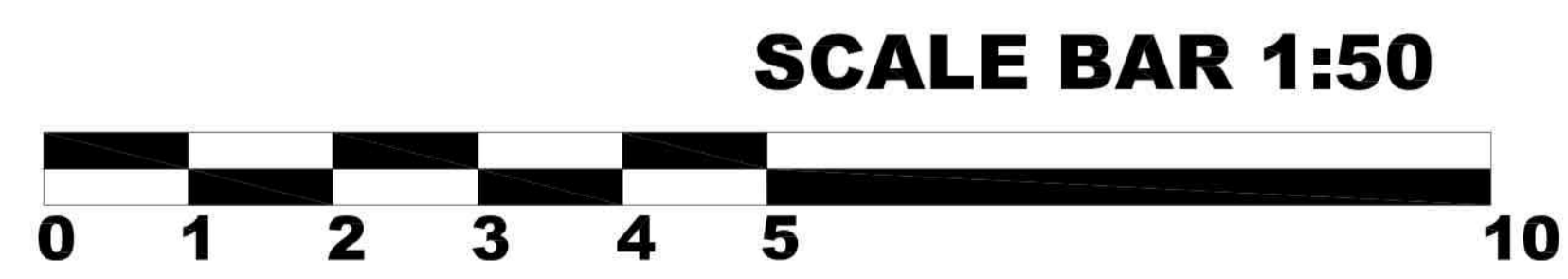
PROPOSED SIDE ELEVATION. 1:100



PROPOSED GROUND FLOOR PLAN. 1:50



SECTION A-A 1:50

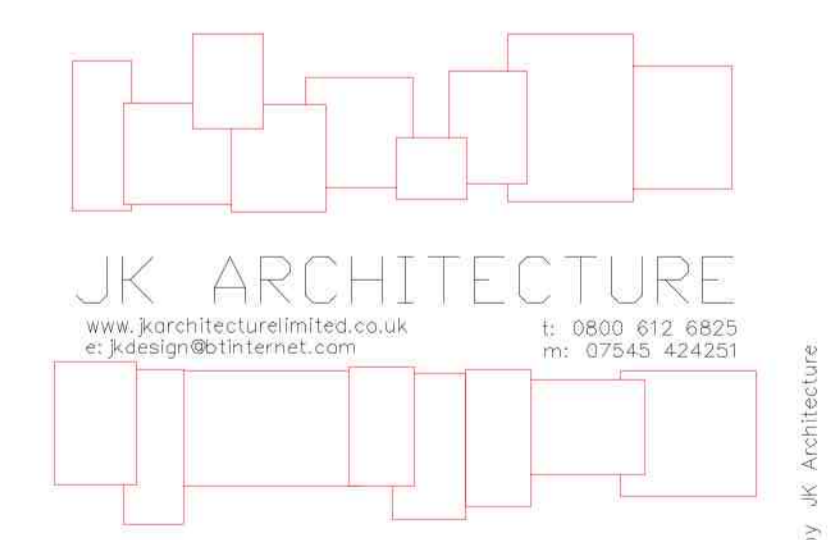


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Drawing Title: PROPOSED GROUND FLOOR AND ELEVATIONS

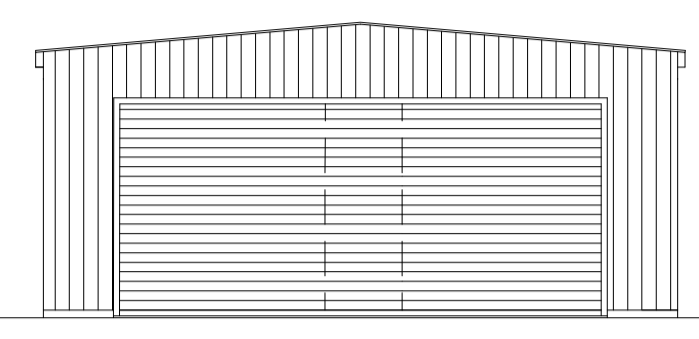
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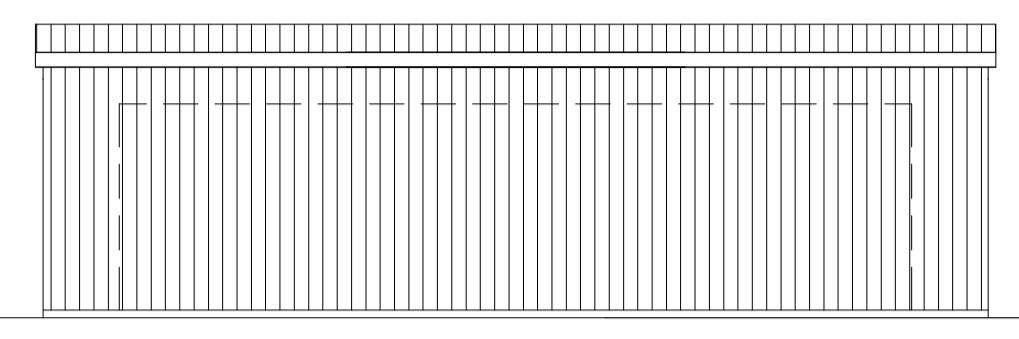
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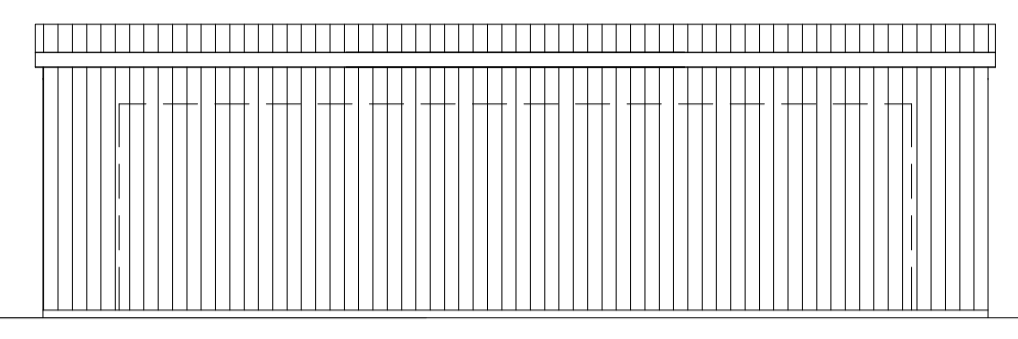
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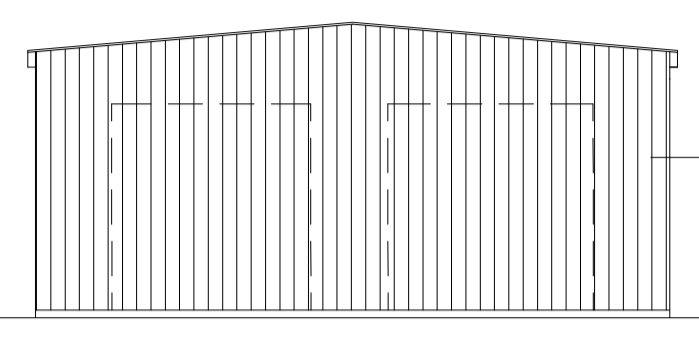
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PROPOSED SIDE ELEVATION 1:100

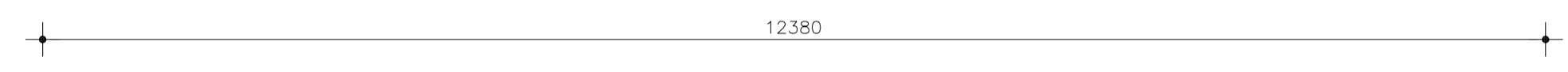


PROPOSED SIDE ELEVATION 1:100

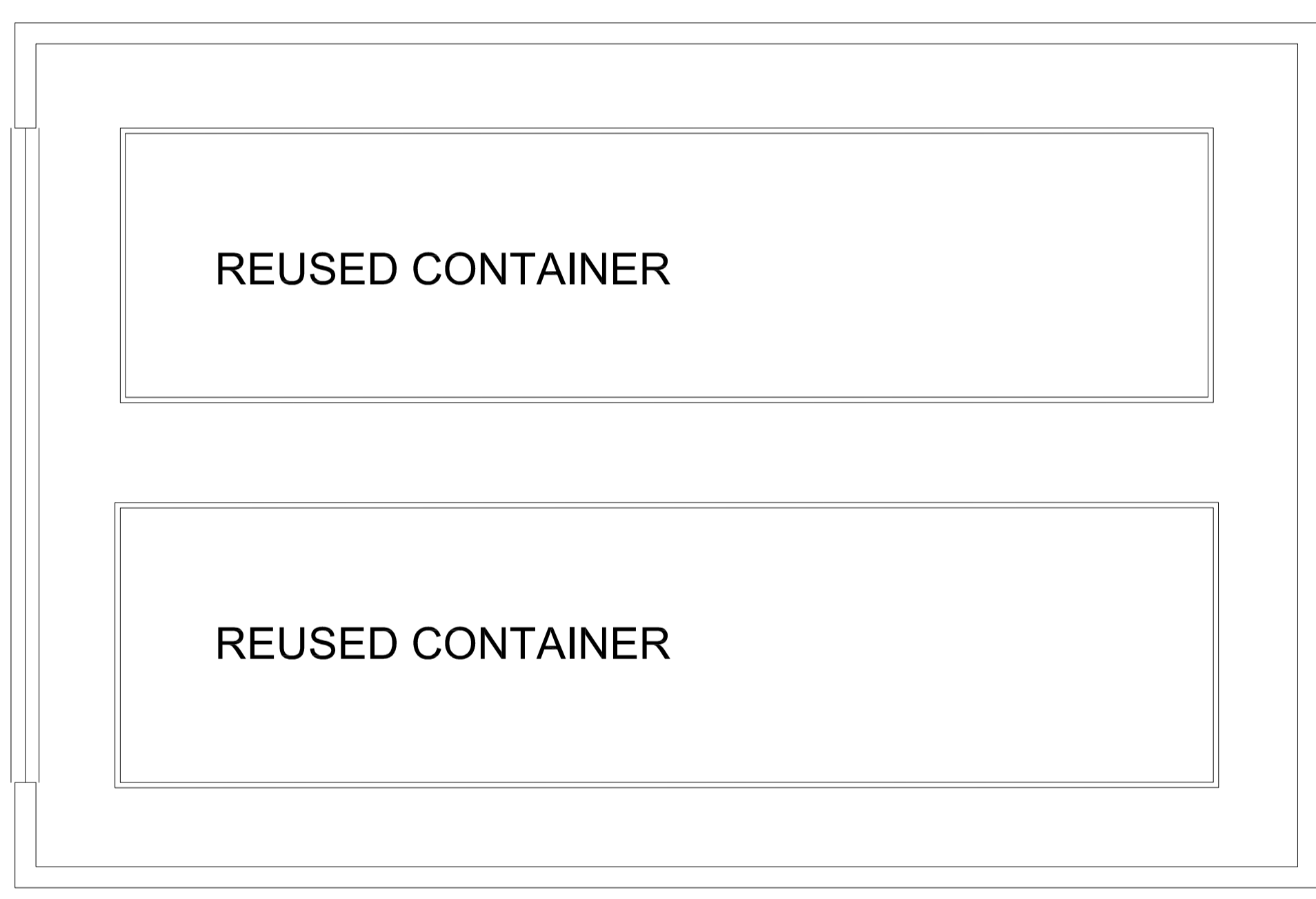


PROPOSED REAR ELEVATION 1:100

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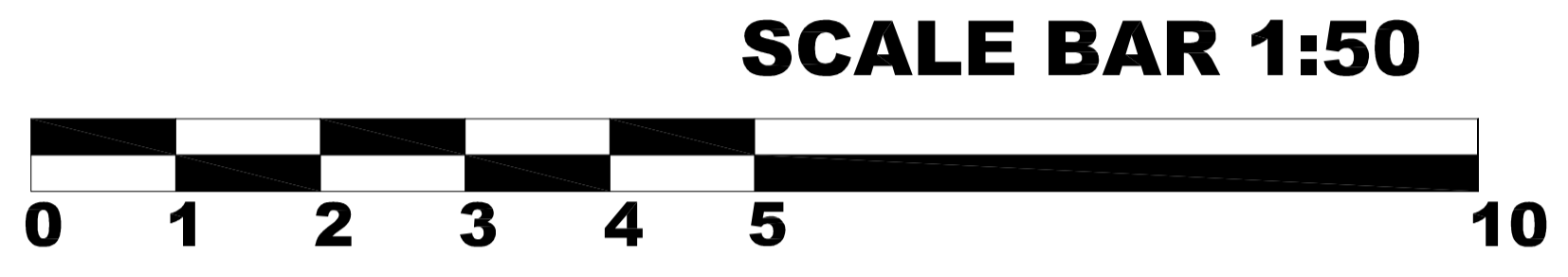


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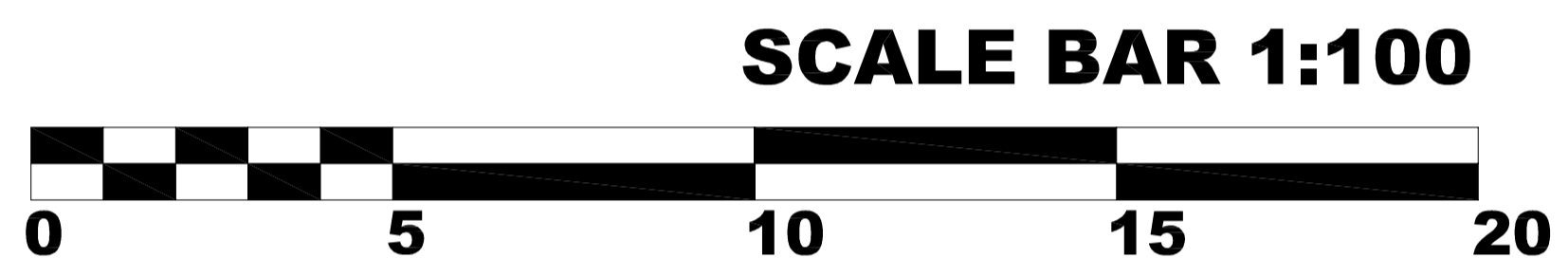


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PROPOSED GROUND FLOOR PLAN. 1:50



SCALE BAR 1:50



SCALE BAR 1:100

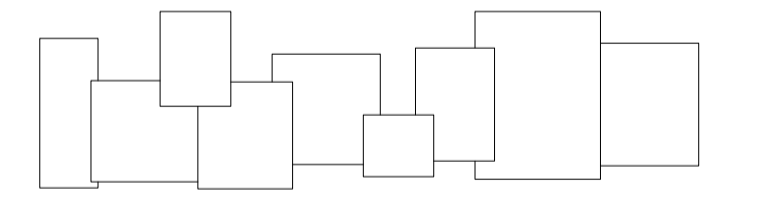
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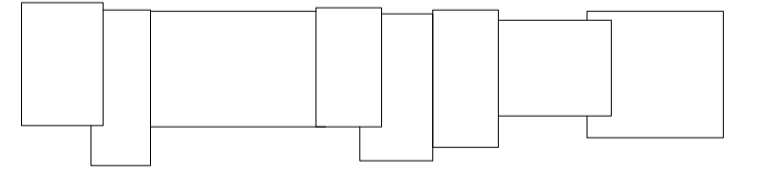
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Drawing Title:  
PROPOSED GROUND FLOOR AND ELEVATIONS

Scale: 1:50, 1:100 Date: MARCH 2021 Drawn: PB

Project No: 3528 Drawing No: 102 Revision: B

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**Planning Appeal Decisions Since February 2023 Committee**

<b>Ref No</b>	<b>Appellant</b>	<b>Parish</b>	<b>Proposal</b>	<b>Site</b>	<b>Original Decision</b>	<b>Delegated or DMC</b>	<b>Appeal Determination</b>	<b>Date</b>	<b>Costs</b>
21/01768/FU	Dr Phil Kaziewicz	Hemingford Abbots	Change of use to allow for a mixed use as private residence (Class C3a), a wedding and corporate events venue (sui generis use) with ancillary guest accommodation and parking.	Hemingford Park Common Lane Hemingford Abbots	Non-Determination	N/A	Withdrawn	17/02/23	N/A

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