

A meeting of the **DEVELOPMENT MANAGEMENT COMMITTEE** will be held in **THE CIVIC SUITE (LANCASTER/STIRLING ROOMS)**, **PATHFINDER HOUSE**, **ST MARY'S STREET**, **HUNTINGDON**, **PE29 3TN** on **MONDAY**, **17TH APRIL 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 March 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) Alconbury Weston - 22/00905/FUL (Pages 9 - 38)

Proposed detached dwelling - Land Rear of 9 High Street, Alconbury Weston.

#### (b) Sawtry - 20/00318/FUL (Pages 39 - 58)

Change of use from bakery and cafe to fish and chip shop and restaurant/ take away including rear extension, front veranda and replacement extraction system/flue (retrospective) – 20 Green End Road, Sawtry, PE28 5UX.

#### (c) St Ives - 21/00415/FUL (Pages 59 - 84)

Conversion of existing church parish hall into four residential units - The Church Hall, Ramsey Road, St Ives.

#### (d) Earith - 22/00617/FUL (Pages 85 - 110)

Erection of 4 bed dwelling - Land rear of Riverview Inn, High Street, Earith.

#### 4. APPEAL DECISIONS (Pages 111 - 112)

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

#### LATE REPRESENTATIONS

5th day of April 2023

#### Oliver Morley

Head of Paid Service

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

Further information on <u>Disclosable Pecuniary Interests and other Registerable and</u> 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 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.



### Agenda Item 1

#### **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 March 2023

PRESENT: Councillor D L Mickelburgh – Chair.

Councillors R J Brereton, E R Butler, S J Corney, 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.

APOLOGY: An apology for absence from the meeting was submitted on

behalf of Councillor L Davenport-Ray.

#### 47 MINUTES

The Minutes of the meeting of the Committee held on 20th February 2023 were approved as a correct record and signed by the Chair.

#### 48 MEMBERS' INTERESTS

Councillor P Jordan declared a Non-Registrable Interest in Minute No 49 (a) by virtue of the fact that the application related to the Ward she represented.

Councillor I Gardener declared a Non-Registrable Interest in Minute No 49 (b) by virtue of the fact that the application related to the Ward he represented as a Member of Cambridgeshire County Council.

Councillor I Gardener declared a Non-Registrable Interest in Minute No 49 (c) by virtue of the fact that the application related to the Ward he represented as a Member of Cambridgeshire County Council.

Councillor S Wakeford declared a Non Statutory Disclosable Interest in Minute No 49 (a) by virtue of the fact that the application related to the Ward in which he lived.

Councillor E Butler declared a Non-Registrable Interest in Minute No 49 (d) by virtue of the fact that the applicant was known to him and stated that he had taken no part in any discussions on the application. He remained in the meeting and took part in the discussion and voting.

Councillor K Gulson declared a Non-Registrable Interest in Minute No 49 (d) by virtue of the fact that the applicant was known to him, that the application related to the Ward he represented and he was a Member of Yaxley Parish Council. He had indicated that he would have called-in the application but came to the meeting with an open mind, remained in the meeting and took part in the discussion and voting.

### 49 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) Erection of 3 bedroom dwelling - 1 Bernard Road, Brampton, PE28 4RW - 22/02143/OUT

See Minute No 48 for Members' interests.

that the application be approved subject to conditions to be determined by the Planning Service Manager (Development Management) to include those listed in paragraph 8 of the report now submitted.

b) 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 (ii), Eg (iii), Eg (iii) - The Old Nursery, Grafham Road, Ellington Thorpe, PE28 0AP - 21/00101/FUL

(Councillor R Lumbers, Ellington Parish Council, addressed the Committee on the application).

See Minute No 48 for Members' interests.

that the application be refused for the following reasons:

- a) 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.
- b) 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.
- c) 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.
- d) 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.

#### At 8.12 pm the meeting was adjourned.

At 8.18 pm the meeting resumed.

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

See Minute No 48 for Members' interests.

that, subject to the satisfactory completion of the correct statutory procedure to revoke the previous planning permission reference 1200071FUL, application 21/01958/FUL be approved subject to conditions to be determined by the Planning Service Manager (Development Management) 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, and
- Barn use to remain ancillary to dwelling.

#### d) Replacement of Old buildings to create a organic nursery with full time work for disabled staff – Agricultural Buildings South of 3 Askews Lane, Yaxley - 22/00924/FUL

(Councillor P Russell, Yaxley Parish Council, and Mr M Oliver, applicant, addressed the Committee on the application).

See Minute No 48 for Members' interests.

that the application be refused for the following reasons:

a) 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).

- b) 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.
- c) 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.
- d) 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.

#### 50 APPEAL DECISIONS

The Committee received and noted a report by the Planning Service Manager (Development Management), on the outcome of an appeal to the Planning Inspectorate. A copy of the report is appended in the Minute Book.

**RESOLVED** 

that the contents of the report be noted.

Chair

## DEVELOPMENT MANAGEMENT COMMITTEE 17th APRIL 2023

Case No: 22/00905/FUL Full Planning Application

Proposal: Proposed detached dwelling

**Location:** Land Rear Of 9 High Street Alconbury Weston

Applicant: Mr Neil Marshall

Grid Ref: 517714 276888

Date of Registration: 28.06.2022

Parish: ALCONBURY WESTON

#### **RECOMMENDATION - APPROVE**

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

#### 1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 The site currently forms part of the residential garden of No. 9 High Street, Alconbury Weston. The site is bounded to the north, east and west by residential properties with an area of public open space to the south. The site is located within the Alconbury Weston Conservation Area.
- 1.2 The proposal involves the erection of one detached dwelling on land to the rear of No 9 High Street, Alconbury Weston. The proposed dwelling would be constructed of a gable design with a forward and rear projecting two-storey gable. It is proposed to construct the dwelling with facing brick walls, natural slate roof tiles and UPVC windows and doors.
- 1.3 The application has been accompanied by a Flood Risk Assessment, a Preliminary Ecological Appraisal and a Heritage Statement.

#### 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 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty as respects conservation areas in exercise of planning functions. Paragraph (1) sets out 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.'
- 2.4 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
  - LP6: Waste Water Management
  - LP9: Small Settlements
  - 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 SPD (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 (2022)

Local For full details visit the government website Local policies

#### 4. PLANNING HISTORY

- 4.1 21/01509/FUL Proposed change of use of existing detached garage, workshop and store to dwelling 9 High Street, Alconbury Weston Approved
- 4.2 0200445OUT Erection of dwelling Refused

#### 5. CONSULTATIONS

- 5.1 Alconbury Weston Parish Council Recommend refusal for the following reasons:
  - Inadequate Design, Access and Heritage Statement with no analysis of local policies or impact on surrounding area
  - No detailed solution for additional surface water runoff.
  - Soakways are not considered to be an appropriate solution.
  - This property would be the 5th property on this site, all of which share a single narrow driveway access to the High Street. Amenity concerns for 9 High Street (owned and lived in by applicant).
  - Insufficient provision of waste bin collection space.
- 5.2 Cambridgeshire County Council's Highway Authority Raised no objections to the development.
- 5.3 Cambridgeshire Fire and Rescue Service's Water and Planning Manager Noted access for fire appliances may be considered inadequate referencing Building Regulation documents.
- 5.4 Huntingdonshire District Council's Conservation Officer No objection. The proposed development will not further harm the historic rural character or appearance of the conservation area because in this location it is no longer evident.

#### 6. REPRESENTATIONS

- 6.1 Three letters of objection were received during the course of the application. Their concerns have been summarised below:
  - No need for additional housing.
  - Increased flood risk to surrounding area.
  - Loss of privacy and overlooking to neighbouring properties garden and loss of light to windows.
  - Potential noise, traffic, dust and general nuisance during and post construction.

Management of bin storage.

#### 7. ASSESSMENT

- 7.1 When determining planning applications, it is necessary to establish what weight should be given to each plan's policies in order to come to a decision. The following legislation, government policy and guidance outline how this should be done.
- 7.2 As set out within the Planning and Compulsory Purchase Act 2004 (Section 38(6)) and the Town and Country Planning Act 1990 (Section 70(2)) in dealing with planning applications the Local Planning Authority shall have regard to have provisions of the development plan, so far as material to the application, and to any other material considerations. This is reiterated within paragraph 47 of the NPPF (2021). The development plan is defined in Section 38(3)(b) of the 2004 Act as "the development plan documents (taken as a whole) that have been adopted or approved in that area".
- 7.3 In Huntingdonshire the Development Plan consists of:
  - Huntingdonshire's Local Plan to 2036 (2019)
  - Cambridgeshire & Peterborough Minerals and Waste Local Plan (2021)
  - St Neots Neighbourhood Plan 2014-2029
  - Godmanchester Neighbourhood Plan (2017)
  - Houghton and Wyton Neighbourhood Plan (2018)
  - Huntingdon Neighbourhood Plan (2019)
  - Bury Village Neighbourhood Plan (2021)
  - Buckden Neighbourhood Plan (2021)
  - Grafham and Ellington Neighbourhood Plan 2020–2036 (2022)
  - Great Gransden Neighbourhood Plan 2021–2036 (2023)
- 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 are:
  - Principle of development
  - Design, visual amenity and impact upon heritage assets
  - Residential amenity

- Highway safety
- Flood risk and surface water
- Biodiversity
- Impact on Trees
- Housing Mix accessible and adaptable homes
- Water efficiency
- Other matters

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

- 7.6 Policy LP2 of the Huntingdonshire Local Plan to 2036 (the Local Plan) sets out the overarching development strategy for Huntingdonshire through the plan period. The main objective of this policy is to concentrate development in locations which provide, or have the potential to provide, the most comprehensive range of services and facilities. Rural exception, small and windfall sites will be permitted on sites which are in conformity with other policies of the development plan providing further flexibility in the housing supply.
- 7.7 The Huntingdonshire Local Plan to 2036 states that 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 site is located to the rear of No. 9 High Street, Alconbury Weston and can be considered to be located within a built-up area given the number of dwellings in the immediate vicinity.
- 7.8 Alconbury Weston is identified as a 'Small Settlement' in the adopted Local Plan with Policy LP9 stating that a proposal for development within the built-up area will be supported where the amount and location of development proposed is sustainable in relation to the level of service and infrastructure provision within the settlement, opportunities for users to access everyday services and facilities by sustainable modes of travel and the effect on the character of the immediate locality and the settlement as a whole.
- 7.9 Whilst services in Alconbury Weston are limited, due to its proximity to Alconbury it has easy access to a good range of amenities such as a school, public house, doctors, shop, pharmacy and sports and social facilities. Furthermore, as discussed in the following section of this report, the proposed development is considered to be sustainable in terms of its effect on the character of the immediate locality and the settlement as a whole.
- 7.10 Overall, the principle of development is considered to be acceptable and in accordance with Policies LP2 and LP9 of Huntingdonshire's Local Plan to 2036 and the aims of the

National Planning Policy Framework, subject to all other planning matters being addressed.

#### Design, Visual Amenity and Impact on Heritage Assets

- 7.11 Policies LP11 and LP12 of Huntingdonshire's Local Plan to 2036 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. Furthermore, Policy LP34 gives great weight and importance to the conservation of heritage assets, such as Conservation Areas.
- 7.12 This application seeks approval for the erection of a detached two storey dwelling to be located on land to the rear of 9 High Street and west of Three Chimneys, High Street, Alconbury Weston. The site is located within the Alconbury Weston Conservation Area. High Street has a typically rural appearance and hosts dwellings of varying style, scale, and design. The overriding appearance of the area is largely characterised by traditional dwellings or modern development which has been designed to integrate well with the street scene.
- 7.13 9 High Street is an example of a more modern addition and is an attractive dwelling which sits at a 90-degree angle to the High Street. Vehicular access is by virtue of a driveway to the east (between No 9 and No 5 High Street). This access also serves 'Three Chimneys' and 'Westbrooke' to the south.
- 7.14 The proposed dwelling would be constructed of a gable design with a forward and rear projecting two-storey gable. The proposed external materials are facing brick walls, natural slate roof tiles and UPVC windows and doors.
- 7.15 The dominant design of dwellings in the immediate vicinity is that of two-storey gable properties of varied layouts and siting in relation to the highway. The design of the proposed dwelling is considered to respect and reflect this in its siting and gable end design. The scale of the proposed dwelling is also considered to be acceptable with an appropriate private rear amenity area. Officers note that the plans show space for a secure cycle storage shed. A condition shall be attached to any permission such to secure the provision of the proposed cycle storage along with the proposed boundary treatment and landscaping details.
- 7.16 Furthermore, given the dwelling's siting to the rear of 9 High Street, approximately 46m south-west off the highway of High Street, the proposal would not be readily visible from public vantage points along the highway and therefore would not be visually prominent within the street scene.

- 7.17 It should also be noted that the Council's Conservation Officer did not identify any harm to arise from the development on the character and appearance of the Alconbury Conservation Area.
- 7.18 Overall, the proposed development is considered to be acceptable in terms of its character and appearance and would not result in any detrimental impacts upon the street scene, the surrounding area or the Alconbury Conservation Area. As such, the proposal is considered to be in accordance with Policies LP9, LP11, LP12 and LP34 of Huntingdonshire's Local Plan to 2036, the Huntingdonshire's Design Guide SPD, Sections 12 and 16 of the National Planning Policy Framework and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. in this regard.

#### **Residential Amenity**

- 7.19 Policy LP14 states a proposal will be supported where a high standard of amenity is provided for all users and occupiers of a proposed development and maintained for users and occupiers of neighbouring land and buildings.
- 7.20 The closest neighbouring residential properties to the proposed dwelling are No 9 High Street and Three Chimneys. Consideration will also need to be given to the building to the west of the site that benefits from planning permission to change its use from an existing detached garage, workshop and store into a dwelling (planning application reference 21/01509/FUL).
- 7.21 With regards to the neighbouring dwelling approved under permission 21/01509/FUL, the proposed dwelling would be situated south and would be 2.5 metres from the shared boundary at its closest point. Whilst it is acknowledged that the proposed two storey dwelling would result in some overbearing and overshadowing impacts on the single storey dwelling approved under permission 21/01509/FUL, the identified impacts are not considered to be significantly detrimental enough to warrant refusal of planning permission. Furthermore, the two dwellings are located on land under the same ownership at present and any future owner/occupier would be aware of the relationship prior to occupation. It is also worth noting that no north-west side elevation windows are proposed and therefore would not result in any unacceptable overlooking impacts on the neighbouring property.
- 7.22 The proposed dwelling would be set in approximately 3 metres from the boundary with Three Chimneys to the south-east. There is a further 5 metres between the boundary and the side elevation of Three Chimneys. Given that there would be a separation distance of 8 metres in total and the proposed dwelling would not extend beyond the rear most elevation of this property, it is not considered that there would be any detrimental

overbearing impact, overshadowing or overlooking impacts on this neighbouring property. The existing hedge and 1.8 metre fence on the party boundary is to be retained, as such the ground floor windows on the proposed dwelling would not offer views towards the neighbouring property. Whilst a first floor south-east side elevation window is proposed, it would be obscurely glazed and would serve a non-habitable room (ensuite). A condition is recommended to ensure that this window is obscure glazed in the interests of protecting privacy.

- 7.23 The proposed dwelling is not considered to result in any detrimental impacts on No 9 High Street as it would be approximately 20 metres to the neighbouring property with the existing access track situated between the two.
- 7.25 The addition of another dwelling served by the existing access from High Street would intensify the use of this access which is in close proximity to No 5 High Street. It is not considered that the vehicle movements associated with one dwelling would result in a significantly detrimental increase in noise or disturbance to warrant refusal of the application.
- 7.24 Overall, 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 and the Huntingdonshire Design Guide SPD in this regard.

#### **Highway Safety**

- 7.25 The proposed four-bedroom dwelling would be accessed via an existing access off High Street which is an unclassified road subject to a 30mph speed limit.
- 7.26 The existing access has previously been accepted for shared residential use and currently serves several dwellings. Whilst the access is not as wide as Cambridgeshire County Council's Highway Authority would normally request, it appears that the existing shared access has operated without issue. Given the location, speed of vehicles in the vicinity of the access and the number of dwellings in this location, it is not considered to represent a highway safety issue.
- 7.27 The proposed site layout plan indicates an area of hard surfacing to the front of the dwelling for off-street car parking. Whilst the plan only highlights an area for two off-street car parking spaces, the Local Planning Authority are satisfied that there is adequate space to accommodate three spaces. A condition would be imposed on any planning permission granted to secure the off-street car parking arrangements.

7.28 Therefore, subject to appropriate conditions 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 in this regard.

#### Flood Risk

- 7.29 The application site is largely within Flood Zone 1 and the proposed dwelling would be sited entirely within Flood Zone 1. However, the access to the site is located in Flood Zones 2 and 3 and the site is also within an area with a susceptibility to groundwater flooding of greater than 75%. It should be noted that as per Paragraph 167 of the NPPF 2021 (footnote 56) applications for minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site specific flood risk assessments. As only the access falls within Flood Zone 2 and 3, the proposed development is not subject to the sequential or exception test.
- 7.30 As set out in footnote 55 of the NPPF 2021, a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3 and in Flood Zone 1, an assessment should accompany all proposals involving land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use. In this case, the development does introduce a more vulnerable use and given the risk of groundwater flooding, the site is considered susceptible to other sources of flooding. As such, a Flood Risk Assessment (FRA) accompanies the application.
- 7.31 The guidance contained within the Cambridgeshire Flood and Water SPD (2017) sets out that an FRA should consider the risk of flooding arising from the proposed development in addition to the risk of flooding to development on the site. To address the latter, a summary of risks within the submitted FRA reflects that the assessment carried out has shown that the proposed development is not at risk of flooding from the Alconbury Brook (which is approx. 55 metres to the north) during the present day 1% annual probability (1 in 100 chance each year) event. However, the access to the site (in Flood Zones 2 and 3) would remain at risk of flooding during this event. It is noted that over time there will be a gradual increase in risk to the site due to climate change. The flood level during the 1% annual probability (10 in 100 chance each year) event with 35% climate change allowance is estimated to be 18.1m AOD (Above Ordnance Datum). Ground levels in the area of the proposed dwelling are estimated to be 18.8m AOD and therefore the dwelling is not at risk during the 1% annual probability event with climate change.
- 7.32 As stated above, the entrance and exit to the site falls within Flood Zones 2 and 3. This matter has been addressed and whilst

it is not considered to be accompanied by a significant level of risk (given the limited scale of this development and the fact that the access is already utilised by residential dwellings). The submitted plans show an escape gate to the south of the site which accesses a playing field. This lies within Flood Zone 1 and provides a means of escape in the event of a flood emergency.

- 7.33 The flood risk assessment recommends that the finished floor level of the dwelling is 0.3m above ground level and there is 0.3m of flood resilient construction above finished floor level. It is also recommended that occupants of the dwelling received flood warnings to mitigate the risk associated with limitations to the site access during flood events. These shall be secured by conditions.
- 7.34 It is noted that the proposed development would result in a minor increase in impermeable area however it is not considered that the development would result in an increased risk of flooding elsewhere. Furthermore, the submitted FRA recommends that surface water run-off is managed so that stormwater from the development will not affect adjoining properties. The agent has confirmed that it is proposed to dispose of surface water drainage via SUDs and foul drainage via mains sewers. The Local Planning Authority have no objections to this approach in principle in this location, subject to specific details. A condition would be imposed on any planning permission granted to secure details of the proposed drainage.
- 7.35 Therefore, subject to appropriate conditions the proposal is considered to be acceptable with regard to its impact on both flood risk and surface water and therefore accords with Policies LP5 and LP15 of Huntingdonshire's Local Plan to 2036 and the NPPF 2021 in this regard.

#### **Biodiversity**

- 7.36 Paragraph 174 d) of the NPPF 2021 states that planning decisions should minimise impacts on and provide net gains for biodiversity. Furthermore, 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.
- 7.37 The application site is currently domestic garden. A Preliminary Ecological Appraisal (PEA) and a Biodiversity Checklist have been submitted in support of the application. This does not identify that there are any ecological constraints on site. The proposal includes some biodiversity features as part of the development, including the insertion of a triple bat box, a starling box and sparrow boxes. Conditions would be imposed on any planning permission granted to ensure the development is carried out in accordance with the submitted Preliminary

- Ecological Appraisal and to ensure the biodiversity enhancements measures are carried out.
- 7.38 Subject to the imposition of conditions, the proposed development is considered to be acceptable in terms of biodiversity and therefore in accordance with Policy LP30 of Huntingdonshire's Local Plan to 2036 and Section 15 of the National Planning Policy Framework.

#### **Impact on Trees**

7.39 Officers note that there are a number of relatively small-scale trees within the application site which given their location within the Conservation Area are afforded protection. The application has been accompanied by an Arboricultural Impact Assessment which confirms that the semi-mature trees to the south and west will not be affected, subject to tree protection measures being adhered to, however, the orchard fruit trees and young oak will need to be removed. It is considered that these fruit trees have no public visual amenity value and therefore their removal is considered to be acceptable. A tree protection plan has been submitted for the trees to be retained and tree protection fencing will be installed throughout the construction phase. This can be conditioned to ensure that the retained trees are adequately protected. The proposal therefore accords with Policy LP31 of Huntingdonshire's Local Plan to 2036 in this regard.

#### Accessible and Adaptable Dwellings

- 7.40 Policy LP25 of the Local Plan to 2036 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.
- 7.41 The applicant has confirmed that the proposed dwelling will be 'accessible and adaptable' compliant. A condition can be imposed upon any consent to ensure that the development is built in accordance with these standards and maintained for the lifetime of the development.

#### Water Efficiency

- 7.42 Policy LP12 (j) of the Local Plan to 2036 states that new dwellings must comply with the optional Building Regulation requirement for water efficiency set out in Approved Document G of the Building Regulations.
- 7.43 A condition will be attached to any consent to ensure compliance with the above, in accordance with Policy LP12 (j) of Huntingdonshire's Local Plan to 2036.

#### Other matters

7.44 Community Infrastructure Levy (CIL):

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.

7.45 Development Obligations:

Part H of the Developer Contributions SPD (2011) requires a payment towards refuse bins for new residential development. A Unilateral Undertaking Form in respect of wheeled bins has been received by the Local Planning Authority dated 19th April 2022. The proposed development is therefore considered to accord with Policy LP4 of Huntingdonshire's Local Plan to 2036 and the Developers Contributions SPD (2011).

#### Conclusion

- 7.46 The proposed development is considered to be compliant with the relevant national and local policy as it is:
  - \*Acceptable in principle.
  - \*Is of an appropriate size, scale, siting and design.
  - \*Would not have a harmful impact on the character or appearance of the Alconbury Weston Conservation Area.
  - \* Would not have a significantly detrimental impact upon the amenity of neighbours.
  - \*Would not be detrimental to highway safety in the locality.
  - \*Would not result in an increased risk of flooding in the locality.
  - \*Is acceptable with regards to the impact on biodiversity.
  - \* Is acceptable with regard to its impact on trees.
  - \*There are no other material planning considerations which lead to the conclusion that the proposal is unacceptable.
- 7.47 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 the imposition of appropriate conditions.

### 8. RECOMMENDATION – APPROVAL subject to conditions to include the following

- Time limit
- Approved plans
- Materials as stated on application form/plans
- · Hard and soft landscaping details
- Site levels
- Details of biodiversity enhancements
- Details of surface water and foul water drainage
- Details of cycle/bin stores

- Flood mitigation measures in accordance with FRA
- Recommendations in accordance with PEA
- Parking laid out prior to occupation
- Tree protection measures
- Obscure glazed and non-opening window up to 1700m to first floor en-suite window
- Accessible and adaptable compliance
- Water efficiency compliance

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#### **CONTACT OFFICER:**

Enquiries about this report to Lucy Pateman Senior Development Management Officer <u>lucy.pateman@huntingdonshire.gov.uk</u>

From: Parish Clerk

To: <u>DMAdmin</u>; <u>Control</u>, <u>Development</u> (<u>Planning</u>)

Subject: Objection by Alconbury Weston Parish Council - Planning Permission Consultation - Land Rear Of 9 High

Street Alconbury Weston (ref 22/00905/FUL)

**Date:** 02 August 2022 15:31:07

#### Good Afternoon

Alconbury Weston Parish Council object to Planning Application 22/00905/FUL: Proposal: Proposed detached dwelling at Land Rear Of 9 High Street, Alconbury Weston and recommend refusal of this application.

It should be noted that this application came before the Parish Council at a meeting on 1<sup>st</sup> August 2022 that was well attended by members of the Parish, who spoke about their concerns with respect to the issue of flooding in the village that was being contributed to by the amount of development that is currently being proposed in the village. A total of 31 parishioners recorded their objections to this planning application at the Parish Council meeting.

The following reasons were given for the Parish Council objection.

The design, access and heritage statement supporting this application for development within the conservation area is not of sufficient quality to be able to analyse the planning application. In particular:

- There is no analysis of the proposal against Local Policies as detailed in the Huntingdonshire Local Plan.
- It states in the executive summary that 'The proposed development has been appraised against planning policies and is considered compliant'. However, the very short document offers no analysis against any planning policy that we can find. It states that proposed property 'Is within the continuous built-up area of a settlement in accordance with Policy E2 of the Huntingdonshire local plan to 2036 and is within the Alconbury Weston Conservation Area.' There does not appear to be a policy E2, as all policies in the Huntingdonshire Local Plan start with the prefix LP. There is no other analysis against local policies.
- The justification for accepting the change in flood risk to the community is that 2 other developments have been approved in the local area. One of these developments is using a sustainable drainage solution, while this development is proposing to use soakaways, for which we find the comparison to be invalid. The other development is on the same site as this application and was for a change of use of a building.
- The Design, heritage and access statement concludes 'The proposal will have no additional impact on the existing character of the conservation area because of its situation but will provide an attractive dwelling in keeping with its surroundings'. However, there has been no analysis, nor evidence offered, from which the conclusion has been drawn.

The flood risk assessment provided observes that there is no flood risk to the proposed property itself, as required by the EA, but the application does not offer a detailed solution for dealing with the additional surface water runoff that this property will contribute to the flooding issue that we have in Alconbury Weston. The application indicates that soakaways will be used, a solution that is not recommended by the Alconbury Brook Flood Group for new properties, who recommend sustainable drainage solutions, advice which is supported by the Alconbury Weston Parish Council. We would expect this application to address surface water runoff with a positive proposal to the issue.

This property would be the  $5^{th}$  property on this site, all of which share a single narrow driveway access to the High Street. As the driveway entrance is narrow and the main property on this site, 9 High Street, which is owned and lived in by the applicant, is surrounded by a high wall, 3 refuse bins are left for collection outside a window of a neighbouring property, which is in daily use, and which affects his amenity. With the recent approval of Planning Application 21/01509/FUL for this site, a  $4^{th}$  bin will be added to this collection in the future, and if this application is approved, a  $5^{th}$  bin will be added to the collection of bins outside of 5 High Street. We understand that the incremental addition of properties to this site has not highlighted this issue previously, but now that a  $4^{th}$  property has been approved for the site and that a  $5^{th}$  property is now seeking

approval, there is an issue that the developer of the 4 and 5 properties on this site should now address. We believe that provision should be made at the entrance to the development site for the placement of waste bins awaiting collection, away from 5 High Street, from the properties supported by this shared drive as the shared drive is not accessible to waste collection vehicles and no provision has currently been made to store these bins while they are waiting collection.

If the Parish Council is asked to review a future application for this building, we would expect to see a detailed design, access and heritage statement, a detailed proposal as to how surface water runoff will be managed and a solution to the placing of waste bins for collection that does not affect the amenity of a neighbouring property that is not part of this development site.

Kind regards

Alison Brown Clerk to Alconbury Weston Parish Council

Tel: 01733 346483 (Part-time hours)

From: Dmadmin@huntingdonshire.gov.uk < Dmadmin@huntingdonshire.gov.uk >

**Sent:** 30 June 2022 13:42

To: parishclerk@alconburywestonparishcouncil.co.uk

Subject: RE: Planning Permission Consultation - Land Rear Of 9 High Street Alconbury Weston

(ref 22/00905/FUL)

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: Proposed detached dwelling

Site Address: Land Rear Of 9 High Street Alconbury Weston

Reference: 22/00905/FUL

Opting out of email correspondence

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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

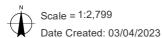
E: dmadmin@huntingdonshire.gov.uk

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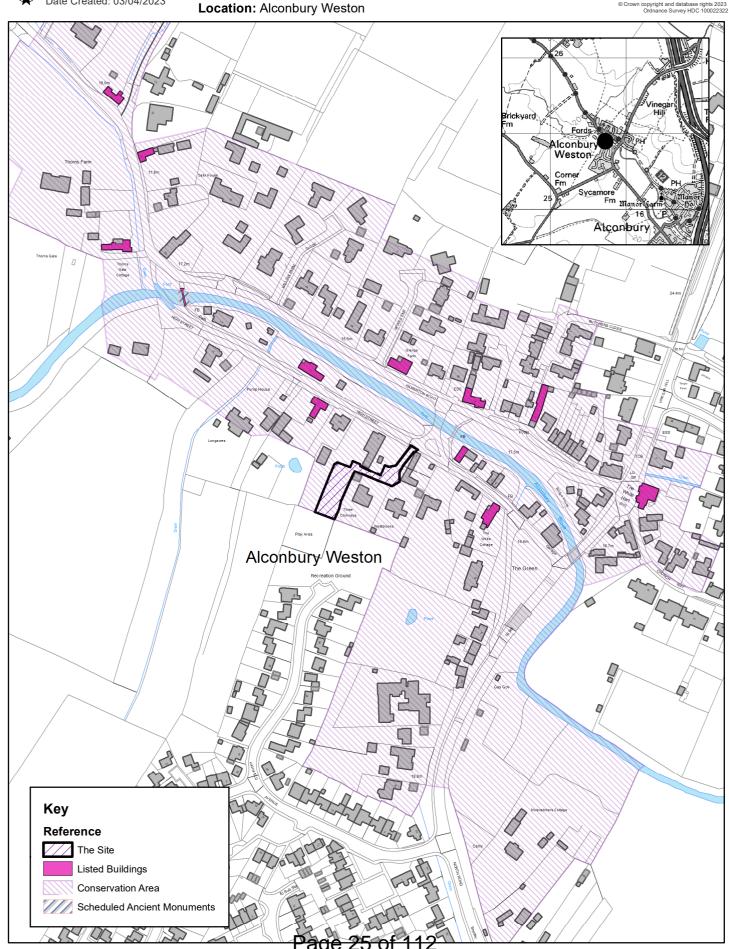
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### **Development Management Committee**



Application Ref: 22/00905/FUL

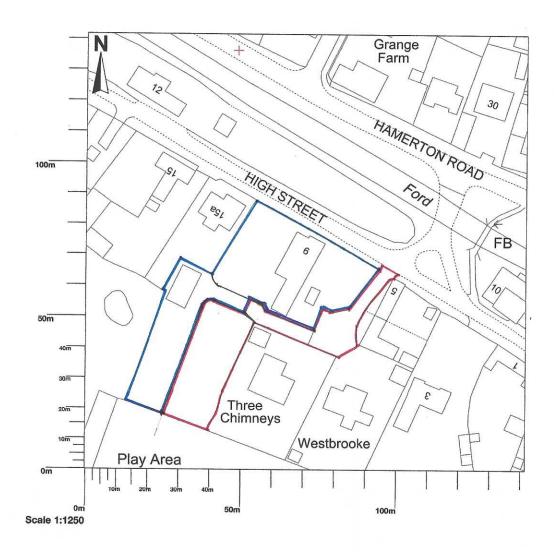








### 9 High Street, Alconbury Weston, Huntingdon, PE28 4JP

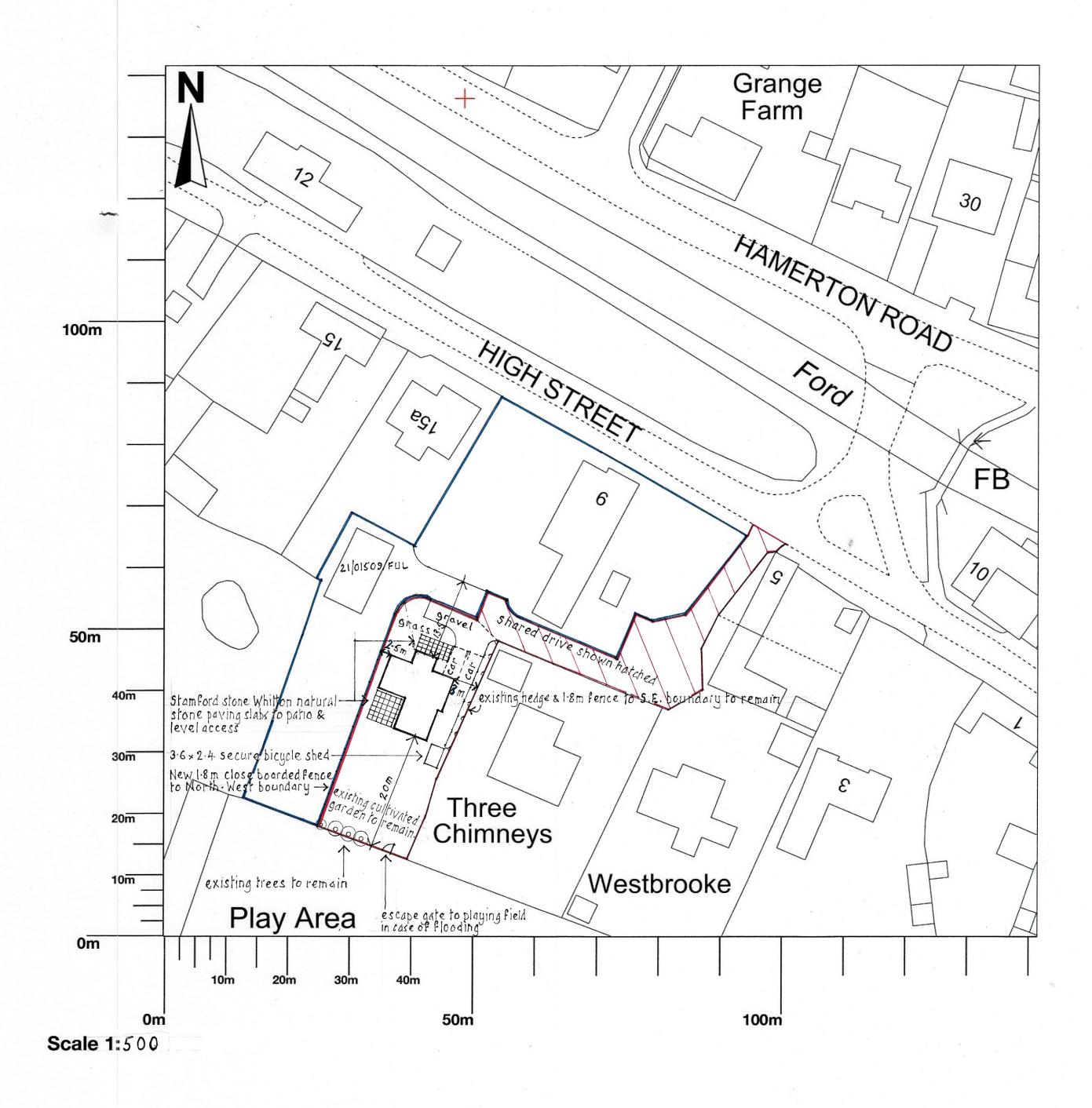


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# 9 High Street, Alconbury Weston, Huntingdon, PE28 4JP



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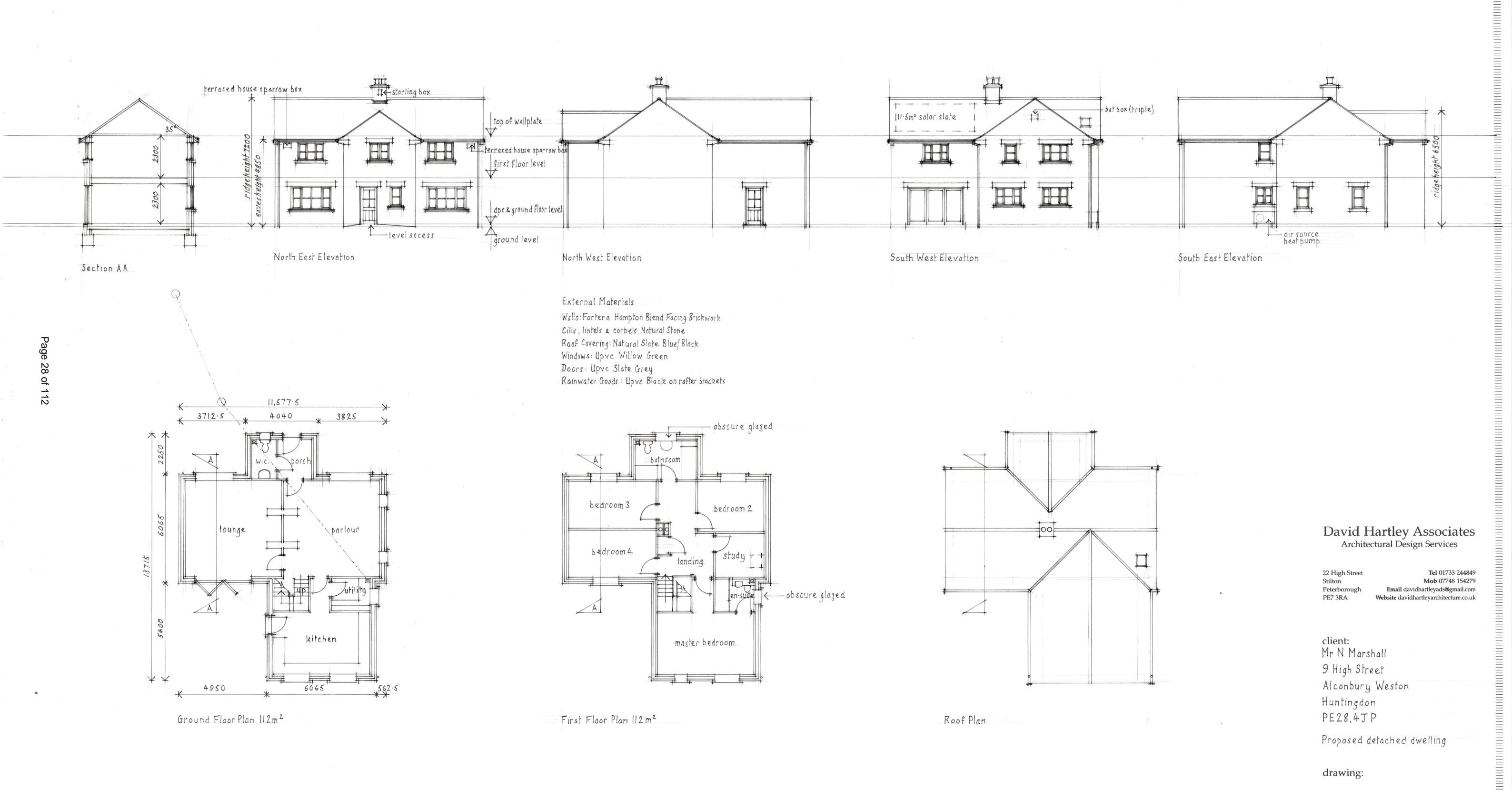
Planning Drawing

date: 06:04:2022

drawing no.: NM9284/1

scale: 1:100

drawn by:























# DEVELOPMENT MANAGEMENT COMMITTEE 17<sup>th</sup> APRIL 2023

Case No: 20/00318/FUL

Proposal: CHANGE OF USE FROM BAKERY AND CAFE TO FISH

AND CHIP SHOP AND RESTAURANT/ TAKE AWAY INCLUDING REAR EXTENSION, FRONT VERANDAH AND REPLACEMENT EXTRACTION SYSTEM/FLUE

(RETROSPECTIVE)

Location: 20 GREEN END ROAD SAWTRY HUNTINGDON

Applicant: MR HASAN AYGUN

Grid Ref: 516716 283524

Date of Registration: 1 FEBRUARY 2020

Parish: SAWTRY

#### **RECOMMENDATION - APPROVE**

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 site is located within the built up area of Sawtry. The site is located on the western side of Green End Road in a predominantly residential area with a fire station immediately adjacent to the south. The site is bound by residential properties to the north and west, and on the opposite side of the road to the east.

#### Proposal

- 1.2 This application seeks approval for the change of use of 20 Green End Road from a coffee shop/bakery (Previously Use class A3, now Use Class E b) to a fish and chip shop, and a restaurant/takeaway (mixed used development therefore Sui Generis). The proposal also seeks planning permission for the erection of a rear extension, front verandah and installation of a replacement extraction system/flue.
- 1.3 21 day consultation is currently underway due to the amendment of the description to include the front verandah, replacement extraction system/flue. This is because the plans show the

- verandah and new flue and the applicant is applying for planning permission for these as part of this application.
- 1.4 Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.
- 1.5 The application is supported by the following documents;
  - Odour assessment
  - Noise assessment
  - 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
- 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 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 1400093S73 Variation of Condition 3 of Planning Permission 1001002FUL and Condition 4 of Planning Permission 1300886FUL to allow for extended opening hours from 08.00 to 22.30 Monday to Saturday and 09.00 to 18.00 Sundays and Bank Holidays Approved.
- 4.2 Condition 2 preventing opening on Sundays and Bank Holidays was appealed and allowed.
- 4.3 1301557S73 Variation of Condition 4 of Planning Permission 1300886FUL to allow extended opening hours to 08.00 22.30 Monday to Saturday, 09.00 18.00 Sundays and Bank Holiday Mondays Withdrawn
- 4.4 1300886FUL Single storey front and rear extensions to retail unit Approved.

- 4.5 1001002FUL Single storey rear extension to existing retail unit to provide office and WC. Change from A1 to mixed use A1 and A3 to allow for hot food to be prepared and served on the premises Approved.
- 4.6 1000413FUL Change of use from A1 (retail) to mixed use A1 (retail) and A3 (coffee shop/cafe). Rear extension to provide new and improved WC provision Refused.
- 4.7 9400430FUL New Shopfront Approved
- 4.8 9200370FUL Extension to workshop/store Approved
- CONSULTATIONS
- 5.1 Sawtry Parish Council Recommends refusal.

Recommend the application be refused on highway grounds. They also note the omission of a larger extraction system and chimney within the application that has been installed and the covered veranda and seating area at the front of the premises which has not been applied for. Also draw attention to condition 5 of 13/00086/FUL - this condition is not being adhered to currently and is not addressed in the planning application.

5.2 Local Highway Authority – No objection.

No objections to the proposal, following the implementation of a Traffic Regulation Order (TRO) which installed double yellow lines which are now in place on site to prevent cars parking outside the site.

5.3 Environmental Health - No objection.

No objections to the submitted odour and noise controls. The Plant Noise Assessment identifies a number of mitigation measures required to reduce noise from the plant and prevent an adverse impact. Although the business is already operating these mitigation measures will still need to be implemented by means of condition.

#### 6. REPRESENTATIONS

- 6.1 Eight letters of objection were received during the course of the application. The concerns raised have been summarised below:
  - Lorries and cars parking in dangerous places leading to highway safety concerns.
  - Impact on neighbouring properties amenities (operating hours, licensed premises, noise, odour and litter).
  - Unauthorised works.

- The application is incomplete.
- Should cater for all dietary choices, vegans/vegetarians/halal.
- The large sign, lighting and ducting etc on roof are an eyesore, not in keeping with village and on edge of a Conservation Area.

#### Two letters of support were received:

- This establishment has served the community well in the past, as a convenient eatery, good food and high standards of hygiene.
- As for parking, the road adjacent has coped in the past without having an impact on the local community.
- Great asset for the village. Parking on the main road is associated with other uses, not just this site. There are other options to safely and legally park nearby, and people will walk to this facility.

#### 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)
- 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
- Other matters

#### **Principle of Development**

- 7.6 The site is located within a built-up area of Sawtry, which the adopted Huntingdonshire Local Plan to 2036 identifies as a 'Key Service Centre'. Policy LP8 of the adopted Local Plan 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. As the site is located within the built up area, the proposal is compliant with Policy LP8.
- 7.7 The proposal seeks a change of use from a coffee shop/bakery (Previously Use class A3, now Use Class E b) to a fish and chip shop, and a restaurant/takeaway (mixed used development therefore Sui Generis). There are no policies which restrict this proposed use in this location.
- 7.8 Therefore the proposal is considered to be in accordance with Policy LP8 of the adopted Huntingdonshire Local Plan to 2036 and the principle of development is acceptable, subject to consideration of the below material considerations.

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

- 7.9 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.
- 7.10 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.
- 7.11 The application seeks approval for the change of use of the existing building to a to fish and chip shop and restaurant/take away. Given the previous use of the property as a bakery/café and the mixed use of properties in the immediate vicinity, the proposed change of use is not considered to result in any detrimental impacts on the character and appearance of the streetscene or surrounding area.

- 7.12 The proposed change of use includes the erection of a single storey rear extension, the installation of replacement flue/extraction systems and the erection of a front verandah.
- 7.13 The extension is considered to be small in scale and has been constructed to a matching style, design and materials as the existing property. The extension is located to the rear of the property and is not be readily visible from the public highway of Green End Road. The front verandah is of a simple appropriate functional design. Officers consider it would not have an adverse impact on the visual amenity of the area. The site is some distance from the Conservation Area located further along the road to the north of the site. Due to the siting and scale of the development and its relationship to the nearby Conservation Area it is not considered any adverse impact on the setting or character and appearance of the Conservation Area would result.
- 7.14 Furthermore, the replacement flue/extraction system is considered to be similar in style and scale and would not result in any detrimental visual impacts over and above the existing arrangement at the property.
- 7.15 Overall, the proposal is not considered to result in any detrimental impacts on the character and appearance of the existing property, the street scene of Green End Road and the surrounding area. As such, the proposal is considered to be in accordance with Policies LP11 and LP12 of Huntingdonshire's Local Plan to 2036, the Huntingdonshire Design Guide SPD and Section 12 of the National Planning Policy Framework in this regard.

#### **Residential Amenity**

- 7.16 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.
- 7.17 The closest neighbouring residential properties that are likely to be impacted upon as a result of the proposed development are No. 18 Green End Road and Nos. 22 and 24 Papyrus Way, Sawtry.
- 7.18 The rear extension measures approximately 4.9m in depth with an eaves height of 3m. The extension runs along the shared boundary to No. 18 Green End Rd and is located approximately 1m from the boundary fence. Whilst it is recognised that the proposal would result in some impact on the neighbouring properties private rear amenity space, it is noted that the extension replaces a shed that previously ran along this boundary. Furthermore, there are trees to the south-west corner of the neighbouring properties garden that screen the majority of the proposal.

7.19 With regards to No. 24 Papyrus Way, the extension is approximately 1.2m from the boundary at its closest point and due to its position and the orientation of the two properties, is not considered to result in any detrimental impacts on the neighbouring property or its private rear amenity space.

#### Noise impact

7.20 The application has been accompanied by a Noise Impact Assessment which concludes that the impact of the proposed development on neighbouring properties would be limited, subject to mitigation measures. The Council's Environmental Health Officer has raised no objections to the submitted Assessment and requests a condition be imposed on any planning permission to ensure the mitigation measures detailed within the Noise Impact Assessment are carried out and retained in perpetuity. Whilst the concerns about the noise and amenity impacts for neighbours in respect of the outdoor seating area under the front verandah have been considered. Officers consider due to the size, scale and nature of this area its use would be limited, and the resulting noise generated for surrounding neighbours would not be of a level to be considered unacceptable.

#### Odour impact

7.21 A complaint has also been received about odour coming from the site, although this has not been substantiated. Odour control measures have been submitted with the application, and have been found to be acceptable by the Environmental Health Officer, however, it is unclear whether these have already been installed. A condition requiring the implementation of the measures identified shall be imposed on any grant of planning permission.

#### Parking amenity

- 7.22 Double yellow lines have been painted on the road under a Traffic Regulation Order (TRO) outside the site to prevent the possibility of cars parking in unsafe locations. As such any clientele using the site will need to park further away and are expected to do so in a sensible manner. This therefore has the potential to create amenity issues with cars parked further up the road. However, given the variety of uses in the vicinity of the site including fire station and a Methodist Church further north along Green End Road and the previous use of the site as a coffee shop/café it is not considered to adversely affect residential amenity to such an extent to warrant a refusal of planning permission.
- 7.23 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 and Parking Provision**

- 7.24 Green End Road, Sawtry is a classified C road, subject to a 30mph speed limit. The proposed development seeks to utilise an existing access point and the area to the front of the property to provide 2 off-street car parking spaces.
- 7.25 Policy LP16 (Sustainable Travel) aims to promote sustainable travel modes and supports development where it provides safe physical access from the public highway. Policy LP17 states a proposal will be supported where it incorporates appropriate space for vehicle movements, facilitates accessibility for service and emergency vehicles and incorporates adequate parking for vehicles and cycles.
- 7.26 Whilst Cambridgeshire County Council's Highway Authority originally raised objection to the proposal in terms of the proposed use, the intensification of the site and inadequate off-street car parking provision. Following the implementation of a Traffic Regulation Order (TRO) along Green End Road to include double yellow lines on and in the immediate vicinity of the site, the Local Highway Authority are now satisfied that the proposal would not result in any detrimental impacts on highway safety and this has overcome their objection. The Council does not have any set parking standards so the provision of the 2 spaces on site is not contrary to any requirement of the Local Plan. Officers are now satisfied that due to the TRO works the limited on site parking is not going to led to unsafe parking and highway safety dangers on the adjacent public highway.
- 7.27 The site's previous uses were lower key in nature with regard to the generation of vehicle movements and parking demand. However, the Highway Department have indicated that they are not aware of any specific safety incidents regarding the parking associated with the use currently in operation. As with all parking on the highway, it is not a right but is tolerated, provided that such parking is undertaken in a sensible manner and does not impact upon highway safety. It is also noted that the rear extension provides a cold room and storage areas and does not increase the seating capacity of the restaurant.
- 7.28 A condition would be imposed on any planning permission granted to ensure the area to the front of the property is retained for off-street car parking in perpetuity. The proposal is therefore compliant with policies LP16 and LP17 of the Huntingdonshire's Local Plan to 2036.

#### Flood Risk

7.29 The application site lies within Flood Zone 1 which means that it has a low probability of fluvial flooding. The proposal involves the

change of use of the property to a fish and chip shop restaurant/takeaway, including the erection of a rear extension - which is classified as 'Less Vulnerable' development. This type of development is considered to be acceptable in Flood Zone 1 and accordingly Exception or Sequential Tests are not required.

- 7.30 It is stated that surface water is disposed of via a soakaway and foul sewage is connected to the existing mains drainage system. These methods are considered to be acceptable in this instance, and there has been no drainage issues recorded at the site.
- 7.31 Therefore, the proposal is considered to be acceptable with regard to its impact on both flood risk and surface water and therefore accords with Policies LP5, LP6 and LP15 of Huntingdonshire's Local Plan to 2036 in this regard.

#### **Biodiversity**

- 7.32 Paragraph 174 of the NPPF (2021) states Planning policies and decisions should contribute to and enhance the natural and local environment. Policy LP30 of the Local Plan to 2036 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.
- 7.33 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.
- 7.34 The rear extension is located on an existing area of hard surfacing and replaces an existing shed. As such, the proposal is not considered to result in any loss of biodiversity, nor result in any detrimental impacts on the natural environment. Accordingly, the proposal is considered to be in line with Policy LP30 of the adopted Huntingdonshire Local Plan to 2036 and Section 15 of the National Planning Policy Framework in this regard.

#### **Other Matters**

7.35 The issues concerning condition 5 of the permission 1300086FUL not being adhered to (outside seating, eating or drinking facilities including furniture, heaters and canopies) and there not being an application for the large ventilation system, veranda, sign and lighting at the front of the building which are already installed, are noted. As this application seeks to regularise the works that have been carried out. If this application is approved, this planning consent would supersede 1300086FUL.

- 7.36 A number of concerns about unauthorised works and the application being incomplete. As outlined above, the applicant has provided additional information and amended plans during the course of the application. The applicant has implemented a TRO. Officers have also amended the description to include the front verandah and extraction system/flue.
- 7.37 Mixed uses are also sui generis uses. Therefore any future change of use would require planning permission and no use restriction condition is therefore required.
- 7.38 The plans do not show the signage and lighting at the front of the property. A condition is recommended to highlight that the signage and lighting is not part of the application and therefore is not granted permission.

#### Conclusion

- 7.39 The application is retrospective as works have been completed. Through the submission of this application, through the submission of additional information and through the implementation of the TRO, the applicant has sought to regularise the works and to provide mitigation to address issues/concerns raised by neighbours and consultees.
- 7.40 Both the Highways Team and the Environmental Health Team now support the application. Officers consider the proposal would not have a significant impact in terms of visual amenity, highway safety, parking, noise, odour and impact upon neighbouring properties.
- 7.41 Having regard to all relevant material considerations, it is concluded that the proposal would accord with local and national planning policy. Therefore, it is recommended that planning permission be approved.
- 8. RECOMMENDATION APPROVAL subject to the outcome of the 21 day public consultation, and to delegate the authority of the final decision to Chief Planning Officer in consultation with Chair and Vice Chair, and subject to conditions to include the following:
  - Drawings
  - Parking to be provided and retained
  - Submission of cycle storage details
  - Noise mitigation compliance
  - Odour mitigation compliance
  - Signage and lighting at the front not granted permission
  - Hours of opening

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 – <a href="mailto:lewis.tomlinson@huntingdonshire.gov.uk">lewis.tomlinson@huntingdonshire.gov.uk</a>

#### **Lewis Tomlinson**

From: clerk@sawtry-pc.gov.uk
Sent: 28 April 2021 16:24

**To:** Control, Development (Planning) **Subject:** Comments on 20/00318/FUL

Reference: 20/00318/FUL

Site Address: 20 Green End Road Sawtry Huntingdon

Proposal: change of use from bakery and cafe to fish and chip shop and restaurant/ take away including rear

extension only.

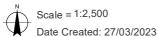
#### **Recommend Refusal:**

Sawtry Parish Council have many issues regarding this application which have been submitted previously. The Parish Council have requested on more than one occasion that HDC enforcement look into this site. Why is trading as a fish and chip shop being allowed to continue without the necessary planning permission. Alterations have been undertaken on site and nothing has been approved by the District Council. These issues need to be addressed as trading is being carried out illegally.

#### Sawtry Parish Council

In accordance with the law, Sawtry Parish Council (SPC) only collect a limited amount of information. The personal information you provide (name, address, email address, phone number), will be processed and stored so that it is possible to contact you and respond to your correspondence and provide information. SPC do not use your data for purposes other than those specified. SPC do not use profiling, sell or pass on your data to third parties. SPC ensure your data is stored securely and delete all information deemed to be no longer necessary. SPC constantly review Privacy Policies-copy available on request.

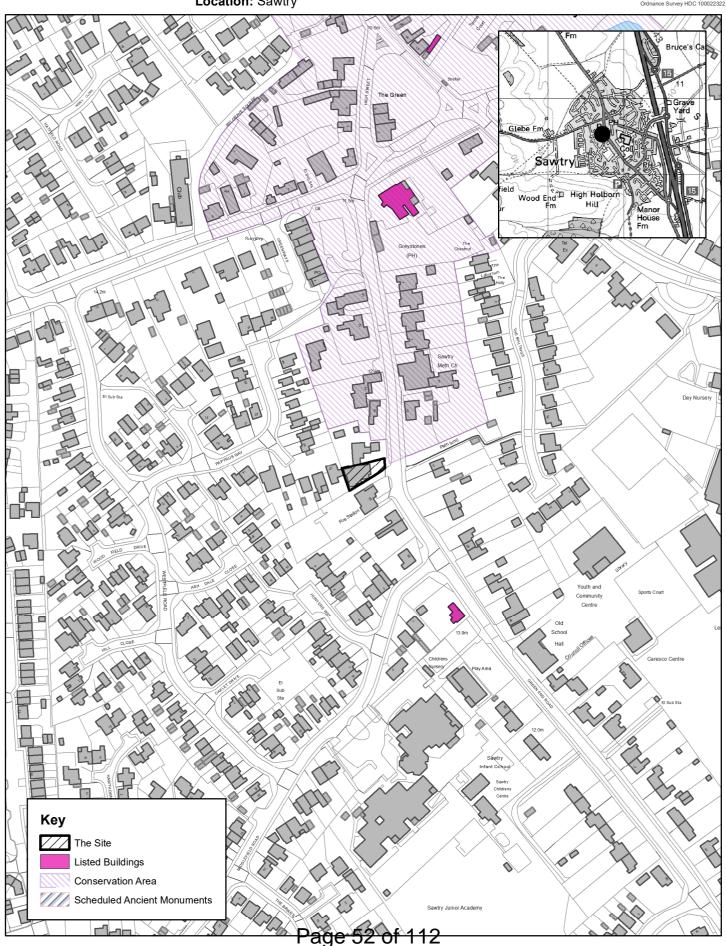
## **Development Management Committee**



Application Ref: 20/00318/FUL

Location: Sawtry

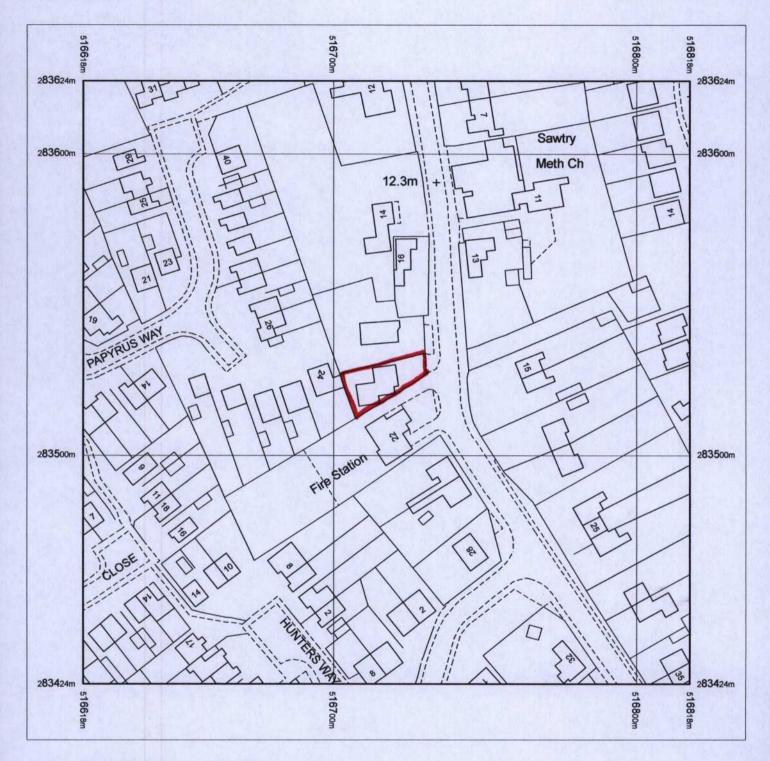








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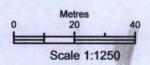
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Supplied by: Summit Serial number: 00211200 Centre coordinates: 516717.5 283524.25

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\*\*Page 53 of 112







AREA 55m x 55m A3 **SCALE 1:200 CENTRE COORDINATES: 516716, 283524** EXISTING APPLE TREE

20cm GIRTH

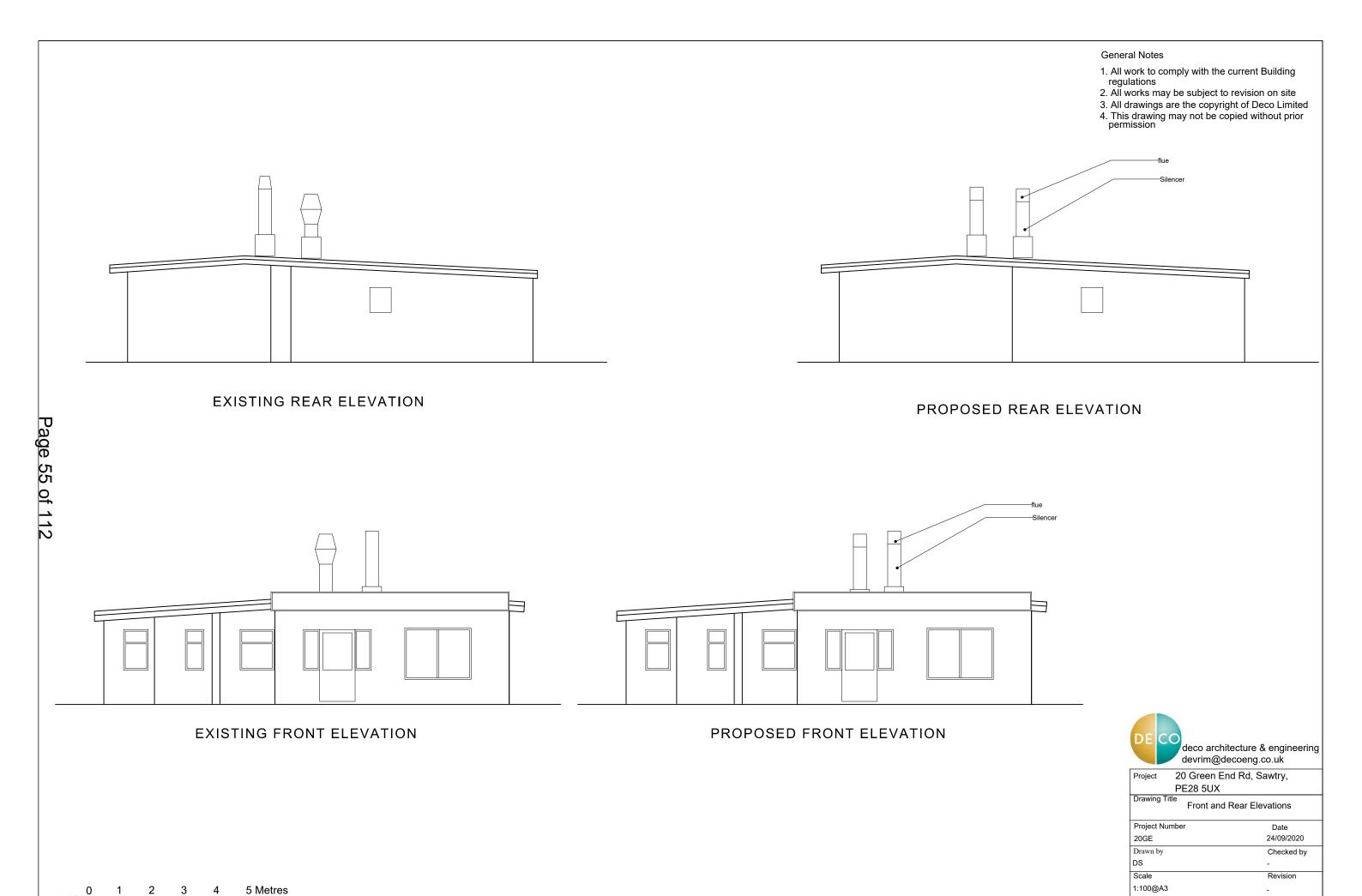
2m SPREAD

3m HT. SE BOARDED 3 PARKIN BLOCK PAVES. Ò 20 6 M Client rents 2 spaces to rear of Fire Station for staff use, all other staff are local and walk to work.

**BLOCK/SITE PLAN** 



Supplied by Streetwise Maps Ltd www.streetwise.net Licence No: 100047474 21/02/2020 12:39:38

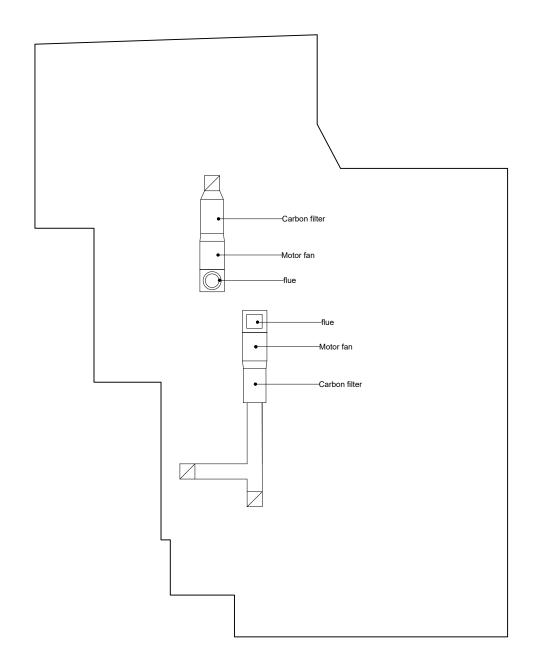


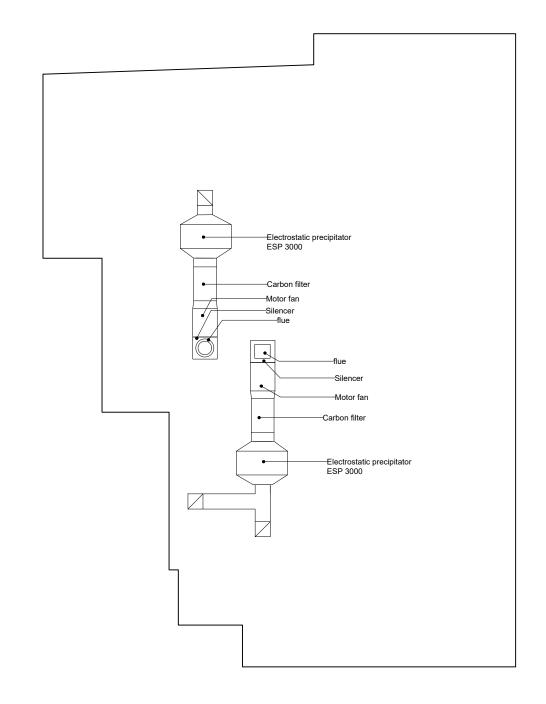
Drawing No P-105

1:100

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**EXISTING ROOF PLAN** 

PROPOSED ROOF PLAN



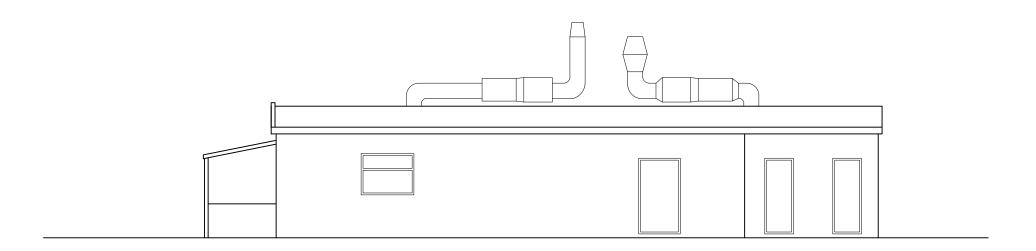
deviiii@decoeiig.co.dk		
Project 20 Green End Rd, Sawtry, PE28 5UX		
Drawing Title		
Roof Plan	s	
Project Number	Date	
20GE	24/09/2020	
Drawn by	Checked by	
DS	-	
Scale	Revision	
1:100@A3	-	
Drawing No		
P-102		



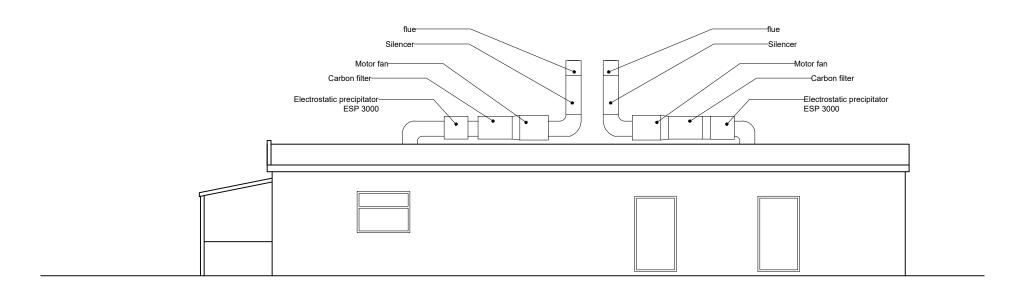
Page 56 of 112

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### **EXISTING SIDE ELEVATION**



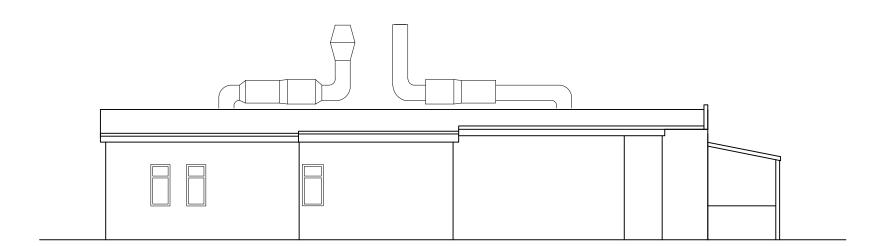
### PROPOSED SIDE ELEVATION



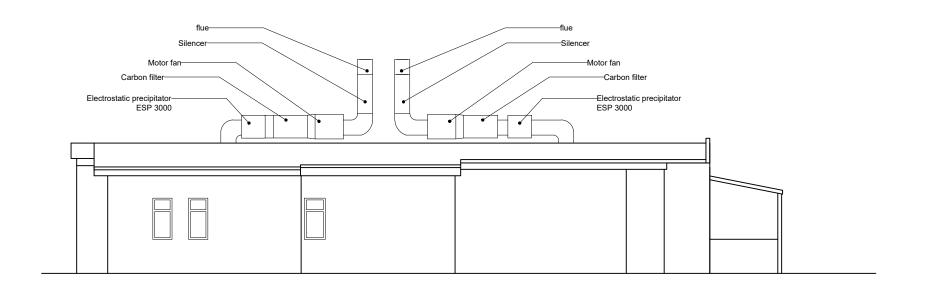
deco architecture & engineering devrim@decoeng.co.uk

Project 20 Green End Rd, Sawtry,		
E28 5UX		
Side Elevations		
er	Date	
	24/09/2020	
	Checked by	
	-	
	Revision	
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	E28 5UX Side Elevations	

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**EXISTING SIDE ELEVATION** 



PROPOSED SIDE ELEVATION



#### General Notes

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Project 2	Project 20 Green End Rd, Sawtry,		
F	E28 5UX		
Drawing Title	Side Elevations		
Project Numb	er	Date	
20GE		24/09/2020	
Drawn by		Checked by	
DS		-	
Scale		Revision	
1:100@A3		-	
Drawing No			
P-104			

# DEVELOPMENT MANAGEMENT COMMITTEE 17<sup>th</sup> APRIL 2023

Case No: 21/00415/FUL

Proposal: CONVERSION OF EXISTING CHURCH PARISH HALL

INTO FOUR RESIDENTIAL UNITS.

Location: THE CHURCH HALL RAMSEY ROAD ST IVES

Applicant: THE PAROCHIAL CHURCH COUNCIL

Grid Ref: 531087 271572

Date of Registration: 22 FEB 2021

Parish: ST IVES

#### **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 site is located within the St Ives Conservation Area. The site is also within close proximity to one Grade I Listed Building - St Ives Parish Church, Church Street and two Grade II Listed Buildings - The Old Grammar School, 1 Ramsey Road and Anglers Rest Hotel, Ramsey Road. The site is located predominantly within Flood Zone 2 with a small section in the south-west corner within Flood Zone 3.

#### Proposal

- 1.2 The application seeks approval for the conversion of the existing buildings, an existing church parish hall and former school house, into four residential units at The Church Hall, Ramsey Road, St lves. The proposal involves various internal and external alterations including the replacement of external doors as well as the insertion of new external doors.
- 1.3 The four residential units would consist of: Unit 1 (2 bed), unit 2 (1 bed), unit 3 (1 bed) all within the former church hall and unit 4 (2 bed) within the Old School house. All units would have an external amenity area.

- 1.4 Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.
- 1.5 The application is supported by the following documents;
  - Design and Access Statement
  - Heritage Statement
  - Flood Risk Assessment
  - 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
  - LP22: Local Services and Community Facilities
  - 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
  - St Ives Neighbourhood Plan application for designation of a neighbourhood area (Mar 2019)
  - St Ives Conservation Area Character Assessment (2007)
- 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 16/00486/FUL The proposals include the demolition of the former school house and church hall, which will be replaced by two 3 bedroom houses, and three 2 bedroom houses Refused.
- 4.2 0300837FUL Erection of ramp to provide disabled access to hall and formation of vehicular access to cottage Approved.

#### 5. CONSULTATIONS

5.1 St Ives Town Council – Recommends approval.

Support the application as it would see a disused building being brought back into use. The Parish Council also stated the following:

- A solid fence would be preferable to the chain link proposed on the south side between the site and adjacent housing,
- The use of obscure glazing on the upper level windows is required to prevent over-looking,
- The Committee seeks confirmation of landscaping details and would wish to see a permeable surface to allow water drainage,
- Details of external lighting requested, this should not create light pollution to adjacent properties and,
- Would wish to see native planting and insect friendly plants
- 5.2 Local Highway Authority No objection.
- 5.3 Environmental Agency No objection, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment Ellingham Consulting Ltd, dated February 2021, are adhered to.
- 5.4 Historic England No comment.
- 5.5 Urban Design Team Raised concerns over the proposals impact on neighbouring properties amenities.
- 5.6 Conservation Team Object. The proposal is to convert the hall into three residential units. The majority of the alterations to the building will be internal. The application is assessed on those elements of the scheme that will impact the character or appearance of the conservation area.

The principal elevations are viewed from Ramsey Road. These are unlikely to change under the current scheme, however the proposal to locate a 2m high fence and bin stores in the front garden as indicated is not acceptable. This is an area of primary significance to the public realm but no details are available to indicate the likely impact on the street scene. Breaking up the frontage in the way proposed would fail to preserve the character or appearance of the conservation area. However, it is probable that the impact of these elements can be mitigated through an amended design.

I am also concerned that in the future permitted development rights could seriously degrade the character and appearance of the building to the detriment of the conservation area. I recommend that permitted development rights are withdrawn.

To conclude, the conversion of the Church Hall to residential can be undertaken in a way that will not harm the character and appearance of the conservation area but the scheme requires amendments. The current scheme would fail to preserve or enhance the character or appearance of the conservation area and should be refused planning permission.

#### 6. REPRESENTATIONS

- 9 letters of representation were received during the course of the application - two of which were neutral but raise concerns and seven of which object to the proposal. The concerns and objections have been summarised below:
  - Loss of its use as a church/community hall,
  - Impact on heritage assets,
  - Impact on neighbouring properties amenities (No's 6, 8, 10, 12 & 14 River Place)
  - Security of car park to the rear
  - Highway safety,
  - Flood risk.
  - Impact on biodiversity (bats and swifts)
  - Proposed siting of waste bins,
  - · Lack of public consultation,
  - Misleading information regarding historical use of building

#### 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)
- 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 and heritage areas
  - Residential Amenity
  - Parking Provision and Highway safety
  - Flood Risk and Drainage
  - Biodiversity
  - Accessible and Adaptable Dwellings
  - Water Efficiency
  - Developer contributions
  - Other Matters

#### **Principle of Development**

- 7.6 The site is located within a built-up area of St Ives, which the Huntingdonshire Local Plan to 2036 identifies as a Spatial Planning Area and as such, Policy LP7 (Spatial Planning Areas) is considered relevant.
- 7.7 Policy LP7 states that a proposal for development on a site which is additional to those allocated in this plan will be supported where it fulfils the following requirements and is in accordance with other policies. The proposal seeks approval for the change of use of an existing building into four dwellings. Policy LP7 goes on to state that a proposal for housing development will be supported where it is appropriately located within a built-up area of an identified Spatial Planning Area settlement.
- 7.8 As the site is located within a build-up area of St Ives, the principle of a residential use is therefore considered acceptable.
- 7.9 The existing use of the building is a former school house residential use and church/community hall, which is considered to be a Local Service and Community Facility as such, Policy LP22 is considered relevant.
- 7.10 Policy LP22 states that a proposal which involves the loss of a local service or community facility will only be supported where:
  - (d) an equivalent service or community facility will be provided in a location with an equal or better level of accessibility for the community it is intended to service; or
  - (e) it demonstrates that there is no reasonable prospect of that service or facility being retained or restored because either (i) there is insufficient community support for its continuation or (ii) reasonable steps have been taken to effectively market the property for its current use without success.

- 7.11 Policy LP22 goes on to state that a proposal will not be supported where the proposed loss is within a Key Service Centre and it would undermine the settlement's role in provision of services. Furthermore, paragraph 93 of the National Planning Policy Framework states that decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
- 7.12 Initially, it is worth noting that the application form submitted states that the site is currently not vacant and is still within use as a Parish Church Hall albeit "limited and infrequent" no evidence has been submitted to demonstrate that the site is within limited and infrequent use. Officers note that a considerable amount of time has passed since the application was submitted.
- 7.13 The submitted Design and Access Statement notes that it is intended to invest the resulting money from the development into the re-ordering of the St Ives Parish Church and it is intended to accommodate all the former users of the hall in the re-ordered church. However, no specific details have been provided to justify or accompany this statement. Furthermore, it is noted that the submitted Design and Access Statements lists "other community facilities" in the area however, specific details over the services and facilities they provide has not been included and therefore Officers are not able to satisfy themselves that the sites are comparable. As such, the proposed development is not considered to satisfy criteria (d) of Policy LP22 of the adopted Local Plan.
- 7.14 With regards to criteria (e), the submitted Design and Access Statement provides a list of works the applicant considers are required to make the hall suitable for users and to bring the facility to a similar standard to other units. Furthermore, it goes on to note that the use of the hall has been limited including its use as a food storage facility for a foodbank during the COVID-19 pandemic. With regards to the level of community support for its continuation, the Local Planning Authority note that comments submitted objecting to the proposed development reference the lack of community involvement or engagement as part of the proposed works. Furthermore, no evidence has been submitted to demonstrate that attempts have been made in relation to community support for its continuation. Furthermore, no evidence has been submitted to demonstrate that reasonable steps have been taken to effectively market the property for its current use without success.
- 7.15 Officers note that the submitted Design and Access Statement claims the building is in a state of disrepair however, this is not a reason that can be used to justify the loss of a community facility in line with Policy LP22 of the adopted Local Plan.

7.16 The application fails to demonstrate that the principle of development is acceptable. Insufficient information and evidence have been submitted with the application to justify the loss of a community facility. The proposal is therefore contrary to Policy LP22 of the adopted Huntingdonshire Local Plan to 2036 and Section 8 of the National Planning Policy Framework.

## Design, Visual Amenity and impact on the surrounding area and Heritage Assets

- 7.17 The site is located within the St Ives Conservation Area. The site is also within close proximity to one Grade I Listed Building St Ives Parish Church, Church Street and two Grade II Listed Buildings The Old Grammar School, 1 Ramsey Road and Anglers Rest Hotel, Ramsey Road. Furthermore, the Council's Conservation Officer identifies the existing Church Hall building as an undesignated heritage asset that makes a strong contribution to the character and appearance of the St Ives Conservation Area.
- 7.18 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.
- 7.19 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.
- 7.20 Para. 199 of the NPPF set out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. Para. 200 states that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification...'The NPPF goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use.
- 7.21 Furthermore, paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 7.22 Local Plan policy LP34 aligns with the statutory provisions and NPPF advice.
- 7.23 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.
- 7.24 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.
- 7.25 The proposal involves the change of use of the existing Church Hall and former school house into four residential units, alongside various external alteration including the replacement of external doors, the insertion of new external doors, boundary treatments and erection of cycle and bin stores. The proposed external alterations to the building itself are considered to be minor and subject to specific details of the proposed doors, would not impact the character and appearance of the street scene or St Ives Conservation Area.
- 7.26 The proposed change of use would utilise the existing 1m high brick wall along the western boundary abutting the public highway.
- 7.27 In addition to the retention of the 1m wall, the application proposes to incorporate a 2m high timber fence to separate the garden area for Unit 1. The proposal also includes the siting of four separate bin stores (3 bin stores serving units 1, 2 and 3 within the garden area for unit 1 and 1 bin store serving unit 4 on the other side of the 2m fence) to the front of the property to accommodate the dwellings. The Conservation Team have objected to the proposal on the grounds that the proposed 2m fence and 4 bin stores would break up the open character of the front of the site, and result in visual harm to the character and appearance of the Conservation Area.
- 7.28 Officers note that details such as boundary treatments and bin can normally be dealt with via condition. However, given that the proposal is for a conversion of a building into dwellings, Officers must be satisfied that the site could accommodate the proposed dwellings and the required associated bin storage, cycle storage and amenity areas etc without having an detrimental impact on the character of the area. When looking at the site as whole, the other area that could accommodate the bin storage is the area to the north west of the site. However, this area to the north west part of the site is shown to be private garden areas of units 2 and 3. In this case, given that the site has been proposed to be broken up into areas serving the different units, Officers do not feel the

- identified harm could be overcome through the inclusion of conditions and therefore warrants a reason for refusal.
- 7.29 Officers consider the proposed front arrangement of the 2m fence and 4 bin stores would break up the openness of the front of the site and would result in an adverse visual impact upon the character and appearance of the Conservation Area.
- 7.30 Given the proposal seeks permission for the creation of four, private residential dwellings as a result of the unjustified loss of a community facility, Officers do not consider the proposal to result in any public benefit that would justify the harm the proposed development would cause on the designated and non-designated heritage assets.
- 7.31 The proposed layout of the front part of the site including the proposed 2m fence and the 4 bin stores would break up the openness of the front of the site. The proposed development fails to preserve or enhance the character and appearance of the St Ives Conservation Area and would result in detrimental impacts upon the character and appearance of the street scene and surrounding area. As such, the proposal is contrary to Policies LP11, LP12 and LP34 of the adopted Huntingdonshire Local Plan to 2036, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Huntingdonshire Design Guide SPD and Sections 12 and 16 of the National Planning Policy Framework.

#### **Residential Amenity**

#### Amenity of neighbouring properties

- 7.32 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.
- 7.33 The closest neighbouring properties that are likely to be impacted upon as a result of the proposed development are No. 4A Ramsey Road, Nos. 1 and 2 Church Terrace, Nos 2 14 River Place (evens only) and No. 40 West Street, St Ives.
- 7.34 The proposals seek to introduce a mezzanine level to unit 3 within the pitched roof space which will accommodate a bedroom this will utilise the existing high level window on the south facing elevation and will have a low cill height of just 0.4m measured above FF FFL. This existing window is located approximately 9.2m from the rear elevation of Nos 6-14 River Place and in more particularly Nos. 10, 12 and 14 River Place. This distance is considered to be significantly inadequate of the recommended 21m back to back distance required by the Huntingdonshire Design Guide SPD. As such, the introduction of the habitable accommodation at this level would result in unacceptable, direct

- overlooking impacts on the rear garden of Nos. 10, 12 and 14 River Place.
- 7.35 The proposed development is not considered to result in any overlooking impacts on the neighbouring properties of Nos. 2 and 4 River Place or No. 40 West Street as there are no first-floor, east elevation windows.
- 7.36 With regards to No. 4A Ramsey Road, the proposal is not considered to result in any unacceptable overlooking impacts as the proposed first-floor, north elevation window serving bedrooms to Unit 4 would be situated forward of the principle elevation of the neighbouring property.
- 7.37 As the proposed change of use does not involve any increase to its footprint, the proposal is not considered to result in any overbearing or overshadowing impacts on neighbouring properties over and above the existing arrangement.
- 7.38 The proposed 1st floor bedroom window on the south facing elevation serving unit 3 would significantly overlook the rear amenity areas of No's 10, 12 and 14 River Place and would therefore have an adverse impact upon their residential amenity. The proposed development would therefore be contrary to Policy LP14 of the adopted Huntingdonshire Local Plan to 2036, the Huntingdonshire Design Guide SPD and Section 12 of the National Planning Policy.

#### Amenity for future occupiers

- 7.39 It is unclear from the drawings whether the proposed units would meet the national internal space standards.
- 7.40 The plans show external amenity areas for all four units. However, there is a number of concerns regarding the amenity areas. Unit 2's rear amenity area can only be accessed by going through unit 2 and it does not have any external access to it. Unit 1 and Unit 4 have external areas at the front of the site which would not be private given the relationship with Ramsey Road. There is also an area to the rear which seems to be within unit 4's curtilage. However, it is overlooked by ground floor windows that serve unit 4's kitchen, unit 1's lounge and unit 2's bedroom and lounge. The internal residential amenity and light levels for Unit 2 would be poor, due to its side access, proximity and predominate outlook to the rear garden fences on its southern side, and the relationship with unit 4 on its northern side.
- 7.41 The proposed side accesses for units 2 and 3, are located down a newly created long side access path, which due to its limited natural surveillance and distance from the road frontage could lead to vulnerability to crime and perception of vulnerability to crime. Officers note the proposal is for a conversion and therefore

the proposal is limited to a degree by what is currently on a site. However, officers are not convinced that the proposal would result in a high quality living environment for future occupiers given its current layout.

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

- 7.42 Policy LP16 (Sustainable Travel) aims to promote sustainable travel modes and supports development where it provides safe physical access from the public highway.
- 7.43 Policy LP17 states a proposal will be supported where it incorporates appropriate space for vehicle movements, facilitates accessibility for service and emergency vehicles and incorporates adequate parking for vehicles and cycles.
- 7.44 There is no existing vehicular access or off-street car parking for the site.

#### Car Parking

7.45 The proposal does not include any off-street car parking for the development. given the site is in close proximity to the St Ives town centre that provides various services and facilities of a day-to-day nature, the proposal is considered to be acceptable in this instance. Officers also note that there are parking control measures such as double yellow lines, cycle lanes and parking bays in place near to the site. Given the sustainable location of the site, officers consider the proposal complies with aims of policies LP16 and LP17 of the of the Huntingdonshire Local Plan to 2036 in regards to car parking.

#### Cycle Parking

7.46 The proposal does involve the provision of one cycle store for each property. As one cycle storage space is required per bedroom, per property, units 1 and 4 would need to provide an additional cycle storage space each. The proposal currently does not strictly accord with the guidance. Officers note the above identified harm about the proposed positioning of the bin stores at the front of the site. Taking everything into consideration, Officers consider the proposal complies with aims of policies LP16 and LP17 of the of the Huntingdonshire Local Plan to 2036 in regards to cycle parking.

#### Highway Safety

7.47 No vehicular access is proposed as part of the development. The Local Highway Authority have been consulted as part of the application and raise no objection the proposal. Officers therefore consider the proposal would not have an adverse impact upon

highway safety in accordance with policies LP16 and LP17 of the of the Huntingdonshire Local Plan to 2036.

#### Flood Risk and Drainage

- 7.48 The site is predominantly located within Flood Zone 2 with a section in the south-west corner within Flood Zone 3. The proposal seeks permission for the change of use of an existing Church Hall to four residential dwellings. As the proposal is for a change of use a sequential test is not required. The existing use is classified as 'Less Vulnerable' development with the proposed use classified as 'More Vulnerable' in accordance with the Planning Practice Guidance. Whilst the proposal would result in an increase in vulnerability, given the entirety of the building and residential use would be within Flood Zone 2, where 'More Vulnerable' development is acceptable, the Local Planning Authority are satisfied that Exception or Sequential Tests are not required.
- 7.49 The application has been accompanied by a Flood Risk Assessment, which the Environment Agency have no objections to, subject to the imposition of a condition to ensure the mitigation measures proposed are adhered to.
- 7.50 The proposal seeks to dispose of surface water via soakaway and the mains sewer and seeks to dispose of foul sewage by connecting to the existing mains sewer. The proposed methods are considered to be acceptable, subject to specific details on the soakaway, to be agreed via a suitably worded condition on any planning permission granted.
- 7.51 Therefore, subject to appropriate conditions the proposal is considered to be acceptable with regard to its impact on both flood risk and surface water and therefore accords with Policies LP5 and LP15 of Huntingdonshire's Local Plan to 2036 and Section 14 of the National Planning Policy Framework in this regard.

#### **Biodiversity**

- 7.52 Paragraph 174 of the NPPF (2021) states Planning policies and decisions should contribute to and enhance the natural and local environment 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.
- 7.53 Whilst the proposals at this stage do not indicate any measures for biodiversity enhancement there is considered to be scope for biodiversity net gain to be achieved and this would be secured with the implementation of a planning condition on any planning permission granted. Furthermore, conditions would be imposed on

- any planning permission granted to secure specific details of hard and soft landscaping proposals.
- 7.54 It is also worth noting that Local Planning Authorities records indicate no presence of protected species in the area.
- 7.55 Overall, subject to the imposition of conditions, the proposal is considered to broadly accord with the objectives of Policy LP30 of Huntingdonshire's Local Plan to 2036 and Section 15 of the National Planning Policy Framework in this regard.

#### Accessible and Adaptable Dwellings

7.56 Policy LP25 of the Local Plan states that proposals for new housing will be supported where they meet the optional Building Regulation requirement M4(2) 'accessible and adaptable homes' unless it can be demonstrated that site specific factors make this impractical or unviable. While confirmation of compliance from the Applicant/Agent has not been sought given the concerns raised with regards to aspects of the application, a condition could be attached to any approval decision to ensure compliance with the above.

#### Water Efficiency

7.57 Policy LP12 (j) of the Local Plan to 2036 states that new dwellings must comply with the optional Building Regulation requirement for water efficiency set out in Approved Document G of the Building Regulations. A condition will be attached to any consent to ensure compliance with the above, in accordance with Policy LP12 (j) of Huntingdonshire's Local Plan to 2036.

#### **Developer Contributions**

#### Bins

7.58 Part H of the Developer Contributions SPD (2011) requires a payment towards refuse bins for new residential development. A Unilateral Undertaking Form in respect of wheeled bins has been received by the Local Planning Authority dated 2nd April 2021. The proposed development is therefore considered to accord with Policy LP4 of Huntingdonshire's Local Plan to 2036 and the Developers Contributions SPD (2011).

#### Community Infrastructure Levy (CIL)

7.59 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

#### Other Matters

7.60 Neighbours have raised concern about the security of the car park to the north/rear of the site. Given the proposed private residential use of the site and that it retains boundary treatment, Officers do not consider the proposal would have a significant impact upon the security of the car park.

#### Conclusion

- 7.61 The application fails to provide sufficient evidence to justify the loss of a community facility.
- 7.62 The proposed layout at the front of the site in terms of the 2m fence and the 4 bin stores would break up the open character of the front of the site which makes a positive contribution to the street scene and Conservation area. Officers do not consider the proposal would result in public benefits that would justify or outweigh the harm the proposed development would cause on the heritage asset.
- 7.63 As the proposal fails to respect surrounding heritage assets, provides poor future residential amenity standards for residents, and would result in significant adverse impact on residential amenity of neighbouring properties, it is considered that the proposal would constitutes an unacceptable overdevelopment of the site.
- 7.64 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. Insufficient information and evidence have been submitted with the application to justify the loss of a community facility. The proposal is therefore contrary to Policy LP22 of the adopted Huntingdonshire Local Plan to 2036 and Section 8 of the National Planning Policy Framework.
- 2. The proposed layout of the front part of the site including the proposed 2m fence and the 4 bin stores would break up the openness of the front of the site to its visual detriment. The proposed development would fail to preserve or enhance the character and appearance of the St Ives Conservation Area and would result in detrimental visual impacts upon the character and appearance of the street scene and surrounding area. As such, the proposal is contrary to Policies LP11, LP12 and LP34 of the adopted Huntingdonshire Local Plan to 2036, Sections 66 and 72

of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Huntingdonshire Design Guide SPD and Sections 12 and 16 of the National Planning Policy Framework.

- 3. The proposed 1st floor bedroom window on the south facing elevation serving unit 3 would significantly overlook the rear amenity areas of No's 10, 12 and 14 River Place and would therefore have an adverse impact upon their residential amenity. The proposed development would therefore be contrary to Policy LP14 of the adopted Huntingdonshire Local Plan to 2036, the Huntingdonshire Design Guide SPD and Section 12 of the National Planning Policy.
- 4. As the proposal fails to respect surrounding heritage assets, provides poor future residential amenity standards for residents, and would result in significant adverse impact on residential amenity of neighbouring properties, it is considered that the proposal constitutes an overdevelopment of the site contrary to policies LP12 and LP14 of Huntingdonshire 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

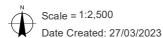
#### ST IVES TOWN COUNCIL PLANNING COMMITTEE APPLICATIONS FOR PERMISSION FOR DEVELOPMENT 24 March 2021

Application No Applicant/Agent	Proposed Development	Comments				
21/00205/FUL  Mr David Waggott Newton Associates Unit L3 The Maltings Station Road Sawbridgeworth CM21 9JX	Replace existing brown timber painted windows, doors, fascias and soffits with brown UPVC Broad Leas Court Broad Leas St Ives	APPROVAL Appropriate use of materials In keeping with the original fascia				
21/00311/CLED  Mr David Glover Unit 2 Quay Court Off Bull Lane St Ives PE27 5AU	Transfer from use A1 to office B1 class Unit 1 Quay Court St Ives	APPROVAL Maintaining the use of the premises is welcomed No physical change to the exterior				
Conversion of existing church parish hall into four residential units  The Parochial Church Council Headley Stokes Associates Limited Ferrar House 70 High Street Huntingdon PE29 3DJ  Conversion of existing church parish hall into four residential units  The Church Hall Ramsey Road St Ives		APPROVAL The return to use of a disused building is welcomed A solid fence would be preferable to the chain link proposed on the south side between the site and adjacent housing The use of obscure glazing on the upper level windows is required to prevent over-looking The Committee seeks confirmation of landscaping details and would wish to see a permeable surface to allow water drainage Details of external lighting requested, this should not create light pollution to adjacent properties Would wish to see native planting and insect friendly plants				

21/00423FUL  Emma Rodgers TMV Architects The Repeater Station London Road Norman Cross Peterborough PE7 3TB	Two storey side and single storey rear/side extension 21 Houghton Road St Ives	APPROVAL Appropriate scale of development for a large site Changes to front façade are considered acceptable and appropriate for the area
21/00498/TRCA  Mr Martin Bentley Backwater House The Drive St Ives PE27 6DL	Main stem of the oak tree is too close to the garage and the bow has grown heavily leaning to one side. The roots causing the driveway to uplift, which could cause damage and subsidence to the garage in the near future. (Oak T1). Fell to as close to ground level as possible Backwater House The Drive St Ives	APPROVAL Would wish to see a replacement tree planted
21/00581/TREE  Burleys Burleys Corner South Holmwood Dorking RH5 4LJ	T1 - Beech - Cut back by 3m on the property side due to serious issues, including fire hazard issues with squirrels. T2 - Horse Chestnut - Minor crown lift (by 1.5m) of the branches on the building side to deter squirrels jumping to the building T3 - Lime — Re-pollard to previous pollard points (essentially a standing stick for the same reason as above T5 - Sycamore - Cut back by 3m on the property side due to serious issues, including fire hazard issues with squirrels  1 Broad Leas Court  Broad Leas St Ives	APPROVAL Extent of works to be agreed with Arboricultural Officer

21/00583/CLED  Mr and Mrs Eagle Alun Design Consultancy Neville House Station Road Wendens Ambo Saffron Walden CB11 4LB	Proposed loft conversion with rooflights  1 Bury Way St Ives	APPROVAL Appropriate scale of development No adverse impact on the street scene
21/00219/FUL  Mrs Nadeem JPT Design Consultants Limited The Studio 23 Halifax Road Upper Cambourne CB23 6AX	Part 2-storey side extension and first floor rear extension 2 Forsythia Road St Ives	REFUSAL Overdevelopment of site

## **Development Management Committee**

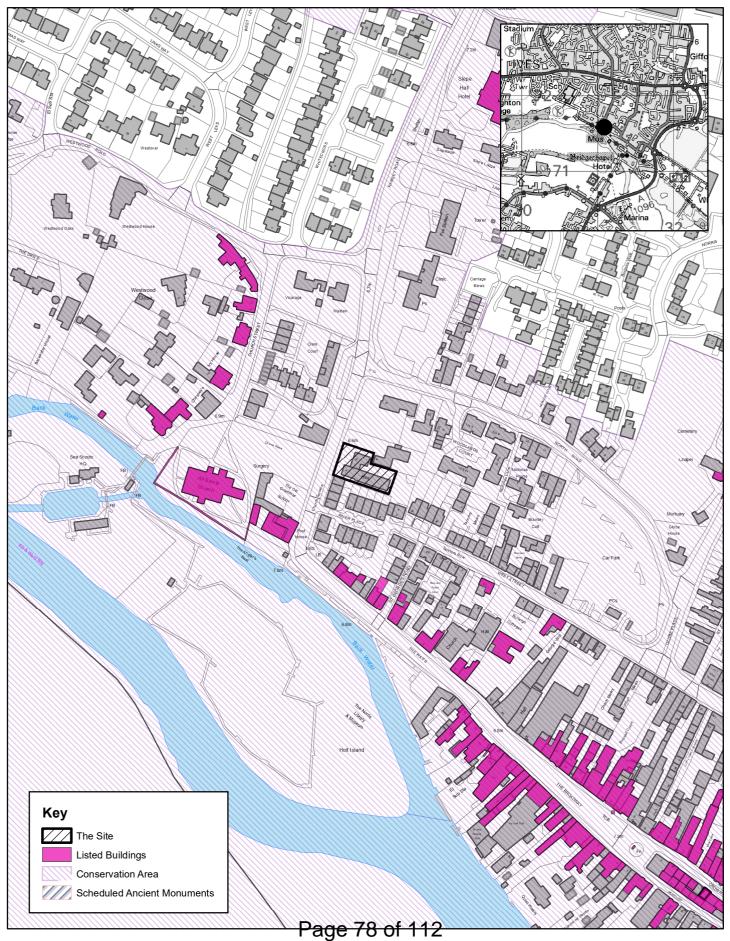


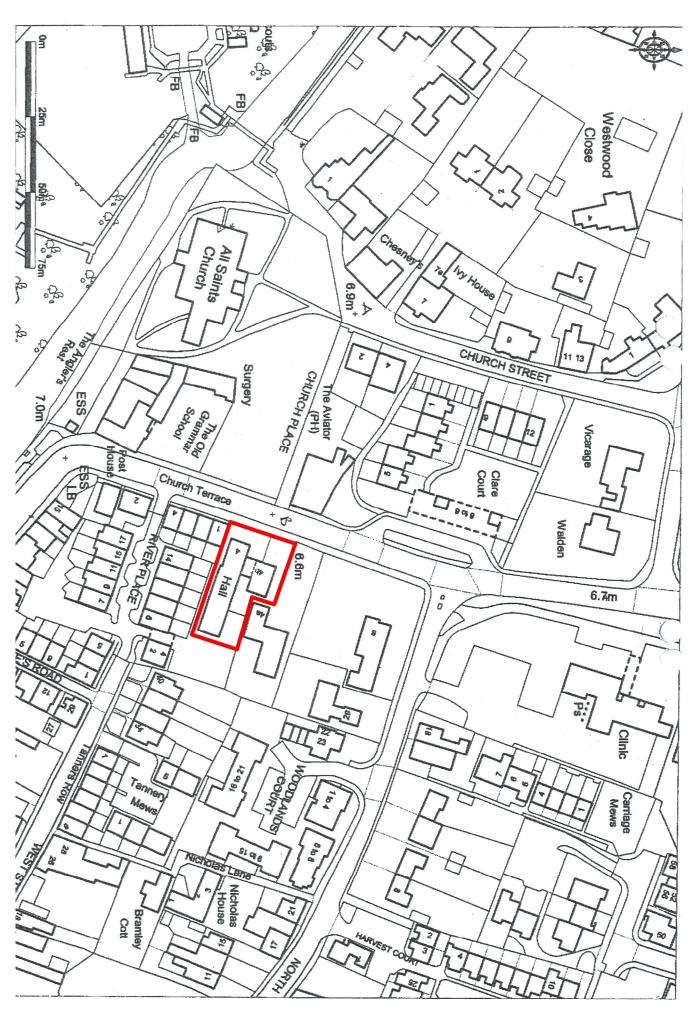
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Location: St Ives

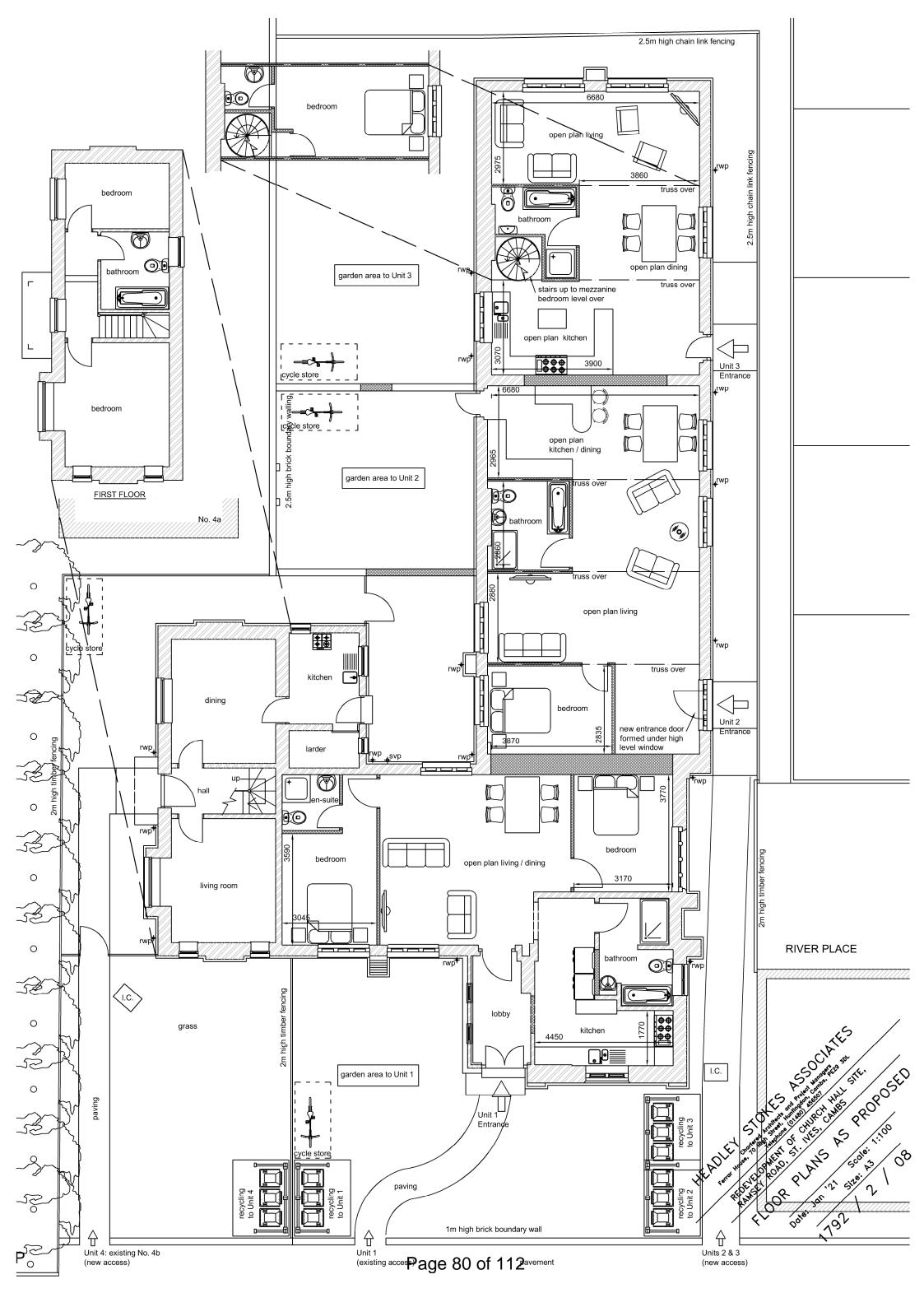


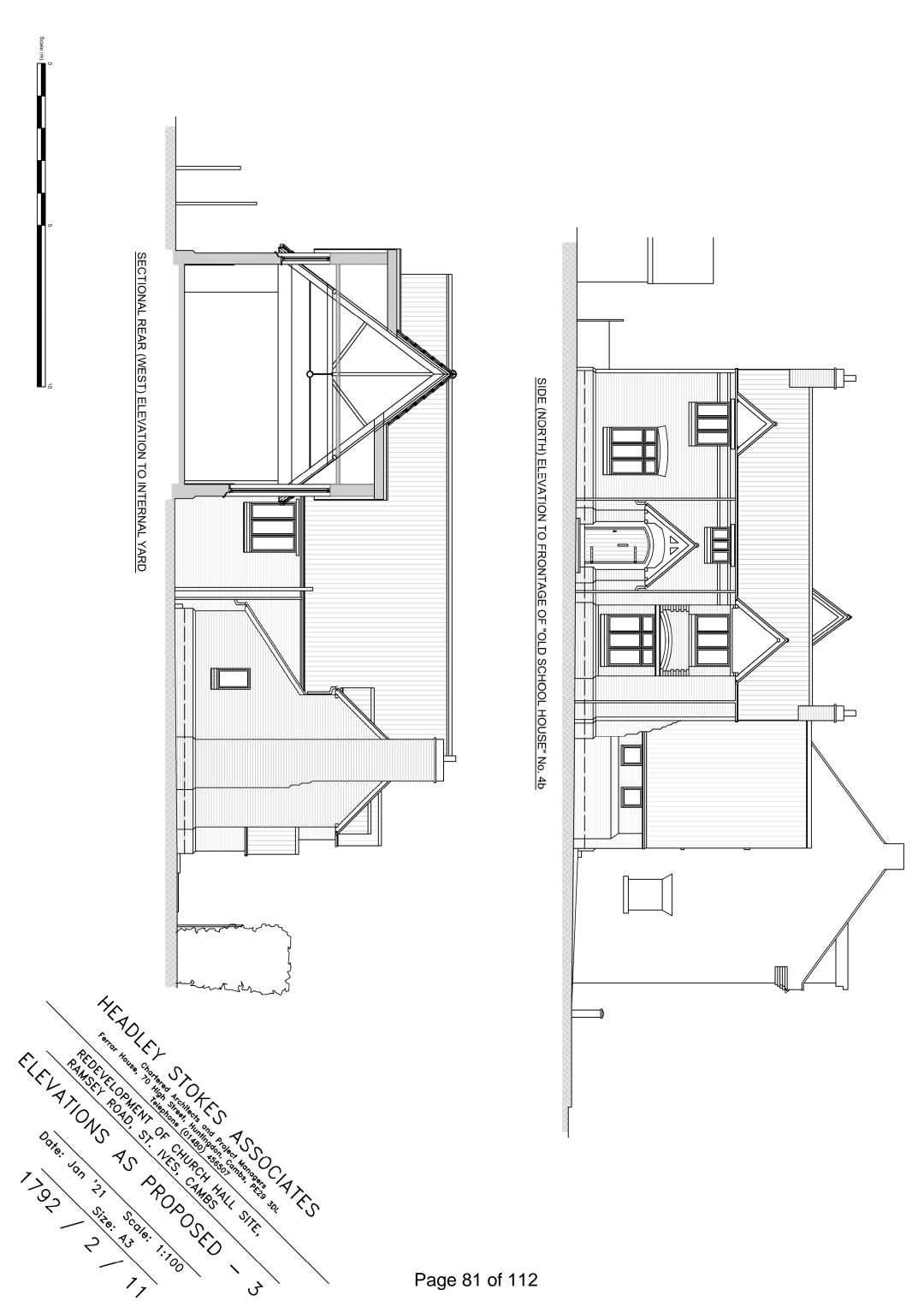
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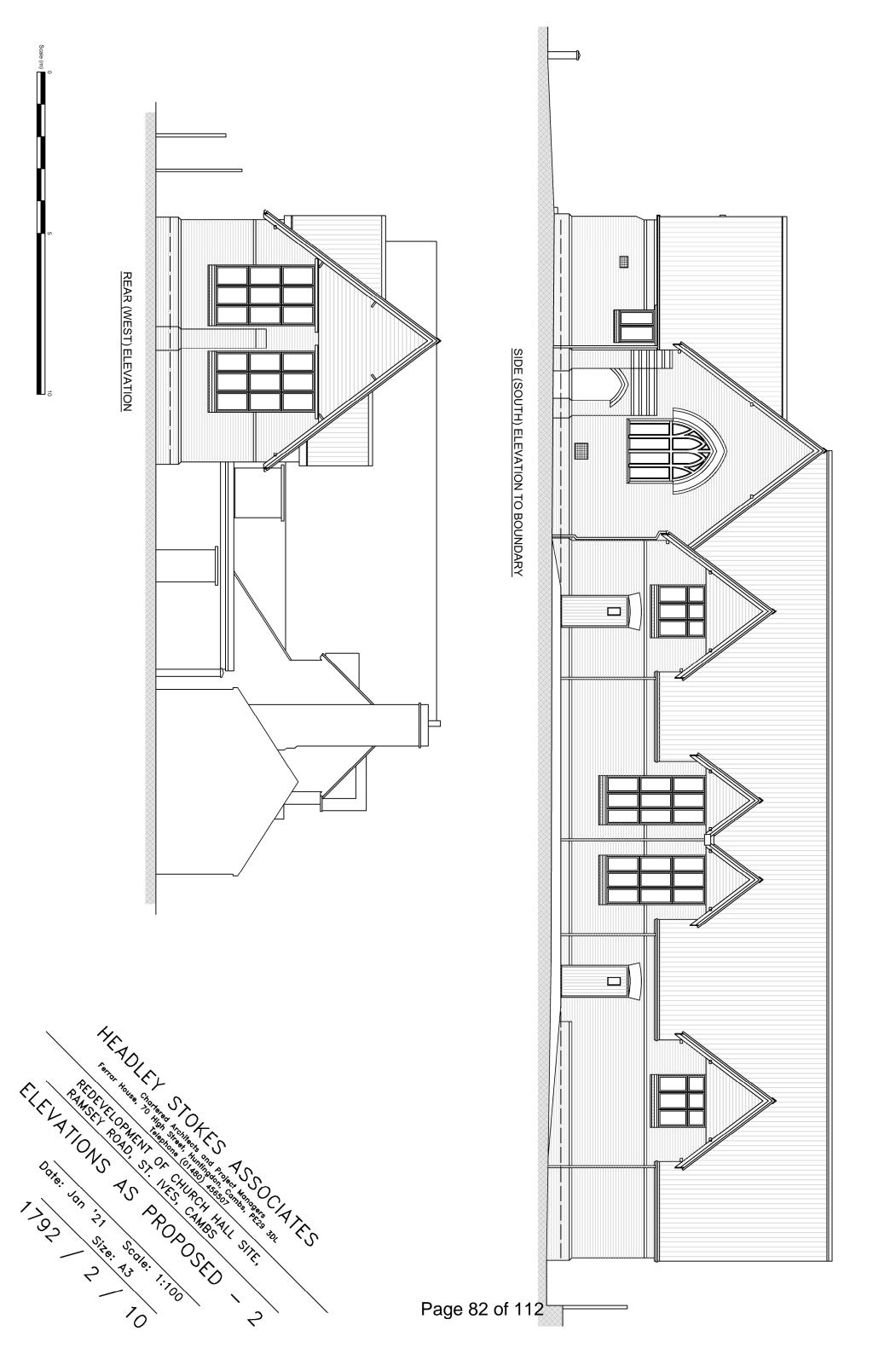


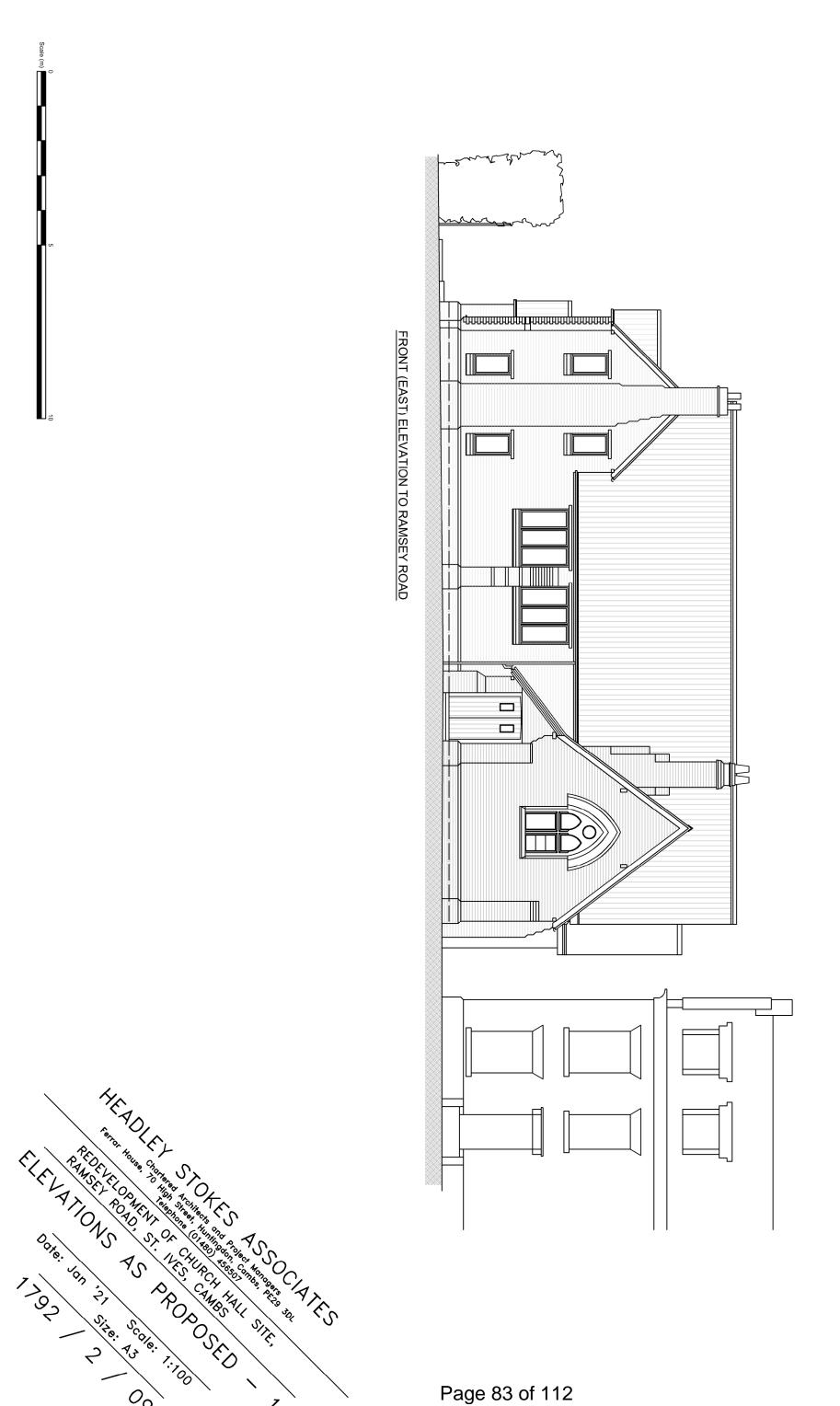
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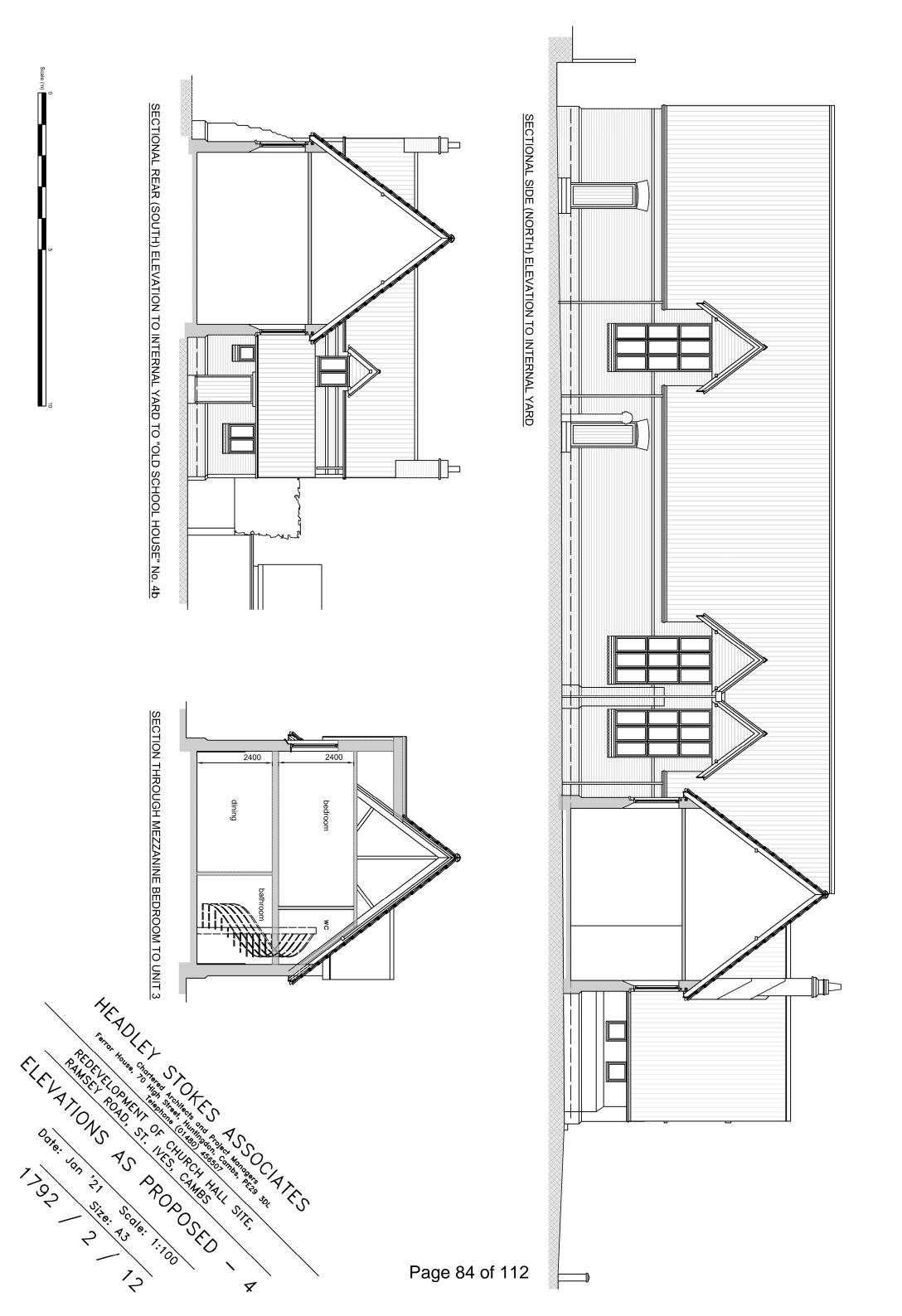


Page 81 of 112





Page 83 of 112



# DEVELOPMENT MANAGEMENT COMMITTEE 17th APRIL 2023

Case No: 22/00617/FUL (FULL PLANNING APPLICATION)

Proposal: ERECTION OF 4 BED DWELLING

Location: LAND REAR OF RIVERVIEW INN, HIGH STREET,

**EARITH** 

Applicant: MR SIZER

Grid Ref: 538612 274885

Date of Registration: 06.06.2022

Parish: EARITH

#### **RECOMMENDATION - APPROVE**

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

#### 1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 The application site comprises a rectangular parcel of land accessed off Chapel Road and sited to the rear of 37 High Street. The site is currently used as a car park associated with 37 High Street, formerly a pub/guest house, now a house in multiple occupation (HMO) pursuant to planning approval 17/01445/FUL.
- 1.2 The application site is located within the Earith Conservation Area and the closest Listed Building is 27 High Street (Grade II) to the south east. The site falls within Flood Zone 1 (low flood risk area) but is identified in Huntingdonshire's Strategic Flood Risk Assessment (2017) as susceptible to groundwater flooding.
- 1.3 The application seeks planning permission for a two storey 4-bed dwelling with associated access, parking and amenity space on the existing HMO car park area which would involve the demolition of a flat roofed outbuilding.
- 1.4 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 (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 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty as respects conservation areas in exercise of planning functions. Paragraph (1) sets out 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.'
- 2.4 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
  - LP6: Waste Water Management
  - LP9: Small Settlements
  - 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
  - LP34: Heritage Assets and their Settings

- 3.2 Supplementary Planning Guidance (SPD)
  - Huntingdonshire Design Guide SPD (2017)
  - Developer Contributions SPD (2011)
  - Huntingdonshire Townscape and Landscape SPD (2022)
  - Cambridgeshire Flood and Water SPD (2017)
  - Annual Monitoring Review regarding housing land supply (2022)

Local For full details visit the government website Local policies

#### 4. PLANNING HISTORY

4.1 17/01445/FUL – Change of use from dwellinghouse and guest house to house of multiple occupancy (7 rooms) and one apartment – Granted 09.11.2017

#### 5. CONSULTATIONS

- 5.1 Earith Parish Council Recommend refusal as the development design and build are too large for the site. There will be very little garden space and additional parking on or near to a very important junction to the school that is already overrun by parked cars. The site also borders a footpath and will make this area dark. Chapel Road is also a one-way street and this development will bring extra traffic down a very small street.
- 5. HDC Conservation Team No objection, the development does not cause harm to the character and appearance of the conservation area.
- 5. HDC Urban Design Team No objection.
- 5. HDC Environmental Protection Team No objection.
- 5. CCC Highways No objection subject to recommended conditions.
- 5. CCC Highways Right of Way Team Public Footpath No. 18, Earith runs adjacent to the eastern site boundary to the site. No objection subject to recommended informatives.

#### 6. REPRESENTATIONS

6.1 No representations received at time of determination.

#### 7. ASSESSMENT

7.1 When determining planning applications, it is necessary to establish what weight should be given to each plan's policies in order to come to a decision. The following legislation,

government policy and guidance outline how this should be done.

- 7.2 As set out within the Planning and Compulsory Purchase Act 2004 (Section 38(6)) and the Town and Country Planning Act 1990 (Section 70(2)) in dealing with planning applications the Local Planning Authority shall have regard to have provisions of the development plan, so far as material to the application, and to any other material considerations. This is reiterated within paragraph 47 of the NPPF (2021). The development plan is defined in Section 38(3)(b) of the 2004 Act as "the development plan documents (taken as a whole) that have been adopted or approved in that area".
- 7.3 In Huntingdonshire the Development Plan consists of:
  - Huntingdonshire's Local Plan to 2036 (2019)
  - Cambridgeshire & Peterborough Minerals and Waste Local Plan (2021)
  - St Neots Neighbourhood Plan 2014-2029
  - Godmanchester Neighbourhood Plan (2017)
  - Houghton and Wyton Neighbourhood Plan (2018)
  - Huntingdon Neighbourhood Plan (2019)
  - Bury Village Neighbourhood Plan (2021)
  - Buckden Neighbourhood Plan (2021)
  - Grafham and Ellington Neighbourhood Plan 2020-2036 (2022)
  - Great Gransden Neighbourhood Plan 2021–2036 (2023)
- 7.4 The statutory term 'material considerations' has been broadly construed to include any consideration relevant in the circumstances which bears on the use or development of the land: Cala Homes (South) Ltd v Secretary of State for Communities and Local Government & Anor [2011] EWHC 97 (Admin); [2011] 1 P. & C.R. 22, per Lindblom J. Whilst accepting that the NPPF does not change the statutory status of the Development Plan, paragraph 2 confirms that it is a material consideration and significant weight is given to this in determining applications.
- 7.5 The main issues to consider in the determination of this application are:
  - Principle of development
  - Design and Visual Amenity and Impact on Conservation Area
  - Residential amenity

- Highway safety
- Biodiversity
- Flood Risk/Drainage
- Housing Mix accessible and adaptable homes
- Water Efficiency
- Other matters

#### Principle of development

- 7.6 Policy LP2 of the Huntingdonshire Local Plan to 2036 (the Local Plan) sets out the overarching development strategy for Huntingdonshire through the plan period. The main objective of this policy is to concentrate development in locations which provide, or have the potential to provide, the most comprehensive range of services and facilities. Rural exception, small and windfall sites will be permitted on sites which are in conformity with other policies of the development plan providing further flexibility in the housing supply.
- 7.7 The application site is located within the built-up area of Earith which is defined as small settlement by Policy LP9 of Huntingdonshire's Local Plan to 2036. Policy LP9 states that a proposal located within a built up area will be supported where the amount and location of development proposed is sustainable in relation to the level of service and infrastructure provision, opportunities for users to access everyday services by sustainable modes of travel and the effect on the character of the immediate locality and the settlement as a whole.
- 7.8 The application site is within walking distance to services and facilities including a convenience store and post office, public house, village hall, primary school and playground. In terms of availability of sustainable transport options, there are two bus stops within a 5 minute walk of the application site which run a regular bus service to Ramsey and St Ives. The application site is therefore considered to be in a sustainable location given the availability of sustainable transport opportunities and therefore future occupants would not be solely reliant on private vehicles to access services and facilities.
- 7.9 With regard to part c. of Policy LP9, a full assessment of the impacts of the proposed dwelling upon the character of the area will be set out within the 'Design and Visual Amenity' section of the report below.

7.10 The principle of one dwelling in the built-up area of Earith is supported and would be in accordance with Policies LP2 and LP9 of Huntingdonshire's Local Plan to 2036, subject to other material planning considerations outlined below.

#### Design, Visual Amenity and Impact on the Conservation Area

- 7.11 Policies LP11 and LP12 of Huntingdonshire's Local Plan to 2036 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.
- 7.12 The dwellings facing onto Chapel Road in the immediate vicinity of the site are varied in design and appearance. The majority of dwellings are detached and set back from Chapel Road with front gardens and/or driveways. There is a mix of both two storey and single storey dwellings with simple pitched roofs and a varied palette of materials including red and buff brick, render and cladding with brown roof tiles.
- 7.13 The proposed dwelling would be sited centrally in the rectangular plot and set in over 1 metre from the side boundaries. It would be set back approximately 6 metres from the front of the site with an open frontage and driveway. The set back from the front boundary would respect the front building line of the adjacent two storey dwelling (28 Chapel Road). It is not considered that the proposed plot size or siting of the dwelling would appear out of keeping with the established grain of development and the dwelling could be comfortably accommodated on the site with sufficient external amenity space.
- 7.14 The proposed dwelling would have a simple pitched roof design with projecting front gable feature and small central canopy over the front door. This would be a similar design as the adjacent dwelling No 28 Chapel Road. The proposed external materials have been stated on the proposed plans (JPT/SZR/0122/002 Rev A). A red/brown brick blend is proposed for the walls with brown concrete profile roof tiles and anthracite grey aluminium windows. It is considered that the proposed dwelling would be of an appropriate design and materials to respect the character and appearance of the street scene. Furthermore, the Conservation Team have raised no objection and do not consider that the proposed development would harm the character and appearance of the conservation area.

7.15 Overall, it is considered that the site can accommodate the proposed 4 bed detached dwelling and there would be no detrimental visual impact on the character and appearance of the street scene. A condition requiring submission of site levels and landscaping details will be attached to any consent to ensure that a high-quality finish is achieved. The proposal accords with Policies LP9, LP11, LP12 and LP34 of Huntingdonshire's Local Plan to 2036 and is consistent with the design principles as set out in the Huntingdonshire Design Guide SPD (2017).

#### Residential amenity

- 7.16 Policy LP14 states a proposal will be supported where a high standard of amenity is provided for all users and occupiers of a proposed development and maintained for users and occupiers of neighbouring land and buildings.
- 7.17 The neighbouring property to the west is No 28 Chapel Road. This property has a single storey side extension in close proximity to the party boundary with 2 ground floor side facing windows and 5 rooflights as well as a first floor side facing window on the original side elevation. The proposed dwelling would be sited to the east of No 28 and therefore any loss of sunlight to these windows would be limited to the morning. The rooflights on the single storey side extension of No 28 appear to serve both habitable and non-habitable room, however given the angle of the rooflights and that the proposed dwelling would be set in 1.36 metres from the party boundary, it is not considered that there would be a harmful overbearing impact or loss of outlook to the detriment of the occupants of this neighbouring property. It is however considered that details of boundary treatment should be secured by a hard landscaping condition to ensure that adequate screening is proposed between the application site and No 28.
- 7.18 The rear elevation of the proposed dwelling would face towards the rear elevation of the host property No 37 High Street. There are no windows serving habitable rooms at first floor level on the rear elevation, however there are several windows on the east/side elevation which serve bedrooms. The rear elevation of the proposed dwelling would be set back approximately 9.5 metres from the proposed rear boundary and two first floor windows are proposed which would serve bedrooms. Given that the habitable windows on No 37 face directly towards the east, it is not considered that the rear elevation windows on the new

dwelling would offer direct views into habitable windows on No 37. As such, it is not considered that there would be a detrimental impact in terms of loss of privacy, overlooking or similar. Furthermore, the proposed dwelling would be to north of this property and therefore there would be no material impact in terms of loss of light or overshadowing.

- 7.19 The building to the east of the application site is The Apple Tree Surgery which is not currently in use. There is a footpath separating the sites and it is not considered there would be any amenity impacts to users of the building.
- 7.20 Overall, 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

- 7.21 Policy LP17 of the Local Plan to 2036 seeks to ensure that new development incorporates appropriate space for vehicle movements and adequate parking for vehicles and cycles.
- 7.22 The existing access would be widened to create an open frontage with space for three parked cars on the proposed driveway, two would serve the proposed dwelling and the other would serve the existing 'annexe' associated with No 37. The Parish Council have raised concerns that the proposal would result in additional parking on or near to an important junction to the school. Officers consider that the replacement of the existing car park with a dwelling would reduce potential traffic movements on Chapel Road, given that the existing car park could accommodate several cars associated with the HMO. The Highway Authority have raised no objection to the proposed access and parking arrangements and it is not considered that there would be an intensification of parking in this location as part of this proposal.
- 7.23 It is acknowledged that the proposal would result in the loss of an existing car park area associated with No 37 which is a HMO. However, there is a further parking area located to the south of the High Street as shown on the site location (JPT/SZR/0122/002 Rev A). This has historically been used as a car park associated with No 37 and its former uses, including as a guest house and pub. The site location plan indicates that there is space for 8 parked cars which would meets the needs of

- a 7 room HMO (as approved under 17/01445/FUL). It is recommended that a condition be imposed which specifies that the land to the south of the High Street is kept as car parking only for the occupants of No 37 High Street to ensure that adequate car park provision is retained.
- 7.24 Policy LP17 of the Local Plan to 2036 and the Huntingdonshire Design Guide (2017) seek the provision of secure and covered cycle parking on the basis of 1 space per bedroom. The proposed block plan (JPT/SZR/0122/001 Rev A) shows a cycle shed in the garden of the proposed dwelling and a separate cycle shed to serve the existing HMO. Full details of the proposed cycle storage sheds should be secured by condition.
- 7.25 There is a public footpath (No 18) adjacent to the eastern site boundary of the application site. The Definitive Map Team at Cambridgeshire County Council have raised no objection to the proposed development. It is not considered that there would be any material impact on safety for users of this footpath.
- 7.26 Overall, the proposed development 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 2021 in this regard.

#### **Biodiversity**

- 7.27 Paragraph 174 d) of the NPPF 2021 states that planning decisions should minimise impacts on and provide net gains for biodiversity. Furthermore, 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.
- 7.28 The application site is currently a car parking area comprising hard standing and therefore is considered to have low ecological value. A Biodiversity Checklist has been submitted in support of the application which does not identify that there are any ecological constraints on site. It is considered that any net loss in biodiversity could be mitigated through appropriate biodiversity enhancements which could be secured by way of condition. Officers are therefore satisfied that the proposed development would accord with Policy LP30 of the Local Plan and the NPPF 2021.

#### Flood Risk/Drainage

7.29 The site is located in a Flood Zone 1 which is considered appropriate for all forms of development. Huntingdonshire's Strategic Flood Risk Assessment (2017) identifies the site as susceptible to groundwater flooding. The application form indicates that surface water will be disposed of via soakaway. Further details of surface water and foul water drainage should be secured by condition to minimise the risk of flooding due to surface water run-off and to prevent issues arising from the flooding of foul water. The proposal would therefore comply with Policies LP6, LP12 and LP15 of the Local Plan.

#### Housing Mix - accessible and adaptable homes

7.30 Policy LP25 of the Local Plan to 2036 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 proposed plans indicate that the proposed development would be M4(2) compliant, and a condition is recommended to ensure that the development is built in accordance with these standards and maintained for the lifetime of the development.

#### Water Efficiency

7.31 Policy LP12(j) of the Local Plan to 2036 requires proposals that include housing to comply with the optional building regulation for water efficiency, as set out in Approved Document G. The proposed plans indicate that the proposed development would be compliant and a condition is recommended to ensure that the development is built in accordance with these standards and maintained for the lifetime of the development

#### Other matters

7.32 Community Infrastructure Levy (CIL):

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.

7.33 Developer Contributions:

Development Obligations – Part H of the Developer Contributions Supplementary Planning Document (2011) requires a payment towards refuse bins for new residential development. A completed Unilateral Undertaking dated 27<sup>th</sup> January 2023 has been submitted to the Local Planning

Authority. The proposal therefore meets the requirements of the Developer Contributions SPD (2011) and Policy LP4 of the Local Plan to 2036.

#### Conclusion

- 7.34 As set out within this report, the proposed development is considered to be compliant with the relevant national and local policy as it is:
  - \*Acceptable in principle;
  - \*Is of an appropriate size, scale, siting and design;
  - \*Would not have a harmful impact on the character or appearance of the Earith Conservation Area;
  - \*Would not have a significantly detrimental impact upon the amenity of neighbours;
  - \*Would not be detrimental to highway safety in the locality;
  - \*Would not result in an increased risk of flooding in the locality;
  - \*Is acceptable with regards to the impact on biodiversity;
  - \*There are no other material planning considerations which lead to the conclusion that the proposal is unacceptable.
- 7.35 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 the imposition of appropriate conditions.

## 8. RECOMMENDATION – APPROVAL subject to conditions to include the following:

- Time limit
- Approved plans
- Materials as stated on application form/plans
- Hard and soft landscaping details
- Site levels
- Details of biodiversity enhancements
- Details of surface water drainage
- · Details of foul water drainage
- Retention of car park for No 37 High Street
- Details of temporary facilities during construction
- Scheme for access drainage
- Removal of PD rights for gates
- Access constructed to CCC specification
- Parking laid out prior to occupation

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 Lucy Pateman Senior Development Management Officer lucy.pateman@huntingdonshire.gov.uk

From: Parish Clerk <Earithparishclerk@outlook.com>

Sent:08 July 2022 07:54To:Lucy PatemanCc:DevelopmentControl

**Subject:** RE: Planning Permission Consultation - Land Rear Of Riverview Inn

High Street Earith (ref 22/00617/FUL)

#### Dear Lucy,

Many thanks for granting an extension for comments. Further to the Parish Council meeting held last night the Council voted to recommend rejection of this application as the development design and build are too large for the site. There will be very little garden space and additional parking on or near to a very important junction to the school that is already overrun by parked cars. The site also borders a footpath and will make this area dark. Chapel Road is also a one-way street and this development will bring extra traffic down a very small street.

The Council would like you to take these comments into consideration when you make your decision.

Regards Mandy Pink Parish Clerk and RFO 07717 207533 01487 843983

Please note that I work part time so there may be a delay in responding to both email and telephone calls.

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From: Lucy Pateman < Lucy. Pateman@huntingdonshire.gov.uk >

Sent: 14 June 2022 13:50

To: Parish Clerk < <a href="mailto:Earithparishclerk@outlook.com">Earithparishclerk@outlook.com</a>>

Subject: RE: Planning Permission Consultation - Land Rear Of Riverview Inn High Street Earith (ref

22/00617/FUL)

Dear Mandy,

I can confirm an extension to Friday 8<sup>th</sup> July is agreed.

Kind regards

Lucy Pateman
Senior Development Management Officer
07720641903

**Huntingdonshire District Council** 

Development Services, Pathfinder House, St. Mary's Street, Huntingdon, PE29 3TN

Please be advised that the comments contained within this Email represent the informal opinion of an officer of Huntingdonshire District Council. These comments are made without prejudice to the eventual determination of any planning application that may be submitted.



From: Parish Clerk < <a href="mailto:Earithparishclerk@outlook.com">Earithparishclerk@outlook.com</a>>

**Sent:** 10 June 2022 12:22

To: DMAdmin < Development. Management Admin@huntingdonshire.gov.uk >

Cc: Lucy Pateman < Lucy Pateman@huntingdonshire.gov.uk >

Subject: RE: Planning Permission Consultation - Land Rear Of Riverview Inn High Street Earith (ref

22/00617/FUL)

Dear Lucy,

Thank you for sending me this application. Earith PC do not meet again now until the 7<sup>th</sup> July so can I please request an extension for comments until Friday 8<sup>th</sup>?

I look forward to hearing from you soon.

Regards Mandy Pink Parish Clerk and RFO 07717 207533 01487 843983

Please note that I work part time so there may be a delay in responding to both email and telephone calls.

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From: <u>Dmadmin@huntingdonshire.gov.uk</u> < <u>Dmadmin@huntingdonshire.gov.uk</u> >

**Sent:** 09 June 2022 11:50

To: earithparishclerk@outlook.com

Subject: RE: Planning Permission Consultation - Land Rear Of Riverview Inn High Street Earith (ref

22/00617/FUL)

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: Erection of 4 bed dwelling

Site Address: Land Rear Of Riverview Inn High Street Earith

Reference: 22/00617/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

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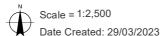
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## **Development Management Committee**

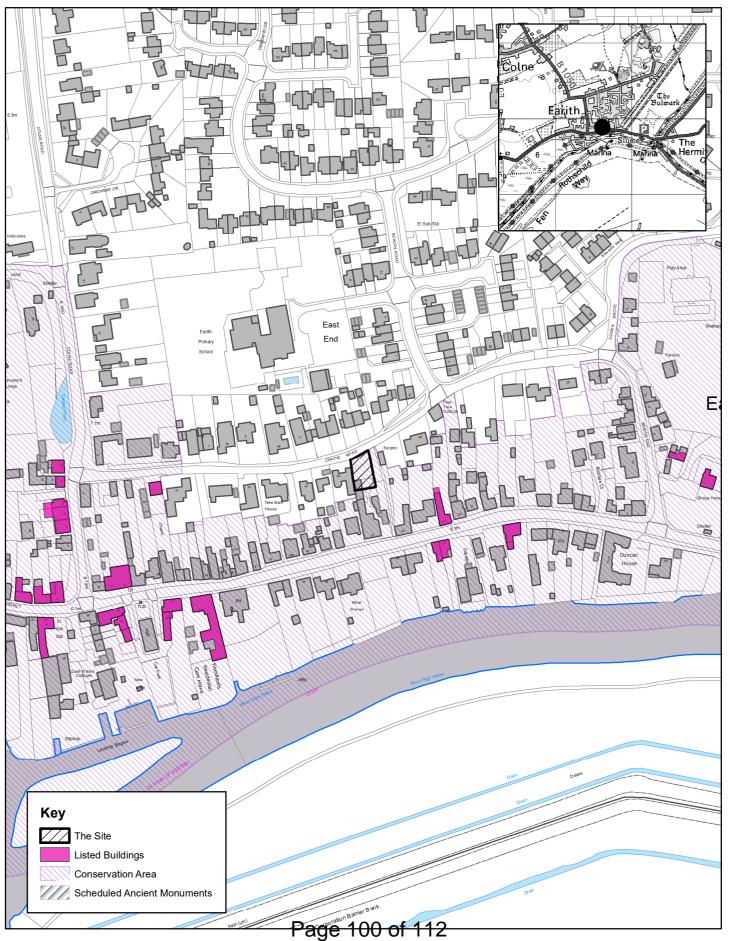


Application Ref: 22/00617/FUL

Location: Earith



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## NOTES -Part M4 (2)

This proposed residential dwelling shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4(2) 'accessible and adaptable' prior to first occupation. Such provision shall be maintained for the lifetime of the development. This is to ensure the adequate provision of accessible and adaptable dwellings in accordance with Policy LP25 of the Local Plan to 2036.

#### Water Efficiency

This proposed residential dwelling approved shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement for water efficiency, as set out in Approved Document G prior to first occupation. Such provision shall be maintained for the lifetime of the

This is to ensure the adequate provision of water efficiency methods in accordance with Policy LP12 part j of the Local Plan to 2036.

#### Principal Entrance

Provide a level threshold at the principle entrance of the dwelling to accord with Part M. Principle entrance door to have a minimum 775mm clear opening between the door leaf and doorstops and to include flush threshold approached with max. 1:12 gradient to 1200x1200 level platform adjacent to door.

External steps and handrails to comply with Approved Document 'M

#### In- building physical infrastructure

In accordance with Part R, R1 must be adhered too - Building work must be carried out so as to ensure that the building is equipped with high-speed-ready in-building physical infrastructure, up to a network termination point for high-speed electronic communications networks. (30mbps)

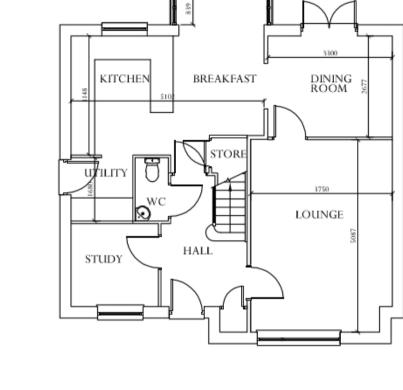
#### Floor area

The gross internal floor area is 128 sq.m., which exceeds the Government's Technical Housing Standards - Nationally Described Space Standard (2015) or successor document.

### Materials -

Roof tiles - Brown, concrete, profiled tiles Bricks - Weinerberger Athena blend Fascia & Soffits - Black upvc Windows - Anthracite grey aluminium double glazed units Gutter and down pipes - black UPVC (half round) Tarmac driveway

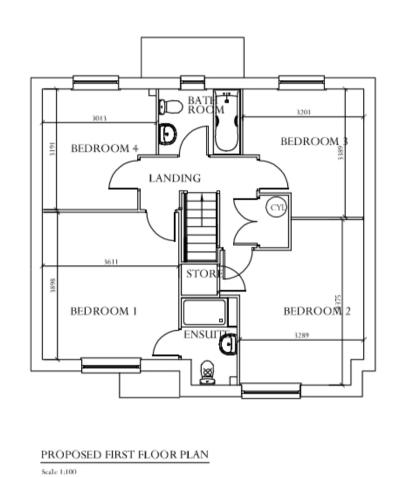
Footpaths and patio - Marshalls, standard 600m x 600mm slabs, Buff, edged with Charcoal block paviours



PROPOSED GROUND FLOOR PLAN

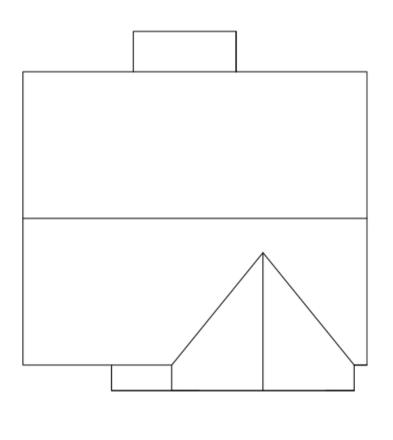
PROPOSED FRONT ELEVATION

<u></u>



7752

PROPOSED SIDE ELEVATION
Scale 1:100

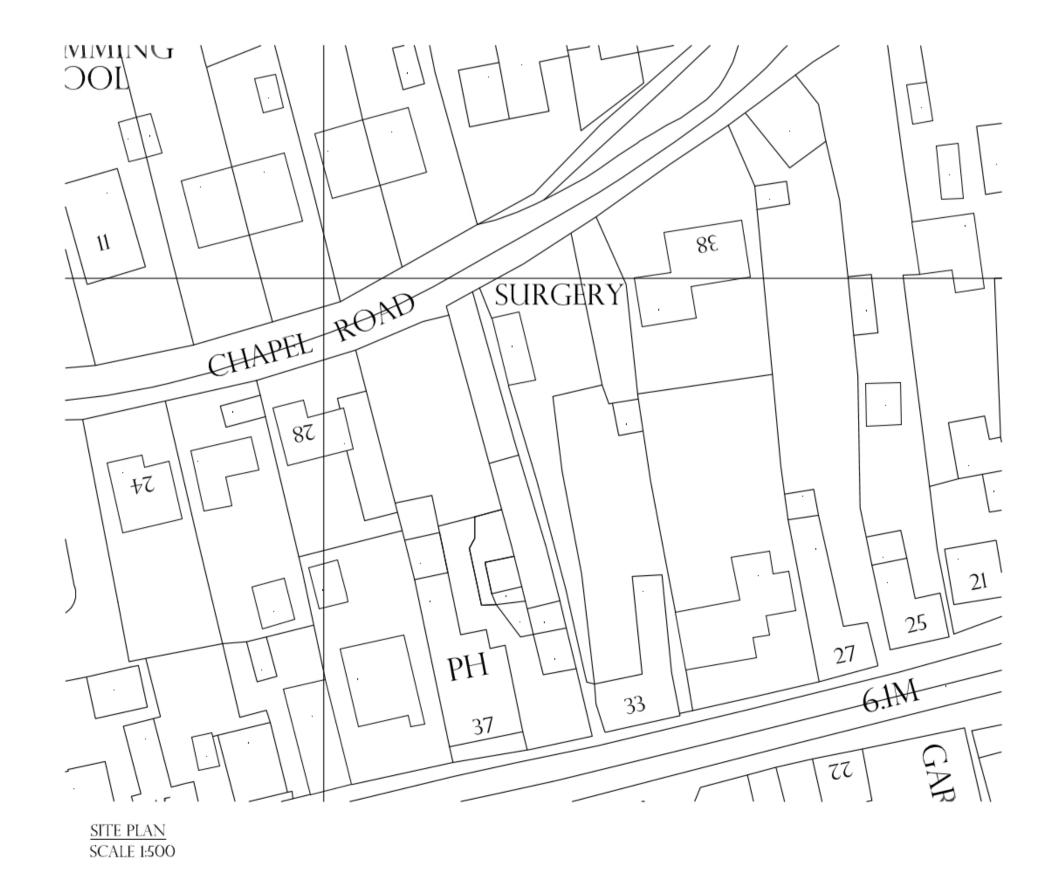


PROPOSED SIDE ELEVATION
Scale 1:100

PROPOSED ROOF PLAN

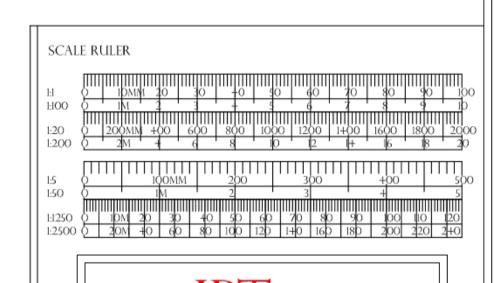
PROPOSED REAR ELEVATION





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Drawing Title -

PROPOSED SITE PLANS, ELEVATIONS AND FLOOR PLANS

Client - MR SIZER

Address - Land at RIVERVIEW, EARITH

Scale - AS SHOWN @ A1 Date - JAN 22

Dwg. No. - JPT/SZR/0122/002 Rev. A





















## **Planning Appeal Decisions Since March 2023 Committee**

	1			T	Т		1	1	
Ref No	Appellant	Parish	Proposal	Site	Original Decision	Delegated or DMC	Appeal Determination	Date	Costs
22/01 028/ HHF UL	Mr Shepherd	St Neots	Convert integral garage to bedroom (retrospective).	34 Squires Court Eaton Socon St Neots PE19 8PB	Refusal	Delegated	Allowed	08.0 3.20 23	N/A
Page 22/01 11733/ 11HF 01UL	Mr and Mrs Weldon	St Neots	Erection of first floor front extension and two storey front extension.	18 Valerian Close Eaton Ford St Neots PE19 7GT	Refusal	Delegated	Dismissed	09.0 3.20 23	N/A
21/02 341/ OUT	Mr Brand	Stow Longa	Application for Outline Planning Permission with all matters reserved except for access for the proposed development of 4 no. self/custom build dwellings.	Land North East Of Old Vicarage Spaldwick Road Stow Longa	Non- Determi nation	N/A	Dismissed	13.0 3.20 23	N/A

ST NAME OF	First floor side, front and rear extension	6 evenson Court ton Ford t Neots E19 7LF	Delegated	Dismissed	20.0 3.20 23	
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