

# DEVELOPMENT MANAGEMENT COMMITTEE 19<sup>th</sup> JUNE 2023

**Case No:** 22/01983/FUL

**Proposal:** Proposed conversion from shop units to dwelling and roof extension to create first floor

**Location:** 18 High Street Warboys Huntingdon

**Applicant:** Mr And Mrs K McGee

**Grid Ref:** 530489 280081

**Date of Registration:** 5.10.2022

**Parish:** Warboys

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## RECOMMENDATION - REFUSE

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

### 1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 This application seeks approval for the conversion of a shop and hairdressers to a two-bedroom dwelling, including the erection of a roof extension to create a first floor and alterations to the fenestration at No. 18 High Street, Warboys. The existing building is currently within commercial use as a shop/hairdressers and is of a flat roof design with two shopfronts on the front elevation.
- 1.2 The site is located within the Warboys Conservation Area and is in close proximity to three Grade II Listed Buildings - Nos. 9, 22 and 26 High Street, Warboys.

### 2. NATIONAL GUIDANCE

- 2.1 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

- 2.2 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, 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
- LP8: Key Service Centres
- LP11: Design Context
- LP12: Design Implementation
- LP14: Amenity
- LP15: Surface Water
- LP16: Sustainable Travel
- LP17: Parking Provision and Vehicle Movement
- LP21: Town Centre Vitality and Viability
- LP22: Local Services and Community Facilities
- LP25: Housing Mix
- LP30: Biodiversity and Geodiversity
- LP31: Trees, Woodland, Hedges and Hedgerows
- LP34: Heritage Assets and their Settings

Local policies are viewable at <https://www.huntingdonshire.gov.uk>

Supplementary Planning Documents (SPD) and Guidance:

- Huntingdonshire Design Guide Supplementary Planning Document 2017
- Developer Contributions SPD 2011
- Huntingdonshire Landscape and Townscape SPD (2022)
- Huntingdonshire Strategic Flood Risk Assessment (2017)
- Cambridgeshire Flood and Water SPD 2017
- LDF Developer Contributions SPD (2011)
- Annual Monitoring Review regarding housing land supply (2020)
- Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)

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
- \* N3 - Support rich and varied biodiversity
- \* H1 - Healthy, comfortable and safe internal and external environment
- \* H2 - Well-related to external amenity and public spaces
- \* H3 - Attention to detail: storage, waste, servicing and utilities

Local policies are viewable at <https://www.huntingdonshire.gov.uk>

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

- 4.1 There is no relevant planning history on the site.

#### **5. CONSULTATIONS**

- 5.1 **Warboys Parish Council** - Recommend approval. Comments:

The application does not conflict with the Policies in the Development Plan. Although this will involve the loss of one of the few remaining retail outlets in the village, the previous owner had advertised it for sale for a long period without attracting any interest in its continued use for commercial premises.

- 5.2 **Cambridgeshire County Council's Highway Authority** - Raised no objections. Summary Comments:

It appears that the parking area and vehicular crossing are existing.

- 5.3 **Huntingdonshire District Council's Conservation Officer** - Supports the application. Comments:

The poor appearance of the existing building provides scope for enhancement. Subject to the imposition of conditions regarding materials and boundary treatment, these works will not result in harm to the character of the Warboys conservation area or the setting of the adjacent listed building.

- 5.4 **Huntingdonshire District Council's Urban Design Forum** - Raised no objections. Recommends conditioning all materials including verge detail (recommend brick clipped verges as per existing adjacent buildings).

## 6. REPRESENTATIONS

- 6.1 One letter was received during the course of the application confirming no specific objections or concerns with what is being proposed.
- 6.2 The comment considers that what is being planned will be an improvement. The current frontage is visually unappealing and not in keeping with the Conservation Area.

## 7. ASSESSMENT

- 7.1 The main issues to consider in the determination of this application are:

- Principle of Development
- Design and Visual Amenity
- Residential amenity
- Highway safety
- Flood risk and surface water
- Biodiversity
- Developer Contributions
- Accessible and adaptable Homes
- Water efficiency

### Principle of Development

- 7.2 The site is located within the built-up area of Warboys, which the adopted Huntingdonshire Local Plan to 2036 identifies as a Key Service Centre. Policy LP8 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.
- 7.3 However, although the site is located within the built-up area and a single dwelling may be supported this would not outweigh the loss of the existing commercial use as discussed below.
- 7.4 The proposal seeks approval for the conversion of an existing commercial premise to one, two-bedroom dwelling. As the proposal results in the loss of a shop/hairdressers, Policy LP22 (Local Services and Community Facilities) is considered relevant. 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 serve; 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.*

7.5 Furthermore, Policy LP22 states 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.

7.6 Paragraph 6.47 of the Local Plan also states:

*The loss of local services or community facilities can have a serious impact upon people's quality of life and the overall vitality of communities. With an increasing proportion of older people in the population access to locally based services may become more important reducing the need to travel. It is important to consider the extent to which the local population can support local services, particularly in small settlements, and how realistic it is to seek to retain all existing provision.*

7.7 Paragraph 6.49 of the Local Plan states:

*For commercially run facilities such as local shops and pubs, the Council considers that a robust marketing exercise is the most transparent way of demonstrating that such facilities are no longer viable. This should be of sufficient duration to allow the local community time to consider making a bid to run or acquire premises of value through the Community Right to Bid.*

*In seeking to justify the loss of local services or community facilities, applicants will also be required to consider whether existing premises or sites can be adapted to retain a viable community facility or service. Effective marketing will in most cases need to be for a continuous period of 12 months at a value reflecting its permitted use with details kept of any offers received and detailed reasoning for declining them.*

7.8 Paragraph 93 of the NPPF also states that: to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

*c) 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;*

*d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.*

- 7.9 In order to try and satisfy Policy LP22 of the adopted Local Plan, evidence of the sales particulars has been submitted by the applicant demonstrating that the building was advertised for sale between 8th October 2018 and 28th September 2021. However, this marketing information alone is considered to be insufficient evidence to comply with the requirements of Policy LP22 as the property was brought by the applicant for the marketed use as a commercial building. Therefore, it is considered that it has not been demonstrated that there is no interest in the property for commercial use.
- 7.10 Although it would appear that the property was marketed for in excess of 12 months, no details of any offers received or reasons for declining them or why the premises are considered unsuitable as a commercial premises have been submitted to the Local Planning Authority.
- 7.11 Accordingly, the Local Planning Authority are not satisfied that reasonable steps have been taken to effectively market the property without success and no evidence has been submitted to demonstrate that there is insufficient community support for its continuation. There is also no suggestion that an equivalent service will be provided in another location and therefore it has not been demonstrated that the loss of the commercial site will not undermine the settlement's role in provision of services.
- 7.12 As such, the principle of development is not considered acceptable in this instance, as the proposal is contrary to Policy LP22 of the adopted Local Plan.

### **Design and Visual Amenity and Impact Upon the Character of the Area**

- 7.13 The Local Planning Authority is required to ensure that special regard is given to preserving the listed buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.14 Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that a Local Planning Authority, in considering whether to grant planning permission for development which affects a Conservation Area, shall have special regard to the desirability of preserving or enhancing its intrinsic significance, setting, or any features of special architectural or historic interest which it possesses.

- 7.15 This is also reflected at a local level where Policy LP34 of the Local Plan seeks to ensure that development proposals protect and conserve the district's heritage assets and where possible enhance them and their settings.
- 7.16 The site is located within the Warboys Conservation Area and is in close proximity to three Grade II Listed Buildings - Nos. 9, 22 and 26 High Street, Warboys
- 7.17 The proposal involves the conversion of the existing commercial premise to a two-bedroom dwelling, including a roof extension to provide a first floor and alterations to the fenestration along with the removal of the existing shop fronts. The existing property is a single-storey, flat roof building finished in facing brick with two shop fronts on the front elevation and a small area to front of the property that is hard surfaced. The proposed roof extension would see an east to west gable and a hipped roof to the rear, raising the overall height from 3.4 metres to 5.8 metres.
- 7.18 The flat roofed building presently does not make a positive contribution to the character of the area and the installation of a pitched roof is considered to improve the overall appearance of the property. The Conservation Officer has stated that although the roof will be a larger and more prominent feature than that of No.s 14 and 16, the eaves will be lower and the ridge would be taller but this is not harmful if appropriate materials are used.
- 7.19 Furthermore, the existing shop fronts are of a modern design and do not positively contribute towards the appearance of the streetscene or Conservation Area and as such, the Local Planning Authority do not object to their loss. The overall proposed design and appearance of the property is considered to be an enhancement to the existing arrangement and is therefore considered acceptable.
- 7.20 A condition would be imposed on any planning permission granted to secure specific details of the proposed bricks used in the alterations to the elevations of the building to ensure they are as closely matched to those existing as possible. The eaves of the gables should be clipped rather than detailed with a barge board to match the details of the adjacent buildings. The proposed condition would also seek to approve alternative roof tiles as the proposed new interlocking tiles are considered to be inappropriate in this particular location.
- 7.21 The application states UPVC glazing and doors, this should also be conditioned to ensure appropriate design and sections are used.

- 7.22 Subject to the imposition of the aforementioned conditions, the Council's Conservation Officer has concluded that the proposal would not result in harm to the character and appearance of the Warboys Conservation Area or the setting of the nearby Listed Buildings.
- 7.23 As such, the proposal is considered to be in accordance with Policies LP11, LP12 and LP34 of Huntingdonshire's Local Plan to 2036, the Huntingdonshire Design Guide SPD, the National Design Guide, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Sections 12 and 16 of the National Planning Policy Framework in this regard.

### **Residential Amenity**

- 7.24 Policy LP14 of the Local Plan to 2036 states a proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of neighbouring land and buildings. A site visit was carried out by the case officer during the consultation period of the application.
- 7.25 The closest neighbouring residential properties that are likely to be impacted upon as a result of the development are Nos. 16 and 22 High Street, Warboys.
- 7.26 The proposed development is not considered to result in any detrimental overbearing or overshadowing impacts on either neighbouring property as the proposed roof extension would slope away from the boundaries with a low angle roof slope (approximately 30 degrees). It is noted that the proposed roof extension includes the provision of a hipped roof gable to the rear of the property, however, given this would not extend beyond the rear most elevation of the neighbouring property of No. 16, it would not result in any detrimental impacts.
- 7.27 Furthermore, the proposal is not considered to result in any significantly detrimental overlooking impacts on any neighbouring property as the only windows serving first floor rooms are rooflights which are approximately 1.5m from the ground to the room they serve.
- 7.28 Given the existing use of the site as a commercial premise, the proposed use as a two-bedroom dwelling is not considered to result in noise disturbance or comings and goings over and above the existing arrangements.
- 7.29 Therefore, taking the above factors into consideration, the proposal is considered to be acceptable with regard to its impact



on residential amenity and therefore accords with Policy LP14 of Huntingdonshire's Local Plan to 2036 in this regard.

### **Highway Safety**

- 7.30 The site is located along High Street, Warboys - a classified 'B' road, subject to a 30mph speed limit. An amended plan was received during the course of the application to demonstrate the provision of two off-street car parking spaces east of the existing building and the utilisation of an existing access point.
- 7.31 Whilst the proposed parking would be tandem in layout with no turning provision, the arrangement would remain unaltered as a result of the proposed conversion and the provision of two spaces is considered to be appropriate for a two bedroom dwelling. Furthermore, a condition would be imposed on any planning permission granted to secure specific details of proposed cycle storage.
- 7.32 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**

- 7.33 Given that the site is at the lowest risk of flooding according to the Huntingdonshire Strategic Flood Risk Assessment 2017 and Environment Agency Flood Map for Planning (Flood Zone 1) and the proposal is for minor development, the sequential and exceptions tests for flooding nor the submission of a flood risk assessment are considered necessary in this instance in accordance with the NPPF and NPPG.
- 7.34 Given the low flood risk and minor scale of development, officers are satisfied that full details of the surface and foul water drainage can be secured as part of building regulations and other relevant legislative requirements in this instance.
- 7.35 Overall, 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 and Section 14 of the National Planning Policy Framework in this regard.

### **Biodiversity**

- 7.36 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.

- 7.37 Given the proposal seeks approval for the change of use of an existing building with the remainder of land within the site finished with hardsurfacing, the proposal is not considered to result in any loss to biodiversity. It is also worth noting that Local Planning Authorities records indicate no presence of protected species in the area.
- 7.38 The proposal therefore broadly accords 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.

### **Other matters**

7.39 Developer contributions

- 7.40 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. The proposed development is therefore considered to accord with Policy LP4 of Huntingdonshire's Local Plan to 2036 and the Developers Contributions SPD (2011).

7.41 Accessible and adaptable homes

- 7.42 Policy LP25 of the Huntingdonshire's Local Plan to 2036 seeks to ensure that all housing developments in the district offers a genuine choice of Accessible and adaptable dwellings that meet the requirements of residents:

*f. ensuring 100% of new dwellings, across all tenures provided, meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' (or replacement standards).*

- 7.43 To ensure that the development can meet these standards a condition would be imposed on any permission that may be granted in this regard in accordance with Policy LP25 of Huntingdonshire's Local Plan to 2036.

7.41 Water efficiency

7.42 Part j of Policy LP12 of the Local Plan relates to sustainable design and construction methods and ensures that a development makes efficient use of energy, water and other resources, such that all new homes comply with the optional building regulation requirement for water efficiency. This shall be secured by condition.

7.43 Developer contributions

7.44 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.

7.45 Community Infrastructure Levy (CIL)

7.46 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.

### **Conclusion and Planning Balance**

7.47 The NPPF has at its heart the presumption in favour of sustainable development (para 11) and requires the approval of development proposals that accord with an up-to-date development plan without delay. The presumption in favour of sustainable development requires proposals to achieve economic, social and environmental gains; as such a balancing exercise has to be undertaken to weigh the benefits of the scheme against its disadvantages.

7.48 In terms of the economic dimension of sustainable development, the proposal would result in the loss of a commercial premises within the built-up area of a key service centre. The loss of this facility would not be outweighed by the change of use to a single dwelling.

7.49 Officers consider that insufficient evidence has been submitted to demonstrate that the proposal is in accordance with Policy LP22 of the up-to-date Huntingdonshire Local Plan to 2036, and, as outlined in the preceding sections of this report, there are no other material considerations which would provide an overriding reason to disregard the development plan. Accordingly, it is recommended that planning permission should be refused in this instance.

**8. RECOMMENDATION - REFUSE for the following reasons**

- 8.1 The application has failed to demonstrate that the loss of the commercial use is outweighed by the provision of a single private dwelling. The proposal has failed to demonstrate that the site has been effectively and robustly marketed for its current use without success and no evidence has been submitted to demonstrate that there is insufficient community support for its continuation. There is also no suggestion that an equivalent service will be provided in another location and therefore it has not been demonstrated that the loss of the commercial site will not undermine the settlement's role in provision of services. The proposal is therefore contrary to Policy LP 22, sections d) and e) of the Huntingdonshire Local Plan to 2036 as well as paragraph 93, sections c) and d) of the NPPF 2021

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