

DEVELOPMENT MANAGEMENT COMMITTEE 18th JANUARY 2021

Case No: 23/00270/OUT

Proposal: Proposed new dwelling

Location: 41 West Street Huntingdon PE29 1WT

Applicant: Mrs Everitt

Grid Ref: (E) 524453 (N) 272123

Date of Registration: 26th April 2023

Parish: Huntingdon

RECOMMENDATION - APPROVE/REFUSE

This application is referred to the Development Management Committee (DMC) in accordance with the Scheme of Delegation as the Officer recommendation of refusal is contrary to that of the Town Council.

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 This is an outline application for the erection of a new dwelling at 41 West Street, Huntingdon with details of access and scale submitted for approval. Details of appearance, landscaping and layout are therefore not to be considered as part of this application.
- 1.2 The proposed dwelling would be located on land to the rear of No. 41 West Street and would address the highway of Cross Street and would be accessed via Cross Street. The site is located in a residential area of Huntingdon and is within the Huntingdon Conservation Area.
- 1.3 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 (5th September 2023) (NPPF 2023) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the

achievement of sustainable development. The NPPF 2023 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 2023 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, Planning Practice Guidance and the National Design Guide 2021 are also relevant and material considerations.

2.4 For full details visit the government website: <https://www.gov.uk>

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
- 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: Housing Mix
- LP30: Biodiversity and Geodiversity
- LP31: Trees, Woodland, Hedges and Hedgerows
- LP34: Heritage Assets and their Settings

3.2 Huntingdon Neighbourhood Plan 2018-2026 - adopted September 2019

- Policy NE3 - Setting of Huntingdon
- Policy BE1 - Design and Landscaping
- Policy BE2 - Local Distinctiveness and Aesthetics
- Policy BE3 - Heritage Assets
- Policy TT1 - Sustainable Transport

3.3 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)

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

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
- 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

4. PLANNING HISTORY

4.1 There is no relevant planning history on the site.

5. CONSULTATIONS

- 5.1 Huntingdon Town Council - Recommend Approval: No objections. There are other properties along that street that have spilt the garden to make another dwelling. They have allocated 2 parking spaces with electric charging points.
- 5.2 Cambridgeshire County Council's Highway Authority - No objection. The effect of the proposed development upon the Public Highway should be mitigated by implementing conditions on any permission.
- 5.3 Huntingdonshire District Council's Conservation Officer - Do not support. Whilst the proposed scale of the building is reasonable its position on the plot is not. The building is intended to be set back by approximately 6m from the back edge of the street, this will result in erosion of the morphology of the built form. Whilst a small degree of set back may be appropriate, set back of this extent across the entire width of the plot to accommodate car parking bays will cause harm to the established character of this part of the conservation area. The proposals do not have regard to the preservation and enhancement of the Huntingdon Conservation Area, and are therefore not in accordance with ss72 of the Planning (LBCA) Act 1990, and policy LP 34 of the adopted Huntingdonshire Local Plan.

The development does not align with the contents of paras 189-208 of the NPPF, no public benefits of this proposal have been advanced to justify the less than substantial harm arising from this development.

- 5.4 Huntingdonshire District Council's Environmental Protection Officer - No issues to raise.
- 5.5 Huntingdonshire District Council's Urban Design Forum - Raised concerns over the design of the proposal and its impact on neighbouring properties amenities. The proposals would fail to reflect the prevailing building line of existing development to the south, whilst the functional design (particularly access to the rear garden for maintenance and cycle storage) is poor. The proposals are likely to result in adverse amenity impacts to No. 41 West Street and No. 8 North Street. The scheme would be contrary to Local Plan polices LP11, LP12 parts a, b and c, LP14 and the place making principles set out in the HDC Design Guide SPD.

6. REPRESENTATIONS

6.1 During the course of the application three letters of objection were received. The concerns raised have been summarised below:

- Impact on neighbouring properties amenities (overshadowing, overlooking, noise and disturbance);
- Highway safety (off-street car parking provision);
- Access to services

6.2 Concerns were also raised over the impact of the proposed development on property values; however, this is not a material planning consideration and therefore cannot be taken into consideration as part of this application.

7. ASSESSMENT

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

7.2 As set out within the Planning and Compulsory Purchase Act 2004 (Section 38(6)) and the Town and Country Planning Act 1990 (Section 70(2)) in dealing with planning applications the Local Planning Authority shall have regard to have provisions of the development plan, so far as material to the application, and to any other material considerations. This is reiterated within paragraph 47 of the NPPF (2023). 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 to 2036 (2023)
- The Stukeleys Neighbourhood Plan 2022 to 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:

- The principle of development
- Design, visual amenity and impact upon the character and appearance of the area, including heritage assets
- Residential amenity
- Highway safety, parking provision and parking
- Flood risk and surface water
- Biodiversity
- Developer contributions
- Accessible and adaptable homes
- Water efficiency

The principle of development

7.6 The site is located within a built-up area of Huntingdon - which the adopted Huntingdonshire Local Plan to 2036 identifies as a Spatial Planning Area and as such, Policy LP7 of the Local Plan is relevant.

7.7 Policy LP7 states 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. Given the site is located within the built-up residential area of Huntingdon, the principle of development is considered acceptable in this instance, subject to all other planning matters being addressed.

Design, visual amenity and impact upon the character and appearance of the area, including heritage assets

- 7.8 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. This is also reflected in Policy BE3 of the Huntingdon Neighbourhood Plan, Policy LP34 of the Huntingdonshire Local Plan and Section 16 of the National Planning Policy Framework.
- 7.9 Policy LP11 of the Local Plan states that a proposal will be supported where it is demonstrated that it responds positively to its context. Policy LP12 states that new development will be expected to be well designed and that a proposal will be supported where it can be demonstrated that it contributes positively to the area's character and identity and successfully integrates with adjoining buildings and landscape. This is also reflected in Policies BE1 and BE2 of the Huntingdon Neighbourhood Plan, the Huntingdonshire Design Guide SPD and Section 12 of the National Planning Policy Framework.
- 7.10 The proposal seeks outline permission for the erection of one dwelling on land to the rear of No. 41 West Street, Huntingdon with details of access and scale submitted for approval. The site is located within the Huntingdon Conservation Area.
- 7.11 Notwithstanding that the proposal is submitted as an outline application, the indicative plans submitted show how the site would be laid out in relation to the host dwelling and surrounding properties. The elevations submitted also indicate that the dwelling would be two storeys in scale. Given the size and constraints of the site, it is considered highly likely that any development would take the form as shown on the indicative plans and they can therefore be attributed significant weight and be relied upon in the determination of the application in respect of design and visual amenity and impact on the character of the area.
- 7.12 The proposed dwelling would address the highway of Cross Street, which is predominantly comprised of two-storey gabled properties constructed of buff facing brickwork. There is no

overall prevailing approach to building form (with dwellings either arranged with gable frontages or roofs parallel with the road), frontage boundary and threshold treatment or arrangement and provision of parking.

- 7.13 Whilst it is noted that a streetscene drawing has not been provided as part of this outline application, the proposed two-storey dwelling would be north-west of two, single-storey garages and would be approximately 12m south-east of the two-storey element of No. 8 North Street. As such, the Local Planning Authority is satisfied that the proposed two-storey scale of the proposed dwelling would be acceptable in terms of its visual impact on the streetscene of Cross Street and the surrounding area.
- 7.14 However, due to the narrow width of the plot, the proposed dwelling would occupy almost the entire width (the plot is approximately 5.5m wide whereas the dwelling is shown to be 4.6m wide), resulting in narrow gaps to the north (approx. 0.42m) and south (approx. 0.36m). These narrow gaps would make the removal of bikes from the rear garden (as indicated on dwg 101 Rev B) and the maintenance of the rear garden impossible.
- 7.15 Furthermore, concerns have been raised by the Council's Urban Design Forum and the Council's Conservation Officer over the appearance, landscaping and layout of the proposal - namely the set-back distance of the dwelling and the extent of hardsurfacing to the front of the property being out of character with the streetscene. Whilst these matters are not sought for approval at this stage, the Local Planning Authority considers that based on the scale of the proposed dwelling, a detailed scheme could not be brought forward that would address the concerns raised.
- 7.16 As such, whilst the principle of a two-storey dwelling in this location could be considered acceptable, based on the scale of the proposal, the Local Planning Authority is not satisfied that a detailed scheme could be brought forward that would be acceptable in terms of its layout, appearance and landscaping. Accordingly, the proposal is considered contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies, BE1, BE2 and BE3 of the Huntingdon Neighbourhood Plan, Policies LP11, LP12 and LP34 of Huntingdonshire's Local Plan to 2036, the Huntingdonshire Design Guide SPD and Sections 12 and 16 of the National Planning Policy Framework in this regard.

Residential amenity

- 7.17 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.
- 7.18 The closest neighbouring residential properties that are likely to be impacted upon as a result of the proposed development are Nos. 6, 7 and 8 North Street and No. 41 West Street. Initially, it is worth noting that the submitted site plan is limited and does not include any neighbouring properties.
- 7.19 The submitted indicative site plan shows a 11.1m back-to-back separation distance to No. 41 West Street and while this is significantly shorter than the recommended 21m distance recommended within the Huntingdonshire Design Guide SPD, it is noted that it is not dissimilar to existing relationships between properties on West Street and Cross Street. As such, it would be unreasonable to refuse planning permission on this basis in this instance. However, consideration would need to be given to any first-floor windows serving habitable rooms and boundary treatments in any reserved matters submission.
- 7.20 With regard to the neighbouring properties along North Street, the proposed two-storey dwelling (with an eaves height of 4.3m and a ridge height of 6.6m) would be approximately 0.42m from the shared boundary and approximately 5.8m from the rear-most elevation of the neighbouring properties for a length of 9.1m. Given the close proximity of the proposed dwelling, its scale and its siting to the south of the neighbouring properties and their private rear amenity spaces, it is considered to result in significantly detrimental overbearing and overshadowing impacts.
- 7.21 As such, based on the scale of the proposed dwelling submitted for consideration at this stage, and the lack of information provided as part of this application, the Local Planning Authority considers that the proposal would result in unacceptable impacts on neighbouring properties amenities and therefore would be contrary to Policy LP14 of Huntingdonshire's Local Plan to 2036, the Huntingdonshire Design Guide SPD and Section 12 of the National Planning Policy Framework in this regard.

Highway safety, parking provision and access

- 7.22 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. Policy LP16 of the Local Plan and Policy TT1 of the Huntingdon Neighbourhood Plan require proposals to demonstrate how opportunities for the use of sustainable modes of transport are maximised.
- 7.23 The site would be accessed via Cross Street, an unclassified road subject to a speed limit of 30mph. The proposal involves the creation of one two-bedroom dwellinghouse with an area to the front of the property for two off-street car parking spaces.
- 7.24 The proposed access arrangements are considered to be acceptable with an adequate width and visibility splays in both directions. Furthermore, the proposed access arrangement would not be dissimilar to those neighbouring properties along Cross Street.
- 7.25 With regards to off-street car parking provision, the proposed two spaces are considered to be sufficient for the two-bedroom dwellinghouse and given the existing raised kerbs, the proposal would not reduce any existing off-street car parking arrangements.
- 7.26 A condition would be imposed on any planning permission to ensure details of secure cycle parking are provided and agreed with the Local Planning Authority.
- 7.27 Overall, subject to the imposition of appropriate conditions, the proposal is considered acceptable in terms of its impact on highway safety and therefore accords with Policy TT1 of the Huntingdon Neighbourhood Plan, Policies LP16 and LP17 of Huntingdonshire's Local Plan to 2036 and Section 9 of the National Planning Policy Framework in this regard.

Flood risk

- 7.28 National guidance and Policy LP5 of the Local Plan to 2036 seek to steer new developments to areas at lowest risk of flooding and advises this should be done through application of the Sequential Test, and if appropriate the Exceptions Test (as set out in

paragraphs 159-169 of the NPPF (2023)). Policies LP5 and LP15 set out the Council's approach to waste water and surface water management.

- 7.29 The site is located within Flood Zone 1, which means that it has a low probability of flooding according to the Huntingdonshire Strategic Flood Risk Assessment 2017 and Environment Agency Flood Map for Planning. The proposal involves the erection of a single dwelling. This type of development is considered to be acceptable in Flood Zone 1 and accordingly Exception or Sequential Tests are not required.
- 7.30 Given the scale of the development officers are satisfied that adequate provision will be made for waste water management and surface water, subject to a condition imposed on any planning permission granted to secure specific details of the drainage.
- 7.31 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

- 7.32 Paragraph 174 of the NPPF (2023) 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 Whilst the proposals at this stage do not indicate any measures for biodiversity enhancement, given the proposal would be located on an area of existing hardsurfacing associated with the existing dwellinghouse of No. 41 West Street, the Local Planning Authority is satisfied that the proposal would ensure no biodiversity net loss. It is also worth noting that Local Planning Authorities records indicate no presence of protected species in the area.

7.34 A condition would be imposed on any planning permission granted to secure specific details of biodiversity enhancement measures. Overall, the proposal is considered to broadly be in accordance with Policy LP30 of Huntingdonshire's Local Plan to 2036 and Section 15 of the National Planning Policy Framework in this regard.

Developer Contributions

7.35 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 1st June 2023. The proposed development is therefore considered to accord with Policy LP4 of Huntingdonshire's Local Plan to 2036 and the Developers Contributions SPD (2011).

Accessible and adaptable dwellings

7.36 Policy LP25 of the Huntingdonshire's Local Plan to 2036 requires proposals that include housing to meet the optional Building Regulation requirements M4(2) "accessible and adaptable dwellings" unless it can be demonstrated that site specific factors make this unachievable.

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

Water efficiency

7.38 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.

Community Infrastructure Levy (CIL)

7.39 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

- 7.40 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.41 While the principle of a two-storey dwelling in this location could be considered acceptable, the proposed development by reason of its layout and scale, which is significantly constrained by the size of the site, would create an incongruous and discordant addition to the street scene detrimental to the established character and appearance of the Conservation Area. The Local Planning Authority is therefore not satisfied that a detailed scheme could be brought forward that would be acceptable in terms of its layout, appearance and landscaping and the proposals do not have regard to the preservation and enhancement of the Huntingdon Conservation Area. Furthermore, based on the scale of the proposed dwelling and the lack of information provided as part of this application, the Local Planning Authority considers that the proposal would result in unacceptable impacts on the amenities of neighbouring properties on North Street by virtue of overbearing and overshadowing impacts.
- 7.42 As such, the proposed development is considered to be contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies, BE1, BE2 and BE3 of the Huntingdon Neighbourhood Plan, Policies LP11, LP12, LP14 and LP34 of Huntingdonshire's Local Plan to 2036, the Huntingdonshire Design Guide SPD and Sections 12 and 16 of the National Planning Policy Framework.
- 7.43 Taking national and local planning policies into account, and having regard for all relevant material considerations, it is concluded that the proposed development is contrary to policy and not acceptable. There are no overriding material considerations that indicate that permission should be granted in this instance. Therefore, it is recommended that the application be refused.

8. RECOMMENDATION refusal on the following grounds:

1. The proposed development by reason of its layout and scale, which is significantly constrained by the size of the site, would create an incongruous and discordant addition to the street scene detrimental to the established character and appearance of the Conservation Area. The Local Planning Authority is therefore not satisfied that a detailed scheme could be brought forward that would be acceptable in terms of its layout, appearance and landscaping and the proposals do not have regard to the preservation and enhancement of the Huntingdon Conservation Area. Accordingly, the proposal is considered contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies, BE1, BE2 and BE3 of the Huntingdon Neighbourhood Plan, Policies LP11, LP12 and LP34 of Huntingdonshire's Local Plan to 2036, the Huntingdonshire Design Guide SPD and Sections 12 and 16 of the National Planning Policy Framework (2023).
2. Based on the scale of the proposed dwelling submitted for consideration at this stage, and the lack of information provided as part of this application, the Local Planning Authority considers the proposal would result in unacceptable impacts on the amenities of neighbouring properties on North Street by virtue of overbearing and overshadowing impacts. It is therefore considered that the proposal would be contrary to Policy LP14 of Huntingdonshire's Local Plan to 2036, the Huntingdonshire Design Guide SPD and Section 12 of the National Planning Policy Framework (2023).

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