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

Case No: 23/00745/FUL

Proposal: Erection of a bespoke designed wheelchair friendly

bungalow and associated ancillary works

Location: 49 St Neots Road Eaton Ford St Neots PE19 7BA

Applicant: Mr D Coutts

Grid Ref: 517389 259789

Date of Registration: 11.05.2023

Parish: St Neots

### **RECOMMENDATION - REFUSE**

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

### 1. DESCRIPTION OF SITE AND APPLICATION

### Site and surrounding area

- 1.1 The application site comprises approximately 482 square metres (0.0482 hectares) of land sited on the northern side of St. Neots Road, Eaton Ford. The site is located between two dwellings (Nos. 47a and 49) and extends north-westwards back into the site so its rear boundary meets the rear of Nos. 1 and 2 Davey Mews. The site is predominantly open residential garden land with overgrown loose gravel to the front which provides an informal parking space for No.49. St. Neots Road. The rear of the site is bound by hedging where it meets the boundary shared with Davey Mews, with closed boarded timber fencing on the rear eastern boundary. Dwellings on the frontage of this section of St Neots Road are comprised of two storey terraced dwellings predominantly constructed in yellow brick with their ridge lines parallel to the road.
- 1.2 The site is within St Neots Conservation Area and is approximately 80 metres east from The White House, which is a Grade II listed building.
- 1.3 There is a tree to the rear of the site which is legally protected by virtue of its siting in a Conservation Area.

1.4 The site is located predominantly within Flood Zone 2 with a small section to the rear in Flood Zone 1 according to the Huntingdonshire Strategic Flood Risk Assessment 2017 (SFRA). The SFRA mapping for this site aligns with the Environment Agency Flood Maps for Planning. The site is also within an area with a high risk of Surface Water Flooding according to Environment Agency Flood Maps for Planning.

### Proposal

- 1.5 The application seeks planning permission for the erection of a two-bedroomed bespoke designed wheelchair friendly bungalow and associated ancillary works. As reference is made to the proposal being for new accommodation for a wheelchair user Officers have had regards to this and this is addressed below in Section 7 of this report.
- 1.6 The submitted plans show the proposed dwelling to be set back approximately 35 metres into the site from St Neots Road. The proposed dwelling would be single storey, arranged in a twowing shape with mono-pitched roofs angled inwards with a chimney and two rooflights on the north-western wing. Two offroad parking spaces are shown on the plans close to the southwestern boundary leading from a drive and turning area from St Neots Road. Bin and cycle storage is shown to the rear of the dwelling. Rear amenity space is provided on the western and northern sides. Materials include a mixture of slate, vertical timber external cladding and exposed blue engineering brickwork bases on the exterior walls, slate roofing, polyester powder coated aluminium grey windows and doors with external timber linings, exposed blue engineering brickwork chimney stack with feature top and new timber fencing to the perimeter of the site.

### 2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (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 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 15<sup>th</sup> 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
  - LP34: Heritage Assets and their Settings
- 3.2 St Neots Neighbourhood Plan 2014-2029
  - Policy A3 (Design)
  - Policy PT1 (Parking and Traffic)
  - Policy PT2 (Parking and Traffic)
  - Policy P4 (Sustainable Drainage)
- 3.3 Supplementary Planning Documents / Guidance:
  - Cambridgeshire Flood and Water SPD 2017
  - Huntingdonshire Design Guide Supplementary Planning Document (2017)
  - Developer Contributions SPD (2011)
  - Huntingdonshire Landscape and Townscape Assessment (2022)
  - Annual Monitoring Report
  - St Neots Conservation Area Character Assessment October 2006
- 3.4 Planning (Listed Buildings and Conservation Areas Act) Act 1990

Section 66 – General duty as respects listed buildings in exercise of planning functions.

(5) In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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.

Section 72 – General duty as respects conservation areas in exercise of planning functions.

- (5) In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 3.5 Section 149 of the Equality Act 2010.
- 3.6 For full details visit the government website <u>Local policies</u>

### 4. PLANNING HISTORY

- 4.1 18/00165/TRCA for Walnut fell as has rot in several places, approved 22.03.2018.
- 4.2 18/70147/PENQ for Construct a detached single storey dwelling, REPLY dated 19.07.2018.

### 5. CONSULTATIONS

5.1 **St. Neots Town Council -** No objection.

Comments: Makes efficient use of the site. Satisfactory proposal in terms of scale and pattern of development.

5.2 **HDC Conservation Officer** – Objection.

Summary comments: The proposal would also fail to accord with Huntingdonshire Local Plan Policy LP34 as it would fail to respect existing views, street patterns and historic building lines.

### 5.3: **HDC Urban Design Officer -** Objection

Summary Comments: Recommendation – Refuse, the proposal large footprint and siting of the dwelling creates a cramped for of development which will lead to overbearing impacts to the rear gardens of Nos. 1 and 2 Davey Mews and Nos 47A and 49 St Neots Road contrary to Local Plan Policy LP14 part B Amenity. A smaller footprint dwelling or a lower ridge height (for example a dual pitched roof with a lower ridge height) is recommended to reduce potential overbearing impacts to neighbouring gardens.

### 5.4 **Cambridgeshire County Highways** – No objection.

Comments: Following a careful review of the documents provided to the Highway Authority as part of the above planning application, it was noted that the site is accessed from an existing vehicular access. The Design and Access Statement indicates that a turning area will be provided to enable vehicles to enter and exit in a forward gear. Therefore, no significant adverse effect upon the Public Highway should result from this proposal should it gain benefit of Planning Permission.

- 5.5 **Environmental Health Services -** No objection.
- 5.6 **Cambridgeshire County Archaeology Team** No objection
- 5.7 **HDC Trees Officer** Objection

Comments: I have reviewed the submitted documents in support of the above application. I note the site lies within a Conservation Area and there are trees present which will be impacted by the scheme. It would appear tree felling is also required. In order to understand the impact on trees and any mitigating proposals, an Arboricultural Impact Assessment, Tree Protection Plan and replanting scheme should be provided.

Without these documents I am unable to support the application.

- 5.8 **HDC Waste** No response.
- 5.9 **Environment Agency** No response.

### 6. REPRESENTATIONS

- 6.1 Two neighbour objections were received over the course of the application. A summary of issues raised are provided below. Full comments can be viewed on the council's website:
  - Concern regarding access and ability to use the right of way for neighbours on Davey Mews
  - Parking of cars to the front of the dwelling would not allow the proposal wheelchair access, nor is a path provided for wheelchair use.
  - Concern that the dwelling would result in a loss of light to 2
    Davey Mews the rear of this dwelling is lounge / dining
    area.
  - Rear patio area to 2 Davey Mews would sit in shade.
  - Overbearing impact to 1 and 2 Davey Mews Proposed dwelling is sited too close to these dwellings.
  - Loss of view from dwellings on Davey Mews
  - Mono-pitched, high roof line to the dwelling s out of character with dwellings in the area

- Concern regarding detrimental impact to biodiversity on site, hedge and trees should remain as provide habitat for wildlife.
- Concern that the proposal would remove conifer hedge which would screen the development.
- Concern that the site is in an area of historic flooding.

### 7. ASSESSMENT

- 7.1 The main issues to consider in assessing this application are whether there is any conflict with Development Plan policies. If there is any conflict, whether the application can be considered to be in accordance with the Development Plan when taken as a whole. If the application is not in accordance with the Development Plan. whether there are material any considerations, including the NPPF (2023), which indicate that planning permission should be granted. With this in mind, the report addresses the principal, important and controversial issues which are in this case:
  - The Principle of Development
  - Flood Risk
  - Accessibility
  - Design, Visual Amenity, and the Impact on the Character and Appearance of the Area and Designated Heritage Assets
  - Residential Amenity
  - Highway Safety, Access, and Parking Provision
  - Biodiversity
  - Accessible and Adaptable Homes
  - Water Efficiency
  - Developer Contributions
  - Other Matters

### The Principle of Development including Flood Risk

### Principle of Development

7.2 The site is located within the built-up area of Eaton Ford which is identified as a Spatial Planning Area by Policy LP7 of the Huntingdonshire Local Plant to 2036 (the Local Plan). Policy LP7 of the Local Plan states that a proposal for housing development (class 'C3') will be supported where it is appropriately located within a built-up area of an identified Spatial Planning Area settlement. Therefore, in this instance it is considered that residential development of this site could be acceptable in principle, subject to any other primary considerations in this case which are flood risk and accessibility which are covered in the below sections.

### Flood Risk

- 7.3 As set out within the introductory section of this report, the application site is in Flood Zone 2 (medium probability of flooding) and so is at a higher risk of flooding. It is noted that an adjoining neighbour has raised concerns regarding the site being in an area of historic flooding.
- 7.4 Paragraph 159 of the NPPF 2023 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.
- 7.5 Paragraph 004 of Flood Risk and Costal Change Planning Practice Guidance states that in areas of flood risk, planning authorities...apply the Sequential Test and, if needed, the Exception Test, to ensure that flood risk is minimised and appropriately addressed. Where the sequential and the exception tests have been applied as necessary and not met, development should not be allowed.
- 7.6 Paragraph 162 of the NPPF expands upon this and states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
- 7.7 The application of the sequential test for planning applications is also addressed at a local level within Policy LP5 of the Local Plan which states:
  - "A proposal will only be supported where all forms of flood risk, including breaches of flood defences or other defence failures, have been addressed, as detailed in the National Planning Practice Guidance and with reference to the Cambridgeshire Flood and Water Supplementary Planning Document (SPD), such that:
  - a. the sequential approach and sequential test are applied and passed, having regard to actual and residual flood risk and including consideration of the impact of climate change."
- 7.8 Policy A3 of the St Neots Neighbourhood Plan (2016) requires that:
  - All development must be...guided by...the site and its surroundings including considerations of flood risk management.

- 7.9 Apart from a small section of the site near the northern rear boundary, which is located in Flood Zone 1, the proposed development is located in Flood Zone 2 as classified by the Environment Agency Flood Map for Planning and the Huntingdonshire Strategic Flood Risk Assessment 2017.
- 7.10 Section 11 of the submitted planning statement (Flood Risk Assessment) states that "we dispute the fact the property will suffer from surface water flooding from the north and west as depicted on the [Environment Agency Flood Map for Planning] plans" as the site is in an area benefitting from flood risk defences and the proposed floor level is higher than street level of St. Neots Road. Furthermore, the submitted Seguential Test Report argues that although the site is in Flood Zone 2 and would represent a 'more vulnerable use', as the site is for a net increase of one dwelling, the proposed development is acceptable. Nevertheless, development in established Flood Zones 2 and 3 according to the Environment Agency Flood Map for Planning and the Huntingdonshire Strategic Flood Risk Assessment 2017 are subject to the sequential test and if necessary, the exceptions test regardless of being in an area benefitting from flood risk defences or that the land is technically above street level.
- 7.11 Section 4 of the Cambridgeshire Flood and Water SPD 2017 states that the geographical area over which the sequential test is to be applied is usually over the entire Local Planning Authority area and may only be reduced in discussion with the Local Planning Authority (LPA) because of the functional requirements and objectives of the proposed development (e.g. catchment area for a school, community facilities, a shop, a public house, appropriate land use areas and regeneration zones etc.) and because there is an identified local need for that type of development.
- 7.12 Over the course of the application, after being advised that the proposal would be recommended for refusal due to a lack of sequential test, a Sequential Test Report was supplied by the Agent. This report acknowledges that most of the site is in Flood Zone 2 and that a residential use would represent a 'more vulnerable' use as set out in Annex 3 of the National Planning Policy Framework. The Sequential Test included in this report considers only the sites within the Strategic Housing Land Availability Assessment (SHLAA), which is incorrect as the whole of the district must be considered as part of a sequential test, not only sites included in the SHLAA.
- 7.13 There have been no discussions between the applicant and the LPA in terms of an appropriate geographical search area for potential alternative sites at a lower risk of flooding taking into account the functional requirements and objectives of the proposed development. As set out in the Cambridgeshire Flood

and Water SPD the default search area is usually over the entire authority area. This would mean the applicant would need to demonstrate there are no alternative site across the whole district which could accommodate the proposed development of one dwelling by discounting all potential sites in Flood Zone 1, then (if there are no alternative sites in Flood Zone 1) Flood Zone 2, and then (if there are no alternative sites in Flood Zone 2) compare the sites within Flood Zone 3. In the circumstances of comparing sites within the same flood zone, the actual risks of flooding can be taken into consideration using available flood hazard information. The aim will be to locate development in the lowest risk areas of that flood zone considering the ambient probability and consequences of flooding.

- 7.14 Proposed site mitigation measures should not be taken into consideration when undertaking the Sequential Test these are assessed through the Exception Test and the site-specific FRA.
- 7.15 The Cambridgeshire Flood and Water SPD states that reasonably available sites will be identified from a number of sources, including:
  - Local Plan allocations:
  - Sites with planning permissions for the same or similar development, but not yet developed;
  - Five year Land Supply and/or Annual Monitoring Reports;
  - Housing and Economic Land Availability Assessments (HELAAs);
  - Local property agents' listings;
  - Historic windfall rates, where appropriate.
- 7.16 Additionally, a site is only considered to be reasonably available if all of the following apply:
  - The site is within the agreed area of search;
  - The site is not safeguarded in the relevant Local Plan for another use;
  - It does not have any issues (e.g. constraints or designations) that cannot be overcome and that would prevent development on the site.
- 7.17 Reasonably available sites will include a site or a combination of sites capable of accommodating the proposed development. These may be larger, similarly sized or a combination of smaller sites that fall within the agreed area of search.
- 7.18 It is considered that the sequential test for flooding would fail in this case taking into account Local Plan allocations for residential development, sites with planning permission for the same or similar development but not yet developed, and the consistency of windfall permissions for residential development in Flood Zone 1.

- 7.19 It is, however, recognised that the development represents a redevelopment opportunity in a highly sustainable location. Nevertheless, it does not follow that the sequential test is automatically passed on that basis. The submitted FRA or Sequential Report does not provide justification for the functional requirements and objectives of the proposed development which may trigger discussion and negotiation regarding the potential for an amended geographical search area for the sequential test. Ultimately, insufficient justification has been submitted in terms of the sequential test which Officers consider would fail based on a district-wide search. Therefore, the proposed development is considered unacceptable as it would place people and property and an unwarranted risk of flooding contrary to local and national planning policies. This is especially relevant given the proposal is for wheelchair-friendly housing and so would be occupied by a vulnerable person with limited ability to evacuate the dwelling in a flood event.
- 7.20 This application has similarities to application 20/01209/FUL for an extension to No.5 Crown Street in St. Ives to provide 1 no. 1 bed flat and 1 no. 2 bed flat with under croft parking. The application was refused by the Development Management Committee in line with officer recommendation following the meeting of April 2021. The refusal was appealed, and the Inspector dismissed the appeal (APP/H0520/W/21/3286072) on the grounds that the proposal did not represent an acceptable form of development having particular regard to its flood zone location.
- 7.21 Within their decision, the Inspector stated "the FRA does not tackle the matter of initial site selection. Indeed, no comprehensive assessment of potential suitability and availability of alternative sequentially preferable sites (or of the appropriate catchment area across which to apply the test) would appear to have been carried out. This is a significant shortcoming of the scheme."
- 7.22 The Inspector also stated "I acknowledge than an existing residential use of the appeal property prevails. However, the proposal is for an extension to accommodate two additional dwellings. On that basis, the sequential approach to site selection should be applied. Indeed, it has not been robustly demonstrated why it should not."
- 7.23 Finally, the Inspector reinforced that when applying the sequential test, the presence of existing flood risk management infrastructure should be ignored as the long-term funding, maintenance and renewal of this infrastructure in uncertain.
- 7.24 Paragraph 163 of the NPPF 2023 states that if it is not possible for development to be located in areas with a lower risk of

- flooding (taking into account wider sustainable development objectives), the exception test may have to be applied.
- 7.25 There are two elements to the exception test as set out below, but this test should only be applied out once the sequential test has been passed. This is reinforced within the abovementioned appeal decision where the Inspector stated, "the sequential test is to be applied prior to any consideration of the exception test's potential applicability."
- 7.26 Paragraph 164 of the NPPF 2023 states that to pass the exception test it should be demonstrated that:
  - a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
  - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 7.27 No demonstration has been provided within the application to be considered to meet paragraph 164 Paragraph a of the NPPF. In regard to part b, the proposal fails to include any assessment of how evacuation of a wheelchair user would be carried out, but does include a number of mitigation measures:
  - 1. Concrete ground floor slab.
  - 2. Plasterboard dry lining to be fitted horizontally.
  - 3. Electrical sockets and switches set at 450mm above floor level.
  - 4. Floor level at 16.25m AOD (above nearest node point 0.1% AEP + CC).
  - 5. Internal finishes to be resilient and hard wearing.
  - 6. All hard landscaping areas to be free draining (where possible) and with door drains to all level access doors.
  - 7. Rainwater from the roofs to be harvested first then use soakaways to avoid any additional impact on the street or locality.
  - 8. Driveway to be free draining resin gravel or bound loose gravel.

In addition, we will review the detailing and construction post planning to ensure the construction overall is as resilient to flooding.

- 7.28 While these mitigation measures are welcomed, they would not outweigh the in-principle objection of one market dwelling in Flood Zone 2 and failure to pass the required sequential test.
- 7.29 No objections have been received from the Environment Agency (EA) in relation to this proposal. However, it should be noted that any EA consultation response does not consider whether the sequential test has been passed.

7.30 Overall, it is considered that the proposed development of one dwelling would fail the sequential test for flooding contrary to Policy LP5 of the Local Plan, Section 4 of the Cambridgeshire Flood and Water SPD 2017, Paragraphs 159 and 162 of the NPPF 2023 and Policy A3 of the St Neots Neighbourhood Plan (2016). The proposed development is therefore unacceptable in principle as it would place people and property at an unwarranted risk of flooding. The principle of the proposed development is therefore unacceptable.

### Accessibility:

- 7.31 The proposal is for a wheelchair-friendly bungalow.
- 7.32 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.
- 7.33 Officers have had due regard to the provisions of the equality act in the assessment of this application. Whilst Officers are supportive of the provision of a wheelchair friendly bungalow, it is imperative that any vulnerable occupiers and users of the site are protected. Therefore, full consideration is given to all material planning considerations as discussed throughout this report.
- 7.34 When Officers assess a wheelchair friendly bungalow, the relevant criteria is held within Building Regulations M4(3). No explanation or demonstration has been provided within the planning statements that the proposal would be built to M4(3) standards. Advice has been sought from the Council's Building Control Team who has raised concern that the proposal fails to demonstrate both existing and proposed ground and finished floor levels and so an assessment regarding required ramps and accessibility is achieved for wheelchair users is not able to be carried out. Therefore, it is considered that while Officers are supportive of the provision of a disabled-friendly single-storey dwelling, Members should be aware that insufficient detail has been provided by the applicant in respect of compliance with building regulations M4(3) given Officers must ensure that the proposal is suitable for future users as well as the applicant.
- 7.35 Reference to the proposal being wheelchair compliant is made within paragraph 5.2 and paragraph 5.7 of the Planning statement by Gamplan Associates. Paragraph 5.2 states:

'The need to make the property wheelchair-friendly throughout has certainly implications regarding room sizes and proportions, but the proposed bungalow still reads as entirely appropriate for the site in its design, detailing and overall external appearance.'

7.36 Additionally, paragraph 5.7 notes that:

'With regard to Part M of the Building Regulations and 'The Principles of Inclusive Design', at the beginning of the design process it is important to analyse the transport patterns to and within a development. Roads, parking, walkways, building entrances and other routes should be considered. People's opportunity to use all elements within the site, including the inside of buildings, is crucial. With this in mind, the driveway / parking spaces and associated hard standings would provide suitable disabled parking and access to and from the proposed property; arrangements that would enable everyone to get to and move through the site on equal terms regardless of age, disability, ethnicity or social grouping.'

- 7.37 Based on the above extracts from the planning statements and the lack of floor levels, it considered by the Case Officer that the application fails to fully demonstrate compliance with Building Regulations part M4(3). Furthermore, it is considered that the siting of the dwelling in Flood Zone 2 where ability to safely exit the site in a flood event is paramount.
- 7.38 As outlined above, Officers have had due regard to The Equality Act 2010. However, the application fails to provide sufficient information on whether the proposal would comply with Building Regulations M4(3) standards and fails to acknowledge that this type of development would be more vulnerable to flood risk.
- 7.39 Therefore, for the assessment of this application it has had to be assumed that the proposal is for one general open market housing unit comprising of one two-bedroom single storey dwelling.
- 7.40 Overall, it is considered that as the proposal is in Flood Zone 2 and has not passed the sequential test, the proposal is unacceptable in principle as it has not been demonstrated that the development would place people and property at an unwarranted risk of flooding and therefore would be contrary to Policy LP5 of the Local Plan, Section 4 of the Cambridgeshire Flood and Water SPD 2017, Paragraphs 159 and 162 of the NPPF 2023 and Policy A3 of the St Neots Neighbourhood Plan (2016). Furthermore, it is considered by officers that the submitted application does not sufficiently demonstrate that the proposal is fully compliant with Building Regulations part M4(3), which sets out criteria for wheelchair user dwellings, nor has any information been supplied to the Local Planning Authority to justify the requirement for a wheelchair-friendly bungalow which

would outweigh its location within an established Flood Zone, taking into account The Equality Act 2010.

## Design, Visual Amenity, and the Impact on the Character and Appearance of the Area and Designated Heritage Assets

- 7.41 The site lies within the St. Neots Conservation Area and is located approximately 80 metres east from The White House, which is a Grade II listed building.
- 7.42 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have 'special regard' to the desirability of preserving a Listed Building or its setting and to pay 'special attention' to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 7.43 Great weight and importance is given to the conservation of heritage assets and their settings. The statutory presumption of the avoidance of harm can only be outweighed if there are public benefits that are powerful enough to do so.
- 7.44 Policy LP34 of the Local Plan states, "where a proposal is for conversion, alteration, other works to a heritage asset or within its setting it must be demonstrated that the proposal:
  - f. protects the significance of designated heritage assets and their settings by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, materials, siting, layout, mass, use, and views both from and towards the asset:
  - g. does not harm or detract from the significance of the heritage asset, its setting and any special features that contribute to its special architectural or historic interest and the proposal conserves and enhances its special character and qualities;
  - h. respects the historic form, fabric and special interest that contributes to the significance of the affected heritage asset;
  - i. will conserve or enhance the quality, distinctiveness and character of the affected heritage asset; and
  - j. contributes to securing the long-term maintenance and management of the heritage asset.

The Council will consider the significance of a designated heritage asset and where there is less than substantial harm, this will be weighed against the public benefits of the proposal. Where there is deemed to be substantial harm, then the proposal

would need to achieve substantial public benefits to outweigh that harm."

- 7.45 Policy LP 11 of the Local Plan states that a proposal will be supported where it is demonstrated that it responds positively to its context and has drawn inspiration from the key characteristics of its surroundings, including natural, historic and built environment, to help create distinctive, high quality and well-designed places, playing regard to the Huntingdon Design Guide (2017).
- 7.46 Furthermore, Policy LP 12 of the Local Plan states that new development will be expected to be well designed based upon a thorough understanding of constraints and appraisal of the site's context, delivering attractive, usable and long lasting buildings and spaces, listing criteria relating to response to context, ease of getting around, well designed public spaces and sustainable design and construction methods.
- 7.47 Additionally Policy A3 of the St Neots Neighbourhood Plan requires that:

All development must be designed to a high quality that reinforces local distinctiveness. Design should be guided by the overall scale, density, massing, height, landscape, layout, materials, detailing, roof orientation, relationship to back of pavement, wall to window ratios, proportion of windows, plan depth, plot width and access, the site and its surroundings including considerations of flood risk management. Careful consideration should be given to the servicing requirements of buildings to ensure that essential items such as car parking and space for the storage of waste and recycling bins are successfully integrated into the design, including access for service and emergency vehicles.

### Impact on Heritage Assets

- 7.48 The site lies within the St Neots Conservation Area to the rear 49 St Neots Road, the end dwelling of a Victorian period row of terraced houses.
- 7.49 The application has been reviewed by the council's Conservation Officer who objects to the proposals on the basis that the triangular shape of the plot is a relic of historic landscape where a trackway serviced the open fields located between the Great North Road and St Neots Road. This is enshrined in the existing right of way along the southern boundary of the plot and explains the gap between the Victorian terraces and the historic green space behind the building lines.
- 7.50 It is noted that HDC Conservation Officers advised within a preapplication enquiry for a dwelling on the site in 2018 that

- development would not be supported at this location as outlined in section 1.7 of this report.
- 7.51 Recent development on Davey Mews (to the rear of the site) compromises longer range views through the building line and has partly infilled the historic open green space of former gardens to the rear of the terraces. Removal of a protected tree and clearance of garden planting associated with No.49 has further destroyed the quality of space to the rear of the terrace and removed planting that softened the visual impact of the new development. Longer views towards the gardens to the rear of Orchard Road are available through the north of the plot.
- 7.52 The principal impacts of the proposal will be the further loss of green space, an obvious contrast to historic back of pavement development, loss of views through the site and closing off the historic right of way between the terraces. A large part of the plot visible from St Neots Road would be driveway and development rather than planting which will underline the loss of garden space. The proposal is likely to be an overdevelopment of the plot further compromising green space and failing to respect existing views, street patterns and historic building lines.
- 7.53 The harm to the conservation area would be less than substantial; NPPF paragraph 202 applies.
- 7.54 Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 Act directs that special attention shall be paid to the desirability of preserving the character or appearance of a conservation area. The proposal would fail to preserve the character and appearance of the St Neots Conservation Area.
- 7.55 These sections are reflected in NPPF paragraph 199 which directs that great weight should be given to conservation of heritage assets irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In this case the harm of the development would be less than substantial and therefore NPPF paragraph 202 applies.
- 7.56 The proposal would also fail to accord with Huntingdonshire Local Plan Policy LP34 as it would fail to respect existing views, street patterns and historic building lines.

### Design and Visual Amenity

7.57 The application relates to land to the rear of No. 49 St Neots Road, Eaton Ford and is accessed between Nos. 47A and 49 Eaton Ford. The site forms garden land and previously contained a mature Willow Tree that was removed under application 18/00165/TRCA.

- 7.58 The site was subject to a preapplication submission in 2018 as part of 18/70147/PENQ which sought the erection of a single storey 2-bed bungalow. The bungalow was sited centrally on the site, providing separation from adjacent neighbouring rear gardens with soft landscaping shown to wrap around the southern, western and northern site boundaries. An existing right of way access was retained along the southern edge of the site (north of No. 47A St Neots Road) providing access to the rear of No. 1 Davey Mews.
- 7.59 The submitted application is for the erection of a single storey bungalow, comprising two wings of accommodation (living accommodation and an integral double garage located within the western wing and two bedrooms located in the eastern wing). The design has the appearance of a contemporary outbuilding with mono-pitched roofs and a mixture of timber framing, vertical timber cladding to gable elevations, slate cladding to front and rear elevations, internal elevations and the roof. Whilst the contemporary appearance is supported, there is concern the footprint of the bungalow has led to a cramped form of overdevelopment for this back land development site.
- 7.60 The private garden would be limited to the narrow linear space between the dwelling and western site boundary. This space measures just 2m-4m in depth and is likely to lead to increased pressure to prune or remove existing hedge planting which would expose views of the approximately 19m long and 4.623m-high western elevation resulting to overbearing impact to the rear gardens of Nos. 1 and 2 Davey Mews.
- 7.61 The southern gable of the eastern and western 'wings' are located approximately 0.3m and 0.65m from the rear garden boundaries of No. 47A and 49 St Neots Road to the south. There is concern the proposed 4623mm and 4305mm height of the side gables is likely to lead to a high degree of enclosure and overbearing impacts to these neighbouring gardens.
- 7.62 The submitted site plan and ground floor plans show existing landscaping to west and north of the proposed bungalow that will be retained An Arboricultural Impact Assessment and tree survey is required to confirm the Root protection areas and necessary setback of development from existing landscaping.
- 7.63 The application does not include the right of way access that was included as part of the previous pre-application submission it is unclear if this is still required.
- 7.64 It is therefore considered that the proposal large footprint and siting of the dwelling creates a cramped form of development which will lead to overbearing impacts to the rear gardens of Nos. 1 and 2 Davey Mews and Nos 47A and 49 St Neots Road contrary to Local Plan Policy LP14 part B Amenity. By virtue of

this cramped form of development that has failed to be designed in a way that does not detrimentally impact neighbour amenity, it is considered that the proposal fails to demonstrate that it responds positively to its context and has drawn inspiration from the key characteristics of its surroundings to help create distinctive, high quality and well designed places that successfully integrate with adjoining buildings, contrary to Local Plan Policies LP11 and LP 12 of the Local Plan.

7.65 The proposal is therefore contrary to Policies LP11, LP12 and LP34 of the Local Plan and the proposal is unacceptable against the objectives of the NPPF 2023 set out at paragraphs 130 parts a-d, 200 and 202 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Residential Amenity**

- 7.66 Policy LP14 of the Local Plan states that a proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of neighbouring land and buildings.
- 7.67 Paragraph 130 part F of the NPPF 2023 states that planning policies and decisions should ensure that developments: create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 7.68 It is noted that third party objections relate to residential amenity, both to adjoining neighbours at 1 and 2 Davey Mews to the rear in terms of loss of light and overbearing impacts and also for the ability for future disabled users of the development in terms of access for wheelchair users.
- 7.69 The site is situated on the rear adjoining land of Nos. 47 and 49a St. Neots Road and is abutted on its western side by Nos. 1 and 2 Davey Mews. Open land comprises its northern and eastern boundary.
- 7.70 Given the single storey nature of the dwelling, it is not anticipated that any significant overlooking issues would result from the development.
- 7.71 Considering the layout and proximity to neighbouring dwellings, it is considered that the main issues in terms of the amenity standards of neighbours are considered to be whether the proposed development would give rise to significant levels of overbearing, overshadowing impacts, noise disturbance, obtrusive light and odour, and whether such impacts could be satisfactorily mitigated.

- 7.72 As set out in the Design section above, the 2-4 metre separation from the proposed dwelling and the shared western boundary would likely result in pruning of the proposed screening hedging and there is concern that this would expose the western side elevation of the dwelling (approximately 19 metres in length) and would result in unacceptable overbearing issues for Nos. 1 and 2 Davey Mews. There are also significant concerns that the proposal would cause unacceptable overbearing issues for Nos 47a and 48 St Neots Road to the south as the dwelling would be approximately 0.3m and 0.65 metres from their respective shared boundaries, with the 4623mm and 4305mm height of the side gables likely to lead to a high degree of enclosure and overbearing impacts to these neighbouring gardens.
- 7.73 Given the proposal is for a two-bedroomed single storey dwelling in an urbanised area, it is not anticipated that the proposal would cause additional noise, light or odour impacts that would be so severe as to warrant a refusal of the application on these elements in themselves.
- 7.74 The proposed dwelling is in accordance with national space standards and so it is considered that future occupiers of the site would have an acceptable standard of amenity in this respect.
- 7.75 The Council's Environmental Health team have not raised any significant concerns regarding the impact of adjacent uses on the proposed development. However, given the proximity of residential uses to the site, it is recommended to append conditions to include a restriction on construction working hours and avoidance of burning waste on site.
- 7.76 Overall, it is considered that due to the dwelling being in close proximity to surrounding existing residential uses, the proposed development would have a significant adverse impact on the amenity standards of Nos 1 and 2 Davey Mews to the rear of the dwelling and Nos. 47a and 48 St Neots Road due to overbearing impacts. The proposal is therefore contrary to Policy LP14 of the Local Plan and paragraph 130 part F of the NPPF 2023.

### Highway Safety, Access, and Parking Provision

7.77 Policy LP17 of the Local Plan to 2036 seeks to ensure that new development incorporates appropriate space for vehicle movements, facilitates access for emergency vehicles and service vehicles and incorporates adequate parking for vehicles and cycles. Paragraph 111 of the NPPF (2021) states that development should only be prevented or refused on Highway Safety Grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 7.78 It is proposed that the development would utilise the existing vehicular access to the site off St Neots Road and two off-road parking spaces are shown on the plans to the south of the site, within an integrated within an attached open car port.
- 7.79 The Local Plan does not have a policy specifically identifying the number of parking spaces that should be provided for new dwellings and each site is considered separately. It is considered that the provision of two parking spaces for the development is sufficient in this instance.
- 7.80 Cambridgeshire County Council as the Local Highways Authority (LHA) has reviewed the proposals. The site is accessed from an existing vehicular access. The Design and Access Statement indicates that a turning area will be provided to enable vehicles to enter and exit in a forward gear. The LHA is satisfied that there is no significant adverse effect upon the Public Highway.
- 7.81 Policy LP17 of the Local Plan also states that "a proposal that includes residential development will be expected to provide at least one clearly identified secure cycle space per bedroom for all dwellings (C3 Use Class), unless it can be demonstrated that this is unachievable."
- 7.82 The submitted Proposed Roof Plan (Drawing 2218 PL004-P01) shows the introduction of an area for the provision of Nos.2 cycle parking spaces which are not indicated on elevational plans. Given these two cycle spaces correlate with the two-bedroomed composition of the dwelling, it is considered that this provision is achievable on site and should be secured by condition should the proposal be approved by members.
- 7.83 Overall, subject to conditions, the proposed development is considered acceptable in terms of highway safety, car parking and vehicular manoeuvrability and therefore accords with Local Plan Policies LP16 and LP17 of the Local Plan

### **Biodiversity**

- 7.84 Paragraph 174 of the NPPF states planning policies and decisions should contribute to and enhance the natural and local environment. Policy LP30 of the Local Plan states that development proposals should demonstrate that all potential adverse impacts on biodiversity have been investigated. Any proposal that is likely to have an impact, directly or indirectly on biodiversity will need to be accompanied by an appropriate appraisal, such as a Preliminary Ecological Appraisal (PEA) LP30 also states that all proposals must also demonstrate a net gain in biodiversity where possible.
- 7.85 The third-party response from a neighbour raising concern that the development would cause detrimental impact to biodiversity

- on site, noting that hedging and trees should remain as provide habitat for wildlife are noted.
- 7.86 No PEA has been submitted with the application, but Section 8 of the submitted Planning statement notes that bats, birds and bees are common to the area. It is acknowledged that the site currently is comprised mainly of residential garden land in an urban area with limited biodiversity. The Planning Statement at Section 8 proposes bat boxes, bird feeders, bird (swift) boxes and bee bricks. However, in this case, given the nature of the site and its surroundings relating to a side garden in an established residential area, it is considered that the site provides little value in terms of biodiversity, and it is considered that conditions could be set to secure biodiversity gain.
- 7.87 Subject to condition, it is considered that the proposed development would not have an adverse impact on protected species and would ensure there is no net loss in biodiversity in accordance with Policy LP30 of the Local Plan and the NPPF 2023 in this regard.

#### Trees

- 7.88 Policy LP31 of the Huntingdonshire Local Plan to 2036 requires proposals to demonstrate that the potential for adverse impacts on trees, woodland, hedges and hedgerows has been investigated and that a proposal will only be supported where it seeks to conserve and enhance any existing tree, woodland, hedge or hedgerow of value that would be affected by the proposed development.
- 7.89 It is noted that there are trees to the rear of the site which are legally protected due to their location within the designated Conservation Area of St. Neots which may be impacted by the proposed dwelling. However, no Arboricultural Impact Assessment, Tree Protection Plan or any sufficient consideration of impact of the proposal on trees have been submitted as part of the application. This has led to the Council's Trees officer to recommend refusal of the application on the basis of insufficient information.
- 7.90 Therefore, as the proposed dwelling is located in close proximity legally protected trees, it is considered that the proposal has not demonstrated to the satisfaction of the Local Planning Authority that the proposal would not cause harm to trees of value contrary to Policy LP31 of the Local Plan (2019) which requires that proposals demonstrate that the potential for adverse impact on trees be investigated, assessed, and mitigated with any loss of trees justified.

### **Accessible and Adaptable Homes**

- 7.91 As has been set out above in paragraphs 7.31 7.39 (Accessibility), this proposal has been assessed as a general open market housing unit rather than being built to M4(3) standards. Under Policy LP25 of the Local Plan proposals are required to 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.
- 7.92 A condition can be imposed upon any consent to ensure that the development is built in accordance with these M4(2) standards and that they are maintained for the life of the development.

### **Water Efficiency**

- 7.93 Policy LP12 of the Local Plan requires proposals that include housing to comply with the optional building regulation for water efficiency, as set out in Approved Document G.
- 7.94 The Planning Statement at Section 10 notes that the proposal will be water efficient as possible but does not explicitly state compliance with Approved Document G as set out in Policy LP12 of the Local Plan.
- 7.95 Nevertheless, a condition can be imposed upon any consent to ensure that the development is built in accordance with these standards and that they are maintained for the life of the development.

### **Developer Contributions**

7.96 The application is not accompanied by a Unilateral Undertaking (UU) for the provision of wheeled bins meaning the needs of future residents would not be met with regard to household waste management contrary to part H of the Developer Contributions Supplementary Planning Document (2011) and Policy LP4 of the Local Plan.

### **Other Matters**

- 7.97 A number of representations have been addressed within earlier sections of this report. However, those representations which have not been addressed elsewhere within this report are addressed within this section.
- 7.98 Third party representations have been received raising objections to the loss of views from existing residential properties on Davey Mews. However, loss of views are not material

- planning considerations and therefore cannot be considered as part of the determination of this planning application.
- 7.99 Representations have also been received raising which raise issues with relating to access and ability to use the right of way for neighbours on Davey Mews. Access to and usage of private rights of way are a civil issue and not a material planning consideration which this application can be assessed against.

### **Conclusion and Planning Balance**

- 7.100 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Members are also reminded that as per paragraphs 7.32-7.39 of this report, case officers are of the view that as no specific circumstances have been provided to support the proposal for a wheelchair user and that the submitted information does not sufficiently demonstrate that the proposed dwelling is for a specific wheelchair dwelling, the proposal is to be regarded as general open market new dwelling in this case and should be determined as such.
- 7.101 In assessing applications, it is necessary to first consider whether the proposal accords with the Development Plan as a whole, notwithstanding non-compliance that may occur with individual policies, and having regard to the reasoning for those policies together with others in the Local Plan.
- 7.102 It is recognised that the development would provide an additional housing unit within the district and contribute to the economy both in the short and long term through job creation during construction and increased spending on local services and facilities through additional population in the town centre. However, these benefits are considered relatively modest in the relation to the scale of the proposal and would not outweigh the harm which would result from the proposed development.
- 7.103 In this case, it is considered that the proposed development would fail the sequential test for flooding, would cause unjustified harm to the significance of the St. Neots Conservation Area and would have an unacceptable adverse impact on the residential amenity of Nos. 1 and 2 Davey Mews and Nos. 47 and 49a St Neots Road. It is therefore considered that the proposal does not accord with either the Development Plan or the St. Neots Neighbourhood Plan. Subject to conditions, the development is considered acceptable in relation to biodiversity, access and highway safety although these are matters expected to be addressed, mitigated and complied with as part of the development of this type and are matters which have neutral weight in the planning balance.

7.104 Overall, it is considered that the proposed development would conflict with the Development Plan, and material considerations do not indicate that planning permission should be granted. Therefore, the application is recommended for refusal for the following reasons:

### 8. **RECOMMENDATION – Refuse for the following reasons:**

- 1. It is considered that the proposed development of one dwelling would fail the sequential test for flooding contrary to Policy LP5 of the Huntingdonshire's Local Plan to 2036 (2019), Section 4 of the Cambridgeshire Flood and Water SPD 2017, Paragraphs 159 and 162 of the NPPF 2023 and Policy A3 of the St Neots Neighbourhood Plan to 2029 (2016). The proposed development is therefore unacceptable in principle as it would place people and property at an unwarranted risk of flooding. The principle of the proposed development is therefore unacceptable.
- 2. The erection of a dwelling within this small site within the St. Neots Conservation Area would infill a historic landscape and would be an obvious contrast to historic back of pavement development, and would result in loss of views through the site and closing off the historic right of way between the terraces. The proposal would represent overdevelopment of the plot further compromising green space and failing to respect existing views, street patterns and historic building lines. The proposal is thereby contrary to Policies LP34 of Huntingdonshire's Local Plan to 2036 (2019), Policy A3 of the St Neots Neighbourhood Plan to 2029 (2016), the objectives of the NPPF 2023 set out at paragraphs 130 parts a-d, 200 and 202 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3. The large footprint and siting of the dwelling creates a cramped form of development which will lead to overbearing impacts to the rear gardens of Nos. 1 and 2 Davey Mews and Nos 47A and 49 St Neots Road contrary to Local Plan Policy LP14 part B Amenity. By virtue of this cramped form of development, it is considered that the proposal would have a significant adverse impact on the amenity standards of Nos 1 and 2 Davey Mews to the rear of the dwelling and Nos. 47a and 48 St Neots Road due to overbearing impacts and so has failed to be designed in a way that does not detrimentally impact neighbour amenity. Overall, it is considered that the proposal fails to demonstrate that it responds positively to its context and has drawn inspiration from the key characteristics of its surroundings to help create hiah quality and well-designed places successfully integrate with adjoining buildings, contrary to Local Plan Policies LP11, LP12 and LP14 of Huntingdonshire's Local Plan to 2036 (2019) and paragraph 130 part F of the NPPF 2023..

- 4. The proposed dwelling would be located in close proximity to a tree within the site which is legally protected by virtue of its siting within St. Neots Conservation Area. It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposal would not cause harm to trees of value, or that the development would not result in future pressure to fell trees, if not part of the development, in the future by the occupiers of the development due to shading or fear of damage contrary to Policy LP31 of Huntingdonshire's Local Plan to 2036 (2019) which requires that proposals demonstrate that the potential for adverse impact on trees be investigated, assessed, and mitigated with any loss of trees justified.
- The application has failed to incorporate adequate provision for refuse (wheeled bins) by virtue of the omission of a completed unilateral undertaking contrary to the requirements of the Developer Contributions Supplementary Planning Document 2011, and Policy LP4 of Huntingdonshire's Local Plan to 2036 (2019).

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**CONTACT OFFICER: Marie Roseaman** 

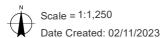
Enquiries <u>marie.roseaman@huntingdonshire.gov.uk</u>



### SCHEDULE OF PLANNING APPLICATIONS - 30 May 2023

No.	Reference	Development	SNTC Decision	Notes
S1	23/00819/HHFUL	Mr Selley 11 Dukes Road Eaton Socon St Neots Proposed single storey extensions	Approve	Minimum impact on neighbours. Improves Property. Satisfactory proposal in terms of scale and pattern of development.
S2	23/00745/FUL	to the front and rear.  D Coutts 49 St Neots Road Eaton Ford St Neots Erection of a bespoke designed wheelchair friendly bungalow and associated ancillary works	Approve	Makes efficient use of the site. Satisfactory proposal in terms of scale and pattern of development.
S3	23/00574/HHFUL	Mr Smith 27 Humberley Close Eynesbury St Neots Proposed single storey extension to existing rear garden outbuilding to form further habitable accommodation	Object	Layout and density of building. Scale of development.
S4	23/00774/FUL	AJB Home & Utilities Ltd 2 Queens Court Eaton Socon St Neots Erection of two x two-bedroom homes and associated works	Object	Layout and density of building. Road Access.
S5	23/00749/FUL	Luan Saraqi 2 Church Walk St Neots PE19 1JH The installation of an awning (retrospective)	Approve	Within a sustainable location. Will have no negative impact on the wider landscape character of the area.
S6	23/00221/LBC	Mrs Carly Cozens 26D Market Square St Neots PE19 2AG Replacement of 4 single glazed windows with UPVC A** rated double glazed windows	Approve DC abstained	Minimum impact on neighbours.
S7	23/00565/FUL	PANTHER (VAT) PROPERTIES LIMITED 53 - 57 High Street St Neots PE19 1JG Installation of new lobbied double entrance and rear fire door	Approve	Improves Property. Minimum impact on neighbours.
S8	23/00875/LBC	PANTHER (VAT) PROPERTIES LIMITED 53 - 57 High Street St Neots PE19 1JG Installation of new lobbied double entrance and rear fire door for safety purposes.	Approve	Improves Property. Minimum impact on neighbours.
S9	23/00727/OUT	Mr Joel Xavier 37 New Street St Neots PE19 1AJ Outline planning application with all matters reserved for:	Object	Over development. Layout and density of buildings. Scale of Development.

### **Development Management Committee**

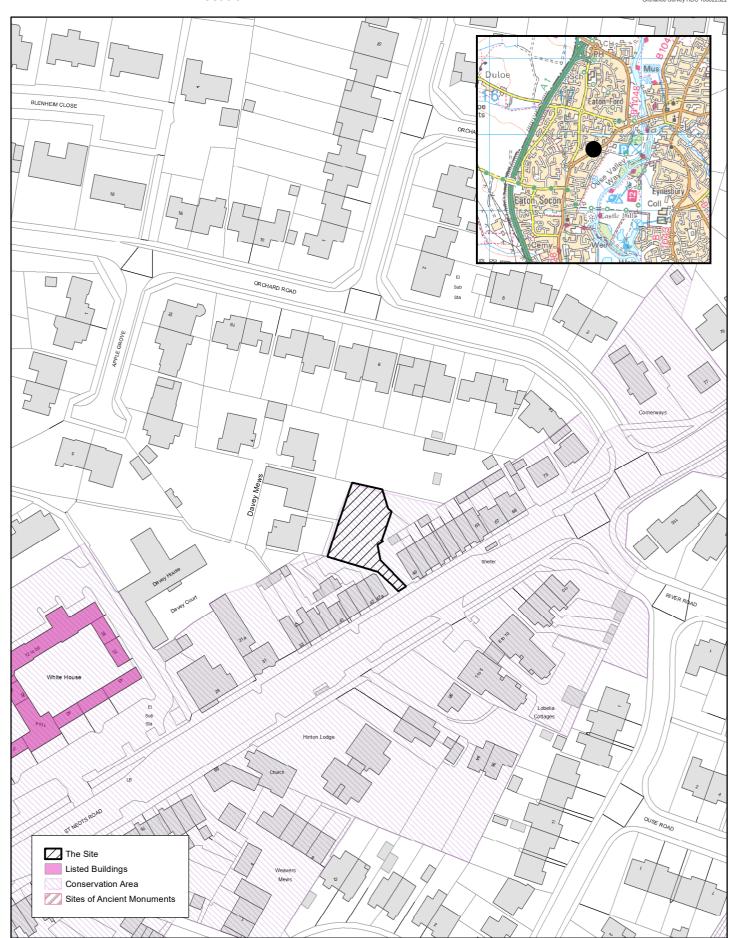


Application Ref: 23/00745/FUL

Location: St Neots

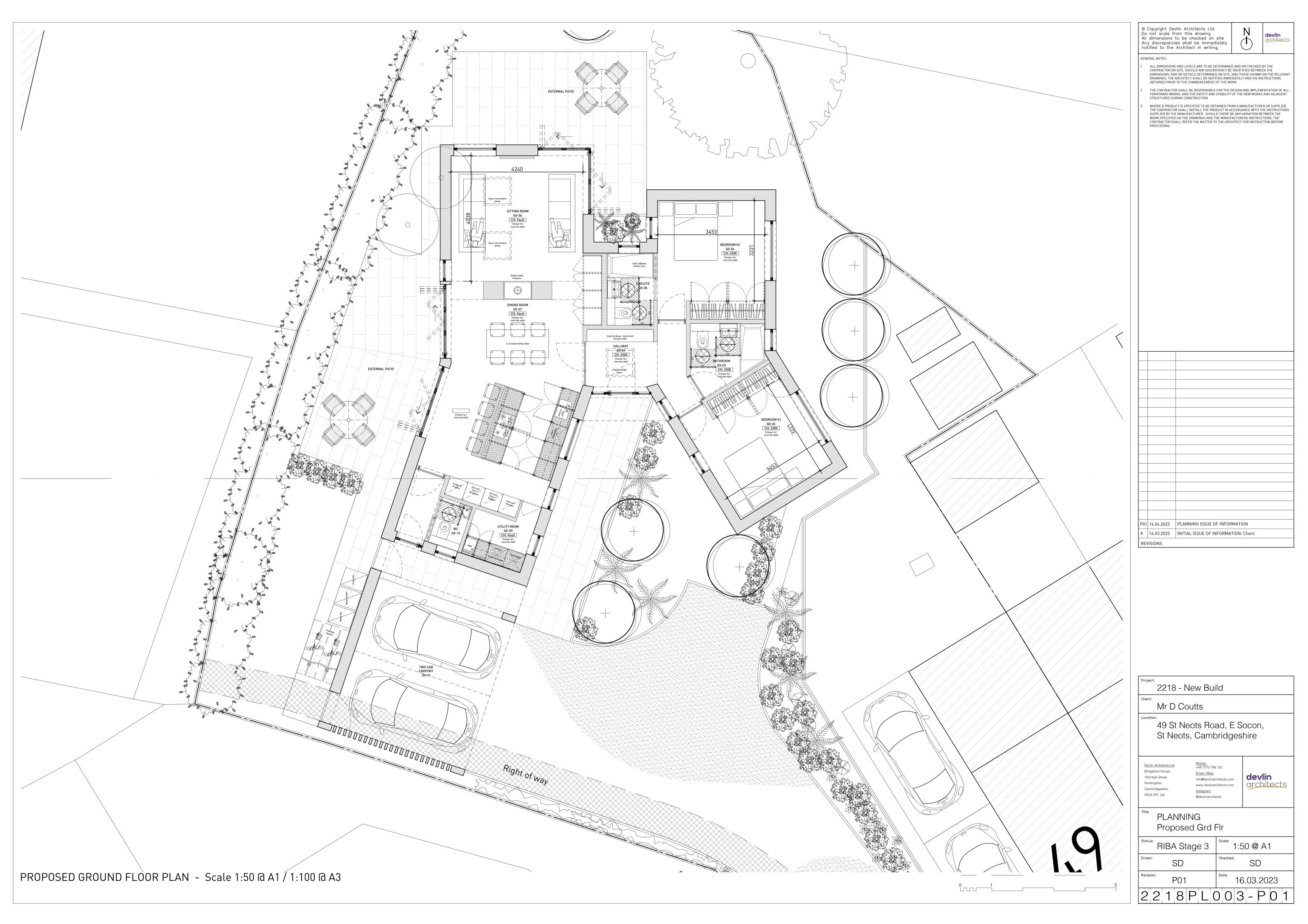


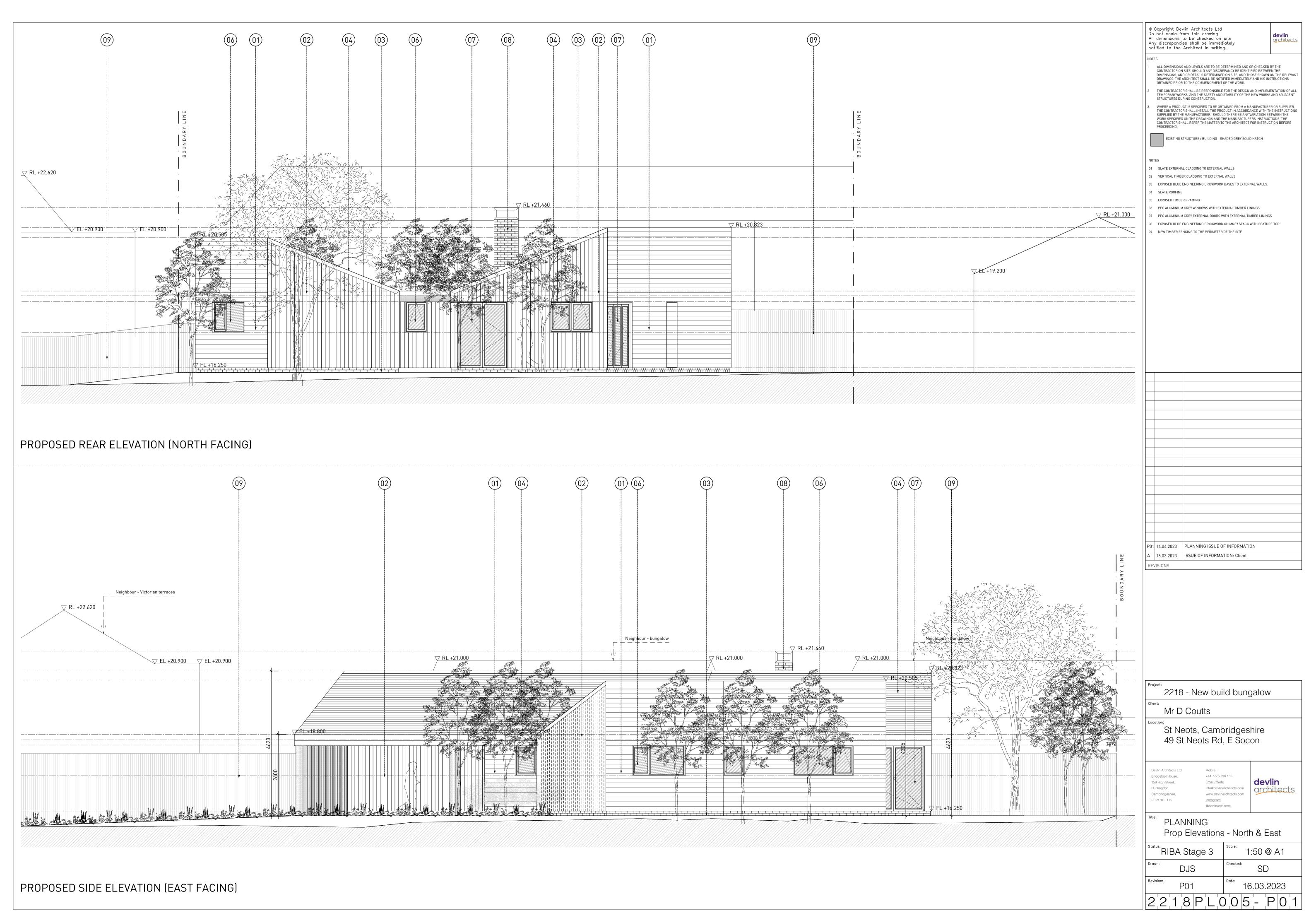
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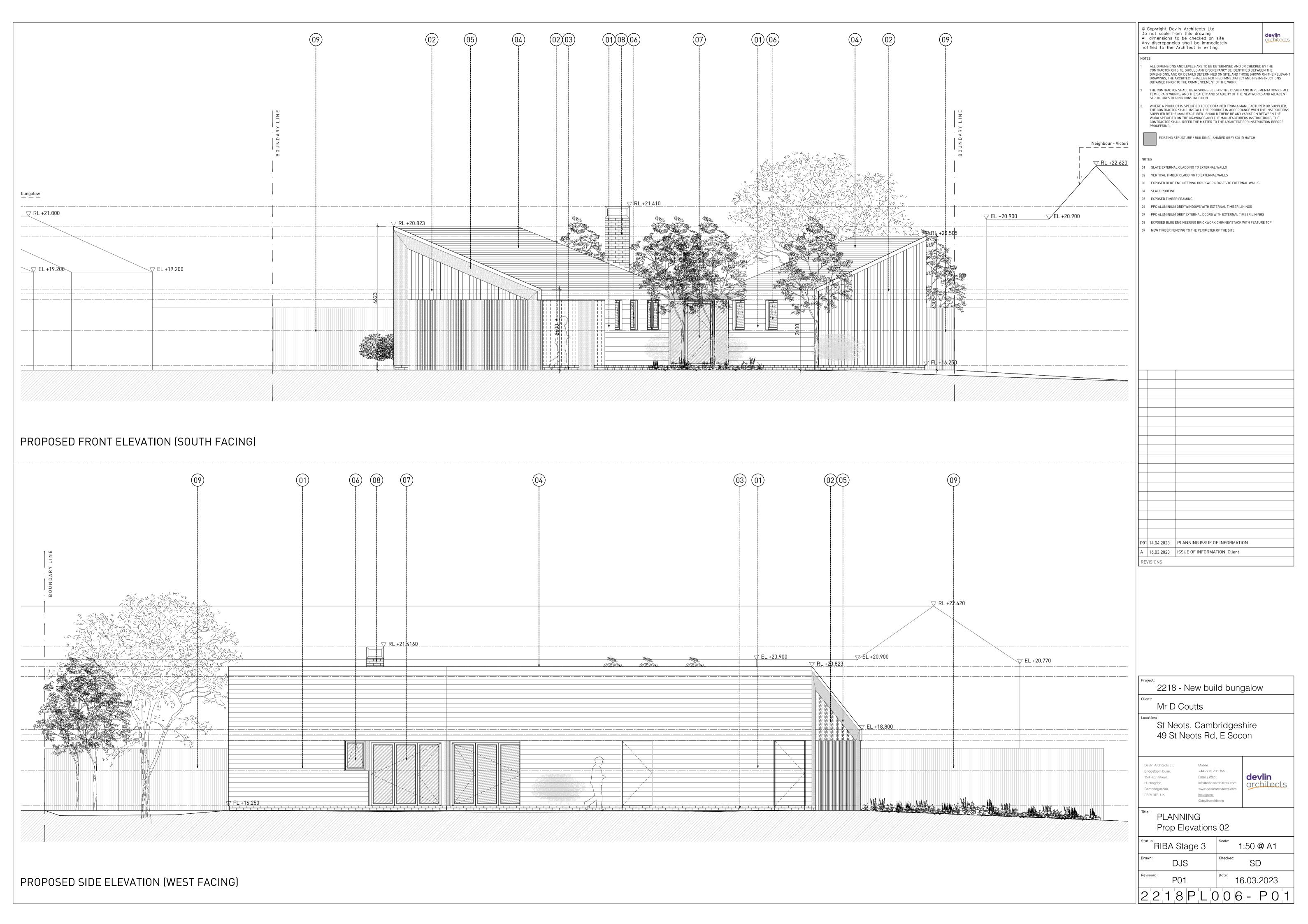


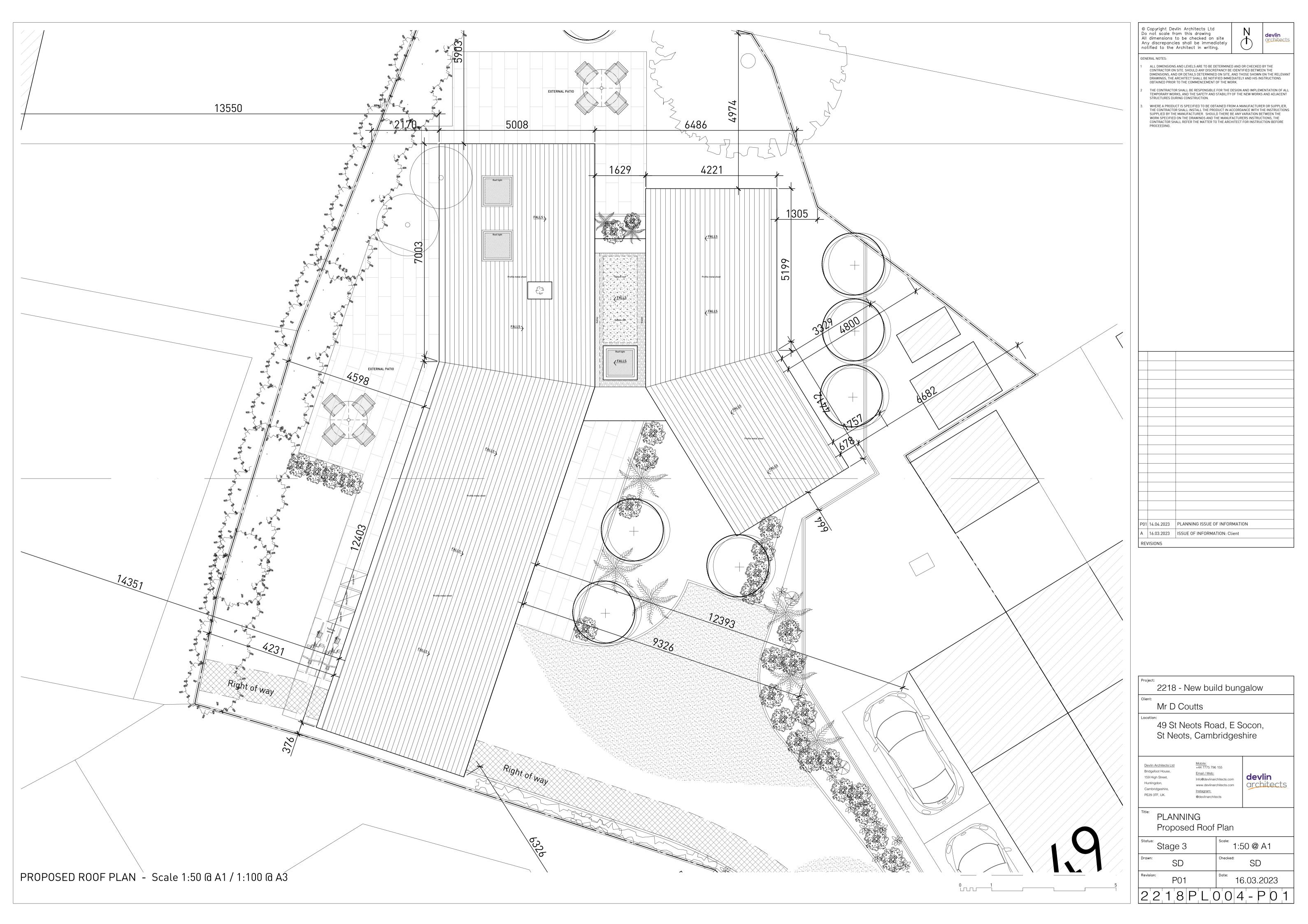


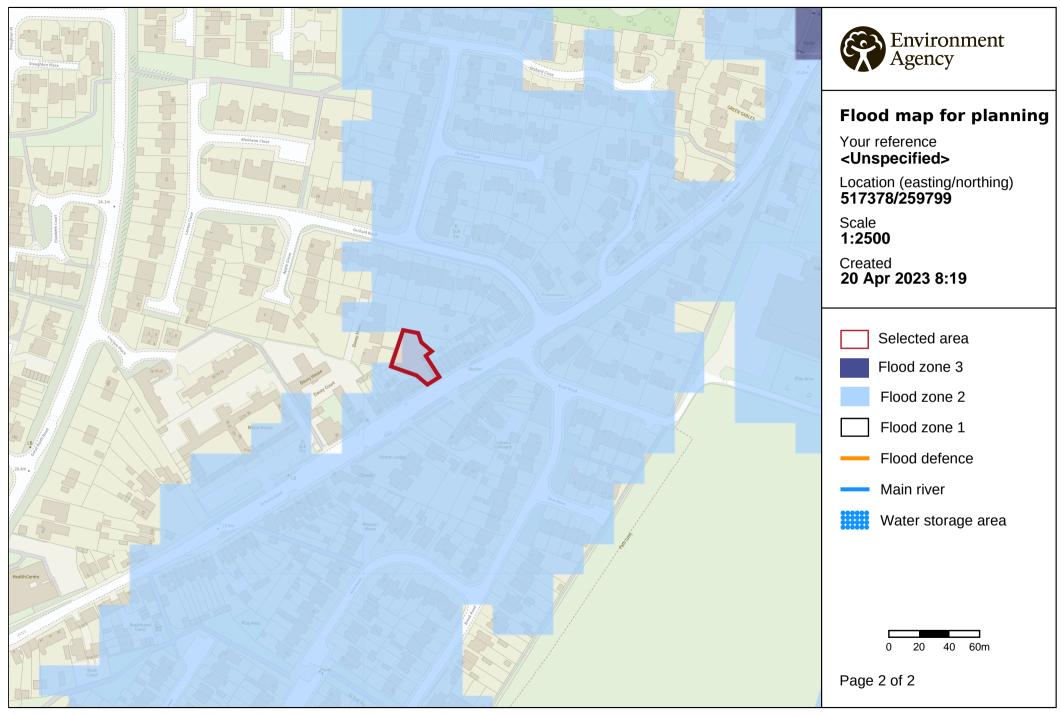












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