

**Case No:** 0702876FUL (FULL PLANNING APPLICATION)

**Proposal:** ERECTION OF SINGLE STOREY DWELLING

**Location:** STORE AT 11 HIGH STREET

**Applicant:** MR SHEEMAR

**Grid Ref:** 531569 268398

**Date of Registration:** 10.09.2007

**Parish:** FENSTANTON

---

**RECOMMENDATION - APPROVE**

**1. DESCRIPTION OF SITE AND APPLICATION**

- 1.1 The development site is within an enclosed courtyard to the rear of a shop and guest house on the southern side of the High Street. It is accessed through a narrow pedestrian route from High Street which is shared with the shop and other flats. The shop and flats are in the applicant's ownership but the guest house is in separate ownership. The shop has been vacant for some time. The courtyard is untidy and there is a static caravan located within the rear garden area.
- 1.2 The proposal is to demolish a row of outbuildings located along the eastern boundary of the site, and to erect a single storey, two bedroom dwelling (measuring 11.6m x 4.5m) in their place. The dwelling would feature a hipped roof with window and door openings set mainly within the west facing elevation. It would share the access and amenity space with the shop and flats.
- 1.3 Amended plans have been submitted. These reduced the length of the building, moving it away from the rear boundary of the guest house by 1m and replacing the gabled roof with a hipped form.
- 1.4 The shop, guest house and adjacent public house are all grade II listed buildings. To the south there is an outbuilding at the rear of no. 17, beyond which is the Dairy and the A14. The site is within the village environmental limit, and within the built up area. It is in the Fenstanton Conservation Area.

**2. NATIONAL GUIDANCE**

- 2.1 **PPS1 – Delivering Sustainable Development (2005)** contains advice on the operation of the plan-led system.
- 2.2 **PPS3 – “Housing” (2006)** sets out how the planning system supports the growth of housing completions needed in England.
- 2.3 **PPG13 Transport (2001)** provides guidance in relation to transport and particularly the integration of planning and transport.

- 2.4 **PPG15 – ‘Planning and the Historic Environment’ (1994)** sets out Government policies for the identification and protection of historic buildings, conservation areas and other elements of the historic environment. It explains the role played by the planning system in their protection.

For full details visit the government website <http://www.communities.gov.uk> and follow the links to planning, Building and Environment, Planning, Planning Policy.

### 3. PLANNING POLICIES

Further information on the role of planning policies in deciding planning applications can also be found at the following website: <http://www.communities.gov.uk> then follow links Planning, Building and Environment, Planning, Planning Information and Guidance, Planning Guidance and Advice and then Creating and Better Place to Live.

- 3.1 East of England Plan – Revision to the Regional Spatial strategy (May 2008). Policies viewable at <http://www.go-east.gov.uk> then follow the links to Planning, regional Planning then related documents.

- **ENV7** – Quality in the Built Environment – requires new development to be of a high quality which complements the distinctive character and best qualities of the local area and promotes urban renaissance and regeneration.

- 3.2 Cambridgeshire and Peterborough Structure Plan (2003) Saved policies from the Cambridgeshire and Peterborough Structure Plan 2003 are relevant and viewable at <http://www.cambridgeshire.gov.uk> follow the links to environment, planning, planning policy and Structure Plan 2003.

- None relevant

- 3.3 Huntingdonshire Local Plan (1995) Saved policies from the Huntingdonshire Local Plan 1995 are relevant and viewable at [www.huntingdonshire.gov.uk/localplan95](http://www.huntingdonshire.gov.uk/localplan95)

- **H31**: “Residential privacy and amenity standards” – indicates that new dwellings will only be permitted where appropriate standards of privacy can be maintained and adequate parking provided.
- **H32**: “Sub-division of large curtilages” states that support will be offered only where the resultant dwelling and its curtilage are of a size and form sympathetic to the locality.
- **H33** – “sub-division of large curtilages affecting protected buildings and features states that the subdivision of large curtilages will not be supported where development will adversely affect the qualities of a Conservation Area or trees worthy of protection.
- **En2**: “Character and setting of Listed Buildings” – indicates that any development affecting a building of architectural or historic

merit will need to have proper regard to the scale, form, design and setting of the building.

- **En5:** “Conservation area character” - development within or directly affecting Conservation Areas will be required to preserve or enhance their character or appearance.
- **En6:** “design standards in conservation areas” – in conservation areas, the District Council will require high standards of design with careful consideration being given to the scale and form of development in the area and to the use of sympathetic materials of appropriate colour and texture.
- **En25:** “General Design Criteria” – indicates that the District Council will expect new development to respect the scale, form, materials and design of established buildings in the locality and make provision for landscaping and amenity areas.

3.4 Huntingdonshire Local Plan Alterations (2002) Saved policies from the Huntingdon Local Plan Alterations 2002 are relevant and viewable at [www.huntingdonshire.gov.uk/localplan](http://www.huntingdonshire.gov.uk/localplan) - Then click on "Local Plan Alteration (2002)

- **STR1** – Infill development will be allowed in group villages.
- **STR5** – Fenstanton is classed as a group village.
- **HL5** – Quality and density of development – sets out the criteria to take into account in assessing whether a proposal represents a good design and layout.
- **HL7** – reusing brownfield land and buildings – indicates that the District Council will seek to maximise the re-use of previously developed land, and support the re-use of empty properties.
- **HL8** – Rural Housing – identifies that in group villages, groups of dwellings and infilling will be permitted on appropriate sites within the village limits and where the development is sensitive to the scale and character of the village.

3.5 Policies from the Huntingdonshire Interim Planning Policy Statement 2007 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning, then Planning then Planning+Policy then Informal policy statements where there is a link to Interim Planning Policy Statement 2007

- **B1** – Design Quality – development should demonstrate a high quality of design in terms of layout, form and contribution to the character of the area.
- **B4** – Amenity – developments should not have an unacceptable impact on the amenity of existing and future occupiers.
- **B7** – Listed Buildings – lists the criteria against which development proposals affecting the fabric or setting of a listed building should be assessed.

- **B8** – Conservation Areas – states the criteria against which developments within or affecting a conservation area should be assessed.
- **T2** – Car and Cycle Parking – development proposals should limit car parking and provide cycle parking facilities to the levels set out in the Council's parking standards.

3.6 Policies from the Huntingdonshire Local development Framework Submission Core Strategy 2008 are relevant and are viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning then click on Planning then click on Planning Policy where there is a link to the Local Development Framework Core Strategy.

- **CS1**: “Sustainable development in Huntingdonshire” – all development will contribute to the pursuit of sustainable development, having regard to social, environmental and economic issues. All aspects will be considered, including design, implementation and function of development.
- **CS3** The Settlement Strategy. Fenstanton is a “Key Service Centre” where development schemes of moderate and minor scale and infilling may be appropriate within the built up area.

3.7 The SPD Huntingdonshire Design Guide (2007) is a material consideration.

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

- 4.1 0702869FUL – Change use of storage area to the rear of the shop to create a dwelling. Refused 15.10.2007
- 4.2 0702870LBC – Alterations to the storage area to the rear of the shop. Consent granted 16.10.2007.

#### 5. **CONSULTATIONS**

5.1 **Fenstanton Parish Council – OBJECTION** (copy attached). The Parish Council has repeated its objections in respect of the amended plan.

5.2 **HDC Transportation – NO OBJECTION** Following the recent appeal decision at St Ives the Council has no justification within adopted parking policy for recommending the refusal of planning permission if it is considered that an insufficient level of parking provision has been made as part of the submission. The Interim Planning Policy Statement is clear in setting maximum parking standards so less or no parking provision, while maybe not ultimately desirable, cannot on its own be a reason for refusal, particularly where Government policy provides guidance on reducing provision and encouraging other sustainable modes of travel. In the case of Fenstanton, it has to be noted that a good level of public transport provision exists serving the village and, while accepting that recent service changes have reduced the level of service over that previously enjoyed, the new level of provision is still rated as satisfactory for a village of the scale and population of Fenstanton. With regard to the issue of the High

Street and the effects of any on-street parking if that were to occur in conjunction with the proposed use, the County Council's Accident Records show no evidence of any recorded injury accidents in the previous three-year period in the vicinity of the application site. In considering the impact of any marginal increase in the level of any on-street parking or congestion in relation to any propensity of an increase in the risk of accidents, it is considered that this is so small as to be negligible. A valid reason for refusal based on highway safety or parking issues could not be sustained. While the comments of both the Parish Council and other third parties are noted in relation to these matters, there is no objections to this proposal.

## **6. REPRESENTATIONS**

- 6.1 Neighbours – One letter of objection has been received from the owner of the Gallows Guest House (13-15 High Street). The writer has raised the following points:-
1. The proposal will have an overbearing impact on the Listed Building and its amenity area.
  2. The scale of the proposal is inappropriate and will result in a loss of amenity due to loss of light and privacy.
  3. There will be a loss of value of the business and loss of revenue.
  4. The proposal would be detrimental to the views from the Guest House.
  5. The lack of parking provision would exacerbate the already chaotic traffic problems on the High Street and would increase the demand for on-street parking spaces in an area where such spaces are strictly limited. Slowing and turning vehicles seeking parking spaces would be to the detriment of highway safety.
  6. The lack of parking will reduce the available parking for existing businesses.
  7. There may be questions over the legality of using the shared access to the development site.
  8. The lack of adequate drainage provision may exacerbate existing flooding issues.
- 6.2 The writer has repeated these objections in respect of the amended plan.

## **7. SUMMARY OF ISSUES**

- 7.1 The main issues to consider are the principle of the development, car parking and highway safety, the impact on the amenities of neighbouring properties and the effect on the setting of listed buildings and the character and appearance of the conservation area.

### **The principle of development**

- 7.2 Fenstanton is identified as a “key service centre” in the Core Strategy settlement hierarchy (policy CS3), in which moderate and minor scale development, together with infilling, may be appropriate within the built up area. Policy HL8 of the Local Plan Alteration 2002 classifies Fenstanton as a group village where groups of dwellings, and infilling, may also be acceptable on appropriate sites, and where the development is sensitive to the scale and character of the village. The land is “previously developed”, and its more efficient use would be consistent with one of the major requirements of PPS3, and with a

number of the policies referred to above insofar as securing a better use of land is concerned. The proposal is acceptable in principle, and is in accordance with policies CS3 and HL8.

### **Parking and Highway Issues**

- 7.3 The proposed dwelling would have no off-street parking facilities. The coach-arch access to the site is too narrow to be used by vehicles and there is only pedestrian access available.
- 7.4 A recent appeal decision in St Ives has emphasised that the Council has no parking policy justification for refusing planning permission if it considers that a development provides insufficient on-site parking. The car parking policy in the Local Plan 1995 is not 'saved' and is no longer part of the development plan. Policy T2 and Appendix 1 of the Interim Policy Statement set maximum parking standards so development which provides less parking than the standard, or no parking space at all, must be considered to comply. Government policy is not wholly clear or consistent: PPG13 'Transport' (2001) says that reducing the amount of parking in new development is essential to promote sustainable travel and developers should not be required to provide more spaces than they wish, other than in exceptional circumstances such as 'significant implications for road safety', which cannot be resolved through on-street parking controls. The more recent PPS3 'Housing' (2006) advises local authorities to develop residential parking policies for their areas, taking account of expected levels of car ownership, the importance of promoting good design and the need to use land efficiently.
- 7.5 The Council has previously taken a firm line in the absence of off-street parking by refusing planning permission for a two bedroom flat in the rear part of the shop (application 0702869FUL). The St Ives appeal decision has however focussed attention on the approach to this issue and it is clear that the only justification for refusing planning permission would be clear and demonstrable harm as a result of the level or absence of parking proposed in terms of highway safety, residential amenity or impact on landscape and townscape. In terms of highway safety and congestion, officers are not aware of any material change in circumstances since the refusal of planning permission in 2007. It is however now considered that the provision of additional accommodation on this site would not materially worsen highway safety or have significant implications for the congestion on High Street (a bus route) where on-street parking already takes place on the western side. The Parish Council and third party concerns about the impact of congestion and competition for parking space for visitors to the business premises are noted, but it is considered that in the absence of any recorded injury accidents on High Street an objection to the development on this issue could not be sustained. The proposal would comply with policy T1.

### **The effect of the development on the amenities of neighbouring property**

- 7.6 The proposal is modest in scale and, as a result, it would not have an overbearing impact on, nor would it lead to an unacceptable loss of light to, the adjoining properties. The amended plan shows it to be set 1m from the rear boundary of the guest house. This will limit the effect of the proposal on this latter property and, whilst visible from the

guest house, it would not restrict light to a degree where a refusal could be justified. All windows in the dwelling are in the west elevation, and will look into the courtyard. There should be no undue loss of privacy through overlooking. The rooflights in the east facing roof slope will provide light to a bathroom and a bedroom, but will not allow a view out other than of the sky.

- 7.7 The proposal is unlikely to be harmful to the amenities of the existing occupiers of the flats to the rear of no. 11, who share the access and courtyard, or to the residents of the Guest House (nos. 13-15), which backs onto the site. The proposal is acceptable within the terms of policies H31 and B4.

### **The effect on the setting of listed buildings and the character and appearance of the conservation area**

- 7.8 There are no objections to the demolition of the existing buildings as these are of no architectural merit. The subdivision of the curtilage of no. 11 and the proposed layout of the development, will result in a building within a small and confined plot, close to the site boundaries but it is considered that this form of development is compatible with the grouping of principal and ancillary structures in this part of the village centre. The design of the proposed dwelling is acceptable and its modest, uncomplicated form will benefit the rear range of buildings on the High Street. The proposal will not be detrimental to the listed building or Conservation Area, and it will, to a large extent, be hidden from public view. The proposal is acceptable in terms of policies En2, En5, En6, En25, B1, B7, B8 and HL5.

### **Other issues**

- 7.9 The other issues raised by the Parish Council, and by the neighbour have been noted, but none of them are material to the consideration of this application.
- 7.10 The objector comments that the proposal will result in a loss of view and loss of property value, are not considered to be material planning considerations. The legality of the shared access is a civil matter and is not relevant to determination of this application.
- 7.11 The objector comments that a lack of adequate drainage is proposed at this site, but given the negligible increase in impermeable surfacing the proposal would not unduly increase surface water runoff.

### **Conclusions**

- 7.12 The balance of factors is in favour of this proposal. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is recommended that planning permission should be granted in this instance.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

- 8. RECOMMENDATION – APPROVE**, subject to conditions to include the following:

<b>02003</b>	Time Limit (3yrs)
<b>05001</b>	Buildings
<b>Nonstand</b>	Various details
<b>Nonstand</b>	Garden improvement

**BACKGROUND PAPERS:**

East of England Plan - Revision to the Regional Spatial Strategy (May 2008)  
Cambridgeshire and Peterborough Structure Plan, 2003  
Huntingdonshire Local Plan, 1995  
Huntingdonshire Local Plan Alterations (2002)  
Huntingdonshire Interim Planning Policy Statement 2007  
Huntingdonshire Local Development Framework Submission Core Strategy  
2008  
The SPD Huntingdonshire Design Guide (2007)

**CONTACT OFFICER:**

Enquiries about this report to **David Hincks Development Control Officer**  
**01480 388406**