OFFICER REPORT

Case No: 25/01020/FUL **Full Planning Application**

Proposal: **Two storey rear extension comprising of extension to ground floor retail area and additional self build flat above. New internal partition wall and internal alterations**

Location: **78 High Street Huntingdon PE29 3EN**

Applicant: **Mr Reji Thomas**

Grid Ref: **523600 272090**

DESCRIPTION OF SITE AND APPLICATION

No. 78 High Street is located centrally within the settlement of Huntingdon, on the corner of High Street and St John's Street. The existing property is a two-storey, semi-detached building with the ground floor operating as retail, hot-food takeaway and restaurant with residential across ground and first floor.

The application site is located within the Huntingdon Conservation Area and is situated within the Huntingdon Neighbourhood Plan area. The application site is located on land within Flood Zones 1, 2 and 3.

This application seeks approval for the erection of a two-storey rear extension comprising ground floor retail and a self-build flat at first floor at No. 78 High Street, Huntingdon, alongside internal alterations.

This application has been accompanied by the following documents:

- Design and Access Statement;
- Heritage Statement;
- Flood Risk Assessment;
- Noise Assessment Report;
- Odour Assessment Report.

Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.

NATIONAL GUIDANCE

The National Planning Policy Framework (NPPF 2024) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2024 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).'

The NPPF 2024 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.

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.

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

PLANNING POLICIES

Huntingdonshire's Local Plan to 2036 - adopted 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
LP21: Town Centre Vitality and Viability
LP22: Local Services and Community Facilities
LP25: Housing Mix
LP30: Biodiversity and Geodiversity
LP31: Trees, Woodland, Hedges and Hedgerows
LP34: Heritage Assets and their Settings

Huntingdon Neighbourhood Plan

Policy TC1: Retail Development
Policy BE1: Design and Landscaping
Policy BE2: Local Distinctiveness and Aesthetics
Policy BE3: Heritage Assets
Policy TT1: Sustainable Transport

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

Supplementary Planning Documents (SPD) and Guidance:

Huntingdonshire Strategic Flood Risk Assessment (2024)
Huntingdonshire Design Guide Supplementary Planning Document 2017
Developer Contributions SPD 2011
Huntingdonshire Landscape and Townscape SPD (2022)
Cambridgeshire Flood and Water SPD 2017
Annual Monitoring Review regarding housing land supply (2024)

The National Design Guide (2021)

* C1 - Understand and relate well to the site, its local and wider context
* I1 - Respond to existing local character and identity
* I2 - Well-designed, high quality and attractive
* B2 - Appropriate building types and forms
*M3 - Well-considered parking, servicing and utilities infrastructure for all users

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

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

RELEVANT PLANNING HISTORY

22/02236/TRCA - G1 Leylandii: Fell to ground level T1, T2 Ailanthus: Fell to ground level - Approved.

16/01084/LBC - 1. Propose Masonry opening to Essential Supermarket between 76 and 77 High Street, Huntingdon, Cambs, PE29 3EN - Withdrawn.

1401131FUL - Change of use to beauty salon with sunbeds - Approved.

1301533FUL - Change of use from A1 (retail) to A2 (financial and professional services) - Approved.

0901601FUL - Installation of 2 windows, replacement front access door and construction of replacement access step to internal courtyard - Approved.

0801948FUL - New shopfront and enlargement of window to front elevation. New window openings to side elevation - Approved.

0801550FUL - Change of use from ground floor shop (A1) to recruitment agency (A2) - Approved.

CONSULTATIONS

Huntingdon Parish Council - Recommend refusal on the basis that the application is not compatible with the Neighbourhood Plan Policies BE2 and BE3 build environment and design, and Policy TC4 specifically the loss of privately owned parking. However, if planning permission was granted, we would ask that it be subject to a condition that there can be no further building on the site under permitted development and only after Cambridgeshire County Council have received information on parking and a noise assessment has been completed.

Cambridgeshire County Council Highway Authority - Drawing PP/25/0987-02 shows a car parking area which will be reduced in size with the development. A 3-bedroom dwelling on this site will increase the intensity of use. It is not clear if any car parking will be allocated to the dwelling or if it will remain solely for the retail business. Requested additional information to clarify the proposed parking arrangement.

Huntingdonshire District Council Environmental Health - Raised concerns over the noise and odour impacts of the proposal. Recommend a noise and odour assessment be undertaken for further consideration.

A noise and Odour Assessment were subsequently submitted, however, the following additional comments were received:-
Noise - sound level meter was set up at ground level, where it was partially protected from the predominant road noise by a brick wall (although no microphone height has been given). The proposed dwelling would be on the first floor without the benefit of a noise barrier, so would experience a higher sound level than the survey reports. The survey concludes that the noise was slightly above the WHO recommendations, however, concerned that the noise level might be significantly higher, and noise mitigation may be necessary.

Furthermore, the report fails to mention the location of any extraction flues or air conditioning units in relation to the proposed dwelling windows.

Odour - The odour assessment identifies he location of the main fish and chip kitchen extraction flue but assumes I is 1m above the roof ridge. This may not necessarily be the case with the proposed first floor extension.

Request the above concerns are addressed prior to further consideration of the application.

Huntingdonshire District Council Conservation Officer - Currently unable to assess the application due to discrepancies between the submitted information and the actual site conditions.

Officer Note - The Agent has revised the drawings and these are now considered to be an accurate representation of the site as outlined in the Conservation Officers comments. However, no further Conservation comments have been received at this stage.

REPRESENTATIONS

One letter of objection was received during the course of the application, raising concerns over the lack of off-street car parking, increased traffic and drainage issues.

SUMMARY OF ISSUES

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.

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 48 of the NPPF (2024). 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".

In Huntingdonshire the Development Plan consists of:

o Huntingdonshire's Local Plan to 2036 (2019)
o Cambridgeshire & Peterborough Minerals and Waste Local Plan (2021)
o St Neots Neighbourhood Plan 2014-2029
o Godmanchester Neighbourhood Plan (2017)
o Houghton and Wyton Neighbourhood Plan (2018)
o Huntingdon Neighbourhood Plan (2019)
o Bury Village Neighbourhood Plan (2021)
o Buckden Neighbourhood Plan (2021)
o Grafham and Ellington Neighbourhood Plan 2020-2036 (2022)
o Great Gransden Neighbourhood Plan 2021 to 2036 (2023)
o The Stukeleys Neighbourhood Plan 2022 to 2036 (2023)
o Sawtry Village Neighbourhood Plan 2022 to 2036 (2023)
o Great Staughton Neighbourhood Plan 2021 to 2036 (2025)

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.

The main issues to consider are:

o The Principle of Development
o Design, Visual Amenity and Impact on Heritage Assets
o Residential Amenity
o Highway Safety
o Flood Risk and Surface Water
o Biodiversity
o Developer Contributions
o Accessible and Adaptable Homes
o Water Efficiency

*The Principle of the Development

The application site is located within the built-up area of Huntingdon, a Spatial Planning Area as defined by the Huntingdonshire Local Plan to 2036. As such, Policy LP7 (Spatial Planning Areas) is considered relevant in this instance.

This application seeks approval for the erection of a two-storey extension to provide additional retail space at ground floor and a self-build three-bedroom flat at first floor as well as various internal alterations to the existing property of No. 78 High Street, Huntingdon.
Policy LP7 states that a proposal for housing development on a site which is additional to those allocated within the Local Plan will be supported where it is appropriately located within a built-up area of an identified Spatial Planning Area settlement. Given the application site is located within the built-up area of Huntingdon, the proposal is considered to be in accordance with Policy LP7 in this regard. It is worth noting there are no policies within the Huntingdon Neighbourhood Plan relating to the principle of proposed residential development.

With regard to the proposed increase in retail floor space, Policy LP7 states that a proposal for a main town centre use will be supported where it is appropriately located within a built-up area of an identified Spatial Planning Area. While it is recognised that both local and national planning policy seeks to direct retail development to town centres and primary shopping areas, the proposed extension would expand an existing retail unit.

Overall, the principle of development is considered to be acceptable in this instance, subject to all other planning matters being addressed.

*Design, Visual Amenity and Impact on Heritage Assets

The Local Planning Authority is required to ensure that with respect to any buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area, through the Planning (Listed Buildings and Conservation Areas) Act 1990 at Section 72. This is also reflected in Policy LP34 of the Huntingdonshire Local Plan to 2036, Policy BE3 of the Huntingdon Neighbourhood Plan and Section 16 of the National Planning Policy Framework.

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 the Huntingdonshire Design Guide SPD and Section 12 of the National Planning Policy Framework (2024).

HUNTINGDONSHIRE DISTRICT COUNCIL

25/01020/FUL

This planning application seeks approval for the erection of a two-storey rear extension to be used for retail purposes at ground floor and a three-bedroom flat at first-floor at No. 78 High Street, Huntingdon. The proposal also includes various internal alterations. The application site is located within the Huntingdon Conservation Area.

The existing property is two storeys in height with a single storey flat roof extension to the rear. The main character of High Street is varied with a mix of modern and historic development and a range of property designs (gable-end, flat roof and gambrel) and materials (facing brick and render). The application property is located on a prominent corner of High Street and St John's Street with a boundary wall running along the north-west boundary to St John's Street.

The proposed two-storey extension would be of a flat roof design and would measure a depth of approximately 13.8m, a total width of 12.6m and a maximum height of 5.69m. The proposal would be constructed using facing brick to match the main building with UPVC windows and doors.

The proposed extension is not considered to be a subservient addition to the main property due to the scale and massing, including the flat roof extending above the height of the eaves of the existing property as well as depth of the proposed extension being approximately double the depth of the existing property.

The proposed two storey extension would extend to the boundary with the public highway of St John's Street with a large blank elevation (5.38m by 5.69m) of facing brick, with no openings addressing the highway. As a result, the proposal would be overbearing and dominant in the streetscene as well as providing a large expanse of blank facing brick in a visually prominent location within the Huntingdon Conservation Area.

The proposed two-storey extension would be connected to the main property by an existing single storey extension with a separation distance between the two storey elements of approximately 5m. Due to the separation distance of the existing and proposed two storey elements and the existing boundary wall screening the majority of the existing single storey flat roof element, the proposed extension would appear physically detached from the main property, exacerbating the massing and overdevelopment of the site.

Furthermore, the proposed style, size and design of the proposed windows would be out of character with the main property and be of a random configuration on the rear elevation.

Overall, the proposed development is not considered to be a subservient addition to the main property and would result in the addition of a large two-storey flat roof mass to the rear of the existing building that would be visually prominent within the streetscene of St John's Street and be out of character with the Huntingdon Conservation Area. As such, the Local Planning Authority conclude that the proposal would result in less than substantial harm to the character and appearance of the Huntingdon Conservation Area.

Paragraph 215 of the National Planning Policy Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

While it is recognised that the proposed development would result in some public benefits by allowing the expansion of an existing retail unit and provide a three-bedroom flat in a sustainable location, the Local Planning Authority do not consider the public benefits to outweigh the previously identified harm that would arise from the proposal in this instance.

As such, the proposed development would be contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP11, LP12 and LP34 of Huntingdonshire's Local Plan to 2036, Policies BE1, BE2 and BE3 of the Huntingdon Neighbourhood Plan, the

Huntingdonshire Design Guide SPD and Sections 12 and 16 of the National Planning Policy Framework (2024) in this regard and planning permission should be refused.

*Residential Amenity

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.

The proposed two storey extension would measure a maximum height of 5.69m and would extend along the south-east boundary, beyond the rear elevation of the neighbouring property (No. 9 Ferrars Road) by approximately 2.7m. While the proposal would extend beyond the rearmost elevation of the neighbouring property, there are no windows or openings on the rear elevation of the neighbouring property and any overbearing, overshadowing and loss of light impacts would be on an area of hard surfacing (shared access).

The blank, south-east side elevation of the proposed extension would be approximately 6.6m from the ground floor, north-west elevation windows of No. 9 Ferrars Road. Given the proximity to the neighbouring properties windows serving habitable rooms, the scale of the proposed extension and the limited information provided, the Local Planning Authority are not able to satisfy themselves that the proposal would not breach the 25 degree rule with the neighbouring property and therefore result in overshadowing impacts.

Given the nature of the proposed development and the existing restaurant/hot food takeaway, the application has been accompanied by an Odour Assessment and a Noise Impact Assessment.

The submitted Odour Assessment identifies the location of the main fish and chips kitchen extraction flue but assumes it is 1m above the roof ridge, however, it does not detail its relationship to the proposed development. As such, the Local Planning Authority are unable to satisfy themselves that future owners and occupiers of the proposed first-floor flat would not be impacted upon in terms of odour.

With regard to the Noise Impact Assessment, the sound level meter was set up at ground level, where it was partially protected from the predominant road noise by the existing boundary brick wall. The survey concludes that the noise was slightly above the WHO recommendations. However, given the proposed flat would be at first-floor level, it would not benefit from the sound barrier and would therefore experience a higher sound level. Furthermore, the proposal does not include any noise mitigation measures and the report fails to take into consideration the location of any extraction flues or air conditioning units that may impact the proposal.

As such, the Local Planning Authority are not able to satisfy themselves that future owners/occupiers of the proposed flat would not be subject to noise and odour impacts from existing uses within the site.

Overall, the proposal is considered to result in unacceptable impacts on neighbouring properties and future owners/occupiers of the proposed development would not have an acceptable standard of amenity. As such, 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 (2024) in this regard.

*Highway Safety

Policies LP16 and 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.

The application site benefits from an existing vehicular access, garaging and off-street car parking off Ferrars Road, Huntingdon. As a result of the proposed development, the existing access arrangements would remain unaltered, however, the off-street car parking provision would be reduced and the provision of a three-bedroom flat would increase the intensity of use.

No parking plan has been provided as part of the application and therefore the Highway Authority have stated that they are unable to determine the allocation of off-street car parking and whether there is an adequate provision for the existing and proposed uses.

However, it is noted that the site is located centrally within Huntingdon with access to public transport links and close proximity to services and facilities of a day-to-day nature. Due to the town centre location where there is ample public car parking and public transport links, the Local Planning Authority are therefore satisfied that the proposal would be acceptable in terms of highway safety.

It is also worth noting that no secure cycle parking has been included in the proposal, however, the Local Planning Authority are satisfied that this can be addressed via a suitably worded condition on any planning permission granted.

As such, the proposal is considered acceptable in terms of its impact on highway safety and therefore accords with Policy LP17 of Huntingdonshire's Local Plan to 2036, Policy TT1 of the Huntingdon Neighbourhood Plan and Section 9 of the National Planning Policy Framework (2024) in this regard.

*Flood Risk

The application site is located on land within Flood Zones 1, 2 and 3 in accordance with Environment Agency mapping and the Huntingdonshire Strategic Flood Risk Assessment (2024). The area of land to the front of the application site is within Flood Zone 3, the majority of the building is within Flood Zone 2 and the land to the rear of the building is within Flood Zone 1. The proposed development would therefore be limited to Flood Zones 1 and 2.

The proposed residential use would fall under 'More Vulnerable' development in the flood risk vulnerability classification in the NPPF, however, the ground floor retail use would fall under 'Less Vulnerable'. While the Planning Practice Guidance states that this classification of development is acceptable subject to an Exception Test, paragraph 176 of the National Planning Policy Framework states that applications for some minor development (including small non-residential extensions with a footprint of less than 250m2) and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments.

The ground floor involves the the conversion of the existing garages to store areas with a small extension to the shop area with the new residential development on the first floor. Accordingly it is considered that the sequential or exception tests are not necessary in this instance.

Policy LP5 of the adopted Local Plan states that on a site that is at risk of flooding from any form, a site-specific flood risk assessment should be provided. A Flood Risk Assessment has been submitted as part of this application.

The submitted Flood Assessment concludes that the risk of flooding from all sources is low and therefore the proposal will not significantly increase flood risk to the location or properties around the site as well as the wider catchment area and no site specific flood mitigation measures are required.

Therefore, the proposal is considered to be acceptable with regard to its impact on both flood risk and surface water and therefore accords with Policies LP5, LP6 and LP15 of Huntingdonshire's Local Plan to 2036 and Section 14 of the National Planning Policy Framework in this regard.

*Biodiversity

Paragraph 187 of the NPPF (2024) 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.

The proposal would not result in the loss of any habitat or impact on any notable habitats due to the scale and nature of the proposal as well as the urban location.

In regard to mandatory Biodiversity Net Gain (BNG), as of the 2nd April 2024 a mandatory 10% Biodiversity Net Gain (BNG) was imposed on small sites. A statement has been submitted within the application form which states the application falls within the self-build exemption. As the application consists of a self-build dwelling on a site which has an area no larger than 0.5 hectares, Officers are satisfied that it is exempt from providing biodiversity net gain under The Biodiversity Gain Requirements (Exemptions) Regulations 2024. A condition to ensure the proposal would be a self-build property shall be imposed on any permission granted.

As such, the proposed development is broadly considered to be in accordance with Policy LP30 of Huntingdonshire's Local Plan to 2036 and Section 15 of the National Planning Policy Framework (2024) in this regard.

*Developer Contributions

Part H of the Developer Contributions SPD (2011) requires a payment towards refuse bins for new residential development. However, the application has not been accompanied by a Unilateral Undertaking in relation to wheeled bins.

As such, the proposed development is therefore contrary Policy LP4 of Huntingdonshire's Local Plan to 2036 and the Developers Contributions SPD (2011) in this regard.

*Accessible and Adaptable Dwellings

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

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

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

*Water Efficiency

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.

*Other

*Community Infrastructure Levy (CIL)

The development will be CIL liable in accordance with the Council's adopted charging schedule; CIL payments will cover footpaths and access, health, community facilities, libraries and lifelong learning and education.

*Conclusion

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The proposed extension is not considered to be a subservient addition to the main property and would be of an unacceptable design and appearance that would result in harm to the character and appearance of the existing property, the street scene of St John's Street and the Huntingdon Conservation Area. Due to the lack of information provided as part of the application, the Local Planning Authority are not able to determine the impacts of the proposed extension on the amenities of neighbouring properties. Furthermore, the submitted Noise and Odour Impact Assessments do not adequately demonstrate that the owners/occupiers of the proposed residential unit would not be impacted upon in relation to noise and odour. The application has also not been accompanied by a Unilateral Undertaking in relation to wheeled bins.

As such, the proposed development is considered to be contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP11, LP12, LP14 and LP34 of the Huntingdonshire Local Plan to 2036, Policies BE1, BE2 and BE3 of the Huntingdon Neighbourhood Plan, the Huntingdonshire Design Guide SPD, the Developers Contributions SPD (2011) and Sections 9, 12 and 16 of the National Planning Policy Framework in this regard.

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.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388424 and we will try to accommodate your needs.

CONTACT OFFICER:
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