OFFICER REPORT

Case No: 24/02297/FUL Full Planning Application

Proposal: Demolition of former piggery and storage barn and the construction of one dwelling

Location: Ramadi Earith Road Colne

Applicant: Mr Ian Winters

Grid Ref: 537761 275893

DESCRIPTION OF SITE AND APPLICATION

The application site is an area of land to the south-west of Ramadi (a detached, two-storey dwellinghouse), which is located on Earith Road in Colne.

The site lies within Flood Zone 1 as per the most recent Environment Agency Flood Risk Maps and Data and has a very low risk of flooding from other sources. There are no other constraints associated with the site.

This application seeks permission to erect a single storey dwelling following the demolition of a former piggery and barns.

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

NATIONAL GUIDANCE

The National Planning Policy Framework (December 2024) (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.

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

LP1: Amount of Development
LP2: Strategy for Development

LP4: Contributing to Infrastructure Delivery
LP5: Flood Risk
LP6: Waste Water Management
LP9: Small Settlements
LP10: The Countryside
LP11: Design Context
LP12: Design Implementation
LP14: Amenity
LP15: Surface Water
LP16: Sustainable Travel
LP17: Parking Provision and Vehicle Movement
LP25: Housing Mix
LP30: Biodiversity and Geodiversity
LP31: Trees, Woodland, Hedges and Hedgerows
LP37: Ground Contamination and Groundwater Pollution

Supplementary Planning Documents (SPD) and Guidance:

Huntingdonshire Design Guide (2017)
Developer Contributions SPD (2011)
Huntingdonshire Landscape and Townscape SPD (2022)
Huntingdonshire Strategic Flood Risk Assessment (2024)
Cambridgeshire Flood and Water SPD (2024)
Annual Monitoring Review regarding housing land supply (2024)
Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)

The National Design Guide (2021)

* C1 - Understand and relate well to the site, its local and wider context
* I1 - Respond to existing local character and identity
* I2 - Well-designed, high quality and attractive
* B2 - Appropriate building types and forms
*M3 - Well-considered parking, servicing and utilities infrastructure for all users
* N3 - Support rich and varied biodiversity
* H1 - Healthy, comfortable and safe internal and external environment
* H2 - Well-related to external amenity and public spaces
* H3 - Attention to detail: storage, waste, servicing and utilities

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

RELEVANT PLANNING HISTORY

17/01213/FUL - Application for conversion and alteration of former pigsty and storage barn to form two bed dwelling (Refused)

23/00717/PIP - Demolition of former piggery and storage barn and the construction of three dwellings (Refused)

CONSULTATIONS

Colne Parish Council - No objections.

HDC Operations (Waste) Team - No representations received at the time of determination.

HDC Environmental Health - No objections subject to condition.

Cambridgeshire County Council (CCC) Highways Team - No objections subject to conditions.

Cadent - No objections - informative note required.

HDC Ecology Officer - No representations received at the time of determination.

REPRESENTATIONS

It should be noted that a consultation was not carried out with 'Ramadi' to the south-east. However, in this instance the land originally formed part of the application site, a review of the application form reveals that the applicant has completed Certificate B which shows that notice of the proposal was served on the occupants of this dwelling and they have had 21 days (prior to determination) in which to comment. Further a site notice was displayed in the vicinity of the site and Ramadi on the 02.01.25. As such, the LPA are satisfied that they have exercised their duties in terms of notification and publication.

Two comments have been received and these are available to view on HDC's Public Access Site. One remains neutral whilst another raises objections. These are broadly summarised below:

Neutral:

*No objections as long as it is a bungalow and not a chalet style or house
*Satisfied with separation to the boundary
*Concern about the road extending to the rear field/potential for future development
*Note that land to rear hosts wildlife

Objection:

*Query on the accuracy of submitted documents
*Larger property than was allowed on appeal and located further north
*Impact on the countryside
*Impact on privacy of adjacent properties
*Potential for future development encroaching into the countryside

Officer comments: These matters will be discussed in the proceeding sections of this report.

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 a number of adopted neighbourhood plans, however, there is not currently an adopted neighbourhood plan in place for Colne. Therefore, in this case no neighbourhood plans are given weight in the determination of this application.

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 Principle of Development (including Impact upon the Countryside)
o Design, Visual Amenity and the Impact upon the Character of the Area
o Residential Amenity
o Highway Safety, Parking Provision and Access
o Biodiversity
o Impact on Trees
o Flood Risk and Surface Water
o Other issues

*Principle of Development (including Impact upon the Countryside)

Colne is defined as a small settlement under Policy LP9 of the Local Plan. LP9 considers that development of this nature within the built-up area (BUA) can be supported in small settlements where the amount and location of development proposed is sustainable in relation to the:

a. level of service and infrastructure provision within the settlement;

b. opportunities for users of the proposed development to access everyday services and facilities by sustainable modes of travel including walking, cycling and public transport;

c. effect on the character of the immediate locality and the settlement as a whole.

However, before an assessment can be undertaken on the above, it must first be determined if the site is within the BUA or if it relates more to the countryside where there are restrictions on such development unless permitted under other Policies within the Local Plan.

In assessing this element, attention has been given to the earlier refused application (17/01213/FUL) which sought permission for a two-bedroom dwelling on the site and which was refused for (amongst other matters), the LPA view that the site lay outside the BUA and so constituted development within the countryside. This was subsequently appealed (ref 18/00006/REFUSL) and the development allowed with the Inspector considering that the site related more to the BUA as opposed to the countryside. Whilst it is acknowledged that the development proposed under the appeal scheme differed this is important in establishing the countryside boundaries. It is unclear if this has been implemented and so is likely to have expired.

In the appeal case the site (excluding the access) equated to approx. 700m² and extended (from the edge of the access) approx. 70m south-west and approx. 34m south-east to north-west at the south-western extreme. The dwelling was tucked tightly into the south-eastern corner. Under this scheme, the site equates to approx. 918m² (excluding the access) as it projects further south-east. It now extends approx. 51m south-east to north-west at the south-western extreme as an additional area of green space is provided to the south-east of the access track. Crucially, the site does not extend any further south-west and so does no encroach on to the land to the rear. Regard has also been given to refused application for permission in principle for three dwellings (23/00717/PIP). The Case Officer for this application discussed the relationship with the BUA and countryside in their determination and it was considered that the site lay outside the BUA of the village. However, under that application the site extended approx. 100m south-west (from the footpath edge) and beyond what would be considered the built development/residential curtilage of the dwellings to the south-east. In this case, despite the increased scale of the dwelling (in comparison with what was allowed at appeal) it is concluded that the site (given the limit to the red line extending south-west)

can be considered to fall within the BUA of the village and so can be assessed under Policy LP9. It should be noted at this stage that the LPA has considered the concerns raised in the objection regarding future potential encroachment into the countryside (especially given that the access track provides access to the paddock beyond). However, each application must be assessed upon its own merits and, for the reasons given in the assessment of the BUA the LPA considers that this has been established and is confident in this position.

Turning attention to LP9 and parts and b (sustainability) Colne has a limited number of services, including a Church a Public House, and a number of small businesses offering employment. It is served by a bus service to St Ives and a pedestrian path to Bluntisham. The proposed development for a single dwelling is modest in scale and is considered to be sustainable in relation to the level of service and infrastructure provision within the settlement and opportunities for users of the proposed development to access everyday services and facilities by sustainable modes of travel including walking, cycling and public transport.

Impact on the character of the area (part c) is assessed in the proceeding sections of this report.

Whilst (as established) the site is within the BUA, given the location on its edge it does have the potential to impact the countryside and so the proposal has also been assessed against Policy LP10 of the Local Plan. Part a (agricultural land classification) is not considered relevant (due to being in the BUA) but parts b and c are. In terms of part b, a full assessment will be undertaken in the proceeding sections of this report but, given the scale (appearing subservient to the dwellings at the front) and its design it is not considered that (given the existing situation) it will cause harm to the character or appearance of the countryside. In terms of part c, it is also considered that a single dwelling (given the surrounding residential uses) will result in significant impacts which would harm the rural character of the area.

Overall, it is considered that the development accords with Policies LP9 and LP10 of the Local Plan and is acceptable in principle subject to compliance with other material planning considerations and conditions.

It should be noted that a structural survey has been provided with the proposal in order to demonstrate compliance with Policy LP33 of the Local Plan which deals with rural buildings and their conversion or replacement. However, given that it has been established that the site lies within the BUA it has not been necessary to assess the scheme against Policy LP33 in order to establish the principle.

Further, whilst not wholly relevant as the site is considered to lie within the BUA it should also be regarded that that NPPF paragraph 78 requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against our housing requirement. A substantially revised methodology for calculating local housing need and the reimposition of this as a mandatory approach for establishing housing requirements was introduced on 12th December 2024 in the revised NPPF and associated NPPG (the standard method).

As Huntingdonshire's Local Plan to 2036 is now over 5 years old it is necessary to demonstrate a five year housing land supply (5YHLS) based on the housing requirement set using the standard method. NPPF paragraph 78 also requires provision of a buffer to ensure choice and competition in the market for land. As Huntingdonshire has successfully exceeded the requirements of the Housing Delivery Test a 5% buffer is required here. The 5 year housing land requirement including a 5% buffer is 5,501 homes. The current 5YHLS is 4,430 homes equivalent to 4.03 years' supply.

As a result of this, the presumption in favour of sustainable development is applied for decision taking in accordance with paragraph 11 (d) and footnote 8 of the NPPF in relation to applications involving the provision of housing. This is generally referred to as 'the titled balance'. While no 5YHLS can be demonstrated the Local Plan policies concerned with the supply and location of

housing as set out in the Development Strategy chapter (policies LP2, LP7, LP8, LP9 and LP10) of Huntingdonshire's Local Plan to 2036 are considered to be out-of-date and can no longer be afforded full weight in the determination of planning applications.

As such, less weight can be attributed to Policy LP10 (though aspects of the policy remain relevant as assessed above and in the proceeding sections of this report).

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

Earith Road is the main road passing through the village and hosts mainly residential development of varying age, scale and design. There are also example of 'backland' development in the locality. The application site is located some distance back from the highway with the proposed dwelling almost completely concealed to the rear of 'The Elks' which is a large, modern, detached dwelling located to the north-west of the access. Ramadi, to the south-east is a more traditional detached, period double bay property. There are some brick and timber outbuildings, and caravans on the site at present.

The proposed dwelling is single storey and so appears subservient to the dwellings to the front. This is welcomed given it is backland development and reduces the impact of dominance on the landscape character of the countryside. On this subject, the LPA are aware of rights within the Town and Country Planning (General Permitted Development Order) (England) 2015 (as amended) under Schedule 2, Part 1, Class AA which permits the addition of extra stories to a property. However, the latest amendment of the Order has been checked and it remains that this only applies to dwellings which were constructed prior to the 28th of October 2018. Therefore, this site will not be covered by this legislation and it is not considered necessary to add a condition limiting these rights thus preventing the future addition of stories (without planning permission).

However, notwithstanding the above, as addressed in the proceeding sections of this report (under residential amenity) it is considered necessary (although not in terms of design or scale) to restrict rights available under Schedule 2, Part 1, Class B (additions to the roof of a dwellinghouse - dormers etc).

Overall, it is considered that it will be virtually unnoticeable from the road and will sit comfortably with the surrounding buildings/residential curtilage. Materials proposed are considered acceptable and consistent with the surroundings.

In terms of outside space, the provision of cycle storage (discussed in further detail in the proceeding sections of this report) and wheeled bin storage/collections points is welcomed. Some details have been provided in relation to hard/soft landscaping and these are considered broadly acceptable and shall be secured by condition. There is limited information on proposed boundary treatments and it seems that this in the most part will be reliant on hedge/shrub planting. However, the area of most concern for the LPA is the south-western boundary as a harsh interface with the countryside should be avoided. As the plans show a post and rail fence (1.2m) set back beyond soft landscaping to the immediate rear or the dwelling/garden and a hedgerow to the rear of the section to the rear or Ramadi then this should avoid this and this concern is therefore satisfied.

Overall, having regard to the above considerations, it is considered that subject to conditions, the proposed development will be acceptable with regard to its appearance, layout and scale and will not be harmful to the character or appearance of the area. It therefore accords with Policies LP10, LP11 and LP12 of the Local Plan to 2036.

*Residential Amenity

Policy LP14 of the Local Plan to 2036 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.

In this case, given the scale and separation to all adjacent dwellings and land there are considered to be no concerns in terms of overbearing impacts, overshadowing or loss of light. Further, whilst the concerns regarding loss of privacy are noted, again, given the single storey nature of the dwelling which dictates the location of doors and windows, its orientation and the distance to boundaries this will also not cause harm. There is more limited separation between the front elevation of the property and the boundary with Ramadi. However, it remains that this is in excess of 10m at the closest point and is towards the lower end of the garden as opposed to any heavily used defensible space (such as a patio area). Therefore this, alongside the single storey nature is unlikely to give rise to any issues.

As discussed above, permitted development rights under Schedule 2, Part 1, Class B of the GPDO would allow for alterations to the roof of the dwelling (once established and occupied) and additions such as dormers. Given the location of the dwelling (not fronting the highway) there is less restriction on these and so, given the limited separation to the boundary with The Elks (albeit that this dwelling has a deep plot) it is considered prudent to restrict these permitted development rights by condition in order to avoid any perception of overlooking of adjacent dwellings/land.

In terms of other matters, the LPA has considered if the access will result in increased disturbance to the occupants of Ramadi or The Elks. However, it is a generous access, there are no windows in the side elevations of these dwellings (facing the access), and, in practice the movements associated with a single dwelling are unlikely to result in such a degree of movement that it would cause harm. Further, HDC's Environmental Health Team have been consulted and raise no objections to the proposals.

Overall, it is concluded that the proposed development is acceptable in terms of residential amenity and therefore accords with Policy LP14 of the Local Plan to 2036.

*Highway Safety, Parking Provision and Access

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. It is understood that the access will be widened and adjusted in accordance with what was approved under the appeal. However, it is not clear if any element of this permission was implemented and so this is not considered as extant for the purposes of this assessment. Certificate B has been served on Cambridgeshire County Council as the Local Highways Authority (CCC).

CCC have also been consulted and raise no objections subject to conditions. The site plan shows access from Earith Road with ample availability for off road parking and manoeuvrability to allow vehicles to enter and leave the site in forward gear. Policy LP17 of the Local Plan and the Huntingdonshire Design Guide requires all C3 development to provide at least one secure, covered cycle space per bedroom. Separate detail has been provided which shows the scale and design of the proposed storage and which meets with these requirements. This provision shall be secured by condition.

Overall, having regard to the above, the development accords with Policies LP16 and LP17 of the Local Plan to 2036.

*Biodiversity

Policy LP30 of the Local Plan to 2036 requires proposals to demonstrate that all potential adverse impacts on biodiversity and geodiversity have been investigated. Policy LP30 of the Local Plan to 2036 also requires development proposals to ensure no net loss in biodiversity and provide a net gain in biodiversity where possible. This accords with the Environment Act 2021 which required developments (unless exempt) to provide a 10% statutory Biodiversity Net Gain (BNG) following

the hierarchy of onsite provision; mixture of on-site and off-site provision; and the last resort of statutory biodiversity credits.

In this case, a Preliminary Ecological Appraisal (PEA) has been provided as well as BNG details. The PEA did not identify habitats of any important or protected species on site and that the buildings were of low suitability for roosting bats and the wider site limited opportunities for foraging or commuting bats. It concluded that there would be no impacts on habitats and suggested mitigation and enhancement measures (bat boxes, access through fences etc) and these shall be secured by condition.

In terms of BNG, it is proposed to provide a mixture of off-site and on site enhancements to provide the 10% net gain. It remains that an off-site purchase of 0.2361 habitat units of equal or greater significance will be required prior to first occupation and this shall be secured by legal agreement.

Overall, the LPA are satisfied that a net gain can be achieved in accordance with the legislation and the development will accord with Policy LP30 of the Local Plan to 2036 and the requirements of the act in this regard.

*Impact on Trees

The site is not located within a Conservation Area nor are there any Tree Preservation Orders in force. A visit to the site confirms that there are no mature trees (at least none of notable species) which would be impacted by the development. Those referred to on the site plan amount to little more than typical domestic planting/Leylandii type hedgerow. Therefore, despite the proposed site plan referring to an Arboricultural Impact Assessment and Tree Protection Plan it is not considered necessary to secure such details especially given the proposed level of planting in the submitted landscaping scheme.

Overall, having regard to the above considerations, the development is considered to be acceptable with regard to its impact on trees and broadly accords with Policy LP31 of the Local Plan to 2036 in this regard.

*Flood Risk

The application site lies within Flood Zone 1 as per the most recent EA Flood Risk Maps and Data and has a very low risk of flooding from other sources. Development of this nature is acceptable in Flood Zone 1 and generally would not require the submission (having regard to the scale of the site) of a Site-Specific Flood Risk Assessment as per the NPPF (2024). However, the NPPF at footnote 63 does go on to state that an FRA should be provided where the land in question has been identified within a SFRA of being at increased flood risk in future or where it is vulnerable to other sources of flooding where the proposals would introduce a more vulnerable use as defined by the NPPF. The refusal of the permission in principle application (23/00717/PIP) noted that a 2017 SFRA identified the site as being at high risk of groundwater flooding. As such, an FRA has been provided. It should be noted that a 2024 version of the SFRA has since been produced which no longer identifies the site of being at such risk and so in theory, the FRA is not required. However, as it has been provided the details are summarised below.

The FRA considers that there are no significant risks of flooding associated with the site and no additional measures for resilience are required and, due to the use of permeable surfacing (detailed in the landscaping proposals and secured by condition) and the reduction in volume (compared to the existing buildings) there should be no increase in surface water run-off. The FRA suggests the conditioning of foul and surface water management but, for a development of this scale in Flood Zone 1 it is not considered reasonable to condition such matters and, in any event, this would be dealt with at the building regulations stage. A condition shall also be added to the permission to provide drainage at the access with the highway in order to prevent surface water discharging to it.

Overall, the FRA concludes that there will be no harm as a result of the development. The LPA are satisfied that given the scale of development (having regard to that approved on appeal), and the location within Flood Zone 1 that it is not necessary to apply the Sequential Test. Further, foul and surface water drainage can be dealt with as part of building regulations requirements.

Having regard to the above, it is considered that the development has an acceptable approach to flood risk and surface water and therefore broadly accords with Policies LP5 and LP15 of the Local Plan to 2036.

*Accessible and Adaptable Homes

Policy LP25 of the Local Plan to 2036 requires proposals that 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. It has not been demonstrated that this will be unachievable and so the permission will be conditioned such that the dwelling will be designed in accordance with and will be built in accordance with the M4(2) standards.

*Water Efficiency Policy

LP12 of the Local Plan to 2036 requires proposals that include housing to comply with the optional building regulation for water efficiency, as set out in Approved Document G. The proposed development will be conditioned and designed in accordance with and will be built in accordance with the LP12 (j) standards.

*Other matters

Developer contributions (Wheeled Bins)

A Unilateral Undertaking to secure the provision of wheeled bins has been submitted as part of the application process. The development is therefore considered to be in accordance with Policy LP4 of Huntingdonshire's Local Plan to 2036 in this regard.

The proposal is therefore considered to accord with the requirements of Policy LP4 of the Local Plan to 2036 and the Developer Contribution SPD in this regard.

Developer contributions (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. A completed Community Infrastructure Levy Form has been provided to the Local Planning Authority as part of the outline permission.

The proposal is therefore considered to accord with the requirements of Policy LP4 of the Local Plan to 2036 and the Developer Contribution SPD in this regard.

*Conclusion

The proposed development is considered to be compliant with the relevant national and local policy as it is:

*Acceptable in principle

And it:

* Would not be harmful to the character or appearance of the area or the wider countryside;

* Would not have a significantly detrimental impact upon the amenity of neighbours;
* Is acceptable with regard to parking provision and highway safety;
*Is acceptable with regards to the impact on biodiversity;
*Is acceptable with regards to the impacts on trees;
* Would not result in an increased risk of flooding in the locality;

*There are no other material planning considerations which lead to the conclusion that the proposal is unacceptable.

Taking national and local planning policies into account, and having regard for all relevant material considerations, it is recommended that planning permission be granted, subject to the imposition of appropriate conditions.

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CONTACT OFFICER:
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