OFFICER REPORT

Case No: 24/02105/FUL Full Planning Application

Proposal: Demolition of existing outbuildings and erection of detached bungalow & associated works

Location: Land Rear Of 5 Howitts Lane Eynesbury

Applicant: AJB Homes & Utilities Ltd

Grid Ref: 518656 259596

DESCRIPTION OF SITE AND APPLICATION

This application seeks approval for the demolition of existing outbuildings and the erection of a single detached bungalow and associated works. The site comprises part of the rear garden of No.5 Howitts Lane (also known as Alma Cottage) in Eynesbury St Neots, which is a domestic two storey thatched-roof Grade II Listed Building. The north-eastern rear of the site fronts the head and turning circle of a cul-de-sac known as Laurels Close, which is a residential development characterised by pitched-roof two storey dwellings with brick found at the ground floor level and white uPVC cladding detail to the first floor. These dwellings are of similar age, design and scale.

The site is within a residential area of Eynesbury, within the Eynesbury Conservation Area and within Flood Zone 1. It is noted that there is one tree located off site but within close proximity to the site that has a Tree Preservation Order upon it.

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

It is noted that there have been two previous applications for single dwellings on this site that have been refused, one in March 2023 which was dismissed at appeal and a further application in July 2024. The appeal decision is considered and noted in the main body of the report in the assessment of this application. It is noted that this application has reduced the size of the property to a single storey bungalow.

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 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.

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

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

PLANNING POLICIES

Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)

LP1: Amount of Development
LP2: Strategy for Development
LP4: Contributing to Infrastructure Delivery
LP5: Flood Risk
LP6: Waste Water Management
LP7: Spatial Planning Areas
LP11: Design Context
LP12: Design Implementation
LP14: Amenity
LP15: Surface Water
LP16: Sustainable Travel
LP17: Parking Provision and Vehicle Movement
LP25: Housing Mix
LP30: Biodiversity and Geodiversity
LP31: Trees, Woodland, Hedges and Hedgerows
LP34: Heritage Assets and their Settings

Neighbourhood Plans:

St Neots Neighbourhood Plan (2016)
Policy A3: Design
Policy PT1: Sustainable Travel
Policy PT2: Parking Standards for Residential Development
Policy P4: Flooding

Supplementary Planning Documents/ Guidance

*Huntingdonshire Design Guide (SPD) 2017
*Developer Contributions SPD 2011
*Developer Contributions: Updated Costs 2023/24
*Huntingdonshire Landscape and Townscape SPD (2022)
*Huntingdonshire Strategic Flood Risk Assessment (2024)
*Cambridgeshire Flood and Water SPD 2017
*Annual Monitoring Review regarding housing land supply (2024)
*Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)
*St Neots Conservation Area Character Assessment (October 2006)

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

PLANNING HISTORY

8001158OUT – Dwelling – Refused 01.09.1980
0301610FUL - Erection of dwelling and garage – Refused 03.09.2003
0400129FUL - Erection of dwelling and garage – Permission granted 24.05.2004
22/01342/FUL - Demolition of existing outbuildings and erection of detached dwelling – Refused 01.03.2023 – Appeal dismissed 28.03.2024
24/00715/FUL - Demolition of existing outbuildings and erection of detached dwelling – Refused 19.07.2024

CONSULTATIONS

St Neots Town Council recommends approval. It is noted that there is no wider impact on the wider landscape and character of the area and that the proposal is an efficient use of the site.

HDC Environmental Health – No objection to the proposal with regard to Environmental Health matters.

HDC Conservation Team – No objections, comments from the Appeal decision noted.

HDC Urban Design Team – support the proposal. It is noted that the current application appears to have overcome previous inspectors concerns and the previous application reason for refusal.

HDC Arboricultural Officer – no objections. It is noted that there is one tree close to the site that has a Tree Preservation Order upon it and that one small tree is to be removed. The submitted Tree Protection Plan must be adhered to and secured by condition.

HDC Ecology Officer – confirm that the submitted BNG calculation is acceptable.

CCC Highways Department – Proposal supported with standard conditions. It is noted that the proposed dwelling has two car parking spaces but no garage. The LPA should consider whether this is sufficient for a two bedroom property and that any additional parking will not cause an amenity issue in Laurels Close. In addition there is a section of adopted highway verge to the frontage of Laurels Close. This should remain free of any growth or overhanging vegetation and the section of the proposed vehicular access should be constructed to CCC's specification.

REPRESENTATIONS

Comments have been received from five neighbouring properties, summarised below:

- Previous reasons for refusal have not been overcome.
- Window overlooking no.3 Laurels Close would be unneighbourly.
- Windows and doors overlooking no. 4 Laurels Close, impacting privacy.
- Parking space for no.3 could restrict access to the property and block the window of the living room.
- Poor design – does not compliment the character or appearance of the area and is not in keeping with other properties on Laurels Close.
- Erodes the garden of no. 5 Howitts Lane and removes the historic boundary between historic Eynesbury and the modern development of Laurels Close.
- Boundary treatment does not preserve the positive contribution that the garden makes to the setting of the Listed Building.
- Loss of biodiversity.
- Impact of increased cars in the cul-de-sac.

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 47 of the NPPF (2021). 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 (2016)
o Godmanchester Neighbourhood Plan (2017)
o Houghton and Wyton Neighbourhood Plan (2018)
o Huntingdon Neighbourhood Plan (2019)
o Buckden Neighbourhood Plan (2021)
o Bury Neighbourhood Plan (2021)
o Grafham and Ellington Neighbourhood Plan (2022)
o Great Gransden Neighbourhood Plan (2023)
o Sawtry Neighbourhood Plan (2023)
o The Stukeleys Neighbourhood Plan (2023)

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 in the determination of this reserved matters application are:

- The principle of development
- Design, Visual Amenity and Impact Upon Heritage Assets
- Residential Amenity
- Highway Safety, Parking Provision and Access
- Trees, Woodland, Hedges and Hedgerows
- Biodiversity
- Flood Risk and Surface Water
- Developer Contributions
- Accessible and Adaptable Homes
- Water Efficiency

*Principle of Development

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.

The proposal is for a single storey two bedroom dwelling with a single garage to the side, within the land rear of the existing dwelling of no.5 Howitts Lane Eynesbury. The site is located within the built-up residential area of Eynesbury and is in a sustainable location in terms of bus routes, walking and cycling distances with access to a range of facilities, so the proposal can be supported on accessibility grounds. It is therefore considered that the proposal meets the objectives of the NPPF. It is within the St Neots Spatial Planning Area as defined by the adopted Huntingdonshire Local Plan to 2036. As such, Policy LP7 of the adopted Local Plan is considered relevant.

Policy LP7 (Spatial Planning Areas) of Huntingdonshire's Local Plan to 2036 (2019) states:
Residential Development
A proposal for housing development (class 'C3') or for a residential institution use (class 'C2') will be supported where it is appropriately located within a built-up area of an identified Spatial Planning Area settlement.

The proposal therefore accords with Policy LP7 of the Huntingdonshire Local Plan to 2036 and the NPPF (2023) in this regard and the principle of the proposal is therefore acceptable in spatial planning terms, subject to other material considerations.

*Design, Visual Amenity and Impact on Heritage Assets

Policy LP11 of the Huntingdonshire Local Plan to 2036 requires new development to respond positively to its context. Policy LP12 requires new development to contribute positively to the area's character and identity and to successfully integrate with adjoining buildings.

Policy LP34 states that a proposal within, affecting the setting of, or affecting views into or out of, a conservation area should preserve, and wherever possible enhance, features that contribute positively to the area's character, appearance and setting as set out in character statements or other applicable documents.

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.

The application site is within the Eynesbury Conservation Area and was previously part of the garden of a Grade II Listed Building (no.5 Howitts Lane).

Section 66 of the Planning (LBCA) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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 of the Planning (LBCA) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Para. 212 of the NPPF set out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. Para. 213 states that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification…'

Local Plan policy LP34 aligns with the statutory provisions and NPPF advice.

The proposed site is to the rear of the listed building at no. 5 Howitts Lane. The Conservation Officer has considered the proposals and taken account of the appeal decision relating to the previous application (22/01342/FUL) which was for a larger property in the same location. This proposal has reduced the size of the dwelling to a single storey property addressing the previous refusal reasons of the earlier application reference 24/00715/FUL. It is noted that this application proposes a bungalow which is approximately 1.5m wider, 1m deeper and 2.5m lower than the previous proposed dwelling, whilst retaining the location within the site. The single storey dwelling has a pitched roof with a single gable projection and subservient garage addition to the side. In terms of impact on the conservation area and the setting of the listed building, this proposal has a similar impact to that of 22/01342/FUL which the Planning Inspector concluded was acceptable. It is considered appropriate to secure a condition to limit any future development of the property by removing permitted development rights. Therefore, the overall scale and siting of the proposed dwelling is considered acceptable, given the comments in the previous appeal decision and the modern development to the front of the proposed property.

It is noted that the plot size would be similar to that of no.2a Laurels Close and others within the neighbourhood, as well as retaining sufficient private amenity space for no. 5 Howitts Lane and as such is not considered to be out of character. Close boarded fencing is proposed to three sides of the site with open grassed area to the front of the property. Given the impact on the Conservation Area and setting of the listed building, the Local Planning Authority would require specific details of the materials and landscaping to be conditioned prior to development commencing.

Therefore, taking the appeal decision into account and the comments of the Planning Inspector, it is considered that the proposal would not result in harm to either the setting of the listed building to the rear of the site or to the significance and character of the conservation area such that a recommendation of refusal on design, visual amenity or heritage grounds could be substantiated.

Therefore, it is considered that harm will not be caused to this designated heritage asset or to the Conservation Area, because the proposal preserves the setting of the listed building and has regard to the preservation and enhancement of the Eynesbury Conservation Area, and is therefore in accordance with ss. 16, 66 & 72 of the Planning (LBCA) Act 1990, the NPPF (2024), A3 of the St Neots Neighbourhood Plan and also with policies LP11, LP12 and LP34 of the Huntingdonshire Local Plan to 2036 in this regard.

*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.

This application proposes a two bedroom single storey bungalow, with a side attached single garage. Two double bedrooms are positioned at the front of the property, with a kitchen and lounge to the rear. French doors will open from the kitchen out onto the rear garden, with sliding doors positioned on the west facing side elevation opening from the lounge onto the private amenity space to the west of the property. The single storey dwelling has a pitched roof, with eaves at 2.5 metres, increasing to 4.55 metres to the ridge and the roof pitch sloping away to the east from the host dwelling. The mass of the proposed property is considered to be modest and unlikely to be overbearing given the separation distance. The separation distance between the proposed dwelling and host dwelling of no. 5 Howitts Lane is 14.7 metres increasing to 15.5 metres at the greatest separation. The revised proposal could potentially result in some oblique views into the rear lounge window from the host dwelling, however this will be minimal and is therefore considered acceptable. It is noted that the kitchen will look out towards the smaller area of rear garden. The lounge has dual aspect orientation with greater separation to the north.

Neighbour comments regarding the parking and potential for overlooking are noted. However, the front parking of no.3 Laurels Close is already overlooked by the frontage of no.4 Laurels Close to the northeast and as such the proposed development is not considered to result in significant overlooking impacts in this regard, noting that the property is now a bungalow.

Therefore, taking the above factors into consideration, the proposal is considered to be acceptable with regard to its impact on residential amenity and therefore accords with Policy LP14 of Huntingdonshire's Local Plan to 2036, the Huntingdonshire Design Guide SPD and Section 12 of the National Planning Policy Framework in this regard.

*Highway Safety, Parking Provision and Access

Policy LP17 states that a proposal will be supported where it incorporates appropriate space for vehicle movements, facilitates accessibility for service and emergency vehicles and incorporates adequate parking for vehicles and cycles. Policy LP16 seeks safe physical access from the public highway.

Paragraph 116 of the NPPF (2024) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposed dwelling is positioned at the end of a cul-de-sac on Laurels Close. It is noted that the size of the property has been reduced from previous applications and now has two double bedrooms with a single garage and off-street parking for two cars. Whilst the third party neighbour comments are noted, it is not considered that a property of this size would add excessive vehicular activity to the public highway to warrant a refusal of the application. The Highways Authority has been consulted on the proposal and has no objections. In addition, noting the sufficient off-street parking spaces, it is considered that the garage could provide adequate space for cycle storage.

Therefore, subject to appropriate conditions, the proposal is considered acceptable in terms of its impact on highway safety and therefore accords with Policies LP16 and LP17 of Huntingdonshire's Local Plan to 2036 and Section 9 of the National Planning Policy Framework in this regard.

*Trees, Woodland, Hedges and Hedgerows

Policy LP31 of the Local Plan to 2036 states 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.

It is noted that one small tree will need to be removed. The Arboricultural Officer has been consulted on the proposal and has no objections, noting that it will not impact on the visual amenity of the local area. An Arboricultural Impact Assessment has been submitted with the application. A compliance condition will secure the Tree Protection Plan found at the end of the report.

Therefore, notwithstanding the required condition, the proposals are considered to accord with Policy LP31 of Huntingdonshire's 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, through the planned retention, enhancement and creation of habitats and wildlife features, appropriate to the scale, type and location of development.

In addition, since the previous application was determined there is now a statutory requirement for sites to deliver 10% Biodiversity Net Gain (BNG). The effect of paragraph 13 of Schedule 7A to the Environment Act 2021 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

Under the terms of the legislation, confirmation of the Biodiversity Gain Plan will be required following the granting of planning permission, which shall be secured by a Biodiversity Net Gain condition.

The Biodiversity Net Gain Metric has been completed and is accompanied by a report. Section 8 of the Biodiversity Net Gain Report confirms that the proposal fails to meet the minimum 10% statutory biodiversity net gain requirement and therefore this shall be secured through an off-site provider, which shall be secured by condition. The Ecology Officer has been consulted on the proposal and has confirmed that the submitted off-site value is suitable.

A Preliminary Ecological Appraisal has been submitted with the proposal, which confirms that there was no evidence of protected or notable species within the site. Enhancement measures include the installation of a bat box, insect box and hedgehog access. In addition, a Precautionary Working Methods Statement, including mitigation measures, has been provided within the document which should be followed immediately before and during construction. These will be secured by condition.

Therefore, subject to conditions, the proposals are considered to accord with Policy LP30 of Huntingdonshire's Local Plan to 2036.

*Flood Risk

The site is at the lowest risk of flooding according to the Huntingdonshire Strategic Flood Risk Assessment 2017 and Environment Agency Flood Map for Planning (Flood Zone 1) and the proposal is for minor development. Accordingly, the sequential and exceptions tests for flooding nor the submission of a flood risk assessment are considered necessary in this instance in accordance with the NPPF and NPPG.

Given the low flood risk and minor scale of development, officers are satisfied that full details of the surface and foul water drainage can be secured as part of building regulations and other relevant legislative requirements in this instance.

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

*Developer Contributions

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.

*Accessible and Adaptable Dwellings

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. No statement has been provided to confirm that the proposed development is designed in accordance with and will be built in accordance with the M4(2) standards. Therefore, this will be secured by condition to ensure that the development is built in accordance with these standards and that they are maintained for the life of the development.

*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. No statement has been provided as to whether the proposed development is to be designed in accordance and built in accordance with the LP12 (j) standards. This can be secured by condition.

Therefore, it is considered that subject to a condition to retain the proposed measures in perpetuity the proposed development would accord with Policy LP12 of Huntingdonshire's Local Plan to 2036 and the NPPF (2023) in this regard.

*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

There are no other material planning considerations which have a significant bearing on the determination of this application.

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

* The principle of the development of this site for residential purposes is acceptable;
* The proposal will result in the delivery of one home towards the housing supply; weight is afforded to this;
* Is of an appropriate scale and design;
* Would not have a harmful impact upon the designated heritage assets;
* Would not have a significantly detrimental impact upon the amenity of neighbours;
* Would not have a harmful impact upon highway safety;
* Would not have a significantly detrimental impact upon trees, woodland, hedges and hedgerows;
* Is acceptable with regards to the impact on biodiversity;
* Would not adversely affect flood risk 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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