HUNTINGDONSHIRE DISTRICT COUNCIL

25/00153/HHFUL

OFFICER REPORT

Case No: **25/00153/HHFUL** **Householder (Full)**

Proposal: **New vehicle crossover**

Location: **Living Accommodation 28 Main Street Farcet**

Applicant: **Mr Kugenthiran Kugathas**

Grid Ref: **520400 294594**

DESCRIPTION OF SITE AND APPLICATION

The application site relates to the residential garden of a property in use as a hot food takeaway and is located on Main Street, Farcet. The commercial area is to the front ground floor section of the property (on Main Street) with the rear and upper floor given over to residential use. It is noted from plans approved under reference 24/02281/FUL that there are some storage areas to the rear, but, given the layout of the site and the separation from the commercial element there is no reason to consider that the works proposed would not constitute householder development.

The site is within Flood Zone 1 as per the most recent Environment Agency Flood Risk Maps and Data, there are no protected trees within the site, it lies outside of the Conservation Area but within the setting of a Grade II Listed Building.

This application seeks permission for a new vehicular access on to Field Terrace.

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

It was noted that Certificate B has been submitted as part of the application process. but this had been served on Cambridgeshire County Council as the Local Highways Authority though in their comments they have noted that this is not adopted highway. The applicant has stated that they do not know who Field Terrace belongs to in order to serve notice to cover where the access projected onto the terrace. As this is the case, revised plans have been received reducing the red line such that the scheme now only includes land which is within the ownership of the applicant. Given that this was a reduction in the red line and does not make any material changes to the scheme further public consultation was considered not to be necessary.

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

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

LP5: Flood Risk
LP11: Design Context
LP12: Design Implementation
LP14: Amenity
LP15: Surface Water
LP17: Parking Provision and Vehicle Movement
LP30: Biodiversity and Geodiversity
LP31: Trees, Woodland, Hedges and Hedgerows
LP34: Heritage Assets and their Settings

Huntingdonshire Design Guide Supplementary Planning Document (2017):

* Place Making Principles parts 3.5 Parking and Servicing and 3.7 Building Form

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

RELEVANT PLANNING HISTORY

85/01595/FUL - Change of use to general store/off license (Permission)

24/02281/FUL _ erection of part single/part two storey rear extension to living accommodation (Approved)

CONSULTATIONS

Farcet Parish Council were consulted but no representations have been received at the time of determination.

Cambridgeshire County Council Highways Team - No objections.

REPRESENTATIONS

Three objections have been received and these are available to view on HDC's Public Access Site. It should be noted that of these three two originate from one property. These are broadly summarised below:

*Plans do not represent current situation.
*Parking needs on site are already met.
*Concerns about loss of hedgerow, impact on wildlife and use as water barrier.
*Impact on parking on Field Terrace/access for disabled persons.
*Highway safety concerns on Field Terrace as a result of new access.
*Flood risk/rainwater discharge onto the main road.

Officer comments, the observations regarding the plans and changes to the site since these were submitted (the removal of the garage) are noted. However, it is considered that the plans submitted

are sufficient to determine the application. Other matters raised will be discussed in the proceeding sections of this report.

SUMMARY OF ISSUES

The main issues to consider in the determination of this application are:

- Design, Visual Amenity and Impact on Heritage Assets
- Residential Amenity
- Parking Provision and Highway Safety
- Flood Risk
- Biodiversity
- Impact on Trees

* Design, Visual Amenity and Impact on Heritage Assets

The application site is 28 Main Street, Farcet, the frontage (commercial and residential) is located on Main Street with the side (south-eastern) boundary on Field Terrace. Field Terrace is an unclassified/unadopted road. There are no restrictions in place for parking but informal parking appears to take place to the south-east of the road. There are access points to properties and dwellings (including a double garage) at various points. Built development is mainly residential but the road does serve the rear of the Post Office and the Salvation Army Church (both to the south-east).

This proposal involves the removal of a section of the hedgerow forming the south-eastern boundary of the rear garden of 28 Main Street and creating a new vehicular access from Field Terrace to allow for parking in the rear garden. A section of 0.6m brick wall will be provided either side of the access. In design terms there is no reason to consider that the scheme will be harmful. It appears typical of a standard vehicular access. The loss of the hedge is considered is further detail in the proceeding sections of this report but it is important to note that it does not lie within a Conservation Area and is not afforded formal protection. As such, the applicant could remove this at any time with no prior engagement with the LPA. It is assumed that some degree of hard surfacing will be included (to allow for hard surfacing within the site) and, whilst not shown on the plans, the application form details that this will be permeable block paving. By virtue of Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) such installations would be permitted without the need to apply for planning permission. The surfacing will be conditioned as permeable but, for this reason the LPA consider that there is no reason to seek further clarification on such matters.

Overall, the development is considered to be acceptable in terms of design and visual amenity and therefore accords with Policies LP11 and LP12 of the Local Plan to 2036.

As detailed above, the site lies within the setting of a Grade II Listed Building (1 Middle Street) which lies approx. 65 metres north-east of the site.

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.

Para. 212 of the NPPF sets 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.

In this case, whilst technically speaking the application should be accompanied by a Heritage Statement, it is not considered that in this instance it would offer any further detail than the LPA is able to ascertain already. The minor scale of the scheme would not be viewed in direct context with the Listed Building (views would be limited at best). Further, as already established, the proposal would not be uncharacteristic of the surroundings. Overall, it would appear incongruous in the setting of the Listed Building and it therefore accords with Policy LP34 of the Local Plan to 2036, the provisions of the NPPF (2024) and the Planning (Listed Buildings and Conservation Areas) Act 1990.

*Residential Amenity

The scheme will not present with any of the typical residential amenity concerns such as noise, odour, overlooking, loss of light etc. More in depth consideration is given to parking provision in the proceeding sections of this report but, whilst it is acknowledged that there could be some impact on the provision on Field Terrace (vehicles parking opposite the access for example) this is not formalised or controlled and would be a civil matter for the applicant to address. It cannot reasonably be considered that this scheme given its minor scale would result in such an impact that it would be harmful or contrary to Policy.

Overall, having regard to the above the development accords with Policy LP14 of the Local Plan to 2036.

*Parking Provision and Highway Safety

There are some concerns raised in the objections regarding the options for manoeuvring (with vehicles parked opposite the proposed access), additional pressure on parking on Main Street (if parking opposite were lost/restricted) and disabled/elderly persons access to the Salvation Army Church.

In this case, Cambridgeshire County Council as the Local Highways Authority have been consulted and, following a review of the submitted details raise no objections advising that the junction of Field Terrace and Main Street is acceptable and can cope with the volume of two additional vehicles using it. They complete their comments by advising that they do not consider that the proposal will have any significant impact on the highway network.

The LPA does not seek to disregard the comments raised in the objections but are required to reach an 'on balance' decision based upon a number of policies and consultee responses. In this case, whilst it is acknowledged that there will be some disruption to the informally established parking and access on Field Terrace it cannot reasonably be considered that this would be harmful or be a justifiable reason to refuse the application (especially given the lack of objection from specialist consultees). In reaching this conclusion the LPA have also given regard to the Equality Act 2010 which is used as part of decision making and involves consideration of protected characteristics such as age and disability. Comments received state that this approval could hamper access for persons falling within these protected characteristics. However, from a site visit and aerial imagery there appears to be no formalised parking for elderly or disabled persons on Field Terrace. It is true that any pressure on parking may result in less space being available outside the Church. However, as this is not formalised the impact is not as great as the loss of a specific protected space and it appears that any parking would be on a 'first come first served' basis and so not reserved for persons falling within these categories.

Overall, having regard to the above assessment and the comments from specialists (as above) the development is considered to be acceptable with regard to parking provision and highway safety and therefore accords with Policy LP17 of the Local Plan to 2036.

*Flood Risk

The site lies within Flood Zone 1 and the site and it surroundings have an overall very low risk of flooding from all sources. The proposals are considered to be minor householder development and do not require the submission of a Site Specific Flood Risk Assessment nor the application of the Sequential or Exception Tests as per the NPPF (2024). Concerns around surface water are noted and it is clear that there is some variance in levels between the site and Field Terrace. As detailed above, permeable surfacing is proposed (and will be conditioned) and a further conditions shall also be added for drainage to be provided across the full width of the access (in order to limit surface water discharge onto the highway).

The development is considered to be acceptable in terms of flood risk and surface water and accords with Policies LP5 and LP15 of the Local Plan.

*Biodiversity

As minor householder development the scheme is exempt from Biodiversity Net Gain Legislation. However, notwithstanding this consideration, Policy LP30 of the Local Plan requires development to ensure no net loss in biodiversity and achieve a net gain where possible. A section of hedgerow will be removed to create the opening and it is noted that concerns have been raised regarding habitat impacts. As alluded to above the hedgerow is not protected and could be removed at any time with no consultation with the LPA.
In this case, the minor section due for removal alongside the lack of protection would not justify refusal of the application. Further, the nature of the development would not provide scope for providing a net gain to counter the very small loss. An informative note shall be added to the permission regarding protection of species during works.

Overall, the development is considered to broadly accord with Policy LP30 of the Local Plan to 2036.

*Impact on Trees

As established, a small section of hedgerow will be removed in order to create the access. It is noted that there is a tree in the garden which (whilst not detailed as being removed) may be impacted by the development. Neither of these are afforded formal protection and amount to only minor domestic planting. Whilst any loss is unfortunate, this alone would not warrant a refusal of the application not would a condition for formal protection be reasonable.

The development is considered to broadly accord with Policy LP31 of the Local Plan.

*Conclusion

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

* Is of an appropriate scale and design
* Would not have a harmful impact upon the character and appearance of the area;
* Is acceptable with regard to its impact on heritage assets;
* Would not have a significantly detrimental impact upon the amenity of neighbours;
*Is acceptable in terms of its impact on highway safety;
*Would not result in increased risk of flooding;
*Is acceptable with regard to biodiversity impacts;

*Is acceptable with regard to its impact on trees.

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:
Enquiries about this report to **Kevin Simpson**