OFFICER REPORT

Case No: 25/00001/FUL **Full Planning Application**

Proposal: **Change of use of existing shop, previously a garage for undertakers to domestic garage.**

Location: **199 High Street Offord Cluny St Neots**

Applicant: **Mr & Mrs Andrews**

Grid Ref: **522010 267318**

DESCRIPTION OF SITE AND APPLICATION

This application seeks approval for the change of use of an existing shop to a domestic garage at No. 199 High Street, Offord Cluny. The proposal would also involve the replacement of the existing window and door on the front elevation for a garage door.

The applicant has provided information and photographs of the previous uses of the building including as a garage/workshop for an undertakers in the 1950's and a furniture restorers circa mid 1970's. Finally, after the building was re-built in 1984 the building was used for a shop called Hampers. It is believed that this shut down in early 2000's and has remained vacant ever since.

The site is located centrally within the settlement of Offord Cluny, is situated within the Offord Cluny Conservation Area and in close proximity to a number of Grade II Listed Buildings including; Whitwell House and Nos. 187 and 201 High Street (to which the proposed garage would be associated).

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.

Sections 66 and 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
LP10: The Countryside
LP11: Design Context
LP12: Design Implementation
LP14: Amenity
LP15: Surface Water
LP16: Sustainable Travel
LP17: Parking Provision and Vehicle Movement
LP22: Local Services and Community Facilities
LP30: Biodiversity and Geodiversity
LP31: Trees, Woodland, Hedges and Hedgerows
LP34: Heritage Assets and their Settings

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

PLANNING HISTORY

8900241FUL - Install four dormer windows - refused

8400728FUL - Rebuilding of shop - Approved

8400620LBC - Demolition and rebuilding shop - Consent

8101590FUL - Extension to shop - Approved

CONSULTATIONS

Offord Cluny and Offord Darcy Parish Council - Neither for nor against the proposal. Councillors did express concerns about the access from the garage being directly onto the footpath/road.

Huntingdonshire District Council's Environmental Protection - Due to the surrounding land uses, no issues to raise.

Cambridgeshire County Council's Highway Authority - Object as there is insufficient space in front of the proposed garage to enable a vehicle to clear the road while the garage door is being opened. Use of the garage would either require vehicles to manoeuvre in the highway to reverse into the space or would otherwise result in vehicles reversing out over the footway with very restricted visibility risking conflict with non-motorised users.

REPRESENTATIONS

No third-party representations were received during the course of the application.

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)

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 and Visual Amenity
o Residential Amenity
o Highway Safety
o Flood Risk and Surface Water
o Biodiversity

*The Principle of the Development

The site is located within a built-up area of Offord Cluny, which the adopted Huntingdonshire Local Plan to 2036 identifies as a 'Small Settlement' and therefore, Policy LP9 (Small Settlements) is considered relevant in this instance.

Policy LP9 states that a proposal that is located within a built-up area of a Small Settlement will be supported where the amount and location of development proposed is sustainable in relation to
(a) the 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 and
(c) effect on the character of the immediate locality and the settlement as a whole.

Given the proposal seeks approval for the change of use of an existing commercial building to a garage for an existing residential property, it is considered to be sustainable in relation to the level of service and infrastructure within the settlement.

With regard to criteria (b), given the nature of the proposal, it is not considered to be applicable in this instance. Furthermore, as discussed in the following section of this report, the proposal is considered to satisfy criteria (c) of Policy LP9.

However, as the proposal would result in the change of use from commercial to residential, Policy LP22 (Local Services and Community Facilities) is also considered relevant. Initially, it is worth noting that the adopted Local Plan states that "community facilities can include, but are not limited to, community halls, local shops, public houses, theatres, cultural buildings, places of worship, schools, higher education facilities, childcare providers, health centres, sports venues, cemeteries and allotments."

Policy LP22 states that a proposal which involves the loss of a local service or community facility will only be supported where
(a) an equivalent service or community facility will be provided in a location with an equal or better level of accessibility for the community it is intended to serve; or
(b) it demonstrates that there is no reasonable prospect of that service or facility being retained or restored because either:
i. there is insufficient community support for its continuation; or
ii. reasonable steps have been taken to effectively market the property for its current use without success.

The additional information and photographs submitted by the applicant shows that the last know use of the buildings was as a shop called Hampers. It is understood that this shut down in early 2000's and the property has remained vacant ever since. The previous owner of the adjacent house, No. 201 High Street, purchased the shop around 17 years ago but did nothing with it. The applicant therefore wishes to bring it back to a domestic use and attach it to the 201 High Street title to serve as a garage/out building.

Given the scale and nature of the building and the fact that it has laid vacant for 25 years, the Local Planning Authority are satisfied that the proposal would not be at odds with the aim of Policy LP22 and would not lead to the unnecessary loss of a Local Service and Community Facility.

As such, the principle of development is considered to be acceptable, subject to all other planning matters being addressed.

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

The Local Planning Authority is required to ensure that special regard is given to preserving the listed buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Local Planning Authority is also 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 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).

This application seeks approval for the change of use of an existing shop (also once used as a garage/workshop area for previous funeral business) to a domestic garage for No. 199 High Street, Offord Cluny. The proposal would also involve the replacement of the existing window and door on the front elevation for a garage door. The site is located within the Offord Cluny Conservation Area and is in close proximity to a number of Grade II Listed Buildings (Whitwell House and Nos. 187 and 201 High Street).

The existing window and door that would be removed to facilitate the installation of a garage door are modern additions and therefore their loss is not considered to result in significantly detrimental impacts on the character or appearance of the building, the streetscene, the Offord Cluny Conservation Area or the setting of the adjacent Listed Building.

While specific details have not be provided, the proposed timber garage door is considered to be acceptable in principle, subject to specific details, as it would reflect detailing of the existing building and the adjacent Listed Building. A condition would be imposed on any planning permission granted to secure specific details of the proposed garage door.

As such, subject to the imposition of conditions, the proposal is deemed to be in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP9, LP11, LP12 and LP34 of Huntingdonshire's Local Plan to 2036, the Huntingdonshire Design Guide SPD and Sections 12 and 16 of the National Planning Policy Framework (2024) 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.

Given the nature of the existing and proposed uses, the Local Planning Authority are satisfied that the proposal would not result in any detrimental noise and disturbance impacts on any neighbouring residential property. Furthermore, as the external alterations include the replacement of an existing window and door with a garage door, the proposal would not result in any overbearing, overshadowing, overlooking or loss of light impacts.

As such, the proposal is deemed to be in accordance with 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 proposal involves the change of use of an existing shop to a domestic garage for No. 201 High Street, Offord Cluny. High Street is a classified B road, subject to a 30mph speed limit.

The Highway Authority have been consulted on the application and have recommended that the application is refused stating that there is insufficient space in front of the proposed garage to enable a vehicle to clear the road while the garage door is being opened. This is of particular concern for those turning right in from the road and is likely to result in additional manoeuvring in the highway, vehicles overhanging into the road and obstruction of the footway, all of which could be detrimental to highway safety. The use of automatic gates is not considered by the Highway Authority to be sufficient to overcome this concern.

Use of the garage would either require vehicles to manoeuvre in the highway to reverse into the space or would otherwise result in vehicles reversing out over the footway with very restricted visibility risking conflict with non-motorised users. The Highway Authority would usually request 2m by 2m pedestrian visibility splays be provided between any new vehicular access and the back of the footway to mitigate such risk and this would not be achievable in this case. While it is recognised that visibility is already restricted on the existing driveway and that this proposal will not necessary intensify use, the proximity of the proposed garage to the junction with Paddocks Chase may result in pedestrians who are crossing the junction having to wait in the road while a vehicle is reversing out over the footway. This would increase the risk of conflict with other road users.

No specific details have been provided as part of the application regarding the operation of the garage doors. The highway Authority have stated that doors opening into or over-sailing the public highway in any way would not be permitted.

Accordingly, the proposal is considered unacceptable in terms of its impact on highway safety and is therefore contrary to Policy LP12 and LP17 of Huntingdonshire's Local Plan to 2036 and Section 9 of the National Planning Policy Framework (2024) in this regard.

*Flood Risk

The site is at the lowest risk of flooding according to the Huntingdonshire Strategic Flood Risk Assessment 2024 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.

*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.

Whilst the proposal at this stage does not indicate any measures for biodiversity enhancement, given the nature and location of the proposed development, the Local Planning Authority are satisfied that the proposal would ensure no biodiversity net loss. It is also worth noting that Local Planning Authorities records indicate no presence of protected species in the area.

As such, the proposal is considered to broadly 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.

*Conclusion

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

As a result of the inadequate visibility and the provision of an access which will create potential conflict with other road users and pedestrians the proposal would result in unacceptable impacts on highway safety.

The proposed development is therefore considered to be contrary to Policies LP12 and LP17 of the adopted Huntingdonshire Local Plan to 2036 and Section 9 of the National Planning Policy Framework (2024).

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 is 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.

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CONTACT OFFICER:
Enquiries about this report to **Jennifer Wallis**