HUNTINGDONSHIRE DISTRICT COUNCIL

25/00703/FUL

OFFICER REPORT

Case No: **25/00703/FUL** **Full Planning Application**

Proposal: **Change of use from residential (C3) to commercial office space (B1)**

Location: **2B Church Street St Neots PE19 2BU**

Applicant: **Mr Gary Armiger**

Grid Ref: **518518 260311**

DESCRIPTION OF SITE AND APPLICATION

The application property is a commercial premises to the ground floor with residential accommodation above. It is located within the St Neots Conservation Area and is in Flood Zone 2. There are several Listed Buildings to the north and south of the application site.

The proposal is for the change of use from residential (C3) to commercial office space (B1), extending the current business of the applicant in the ground floor.

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 2023 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 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)

LP2: Strategy for Development
LP4: Contributing to Infrastructure Delivery
LP5: Flood Risk
LP7: Spatial Planning Areas
LP11: Design Context

LP12: Design Implementation
LP14: Amenity
LP15: Surface Water
LP17: Parking Provision and Vehicle Movement
LP21: Town Centre Vitality and Viability
LP30: Biodiversity and Geodiversity
LP34: Heritage Assets and their Settings

Planning Practice Guidance is also relevant and a material consideration.

Supplementary Planning Documents

- Huntingdonshire Design Guide Supplementary Planning Document 2017
- Developer Contributions SPD 2011
- Developer Contributions: Updated Costs 2023/24
- Huntingdonshire Landscape and Townscape Assessment (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)

The National Design Guide (2021)

*C2 – Value heritage, local history and culture
*I1 – Respond to existing local character and identity
*M3 - Well-considered parking, servicing and utilities infrastructure for all users
*H1 - Healthy, comfortable and safe internal and external environment
*H2 - Well-related to external amenity and public spaces

St Neots Neighbourhood Plan 2014-2029 (2016)
* Policy A3 – Design
* Policy SS2 – Utilising Historic Buildings

St Neots Conservation Area Character Assessment (October 2006)

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

Planning (Listed Buildings and Conservation Areas) Act 1990

PLANNING HISTORY

None

CONSULTATIONS

St Neots Town Council recommends approval. It is considered that the proposal fits in with the local street scene and would have a minimal impact on neighbours.

CCC Highways Department – no objections. It is noted that the proposal may impose additional parking demands upon the on-street parking in the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Local Planning Authority may wish to consider when assessing this application.

HDC Environmental Health – no objections

REPRESENTATIONS

No objections received at time of determination.

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 and 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 Bury Village Neighbourhood Plan (2021)
o Buckden 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 are:

o The Principle of Development
o Design, visual amenity and impact upon the designated heritage assets
o Residential Amenity
o Highway Safety, Access and Parking Provision
o Flood Risk
o Biodiversity

*The Principle of Development

The lawful and existing use of the site is mixed commercial and residential, close to St Neots Town Centre. The application seeks to remove the residential use to solely commercial use with no change to the exterior of the building, allowing the current tenant to expand their business to the upper floors, creating a single larger commercial unit. It is noted that the residential property on the first floor has been vacant for approximately 10 years.

Policy LP7 (Spatial Planning Areas) of Huntingdonshire's Local Plan to 2036 (2019) states:
Business Development
A proposal for business development (class 'B') will be supported where it is appropriately located within a built-up area of an identified Spatial Planning Area settlement. An appropriate location will include an Established Employment Area defined in policy LP 18 'Established Employment Areas'; a town centre defined in policy LP 21 'Town Centre Vitality and Viability' or the Alconbury Enterprise Zone.

Main Town Centre Uses
A proposal for a main town centre use, as defined in the 'Glossary', will be supported where it is appropriately located within a built-up area of an identified Spatial Planning Area settlement. An appropriate location will be determined through the application of the sequential approach as set out in the National Planning Policy Framework.

The application site is within the St Neots Spatial Planning Area and is for a change of use to commercial office space. This use is identified as appropriate Main Town Centre Use as defined in the Glossary of Huntingdonshire's Local Plan to 2036 (2019).

The proposal therefore accords with Policy LP7 of the Local Plan in this regard.

*Design, visual amenity and impact upon the designated heritage assets

Policies LP11 and LP12 of the Huntingdonshire Local Plan to 2036 state that developments should respond positively to their context, draw inspiration from the key characteristics of its surroundings and contribute positively to the area's character and identity.

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 proposal falls within the St Neots Conservation Area.

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.

2B Church Street is within the St Neots Conservation Area. The proposed works are for the change of use from residential to commercial use, extending the current business use to the first floor of the building. There are no proposed external changes to the property.

Officers have had special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Due to the nature of the application, with no changes to the external appearance of the building, it is considered that there would not be any significant detrimental impact upon the visual amenity or the character of the Conservation Area.

Therefore, it is considered that harm will not be caused to this designated heritage asset or to the Conservation Area, because the works will have a neutral impact preserve the listed building and its setting and have regard to the preservation and enhancement of the St Neots Conservation Area, and are therefore in accordance with ss. 16, 66 & 72 of the Planning (LBCA) Act 1990, the NPPF (2024), and also with policies LP12 and LP34 of the adopted Huntingdonshire Local Plan.

*Residential Amenity

Policy LP14 of the Local Plan to 2036 states a proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of neighbouring land and buildings.

The building is located on a main thoroughfare, with commercial units to both sides and residential dwelling opposite. The change of use will only impact the internal configuration of the property, with no proposed external changes. In addition, it is noted that commercial use is less intensive than residential use and therefore, it is considered that there will be no significant detrimental impact upon the amenity use of neighbouring properties.

Therefore, overall, the proposal is considered to accord with Policy LP14 of the Huntingdonshire Local Plan to 2036 in this regard.

*Highway Safety, Access and Parking Provision

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.

CCC Highways has no objections to the proposal. They have noted that the proposal may impose additional parking demands upon the on-street parking in the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity. However, due to the central sustainable location of the proposal, it is considered that the lack of allocated parking for the scheme is acceptable and that public car parks and public transport links associated with St Neots town centre are readily accessible.

Therefore, given the scale and siting of the proposal, it is considered that the proposal would not have an adverse impact on highways safety. The proposal, therefore, accords with LP17 of Huntingdonshire's Local Plan to 2036 (2019) in this regard.

*Flood Risk

National guidance and Policy LP5 of the Local Plan to 2036 seek to steer new developments to areas at lowest risk of flooding and advises this should be done through application of the Sequential Test, and if appropriate the Exceptions Test (as set out in paragraphs 172-184 of the NPPF (2024)).

The land that the application site forms part of is liable to flood. Change of use applications are not subject to the Sequential or Exception Tests as detailed in the NPPF. In addition, due to the nature of the proposal impacting the first floor of an existing building and decreasing the vulnerability of the use, from residential to commercial, it is accepted that there is no increased risk

of flooding on the site due to the works and therefore a flood risk assessment is not required in this instance. As such, the development is considered compliant with LP5 of Huntingdonshire's Local Plan to 2036 and the NPPF in this regard.

*Biodiversity

Policy LP30 of the Local Plan to 2036 states that a proposal will be required to demonstrate that all potential adverse impacts on biodiversity and geodiversity have been investigated. A proposal will 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.

It is noted that the proposal is below the development threshold applying to the requirement to provide a Biodiversity Net Gain as set out in Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) as there is no impact upon a priority habitat and no loss of on-site habitat. It is noted that the application relates solely to the proposed change of use, with no additions to the external structure of the building.

In addition, whilst the proposal does not include measures to achieve a net gain in biodiversity there is no net loss and so the proposal is considered to accord with Policy LP30 of Huntingdonshire's Local Plan to 2036 and the NPPF (2023) in this regard.

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:
* Is of an appropriate scale and design;
* Would not have a harmful impact upon the designated heritage asset;
* Would not have a significantly detrimental impact upon the amenity of neighbours;
* Would not have a harmful impact upon highway safety;
* Would not adversely affect flood risk in the locality;
* Would not have a harmful impact upon biodiversity.

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 **Olivia Manton**