OFFICER REPORT

Case No: 24/02081/FUL Full Planning Application

Proposal: Extension to, and change of use of garage and workshop to dwelling (self build)

Location: 34 North Street Stilton Peterborough

Applicant: J McCaffrey

Grid Ref: 516236 289534

DESCRIPTION OF SITE AND APPLICATION

The site is located within the built-up area of Stilton. It lies within Flood Zone 1 and is in the setting of the Stilton Conservation Area and a number of Grade II Listed Buildings. There are no protected trees within the site or immediate vicinity.

The application site is a single storey building located between no's 30 and 34 North Street. It is presently in use as a garage/store area associated with number 34. The LPA understands that the building was historically a dwelling. The proposal is to extend the building to the rear and change its use to a dwelling.

This application follows an earlier withdrawn application (ref 24/01352/FUL) with the main change being the reduction of the scheme to a one-bedroom property. Given that this application was so recent and the changes limited, the LPA have not re-consulted all consultees (such as Environmental Health or CCC Highways) as they had no objections originally and the changes to not amount to a significant material change. Their original comments are therefore considered relevant and are detailed in the proceeding sections of this report. All statutory consultations (with the Parish Council and neighbours) have been undertaken and a site notice has been displayed.

Due to the re-submission, there are some anomalies in the submitted Design, Access and Heritage Statement (it refers to a two-bedroom property for example), but Officers are satisfied that the detail provided is sufficient to determine the application.

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

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
LP9: Small Settlements
LP11: Design Context
LP12: Design Implementation
LP14: Amenity
LP16: Sustainable Travel
LP17: Parking Provision and Vehicle Movement
LP25: Housing Mix
LP30: Biodiversity and Geodiversity
LP34: Heritage Assets and their Settings
LP37: Ground Contamination and Groundwater Pollution

Supplementary Planning Documents (SPD) and Guidance:

*Huntingdonshire Design Guide Supplementary Planning Document (2017)
*Developer Contributions SPD (2011)
*Huntingdonshire Landscape and Townscape SPD (2022)
*Huntingdonshire Strategic Flood Risk Assessment (2017)
*Cambridgeshire Flood and Water SPD (2017)
*Annual Monitoring Review regarding housing land supply (2024)

There is no Made Neighbourhood Plan relevant to the application site although Stilton's application foe the designation of a neighbourhood area relating to the whole of the parish was approved on 18th September 2023.

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

RELEVANT PLANNING HISTORY

24/01352/FUL - Conversion of a garage and workshop to a dwelling including extension and alterations(Withdrawn)

CONSULTATIONS

Stilton Parish Council - Recommends approval. They state that they feel whichever windows are used in the development will be an enhancement for the outlook for the street.

HDC Environmental Health (on withdrawn application) - No objections.

CCC Highways (on withdrawn application) - No objections - LPA to consider if additional parking will cause an amenity issue.

REPRESENTATIONS

None received at the 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 (2023). 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, as stated above, there is not an adopted neighbourhood plan in place for Stilton. 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:

*The principle of development
*Design, visual amenity, impact upon the character of the area and heritage assets
*Residential amenity
*Highway considerations
*Flood risk
*Biodiversity
*Other matters

*The principle of the development

Stilton is defined as a small settlement under Policy LP9 of the Local Plan to 2036. LP9 states that a proposal that is located within the built-up area of a small settlement will be supported 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.

In this case Stilton is one of the larger small settlements detailed within the plan and provides a number of different services and options for recreation. For example, there is a hair salon,

convenience store, public houses, a school, church and playing field. Further, it lies less than 3km from Yaxley which is defined as a Key Service Centre within the Local Plan due to the number of services and facilities it offers. There is also good connectivity to Peterborough from Stilton with a regular bus service in place. As detailed in the proceeding sections of this report the proposal also includes provision for cycle storage. Therefore, the re-instatement of a single dwelling in this location is considered acceptable having regard to parts a and b of LP9. Matters regarding design are discussed below but for the purposes of this assessment the development would also accord with part c.

Overall, the development is considered to be acceptable in principle and can be supported subject to compliance with all material planning considerations and conditions.

*Design, visual amenity, impact upon the character of the area and heritage assets

The building in question is a small, brick building which is of reduced scale in relation to the adjacent buildings. It has a parapet roof with wooden garage doors to the front and a service door to the side. A key consideration is that there is an evident degree of variance in the age, scale, design and material finish in the properties on this section of North Street with the character of area defined by this variance. As such, the minor amendments to the front elevation (removing the doors and replacing with windows) will have a limited impact on the surroundings. The brickwork below will be infilled with bricks to match and this will also be the case for the modest extension to the rear. The remaining works are considered sympathetic, materials will be secured by condition and, given their location the impact on the streetscene will be neutral.

It should be acknowledged that whilst the LPA would prefer some amendments in terms of placemaking (for example the living accommodation to the front as opposed to a bedroom in order to provide better surveillance of the street/parking area and an access door to the front as opposed to the side) it is acknowledged that the applicant is managing the constraints of an existing building and has worked with the LPA based on advice provided during the withdrawn application.

In terms of outside space, a patio and garden area is provided and consideration has been given to access for wheeled bins and cycle storage. Access to the rear garden area of number 30 is via the rear garden of the application site (which will now be known as number 32). The LPA understands that this is an existing situation and is with private agreement with the occupants of number 30. This is not a matter which is within the gift of Planning to control but it is noted that number 30 has been consulted and no objections have been received at the time of determination.

Overall, it is considered that the proposal would not result in harm to the character or appearance of the area and therefore accords with Policies LP11 and LP12 of the Local Plan to 2036.

As detailed in the preceding sections of this report, the building lies approx. 43m north of the Stilton Conservation Area and there are some Grade ll Listed Buildings in the vicinity of the application site (the closest being number 39 North Street to the south-west which is approx. 28m away.

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.

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 a Heritage Statement accompanies the application and this considers the impact of the proposals on the heritage assets and Officers have conducted an assessment of the scheme. Following this it is considered that in terms of the impact on the Conservation Area and Listed Buildings that the proposed change of use and minor alterations/extension would not harm this relationship (especially
having regard to the separation between the two). The proposed residential use of the planning unit would be in keeping with the surrounding properties and will be a continuation of the varied character of the area.

Therefore, having regard to the above assessment, it is concluded that the development is acceptable with regard to its impact on the designated heritage assets and therefore accords with Policy LP34 of the Local Plan to 2036, the Planning (Listed Buildings and Conservation Areas) Act 1990, and the provisions of the NPPF (2024).

*Residential amenity

Local Plan Policy LP14 provides caveated support for proposals that would maintain a high standard of amenity for occupiers of neighbouring land and buildings.

In this case, the amendments made (comparable to the withdrawn application) demonstrate accordance with the guidance for bedroom sizes (for a double room) as detailed within the technical housing standards - nationally described space standards document. There is also natural light provided to all habitable rooms. It is unfortunate that access to the rear of numbers 34 and 30 will require users to pass
the side windows of the application property but it is acknowledged that this will be controlled (in that it will only be the occupants of these properties using the access) and this does not differ from people passing the property (and windows) on the street.

The provision of outside space is welcomed and as acknowledged in the preceding sections of this report there are a number of options for recreation/leisure in the village.

In terms of impact on adjacent properties/land it is not considered that any negative impacts would arise through overlooking or loss of privacy. There is only a side access door in the southern elevation of number 34 and a small window at first floor with only a top opening vent and therefore no direct overlooking as a result of window placement.

The rear extension will have an almost identical depth to an existing extension to the rear of number 30 and a reduced ridge line in relation to the host building. The extension to the rear of number 30 has a pitched roof and so the proposed mono-pitch on the rear extension and extension in general will not cause harm in terms of overbearing impacts, overshadowing or loss of light and complies with Policy LP14 of the Local Plan to 2036 in this regard.

*Highway safety and parking

The change of use will result in the loss of a garage space. However, at the time a site visit was completed the garage was in use for storage and not parking. There is provision for on street parking outside the property (and this appears to be the norm for this area). CCC Highways have

not raised an objection though the LPA has considered the amenity impacts which they referred to. It should be acknowledged that since they made these comments the scheme has been reduced to a one-bedroom dwelling. Therefore, it is not considered that cumulatively the impact of the development would be harmful in terms of amenity or highway safety in the locality.

Policy LP17 also requires cycle storage (one secure covered space per bedroom) and this has been provided in the rear garden and will be secured by condition.

Overall, the development complies with Policies LP16 and LP17 of the Local Plan to 2036.

*Flood risk

The site lies in Flood Zone 1 where development of this nature is acceptable. The proposal does not require the submission of a Flood Risk Assessment or the application of the Sequential or Exception Tests as per the NPPF (2024). Whilst the use is now classed as 'more vulnerable' (NPPF 2024) and an extension will be added this is minor scale development and it is not considered that the proposals as presented will result in an increased risk of flooding to either the occupants of the dwelling or those occupying adjacent dwellings or land. It therefore complies with Policies LP5 and LP15 of the Local Plan to 2036.

*Biodiversity

Policy LP30 if the Local Plan requires a development to ensure no net loss of biodiversity and achieve a net gain where possible. In this case, whilst no net gain is proposed the LPA is satisfied that there will be no net loss. The garage and store is in regular domestic use and at the time of the site visit was being used for storage and a base for renovation works. The store contained a washing machine and fridge freezer and clearly in use for ancillary domestic purposes. As such, its value in terms of hosting any species (especially protected species) is extremely negligible. The extension makes use of an area of existing hardstanding and so no priority habitat will be affected.

For the reasons given above the development would also be exempt from the requirements of Biodiversity Net Gain Legislation as it does not affect more than 5m of linear hedgerow or 25m² of priority habitat. It is also stated that it will be self-build and this shall be secured by condition.

The development therefore accords with Policy LP30 of the Local Plan in this regard.

*Other matters

*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. In this case, given the constraints of dealing with an existing building it would not be considered reasonable to attach such a condition to this permission.

*Water efficiency

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.

Developer contributions (Wheeled Bins)

A Unilateral Undertaking to secure the provision of wheeled bins has been submitted as part of the application process for the outline proposal. The development is therefore considered to be in accordance with Policy LP4 of Huntingdonshire's Local Plan to 2036 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. No CIL forms have been provided at the time of determination but this matter will be pursued by the Council's Implementation Team. The development 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

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

The proposed change of use is acceptable in principle, as is the proposed extension and minor changes to the building. There would be no harm to the setting of nearby Listed Buildings/structures or to the character and appearance of the Conservation Area.

Having regard to all relevant material considerations the proposed development is considered to comply with Policies LP5, LP9, LP11, LP12, LP14, LP16, LP17 and LP34 of Huntingdonshire's Local Plan to 2036 and consequently, 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**