OFFICER REPORT

Case No: 25/01022/S73 Removal/Variation of Conditions

Proposal: Variation of Conditions 2 (Approved Plans), 7 (Cycle Storage), 8 (Bin Storage) and Condition 5 (Land Contamination) of 24/00084/FUL

Location: 34 Huntingdon Street St Neots PE19 1BB

Applicant: Avenue Corner Group

Grid Ref: 518602 260532

DESCRIPTION OF SITE AND APPLICATION

The permitted development is for the conversion of a commercial unit (Class E) to a mixed 2 commercial (Class E) and 3 residential units (Class C3). The property is a two storey building of brick construction, dating from 1887. It is currently being used as a single shop with a display area to the front and a large storage and workshop area to the rear. The building takes up the majority of the site, with a small area of hardstanding to the rear. It is located within close distance to the town centre of St Neots and is within the St Neots Conservation Area. There are several listed buildings to the north and south of the building, but with limited visibility to the proposed development.

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

The original application (24/00084/FUL) was for the conversion of a commercial unit (Class E) to a mixed 2 commercial (Class E) and 3 residential units (Class C3) and was approved in August 2024.

This application is for the Variation of Conditions 2 (Approved Plans), 7 (Cycle Storage) and 8 (Bin Storage) and Removal of Condition 5 (Land Contamination) of 20/00084/FUL to more accurately portray the building than those previously approved and in response to some (largely Building Regs driven) minor alterations to the proposals. In addition, approval is sought for the varying/deleting of other conditions as the new plans now include the details sought and an independent Environmental Report confirms there are no pollution/contamination risks from the proposals. This last point has been subject to Environmental Health consultation, who has confirmed that the contamination condition must remain. During the lifetime of the application a remediation proposal was agreed and therefore Condition 5 is no longer being removed but will be varied to reflect the accepted strategy. The application description was adjusted to reflect the agreed change. Due to the minor change regarding the specialist condition, it was not considered necessary to carry out a wider reconsultation exercise. It is noted that revised plans were also received in response to Officer concerns. These were minor design details and therefore it was not considered necessary to reconsult on the proposed changes.

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
* 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
* M3 Well considered parking, servicing and utilities infrastructure for all users
* N3 Support rich and varied biodiversity

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
LP5: Flood Risk
LP7: Spatial Planning Areas
LP11: Design Context
LP12: Design Implementation
LP14: Amenity
LP16: Sustainable Travel
LP17: Parking Provision and Vehicle Management
LP21: Town Centre Vitality and Viability
LP25: Housing Mix
LP26: Specialist Housing
LP34: Heritage Assets and their Settings

Neighbourhood Plans:

St Neots Neighbourhood Plan (2016)
Policy A3: Design
* Policy SS1 – Town Centre
* Policy SS2 – Utilising Historic Buildings

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)

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

PLANNING HISTORY

83/01050/FUL – Shopfront – permission granted 07.09.1983
24/00084/FUL - Conversion of a commercial unit (Class E) to a mixed 2 commercial (Class E) and 3 residential units (Class C3) – permission granted 08.08.2024

CONSULTATIONS

St Neots Town Council supports the application. It is considered that the proposal fits in with the local scene and would assimilate itself to the existing part of the town. In addition, the proposal is considered to be satisfactory in terms of scale and pattern of development and makes efficient use of the site.

HDC Environmental Health – the removal of Condition 5 (Land Contamination) is not supported. A revised remediation approach is supported and will be secured by condition.

CCC Highways Department – previous observations remain valid. The Local Planning Authority must be satisfied that there is sufficient capacity for parking associated with both commercial and residential use and that the position of parking spaces and bins placed on collection day will not obstruct the highway or residential access.

REPRESENTATIONS

None received at time of determination.

SUMMARY OF ISSUES

The Planning Practice Guidance (PPG) notes that there are instances where new issues may arise after planning permission has been granted, which require modification of the approved proposals.

It advises where these modifications are fundamental or substantial, a new planning application will be required. Where less substantial changes are proposed a non-material amendment application can be submitted, or a minor material amendment (S73 application) where there is a relevant condition that can be varied. There is no statutory definition within the PPG of a 'minor material amendment' but it states that it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

The PPG advises that "Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission unless they have already been discharged". As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

Whilst there is a presumption in favour of sustainable development, the National Planning Policy Framework defines sustainability as having three strands - social, economic and environmental.

One of the NPPF's core principles is to achieve well-designed places and it is noted that "The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

The principle of the conversion of the building to a mixed commercial use and residential use for 3 apartments has been approved through the grant of permission of application 24/00084/FUL for the Conversion of a commercial unit (Class E) to a mixed 2 commercial (Class E) and 3 residential units (Class C3). The main issues to consider in the determination of this application therefore are whether the amended scheme in acceptable in terms of:

- Design, Visual Amenity and Impact on Heritage Assets
- Residential amenity
- Highway Safety, Access and Parking Provision

*Design, Visual Amenity and Impact on 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. 205 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. 206 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 proposal is for the variation of Conditions 2 (Approved Plans), 7 (Cycle Storage), 8 (Bin Storage) and Condition 5 (Land Contamination) of 24/00084/FUL. The changes to the approved plans involve the reconfiguration of the conversion of the property to two commercial units and three residential units.

Fenestration changes include the addition of new window openings to the rear side elevation at ground and first floor level. It is noted that the design has been amended to better reflect the style and proportions of the building. It is noted that a previously approved small roof light has been removed. The windows will overlook a rear yard area that is open to the public highway and are

therefore will have an impact on the St Neots Conservation Area. On the rear elevation, a door is to be replaced with a window and two new roof lights are to be inserted to the monopitch rear roofline. It is considered that the proposed fenestration changes reflect the character of the existing building and therefore would not have a detrimental impact on the St Neots Conservation Area.

It is noted that the cycle and bin storage is to be provided within an existing enclosed and secure area to the side of the building and therefore neither will be visible from the public realm.

Therefore, overall, it is considered that the scale, bulk and design of the development compliment the host building. Officers have given special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. It is considered that harm will not be caused to this designated heritage asset because the development would have a neutral effect. The proposal, therefore, accords with LP11, LP12 and LP34 of Huntingdonshire's Local Plan to 2036 (2019) 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.

The proposals involve the reconfiguration of the proposed commercial and residential units to that of the previously application. (24/00084/FUL). Flat 1 has been reduced in size to 38 square metres, Flat 2 is now 53 square metres and Flat 3 is 55 square metres. The resulting space has been reduced for the residential units, which is regrettable, however they are above the Government's Technical housing standards – nationally described space standards (2015), which suggests between 37 and 39 square metres for a 1bed 1 person flat, and 50 square metres for a 1 bed 2 person flat. Similarly, the commercial units on the ground floor have been reconfigured and appear to be smaller, although it is noted that the remaining space on the first floor adjacent to flat 3 will provide storage for the larger commercial unit on the ground floor.

The additional fenestration details will provide adequate daylight into the habitable rooms of the residential units. The new windows, with the exception of one will face onto the south facing hard standing area related to the property, reducing any impact in terms of residential amenity on neighbouring properties. The proposed layout shows adequate room sizes allowing for the positioning of appropriate facilities and furniture within the rooms.

It is noted that there is no private amenity space for the occupants of the new dwellings. However, the property is less than half a mile from Riverside Park to the south-west and less than half a mile from Priory Hill Park to the north-east. It is recognised that the development is within a sustainable location accessible to the services provided in the Town Centre and the green spaces on the edge of the centre, either by walking or by public transport.

Therefore, it is considered that the development will provide occupiers with an appropriate amenity standard and accords with all the relevant criteria within LP14. Therefore, the development is considered acceptable and in accordance with LP14 of Huntingdonshire's Local Plan to 2036 (2019) 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 been consulted on the proposal and expressed concern regarding the provision of adequate parking for four vehicles, as set out in the application form. However, due to the central sustainable location of the proposal, it is considered that the lack of allocated parking for the scheme is acceptable. It is noted that sufficient secure cycle parking has been provided within an existing enclosed and covered area of the scheme and that public transport links associated with St Neots town 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.

*Other Matters

*Land Contamination

Condition 5 concerns historical Land Contamination at the site. A remediation strategy has been submitted and accepted by the Environmental Health Officer; this will be secured by condition.

* Unilateral Undertaking (UU) for Wheeled Bins

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.

*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;
* Would not have a significantly detrimental impact upon the amenity of neighbours.

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

The proposed amendments to vary conditions 2, 5, 7 and 8 are considered to be relatively minor in relation to the wider site and will not fundamentally change the character of the development as approved.

It is therefore recommended that planning permission be granted. All conditions imposed under the previously approved application reference 24/00084/FUL will be repeated, where relevant and amended to compliance conditions where the conditions have been discharged, as per advice in the PPG.

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:
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