# OFFICER REPORT

**Case No:** 25/00088/FUL Full Planning Application

**Proposal:** Change of use from office (Use Class E(g)(i)) to 1No. 1-bedroom flat (Use Class C3) and associated demolition of garage and rear lean-to structure

**Location:** 27 High Street Fenstanton Huntingdon

**Applicant:** Ms Armstrong and Thomas

**Grid Ref:** 531716 268373

## DESCRIPTION OF SITE AND APPLICATION

The application site is 27 High Street, Fenstanton. It has a business use at ground floor level (currently a Pharmacy) with some sections to the rear/side and first floor given over to office space. There is a driveway area and garage frontage to the side (west) elevation. The office space to the rear and garage are largely provided by a an awkward 'lean-to' type structure and side projection from this.

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 is within the Fenstanton Conservation Area and there are a number of Grade II Listed Buildings in the vicinity.

This application seeks permission for the demolition of a section of the lean-to structure and garage and the change of use of the retained elements to the rear ground floor and first floor to a one-bedroom dwelling.

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

During the lifetime of the application and with the agreement of the agent the description has been revised to include the demolition. This is referenced in the application form, Planning, Heritage, Design and Access Statement and on the site notice. As such, on the balance of fairness, further full public consultation was considered not to be necessary on this occasion.

## 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
LP8: Key Service Centres
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

Supplementary Planning Documents (SPD) and Guidance:

Huntingdonshire Design Guide (2017)
Developer Contributions SPD (2011)
Huntingdonshire Landscape and Townscape SPD (2022)
Huntingdonshire Strategic Flood Risk Assessment (2024)
Cambridgeshire Flood and Water SPD (2024)
Annual Monitoring Review regarding housing land supply (2024)
Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)

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

Fenstanton Conservation Area Character Statement (January 1996)

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

**RELEVANT PLANNING HISTORY**

None relevant

**CONSULTATIONS**

Fenstanton Parish Council recommend approval. They have made additional comments which are addressed below.

HDC Conservation Team (informal consultation) - No objections.

HDC Environmental Health - No objections.

Cambridgeshire County Council (CCC) Highways Team - No objections.

The Parish Council have suggested that there should be an escape route from first floor level and have requested that HDC investigate that part of a building is being demolished in order to accommodate the development.

Officer comments: Whilst these comments are noted it should be acknowledged that it is not typical for an escape route to be provided from the first floor of a property (for example in a standard dwelling the occupants would typically be reliant on windows as a means of escape). In any event, these matters would be addressed at the building regulations stages. Matters regarding the demolition have now been included in the description (which will regularise this matter). The Parish Council have been advised of the route for reporting unauthorised development should it be required.

**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 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 a number of adopted neighbourhood plans, however, as stated above, there is not an adopted neighbourhood plan in place for Fenstanton. 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 heritage assets
*Residential amenity

*Highway considerations
*Flood risk
*Biodiversity
*Other matters

*The principle of the development

Fenstanton is a Key Service Centre as defined under Policy LP8 of the Local Plan. Key Service Centres are considered capable of accommodating some development sustainably due to the level of services, infrastructure and facilities they contain. In this case, Fenstanton has a primary school, nursery, shops, public house and church and is well placed for access to larger settlements by sustainable travel methods.

It is considered that the conversion of the office space to residential to a single one-bedroom dwelling can be supported on this basis. It would also be compliant with Paragraph 125(d) of the NPPF (2024).

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

*Design, visual amenity, impact upon heritage assets

High Street hosts a mixture of commercial and residential buildings of varying age, scale and design. Aside from the demolition of the rear lean-to and side garage and insertion of a window in the side (west) elevation, there are no changes proposed to the exterior of the building. It is not considered that these features are valuable additions and so their loss is not considered harmful.

In terms of outside space, provision for off road parking is provided as is wheeled bin and cycle storage.

Overall, it is considered that for the reasons given above, the proposal will 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 above, the site lies within the Fenstanton Conservation Area and there are a number of Grade ll Listed Buildings in the vicinity. The closest is number 19 high Street which lies approx. 58m west of the application site.

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 the application is accompanied by a Planning, Heritage, Design and Access Statement which considers the impacts on heritage assets. HDC's Conservation Team have been informally consulted and raise no objections confirming that the demolition will not impact the character of the Conservation Area.

Officers consider that given the limited amount of exterior works, alongside the other matters discussed in the earlier assessment (as above) and the comments from specialists that the development would not cause harm to the character or appearance of the Conservation Area or the setting of the Grade ll Listed Buildings.

In conclusion, Officers are satisfied that it 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 layout, albeit irregular with only the kitchen at ground floor makes good use of the space available. It complies with the Technical Housing Standards - Nationally Described Space Standards and there are windows to all habitable rooms.

No built development is proposed and the single additional window at ground floor level will not be harmful. As such there are no concerns with regard to overbearing impacts, overshadowing, loss of light, loss of privacy or overlooking.

It is also noted that given the limitations of the site no significant level of defensible outside space can be provided. However, given the central location with opportunities for recreation and leisure easily accessible via sustainable travel methods there is no objection to this.

Overall, having regard to the above, the development is acceptable in terms of residential amenity and therefore accords with Policy LP14 of the Local Plan to 2036.

*Highway safety and parking

Whilst the proposal will result in the loss of the garage a single parking space is retained, and this is considered sufficient for the scale of development proposed. CCC as the Local Highway Authority have also been consulted and raise no objections.

The provision of the secure cycle storage is welcomed and follows the guidance contained within the Huntingdonshire Design Guide.

Overall, the development is acceptable in terms of parking provision, highway safety and sustainable travel and therefore accords with Policies LP16 and LP17 of the Local Plan to 2036.

*Flood risk

The site lies within Flood Zone 1 as per the most recent Environment Agency Flood Risk Maps and Data. Development of this nature is acceptable within Flood Zone 1 and its scale, and the scale of the site does not require the submission of a Flood Risk Assessment as per the NPPF (2024). Further, given that this relates to a change of use it does not require the application of the Sequential or Exception Tests.

It is not considered that the introduction of a single, one bed dwelling would present such a degree of pressure on the sewerage network that it would be unviable.

Overall, the development is considered to be acceptable with regard to its approach to flooding and waste water and therefore accords with Policies LP5 and LP6 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 terms of Biodiversity Net Gain legislation (BNG), the application form suggests that this will be de-minimis (development below the threshold) and the LPA are in agreement with this as it relates only to a change of use it will not impact more than 25m² of priority habitat and so BNG does not apply.

No measures for a net gain have been provided but the LPA are satisfied that given the location and use of the site achieving this would be challenging. Further, it is considered that for the reasons assessed above there would be no net loss and so the development can proceed in broad accordance with Policy
LP30 of the Local Plan.

*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. Whilst there is no demonstration that this will be unachievable as part of the application it is considered that given the constraints of the site (having regard to the fact that this is a conversion with the majority of the living accommodation at first floor level) that this would be unachievable. Therefore, it is not considered reasonable to attach a condition in this instance.

*Water Efficiency Policy

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 to be in accordance with and will be built in accordance with the LP12 (j) standards.

*Other matters

Developer contributions (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.

The proposal 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.

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. A completed Community Infrastructure Levy Form has been provided to the Local Planning Authority as part of the outline permission.

The proposal 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 development is acceptable in principle, and there would be no harm to the character or appearance of the area, heritage assets, on residential amenity, highway safety, increased flood risk or biodiversity and it can therefore be supported.

Having regard to all relevant material considerations the proposed development is considered to comply with Policies LP4, LP5, LP6, LP8, LP11, LP12, LP14, LP16, LP17, LP30 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:**
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