**OFFICER REPORT**

**Case No:** 24/01953/FUL **Full Planning Application**

**Proposal:** **Demolition of single storey structure, change of use from former public house (Sui Generis) to convenience store (Use Class E) with ancillary residential accommodation above and associated access and car parking area.**

**Location:** **Public House The Bulls Head 96 Cambridge Street**

**Applicant:** **Mr Jeyaseelan Thambirajah**

**Grid Ref:** **519051 260306**

## 1. DESCRIPTION OF SITE AND APPLICATION

Site and Surroundings

The site is located within the built-up area of St Neots, surrounded by a mix of residential, commercial and community uses. The building is not listed nor is it in the setting of any listed buildings, but it does lie within the extensive St Neots Conservation Area. The Council's 2024 Strategic Flood Risk Assessment places the site in Flood Zone 1.

The host building is currently vacant and according to the applicant's CIL forms ceased trading as a Public House on 1st August 2023. The premises have not been recently nominated as an Asset of Community Value according to the list held by the Council. However, records indicate that it was listed as an Asset of Community Value between 26/01/2015 however the listing expired 26/01/2020.

Proposal

The applicant proposes to use the ground floor as a convenience store (Use Class E(a)) trading 06:30 - 23:00 Monday - Saturday and 08:00 - 21:00 on Sunday. The first floor would be occupied as ancillary residential accommodation.

Consequential elevational changes are proposed to the building's front elevation, including a modified customer entrance location on Cambridge Street and new signage to the front and side elevations. Ground floor windows facing Cambridge Street would be blanked-out with advertising decals.

An existing single-storey outbuilding would be demolished and the beer garden hardsurfaced for use as 9no. car parking spaces and 5no cycle parking stands. No dedicated area for goods vehicle unloading is proposed.

Whilst not a material consideration in itself, Officers note that on 12th November 2024 the Council's Licensing Sub-Committee granted an alcohol off-licence for the hours 06:00 to 00:00 Monday to Sunday, a longer period than that stated on the planning application form.

This application has been accompanied by the following:

- Design and Heritage Statement
- Biodiversity checklist

- Proposed plans

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

## 2. NATIONAL GUIDANCE

The National Planning Policy Framework (NPPF December 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):
o delivering a sufficient supply of homes;
o building a strong, competitive economy;
o achieving well-designed, beautiful and safe places;
o conserving and enhancing the natural, built and historic environment

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Government's Planning Practice Guidance and the National Design Guide 2021 are also relevant and material considerations.

For full details visit the government website.

## 3. PLANNING POLICIES

Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)

- LP1: Amount of Development
- LP2: Strategy for Development
- LP4: Contributing to Infrastructure Delivery
- LP7: Spatial Planning Areas
- LP11: Design Context
- LP12: Design Implementation
- LP14: Amenity
- LP16: Sustainable Travel
- LP22: Local Services and Community Facilities
- LP34: Heritage Assets and their Settings

St Neots Neighbourhood Plan (Made 24th February 2016)

- A3: Design quality
- PT1: Sustainable travel
- PT2: Residential parking
- P4: Sustainable drainage
- RD1: Economic development

Supplementary Planning Documents (SPD) and Guidance:

o Huntingdonshire Design Guide Supplementary Planning Document (2017)
o Developer Contributions SPD (2011)
o Huntingdonshire Landscape and Townscape SPD (2022)
o Huntingdonshire Strategic Flood Risk Assessment (2017)
o Cambridgeshire Flood and Water SPD (2017)
o St Neots Conservation Area Character Assessment (2006)

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

## 4. PLANNING HISTORY

There is no relevant recent planning history, the most recent application on this site being in 1990 for Advertisement Consent.

## 5. CONSULTATIONS

St Neots Town Council - Objects:
- Highway safety including congestion and intensity of vehicle movements
- Noise and disturbance to local residents
- Concerned at the loss of another pub in the town

Local Highway Authority - Cannot currently recommend approval as the proposed car park layout lacks disabled parking, turning movements within the car park have not been tracked, delivery vehicle information is missing, pedestrian visibility splays have not been provided at the site entrance, the entrance width shown is insufficient for two vehicles to pass.

HDC Conservation Officer - No objection, advising that the change of use of this unlisted building would cause no harm to the character or appearance of the Conservation Area

Cambridgeshire Constabulary - No objection subject to conditions, considering this to be an area of low risk to the vulnerability for crime.

HDC Environmental Health - Objection due to proximity to noise sensitive properties to the south and lack of noise information about fixed plant or vehicles. Noise Impact Assessment required.

## 6. REPRESENTATIONS

Campaign for Pubs - Objects:

- The Bulls Head is a traditional and popular pub which was well supported until its closure by landlord Greene King
- Is sits in a established position on Cambridge Street where it has traded as a public house for many years. It has its own car park which is adequate provision for its primary function as a pub.
- Although there are other drinking establishments in St. Neots, the Bulls Head is the only one in the Cambridge Street area, a busy and popular thoroughfare and services a significant residential population on the eastern side of the town.

3 objections have been received from adjacent occupiers or any interested parties

- new onsite car parking causes highway safety concerns
- opening hours would cause noise and disturbance including from vehicle movements in the car park
- potential disturbance from refrigeration units
- already several convenience shops in close proximity

## 7. ASSESSMENT

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 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 (relevant to this applications) consists of:
o Huntingdonshire's Local Plan to 2036 (2019)
o St Neots Neighbourhood Plan (2016)
o Cambridgeshire & Peterborough Minerals and Waste Local Plan (2021)

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 in the determination of this application are:
o Principle of Development
o Highway matters
o Amenity
o Other considerations

Principle of Development

St Neots is identified at Local Plan Policy LP7 as one of the District's four main Spatial Planning Areas. The Local Plan's glossary confirms that any retail development (regardless of scale) is considered a Main Town Centre Use, which LP7 supports in principle when appropriately located within the built-up area. Consideration of appropriate location and sequential approach is deferred to the NPPF 2024, which at paragraph 91 advises:

"Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered."

The application site is not within or on the edge of the Town Centre as defined on the Local Plan Policies Map. No sequential information has been provided by the applicant and consequently the Local Planning Authority cannot adequately assess whether the sequential test has been met, contrary to NPPF 2024 paragraphs 91 and 92 and by extension Local Plan Policy LP7.

Local Plan Policy LP22 seeks to protect local services and community facilities, which by definition includes public houses. The policy is clear that, where permitted development rights do not apply, a proposal which involves the loss of a local service or community facility will only enjoy policy support if:

(d) 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
(e) 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.

Whilst only one of these criteria need apply, the applicant has not demonstrated compliance with any of them and indeed, it is noted that:

- Whilst there are several convenience stores already trading in close proximity, that same cannot be said of other public houses;
- The Campaign for Pubs has advised that the pub previously traded with a good level of community support;
- The pub was previously an Asset of Community Value;
- No marketing information has been submitted.

Whilst LP22 provides a level of policy support for Main Town Centre Uses less than 600sqm that serve local needs, given the several existing convenience stores in close proximity to the site any existing need for local convenience retailing is demonstrably already met.

Neighbourhood Plan Policy RD1 offers favourable consideration to proposals for economic development and regeneration only where these comply with other relevant planning policies, which for the reasons set out above is not engaged in this instance.

Given the above assessment the proposed development is considered to be unacceptable in principle, contrary to Policy LP22 of Huntingdonshire's Local Plan to 2036 and paragraphs 93 and 95 of the NPPF (2024).

Highway matters

The Local Highway Authority has identified a number of deficiencies in the current application, which set out the following concerns:

- The proposed car park layout lacks disabled parking
- Turning movements within the car park have not been tracked and manoeuvrability has not been demonstrated
- Goods delivery information has not been provided
- Pedestrian visibility splays have not been provided at the site entrance
- The vehicular access is insufficient for two vehicles to pass.

These are all valid concerns which, taken in light of the Town Council's and objectors' concerns in respect of highway safety, mean that the applicant has failed to demonstrate that the proposed development complies with Policy LP17 of Huntingdonshire's Local Plan to 2036.

Amenity

The Town Council's and objectors' concerns in relation to noise and disturbance are noted, but must be weighed against the fact that the currently lawful use of the premises is a public house where a level of comings-and-goings should be expected. The replacement of the beer garden with car parking would have different usage characteristics and likely a different noise profile. HDC's Environmental Health Officer considers that whilst the customer parking would be in the location of the former pub garden, and whilst the noise climate would be different, the noise level may be at a similar level.

This proposal is for the change of use from a pub to a convenience store, with customer parking to the rear, and with opening hours of between 06:30 to 23:00 Monday to Saturday and 08:00 to 21:00 on Sundays and bank holidays. The proposed opening times are predominantly within daytime hours (as in BS4142) which is acceptable, however, deliveries must also be within these hours and this could be conditioned.

The application does not include any details about potentially noisy fixed plant such as condensers and air conditioning units. As there are noise sensitive properties to the south and in the absence of any noise information about fixed plant or vehicles, a Noise Assessment is required to be undertaken by a Competent Person (a Suitably Qualified Acoustician or an Environmental Health Practitioner) based on BS4142:2014+A1:2019 "Methods for Rating and Assessing Industrial and Commercial Sound".

In light of this assessment the applicant has failed to demonstrate that the proposed development is acceptable in principle with respect to noise to nearby residential properties, contrary to Policy LP14 of Huntingdonshire's Local Plan to 2036.

Other considerations

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. In exercising this special duty the Council's Conservation Officer has raised no objections. The proposed development is considered to have a neutral effect on the character and appearance of the Conservation Area, and thereby accords with Local Plan Policy LP34.

The proposed new signage would not in itself cause any significant harm and the proposed external alterations would not detract from the character and appearance of the existing building or surrounding area, in accordance with Policies LP11, LP12 or LP34 of the Local Plan.

Conclusion

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

The applicant has failed to demonstrate that the proposed change of use is acceptable in principle, rendering the application contrary to Local Plan Policies LP7 and LP22 and NPPF paragraphs 93 and 95.

The applicant has also failed to demonstrate that the highway impacts of the proposed development could be made acceptable, contrary to Local Plan Policy LP17.

For these three reasons it is recommended that planning permission be refused for the following reasons:

1. The applicant has failed to demonstrate that no sequentially-preferable locations are available for this Main Town Centre use, that an equivalent 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 that there is no reasonable prospect of the facility being retained or restored. Consequently the proposed development is contrary to Policies LP7 and LP22 of Huntingdonshire's Local Plan to 2036 and NPPF paragraphs 93 and 95.

2. Insufficient information has been provided to demonstrate that a safe and appropriate means of access can be provided, that an acceptable car parking layout can be provided, or how goods deliveries could appropriately be made. Consequently the proposed development is contrary to Policy LP17 of Huntingdonshire's Local Plan to 2036.

3. Insufficient information has been submitted to demonstrate that the proposed change of use and associated vehicle movements and any external plant would not result in unacceptable noise impacts to nearby noise sensitive properties to the south of the site. The proposal is therefore contrary to Policy LP14 of Huntingdonshire's Local Plan to 2036.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

**CONTACT OFFICER:**
Enquiries about this report to **Lucy Pateman**