OFFICER REPORT

Case No: 24/02413/FUL **Full Planning Application**

Proposal: **Change of use of five show homes (sui generis) to permanent residential dwellings (Use Class C3) and new access**

Location: **Potton Developments Mill Lane St Neots**

Applicant: **Mr Justin Barker**

Grid Ref: **518927 261570**

DESCRIPTION OF SITE AND APPLICATION

Site

The site is located and accessed on the southern side of Mill Lane within St Neots. The 0.5ha site accommodates five existing Self Build Show Houses, associated landscaping, and visitor and staff parking provision. The five existing Show Houses are all of a detached, two storey nature and exhibit individual architectural styles, showcasing five different house styles designed by the applicant's architectural team. The site is within the built up area of St Neots with residential development to the south and east. The site was originally to be accessed via the south east via Tansur Court. Since then 2 garages have been built over this connection and the site is now accessed from Mill Road.

Currently the site is used on a commercial basis with a small number of staff occupying the site on a daily basis. The five existing buildings on the land are used to showcase the capabilities of the existing business to those who are considering the possibility of self-building and demonstrate individual designs and construction technologies. The buildings have been constructed in accordance with the approved plans. Imposed planning conditions have been discharged where required to do so. The use of the site commercially has been continuous since 1991. The site was sub-divided from the wider residential development and had a highway access approved as part of a 1995 planning application. This access lawfully serves an extensive number of vehicular movements due to the site accommodating frequent public and industry exhibitions and demonstrations. Vehicular parking is currently set out centrally in the site, upon loose aggregate, and can accommodate a high total of vehicles.

The St Neots Conservation Area is to the west of the site. The site is within the Great Ouse Valley Green Infrastructure Priority Area. The majority of the site is within Flood Zone 2 (medium probability of flooding), but it is acknowledged that a small proportion is within Flood Zone 3 (High Probability) as demonstrated as part of the Council's Strategic Flood Risk Assessment (2024).

Proposal

The application seeks planning permission for the change of use of these 5 show homes (sui generis) to 5 residential dwelling (use class c3).

The proposed dwellings would utilise the existing access off Mill Lane. The proposal includes changes within the site to provide a shared drive. A new replacement garage is proposed for plot 5.

NATIONAL GUIDANCE

The National Planning Policy Framework (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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990, 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
LP15: Surface Water
LP16: Sustainable TravelLP17: Parking Provision and Vehicle Movement
LP25: Housing Mix
LP30: Biodiversity and Geodiversity
LP31: Trees, Woodland, Hedges and Hedgerows
LP34: Heritage Assets and their Settings

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 (2024)
Cambridgeshire Flood and Water SPD 2017
LDF Developer Contributions SPD (2011)
Annual Monitoring Review: Housing land supply (2024 Part 1)
Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)
The National Design Guide (2021)

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

PLANNING HISTORY

8701973OUT Outline application for residential development. Approved.

9101292REM Reserved matters for the erection of 24 dwellings and access road ref 87/19773. Approved.

9500525FUL Continued use of show house complex and construction of new access. Approved.

1002092FUL Erection of show house and carport. Approved.

1400782FUL Erection of show house. Approved.

CONSULTATIONS

St Neots Town Council – No objection subject to highways approval.

Environmental Health – No objection.

Highway Authority – No objection subject to conditions.

Cadent Gas – No objection.

Urban Design – No objection, requested additional plans. *(Additional plans received)*

REPRESENTATIONS

None received.

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 relevant to this application consists of:

- Huntingdonshire's Local Plan to 2036 (2019)
- St Neots Neighbourhood Plan 2014 - 2029
- 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 are:
o The Principle of Development

o Design, Visual Amenity and Impact on Heritage Assets
o Residential Amenity
o Highway Safety and Parking Provision
o Flood Risk and Surface Water
o Biodiversity
o Trees
o Developer Contributions
o Accessible and Adaptable Homes
o Water Efficiency

The Principle of the Development

Housing Land Supply

NPPF paragraph 78 requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against our housing requirement. A substantially revised methodology for calculating local housing need and the reimposition of this as a mandatory approach for establishing housing requirements was introduced on 12th December 2024 in the revised NPPF and associated NPPG (the standard method).

As Huntingdonshire's Local Plan to 2036 is now over 5 years old it is necessary to demonstrate a five year housing land supply (5YHLS) based on the housing requirement set using the standard method. NPPF paragraph 78 also requires provision of a buffer to ensure choice and competition in the market for land. As Huntingdonshire has successfully exceeded the requirements of the Housing Delivery Test a 5% buffer is required here. The 5 year housing land requirement including a 5% buffer has resulted in the Council being unable to demonstrate a five year housing land supply.

As a result of this, the presumption in favour of sustainable development is applied for decision-taking in accordance with paragraph 11 (d) and footnote 8 of the NPPF in relation to applications involving the provision of housing. This is generally referred to as 'the titled balance'. While no 5YHLS can be demonstrated the Local Plan policies concerned with the supply and location of housing as set out in the Development Strategy chapter (policies LP2, LP7, LP8, LP9 and LP10) of Huntingdonshire's Local Plan to 2036 are considered to be out-of-date and can no longer be afforded full weight in the determination of planning applications.

Policy LP2 of the Huntingdonshire Local Plan to 2036 (the Local Plan) sets out the overarching development strategy for Huntingdonshire through the plan period. The main objectives are:
- Concentrate development in locations which provide, or have the potential to provide, the most comprehensive range of services and facilities;
- Direct substantial new development to two strategic expansion locations of sufficient scale to form successful, functioning new communities;
- Provide opportunities for communities to achieve local development aspirations for housing, employment, commercial or community related schemes;
- Support a thriving rural economy;
- Protect the character of existing settlements and recognise the intrinsic character and beauty of the surrounding countryside;
- Conserve and enhance the historic environment; and
- Provide complementary green infrastructure enhancement and provision to balance recreational and biodiversity needs and to support climate change adaptation.

Policy LP2 directs approximately a quarter of the objectively assessed need for housing (together with a limited amount of employment growth) to sites dispersed across the Key Service Centres and Small Settlements in order to support the vitality of these communities and provide flexibility and diversity in the housing supply. In addition, rural exception, small and windfall sites will be

permitted on sites which are in conformity with other policies of the plan, thereby providing further flexibility in the housing supply.

Policy LP2 is within the Development Strategy chapter of Huntingdonshire's Local Plan to 2036, and is therefore considered to be out-of-date and can no longer be afforded full weight in the determination of planning applications for residential development. Notwithstanding this, weight should still be given to Policy LP2 given that it directs development in locations which provide, or have the potential to provide, the most comprehensive range of services and facilities which is consistent with the NPPF.

The site is located within the built-up area of St Neots, which is part of the St Neots Spatial Planning Area where a good level of available services and facilities are available and are more sustainable. Specifically, LP7 states:

Development Proposals on Unallocated Sites

A proposal for development on a site which is additional to those allocated in this plan will be supported where it fulfils the following requirements and is in accordance with other policies:

Residential Development

A proposal for housing development (class 'C3') or for a residential institution use (class 'C2') will be supported where it is appropriately located within a built-up area of an identified Spatial Planning Area settlement.

Policy LP7 is within the Development Strategy chapter of Huntingdonshire's Local Plan to 2036 and is therefore considered to be out-of-date and can no longer be afforded full weight in the determination of planning applications for residential development. Notwithstanding this, weight should still be given to Policy LP7 given that the policy sets out that a set of criteria for assessing whether the proposal reflects sustainable development which is consistent with the NPPF. However, the part of Policy LP7 which specifies that only certain types of development on land within a built-up area is to be given reduced weight in determining a proposal for residential development. This means that any residential development on sustainable land may be acceptable in principle subject to other material planning considerations.

Given the proposal seeks approval for the change of use to 5 residential dwellings within an existing residential and built-up area of St Neots, the development is therefore considered to be situated in an appropriate location and acceptable in accordance with LP7 of the Local Plan.

NPPF Para 110 states: The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

It is considered that the development would have access to services and facilities within St Neots, and also the means to access larger settlements such as the market town of Huntingdon through sustainable modes of transport. The development would therefore not result in the development of isolated homes in either the edge of settlement or countryside, nor would the future occupiers have an over-reliance on the private motor vehicle as other options are available in the settlement.

It is determined therefore that the site is considered to be sustainable for the amount of development hereby proposed.

Design, Visual Amenity and Impact on Heritage Assets

The St Neots Conservation Area is to the west of the 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.

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.

Policy LP11 of the Local Plan states that proposals will be supported where it is demonstrated that they positively respond to their context and draw inspiration from the key characteristics of their surroundings, including the natural, historic and built environment. Policy LP12 of the Local Plan states that proposals will be supported where they contribute positively to the area's character and identity and where they successfully integrate with adjoining buildings, topography and landscape.

Policy A2 (Gateway into St. Neots) of the St. Neots Neighbourhood Plan requires of all new development, on the edge of St. Neots, to provide soft landscaping on the approach into the town.

Given that the proposal is for the change of use of existing buildings used as showhomes, the design has previously been approved. No external changes are proposed to the built form. The proposal does include a new garage but this will utilise local materials and is considered to be in keeping with the character of the site.

The site is well screened from Mill Lane due to an existing landscape buffer of trees and hedgerow. This is to be retained. Additional landscaping is proposed throughout the site to further compliment the existing form and to assist its transition into a residential site.

The proposal will have a neutral impact upon the St Neots Conservation Area.

Therefore it is considered that the proposal complies with Policies LP11, LP12 and LP34 of Huntingdonshire's Local Plan to 2036, Policy A2 of the Neighbourhood Plan, Section 72 of the Planning, Listed Buildings and Conservation Area Act (1990), the provisions of the NPPF (2023) and part C2 of the National Design Guide (2021).

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 buildings are existing and sit comfortably within the site, and have an acceptable relationship with neighbouring properties. The proposal is therefore acceptable in terms of residential amenity impact upon neighbouring properties.

In terms of amenity for future occupiers, it is considered the internal layouts and garden reas provide a good level of amenity for future occupiers.

The proposal is therefore in accordance with Policy LP14.

Highway Safety and Parking Provision

The proposed dwellings would be accessed via Mill Lane. Cambridge County Highways have noted that the access is acceptable and internal layout is acceptable subject to a number of conditions.

Each dwelling has parking provision of 2 spaces on a private drive, along with a double garage that could be used as car parking spaces, therefore each property would have a minimum of two spaces and a maximum of 4 spaces. Each dwelling is provided with a garage, and or a garden shed that would be used to safely and securely store cycles. The proposal is therefore in accordance with Policy LP16 of the adopted Huntingdonshire Local Plan to 2036 in this regard.

Overall, subject to conditions and informative recommended by the Cambridgeshire County Council's Highways Officer, the proposal is considered acceptable in terms of its impact on highway safety and therefore accords with Policies LP16 and LP17 of Huntingdonshire's Local Plan to 2036, and Section 9 of the National Planning Policy Framework in this regard.

Flood Risk

Policy LP5 of the Local Plan to 2036 states that a proposal will only be supported where all forms of flood risk, including breaches of flood defences or other defence failures, have been addressed such that, amongst other things, the sequential approach and sequential test are applied and passed.

The application site falls within the Environment Agency's (EA) Flood Zone 2 and 3 as identified by Huntingdonshire District Council's Strategic Flood Risk Assessment (SFRA) (2024). Together the EA flood maps and SFRA 2024 form the basis for applying the NPPF Sequential and Exceptions Test.

However, given that the site is for a change of use, a sequential test is not required.

The submitted Flood Risk Assessment concludes that the change of use, construction of the garage to Plot 05 and road infrastructure are unlikely to increase flood risk to third parties, as there is minimal change to existing building footprints and external levels, and an increase in the greenspace and permeable areas on-site.

Overall, the proposal is considered to be acceptable with regard to its impact on both flood risk and surface water and therefore accords with Policies LP5, LP6 and LP15 of Huntingdonshire's Local Plan to 2036 and Section 14 of the National Planning Policy Framework in this regard.

Biodiversity

Paragraph 187 of the NPPF (2024) states Planning policies and decisions should contribute to and enhance the natural and local environment. Policy LP30 of the Local Plan to 2036 requires proposals to demonstrate that all potential adverse impacts on biodiversity and geodiversity have been investigated and 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.

Given the limited works proposed as part of the application, and the provision of further green space, the proposal should not have an adverse impact upon wildlife.

The application is accompanied by a BNG metric and assessment which demonstrate a 10% BNG.

Therefore, subject to a condition to secure a Biodiversity Method Statement detailing how these will be implemented, the development broadly accords with Policy LP30 of the Local Plan and

Section 15 of the National Planning Policy Framework (2024) in this regard.

Impact on Trees

Policy LP31 of the adopted Huntingdonshire Local Plan to 2036 states that a proposal will be required to demonstrate that the potential for adverse impacts on trees, woodland, hedges and hedgerows has been investigated. Furthermore, a proposal will only be supported where it seeks to conserve and enhance any existing tree, woodland, hedge or hedgerow of value that would be affected by the proposed development. Paragraph 136 of the 2024 National Planning Policy Framework states that trees make an important contribution to the character and quality of urban environments and decisions should ensure that existing trees are retained, wherever possible.

The proposal does includes some works within root protection area of a number of trees to facilitate the access, shared private drive, turning head and path. The submitted tree information concludes so long as the construction works utilise the proposed ‘no-dig’ build ups within the Root Protection Areas the trees are of value and age that will ensure their longevity and will be suitably protected during construction works to safeguard their long-term health. Conditions are recommended to secure this.

The proposal complies with the aims of Policy LP31 of the adopted Huntingdonshire Local Plan to 2036 and Sections 12 and 15 of the National Planning Policy Framework in this regard.

Developer Contributions

Part H of the Developer Contributions SPD (2011) requires a payment towards refuse bins for new residential development, which is this instance would be secured by the Unilateral Undertaking already submitted with the application.

On this basis, the proposal is considered to provide a satisfactory contribution to meet the tests within the CIL Regulations. The proposal therefore accords with Policy LP4 of the Huntingdonshire Local Plan to 2036 and the Developer Contributions Supplementary Planning Document (2011).

Accessible and Adaptable Dwellings

Policy LP25 of the Huntingdonshire's Local Plan to 2036 seeks to ensure that all housing developments in the district offers a genuine choice of Accessible and adaptable dwellings that meet the requirements of residents:

> f. ensuring 100% of new dwellings, across all tenures provided, meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' (or replacement standards).

Given that the proposal is for a change of use, this is not applicable.

Water Efficiency

Policy LP12 (j) of the Local Plan to 2036 states that new dwellings must comply with the optional Building Regulation requirement for water efficiency set out in Approved Document G of the Building Regulations.

Given that the proposal is for a change of use, this is not applicable.

Affordable Housing

The planning history has been reviewed and it is considered that the development does not trigger an affordable housing requirement.

Conclusion and Planning Balance

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

The proposal will result in 5 new dwellings in a sustainable location. There is no identified harm that weighs against the proposal. The proposed development is acceptable in principle, and there would be no harm to the character or appearance of the area, the Conservation Area, on residential amenity, highway safety, increased flood risk, or biodiversity and it can therefore be supported.

Taking national and local planning policies into account, having paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, and having regard for all relevant material considerations, it is recommended that planning permission be granted, subject to the imposition of appropriate conditions.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388424 and we will try to accommodate your needs.

CONTACT OFFICER:
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