OFFICER REPORT

Case No: 25/00293/FUL **Full Planning Application**

Proposal: **Remove the existing roof of the building, raise the height of the external walls and replace the roof, thus giving an upstairs to the existing building.**

Location: **Units 4 And 5 Cromwell Court High Street**

Applicant: **Mrs Carole Bradbury**

Grid Ref: **509967 267796**

DESCRIPTION OF SITE AND APPLICATION

Nos. 4 and 5 Cromwell Court forms part of the Grade II Listed Building of No. 36A High Street (Fairfax). The application relates to the rear ancillary wing attached to No. 36A High Street. The property was originally a coaching inn and retains a predominantly commercial use today with the rear wing housing small commercial units.

The site falls within the Kimbolton Conservation Area, where rear wings extending away from frontage buildings on both sides of High Street are a prominent characteristic. The property fronts Kimbolton High Street and backs onto the BT Telephone exchange on East Street. The surrounding development is a mix of residential and commercial. The rear wing of the adjacent property to the south-east forms the enclosed courtyard known as Cromwell Court, and these ancillary buildings are contained within the rear yard of the Listed building. The courtyard is accessed through a historic cartway entrance from the High Street.

This application seeks approval to remove the existing roof of the building, raise the height of the external walls and replace the roof, thus giving an upstairs to the existing building. The proposal would result in a total increase in height of approximately 2m. The proposal would be constructed with block cavity walls finished in a painted render and natural slate roof tiles and would include the installation of first-floor windows on the south-east elevation and solar panels on the south-east elevation roof slope. The proposal would provide additional storage space, a shower room and a treatment room for the Salon.

The Local Planning Authority is also considering a Listed Building Consent application for the same development (Ref: 25/00522/LBC).

This application has been accompanied by the following documents:

- Planning Statement;
- Design and Access Statement;
- Heritage Statement.

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

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.

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 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 Centre
LP11: Design Context
LP12: Design Implementation
LP14: Amenity
LP15: Surface Water
LP16: Sustainable Travel
LP17: Parking Provision and Vehicle Movement
LP30: Biodiversity and Geodiversity
LP31: Trees, Woodland, Hedges and Hedgerows
LP34: Heritage Assets and their Settings

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

Supplementary Planning Documents (SPD) and Guidance:

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

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

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

RELEVANT PLANNING HISTORY

25/00522/LBC - Remove the existing roof of the building, raise the height of the external walls and replace the roof, thus giving an upstairs to the existing building - Pending consideration.

1300212LBC - Formation of real brick slip chimney to cover existing (unauthorised) aluminium flue. Installation of air intake fan and cover (retrospective) - Disposed.

1300211FUL - Formation of real brick slip chimney to cover existing (unauthorised) aluminium flue. Installation of air intake fan and cover (retrospective) - Disposed.

1102128FUL - Change of use from A1 (retail) to A3 (restaurants and cafes) - Refused with appeal later dismissed.

0800659FUL - Retention of alterations to building - Approved.

0800655LBC - Retention of alterations to building and internal alterations - Approved.

CONSULTATIONS

Kimbolton Parish Council - The planning application is accepted to allow the retail space to become more appealing. The parish council would propose a material change to the roof structure to drop it slightly subservient to the building next to it to six inches below the roof line.

Huntingdonshire District Council's Conservation Officer - Objects to the proposed development. The proposed extension of an additional storey, and the proposed details do not accord with preserving the significance of the attached grade II listed building or Kimbolton Conservation Area. The proposal causes less than substantial harm to the significance of 36A High Street (Fairfax). The proposal also causes less than substantial harm to the character and appearance of Kimbolton Conservation Area with reasons given contained within the main body of the report below.

REPRESENTATIONS

No third-party representations were received during the course of the application.

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:

o Huntingdonshire's Local Plan to 2036 (2019)
o Cambridgeshire & Peterborough Minerals and Waste Local Plan (2021)
o St Neots Neighbourhood Plan 2014-2029
o Godmanchester Neighbourhood Plan (2017)
o Houghton and Wyton Neighbourhood Plan (2018)
o Huntingdon Neighbourhood Plan (2019)
o Bury Village Neighbourhood Plan (2021)
o Buckden Neighbourhood Plan (2021)
o Grafham and Ellington Neighbourhood Plan 2020-2036 (2022)
o Great Gransden Neighbourhood Plan 2021 to 2036 (2023)
o The Stukeleys Neighbourhood Plan 2022 to 2036 (2023)
o Sawtry Village Neighbourhood Plan 2022 to 2036 (2023)

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 Impact and Impact on Heritage Assets
o Residential Amenity
o Highway Safety
o Flood Risk and Surface Water
o Biodiversity

*The Principle of the Development

The site is located within a built-up area of Kimbolton, which the Huntingdonshire Local Plan to 2036 identifies as a Key Service Centre and as such, Policy LP8 (Key Service Centres) is considered relevant in this instance.

Policy LP8 of the adopted Local Plan states that a proposal for development on a site which is additional to those allocated in the Local Plan will be supported where it is located within a built-up area of a Key Service Centre.

Furthermore, it is worth noting that the proposal seeks approval to provide additional floorspace for an existing commercial use (salon) in the centre of Kimbolton, enhancing an existing service of a day-to-day nature.

As such, the principle of development is considered to be acceptable in this instance, subject to all other planning matters being addressed.

*Design, Visual Amenity and Impact Upon the Character of the Area

The Local Planning Authority is required to ensure that special regard is given to preserving the listed buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Local Planning Authority is also required to ensure that with respect to any buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area, through the Planning (Listed Buildings and Conservation Areas) Act 1990 at Section 72. This is also reflected

in Policy LP34 of the Huntingdonshire Local Plan to 2036 and Section 16 of the National Planning Policy Framework.

Policy LP11 of the Local Plan states that a proposal will be supported where it is demonstrated that it responds positively to its context. Policy LP12 states that new development will be expected to be well designed and that a proposal will be supported where it can be demonstrated that it contributes positively to the area's character and identity and successfully integrates with adjoining buildings and landscape. This is also reflected in the Huntingdonshire Design Guide SPD and Section 12 of the National Planning Policy Framework (2024).

This application seeks approval for the removal of the existing roof to raise the height of the existing building and the installation of a replacement roof at Units 4 and 5 Cromwell Court, High Street, Kimbolton which are part of the listing for 36A High Street (Fairfax), a grade II listed building within the Kimbolton conservation area.

The proposal would result in a total increase in height by approximately 2m, the proposal would be constructed with block cavity walls finished in a painted render and natural slate roof tiles and would include the installation of first-floor windows on the south-east elevation and solar panels on the south-east elevation roof slope. The proposal would provide additional storage space, a shower room and a treatment room for the Salon.

The Conservation Team has provided comments and do not support the proposal, which are summarised below.

The application does not provide an accurate description of the building, or provide specific details of the potential physical impact of the proposed works on the existing building, including the construction of the existing walls, ability to support an upper floor and new roof and the construction of the existing and proposed roofs. The proposal would involve the removal of historic fabric and features such as the roof, eaves, chimney and chimney breast, which would result in harm to the historic value of the rear wing of the Listed Building. In addition, the proposed materials are not considered sympathetic to the traditional construction and character of the Listed building.

The proposal also significantly alters the character of the existing rear ancillary building and its relationship with the main Listed Building by increasing its height and prominence and, consequently, its visibility within the historic courtyard. The visual impact of the units is notably affected by the site's gradient from the High Street to East Street. The collection of roof slopes on the main buildings, which gradually lower towards the rear, creates views of their stepped character and subservient relationship. The varying roof lines form an attractive grouping. However, the proposed additional upper floor would introduce a higher and more prominent structure into this ensemble, altering the views and the perception of the main buildings, their rear extensions, and their inter-relationship.

The High Street forms the core of the Kimbolton Conservation Area, it is of high historic and visual significance, reflecting the historic influence of the Dukes of Manchester and the architectural character of the buildings located within it. Almost the entire High Street is made up of listed buildings, as well as nearby, grade I listed Church of St Andrew. East Street also inhabits several listed buildings. The absence of two-storey buildings indicates that this proposal does not align with the architectural character and would not enhance the existing context of the conservation area.

The visual impact of the units is notably affected by the site's gradient from the High Street to East Street. Consequently, the rear elevation would be visible from East Street and would appear higher in height compared to that from Cromwell Court/High Street. The impact of the proposed additional height to the units would impose more significantly from East Street than Cromwell Court/High Street and would result in harm to the character and appearance of the Kimbolton Conservation Area as well as the main building.

The Council's Conservation Officer has therefore concluded that the proposed development would result in less than substantial harm to the significance of the Grade II Listed Building of 36A High Street, Kimbolton and the character and appearance of the Kimbolton Conservation Area.

Paragraph 215 of the National Planning Policy Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

While it is recognised that the proposal would result in some public benefits by allowing the expansion of an existing commercial property, the Local Planning Authority do not consider the proposal to have appropriately demonstrated sufficient public benefits to outweigh the identified harm.

As such, the proposed development is considered to be contrary to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP11, LP12 and LP34 of Huntingdonshire's Local Plan to 2036, the Huntingdonshire Design Guide SPD and Sections 12 and 16 of the National Planning Policy Framework (2024) in this regard and planning permission should be refused accordingly.

*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.

As a result of the proposed development, the rear ancillary wing, which runs along the boundary to No. 40 High Street, Kimbolton, would increase in height by approximately 2m. The proposed roof would be of a gable-end design with the roof sloping away from the shared boundary as per the existing roof structure. No first-floor elevation windows would be included on the north-west side elevation.

Given the commercial use of the neighbouring property and the scale of the proposed development, the Local Planning Authority consider that the proposal would not result in any significantly detrimental impacts on any neighbouring property in this instance.

As such, the proposal is considered to be acceptable with regard to its impact on residential amenity and therefore accords with Policy LP14 of Huntingdonshire's Local Plan to 2036, the Huntingdonshire Design Guide SPD and Section 12 of the National Planning Policy Framework (2024) in this regard.

*Highway Safety

Policies LP16 and LP17 of the Local Plan to 2036 seeks to ensure that new development incorporates appropriate space for vehicle movements, facilitates access for emergency vehicles and service vehicles and incorporates adequate parking for vehicles and cycles.
The proposed development does not result in any alterations to vehicular access points nor off-street car parking provision - however, it is worth noting that the site does not currently provide any off-street car parking. While it is recognised that the increase in floorspace may result in an increase in comings and goings from the site, given the scale of the proposal and the site's location with access to sustainable transport methods, the Local Planning Authority do not consider the proposal to result in any highway safety concerns in this instance.

Furthermore, a condition would be imposed on any planning permission granted to ensure the provision of secure cycle parking, in accordance with the submitted accompanying statement provided by the applicant.

As such, 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 (2024) in this regard.

*Flood Risk

The application site lies within Flood Zone 1 in accordance with Environment Agency mapping and the Huntingdonshire Strategic Flood Risk Assessment (2024). The flood risk vulnerability of the proposed development is 'more vulnerable' in accordance with the Planning Practice Guidance, which is compatible with land within Flood Zone 1.

Given the low flood risk and minor scale of development, officers are satisfied that full details of the surface and foul water drainage can be secured as part of building regulations and other relevant legislative requirements in this instance.

As such, 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 (2024) 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.

The Local Planning Authority are satisfied that the proposal would not result in the loss of any habitat or impacts on any notable habitats due to the scale and nature of the proposal as well as the urban location. Furthermore, the Local Planning Authority are satisfied that the proposed development would result in a biodiversity no net loss.

As such, the proposal is deemed to be in accordance with Policy LP30 of Huntingdonshire's Local Plan to 2036 and Section 15 of the National Planning Policy Framework (2024) 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.

By virtue of the scale and design, the proposal is considered to result in harm to the significance of No. 36A High Street, Kimbolton and harm to the character and appearance of the Kimbolton Conservation Area. Insufficient information has been provided to adequately assess the impacts of the proposal on the existing property. Furthermore, the proposal would result in the loss of historic fabric including the roof, eaves, chimney and chimney breast. The proposal would result in less than substantial harm to the identified heritage assets and the Local Planning Authority have concluded that the public benefits of the proposed development would not outweigh the identified harm.

As such, the proposal is considered to be contrary to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP11, LP12 and LP34 of Huntingdonshire's

Local Plan to 2036, the Huntingdonshire Design Guide SPD and Sections 12 and 16 of the National Planning Policy Framework (2024).

Taking national and local planning policies into account, and having regard for all relevant material considerations, it is concluded that the proposed development is contrary to policy and not acceptable. There are no overriding material considerations that indicate that permission should be granted in this instance. Therefore, it is recommended that the application be refused.

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CONTACT OFFICER:
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