OFFICER REPORT

Case No: 25/00820/FUL Full Planning Application

Proposal: Change of use from (Class E) to bar (sui generis)

Location: 7 Bridge Street St Ives PE27 5EH

Applicant: Mr Philip Lloyd

Grid Ref: 531335 271247

DESCRIPTION OF SITE AND APPLICATION

The application premises form part of the ground floor of 7 Bridge Street St Ives (though shown as 7 and 9 on the location plan). The site is located within St Ives Town Centre and within an area defined as 'primary shopping frontage'.

Permission is sought to change the use of the ground floor of the building from Class E (which includes retail) to a Sui Generis use (a bar).
The site is located within the St Ives Conservation Area and within the setting of some Grade ll Listed Buildings. The site also lies within Flood Zone 2 as per the most recent Environment Agency Flood Risk Maps and Data. Surrounding premises (at ground floor level) are predominantly commercial with retail outlets and salons. There are other drinking and recreational establishments within the Bridge Street setting.

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

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
LP7: Spatial Planning Areas
LP11: Design Context
LP12: Design Implementation
LP14: Amenity
LP16: Sustainable Travel
LP17: Parking Provision and Vehicle Movement
LP21: Town Centre Vitality and Viability
LP34: Heritage Assets and their Settings

Supplementary Planning Documents (SPD) and Guidance:

*St Ives Conservation Area Character Assessment (2007)
*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 (2024)
*Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)

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

RELEVANT PLANNING HISTORY

97/01615/FUL - Installation of new shopfront (Permission)

CONSULTATIONS

St Ives Town Council - Recommend approval.

HDC Environmental Health Team - No objections subject to conditions.

HDC Conservation Team - No comments to make.

Environment Agency - No representations received at the time of determination.

Cambridgeshire County Council Highways Team - No objections - additional parking demands may occur but the LPA can consider this as an amenity issue.

Cambridgeshire Constabulary - No objections - additional security measures suggested.

REPRESENTATIONS

Three objections have been received (though two originate from the same premises and provide further clarity). These are available to view on HDC's Public Access Site but broadly relate to the following matters:

*Concerns about parking impacts and additional impacts on residential properties due to pollution from vehicles.

*Loss of privacy.

*Impacts due to noise and disturbance.

*Impact on the Conservation Area buildings (dirty facades due to traffic congestion).

*Concerns about customers on street smoking and that there will be disruption in the vicinity due to the proposed use.

*Fire safety (interior design).

*Concern about noise originating from the building (live music etc).

Officer note: These matters shall be addressed in the proceeding sections of this report. It should be noted that fire safety (in terms of interior design and layout) is not a material planning consideration. There are separate regulations (outside of planning control) which dictate fire safety requirements for public buildings. As such, this is not discussed further in this report.

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 47 of the NPPF (2023). 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, there is not an adopted neighbourhood plan in place for St Ives. 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 the character of the area and heritage assets
*Amenity
*Highway considerations
*Flood Risk
*Other matters

*The principle of the development

Policy LP21 of the Local Plan to 2036 states that a proposal for a drinking establishment will be supported within a primary shopping frontage (where this building is located). Whilst the Policy refers to the previous use classes (prior to the September 2020 amendments) Use Class A4 is now Sui Generis. The aim of the Policy is to encourage uses which support the vitality and viability of

the location. Support for business development in appropriate locations within a Spatial Planning Area (which includes St Ives) is also a theme of Policy LP7 with LP21 specifically referenced in site selection.

As such, the proposal accords with Policies LP7 and LP21 of the Local Plan to 2036 and is acceptable in principle subject to compliance with other material planning considerations and conditions.

*Design, visual amenity, impact upon the character of the area and heritage assets

Bridge Street hosts development of varying age, scale and design. The primary frontage is retail use (with some residential uses above). In this case, based upon the detail provided there are no changes to the exterior of the building. Any new signage required will be subject to separate advertising consent and is not for consideration under this application. Officers note that the exterior has been painted and whilst such works can be undertaken by exercising permitted development rights by virtue of Schedule 2, Part 2, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) these do not apply for the purposes of advertising, a site visit confirms that the painting does include advertising and therefore the applicant should seek to regularise this matter separately.

Overall, given the lack of physical changes to the exterior and the mix of uses in the locality it is not considered that the development proposed will have a detrimental impact and therefore accords with Policies LP11 and LP12 of the Local Plan to 2036.

As detailed in the preceding sections of this report, the building and lies within the St Ives Conservation Area and the setting of a number of Grade ll Listed Buildings.

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, whilst strictly speaking a Heritage Statement should accompany the application Officers do not consider that it would provide any additional information which cannot be ascertained at present. HDC's Conservation Team have been consulted and advised that they have no comments to make.

Whilst concerns raised about impacts on the Conservation Area and Listed Buildings (as a result of pollution) are noted, given their location in an established town centre is cannot be considered that this change of use (from a current commercial use) would result in such a degree of intensification

that it would cause harm. For example, at present the current use could be subject to deliveries, customers visits and so on (which is uncontrolled) and so this will not in practice differ significantly.

At present, and based on what has been submitted, alongside the commercial character of the area there are no objections in terms of the impact on the designated heritage assets purely as a result of the change of use.

It is concluded therefore that the development is acceptable with regard to its impact on the designated heritage assets and therefore accords with Policy LP34 of the Local Plan to 2036, the Planning (Listed Buildings and Conservation Areas) Act 1990, and the provisions of the NPPF (2024).

*Residential amenity

Local Plan Policy LP14 provides caveated support for proposals that would maintain a high standard of amenity for occupiers of neighbouring land and buildings. Once of those caveats is at LP14 (c), which requires that predicted adverse noise impacts, including internal and external levels, timing, duration and character, will be acceptable.

Concerns have been raised in the objections regarding overlooking impacts, disturbance from hours of operation, smokers gathering outside and general disturbance.

In considering these points, Officers have to balance the level of any potential harm whilst considering the location and if these factors are out of character in such a location. In terms of overlooking, given that this relates to a ground floor unit it cannot be considered that there will be any additional overlooking than that available from the unit as it exists or from any pedestrian of vehicular traffic. Also noted are the current established uses within the town centre. Whilst having a unit in close proximity to your property may heighten such factors it remains that in a town centre location (where foot traffic is uncontrolled) it would be unreasonable to consider that the change of use of a relatively small unit within a town centre location where there are other similar established uses would be unacceptable. A refusal on these grounds would not therefore be justified.

HDC's Environmental Health Team have been consulted and whilst they raise no objections they do note that there is potential for some impact to residents (but that these can be mitigated by suitable conditions). As such, conditions will be imposed to secure the opening hours to those submitted (and consulted upon) with further conditions in relation to deliveries, waste disposal and levels of amplified
music.

CCC Highways have been consulted and, as well as a highways safety assessment they have referred to any potential amenity impacts due to increased parking demands. Again, Officers refer to the sustainability of the town centre. Such sites are considered suitable for such development given good transport links, easy access via sustainable methods (due to the proximity of residential sites) as well as car parking (there are a number of pay and display car parks in the area). As such, it is not considered that harm would arise from this use in this location.

Overall, having regard to the above assessment and comments from specialists, Officers are satisfied that subject to condition the development will be acceptable with regard to its impact on residential amenity and therefore accords with Policy LP14 of the Local Plan to 2036.

*Highway safety and parking

Local Plan Policy LP16 seeks to maximise opportunities for the use of sustainable travel modes, whilst Policy LP17 only provides support for development which incorporates appropriate space for vehicle movements, facilitates accessibility for service and emergency vehicles and incorporates adequate parking for vehicles and cycles.

No onsite parking or delivery facilities are proposed. Not only is this the case with the existing lawful commercial unit but also common at other nearby commercial properties.

Noting the site's location within the town centre, and available loading bays for deliveries the Local Highway Authority does not envisage any significant adverse effect on the public highway.

Accordingly, whilst the absence of onsite parking and servicing means that the application is not supported by Policy LP17, this does not in itself render it unacceptable. When read as a whole, other relevant policies in the Development Plan (notably Policy LP21 in conjunction with Policy LP16) mean that in this instance the absence of dedicated onsite parking and servicing is acceptable.

*Flood risk

The site lies in Flood Zone 2. Given the lack of physical changes, the building would be no more vulnerable to flood than it stands at present. However, it is acknowledged that the NPPF (2024) defines drinking establishments as more vulnerable within the classification whereas retail uses (the current use) are defined as less vulnerable. The NPPF states that the sequential and exceptions tests are not required for applications for changes of use.

In theory, the application should be accompanied by a Flood Risk Assessment (FRA) but none has been submitted. The LPA have consulted the Environment Agency (EA) but no response has been received. Whilst there is an option to resist the development on flood risk grounds, given the existing established use of the site, the surrounding uses and the relatively low risk to users of the building (in comparison with the established use), Officers have adopted a pragmatic approach on this occasion. Given that the building already exists and this application is for a change of use there is no scope for considering increased floor levels etc (or any indication that the existing levels would be altered). It is likely that and FRA would make recommendation that the applicant registers for the EA's Flood Warning Service. An informative note shall be added to the permission in this respect but for the reasons given above it is not considered necessary to pursue these matters at this stage.

On balance, the development is considered to broadly accord with the Policy LP5 of the Local Plan to 2036.

*Other matters:

Cambridgeshire Constabulary have been consulted and raise no objections. They do make some recommendation as to how to make the premises and its surroundings more secure (CCTV, lighting, alarm systems and so on). These are not matters which it is considered necessary (or reasonable) to condition. Their comments are published on the planning file within Public Access and it is recommended that the applicant considers the measures suggested.

*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 considered to be compliant with the relevant national and local policy as it is acceptable in principle, would be visually acceptable and would not be harmful in terms of residential amenity, heritage, highway safety or flood risk.

Having regard to all relevant material considerations the proposed development is considered to complywith Policies LP2, LP5, LP7, LP11, LP12, LP14, LP15, LP17, LP21, 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:
Enquiries about this report to **Kevin Simpson**