OFFICER REPORT

Case No: 24/02070/S73 Removal/Variation of Conditions

Proposal: Variation of Condition 2 (Plans) of 24/01165/FUL.

Location: 38 Ackerman Street Eaton Socon PE19 8HR

Applicant: AWJ Usher & Sons Ltd

Grid Ref: 517114 258670

DESCRIPTION OF SITE AND APPLICATION

The application site relates to No.38 Ackerman Street, Eaton Socon formally known as 'The Millers Arms' Public House.

The site is located within St Neots Conservation Area and No. 36 Buckden Road, a joining building, is a domestic Grade II dwelling.

This application is made under Section 73 of the Town and Country Planning Act 1990 which relates to the determination of applications to develop land without compliance with conditions previously attached. In this case the applicant seeks to vary Condition 2 (Plans) of planning permission reference 24/01165/FUL, relating to a "Change of use from public house to residential dwelling".

The application seeks to address that approved plans for the above application which did not represent the external appearance of the existing building and in addition propose the removal of an external outbuilding, rear extension and changes to fenestration detail and the erection of a boundary fence.

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

NATIONAL GUIDANCE

The National Planning Policy Framework (December 2024) (NPPF 2024) paragraph 8 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 also sets out the Government's planning policies for (amongst other things):
* making effective use of land
* achieving well-designed, beautiful, and safe places;
* conserving and enhancing the natural 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 15th May 2019)
LP 11 Design Context
LP 12 Design Implementation
LP 14 Amenity
LP 34 Heritage Assets and their settings

St Neots Neighbourhood Plan 2014-2029 (2016)
Policy A3: Design

St Neots Conservation Area Character Assessment (2006)

Supplementary Planning Documents/ Guidance
- Huntingdonshire's Design Guide SPD 2017 - Compatibility Statement (2021)
- Developer Contributions SPD (2011)
- Developer Contributions: Updates Costs 2019/2020
- Huntingdonshire Landscape and Townscape Assessment (2022)
- Cambridgeshire Flood and Water SPD 2017
- Annual Monitoring Review regarding housing land supply.

PLANNING HISTORY

24/01165/FUL - Change of use from public house to residential dwelling - Permission - 18.09.2024
24/00465/FUL - Change of use from public house to residential dwelling - Refused - 11.06.2024
02/01032/FUL - Erection of extension and alterations to public house - Permission - 13.06.2002
93/00658/FUL - Extension to store - Permission - 21.07.1993.
86/00684/FUL - Extensions to improve facilities in Public - Permission - 20.06.1986.
74/00896/FUL - Garage - Permission - 25.11.1974

CONSULTATIONS

St Neots Town Council supports the application and makes the following comment;
" the council supports the application which it feels will improve the property and is in keeping with the locality"

REPRESENTATIONS

No representations have been received at the time of determination.

SUMMARY OF ISSUES

The Planning Practice Guidance (PPG) notes that there are instances where new issues may arise after planning permission has been granted, which require modification of the approved proposals. It advises where these modifications are fundamental or substantial, a new planning application will be required. Where fewer substantial changes are proposed a non-material amendment application can be submitted, or S73 application can be submitted to amend the conditions attached to the planning permission, including seeking to make minor material amendments. There is no statutory limit on the degree of change permissible to conditions under S73, but the change must only relate to conditions and not to the operative part of the permission.

The PPG advises that "Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission unless they have already been discharged". For clarity, it is noted that Conditions 4 (No

piling) and 5 (Tree Protection Plan) no condition details have been submitted and discharged for this scheme.

The key issues to be considered are, therefore, as follows: -
- Design and Visual Amenity
- Impact on Heritage Assets
- Residential Amenity

Design and Visual Amenity

Policies LP11 and LP12 of the Huntingdonshire Local Plan to 2036 state that developments should respond positively to their context, draw inspiration from the key characteristics of its surroundings and contribute positively to the area's character and identity.

The proposal falls within the St Neots Conservation Area and is sited adjacent to 36 Ackerman Street a Grade II listed building.

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 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.

The original proposal which was granted planning permission under 24/01165/FUL was for a conversion of an existing public house into a dwelling with no external changes proposed. This application seeks to secure the elevation and floor plans of the existing building as approved.

This application however also includes the removal of an outbuilding and rear extension to the main building including some minor fenestration changes such as roof lights to the remaining rear extension. Plus, the addition of a boundary fence.

Officers have considered the removal of the two additional structures and installation of the boundary fence and its effect on the St Neots Conservation Area. It is acknowledged that the removal of the outbuilding and rear extension, and erection of a 1.8 metres wooden fence will change the views of the site from all elevations within the Conservation Area.

However, the existing rear extension and outbuildings are not considered to contribute value to the St Neots Conservation Area and currently screen the original historic building, albeit not listed. The removal of the building and extension area not considered to detrimentally impact the visual amenity of the area or the St Neots Conservation Area.

In terms of the fence, the erection of a 1.8 metre fence visible in the streetscene is generally not encouraged, in line with the Huntingdonshire Design Guide to 2017. However the former pub has a 1.8m high timber fence on its frontage, and the outbuilding to be removed had timber cladding on its side elevation. In addition the fence is set back from the road behind a wide grassed verge with trees, which would soften the appearance of a fence in the streetscene. Other timber fencing

is also visible on the opposite side of the street. Therefore on balance subject to a condition to secure a dark stain for the exterior of the fence, it is considered to be visually acceptable in this instance.

Given the above, it is considered that although the proposal would be viewable from the street scene, and from the identified listed building to the west, the proposal on balance would not give rise to any significant harmful impacts on the identified heritage assets and is compliant with the provisions of the Planning (LBCA) Act 1990, the NPPF and Policies LP11, LP12 and LP34 of Huntingdonshire's Local Plan to 2036.

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. A site visit was conducted by the case officer during the consultation period of the application.

No objections have been received from neighbouring occupiers regarding overlooking, overbearing, or overshadowing or that the development would create unacceptable impacts such as noise, vibration, odour, emissions, and dust.

The proposed development does not raise significant concerns regarding overlooking, overshadowing or overbearingness, or other environmental impacts on the neighbouring properties.

Overall, it is considered that a high standard of amenity would be provided for all users of the development and maintained for neighbours. The development is considered acceptable in terms of overshadowing, overlooking, overbearing impact, loss of privacy, loss of light and would not have a significant detrimental impact upon residential amenity. The proposal is therefore considered to be in accordance with Policy LP14 of the Local Plan to 2036 and paragraph 135(f) of the NPPF (2024).

CONCLUSION

The proposed development is considered to be compliant with the relevant national and local policy as it:

- Remains within the bounds of the description of planning permission 24/01165/FUL;
- an appropriate scale and design;
- would not have a harmful impact upon the character and appearance of the area;
- would not have detrimental impacts upon heritage assets;
- would not have a significantly detrimental impact upon the amenity of the neighbours and;
- there are no other material planning considerations which lead to the conclusion that the proposal is unacceptable.

The proposed application to vary condition 2 is considered acceptable in relation to the wider scheme and will not fundamentally change the character of the development as approved.

It is therefore recommended that planning permission be granted. All conditions imposed under 24/01165/FUL will be repeated, where relevant, as per advice in the PPG.

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:
Enquiries about this report to **Andrea Dollard**