

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1st July 2009

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0251/09/F – COTTENHAM

Change of Use of Garden Land to Sui Generis Use and Erection of Shed (Retrospective) for Purposes of Hobby Craft at Land to the Southeast of 2 Eversley Close for Mr John Wynn

Recommendation: Approval

Date for Determination: 20th April 2009

Notes:

This Application has been reported to the Planning Committee for determination because the officer recommendation is contrary to Parish Council's recommendation and because the site is located within the Conservation Area.

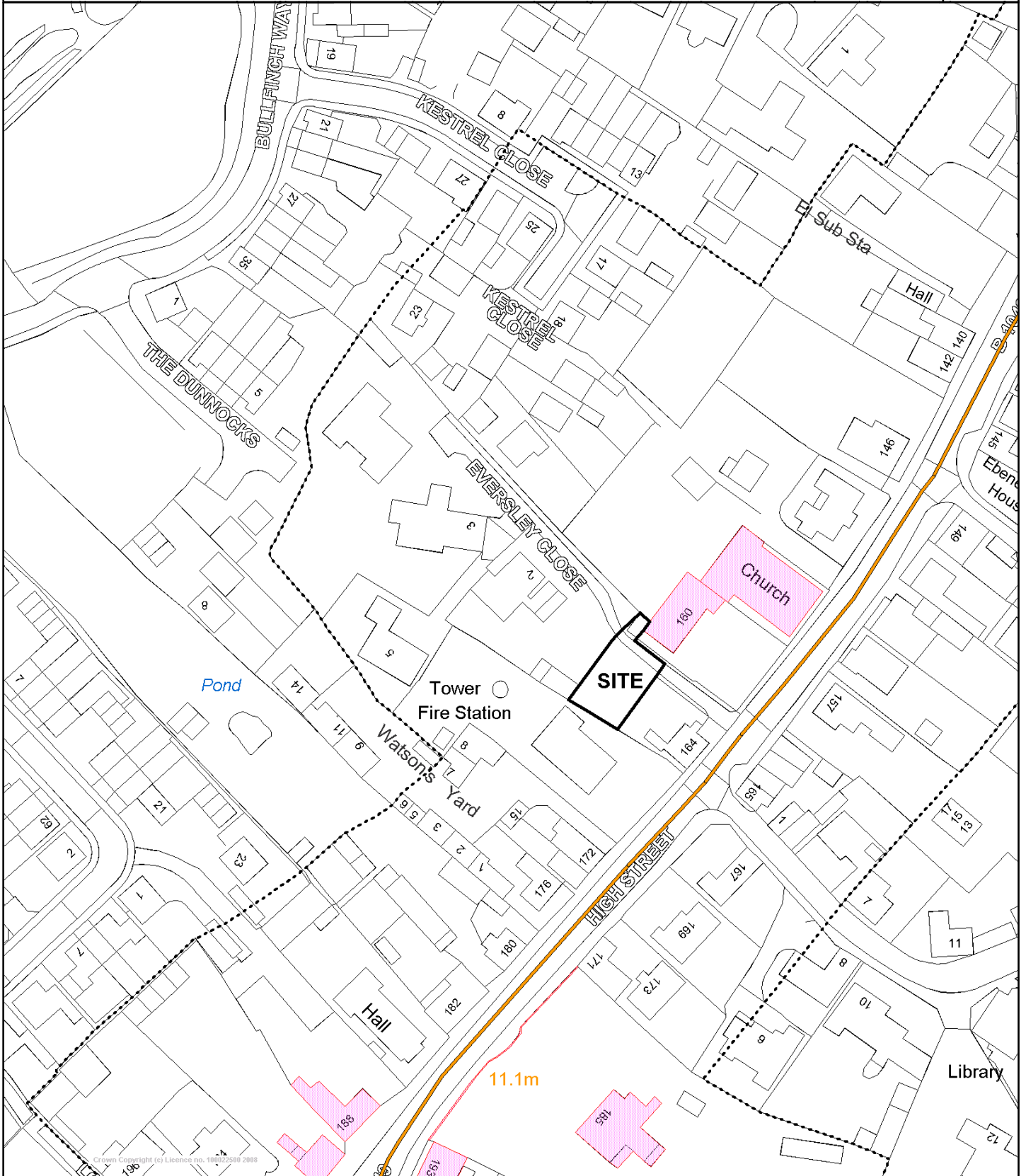
Conservation Area

Site and Proposal

1. Eversley Close is off High Street and comprises a group of four dwellings. The application site measures approximately 14m x 15.4m which was part of the garden land for No 164 High Street. The site is between the garden areas of No 164 High Street and No 2 Eversley Close. To the southeast is No 164 High Street. It is a 2 storey house with a garden shed and boundary fencing along the rear boundary. No 2, to the northwest of the site, is a single storey dwelling with hedges and fencing along the southeast side boundary. The sitting out area at No 2 is set away from the common boundary with the application site. The site falls within the Conservation Area and opposite a group of Listed Buildings comprising the Baptist Chapel and No 160 High Street.
2. The full application, submitted on 23rd February 2009 following advice from the Council's Enforcement Officer, seeks permission for change of use of garden land to sui generis use and to retain a shed for purposes of hobby craft. The shed has been erected but yet to be finished during officers' site visits in March 2009. The shed measures 3.66m x 6.16m, 2.15m to the eaves and 3.65m to the ridge. It is positioned along the common boundary with No 2 Eversley Close with a gable facing Eversley Close and set back from the landscaped front boundary. The proposed materials would be feather edge boards and grey/ green mineral felt roof. The shed would be used for purposes of hobby craft to renovate old model aircraft engines and models. The application is accompanied by a Design and Access Statement.

Planning History

3. **C/0258/67/D** – Planning application for erection of two houses and garages after demolition of existing at No 164 High Street was refused



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Scale 1/1250 Date 15/6/2009

Centre = 545046 E 267928 N

July Planning Committee

Planning Policy

4. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007**

- **DP/1** - Sustainable Development;
- **DP/2** - Design of New Development;
- **DP/3** – Development Criteria
- **DP/7** – Development Frameworks
- **NE/6** – Biodiversity
- **NE/14** – Lighting Proposals
- **NE/15** – Noise Pollution
- **NE/16** – Emissions
- **CH/4** – Development Within the Curtilage or Setting of a Listed Building
- **CH/5** – Conservation Areas

5. **South Cambridgeshire Local Development Framework Development Affecting Conservation Areas Supplementary Planning Document 2009:** Emphasises new structures to have an appropriate mass and form, and in order for new developments to preserve or enhance a Conservation Area it is important that they are constructed of appropriate material.

6. **South Cambridgeshire Local Development Framework Cottenham Village Design Statement Supplementary Planning Document 2007:** States that new developments should acknowledge their Cottenham context and avoid pattern-book designs. Respect local characteristics and context of the particular site. Use good quality materials – whether modern or traditional – which are appropriate to Cottenham.

7. **Circular 05/2005 – Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respects.

8. **Circular 11/95: The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Consultations

9. **Cottenham Parish Council** recommends refusal on the following grounds:

10. The application site is not garden land. It is a separate piece of land which is not owned by any of the adjacent properties.

11. It would not be appropriate that a building which in essence will be separate industrial unit be located within the Conservation Area and adjacent to a listed building, No 160 High Street.

12. The proposed shed is visible from High Street and its design, height and mass does not sit well within the existing street scene which is a Conservation Area.

13. There is an issue in regard to noise nuisance and light pollution, whilst it may be stated that the machinery will not cause a noise nuisance the actual model aircraft engines are very noisy and any 'testing' of these engines will cause a noise nuisance

and the proposed shed is adjacent to residential properties. Again the proposed use of large windows aligned with the use of strip lighting will cause light pollution to adjacent properties.

14. While the plans show the shed to be located away from the roadway, it is actually located close to the roadway. The proposed up and over door will need various shrubs to be removed to gain access. The removal of these shrubs again increases the visibility of this building to both the street scene and to neighbouring properties which is unacceptable within a Conservation Area.
15. **Cottenham Village Design Group** considers that this is a significant new structure that is sited in a Conservation Area location, visible from High Street. The materials specified, while suitable for a normal sized shed, are unsuitable for a building of this size in this location. It is suggested that more appropriate roofing and glazing materials should be specified.
16. **Conservation Manager** has no objection subject to condition on materials to achieve pantiles, slate or oak shingles colouring of weatherboarding, and side hung natural timber boarded doors.
17. **Landscape Design Officer** has no objections to the proposal provided that the existing planted boundary to the road is maintained to partially screen the shed.
18. **Trees and Landscape Officer** has no objection.
19. **Corporate Manager (Health and Environmental Services)** originally raised concerns about the use of machinery to carry out work on engines, and renovating model aircraft engines that may cause noise disturbance to nearby residential properties. Odour nuisance may be an issue from the possible use of chemicals e.g. use of solvents, cleaning products, paints and thinners etc. He was also concerned that the proposal would be an almost light industrial use in a residential area.
20. Having considered the additional information provided by the applicant relating to details of power-operated machinery and the proposed activities to be carried out at the shed, the Chief Environmental Health Officer has no objection to the proposal in terms of noise and environmental pollution and recommends conditions be imposed preventing the use of power tools outside the building, keeping doors shut and limiting hours on power operated machinery.

Representations

21. Residents at Nos 160 and 164 High Street, and No 2 Eversley Close object to the proposal on the following grounds:
 - a) Close proximity of the shed to No 164 High Street; and being obtrusive to a bedroom window at No 160 that represents a significant loss of amenity;
 - b) The proposed building has more the characteristics of a workshop and appears incongruous in a Conservation Area; the design and use of materials are not in keeping with the surrounding area;
 - c) Noise nuisance;
 - d) Resident at No 2 Eversley Close prefer a flat roof and low-level building for personal safety reason so that her neighbours at No. 164 can still see whether her curtains are drawn;
 - e) The up-an-over door in the north elevation of the shed is presumably needed for the ingress of large machinery. Any use of the door will require the removal of

the shrubs fronting the road and this will prevent any effective screening of the building from No 160; and

- f) Neighbours consider that the Design and Access Statement gives an impression that this application represents a relocation of the proposed activities from the outbuilding at the garden of No 2 Eversley Close. The fact is that the applicant moved away from No 2 Eversley Close over 30 years.

Representations by the Applicant

22. Additional information submitted by the applicant to explain the details of power operated machinery and clarification on the activities to be carried out:

Power operated machinery:

- a) Power operated machinery includes Southbend lathe, Delapena hone, Kerry pillar drill, Boxford 3" capstan lath and Burdett surface grinder;
- b) Any noise that may emit from the shed is likely to be less than any ordinary household sewing machine; only a Henry type vacuum cleaner will be used to collect small amount of dust and shavings generated when building models;
- c) The building will be insulated with either rigid foil clad cellotex or similar insulation between the studs or rafters;
- d) There will not be engines run either inside or outside the building and therefore no problem of noise or fumes;
- e) The aircrafts vary from Gliders rubber powered to engine powered and some are electric powered;
- f) The main source of noise is likely to be generated from cutting the lawn or hedges around the building;

Odour and light pollution

- a) Chemicals to be used: small quantities of lubricating oil, PVA and superglue model taunting dope and cellulose thinners will be used; therefore, no odour nuisance would be caused;
- b) The applicant is prepared to blank out any light source

Activities

- a) The shed would not be used 24/7 and the applicant will be flying the models at other venues; all testing is done outside the shed and in the countryside or on a farm away from residential properties;
- b) No trade or business will be carried out in the building as the use would be purely as a hobby; and
- c) The number of aircraft is approximately 50 and varies from 12 inches to 120 inches in wingspan; this number may increase but some do get lost or destroyed.

Planning Comments – Key Issues

23. The key issues to consider in the determination of this application are:
- a) Character and appearance in the Conservation Area, and wider setting of adjacent Listed Buildings;
 - b) Noise disturbance and environmental pollution; and
 - c) Residential amenity interests

Conservation Area and setting of adjacent Listed Buildings

24. It is considered that the shed is modest in scale and it does not form a prominent feature in the street scene. The site is set back from and can be seen from High Street. It is considered that the erection of the shed would not harm the interests of the Conservation Area or the wider setting of the adjacent listed buildings. The details of the materials to be used in the construction of the external surfaces of the shed, including colours and the doors can be conditioned so to ensure that the appearance of the site does not detract from the character of the area. The applicant is prepared to roof the shed in pantiles.
25. The site has existing landscaped frontage with shrubs, and leylandii hedges within the site and adjacent to a car parking area. The character of the area can be safeguarded by imposing a condition to retain existing hedges along the front boundary.

Noise disturbance and environmental pollution

26. It is noted that the noise generated from the use of the shed would be minimal. The power-operated machinery is small in scale and the proposal would not have engines running either inside or outside the building. All flying and testing will be carried out off site. There would only be small quantities of chemicals used and these would not cause unacceptable odour nuisance. Having considered the additional information from the applicant in response to concerns about noise disturbance and environmental pollution to neighbours from the use of machinery, I am satisfied that the associated activities would be limited to hobby craft that would not cause serious noise disturbance and environmental pollution.
27. Conditions can be imposed to any planning consent to prevent the use of power tools outside the building, keeping doors shut, limiting hours of power operated machinery, acoustic insulation, and no external lighting.

Residential amenity interests

28. The shed is set away from the sitting-out areas at neighbouring properties at Nos 160 and 164 High Street and No 2 Eversley Close. The size and scale of the shed is modest. It is 3.65m high to the ridge, set approximately 10 m from the first floor bedroom window at No 160 High Street, I do not consider that the shed would be obtrusive or cause serious harm to residential amenity interests of occupiers at No 160 High Street.
29. I do not consider that the personal safety concern from the owner/ occupier at No 2 Eversley Close is a material planning consideration.
30. In light of the above, it is considered that the proposed scheme is acceptable and the application is recommended for approval.

Recommendation

Approve

Conditions

1. No power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing by the Local Planning Authority. (Reason – To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
2. The use of power operated machinery shall not take place anywhere on the site except within the shed. (Reason – To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
3. No materials or equipment shall be stored on the site outside the buildings save that waste materials may be kept in bins for removal periodically. (Reason - In the interests of visual/residential/rural amenity in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
4. Before the use, hereby permitted, commences the building(s) shall be acoustically insulated in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. (Reason - In order to secure a reduction in the level of noise emanating from the building in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
5. The doors in the east and north elevations of the shed, hereby permitted, shall be shut during the hours of operation. (Reason – To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
6. No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. (Reason -To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)
7. No trade or business shall be carried on from the shed, hereby permitted, or the application site. (Reason – In order to limit the impact of the development on the residential amenities of the neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
8. The existing hedge on the front boundary of the site shall be retained except at the point of access or existing car parking area as shown on the 1:250 scale block plan; and any trees or shrubs within it which, within a period of five years from the completion or occupation of the building, whichever is the sooner, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. (Reason – RC9)

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework (LDF) 2007
- South Cambridgeshire Local Development Framework: Development Affecting Conservation Areas Supplementary Planning Document 2009
- South Cambridgeshire Local Development Framework: Cottenham Village Design Statement Supplementary Planning Document 2007
- Circular 05/2005 – Planning Obligations
- Circular 11/95 – The Use of Conditions in Planning Permissions
- Planning application references and C/0258/67/D and S/0251/09F

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