

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

5th August 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.

Members of Committee will visit the site on Wednesday 5th August 2009.

Conservation Area

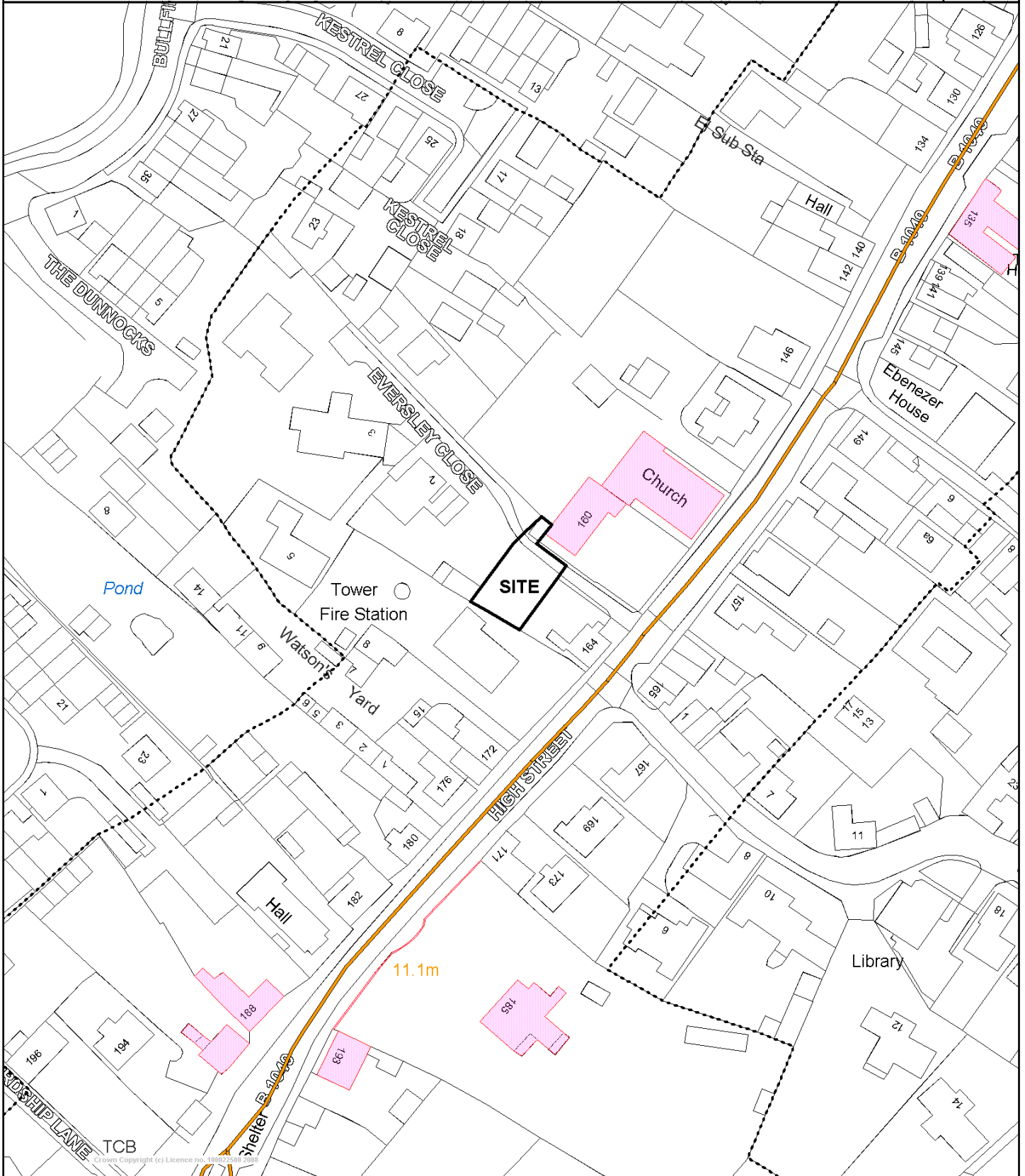
Background

1. The above application was discussed at the Planning Committee held on 1st July 2009 and it was deferred for a site visit.
2. Attached as Appendix 1 is the report to Planning Committee of 1st July 2009.

Planning Comments

Noise and disturbance

3. Environmental Health Officer 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.
4. 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, he has no objection to the proposal in terms of noise and environmental pollution. He considers that conditions be applied preventing the use of power tools outside the building and keeping doors shut. However, he does not consider that the proposal would warrant a condition limiting hours of use for power-operated machinery. If the proposed use would cause noise nuisance, the problem could be dealt with by Environmental Health Services.



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Scale 1/1250 Date 21/7/2009

Centre = 545069 E 267905 N

August Planning Committee 2009

Access

5. The application site has existing vehicular access and car parking area at side adjacent to the boundary fencing with the neighbouring property, No 164 High Street. The up and over door in the front/north elevation of the proposed building is for occasional use bringing machinery into and out from the building. The main entrance of the building is the door at the east side elevation. The applicant is aware of the recommended condition that the existing hedge on the front boundary shall be retained.

Garden curtilage

6. According to the planning history record, the application site was part of the garden land of No 164 High Street. Due to the change in land ownership, the application site is no longer part of the garden area of No 164 and it does not attach to any residential properties. The character and appearance of the site remain as a domestic garden. The application site is owned by a family member of the applicant. Both the owner of the site and the applicant do not live in the village of Cottenham. There is no planning history relating to the change of use this site. Because of the situation of the site that it does not relate to a domestic dwelling, the site does not have permitted development right within the curtilage of a dwellinghouse.

Personal permission

7. Whether a personal condition is appropriate in this application has been considered. Given that the application site does not form part of the garden areas of the nearby residential properties and that the applicant does not live in the neighbouring properties, there are no strong personal grounds to justify that a personal condition is appropriate in this application. The main material planning considerations are: character and appearance in the Conservation Area, wide setting of the adjacent listed buildings, noise disturbance and environmental pollution, and residential amenity interests. It is considered that the planning issues could be addressed by imposing planning conditions. The questions of who is to occupy or how the applicant would use the proposed building are irrelevant in this case.
8. The proposed description specifies the change use of the garden land to sui generic use and that the shed is for purposes of hobby craft. Any other use on the application site that falls outside the development description would require planning permission for material change of use of the land or the shed. An informative will be added to any planning consent to draw the attention of the application about future change of use.

Update on Planning Conditions

9. The Environment Health Officer has advised that the proposed use would not warrant a condition limiting hours of use for power-operated machinery. He is satisfied that if a noise nuisance were to result it could be dealt with through environment health's mechanisms. As a consequence, Condition 1 (No Power Operated Machinery) of the previous recommendation is to be omitted if approved.
10. The conditions requested by the Conservation Manager have been missed from the previous report. Additional conditions requiring details of (a) materials, (b) colour finish for weatherboarding, and (c) side hung natural doors are recommend.

Recommendation

Approve

Conditions

1. 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 – To protect the hedge which is of sufficient quality to warrant its retention and to safeguard biodiversity interests and the character of the area in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007)
9. Notwithstanding the approved drawings, no development shall take place until details of the materials to be used in the construction of the external surfaces, and colour finish for weatherboarding of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out in accordance with the approved details.
(Reason – To ensure the appearance of development is satisfactory in accordance with Policies DP/2 and DP/5 of the adopted Local Development Framework 2007.)

10. The doors of the building hereby permitted shall be side hung timber boarded doors. (Reason – To ensure the appearance of development is satisfactory in accordance with Policies DP/2 and DP/5 of the adopted Local Development Framework 2007.)

Informatives

The applicant's attention is drawn to the details of approved development. Any change of use of the site and the shed apart from hobby craft would require planning permission.

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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