

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 October 2010

AUTHOR/S: Executive Director (Operational Services)/
Corporate Manager (Planning and New Communities)

S/1106/10/F – GREAT ABINGTON

**External Alterations and Conversion of Agricultural Building to Residential Dwelling
at Barn Adjacent 44 North Road for Mr R.H. Rogers and Mrs M. de Ville Rogers**

Recommendation: Approval/ Refusal

Date for Determination: 14 September 2010

Notes:

This application has been reported to the Planning Committee for determination at the request of the Local Member, Cllr Orgee.

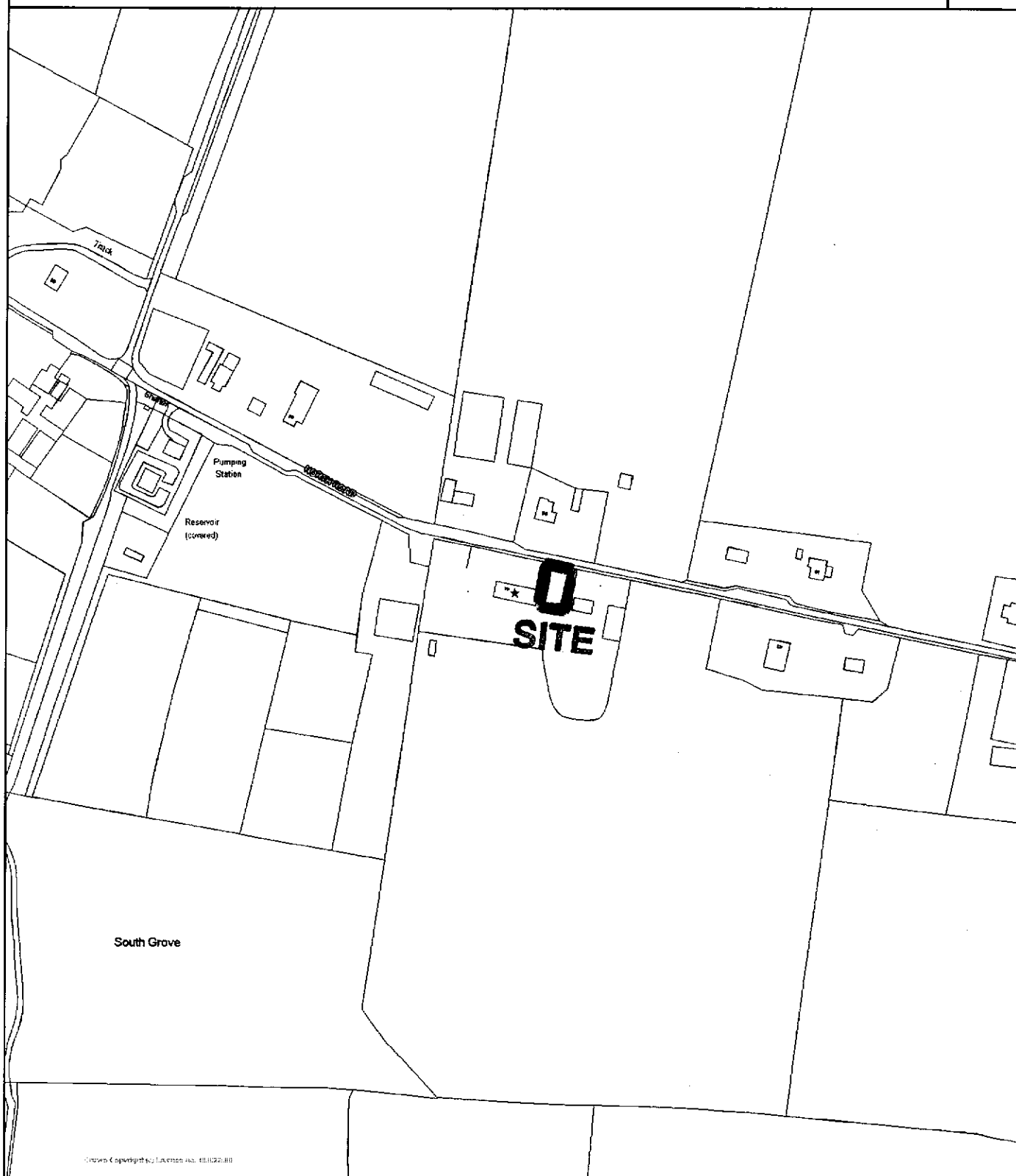
Site and Proposal

1. The 0.07 hectare (ha) site is located outside the Great Abington village framework and within the countryside. It lies on the former Land Settlement Association Estate that originally comprised a number of dwellings with smallholdings. The existing agricultural barn is a detached, black timber weatherboarding/ red brick plinth and red pantile building that has a hardstanding to the side and a grassed area to the front. Access is via North Road that is a single track private road with passing bays, and is also a public footpath. The land drops to the west.
2. No. 44 North Road is a dwelling with a detached outbuilding, situated to the west of the site. Open fields lie to the south and east. A small dwelling is situated on the opposite side of the road.
3. This full planning application, received 20 July 2010, proposes external alterations to the barn that comprises new openings in all elevations, and its conversion to a residential dwelling. The existing hardstanding would be used for parking and bin storage. A new, bound gravel driveway would be provided to the front of this area. A 1.8 metre high close boarded fence and gates would be erected between the driveway and parking area. The application is accompanied by the signatures of 18 local residents in support of the application.

Planning History

4. A planning application for conversion of the barn and outbuilding into a residential dwelling and garage under reference **S/0651/08/F** was dismissed at appeal in December 2008. The main reasons for refusal related to the principle of the provision of a new dwelling in the countryside and that information had not been submitted at the time that would rule out a sole employment use or a mixed employment and residential use.
5. Planning permission was granted for this agricultural building under reference **S/1545/92/F** in November 1992.

S/1106/10/F - 44 North Road, Great Abington



Crown Copyright © Ordnance Survey 2008



Reproduced from the 2008 Ordnance Survey mapping with the permission of the controller of Her Majesty's stationary office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Scale 1/2500 Date 24/9/2010

Centre = 552720 E 247752 N

Planning Policy

6. Local Development Plan Policies

South Cambridgeshire LDF Development Control Policies DPD, 2007:

DP/1 Sustainable Development

DP/2 Design of New Development

DP/3 Development Criteria

DP/4 Infrastructure and New Developments

DP/7 Development Frameworks

NE/4 Landscape Character Areas

NE/6 Biodiversity

NE/11 Flood Risk

HG/8 Conversion of Buildings in the Countryside for Residential Use

SF/10 Outdoor Playspace, Informal Open Space, and New Developments

SF/11 Open Space Standards

TR/1 Planning for More Sustainable Travel

TR/2 Car and Cycle Parking Standards

7. South Cambridgeshire LDF Supplementary Planning Documents (SPD):

Open Space in New Developments SPD - Adopted January 2009

Biodiversity SPD - Adopted July 2009

Landscape in New Developments SPD - Adopted March 2010

District Design Guide SPD - Adopted March 2010

8. National Planning Guidance

Planning Policy Statement 1 (Delivering Sustainable Development)

Planning Policy Statement 3 (Housing)

Planning Policy Statement 7 (Sustainable Development in Rural Areas)

9. Circulars

Circular 05/2005 Planning Obligations

Circular 11/95 The Use of Conditions in Planning Permissions

Consultation

- 10. Great Abington Parish Council** – Recommends approval and comments that it is a building that would be suitable for conversion to a dwelling.
- 11. Local Highways Authority** – Requires conditions in relation to the provision of pedestrian visibility splays, the hard surfacing of the driveway within 6 metres of the road, and adequate surface water drainage from the driveway. Requests informatives in relation to the position of gates and works to the public highway.
- 12. Landscape Design Officer** – Has concerns with regards to the design of the close boarded fences and gates and states that they should be set back from the front elevation of the building. Considers that a post and rail fence and hedge would be more appropriate. Queries the position of the access. Suggests some low hedging or limited tree planting along the frontage. Details of species and fencing to be agreed.
- 13. Ecology Officer** – Comments that he is happy to accept that the proposed barn conversion is unlikely to have any adverse impact upon barn owls or breeding birds. The ecologist identified a small number of bat droppings as Pipistrelle bat. Following

nigh time investigation the ecologist does not consider the site to be a significant roost (i.e. a maternity roost) for the Pipistrelle bats. I am happy to accept this view.

The ecologist proposes careful working procedures to mitigate any potential harm and the submitted Protected Species Survey report includes such measures. A condition should be used to secure a scheme of mitigation and enhancement for bats.

14. **Building Inspector** – Considers that the building is capable of conversion.
15. **Rights of Way and Access Team** – States that the access to the site is via public footpath No. 6, Great Abington and requests informatives in relation to the lawful use of the footpath.
16. **External Consultant (Valuer)** – Comments are awaited and will be reported verbally at the meeting.
17. **Environmental Health Officer** – Concerned that problems could arise from noise and requests conditions in relation to the hours of use of power operated machinery. Also suggests informatives in relation to the use of pile driven foundations and the burning of waste on site.
18. **Contaminated Land Officer** – Comments that the application is for conversion of a barn (with the potential to store unknown material) to a dwelling. Recommends that a condition is attached to any consent to in relation to a detailed investigation into contamination and mitigation measures to address possible contamination.

Representations

19. The occupier of **60 North Road** comments that the barn has never been an agricultural building and that the development would urbanise the area. Queries whether policy has changed to allow conversion of agricultural buildings.
20. The **Local Member** supports the application and considers the decision is based upon the interpretation of Policy HG/8. He comments that a number of applications within the area have been allowed following differing interpretations of policy.

Planning Comments – Key Issues

21. The key issue to consider in the determination of this application is the principle of the conversion of the barn to a residential dwelling in the countryside.

Principle of Residential Conversion

22. The principle of the conversion of the barn to a residential dwelling in the countryside is not supported in principle unless the development complies with Policy HG/8 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 and paragraphs 17 and 18 of Planning Policy Statement 7 (Sustainable Development in Rural Areas). These documents generally support the conversion of buildings in the countryside but state that they should be considered for re-use by economic development purposes or mixed economic development and residential uses before sole residential uses. Policy HG/8 also sets out detailed criteria that need to be complied with before a residential conversion is considered acceptable. This includes whether the property is considered inappropriate for commercial or a mixed use through the demonstration of planning considerations or market demand, as well as issues such as whether the building is structurally sound, the building is capable of re-use without changing its character or impact upon the surrounding countryside, and sustainability.

23. The Inspector that determined the previous application for a similar development that was dismissed at appeal in 2008 considered that the planning considerations and viability report put forward at that time did not demonstrate that the property was inappropriate for employment purposes or mixed employment and residential purposes. He stated that “the building clearly has the potential to be re-used for such purposes in terms of its structure, size, appearance, and location.” He commented that economic factors change with time and accepted that “whilst the current market demand did not support the case for employment re-use, it is not regarded as a decisive factor by itself as there are a range of other planning considerations that act to support the possibility of the building being re-used for employment purposes”.
24. A marketing report has been submitted with the application that demonstrates that the property has been on the open market through various different channels for a time period of at least 12 months. It was marketed with the potential for commercial uses, mixed commercial/residential purposes, or holiday lets (subject to planning permission) at a price of £265,000. Very limited interest was shown in the property with eight parties contacting the estate agent and three parties contacting the owners direct. Three parties showed a commercial interest. Two arranged viewings were carried out and no offers made. The reasons outlined in the report as a result of feedback from the prospective purchasers included the building was unsuitable for the required purposes, too remote location, and too expensive. The main interest was for residential use. The estate agent has concluded in respect of the lack of demand by commercial users that the building is not suitable for the majority of commercial uses relating to light industrial/ workshop manufacture, the demand in the marketplace is severely restricted for office accommodation, the access road is unsuitable for commercial vehicles, there is a lack of demand for general business use due to the recession, the 40 square metres requirement for workspace within a live/work unit was an issue, and that the surrounding area is predominantly residential.
25. Given the low level of interest in the property, the Council has employed an independent consultant to value the property to ensure that it was being marketed at the correct price in relation to the potential uses for commercial, live work or holiday lets purposes. The result of this valuation will be reported at the meeting. Should the property not have been marketed at the correct price, the Council is likely to seek further marketing to completely rule out the use of the building for full or partial economic development purposes before a residential use is considered acceptable.
26. With regards to the criteria in Policy HG/8, the building is considered structurally sound and not of a makeshift nature that would not involve reconstruction work to enable its re-use. The building is of substantial and permanent construction and the only alterations required are the creation of internal floors, insulation and revised openings. A structural report has been submitted with the application and its contents are agreed by the Building Inspector.

Character and Appearance of the Area

27. The form, bulk and general design of the building is considered to be in keeping with its surroundings and the proposed alterations would not materially change the appearance of the building upon the countryside. Whilst it is acknowledged that a number of openings would be inserted into the front and rear elevations of the building, these would be limited and reflect the style of openings in agricultural buildings and not domesticate the simple character of the existing barn. A first floor would be created internally but no extensions are proposed externally that would increase the footprint. The existing hardstanding to the side of the building would remain and be utilised for parking and the storage of waste. This would ensure that

such ancillary uses are well related to the building. A new fence and gate would be erected to screen this area from public view. A new access would be created to the front but this would be in keeping with the character and appearance of the area as a result of its materials. A condition could be attached to any consent to control future development on the site such as the erection of extensions, outbuildings, fences/walls, and hardstanding. This would ensure the development remains compatible with its surroundings.

28. Landscaping is encouraged on the site in order to enhance the rural character and appearance of the area. The submission of a landscape plan would be a condition of any consent.

Sustainability Issues

29. The site is located approximately 1km from the centre of the village of Great Abington where there are a range of services and facilities. The use would be sustainable and in scale with its location. The village would be easily accessible by walking and cycling via footpaths. There is a good bus service within the village that links Cambridge with Haverhill. The proposal would not therefore result in sole reliance on the private car.

Highway Safety

30. Access to the site is via a private road but the main access to the public highway is at the junction with North Road and the old A11 and North Road and Pampisford Road. Although visibility on to the public highway is substandard in both locations, the limited intensification in the use of the road as a result of the development would not be detrimental to highway safety. This is due to the existing volume of traffic that uses the junctions. Two parking spaces would be provided on site. Conditions should be attached to any consent to ensure the provision of pedestrian visibility splays. An informative should advise of the need for surface water drainage measures to be provided adjacent the driveway.

Biodiversity

31. A biodiversity survey was submitted with the application. Although it acknowledges that bat droppings were found in the barn and that it has the potential to provide a habitat for roosting bats, none were observed and it was suggested that it may be an occasional use. No evidence of barn owls or nesting birds was found. The proposal is not therefore considered to have a significant impact upon the population or conservation interest of protected species subject to a condition that secures a scheme of mitigation and enhancement for bats. It would also not adversely affect any important trees that contribute to the visual amenity or habitat of the area.

Neighbour Amenity

32. The proposal is not considered to seriously harm the amenities of neighbours. Whilst it is noted that there would be two first floor roof lights serving bedrooms in the west facing roof slope of the building that would face towards a number of windows in the east side elevation of No. 44 North Road, these would not result in overlooking that would lead to a loss of privacy, due to the distance of more than 30 metres between the openings. This exceeds the minimum measurements for window-to-window distances set out in the Council's Design Guide.

Land Contamination

33. The existing barn has the potential to have been used for the storage of agricultural machinery and fuels that may have resulted in land contamination to the soil or water supply. A condition should be attached to any consent that requires an investigation into contamination.

Developer Contributions

34. The South Cambridgeshire Recreation Study 2005 identified a shortfall of play space within Great Abington. No public open space is shown within the development. The increase in demand for playspace as a result of the development requires a financial contribution of £3,104.38 (index linked) towards the provision and management of open space off-site and in the village to comply with Policy SF/10 of the LDF. This would be secured via a legal agreement that would be a condition of any consent. The applicants have confirmed their agreement to such a contribution.
35. The South Cambridgeshire Community Facilities Assessment 2009 states that Great Abington has indoor community space that is of a good standard. However, due to the increase in the demand for the use of this space from the development, a financial contribution of £523.93 (index-linked) is sought towards the provision of new facilities or the improvement of existing facilities in order to comply with Policy DP/4 of the LDF. This would be secured via a legal agreement that would be a condition of any planning consent. The applicants have confirmed their agreement to such a contribution.
36. South Cambridgeshire District Council has adopted the RECAP Waste Management Design Guide. In accordance with the guide, developers are requested to provide for the household waste receptacles as part of a scheme. The fee for the provision of appropriate waste containers is £69.50 per house. This would be secured via a legal agreement that would be a condition of any planning consent. The applicants have confirmed their agreement to such a contribution.

Other Matters

37. The site lies within flood zone 1 (low risk). The development would not significantly increase the risk of flooding to the site and surrounding area.
38. The storage of waste has been provided for on site.
39. The access to the site is via a public footpath. Informatives will be attached to any consent to advise of points in relation to the lawful use of the footpath.

Recommendation

40. Approval/ Refusal dependent on the outcome of the external consultant's valuation of the property

If the application is approved, the following conditions and informatives are suggested: -

Conditions

1. **The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**

(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development which have not been acted upon.)

2. **The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing numbers 1 (site location plan only), landscape plan, 2, 3, and 5.**

(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

3. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within all classes of Part 1 and class A of Part 2 of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.**

(Reason – To safeguard the character and appearance of the area in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

4. **No development shall take place until exact details of the close boarded fence/ gates and refuse store (including height, design and any stain/ paint finish) to the east of the building and have been submitted to and approved in writing by the Local Planning Authority; the development shall be completed before the dwelling is occupied in accordance with the approved details and shall thereafter be retained.**

(Reason – To safeguard the character and appearance of the area in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

5. **The use, hereby permitted, shall not commence until two parking spaces have been laid out on the site as shown on the landscape plan; the spaces shall be thereafter maintained for that purpose.**

(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

6. **No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.**

(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

7. **All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.**

(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

- 8. Visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the edge of the carriageway.**

(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

- 9. No development approved by this permission shall be commenced until:**
- a) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority.**
 - b) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.**
 - c) The works specified in the remediation method statement have been completed, and a validation report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.**
 - d) If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this contamination should be agreed in writing by the Local Planning Authority.**

(Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007).

- 10. During the period of construction, no power operated machinery shall be operated on the site before 08.00 hours and after 18.00 hours on weekdays and before 08.00 hours and after 13.00 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with 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.)

- 11. No development shall begin until details of a scheme for the provision of recreational infrastructure, community facilities, and waste receptacles to meet the needs of the development in accordance with adopted Local Development Framework Policies SF/10 and DP/4 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.**

(Reason - To ensure that the development contributes towards recreational infrastructure, community facilities, and waste receptacles in accordance with Policies SF/10 and DP/4 of the adopted Local Development Framework 2007.)

- 12. Prior to the commencement of the development a Bat Mitigation and Enhancement Scheme shall be submitted to the Local Planning**

Authority for approval. The scheme shall detail the measures to be implemented to reduce harm to bats, the person responsible for implementing them, measures to enhance the site for bat and details of timings by when such measures will be undertaken. Any variation to the approved scheme shall be agreed in writing.

(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

Informatives

1. Adequate means of surface water drainage shall be provided on the site immediately adjacent the proposed driveway. See attached Environment Agency advice regarding soakaways.
2. In relation to condition 6, the landscape officer has requested that two small to medium scale trees (5-10m height) or a hedge should be planted. One of the trees should be located just back from the front road boundary approximately 4 m from the NE corner and another tree a similar distance from that corner along the eastern boundary, making allowance for trunk expansion against the fence. The species suggested is ornamental white flower hawthorns.
3. The Highway Authority (Cambridgeshire County Council) maintains the surface of public footpath No. 6, Great Abington, to a standard sufficient for members of the public on foot. It does not maintain the route to vehicular standard.
4. Public footpath No. 6 must not be used for access to the site unless the applicant is sure they have lawful authority to do so (it is an offence under s.34 of the Road Traffic Act 1988 to drive on a public footpath without lawful authority.)
5. Private vehicular users must not cause a 'nuisance' (in common law) to members of the public using Public footpath No. 6.
6. No alteration to the surface of public footpath No. 6 is permitted without our consent (it is an offence under s.1 of the Criminal Damage Act 1971).
7. Public footpath No. 6 must remain open and unobstructed at all times. Building materials must not be stored on this section of the footpath and contractors' vehicles must not be parked on it (it is an offence under s.137 of the Highways Act 1980 to obstruct a public footpath.)
8. The granting of planning permission does not constitute permission or license to a developer to carry out any works within, or disturbance of, or interference with, the public highway, and that separate permission must be sought from the Highway Authority for such works.
9. During construction, there shall be no bonfires or burning of waste on site except with the prior permission of the District Environmental Health Officer in accordance with best practice and existing waste management legislation.

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

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents: Open Space in New Developments, Biodiversity, Landscape in New Developments, and District Design Guide
- Planning Policy Statements 1, 3 and 7
- Planning File References: S/1106/10/F, S/0651/08/F and S/1545/92/F

Contact Officer: Karen Pell-Coggins - Senior Planning Officer
Telephone: (01954) 713230