

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6th September 2006

AUTHOR/S: Executive Director / Head of Planning Services

S/1349/06/F - Milton Proposal at New House, Ely Road for Mr Jonathan Wilson

Recommendation: Approval

Date for Determination: 6th September 2006

Site and Proposal

1. The New House is located within the Milton village Framework and Conservation Area. The dwelling in question is a recently built 2-bed chalet bungalow with carport approved on the 31st August 2005. The site was an open piece of landscape adjacent to the Ely Road, which abuts the rear of two properties within the High Street (numbers 48 and 50 inclusive). The bungalow and carport are located at the northeastern boundary of the site, whilst the southwestern side of the site has been maintained as lawn with several mature trees. The original approval for this site (S/1349/05/F) had a landscaping scheme approved which provided a newly planted Hornbeam tree at the front of the dwelling to the south-east, as well as a Hornbeam hedgerow across the front of the site adjacent to the roadside.
2. This proposal is for the use of this dwelling as a Chiropractic office (D1 Use). The application is technically not a change of use as the dwelling has yet to be occupied and therefore the residential use has not been implemented. The applicant currently works within Milton but due to unforeseen circumstances is forced to move from his current location in Cambridge road and wishes to relocate his practice within the village at the site in question. The office would be served by 2 members of staff and would provide 4 car parking spaces, 2 staff spaces and 2 patient spaces, one of which would be a disabled space. The internal ground floor layout would comprise of, a reception room, office, WC and treatment room. The first floor layout would comprise of a private office, staff kitchen and bathroom.

Planning History

3. Planning Application **S/1349/05/F** – The erection of a dwelling and carport at land at Ely Road Milton, approved on the 31st August 2005.
4. Planning Application **S/0638/06/F** – Use of building as Chiropractic Office at New House Ely Road Milton, application was withdrawn 15th May 2006.

Planning Policy

5. **Policy EM6** of the South Cambridgeshire Local Plan 2004 which relates to New Employment at Limited Rural Growth Settlements (LRGS) such as Milton, states that within village frameworks of LRGS, planning permission will be granted for small-scale development in classes B1-B8 (Use Class D1 in this case is seen as applicable under Policy EM6 given the generic similarities of the Use Classes) provided that:

- (a) There would be no adverse impact upon residential amenity, traffic conditions, village character and other environmental factors, and
- (b) The development would contribute to a greater range of local employment opportunities, especially for the semi skilled and un-skilled, or where initial development is dependent on the use of locally based skills and expertise.

Consultations

- 6. **Milton Parish Council** – Object to the business use of these premises. If the application is granted then it should apply to this chiropractic office and applicant only. We are concerned that all parking outside will be in a mandatory cycle lane and no parking therefore should be allowed on the road. We are also concerned about the number of traffic movements per day across the mandatory cycle lane. We prefer soft hedging than wrought iron gates in the conservation area. Sensitive treatment of the boundary in a conservation area is most important. We trust that the replacement Horse Chestnut tree and the preservation of the other trees within the conservation will take place.
- 7. **Conservation Team** – The revised design from the previous withdrawn application S/0638/06/F) avoids a second access and loss of green area. Parking has been provided in a controlled and defined area behind the hedge. No need to demolish garage to provide additional parking. Therefore no objection subject to agreed landscape scheme and condition to control parking area so that it is not extended without prior approval.
- 8. **Trees & Landscaping** – Hornbeam to be replaced as was not planted within correct season (Planting Season – Nov/Dec). The boundary Hornbeam hedgerow should be planted as originally approved, with double staggered rows at 600mm centres. The original approved landscaping scheme (S/1349/05/F, Drawing nos. 3071/C01-M3 Rv 0, 307/C01-M2 Rv0, 3427/FP/101) should be resubmitted by condition with additions such as climbing shrubs to the frontage of the bungalow. This scheme should be carried out once approved within the appropriate planting season.
- 9. **Local Highway Authority** – I have no objections from a highway point of view to this proposal in principle. However it is essential that suitable parking be provided for the vehicular traffic likely to be generated. It is also essential that suitable turning space is available within the site to enable all vehicles to exit in forward gear.
- 10. The parking area to the south of the building must be extended to the west in order to accommodate the tandem style parking proposed, as well as turning vehicles exiting the carport.
- 11. **Ely Drainage Board** – No Comment

Representations

- 12. Owners of no. 50 High Street have no objections to the proposals and make the following comments:
 - (a) We have looked at the plans for the change of use of the house into a chiropractor's surgery. We would be happy for these plans to be passed.
 - (b) The house has been built only three feet away from our boundary and right next to our patio. Its use as a surgery would lessen the detrimental impact on our

property as the business would presumably be in working hours of the weekdays.

- (c) We imagine that the arrangement for parking on the property is adequate for the number of clients in such a small building. In our experience, not many people use the cycleway on the road and it would mostly be before and after working hours so I do not see that there is any concern about parking.
- (d) If it were possible to restrict the change of use to a surgery, this would be preferable.
- (e) We would like to suggest that the landscaping does need attention. The hornbeam tree and the beech hedge were not watered when they were planted and may need to be replaced. We hope that measures will be taken to preserve the ash tree, which was part of the Milton Hall estate.

Planning Comments – Key Issues

PPG4

13. Planning Policy Guidance Note 4 states that where Local Authorities are to permit commercial developments within residential areas they should bear in mind the subsequent intensification of the use may become unacceptably intrusive. Such intensification cannot be controlled unless conditioned when planning consent is granted. Therefore Planning Authorities should consider the use of planning conditions or planning obligations to safeguard local amenity, where there would be appropriate means of preventing foreseeable harm. Planning permission should be refused if contrary to policy and other material considerations. However consideration should always be given to whether specific problems associated with the development proposal might be reasonably overcome by granting permission subject to conditions. Examples might be where it is desirable to control times of operation or to prevent weekend working in order to protect amenity. Planning authorities should include in their development plan policies for the type of condition or planning obligation that might be imposed or sought in a particular situation.

Conditions should not be imposed which restrict future changes of use which the Use Class Order would otherwise allow, save in exceptional circumstances. The Secretaries of state would regard such conditions as unreasonable unless there were clear evidence that the uses excluded would have serious adverse effects on amenity of the environment, that there were no other forms of control, and that the condition would serve a clear purpose.

Use Class D1

14. The proposed use of this dwelling as a chiropractic office would involve the change of the use of the site from Use Class C3 'Residential Dwelling House' to Use Class D1 'Non Residential Institutions'. There are several categories under the D1 Use which in this case would be deemed to be harmful upon not only the amenities of the neighbouring properties but also upon highway safety. The site is reasonably small and at present the proposals for 4 car parking spaces is seen as the maximum that this site can provide. Therefore any use that would compromise the off street car parking of this site would not be acceptable. The site is located off a reasonably busy road (Ely Road) and has a mandatory cycle lane running adjacent to the dwelling. Furthermore several of the uses under the D1 Use Class could impact upon

the amenities of the neighbouring residential properties due to the nature of the institution.

15. It would be seen that in the interests of highway safety and the protection of residential amenity that some of the uses under D1 should be removed from the use of this building by condition. It is purposed that all use classes under D1 are removed with the exception of the following:
 - (a) For the provision of any medical or health service
 - (b) For the provision of education
16. The limited scale of the site and its location within a Conservation area as well as its limited parking facilities are considered to be grounds for exceptional circumstances to limit the uses of the building by condition.

Parking

17. The site has limited parking facilities due to the size of the plot of land. The site has several mature trees to the south west of the site which are worthy of protection. It is also seen that the preservation of the landscaping in this area of the site is essential for all future development. The location of the dwelling was determined on the impact upon the existing trees and one tree was removed on the basis that it would be replaced (Horn Beam). Therefore the site is limited to which areas can be used for car parking. As approved the dwelling was accompanied by a single car park adjacent to the dwelling and provision for a turning area with space for the use of parking, loading and unloading within the area to the front of the building.
18. For the purposes of this application the minimum of 4 spaces would be required, this is to accommodate 2 staff spaces and one patient space. The remaining space would act as an overspill for any clash in patient appointments, this will cater for anyone who is early for an appointment. This is seen as sufficient considering that the office will have only one treatment room and will be dealing with one patient at anyone given time. Considering the limited car parking available on site and considering that the scale of the dwelling a condition restricting the number of employees would be essential to ensure highway safety.
19. The amended site plan as requested by the Highways Engineer allows for a 6m turning area to ensure that all parked vehicles can turn safely and enter and exit the site within a forward gear. The hard surfaced area at the front of the site is acceptable for the car parking on the basis that the landscaping will offer adequate screening from the road side. The additional parking area would not be detrimental upon the green area and would not impact upon the existing trees on site.

Chiropractic Use

20. The applicant is currently practicing within the village and due to unforeseen circumstances with the lease of their current building they are being forced to re-locate. This site is deemed the perfect solution as it is still within the main village and could comfortably accommodate the modest needs of their practice. A chiropractic practice does not produce any adverse pollution such as noise, smell or rubbish and would produce little waste save the usual consumption of an office. The applicants are keen to recycle where possible and would need to contact the council in relation to the relevant bins and services. The practice would be non trade effluent and would see an approximate vehicular traffic generation on site of 20 vehicles per day.

21. The use of this building is seen as a sustainable commercial use as the practice would be by appointment only with the majority of the existing customers being retained as the applicant currently works locally. It has been made clear that due to unsatisfactory alternative sites within the village that without this site the practice would be forced to relocate out of Milton. This would be seen as a loss of employment within the village. Based on the information above under the restraints of Policy EM6 of the Local Plan 2004 this proposal would not have an adverse impact upon residential amenity, traffic conditions and upon the village character.
22. The hours of use for the premises will be conditioned to ensure that the impact of traffic generation upon the surrounding neighbouring properties is kept at a minimum. Therefore the practice will be limited to the hours of 0700am to 1900pm Monday to Friday and 0800am to 1300pm on Saturdays and will not be permitted to be in use on Sundays or public holidays.

Conservation Area

23. The preservation of the trees and landscaping on site is essential, therefore a condition will be attached to ensure that the original approved landscaping scheme will be resubmitted with subtle revisions increasing the planting on site. Due to the previous scheme not being implemented as conditioned the newly planted tree will be required to be replanted within the agreed location and the Horn Beam hedgerow will also need to be planted as specified. There is scope to improve the original scheme with the introduction of climbers to the front elevation of the dwelling and the introduction of some planting around the existing footpaths.
24. There have been no representations from neighbours objecting to this proposal. Most have been in its favour, it is seen that the use of the site as a commercial premises would have less of an impact upon the surrounding area and Conservation area than a residential dwelling would.

Milton Parish Council's Comments

25. The Parish Council object to the use of this site as a commercial premises and have recommended that the application is refused. The reasons stated for this refusal whilst material can be overcome by the use of conditions as stated above under the planning comments. The office can be restricted to certain uses under the D1 Use Class but to restrict the site to solely a chiropractic office would be unreasonable. The site has been reviewed by the Local Highway Authority who have deemed the parking arrangement adequate and that it would not impact upon highway safety. The numbers of employees at the site can also be conditioned to satisfy the parking requirement. There are no wrought iron gates proposed, these were proposed on the previous withdrawn application, but this current application follows the informal advice of maintaining the approved landscaping scheme. The preservation of the trees on site is essential and any such work to these trees would require conservation consent.

Recommendation

26. Approve, as amended by plans date stamped 15th August 2006, subject to the following 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 further application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)

2. The number of employees working on the application site at any one time shall not exceed 2, unless agreed in writing with the Local Planning Authority.
(Reason - To ensure that the scale of the use does not generate a volume of traffic movements, which would cause disturbance to adjoining residents.)
3. Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order), the premises shall be used for Clinics and Health Centres, and provision of education, and for no other purpose (including any other purposes in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that order).
(Reason - a) To protect the amenities of adjoining residents.)
(Reason - b) To safeguard the character of the area.)
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land (Including the specifications approved under the landscaping scheme of planning application S/1349/05/F, Drawing nos. 3071/C01-M3 Rv 0, 307/C01-M2 Rv0, 3427/FP/101), and details of any to be retained, together with measures for their protection in the course of development and specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.
(Reason - To enhance the quality of the development and to assimilate it within the area.)
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
(Reason - To enhance the quality of the development and to assimilate it within the area.)
6. The development shall not be occupied until space has been laid out within the site (in accordance with the attached site plan hereto) for 4 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear, and that area shall not thereafter be used for any purpose other than parking/loading and unloading/turning of vehicles.
(Reason - To ensure adequate space is provided and thereafter maintained on site for the parking, loading, unloading and turning of vehicles.)
7. The premises shall not be open to customers before 0700am on weekdays and 0800am on Saturdays nor after 1900pm on weekdays and 1300pm on Saturdays (nor at any time on Sundays or Bank Holidays), unless otherwise previously agreed in writing with the Local Planning Authority.
(Reason - To minimise noise disturbance to adjoining residents.)

Informatives

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policy:
 - **South Cambridgeshire Local Plan 2004**
EM6 (New Employment at Rural Growth and Limited Growth Settlements)
2. The development is not considered to be significantly detrimental to the following material planning considerations, which have been raised during the consultation exercise:
 - Residential amenity including noise disturbance
 - Highway safety
 - Visual impact on the locality
 - Impact upon setting of Conservation Area

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning file Ref. S/1349/05/F & S/0638/06/F
- Documents referred to in the report including appendices on the website only and reports to previous meetings

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