

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3rd December 2008

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

S/1655/08/F – HISTON

Variation of Condition 3 of Planning Permission S/1501/03/F, which restricts the use of the extension as ancillary to the dwelling house with no trade or business to be carried out from these premises, at 6 Cottenham Road, for Mr Colin Bates

Recommendation: Approval

Date for Determination: 12th November 2008

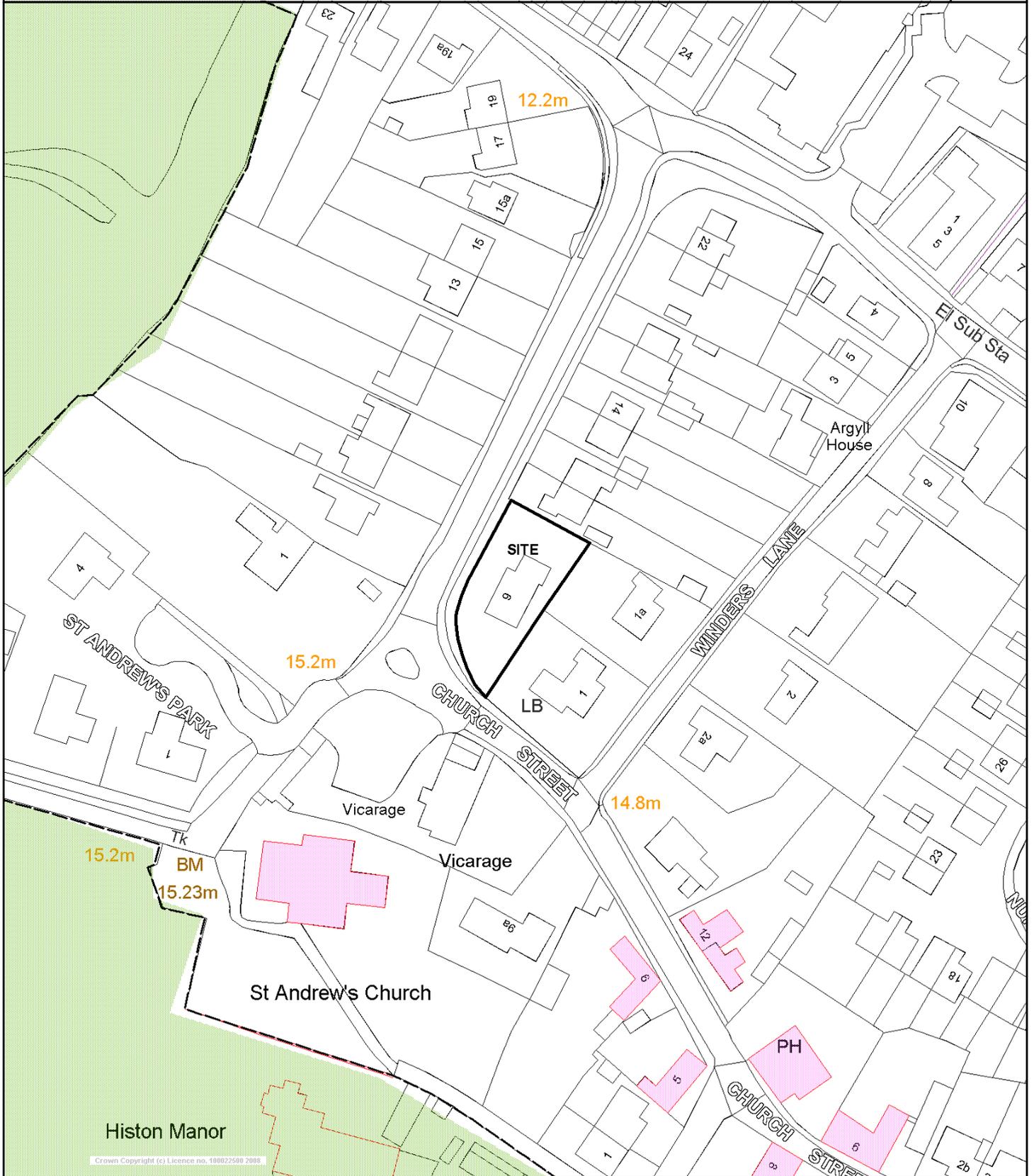
This Application has been reported to the Planning Committee for determination because Histon Parish Council has recommended approval contrary to the recommendation of the case officer. Furthermore, Councillor's Chatfield & Mason have requested that this application is brought before the Planning Committee for determination.

Site and Proposal

1. The site (approximately 0.0687 of a hectare) consists of a detached two-storey dwelling (No.6 Cottenham Road) located on a corner plot where the Cottenham Road and Church Road meet. The dwelling is accessed off Cottenham Road by virtue of a private driveway with associated hard standing to the front and side of the dwelling, which also serves as parking area. The dwelling has a single storey side extension upon its eastern elevation, which is currently used as a work from home office, which is utilised as a family run accountancy business. Cottenham Road is primarily residential in nature with most properties benefiting from off road car parking. No.6 sits slightly higher than the adjacent property at No.8 Cottenham Road, with the timber boundary fence being situated on the lowest ground level nearest No.8.
2. The proposal seeks to vary Condition 3 of Planning Application S/1501/03/F, which confines the use of the extension to domestic purposes incidental to the enjoyment of the dwelling and that no trade or business shall be carried out from the premises. The applicant seeks to vary this condition to be used as an office solely for the purposes of Colin Bates, his family and his employees.

Planning History

3. Planning Application **S/1501/03/F** was approved for a single storey side extension. Condition 3 of this permission states that the use of the building shall be confined to domestic purposes incidental to the enjoyment of the dwelling house and that no trade or business shall be carried out from the premises. The reason for this condition was to protect the amenities of the adjoining neighbours.



Crown Copyright (C) Licence no. 100022508 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 1/1250 Date 17/11/2008

Centre = 543660 E 264055 N

December Planning Committee

Planning Policy

4. South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007:
5. **Policy DP/1 “Sustainable Development”** only permits development where it is demonstrated that it is consistent with the principles of sustainable development. The policy lists the main considerations in assessing whether development meets this requirement.
6. **Policy DP/2 “Design of New Development”** requires all new development to be of a high quality design and indicates the specific elements to be achieved where appropriate. It also sets out the requirements for Design and Access Statements.
7. **Policy DP/3 “Development Criteria”** sets out what all new development should provide, as appropriate to its nature, scale and economic viability and clearly sets out circumstances where development will not be granted on grounds of an unacceptable adverse impact e.g. residential amenity and traffic generation.
8. **Policy DP/7 “Development Frameworks”** permits development within village frameworks provided that retention of the site in its present state does not form an essential part of the local character; it would be sensitive to the character of the location, local features of landscape, ecological or historic importance, and the amenities of neighbours; there is the necessary infrastructure capacity to support the development; and it would not result in the loss of local employment, or a local service or facility.
9. **Policy TR/1 “Planning for More Sustainable Travel”** states that planning permission will not be granted for developments likely to give rise to a material increase in travel demands unless the site has (or will attain) a sufficient standard of accessibility to offer an appropriate choice of travel by public transport or other non-car travel mode(s). Opportunities to increase integration of travel modes and accessibility to non-motorised modes by appropriate measures will be taken into consideration. The Local Transport Plan road user hierarchy will also be taken into account in the determination of planning applications to ensure adequate emphasis has been placed on the relevant modes, although no modes should be promoted to the exclusion of others.
10. **Policy “TR/2 Car and Cycle Parking Standards”** identifies maximum parking standards to reduce over-reliance of the car and to promote more sustainable forms of transport. Cycle parking should be provided in accordance with minimum standards

Consultation

11. **The Histon Parish Council** recommends refusal on the grounds that the use of the extension as a home run family business is an inappropriate use in a residential area. The site is on a corner plot, which suffers from on-street parking problems at certain times.
12. **The Local Highway Authority** has requested that the applicant provide a drawing showing the dimensions for the existing car parking spaces in order to demonstrate how such spaces can be achieved (dimensions to be 2.5m x 5m with 6m reversing space in accordance with Local Highway Authority Standards). Following the submission of these additional detail the Highway Authority is of the opinion that 8 parking bays would be required to fulfil the daily requirements of the applicants business following the information submitted. 5 parking bays as shown on the

submitted drawing would be insufficient, as this would have the potential to increase on street car parking within the area, which in turn may become a nuisance for other local residents.

Representations

Cllr Mason wishes to make the following comments:

13. The applicant seeks to regularise a breach of the condition imposed in the previous decision by a retrospective application to remove or vary that condition. I have not been advised of any intent to enforce that condition despite the very clear terms of the wording. This is yet another example of the Council adding conditions, which may in practice carry little weight. Nearby residents do not understand this administrative failure and I have seen a letter of objection making this point.
14. Taking the application to delegation does not give the public the advantage of an officer's report in which there would be a professional assessment and reason in writing as to why a condition imposed in 2003 is no longer considered to be applicable. My question here is what, in the opinion of the case officer, are the changes in circumstances and other local factors, which now render the condition unnecessary. Officer assessment should not be purely be "desk top" and "Policy based" but should take into account local knowledge and experience of neighbours concerning the breach of condition. Is the recommendation merely based on some change of policy between LP2 and LDF? If so it needs to be spelt out openly so that objectors and the Parish Council can clearly understand the reasons behind it.
15. My own observations lead me to believe that the removal of the condition could have ongoing traffic implications on Cottenham Road, which is a major bus route (City 7 - 10 minute frequency both directions). I use the service regularly which is frequently delayed by parked vehicles on this stretch of the Road. Buses meeting at this location and on the corner by the Church frequently have wait and/or mount the pavement. Unauthorised business use should not therefore be now approved without some assessment of the possible growth of the business and traffic turning movements adjacent to the Church St. / Cottenham Road corner. Indeed there is a very good case for double yellow lines on both sides of the road around many if not all of the right angled bends along the Cottenham Road to allow unhindered access for public transport. I would therefore ask that this observation be formally put to the County Council for their comments. Free flow of traffic is important to pedestrian safety at this location. Obstruction caused by customers or delivery vehicles, when the existing car parking space is full, could worsen this situation.
16. If after further consultation the Chairman and Officers are still remaining minded to approve this change of use then I would suggest that conditions, which should be regularly monitored by the enforcement team, should be applied. (a) That any approval be made Personal to the Applicant and be Temporary for a maximum of 2 years in order that the effects on traffic.
17. **4 Letters** of representation have also been received, which outline the following objections:
 - a. Visitors to No.6 are able to view into the adjacent property at No.8 Cottenham Road, due to the difference in heights of these two plots and the low level boundary treatment that is situ;

- b. Visitors to No.6 often park upon the road and up upon the pavement, which can obstruct access for pedestrians such as pram users;
- c. Condition 3 is unambiguous in its purpose and the reason behind it. Despite this the applicant has had no regard to the interests of it and has had no form of communication with adjoining residents;
- d. From the date the extension was completed a business has been developed and established with the employment of 2 or more full time staff whilst catering for some hundred clients;
- e. The associated activity and disruption which results from the business is contrary to the interests of my wife and myself as well as my neighbours;
- f. The use of the extension for a business has led to considerable volumes of traffic, most certainly not restricted to office hours;
- g. The numbers of visitors/clients has increased over the years as has the number of staff;
- h. Visitors tend to travel by car or van and frequently choose to park at the roadside immediately close to a tight bend;
- i. We have concerns about the possible future expansion of the business adding to the risk of further detrimental impact within an otherwise extremely harmonious residential area;

Planning Comments – Key Issues

Principle

- 18. Government guidance states that planning permission is not necessarily required for individuals to work from home. The key test is whether the overall character of the home will change as a result of a business being conducted from the property. Such issues such as whether the home is to be mainly used as a private dwelling or would the business result in a marked rise in traffic or people calling at the property need to be considered. Other matters for consideration are whether the nature of the business would lead to activities that are unusual within a residential area or if the business would disturb neighbours at unreasonable hours. Notwithstanding the above the key issue to evaluate is whether or not the home will remain primarily residential or would it become a business premise.

Evidence

- 19. The applicant states that he has worked at home for a period of over 30 years. The home run accountancy business is run via an internal office situated within the extension approved under Planning Reference S/1501/03/F. This room is linked internally to the main house and is laid out very much like a study with 3 desks and associated office equipment. The external appearance of the property remains very much residential with the extension being a subservient addition to the main house. The business employs 5 employees in total including the applicant and occupier of No.6, Mr Colin Bates. The employee working arrangements are flexible with individuals working from their own homes when necessary. Upon my site visit there were 3 employees present including Mr Bates, with the other two employees working from

home as the office/extension only accommodates 3 employees with an additional chair to allow for visiting clients.

Amenity

20. The adjacent dwelling at No.8 Cottenham Road sits slightly lower than No.6 and the boundary treatment between the two properties does not provide sufficient screening to the ground floor windows within the flank elevation, which faces No.6. It has been suggested that this boundary treatment could be raised to 2m from No.6 to afford heightened privacy to the occupiers of No.8. The applicant has agreed this and a condition is recommended to address the eastern boundary treatment between Nos.6 and 8 Cottenham Road. Raising this boundary would allow for sufficient screening to No.6 with the final detail to be agreed by condition.

Parking

21. The property is accessed off Cottenham Road and could accommodate up to 5 vehicles parked clear of the highway. The applicant has submitted a parking plan showing the maximum off street parking accommodation for the site to the Highway Authorities standards. The site can accommodate 5 spaces in total, which despite the comments from the Highway Authority is deemed sufficient given the intensity of the use of both the business and the dwelling. This is on the grounds that no more than 3 employees work from the site on any given day with the addition of the applicant who also resides at the dwelling (3 spaces). It has been confirmed that on average the site receives up to 3 clients per day by appointment with only one being scheduled at any given time. It is however, acknowledged that some clients may visit the site unannounced to drop off paperwork or may indeed be early for an appointment. Furthermore, occasional visitors such as friends and family or deliveries must also be taken into consideration. Nevertheless, the site's location is considered sustainable in relation to the close proximity of local public transport and village services.
22. In light of the above it would appear that 5 off road car, parking spaces would be sufficient to accommodate employees (2), the dwelling's occupier (1.5) and visitors (up to 2) with vehicles being able to enter and egress the site within a forward gear. Whilst the application site is within close proximity to a tight bend and it would not be possible to restrict people from parking upon the road I am satisfied that the site provides sufficient scope for visitors to park off road. It is understood that the applicant and his employees would park within the block of 4 spaces at the northwest corner of the site, which would allow for an ease of movement for visitors to park and turn more freely. Despite the above it is noted that it would be difficult to differentiate between visitors who are clients of the business and relatives, friends, domestic deliveries or workmen who may visit the site.

Conclusion

23. I am of the opinion that the nature of the business does not result in a material change of use of the property and that the site is essentially residential in nature with the use of the business confined to the single storey side extension. Furthermore, the business does not result in a material increase in traffic movement to and from the site by virtue of employees and clients. Nevertheless, the traffic movements are considered minimal and the use of conditions restricting the times of day that clients can visit the site would be sufficient to protect the amenities of the surrounding neighbouring properties. I therefore suggest that clients wishing to visit the site be restricted between the hours of 9am to 5pm Monday to Friday and between 9am to 1pm on

Saturdays and are prohibited on Sundays and Bank Holidays. In addition to this a condition shall also be attached to restrict the numbers of employees on site at any given time to not exceed 3. This would be sufficient in both terms of parking accommodation as well as the internal layout of the extension itself. A further condition shall be added restricting the use of the business to an accountancy practice only and no other office use within the B1 (a) Use Class.

24. The applicant has confirmed that the suggested conditions are acceptable and I am of the opinion that these restrictions will allow for the business to continue with minimal impact to the surrounding neighbours and upon highway safety.

Recommendation

25. Approve

Conditions

1. The use, hereby permitted, shall be carried on only so long as the residential property No.6 Cottenham Road, Histon is occupied by the present or any future owner of the application premises or by an employee of such an owner working at the application premises. (Reason - To protect the residential amenities enjoyed by the occupiers of No.6 Cottenham Road, Histon due to the proximity of that property to the application premises in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
2. 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 extension shall not be used for any purpose other than an Accountants Office and for no other purpose (including any other purposes in Class B1 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 – To protect the amenities of adjoining residents to safeguard the character of the area.)
3. No clients shall visit the site outside the hours of 09.00am and 17.00pm Monday to Friday and 9.00am and 13.00pm on Saturdays; nor at any time on Sundays, Bank or Public holidays. (Reason - To limit the impact of vehicle movements on residential amenities in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
4. No more than 3 employees may be present on site at anyone time. (Reason To limit the impact of vehicle movements on residential amenities in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
5. Within 1 month of the date of this permission a detailed plan indicating the position, design, materials and type of boundary treatment to be erected upon the northeast boundary shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed within 3 months of the date of approval of these details accordance with the approved details and shall thereafter be retained. (Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- Planning Application Files S/1501/03/F & S/1655/08/F

Contact Officer: Mike Jones – Senior Planning Officer
Telephone: (01954) 713253