

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

14th January 2009

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

S/1768/08/F - FULBOURN

Change of Use from Dwelling to Place of Worship (Class D1) and Provision of Additional Car Parking for the Causeway Gospel Hall Trust at 'Chestnuts', 42 Cox's Drove, Fulbourn

Recommendation: Approval

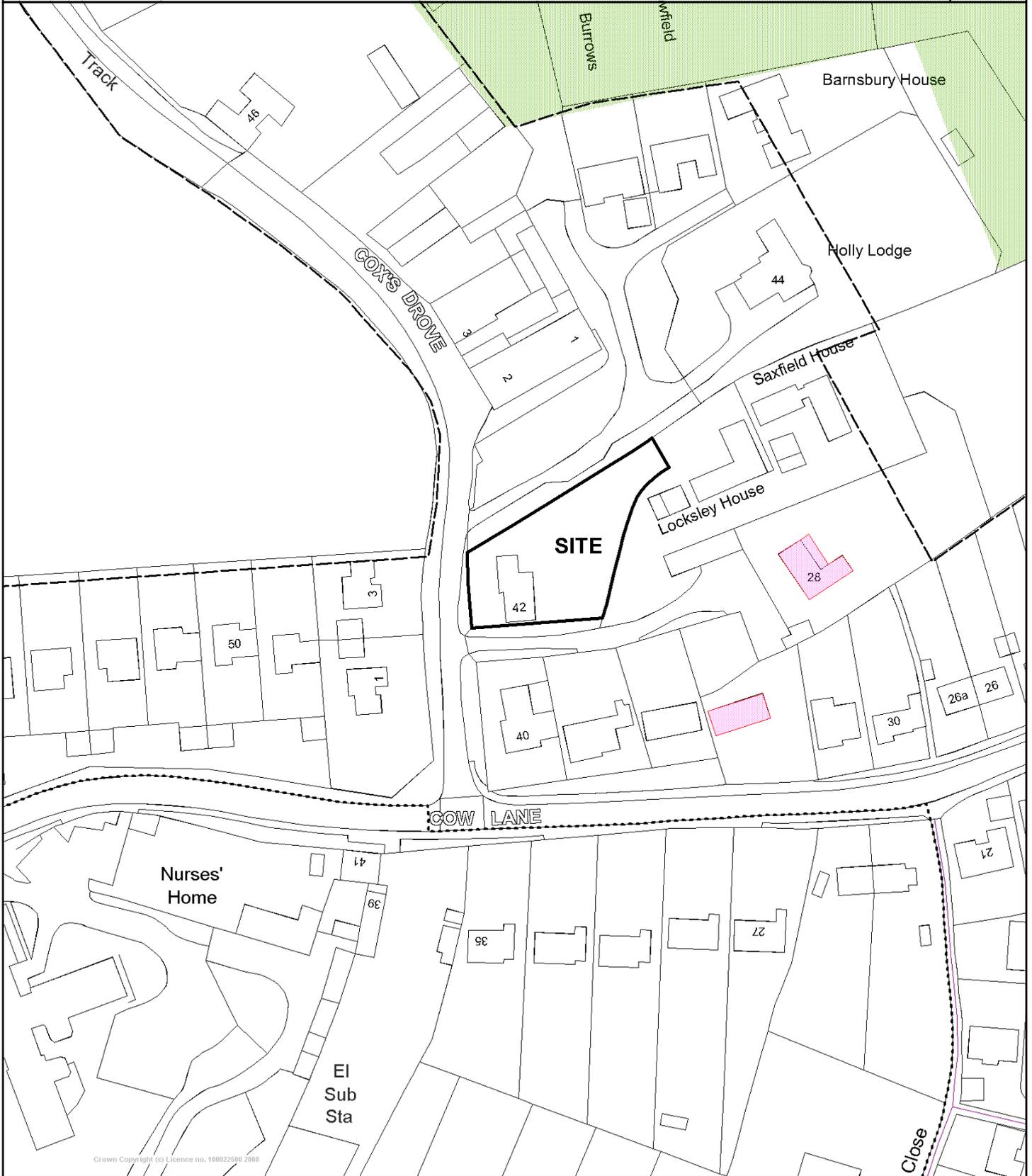
Date for Determination: 15th December 2008

Notes:

This Application has been reported to the Planning Committee for determination because the officer recommendation is contrary to the recommendation of refusal by Fulbourn Parish Council.

Site and Proposal

1. No. 42 Cox's Drove (The Chestnuts) is a detached 2 bedroom bungalow with a floor area of 84 sq.m. within a plot of approximately 0.1 of a hectare. The dwelling is served by a vehicle access off Cox's Drove that provides off road parking by virtue of a garage and driveway. The dwelling is not occupied at present with the rear garden overgrown, comprising of a variety of lawn, brambles and shrubs. Adjacent to the northern boundary of the site is a belt of mature trees comprising of Horse Chestnuts and a Lime tree. These trees are protected by a group tree preservation order and are part of the make up of the surrounding area, providing an attractive green setting to this part of the village. These trees are mimicked on the opposite side of the private road that they serve and provide an attractive avenue to the 3 detached dwellings to the northeast.
2. Directly behind the site there are two newly built modern barn like dwellings, which are accessed via the private driveway that runs along the southeast boundary of the application site. The surrounding area mainly comprises of large dwellings within large open plots of land, which benefit from established landscaping. The site is outside of the Fulbourn Conservation Area but lies within the village framework. Coxes Drove also serves as an access to the industrial estate, which is located north of the site. No 28 Cow Lane, to the east, is a Grade II thatched Listed House.
3. The application, received 8th October 2008, proposes a change of use of the bungalow (Use Class C3) to a place of worship (Use Class D1). This would involve minimal alterations to the existing bungalow consisting of the demolition of the existing single storey garage and outbuilding to the north elevation and the removal of the lean-to element to the east rear of the bungalow. The proposal would also involve alterations to fenestration to the rear elevation. Furthermore, there would be an extension of the existing access to create a new car park for 9 cars, which would replace the existing rear garden of the property. This would involve the introduction of



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hard surfacing to this area along with replacement landscaping and boundary treatment.

4. The application is accompanied by a Design and Access Statement and a Transport Statement, which indicates that the meeting room will be used twice weekly, on Sunday mornings and Monday evenings and possibly every second month for an additional meeting on a Sunday afternoon.

Planning History

5. Planning Application **S/1324/07/F** for the erection of two dwellings following the demolition of the existing bungalow was refused on the following 3 counts:
 - (a) Failure to comply with the required housing mix as set out in Policy HG/2;
 - (b) Failure to adequately consider the post development pressure upon the adjacent TPO group;
 - (c) Being out of character within the open landscaped street scene of this part of Cox's Drove by virtue of the buildings disproportionate height and scale. Failure to provide adequate information in relation to visibility splays, landscaping, bin and bike storage. First floor windows that would result in overlooking upon neighbouring amenity areas.

A Planning appeal was dismissed on 28th February 2008. The Inspector considered the proposal would seriously harm the housing needs of the District and could harm the health of trees.

Planning Policy

Relevant policies are listed below. Please refer to Appendix 1 to this Committee agenda for further details.

6. *South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007:*

Policy DP/1 "Sustainable Development", **Policy DP/2** "Design of New Development", **Policy DP/3** "Development Criteria", **Policy DP/7** "Development Frameworks", **Policy TR/1** "Planning for More Sustainable Travel", and **Policy TR/2** "Car and Cycle Parking Standards"

Consultation

7. **Fulbourn Parish Council** – recommends Refusal on the following grounds:
 - (a) The site is surrounded by large residential properties and the location of car park does not fit into the overall ambience of the area;
 - (b) Cox's Drove is a sub standard road, which forms a T-Junction with Cow Lane near a bend and increased traffic would form a dangerous hazard;
 - (c) The PC is concerned that the early morning timing of worship of 6.00am on a Sunday morning will have a detrimental impact upon the amenity presently enjoyed by the neighbouring properties;
 - (d) The PC is not opposed to residential development on this site provided it is in keeping with the neighbouring street scene.
8. **Local Highway Authority** – The Highways Authority accepts that the traffic generation for the proposed use of the site would not conflict with periods of intense

highway usage. Nevertheless, the proposed usage would inevitably be greater than that generated by the existing single dwelling.

The Highway Authority has requested that the following must be achieved:

- (a) Vehicle to vehicle visibility splays = 2.4m x 70m;
- (b) Parking Spaces to be 2.5m x 5m with 6m manoeuvring space;
- (c) The access must be 5m wide for the first 5m of its length.

The above has been addressed by an amended plan, which have been agreed in writing by the Local Highway Authority. However, the splay is incorrectly drawn and is required to be revised so that it is within the applicant's site and not partly within the highway.

9. **Landscape Design Officer** – The proposed new hedge along the northwest boundary would be very difficult to establish. Beech would certainly not succeed in the very shaded and dry conditions that exist under the existing tree canopies. With the possibility of root damage from the number of holes required the hedge should be omitted from this side. The Escalonia hedge is also unlikely to succeed so it would make sense to replace this with a fence and plant climbers against it. Rather than re-seed grass I would advise that the existing vegetation should be mown rather than cultivated or regrading of the ground. This will avoid rotivator damage to the roots of the protected trees and retain the turf. I have my doubts over the success of the additional proposed trees due to the leaf litter and shading of the existing trees. The remaining hedge is incorrectly identified within the landscape plan.
10. **Trees and Landscaping Officer** – The (TPO) trees have not been taken into consideration in the design of the car park, details of no-dig construction and methodology to be submitted to and approved, advise that a competent arboricultural consultant is used, who would need to present on site during works.
11. **Corporate Manager (Health and Environmental Services)** – Confirms that there is no significant impact from an environmental health standpoint in terms of potential noise or environmental pollution.

Representations

12. 6 Letters of objection have been received, all of which have been summarised below:
 - (a) A place of worship would not be appropriate within this residential area;
 - (b) There was a previous application for housing proposed, had this proposal be scaled down there is a strong possibility it would be granted;
 - (c) The notion that 9 parking spaces would be sufficient for this use is unconvincing, where would additional cars be parked?
 - (d) The proposed early meeting hours (Sundays 06.00am) is unreasonable for a quiet residential area;
 - (e) The proposed meeting hours after working hours are equally not convenient;
 - (f) There is a concern that the number of vehicles on site upon an early Sunday morning would not be welcome, nor would the possible noise emanating from the site;
 - (g) We would wish a proviso to review the organisations conduct after a six month period;
 - (h) The bungalow is still a viable property and would be suitable for occupation, there is shortage of such properties and to lose one would show a lack of foresight;

- (i) The siting of the proposed car parking would no doubt result in undue disturbance for residents who have gardens backing onto the site;
- (j) The traffic assessment is misleading in relation to traffic generation. Whilst statistically correct, the assessment fails to recognise that the traffic demand for the site would be concentrated over two specific periods in a week (Sunday and Monday) at very specific times of day.
- (k) There is a concern that limiting the numbers of congregation could not form a robust planning condition, should the congregation be successful and grow in numbers;
- (l) There is no evidence for the mitigation of noise and disturbance from the use and number of vehicles would have upon residents;
- (m) The building should not fall into the same state of disrepair as other Brethren sites;
- (n) Adequate precautions should be taken in relation to the use of hard standing and the potential impact upon the adjacent horse chestnuts;
- (o) Should the Brethren leave the site it should revert back to a residential property;
- (p) Parking should be screened from neighbouring properties and roads.

13. The Disability Forum has also provided the following comments:

- (a) The hatched lines to the disabled parking space would need to be provided either side of the space and to the rear;
- (b) Disabled WC/Changing room needs to be larger and combined as one room;
- (c) Level ramped access into entrance hall as well as for secondary fire exist;
- (d) Fire doors need to be at least 900mm.

Planning Comments – Key Issues

Chairman's Delegation

14. This application was referred to the Chairman's Delegation meeting on 10th December 2008 in view of the recommendation of the Fulbourn Parish Council. The merits and constraints of this application were discussed at this meeting and it was agreed that there are no policy objections to the loss of residential dwelling. It was the opinion of the Meeting that, given the representations from residents and the view of the Parish Council, a temporary permission for a period of 12 months would be acceptable. This would then allow the monitoring of the use investigating any possible noise and disturbance as well as levels of parking. Furthermore it was considered that the use of the building should relate to the applicants only and if the applicants were to vacate the premises that the use would revert back to a residential dwelling.

Capital Expenditure

15. Notwithstanding the above comments agreed at Chairman's Delegation Meeting it is the opinion of officers that a temporary planning consent for a period of 12 months would be unreasonable in this instance. The applicants have referred to Paragraph 13 of Circular 11/95, "The use of conditions in Planning Permissions". This requires that capital expenditure should be taken into account in granting permissions on a trial basis. The applicants are a charity and therefore have to justify their expenditure. The works involved in terms of hard landscaping and building alterations are significant in that they would require substantial funding. It would be unreasonable to issue a temporary consent with no guarantee that the applicant would gain a permanent consent. Similarly the requirement to carry out further works, such as landscaping and boundary treatment, to be agreed by condition, would

further compound this issue where there would be additional costs incurred by the applicant. Whilst the merits of monitoring the use are acknowledged, in review of the material considerations detailed within this report it is the opinion of officer's that a permanent consent with conditions imposed to safeguard the amenities of local residents would be acceptable.

Building Alterations

16. The proposal would involve minimal alterations to the existing bungalow. These alterations would not be deemed to result in an adverse visual impact upon the street scene, due to the poor architectural merits of these elements. Therefore all external works to the fabric of the bungalow are considered to be an enhancement to the streetscape.

Neighbour Amenity

17. The property in question is detached with access roads running to its frontage (west) to its sides (north and south) and has a private driveway and garaging to its rear (east). In consideration of this and the fact that the proposed parking area would contain a permeable block paving surface with appropriate boundary treatment it is unlikely that the movement of vehicles in and out of this area would cause any adverse noise or disturbance upon the amenities of surrounding residents.
18. A further concern from local residents is the possibility of noise and disturbance caused by early morning meetings around 6am on Sundays. This relates to issues such as traffic arriving and car doors opening and closing and people congregating outside the building. The applicant has provided information of other similar places of worship that are surrounded by residential properties where there have been no complaints, including an appeal decision in 2000 at Chandlers Ford, Eastleigh. In light of the above, it is my opinion along with that of the Environmental Health Officer that, given the restrictive hours of use on only two days of a week, that no noise and disturbance would occur, which would result in the detriment to the amenities that the local residents currently enjoy.
19. Notwithstanding the above, conditions should be imposed to ensure that the amenities of neighbours are protected. No meetings should take place before 06.00am or after 10.00pm. Similarly a condition should be imposed ensuring that no outdoors music is played. Due to the works that will be required to renovate the building and the laying of hardstanding to the car parking area, it is considered that a condition should be attached to ensure that no power operated machinery shall be used at un-neighbourly hours.

Landscaping

20. Although the landscaping proposals are not considered wholly acceptable in detail, they are deemed suitable in principle and these final matters should be agreed by condition. However, the outstanding matters are currently being negotiated between the applicant and the landscape design officer. It is therefore envisaged that amended drawings will be received and a landscaping condition will not be required, other than for the purposes of implementation.
21. To the north of the site lie a group of mature Horse Chestnut Trees, which make up one half of an avenue of trees to the access to Barnesbury House and Holly Lodge located to the north east. These trees are protected by a Tree Preservation Order and, given their size, would have a substantial root system extending into the

application site along the northern boundary. There is a potential that the proposed hard standing could impact upon this root system and therefore a condition would be required to ensure this work is hand dug with care taken in relation to any root systems that may be discovered. This work would require to be supervised by an arboriculturalist to ensure that no damage occurs.

22. The hard standing proposed is permeable and considered a form of sustainable drainage. Furthermore, the proposal would involve the implementation of soft landscaping to the site, which would visually enhance and mitigate the impact of the proposed car parking area. Further detail has been requested in relation to the design and extent of the boundary treatment that is proposed. However, it is considered that a 1.8m high close-boarded timber fence would be suitable in terms of noise attenuation as well as the visual impact of the site from public viewpoints.

Parking

23. The proposed parking area would provide space for 9 vehicles (1 disabled space inclusive) in total along with the provision for 6 cycle spaces. This would see an increase in parking of 7 car park spaces from existing. The building's floor area is approximately 85sqm and under the adopted parking policies a D1 use would require 1 space per 8sqm. In this instance the proposal should be providing no more than 10 spaces. Given the location of the site, which is within the village framework and within an acceptable distance from public transport links and villages services; 9 car park spaces and 6 cycle spaces are considered appropriate.

Highway Safety

24. Residents have raised concerns over the intensification of traffic causing highway concerns. Amended plans showing the provision of necessary visibility splays have now been received and are considered acceptable in principle. However, the written confirmation of the Local Highways Authority is still awaited. Coxes Drove serves a variety of residential dwellings (10 in total) as well as a small industrial estate (approximately 11 units). It is not considered that the occasional use of the site for meetings on two days of the week would result in any adverse impact upon the highway network, especially when these meetings were due to take place outside of normal rush hour times. The Transport Statement indicates that the likely trip generation should not exceed that of an expected 2-bedroom bungalow for a typical week.

Other Matters

25. As stated above the South Cambridgeshire Development Control DPD adopted 2007 contains no policies to safeguard the loss of dwellings. I do not consider it would be reasonable or appropriate for a place of public worship to be personal to the Causeway Gospel Hall Trust. Other conditions are considered to be sufficient to protect neighbouring amenities.

Recommendation

1. Approval

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. During the period of demolition and construction, 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 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.)
3. No external lighting shall be provided or installed within the site other than that agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (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.)
4. The submitted indicative layout plan landscaping scheme (drawing No.L3 Rev C) is specifically excluded from this permission and 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.)
5. 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.)
6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied in 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.)
7. The use, hereby permitted, shall not commence until parking and turning space has been laid out within the site in accordance with the approved drawing No. and in accordance with the tree protection methodology agreed under Condition 9 of this Decision Notice. (Reason - In the interests of

highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

8. No amplified music shall be played or transmitted in or on the premises to be used as a religious meeting hall. (Reason – In the interests of residential amenity in accordance with Policy DP/3 of the adopted Local Development Framework 2007).
9. No development shall commence until tree protection measures agreed within an arboricultural method statement have been submitted to and agreed in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details and will comprise of non-dig construction. (Reason - To protect trees, which are to be retained in order to enhance the development, biodiversity and the visual amenities of the area in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007.)
10. No meetings shall take place outside the hours of 0600hrs to 2200hrs on any day, unless otherwise agreed in writing with the Local Planning Authority. (Reason - In the interests of residential amenity in accordance with Policy DP/3 of the adopted Local Development Framework 2007).

Informatives

Please note that the Disability Forum has requested that the car parking space nearest to the building be allocated for disabled users with hatched markings to both sides and rear. Furthermore, the disabled changing room and W/C should be incorporated as one room without internal partitions.

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

- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning Files Ref: S/1768/08/F and S/1324/07/F
- Documents referred to in the report including appendices on the website only and reports to previous meetings

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