

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3rd February 2010

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

S/1694/09/F - LITTLE SHELFORD

**Erection of Dwelling and Reconfiguration of Existing Car Parking Area at
Sycamore House, 1 Church Street, for Mr and Mrs Sharpe**

Recommendation: Approval

Date for Determination: 8th February 2010

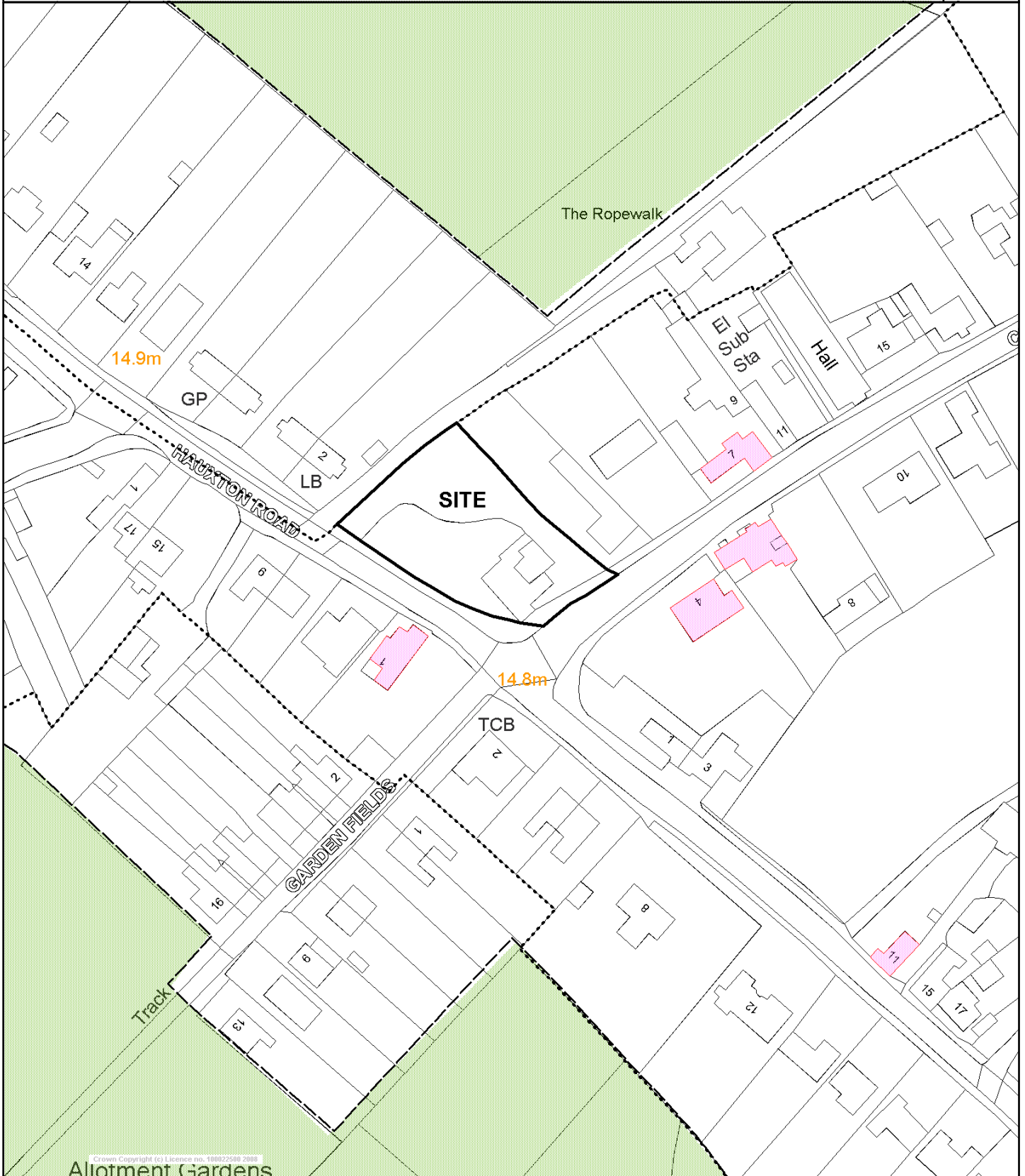
Notes:

This application has been reported to the Planning Committee for determination, as the Parish Council's recommendation is contrary to that of officers.

Conservation Area

Site and Proposal

1. No.1 Church Street is occupied by a two-storey render and tile property located on the corner of Hauxton Road and Church Street. The ground floor of the building is used as a restaurant, whilst part of the ground floor and the whole first floor form an accommodation unit. On the north west side of the building is the restaurant car park, which is accessed from Hauxton Road. Adjacent to the north western boundary is an access leading to the Ropewalk, beyond which is No.2 Hauxton Road, a two storey semi-detached house with a single storey lean-to at the side and a rooflight facing the boundary hedging. To the north east of the site is No. 3 Church Street, a two-storey cottage with a part two-storey and part single-storey rear projection. The common boundary of Nos. 1 and 3 comprises high conifers, 1.5 - 1.8 metre high fencing, and a brick wall. There are four Listed Buildings in the locality - No.1 Hauxton Road to the south west, No. 7 Church Street to the north west, and Nos. 4 and 6 Church Street to the south east.
2. The site is located inside the village framework and within the Little Shelford Conservation Area. The boundary of the latter runs along the north western boundary of the site.
3. The full application, registered on 14th December 2009, seeks to erect a detached 3-bedroom dwelling within the car parking area on the north west side of the existing property. The proposed dwelling would be an L-shaped 1¹/₂-storey property with a single-storey addition to the side. It would be set back within the site on a similar building line to the adjacent properties, Sycamore House and No. 2 Hauxton Road, and would be accessed via the existing access onto Hauxton Road. In order to accommodate the proposed dwelling, the existing grounds of Sycamore House would be subdivided, and the existing car parking area serving the restaurant reconfigured. The revised parking arrangement would provide a total of 11 parking spaces, and a turning area, and these spaces would be accessed via Church Street.
4. The application is accompanied by a Unilateral Undertaking under Section 106 to secure the provision of off-site public open space. In addition a Planning,



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Scale 1/1250 Date 19/1/2010

Centre = 545114 E 251506 N

February Planning Committee

Design and Access Statement and a Heritage Statement have been submitted in support of the application.

Planning History

5. **S/1733/08/F** - An application for an identical dwelling to that proposed within the current application was considered at Planning Committee in January 2009. The application was recommended for approval by Officers but was refused at Committee for the following reason.

‘The site in its present condition forms part of a significant undeveloped gap along Hauxton Road, which provides visual permeability to the linear street frontage and a welcome open aspect in an otherwise built-up character. The loss of this distinctive character resulting from the construction of the proposed dwelling would be harmful to the character and appearance of the Little Shelford Conservation Area and would be contrary to Policies DP/2 and CH/5 of the adopted Local Development Framework 2007, which are intended to protect the street scenes of villages and conservation areas from unsympathetic development’.

The application was subsequently dismissed at appeal. However, the sole reason for not allowing the appeal was that the Inspector considered the form and content of the submitted Unilateral Undertaking to be unacceptable and therefore concluded that the application failed to provide an appropriate mechanism for securing the required provision of open space improvements off site. In relation to the reason for refusal, namely the impact of the development upon the Conservation Area, the Inspector stated that the proposed dwelling would be of a design quality and materials sympathetic to its Conservation Area setting, that the scale, form, size and detailing of the dwelling would be compatible with neighbouring buildings, and concluded that the development would preserve or enhance the character and appearance of the Conservation Area. Copies of the previous Committee report and appeal decision are attached as appendices.

6. **S/0398/92/O** - Outline application for the erection of a detached dwelling on land adjacent to No.1 Church Street (then known as the Prince Regent Public House) was refused for 4 reasons:
- (a) Occupiers of the new dwelling would suffer disturbance from users of the public house and its car park.
 - (b) The subdivision of the site would result in the loss of the public house's garden which performs an important role as a buffer zone, minimising the visual impact of the car park and limiting general disturbance to nearby residents.
 - (c) Highway safety implications of access onto Church Street.
 - (d) The proposal would lead to parking along Church Street and Hauxton Road, with consequent highway safety implications.
7. **S/1241/92/O** - Revised outline application was also refused for the following reasons:
- (a) Occupiers of the new dwelling would suffer disturbance from users of the public house and its car park.
 - (b) The Church Street access would necessitate the provision of a visibility splay to the north east, the position of two of the parking spaces would result in vehicles reversing out onto Church Street, and insufficient turning was provided. As such, the development was considered to have an adverse effect upon highway safety.

The application was subsequently dismissed at appeal. The Inspector stated the development would have no adverse impact on highway safety, but did consider that occupants of the dwelling would be subject to unacceptable noise levels arising from the use of the car park. The Inspector also concluded that the character and appearance of the Conservation Area would not be harmed by the erection of a dwelling on the site.

8. **S/1209/05/F** - Application for erection of a substantial two-storey dwelling, and the reorganisation of the car park serving the restaurant, was refused due to the loss of the restaurant's garden, which was considered to form an important open space within the Conservation Area. The proposal was therefore considered to detract from the character of the village and the character and appearance of the Conservation Area. During the consideration of this application, it was agreed that, given the change in use of the adjacent property from a pub to a restaurant, previous concerns regarding the impact on the amenities of occupiers of the proposed dwelling had been resolved as the general levels of noise and disturbance associated with its use were considered to be much lower. The reorganisation of the car park to provide 11 spaces and the proposed access off Church Street were also considered to be acceptable.

The application was subsequently dismissed at appeal for the following reasons:

- (a) The site forms part of a significant undeveloped gap along Hauxton Road, which provides visual permeability to the linear street frontage and a welcome open aspect in an otherwise built up character.
- (b) The proposal would create a dominant and unwelcome visual intrusion into the street scene.
- (c) The scale and massing of the development would be excessive.
- (d) The erection of a substantial two storey dwelling on the site would result in the loss of the distinctive open character.

Planning Policy

9. East of England Plan 2008:
- SS1** - Achieving Sustainable Development
 - ENV6** - The Historic Environment
 - ENV7** - Quality in the Built Environment
10. South Cambridgeshire Local Development Framework Core Strategy Development Plan Document, adopted January 2007:
- ST/7** – Infill Villages
11. South Cambridgeshire Local Development Framework Development Control Policies DPD, adopted July 2007:
- DP/1** - Sustainable Development
 - DP/2** - Design of New Development
 - DP/3** - Development Criteria
 - DP/4** - Infrastructure and New Developments
 - HG/1** - Housing Density
 - NE/6** - Biodiversity
 - NE/15** - Noise Pollution
 - CH/4** - Development within the Curtilage or Setting of a Listed Building

CH/5 - Conservation Areas

SF/10 - Outdoor Play Space, 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

12. Supplementary Planning Documents, adopted 2009: Development in Conservation Areas; Trees and Development Sites; Open Space in New Developments.
13. Circular 11/95 (The Use of Conditions in Planning Permissions) - Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
14. Circular 05/2005 (Planning Obligations) - Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

Consultation

15. ***Little Shelford Parish Council*** - Objects the application, stating the following:

"The Parish Council object to the application for the new dwelling within the car park of the Sycamore House restaurant in line with our previous comments and recommend that this application is put before the planning committee.

Little Shelford Parish comments include:

"The application would compromise the existing significant undeveloped gap and open aspect in the context of the ribbon development along Hauxton Road; we do not consider that the erection of a new dwelling would protect and enhance the Conservation Area.

The Parish Council have raised concerns about through traffic along Church Street and congestion through parking in the evening. Recent traffic counts recorded in excess of 400 cars in an hour travelling towards Great Shelford in the morning peak. The evening peak is more spread but on road parking through the use of the village hall, the take-away and residents give cause for safety concerns. (We are waiting for this autumn's traffic counts from CCC).

The reduced car parking from a comfortable 14 spaces to 11 including the 2 spaces currently used for residents at Sycamore House. We would question whether 9 spaces are sufficient for the current and possible future business models without additional on street parking.

The existing trees along the site boundary - along the Hauxton Road frontage should be subject to an arboricultural impact assessment to specify the root protection area required to ensure the survival of the trees".

16. ***The Conservation Officer*** - states that the application is a resubmission following the refusal of S/1733/08/F and dismissal of the subsequent appeal. The Inspector stated the proposal would be acceptable in terms of the effect on the character and appearance of the Conservation Area. The Conservation Team raised no objections to the previous scheme considered at Committee and, as the current application is identical to the refused scheme, there is no objection. Approval is recommended subject to conditions to include: samples

of materials (to include clay pantiles for the roof, gault brick for the plinth and stack, lime render, painted timber windows to the 1¹/₂ storey element, and stained timber to the single storey range); flashing and junction details for the dormers; and hard/soft landscaping details, including bound gravel for the driveway and parking area.

17. **The Trees and Landscape Officer** - states that the tree on the frontage of Hauxton Road has not been considered. No details of tree protection, root protection areas and no-dig details have been submitted. Such details should be required by a condition of any planning permission.
18. **The Landscape Design Officer** - Raises no objections subject to landscaping and tree protection conditions. It is important that the car parking be screened from the road and it is suggested that yew be used for the new hedge. Some planting should also be provided in front of/against the new house.
19. **The Legal Department** - has not commented to date. Members will be updated on any response received prior to the meeting.
20. **The Environmental Health Officer** - requests that conditions restricting the hours of use of power operated machinery during the construction period and requiring details of any driven pile foundations be attached to any planning permission, in order to minimise the effects of the development to nearby residents.
21. **The Local Highways Authority** - has not commented to date. However, no objections were raised in respect of the previous application. Members will be updated on any response received prior to the meeting.
22. **The Cambridgeshire Fire and Rescue Service** - has not commented to date. Members will be updated on any responses received prior to the meeting.

Representations

23. Occupiers of No.5 Hauxton Road object on the following grounds:
 - a. Consideration must be given to previous Inspectors' reports as this site is the only important open space remaining in this part of the Conservation Area. This open space would be greatly reduced by the proposal.
 - b. The latest application does not address the issue of the change of use of part of the land from restaurant use to residential.
 - c. There would be a substantial reduction in the area of building set aside for use by the restaurant caused by the removal of the adjacent substandard storage buildings.
 - d. The development could affect the viability of the restaurant.
 - e. The resited car parking would seriously reduce the open space.
 - f. No parking has been allowed for occupants of the existing residential accommodation.
 - g. The large tree in the grounds of the proposed new building has not been taken into account.
 - h. The colour of the timber cladding should be specified.
 - i. Construction vehicles should be restricted to the site if the application is approved.
24. Occupiers of The Ropewalk object for the following reasons:
 - (a) Comments made in respect of the previous application reference S/1733/08/F still apply.

- (b) The importance of the open space in the Hauxton Road frontage, as referred to within a previous appeal decision, must be emphasised. Setting the dwelling back 10 metres from the road frontage does not preserve the open space as the open character of this site includes the view through the site to the trees behind.
- (c) In her consideration of application reference S/1733/08/F, the appeal Inspector admitted that the development would result in the loss of part of the existing gap. The retention of most of the attractive landscape area is no substitute whilst her further point that the removal of unsympathetic flat roofed buildings to incorporate the parking area would be a further enhancement is irrelevant as they are not in the desired open space. Replacing the flat roofed buildings with car parking is not a visual improvement.
- (d) An appeal decision is used as precedent for future determinations. When two appeals on the same site disagree, no precedent is set. This application should be refused on the open space grounds of the 2006 appeal, which was not set aside by the 2009 appeal.

Planning Comments – Key Issues

Impact on the Character of the Conservation Area and upon the Setting of Adjacent Listed Buildings

- 25. Concerns have been raised within responses received, including from the Parish Council, regarding the principle of erecting a dwelling on this site, and stating that the site must remain undeveloped and that regard must be had to the comments made by the Inspector in dismissing the appeal relating to application reference S/1209/05/F. In this decision, the Inspector stated that the site forms part of a significant undeveloped gap, providing visual permeability and a welcome open aspect in an otherwise built up character. The appeal proposal itself was considered to be excessive in scale and massing, resulting in the creation of a dominant and unwelcome visual intrusion into the street scene. In the concluding statement, this decision stated that the loss of the distinctive open character of the site, and the harm caused, specifically resulted from the proposed substantial two-storey dwelling. This decision did not state that the site must be protected for its own sake.
- 26. The previous and most recent application on the site (S/1733/08/F) sought to address the reason behind the 2005 application being dismissed at appeal, by proposing a smaller dwelling set further back into the site. The Conservation Officer advised at the time that the proposed dwelling would be modest in scale, would be in keeping with the character of the area and would not have an adverse impact on the street scene. Whilst this application was refused at Planning Committee last January, contrary to Officer recommendation, the Inspector opined, in the subsequent appeal decision, that the design would be acceptable and would preserve or enhance the character and appearance of the Conservation Area. Given that the current proposed scheme is identical to that proposed within application reference S/1733/08/F, the comments of the Inspector relating to that application must take precedence over any previous Inspector's views. On this basis, Officers consider the application to be acceptable in terms of its impact upon the character of the area.
- 27. The density of the development equates to 16.2 dwellings per hectare, a figure lower than the minimum 30 dwellings per hectare density sought by Policy HG/1. However, in view of the sensitivity of the site, as evidenced by the extensive history relating to proposals to erect a single dwelling on the land, Officers consider the erection of any more than one dwelling on the land would be seriously harmful to the open character of the area.

Open Space

28. In accordance with the requirements of Policies DP/4, SF/10 and SF/11 as well as the Supplementary Planning Document on Open Space, all residential developments are expected to contribute towards the off-site provision and maintenance of open space. The 3-bedroom dwelling proposed within the current application would result in the requirement for a contribution of £3,104.38, as calculated at today's date. During the consideration of the appeal lodged against the previous application reference S/1733/08/F, the applicants submitted a legal agreement in support of the appeal in order to secure the payment of the required contribution in the event of the appeal being allowed. The Inspector, however, concluded that the submitted legal agreement could only be given limited weight as it attempted to bind the local planning authority in Section 6 of the document. In addition, an authenticated and sealed copy of the document had not been supplied. In the absence of a mechanism for securing the contribution, the proposal was considered to undermine the strategy in respect of open space provision, contrary to Policies DP/4 and SF/10. Rather than seeking a revision to the undertaking (the usual approach taken to address minor technical errors), the appeal was dismissed solely on this basis.
29. The current application has been accompanied by a draft legal agreement which, again, seeks to make a payment of £3,104.38 towards open space provision, but includes revisions to the wording of Section 6 of the agreement. A copy of the previous and current drafts has been sent to the Council's Legal Department for comment in order to ascertain whether the form and content of the proposed agreement is now acceptable. If the form of the legal agreement is deemed acceptable but it is not possible to finalise the agreement prior to the determination deadline, a condition requiring the provision of the open space contribution prior to commencement of development should be attached to any planning permission. This is the standard approach taken by this Authority in securing such payments.

Residential Amenity

30. The impact of the development upon the amenities of occupiers of the new dwelling, arising from the use of the restaurant car park, was deemed to be acceptable in the consideration of previous application reference S/1733/08/F, subject to conditions requiring a boundary wall to be constructed between the restaurant car park and the garden of the new dwelling, and requiring details of the hard surface for the car park.

Trees

31. In commenting on the previous application, the Trees Officer raised no objections subject to details of tree protection being submitted and approved prior to any construction on site. The Trees Officer has confirmed, verbally, that a condition could equally be applied to the current application in order to resolve concerns raised in respect of the impact upon trees.

Car Parking/Highway Safety

32. The number of parking spaces and access arrangement was deemed to be acceptable in the consideration of previous application reference S/1733/08/F, as set out within paragraphs 22-24 of the report attached as an appendix.

Recommendation

33. Providing no objections are raised by the Legal Department, approval subject to the following conditions:
1. Standard Condition 1 – Full planning permission, time limit (3 years) (Reason - 1.)
 2. The development hereby permitted shall be carried out in accordance with the following approved plans - Location Plan (dwg. no. ASC.07.807), dwg. nos. 07006-10 Rev B, 07006-11 Rev B, 07006-12 Rev A and 07006-14. (Reason - For the avoidance of doubt and in the interests of proper planning.)
 3. No development shall take place until details and samples of the clay pantiles for the roof, gault clay brick for the plinth and stack, lime render and painted timber windows to the 1.5-storey element and stained timber to the single-storey element have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason – To ensure the appearance of the development is satisfactory in accordance with Policies DP/2 and CH/5 of the adopted Local Development Framework 2007.)
 4. No development shall take place until details of the flashing and junction for the dormer windows have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance either the approved details. (Reason – To ensure the appearance of the development is satisfactory in accordance with Policies DP/2 and CH/5 of the adopted Local Development Framework 2007.)
 5. SC5 - Landscaping
 6. SC6 – Landscaping
 7. SC12– Boundary (Reason – To ensure the appearance of the development is satisfactory in accordance with Policies DP/2 and CH/5 of the Local Development Framework 2007 and to minimise noise disturbance to the occupiers of the new dwelling from the restaurant car park in accordance with Policy NE/15 of the Local Development Framework 2007.)
 8. SC7 –Trees
 9. SC8 – Tree Protection
 10. No power operated machinery shall be operated on the premises during the period of construction, before 0800 hours on weekdays and 0800 hours on Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays (nor at any time on Sundays or Bank Holidays) unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions. (Reason – To minimise noise disturbance to adjoining residents in accordance with Policy NE/15 of the Local Development Framework 2007.)
 11. SC30 – Permitted Development – Windows - in the south-east/side elevation of the dwelling. (Reason – To minimise noise disturbance to the occupiers of the new dwelling from the restaurant car park in accordance with Policy NE/15 of the Local Development Framework 2007.)
 12. SC30 – Permitted Development – Windows – in the northwest/ side elevation of the dwelling at and above first floor. (Reason – To safeguard the privacy of adjoining occupiers at No. 2 Hauxton Road in accordance with Policy DP/3 of Local Development Framework 2007.)
 13. The permanent spaces to be reserved on the restaurant site at No 1 Church Street for turning and parking as shown on the drawing number

07006-12A shall be provided before commencement of the development of the dwelling, hereby permitted, and thereafter retained as such. (Reason – to minimise interference with the free flow and safety of traffic on the adjoining public highways.)

14. SC63 – Grampian Condition – the provision of open space (Reason – open space, Policies SF/10 and DP/4.)

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

- East of England Plan 2008
- South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007
- South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007
- South Cambridgeshire LDF 'Development in Conservation Areas SPD; Trees and Development Sites SPD; and Open Space in New Developments SPD, 2009.
- Circulars 11/1995 and 05/2005.
- Planning File Refs: S/0398/92/O, S/1241/92/O, S/1209/05/F, S/1733/08/F and S/1694/09/F.

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