

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

3<sup>rd</sup> March 2010

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

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### **S/1516/09/F and S/1519/09/LB – BASSINGBOURN CUM KNEESWORTH Installation of Air Conditioning Units and Associated Screen Fencing (Retrospective Application) at 51 Old North Road for Mr H Khan**

**Recommendation: Approval**

**Date for Determination: 26<sup>th</sup> January 2010**

**Members will visit this site on 3<sup>rd</sup> March 2010.**

#### **Notes:**

**These applications have been reported to the Planning Committee for determination as the recommendation to approve conflicts with the recommendation of the Parish Council and at the request of Cllr Cathcart.**

#### **Site and Proposed Development**

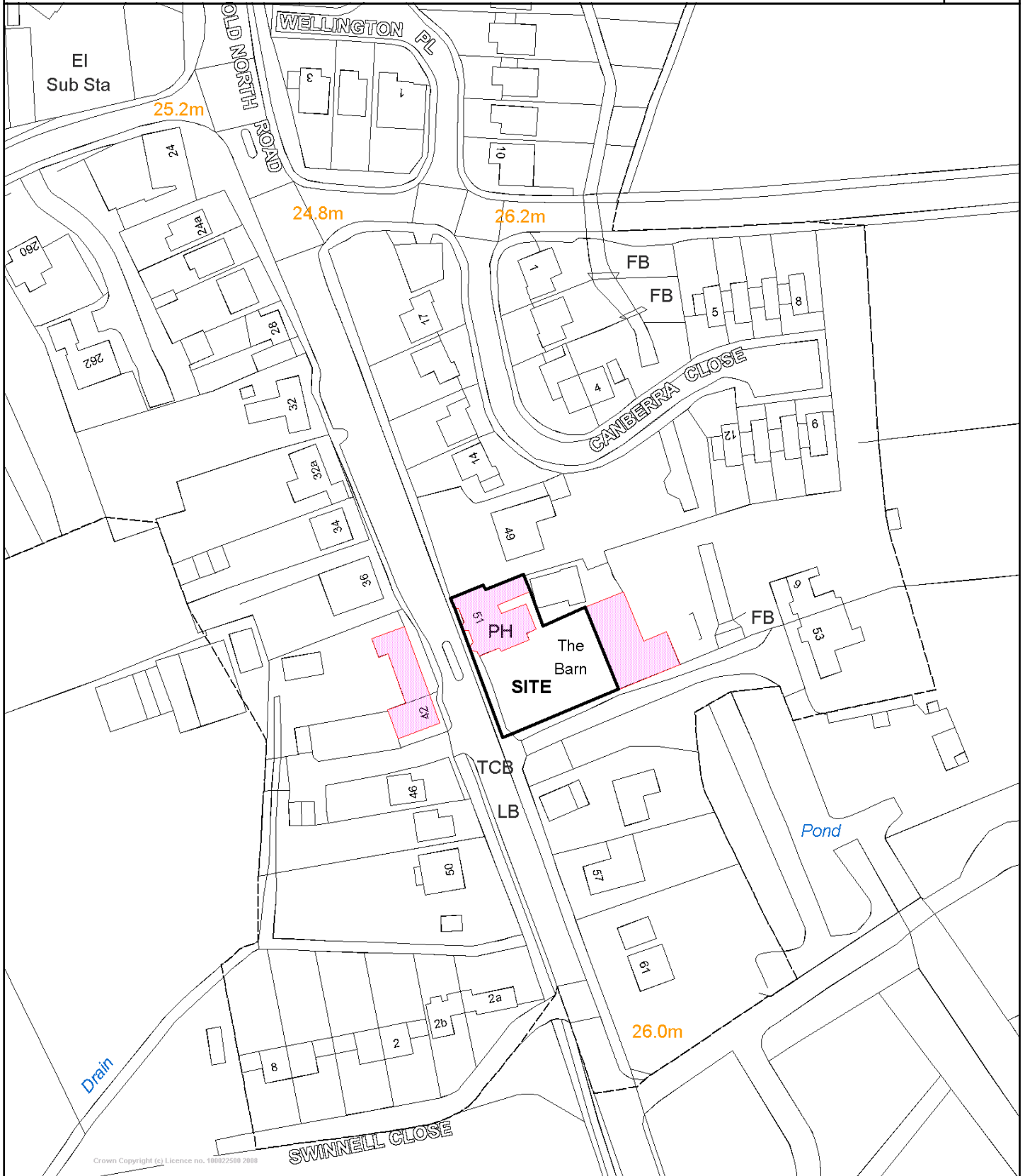
1. The application site is the former Red Lion Public House, now the Yuva restaurant, which is a Grade II Listed Building. The building, formerly a farmhouse, dates from the 17<sup>th</sup> Century, with later 19<sup>th</sup> and 20<sup>th</sup> Century alterations. The main building fronts the Old North Road and has two storey and single storey extensions to the rear. There is an access of the main road on the South side of the building serving the restaurant car park.
2. The planning application, registered on the 1<sup>st</sup> December 2009 and Listed Building Consent application, seek to regularise the prior installation of the air conditioning system, which have units internally in the restaurant as well as units on the flat roof extension to the rear of the main building. In addition, the existing, currently unauthorised screen fencing around that flat roof extension.

#### **Concurrent Planning Applications**

3. In addition to the Planning and Listed Building Consent applications for the Air Conditioning units, applications have also been submitted for the installation of an alternative kitchen extraction system and external flue and for the change of use of the building to include a Hot Food Takeaway use. These applications have also been referred to the Planning Committee for consideration.

#### **Relevant Planning History**

4. **S/1892/07/LB** - Listed Building Consent was granted for internal and external alterations for the installation of kitchen extract system, ducted through first floor airing cupboard and terminating in a new dormer faced with horizontal louvers.
5. **S/1004/08/LB** – Listed Building Consent was granted for internal and external alterations including removal of partition and blocking of rear doorway.



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6. **S/1275/08/LB** – Listed Building Consent was granted for alterations and replacement signage.

#### **Other Relevant Information**

7. Statutory Abatement Notices were served on the applicant in January 2009 relating to the odour created by the premises which were considered to cause an unacceptable nuisance to the owner of 49 Old North Road.

#### **Planning Policy**

8. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007:**

**DP/1** – Sustainable Development  
**DP/2** – Design of New Development  
**DP/3** – Development Criteria  
**CH/3** – Listed Buildings  
**CH/5** – Conservations Areas  
**NE/15** – Noise Pollution

#### **Circulars**

9. **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.
10. **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 respects.

#### **Consultation**

11. **Bassingbourn Parish Council** – has recommended refusal on the grounds that air conditioning units are inappropriate for a listed building.
12. **SCDC Environmental Health Manager** – does not object to the application and states that the air conditioning units are already in situ and do not emit unreasonable noise levels. No complaints regarding the units have been received by Environmental Health Services since their installation 12 months ago.
13. **SCDC Conservation Manager** – notes that the units were installed without consent and that any loss of historic fabric has already occurred. Given that the units already exist, that they are located externally on the least sensitive part of the building and that they can be screened from the outside and will not be easily seen from any public view, it is recommended that the applications be granted.

#### **Representations**

14. No representations have been received in respect of the application.

## **Planning Comments**

15. The main planning considerations in this case are the impact on residential amenity of neighbouring properties, impact on the Listed Building and impact on the visual amenity of the area.

### ***Residential amenity***

16. The air conditioning units have been in situ for approximately a year and during that time Council officers, including an Environmental Health Officer have visited the site on several occasions and have noted that the units do not emit a level of noise which could be considered harmful to the amenity of neighbouring properties. This is particularly true given the proximity of the building to the A1198, which is a source of considerably greater noise. It is therefore considered that the air conditioning units are acceptable in terms of their impact on the residential amenity of neighbouring properties in the area.

### ***Impact on the Listed Building***

17. Although the installation of the units has resulted in the loss of some historic fabric, the removal of the units would not undo that damage. In addition, the units, which provide heating as well as cooling, reduce the need for other heat sources in the building such as radiators. Were the air conditioning units removed, other heat sources would be required and it is considered that this could result in further intrusions into the historic fabric. The external units are located on a flat roof extension to the rear, a later addition, which is largely screened from both sides by pitched roof elements. The units would also be screened by picket style fencing to the rear of the flat roof element, and this is considered sufficient to adequately mitigate their impact on the external appearance of the listed building. On balance, therefore, in terms of their impact on the listed building, it is considered appropriate to allow the units to remain in place.

### ***Impact on Visual Amenity***

18. The air conditioning units are well screened from public view being located to the rear of the property and screened from the front and both sides by other elements of the building. The proposed fencing to the rear would reduce their prominence further and it is considered that the impact of the units and the screening on the visual amenity of the area is acceptable.

## **Recommendation**

19. Taking all relevant matters in to consideration it is recommended that the applications be granted subject to the following condition:

### **Conditions**

1. Plans
2. No damage to be caused to Listed Building
3. Details of new picket fencing
4. Units to be removed once they are no longer needed.

### **Informatives**

1. All conditions to be formally discharged
2. Retrospective works

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

- East of England Plan 2008
- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- Circular 11/95 Circular (The Use of Conditions in Planning Permissions) and Circular 05/2005 (Planning Obligations)

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