

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

12th May 2010

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

S/0346/10/F - GIRTON

Variation of Condition 11 of Planning Permission S/0297/08/F to Allow for the Erection of Conservatory prior to the Demolition of the Two-Storey Dwelling, Hotel Felix, Huntingdon Road for Cassell Hotels Ltd

Recommendation: Approval

Date for Determination: 30th April 2010

Notes:

This Application has been reported to the Planning Committee for determination because the officer recommendation of approval conflicts with the recommendation of refusal from Girton Parish Council.

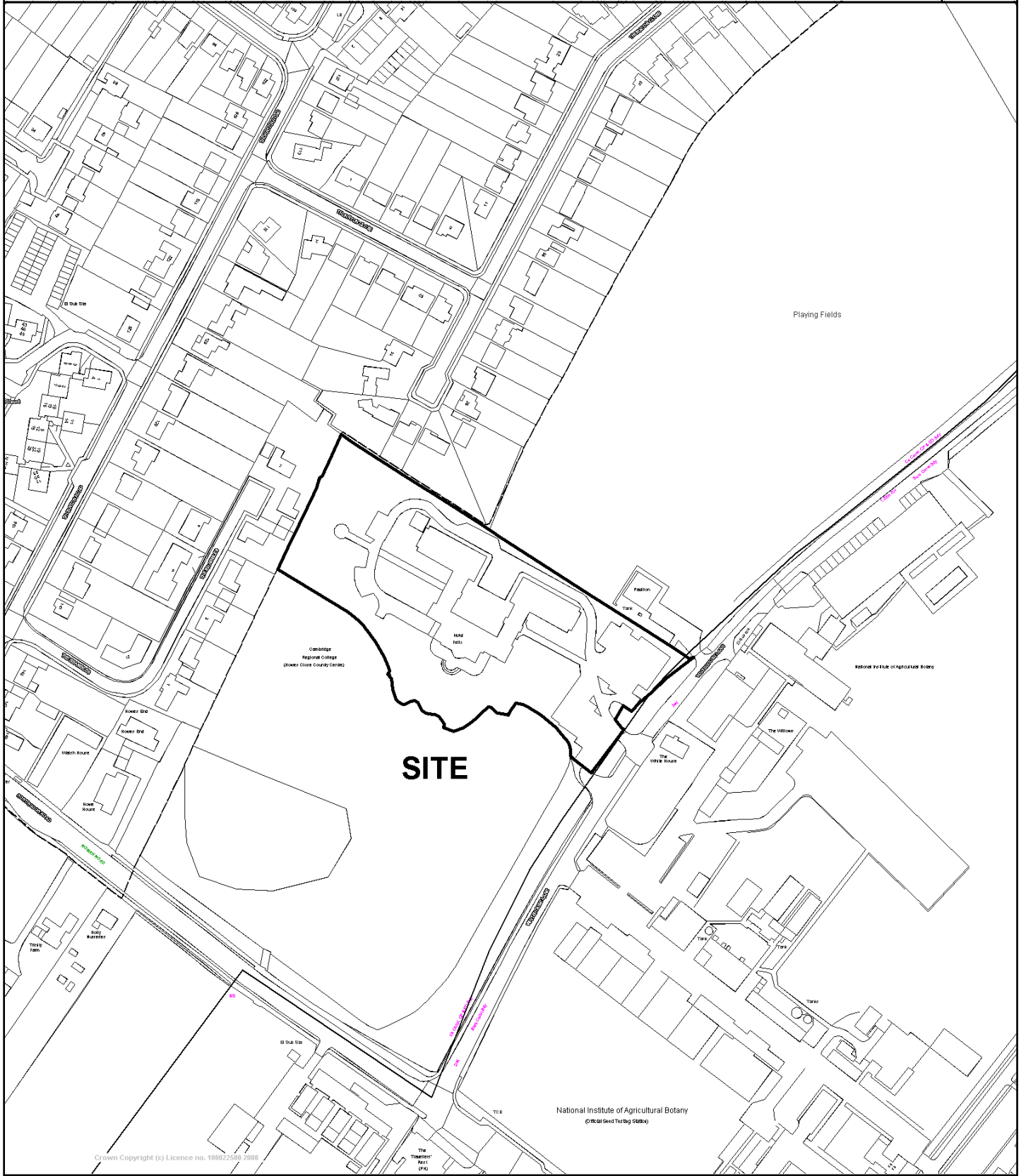
Departure Application

Site and Proposal

1. The Hotel Felix is a hotel complex located within the Cambridge Green Belt and which lies between the Girton village framework and the Cambridge City boundary. The site abuts the residential roads of The Brambles to the north west and Thornton Close to the north east. The site is accessed from White House Lane, which is a road leading from Huntingdon Road.
2. The application received on 5th March 2010 seeks a variation of Condition 11 of planning permission S/0297/08/F to allow the erection of a conservatory prior to the demolition of a two storey dwelling on the site (See History below).
3. The proposed conservatory, which is single storey and measures 6m x 11m, will fill in the south east corner of the building.

Planning History

4. **S/0297/08/F** – Extensions – Approved with Conditions – 23rd May 2008.
5. This permission granted consent for the erection of a function room (approx 350m²) on the south west corner of the building and the conservatory (66m²) referred to above. The application included the proposed demolition of an existing two storey house adjacent the north west corner of the main building.
6. Condition 11 of the consent stated “No development shall commence until the existing two-storey dwelling, shown on Drawing No. 530-G2K, as ‘House Removed’ shall be demolished”. The reason for the condition was “To ensure the protection of the openness and character of the Green Belt.”



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May 2010 Planning Committee

Planning Policy

7. **PPG2** – Green Belts
8. **South Cambridgeshire Local Development Framework Development Control Polices adopted July 2007**
 - DP/1** – Sustainable Development
 - DP/2** – Design of New Development
 - DP/3** – Development Criteria
 - DP/7** – Development Frameworks
 - GB/1** – Development in the Green Belt
 - GB/2** – Mitigating the Impact of Development in the Green Belt
 - ET/5** – Development for the Expansion of Firms
 - ET/10** – Tourist Facilities and Visitor Accommodation
 - NE/6** – Biodiversity
 - NE/15** – Noise Pollution
 - TR/1** – Planning for More Sustainable Travel
 - TR/2** – Car and Cycle Parking Standards
9. **Biodiversity SPD** – adopted July 2009
District Design Guide SPD – adopted March 2009

Consultation

10. **Girton Parish Council** recommends refusal. “It was noted that no information has been presented which was not known when condition 11 was imposed.”
11. The **Local Highway Authority** comments that the development should not be commenced until a Transport Plan showing the proposed traffic generation for the site has been submitted and approved.
12. The **Conservation Manager** has no objection.

Representations

13. None received.

Applicants' Representations

14. A letter submitted with the application comments that the Felix Hotel has always been keen and ready to support local businesses and tourism. Even in this poor economic climate it is believed that the work to the conservatory will be of great benefit to the hotel and improve its ability to support local business, tourism and the local community and it is therefore considering the financial viability of progressing just that part of the planning consent.
15. The particular house referred to currently accommodates certain administrative functions and stores some materials that are used in the administration of the hotel. While the Felix Hotel would like to carry out work to the conservatory it remains concerned about the additional cost that will be imposed by relocating the administration and storage from the house into the main building, together with the cost of demolition. When these costs are added to the cost of the works it becomes economically impossible to carry out any further works in pursuit of the planning approval.

16. Whilst the reasons for imposing Condition 11 are understood, it is pointed out that the proposed conservatory is on the other side of the building to the house and as the applicant is not contemplating the building of the function room at this time there will be very little impact on the openness of the Green Belt by leaving the house standing at this time. It is also pointed out that the original planning consent in 2001 included a slightly smaller conservatory which has not been built, but for which the consent remains extant.
17. It is requested that Condition 11 is re-drafted to state that no development shall be commence in respect of the function room until the existing two-storey dwelling is demolished.

Planning Comments – Key Issues

18. In granting consent for the proposed works in 2008 Members have taken the view that although the proposal was inappropriate development by definition very special circumstances existed which warranted the approval of the application as a departure. The 2008 application was referred to GO-East but it was accepted that the issues raised did not relate to matters of more than local importance and it was concluded that the application should be decided by this Council.
19. The key issue to consider with this application is whether the construction of the conservatory prior to the demolition of the existing two storey prejudices the reason for imposing condition 11 of planning consent S/0297/08/F, and whether special circumstances exist for the erection of the conservatory which remains inappropriate development by definition.
20. In respect of the latter I am of the view that the applicant has continued to demonstrate that very special circumstances exist, particularly having regard to the history of extant consents for the erection of a conservatory on this part of the building.
21. The proposed conservatory is of modest size and by far the larger element of the approved scheme was the function room, which is to be located on the west side of the building, the same side as the existing two-storey house to be demolished.
22. The proposed conservatory will not be able to be viewed at the same time as the existing two storey house and in my view this small structure on its own, which fills in a corner of the existing building, will not have an adverse impact on the openness or character of the Green Belt.
23. I note the request by the Local Highway Authority for a Transport Assessment. This information was submitted with the 2008 application and accepted by the Local Highway Authority at that time. As this application is for a variation of condition and will not involve any intensification of use above that already consented I have not pursued this request.
24. I am of the view that Condition 11 of planning consent S/0297/08/F can be amended to allow the erection of the conservatory prior to the demolition of the existing house. The condition would still require the demolition of the house prior to work on the function room commencing.
25. All other conditions contained in the earlier consent will be included in the new notice.

26. The application has been advertised as a departure but in my view does not need to be referred to GO-East.

Recommendation

27. That the application is approved subject to the following conditions:

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. No development shall commence until details of the materials to be used for the external walls and roof have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details.
(Reason - To ensure that visually the development accords with neighbouring buildings.)
3. No further windows, doors or openings of any kind shall be inserted in any elevation of the function room, hereby permitted, unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.
(Reason - To minimise noise disturbance to occupiers of the adjoining properties.)
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which 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.
(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 area.)

6. Details of the location and type of any power driven plant or equipment, including equipment for heating, ventilation and for the control or extraction of any odour, dust or fumes from the building(s) but excluding office equipment and vehicles and the location of the outlet from the building(s) of such plant or equipment, shall be submitted to and approved, in writing, by the Local Planning Authority before such plant or equipment is installed; the said plant or equipment shall be installed in accordance with the approved details and with any agreed noise restrictions.
(Reason - To minimise noise disturbance to adjoining properties.)
7. During the period of construction no power operated machinery shall be operated on the premises before 08.00 hours on weekdays and 08.00 hours on Saturdays nor after 18.00 hours on weekdays and 13.00 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 properties.)
8. No external lighting including flood lighting shall be installed other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.
(Reason - To minimise light pollution.)
9. The rating level of noise emitted from the development hereby permitted, shall not at any time exceed the existing background noise level determined to be 41 dB LA90. The noise levels shall be determined at the nearest noise sensitive dwelling. The measurements and assessment shall be in accordance with BS4142: 1990.
(Reason - To minimise noise disturbance to adjoining properties.)
10. The use of the function room, hereby permitted, shall not commence until an electronic limiter shall be installed to control music levels inside the function room, hereby permitted, thereafter the function room shall not be used unless the electronic limiter continues to be operational.
(Reason - To minimize noise disturbance to adjoining residents.)
11. No development in respect of the proposed function room, hereby permitted, shall commence until the existing two-storey dwelling, shown on Drawing No. 530-G2K, as "House Removed" has been demolished.
(Reason - To ensure the protection of the openness and character of the Green Belt.)
12. Notwithstanding the provisions of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order without modification) no marquee or other temporary structure shall be erected or used within the application site for purposes of functions or for any other purpose connected with any hotel business or any other use falling within the Use Class C1 of the Town and Country Planning (Use Classes) Order 1987 as may be conducted from the site.
(Reason - To ensure the protection of the openness and character of the Green Belt.)

13. The development hereby permitted shall be carried out in accordance with the following approved plans: 530-S4; 530-G2K; 530-F2e; 530-T2e; 530-12i; 530-G1d.

(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

Informatives

During construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation.

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Supplementary Planning documents
- Planning File Refs: S/0346/10/F and S/0297/08/F

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Presented to the Planning Committee by: Paul Sexton