

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

12th May 2010

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

S/0289/10/F – ELSWORTH
Erection of Modular Building for Use as a Village Shop
at Land to the Southwest of The Cricket Pavilion, Broad End
for Mrs Janet Bell, Elsworth Community Shop Association

Recommendation: Approval

Date for Determination: 26th April 2010

Notes:

This Application has been reported to the Planning Committee for determination on the recommendation of the Development Control Team Leader.

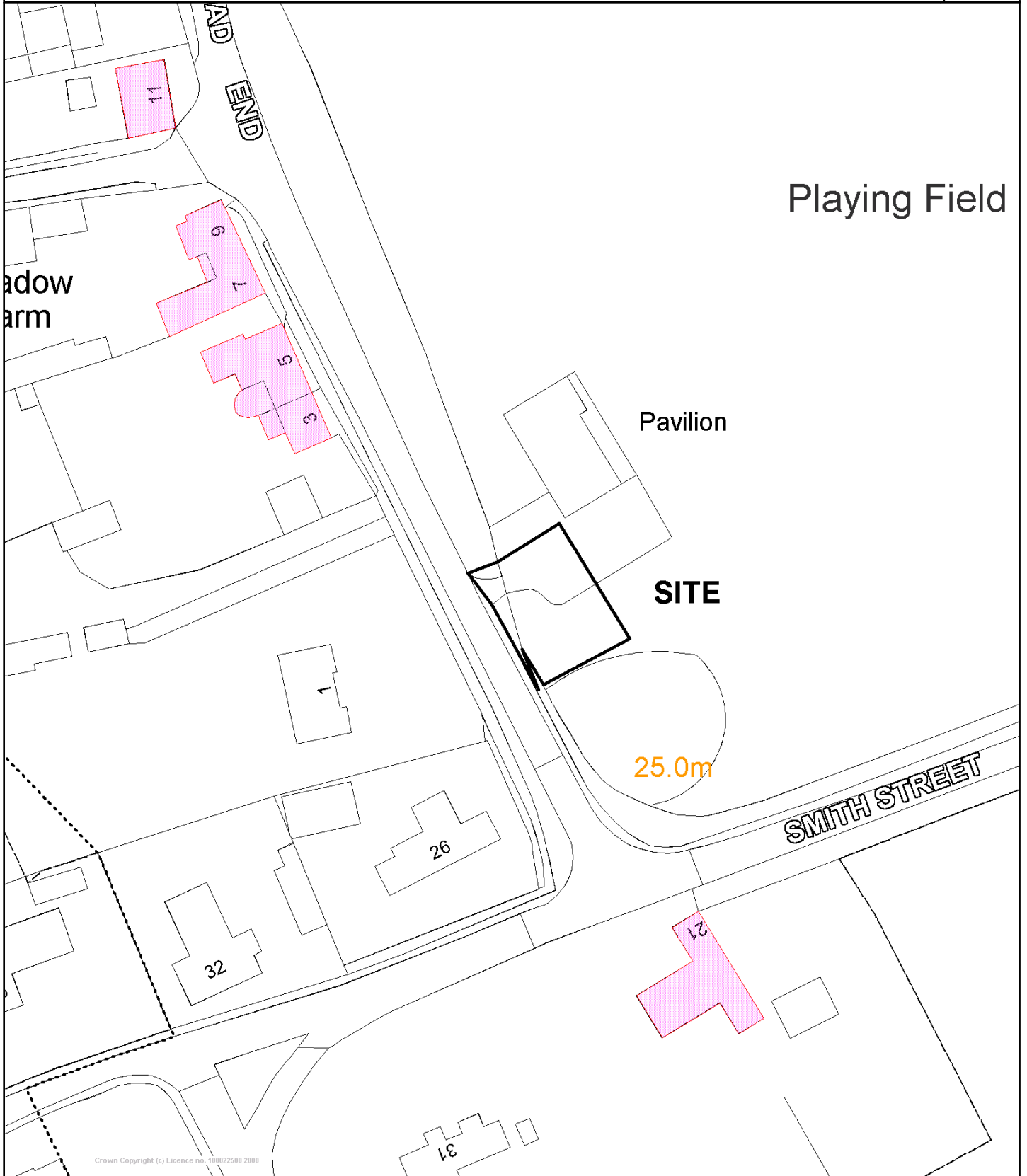
Members will visit the site on 12th May 2010

Site and Proposal

1. The application site forms part of the recreation ground at Elsworth and is located next to the existing car park and approximately 12 metres away from the cricket pavilion. The recreation ground is a protected village amenity area and falls within Elsworth Conservation Area.
2. The site is surrounded by residential dwellings to the west, along Broad End and directly south along Smith Street; to the north and east is the adjoining grassed recreation area. Listed buildings are present at 3-9 Broad End and 21 Smith Street and the site is adjacent to mature trees to the south with hedging along the south boundary and open fencing to the west boundary of the recreation ground.
3. The planning application, registered on 1st March 2010, seeks approval to erect a single storey, modular building for use as a village shop. The proposed building measures 6m by 10.2m with a ridge height of 3.2m. The building is proposed to be timber clad stained black (or colour to be agreed) with a felt roof.

Planning History

4. A previous scheme for the village shop building was submitted under **S/1753/09/F** and was withdrawn 26th January 2010 due to concerns with the proposed wide roof span of the building and its compatibility with the Conservation Area.
5. The existing sports pavilion was approved under **S/0417/97/F** in addition to the temporary siting of a mobile changing unit.



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Scale 1/789 Date 23/4/2010

Centre = 531405 E 263603 N

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Planning Policy

6. **Local Development Framework Development Control Policies (Adopted July 2007):**

DP/1 (Sustainable Development), **DP/2** (Design of New Development), **DP/3** (Development Criteria), **DP/4** (Infrastructure and New Developments), **DP/7** (Development Frameworks), **CH/4** (Development Within the Curtilage or Setting of a Listed Building), **CH/5** (Conservation Areas), **CH/6** (Protected Village Amenity Areas), **SF/4** (Retailing in Villages), **SF/9** (Protection of Existing Recreation Areas), **NE/6** (Biodiversity), **TR/1** (Planning for More Sustainable Travel), **TR/2** (Car and Cycle Parking Standards)

7. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**

- Trees & Development Sites SPD - Adopted January 2009
- Biodiversity SPD - Adopted July 2009
- Listed Buildings SPD - Adopted July 2009
- Landscape in New Developments SPD
- Development Affecting Conservation Areas SPD - Adopted January 2009

Consultation

8. **Elsworth Parish Council** Recommend approval. The community shop is a vital amenity for Elsworth and we strongly support this application.
9. **Conservation Officer** Recommends approval. The intended appearance of a shed, subservient to the cricket pavilion is acceptable. Conditions should be attached to any planning approval requiring samples and colour of external weatherboards and a sample of paving to be agreed. Further information is required regarding the position of trees adjacent to the proposal and the amount of screening provided on the road edge. If screening is insufficient along the road edge then the position of the enclosure should be reconsidered to make it less prominent, subject to the position of trees.
10. **Tree Officer** The proposed location is within a tree belt which has a Tree Preservation Order on it. In principle I have no objection however the location will require the crown reduction of a horse chestnut and BS5837 will inform the appropriate location of the building, which may not require foundation and canopy works. I would however have no objections to the removal of this tree as it is not of a good structural form and will be compromised by the proposals.
11. **Landscape Officer** No objection provided that the tree officer is satisfied that the issue surrounding trees can be resolved in order to accommodate the building.
12. **Local Highway Authority** Prior to the occupation of the development sufficient space shall be provided within the site for turning and parking and adequate drainage measures constructed to prevent surface water run-off onto the public highway. Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of construction vehicles. The access shall be a minimum width of 5m for a minimum distance of 5m from the edge of the carriageway.
13. **Cambridgeshire Fire and Rescue** Comments not received.

Representations

14. Owner/Occupier of 26 Smith Street – Objection. To seek to create a ‘hub’ in this small, picturesque and already excessively busy part of the village is wholly inappropriate, not least as an obvious alternative to the proposed site – in the form of the existing village shop premises in a more central location on The Causeway – is available. It would be inappropriate for permission to be granted for a shop to be erected and allowed to trade on a Protected Village Amenity Area and on land currently forming an important functional element of the recreational facilities. Additionally, planning permission for this development would only exacerbate existing significant highway problems in this location as well as having a serious and adverse affect on the character, amenity, tranquillity and function of this part of the village. The development is contrary to policies: DP/1 (Sustainable Development), DP/3 (Development Criteria), DP/7 (Development Frameworks), CH/4 (Development Within the Curtilage or Setting of a Listed Building), CH/5 (Conservation Areas), CH/6 (Protected Village Amenity Areas), SF/4 (Retailing in Villages), SF/9 (Protection of Existing Recreation Areas) and Planning Policy Guidance 15 (Historic Environment). If the Council is minded to approve, the following conditions are recommended: a temporary consent requiring removal of the building after 2 years, restricted opening and delivery hours, planting to screen the west elevation of the building, tree protection measures, extension of the car park ideally up to 4 times its current size and Grampian conditions to require traffic calming measures to be implemented either side of Smith Street/Broad End junction and double yellow lines along Broad End near to the access to the site. Details should also be secured to show access to the sports fields for emergency vehicles.
15. Owner/Occupier of 1 Broad End – Objection. The development would have a negative impact on the following: traffic and parking in the area, adjacent Horse Chestnut trees which have a tree preservation order, village character, the Protected Village Amenity Area, the Conservation Area, and the setting of listed buildings. Concern exists with the viability of the shop when considering the location of nearby superstores (in Bar Hill and Cambourne) and the potential lack of custom. We ask that if consent is granted, the Planning Committee consider a temporary permission in order to assess the continued need for the building and that the building is removed from the site and the land reinstated if the venture is unsuccessful; a condition for a slate roof is also noted in planning permission S/0417/97/F for the existing pavilion. To sum up, the proposal would be contrary to Policies: DP/2 (Design of New Development), DP/3 (Development Criteria), CH/4 (Development Within the Curtilage or Setting of a Listed Building), CH/5 (Conservation Areas), CH/6 (Protected Village Amenity Areas), SF/9 (Protection of Existing Recreation Areas) and Policies HE6, HE9 and HE10 of PPS 5 (Planning for the Historic Environment).

Planning Comments – Key Issues

16. The key issues to be judged in the determination of the application are the impact of the development on the character of the area and the surrounding listed buildings, residential amenity, parking and traffic and the viability of the use of the building.

Character of the Area and Surrounding Listed Buildings

17. The location of the development is an important material consideration in this application and has raised concern with some local residents. The proposed retail use would be centrally positioned within the village and accessible by various forms of transport, presenting a sustainable location for such a use. The proposed scale of the building would also appear to be appropriate to the location and the village in

accordance with Policy SF/4. The specific location however is sensitive given its designation as a Protected Village Amenity Area, its location within the Conservation Area and its proximity to nearby listed buildings.

18. The existing pavilion building is simple in appearance and contributes to the recreational character of the site. The siting, scale and design of the proposed building is considered to relate to this particular character being similar in appearance to another sports building on site. It is accepted that the design of the proposed building would be different to the general vernacular of the area and would not enhance the area; however, the design of the building is argued to preserve the character of this part of the Conservation Area and, given its low form and simple appearance, is not considered to result in significant visual harm. For these reasons, the development would also have a limited impact on the setting of the local listed buildings and would be distanced away from these buildings - approximately 40 metres to 3 Broad End - with the potential for further screening on site. Materials are also recommended to be agreed by condition.
19. Policies CH/6 and SF/9 also affect the proposal and the character of the location. Both policies aim to protect and retain the character and amenity of such areas and the function they provide within villages. As a result, village amenity areas and recreation areas are generally undeveloped but these policies do not prohibit all forms of development subject to certain criteria. Policy CH/6 resists development that would result in an adverse impact on the character, amenity, tranquillity, or function of the village. The proposal would be located in close proximity to the more active area of the recreation ground near to the existing pavilion and the car park. This location would appear to mitigate the impact of the development in relation to the various aspects of the policy in addition to the limited size and scale of the building and the existing screening to the development, which could be further enhanced. Additional planting is therefore recommended to be secured by condition.
20. The proposal would lead to the loss of recreational land use contrary to Policy SF/9. The Audit & Needs Assessment of Openspace June 2005 shows that, during 2005, Elsworth had a surplus of 1.1 hectares sport playspace and it is considered that this provision has not altered significantly to this day. The limited size of the development and its location would therefore not suggest significant harm to warrant a refusal under this policy.

Existing Village Shop

21. The existing vacant village shop at The Causeway has been raised by as a suitable alternative to the application site in the representations above. The applicant, as mentioned in the design and access statement, has argued against the suitability of this site on the following grounds: the small size of the building and limited scope for extension, poor structural condition, difficult access for pedestrians and vehicles, and limited visibility to through traffic.

Residential Amenity

22. The development would not appear to have an unacceptable adverse impact on residential amenity. Noise and disturbance is already experienced through the existing use of the ground for sports and recreation and the hours of opening and deliveries are recommended to be restricted by condition to safeguard residential amenity.

Parking and Traffic

23. Parking and traffic generation have been raised as concerns in the application. Parking standards under Policy TR/2 require 1 parking space per 14m² of gross floor area for food shops or 1 parking space per 20m² of gross internal floor space for non-food shops, which will be short stay parking. Staff parking must also be considered and in this application at least 1 staff parking space would be expected. The proposed shop would likely sell both food and non-food items and therefore would require 3-4 spaces as a maximum number out of the 10 spaces provided in the existing car park. The location however is evidently victim to on street parking during peak events and the proposal would likely increase on-street parking at these times particularly given the lack of parking restriction along Broad End and despite those that would use other means of transport. This would however not appear to raise a highway safety concern given the speed restriction along this road and its residential nature. The amenity of the area is already impacted by the degree of parking on and around the site at peak times and the scale of the development is not considered to cause a significant rise in parking and traffic that would warrant a refusal under Policy DP/3.
24. The comments of the Local Highway Authority have been considered. The recommendations with regard to the construction of the access cannot be applied in this application as the access is already in existence. Turning area is provided in the existing car park and the proposed siting of the building does not impact on this area. Furthermore, the application site only includes part of the existing car park and turning area making a condition to secure turning unattainable. However, it is agreed that details of the area for turning, unloading and loading of construction vehicles should be agreed by condition prior to the commencement of development.
25. Cycle provision should be secured for 2-3 cycles at the application site based on the size of the retail unit. Such provision has not been identified in the application and can therefore be encouraged through an informative to the applicant.

Viability

26. Concern has been expressed with regard to the viability of the proposal and the potential for the building to become redundant and to adversely impact upon the amenity of the area. As mentioned in the design and access statement, the proposed building has been selected for several reasons, one of which is to address this very concern as it would be easily dismantled and removed from the site. The current economic downturn gives added uncertainty to the business venture as well as the recent closure of the previous village shop and post office. Whilst the viability of the proposal is uncertain it is recommended that a temporary consent of 3 years be granted for the development to review the viability of the retail use after this period and to seek the removal and reinstatement of the land if the business venture fails.

Trees

27. The proposal would require the reduction in the crown spread of at least one of the two horse chestnut trees identified to the south and southeast of the building, which are covered by a tree preservation order. The applicant aims to retain these trees and carry out limited bough removal and shaping of these trees by an approved tree surgeon. The exact details of the required tree works and tree protection measures is recommended to be agreed by the tree officer through condition prior to the commencement of development. However, it is noted that the tree officer would not object to the removal of one of these horse chestnuts should this eventually be required.

Other Matters

28. Access for emergency vehicles has been raised as a concern and would appear to relate to the level of parking during peak use of the recreation ground. This is an issue that applies to the recreation ground as a whole and cannot be addressed solely through the present application. Consequently, it is recommended that this issue is raised with the developer via an informative.
29. Recommendations for conditions to secure further highway speed restrictions and double yellow lines have been put forward in the representations made above. These controls would fall within the remit of the Highways Authority and cannot be dealt with as a planning matter.

Conclusion

30. The proposed development would be located near to the existing pavilion building at the recreation ground and would be similar in appearance to another sports building on the site. The proposed building would be low in form and simple in appearance and, subject to further landscaping, would not result in significant visual harm to the appearance of the area. Village shops are recognised to play a vital role in achieving sustainability in villages, reducing the need for residents to travel to meet everyday needs and also forming a hub to village life. These benefits are considered to outweigh the limited harm discussed and the proposal is consequently recommend for approval.

Recommendation

31. That the application, be approved, subject to the following conditions:
 1. The building, hereby permitted, shall be removed and the land restored to its former condition or to a condition to be agreed in writing by the Local Planning Authority on or before 31st May 2013 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.
(Reason – To ensure, in the case that the retail unit becomes economically unviable, the land is reinstated to safeguard the character of the area and facilitate future beneficial use of the land in accordance with Policy CH/5 and CH/6 of the Local Development Framework Development Control Policies adopted 2007.)
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 001A, SCDC1 and SCDC2.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
 3. No development shall take place until details of the following 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.
 - a) Samples of the materials, including any colour, to be used in the construction of the external surfaces of the building.
 - b) Samples of any paving.
(Reason - To ensure the appearance of the development preserves or enhances the Conservation Area in accordance with Policy CH/5 of the Local Development Framework Development Control Policies adopted 2007.)

4. Before development commences, a plan specifying the area and siting of the land to be provided clear of the public highway for the parking, loading and unloading of all vehicles visiting the site during the period of construction, in addition to details of the delivery date for the modular building, shall be submitted to and approved in writing, by the Local Planning Authority; such space shall be maintained for that purpose during the period of construction.
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
5. 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.)
6. 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, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant 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.)
7. No works or development shall take place until a scheme for the protection of the retained horse chestnut trees (Section 7 BS5837, 2005 the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:
 - a) A plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (Paragraph. 5.2.2 of BS5837, 2005) of the cedar tree.
 - b) The details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (Section 9.3 of BS5837, 2005)
 - c) The details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (Section 9.2 of BS 5837, 2005).
 - d) Details of the proposed bough removal and re-shaping of the trees.
(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.)

8. The retail premises, hereby permitted, shall not be open for customers before 0800 hours or after 1800 hours on weekdays; nor before 09 00 hours or after 13 00 on Saturdays; nor before 09 00 hours or after 12 00 hours on Sundays or Bank Holidays, unless otherwise previously agreed in writing by the Local Planning Authority.
(Reason – To protect the amenities of nearby residents in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
9. No deliveries shall be taken at or dispatched from the site outside the hours of 08 00 – 18 00 hours on weekdays and 08 00 – 13 00 hours on Saturdays (nor at any time on Sundays and Bank Holidays) unless otherwise previously agreed in writing by the Local Planning Authority.
(Reason - To protect the amenities of adjoining residents in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
10. No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.
(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.)

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

- Circular 11/95 – Use of Conditions in Planning Permissions
- South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007.
- Development Affecting Conservation Areas SPD - Adopted January 2009
- Trees & Development Sites SPD - Adopted January 2009
- Biodiversity SPD - Adopted July 2009
- Listed Buildings SPD - Adopted July 2009
- Landscape in New Developments SPD
- The Audit & Needs Assessment of Openspace June 2005
- Planning File Refs: S/0289/10/F, S/1753/09/F and S/0417/97/F.

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