

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

12<sup>th</sup> May 2010

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

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### **S/0067/10/F – GREAT SHELFORD**

**Extension to Restaurant at 1 Hinton Way for Mr Pasha Kasim**

**Recommendation: Refusal**

**Date for Determination: 29<sup>th</sup> March 2010**

#### **Notes:**

**This application has been reported to the Planning Committee for determination as the Corporate Manager of Planning & Sustainable Communities considers that this application should be presented to Committee for decision having considered the views of Councillor Nightingale.**

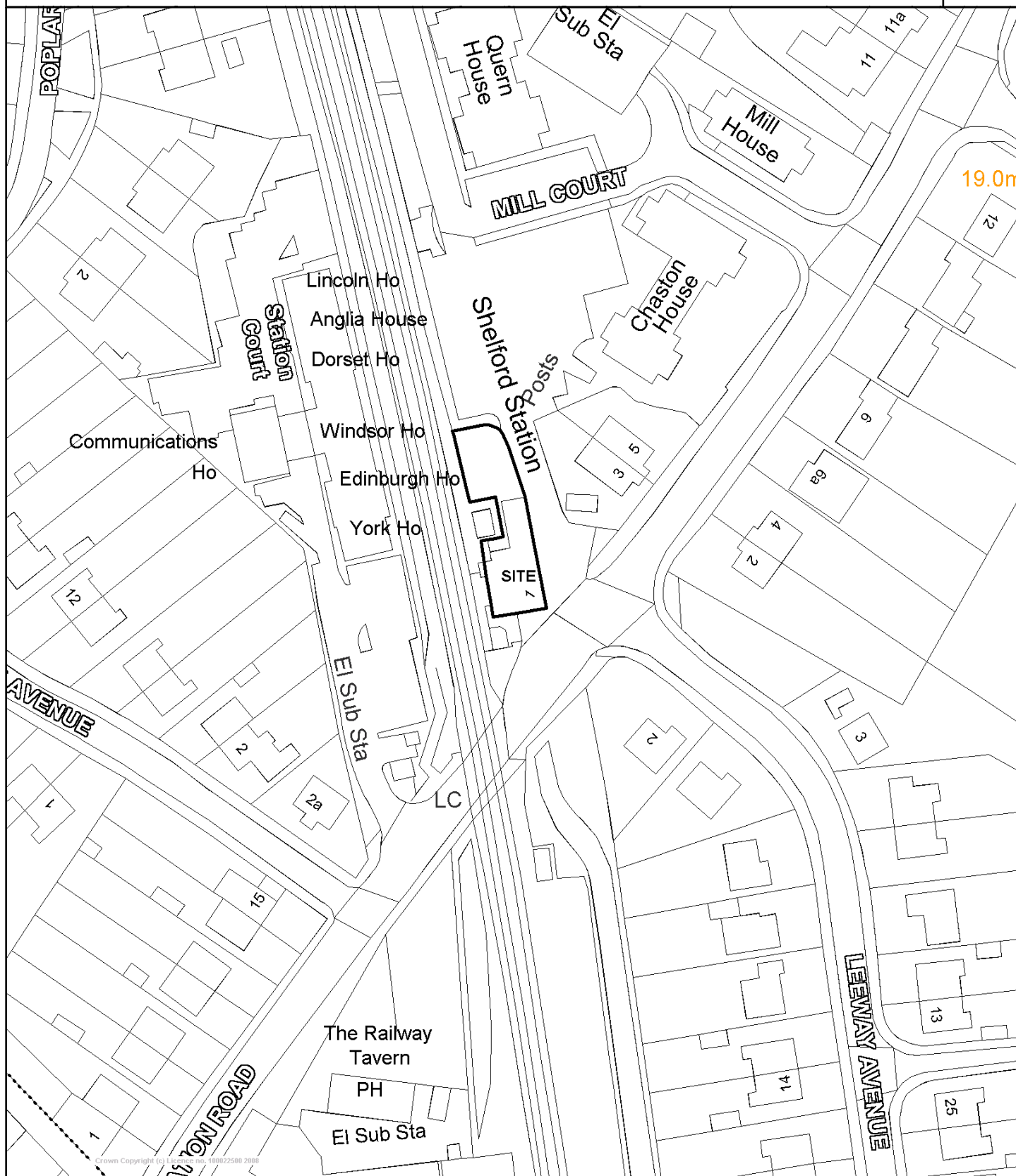
**Members will visit this site on 12<sup>th</sup> May 2010.**

#### **Site and Proposal**

1. No. 1 Hinton Way is a part 2 storey and part single storey building used as a restaurant adjacent to Great Shelford train station and the railway line. Planning consent reference S/1372/04/F was granted for extension and change of use to restaurant and construction of car park subject to conditions. One of the conditions states that the 5 on-site car parking spaces within the ownership of the applicant to the rear of the premises should not be used for any purpose other than the parking of vehicles to ensure adequate space is provided and thereafter maintained on site for car parking.
2. To the east of the site is a pair of two storey semi-detached houses, Nos. 3 and 5 Hinton Way. The dwellinghouse and garden area at No.3 is set on rising ground, approximately 0.5m level difference. The boundary between No. 3 and the train station car parking spaces is fenced. No. 3 has a conservatory on the side facing the restaurant and a patio area adjacent to the boundary fencing. This side elevation of No.3 has a ground floor living room window (the only window for this room) and two first floor bedroom windows (the only windows to serve 2 rooms).
3. The full application, as amended with a revised car-parking layout, validated on 1<sup>st</sup> February 2010, proposes a scheme to erect a two-storey rear extension to the restaurant with a ground floor car park and first floor restaurant. The extension is shown to have a stepped roof. The resultant floor area of the restaurant, excluding kitchen, toilets and storerooms, would be approximately 157 square metres. The required on-site car parking spaces, based on 1 space per 5 square metres, would be 31 spaces.

#### **Planning History**

4. **S/0472/09/F** – Extension to restaurant – refused on the reason of loss of on-site car parking space and highway safety.



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Scale 1/1000 Date 20/4/2010

Centre = 546524 E 252235 N

May 2010 Planning Committee

**S/0693/08/F** – Siting of storage containers and erection of screen fence (retrospective application) – allowed at appeal.

**S/0086/07/F** – Cold store, security fencing and alteration to external staircase – approved with conditions.

**S/1372/04/F** – Extension and change of use to restaurant (Class A3) – approved with conditions.

**S/0224/02/F** – Extension and change of use to restaurant (Class A3) – approved with conditions.

### **Planning Policy**

5. **East of England Plan 2008:**  
**Policy SS1** - Achieving Sustainable Development  
**Policy ENV7** – Quality in the Built Environment
6. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007:**  
**DP/1** - Sustainable Development;  
**DP/2** - Design of New Development;  
**DP/3** – Development Criteria  
**DP/7**- Development Frameworks  
**ET/5** – Development for the Expansion of Firms  
**NE/15** – Noise Pollution  
**TR/1** – Planning for More Sustainable Travel  
**TR/2** – Car and Cycle Parking Standards
7. **South Cambridgeshire District Council District Design Guide Supplementary Planning Documents – Adopted March 2010**
8. **Great Shelford Village Design Statement**
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 respect.

### **Consultations**

11. **Great Shelford Parish Council** has no recommendation and states ‘this is a restricted site but we can understand why a successful business would want to expand. However we have the following concerns:
  - (a) The proposed first floor windows on the east elevation (incorrectly marked on the plan as west) would overlook the rear gardens of Nos. 3 & 5 Hinton Way and would be intrusive with evening and weekend use of the proposed building.
  - (b) The station is noted in the Village Design Statement as a ‘finely proportioned building’ which now has two shed like extensions to the rear (not shown on the submitted plans). We would hope that if permission is granted the storage (including the container) could be rationalised so the character of the building can be seen.
  - (c) Is it possible for the proposed number of cars to park and manoeuvre in the area below the extension?

- (d) At present there is a chain link fence and ivy dividing the car park and container storage area from the railway platform. It is not clear from the plan how this boundary will be defined and this needs clarification.
  - (e) We would appreciate the input of the Conservation Officer as to the design of the extension in relation to the existing station building.
  - (f) We understand several residents are concerned about the impact of additional customers parking in adjoining roads but in the light of the inspector's comments on the appeal decision we are happy to leave this decision to the highways authority.'
12. Parish Council's comments on the agent's letter dated 5 March 2010 and amended plans (numbers 673/09/8C and 11A date stamped 26 March 2010)
- (a) 'Although manoeuvring may be easier with the columns removed we have doubts as to whether the building would be structurally sound without the columns and would welcome the advice of Building Control on this.
  - (b) Of the 2-shed like extensions at first floor level, one was given approval by SDCD ref S/0086/07/F. What has been erected does not accord with the plans. In addition another shed has been erected without planning permission on the west side of the staircase. This is larger than that which has permission. As Mr Kasim submitted the application we cannot see how they are the property of the railway.
  - (c) We have checked the fencing and a chain link fence covered with ivy separates the present car parking area from the railway platform not a timber panel fence as stated by the agent. Details need to be shown on the plan of how the boundary will be treated when the extension is built. '
13. **Corporate Manager (Health and Environmental Services)** considers that the proposal has no significant impacts in terms of noise and environmental pollution.
14. **Local Highway Authority (LHA)** has considered that amended plans (numbers 673/09/8C and 11A date stamped 26 March 2010) commenting that from the evidence provided, it is suggested that the applicant can provide two staff car parking spaces and three customer parking spaces. LHA do not see how the proposed four-customer parking spaces will practically work. Given the fact that the restaurant has two spaces at present, then even the above is an improvement.
15. LHA also consider that each car will need as a bare minimum parking spaces of 2.4m x 4.8m and be able to reverse past the other parked vehicles. Either that or a simple management plan will be needed e.g. identify the bays to be used for staff (and marked as such) and those open for customers.
16. **Disability Forum** has the following comments on the detail designs:
- (a) Car park is congested and would be difficult to manoeuvre within. At least one disabled space should be provided within close proximity to the entrance;
  - (b) It is unfortunate that there is no lift to the first floor; and
  - (c) The ground floor needs to have level access and the bar lowered for people with wheelchairs.
17. **HM Principal Inspector of Railways** has no safety concerns over the proposal.
18. **Design Workshop** raise objections to the proposal regarding the roof form and design. The proposal as submitted is out of keeping with the character of the existing building. The extension is in a complicated form and the ground floor opening to accommodate the car park is unattractive.

## **Representations**

19. Occupiers at Nos. 3 & 5 Hinton Way's No 11 Orchard Road, and Nos. 2 & 3 Leeway Avenue object to the proposal on the following grounds:
- (a) First floor windows will overlook to No. 3 Hinton Way's: garden and conservatory and would result in loss of privacy;
  - (b) Affect the value of neighbouring properties;
  - (c) The proposal will result in an increase the number of diners, staff and take-away customers with only 2 additional off-street parking spaces and very few customers travel by foot;
  - (d) Access to office parking at rear of the restaurant is blocked by bollards and vehicle access is approximately 150m further down Hinton Way via Mill Court;
  - (e) Most visitors to the restaurant park along Hinton Way and frequently obstructing access to the nearby residential properties. This causes a road safety hazard by reducing the road width close to the railway level crossing;
  - (f) The proposal would cause customers to the restaurant to park on Orchard Road, Leeway Avenue, Shelford Park Avenue and Hinton Way; the parking situation in the vicinity of the site has been made worse by the traffic regulation (double yellow lines) imposed at Station Road and Shelford Park Avenue; and
  - (g) The site is small and awkwardly shaped so that further development would cause harm to its character.
20. The applicant's agent has submitted further information to explain the following issues:
- (a) The new windows in the east elevation would be obscured glazing;
  - (b) The two shed-like extensions to the rear are the property of the railway company and the applicant has no control over these. The elevation adjoining the platform is to be timber clad so as to reduce the visual effect of the sheds; and
  - (c) The boundary between the restaurant and the railway platform is to remain as existing i.e. timber panel fencing and block wall. It is proposed to render finish the car park side of the wall and the existing container will be removed from the site.

## **Planning Comments – Key Issues**

21. The key issues to consider in the determination of this application are:
- (a) Principle of the development;
  - (b) On-site car parking provision and highway safety impact;
  - (c) Residential amenity to neighbouring properties;
  - (d) Design; and
  - (e) Other issues.

### ***Principle of the development***

22. The application is within the village framework and the existing restaurant has maintained a viable business operation locally. Comments received from Environmental Health Officer and Local Highway Authority do not demonstrate that the proposal would consolidate a non-conforming use by reason of traffic and pollution. The proposed extension would be supported by Policy ET/5 of the of the South Cambridgeshire Local Development Framework (LDF) Development Control

Policies Development Plan Document 2007 providing it would not conflict with other development plan policies.

***Car parking and highway safety***

23. The proposal would provide 5 car parking spaces and it is considered that these 5 spaces would be practicable. Officers have carefully considered the number of on-site car parking spaces, the casual parking spaces to the front of the restaurant for the use of people using the station and the sustainable location of the site with good access by public transport, walking and cycling. It is considered that on balance, the number of car parking spaces provided is acceptable although considerably below the maximum standard requirement.
24. The car-parking layout is considered to be acceptable subject to conditions to ensure adequate marking of car parking spaces and a management plan to identify the bays to be used for staff and customers.

***Residential amenity interests***

25. The distance between the extension and the side elevation of No.3 is approximately 11m. Officers have considered the overlooking issue from the proposed first floor restaurant windows to the patio area, main habitable room windows and conservatory at No.3. Providing the new first floor windows are required to be non-opening and obscure glazed which could be secured by planning condition, it is considered that the overlooking issue can be satisfactorily addressed. The proposal would not have adverse impact on residential amenity interests to the adjacent neighbouring residents, subject to suitable conditions being imposed.

***Design, and character of the building and surrounding area***

26. The Great Shelford Village Design Statement describes the railway station as 'the finely proportioned building, with its knapped flint panels set in local brick stands defiant against the ungainly extension of the station master's house'. The Statement encourages 'design quality appropriate of its kind in all classes of building affecting the appearance of the village', and 'resist development and extensions inappropriate in form or scale to their context and contemporary practice, unless sound design reasons for contrast are given'.
27. Chapter 7 of the District Design Guide SPD lists the criteria for extensions:
  - (a) All extension proposals must offer a high quality of accommodation and design that will sustain, enhance and preserve the quality of the built and natural environment;
  - (b) Extensions should always complement the form and character of the original building rather than seek to transform it into something else;
  - (c) Buildings that have been extended before may also be limited by the cumulative impact of the extensions; and
  - (d) Immediate surroundings should form the foundation of any design including the effect that the extension will have on the existing property and the forms and scale of existing built structures near the site.
28. The original two-storey building is 8.5m high to the ridge and 5.5m high to the eaves; the rear extension (approved in reference S/1372/04/F) is 5.5m high to the ridge and 3.8m high to the eaves. The proposed extension would be 5.5m high to the eaves and the ridge height would be 7m and 8.3m with a lower ridge height attached to the

existing rear extension and the first floor extension would be set back from the east elevation by 4.2m. The proposal includes a ground floor car park that would project from the north elevation of the first floor extension by 1.2m forming a small flat roof element.

29. The existing building is a proportioned building and the rear extension is in proportion to and in keeping with the form, scale and character of the original building.
30. The proposed extension is in a complicated form which is contrary to the character of the railway station building. The proposed extension, by virtue of its height and scale, would compete with the main building and would be a visually dominant addition.
31. The stepped roof form would result in the design of the resultant building becoming too complicated and out of keeping with and would detract from the character and design of the existing building.
32. The proposal extension, in order to accommodate a ground floor car park, would result in a ground floor opening in the east elevation which would be unattractive and would harm the character of the existing building.
33. Given the prominent location of the site within the central area of the village and its visibility from the public realm in Hinton Way, the train station and nearby offices at Mill Court and surrounding residential properties, the proposal is unacceptable as it would cause adverse impact on the street scene.
34. The proposal as submitted is contrary to development plan policies and the requirements in the Design Guide SPD and the advice contained in the Great Shelford Village Design Statement.

#### ***Other issues***

35. The Parish Council's concerns about the sheds have been passed to the Council's Enforcement Officer, to be investigated separately.

#### **Recommendation**

36. Refuse as amended by letter dated 5 March 2010 and drawing numbers 673/09/8C and 11A date stamped 26<sup>th</sup> March 2010.

37. Reason for refusal

The proposed extension, by virtue of its complicated design, height and scale, would compete with the existing building and would be a visually dominant addition. The extension would be out of keeping with and would have inappropriate mass and form to the existing building. The proposed stepped roof design would result in the design of the resultant building being overly complicated and unsympathetic and would detract from the character and design of the existing building. This would be harmful to the character of this part of the village where the railway station forms an important element. The proposed car park would result in a ground floor opening in the east elevation which would be visually discordant and unattractive and would have a detrimental visual harm to the existing building. As such, the proposal would be contrary to Policy DP/2 of the South Cambridgeshire Local Development Framework (LDF) Development Control Policies Development Plan Document 2007 which requires a high standard of design which responds to the local character of the built environment for all new development; Policy DP/3 of the South Cambridgeshire Local

Development Framework (LDF) Development Control Policies Development Plan Document 2007 that resists development that would have an adverse impact upon village character; Policy ET/5 of the South Cambridgeshire Local Development Framework (LDF) Development Control Policies Development Plan Document 2007 which states that expansion of an existing firm will not be permitted if it would conflict with other policies of the development plan; The Great Shelford Village Design Statement which emphasises design quality appropriate of its kind in all classes of building affecting the appearance of the village, and resist development and extensions inappropriate in form or scale to their context and contemporary practice, unless sound design reasons for contrast are given; and South Cambridgeshire District Council District Design Guide Supplementary Planning Documents – Adopted March 2010 which requires a high quality of design in all extensions.

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

East of England Plan 2008

South Cambridgeshire Local Development Framework Development Control Policies DPD 2007

South Cambridgeshire District Council District Design Guide Supplementary Planning

Great Shelford Village Design Statement

Documents – Adopted March 2010 Circular 11/95 – The Use of Conditions in Planning Permissions

Circular 05/2005 – Planning Obligations

Planning application references S/0224/02/F, S/1372/04/F, S/0086/07/F, S/0693/08/F, S/0472/09/F and S/0067/10/F

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