

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 June 2011

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

**S/1983/10 and S/1984/10 - MELBOURN
Change of Use from Restaurant (A3) To Dwelling (C3) and Extension,
Outbuildings, and Garage/Outbuilding - The Pink Geranium, 25, Station Road,
for Mr Timothy Poulson**

Recommendation: Approve subject to conditions

Date for Determination: 14 January 2011

Notes: The application has been reported to Planning Committee as the recommendation for approval is contrary to that of the Parish Council

The Site lies within the Melbourn Conservation Area.

Site and Proposal

1. The site is located centrally in the village of Melbourn within the Conservation Area. The building is a grade II listed building and currently has an A3 restaurant use. Two access points are located off Station Road, one of which is shared with a residential use located to the rear of the site. This access leads to the restaurant car park and the other access is predominately used by staff as a service courtyard. The northeast and southeast boundaries are currently predominately open from the road with low picket style fencing. Other shared boundaries are a mixture of high walls and fencing.
2. The planning application dated 10 November 2010 proposes the change of use to residential and the erection of extensions, outbuildings and garage/carport. The scheme was submitted with a Tree Survey, Design and Access Statement, Heritage Statement and confidential financial information. The accompanying Listed Building application proposes the demolition of the existing store, kitchen and food preparation area, the conservatory, the w.c and laundry room. It proposes alterations to the gateway, extensions and alterations including a link, infilling openings, alterations to doors, additional internal partitions and provision of kitchen, utility and bathroom.

Relevant Planning History

3. No 25 Station Road, the Grade II Listed Pink Geranium, has been extended in 1969, 1985, 1989 and 1991. These applications include alterations and extensions following fire damage and the erection of a conservatory.
4. A listed building application for the repair of the wall at the Pink Geranium was approved in November 1983

Policies

National

5. Planning Policy Statement 5 (PPS5): Planning for the Historic Environment
Planning Policy Statement 5: Planning for the Historic Environment: Historic Environment Planning Practice Guide
6. **Local Development Framework Core Strategy Development Plan Document (LDF CS) 2007:** ST/5 Minor Rural Centres
7. **Local Development Framework Development Control Policies (LDF DCP) 2007:**
DP/1 Sustainable Development, **DP/2** Design of New Development, **DP/3** Development Criteria, **NE/15** Noise Pollution, **CH/3** Listed Building, **CH/5** Conservation Areas and **TR/2** Car and Cycle Parking Standards, **SF/1** Protection of Village Services and Facilities
8. **Local Development Framework Supplementary Planning Documents**
Trees and Development Sites SPD, Development Affecting Conservation Areas, Biodiversity SPD, District Design Guide SPD
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. **Melbourn Parish Council** has commented on this proposal three times. The first response was to refuse the application based on the additional extensions and changes. The second response recommended approval with no additional comments. The third response following the amendments dated 15 March were recommended for refusal with the following comments:

“Approve the application, but subject to the provision of a turning area for the existing property and this application. Concern over vehicles reversing onto Station Road causing a danger to traffic are paramount”.
12. The **Council’s Conservation Officer** has had ongoing discussion with the agent with regard to the changes. Amended plans have been submitted as a result of these discussions. These involve changes to the extension, carport and outbuilding. The Conservation Officer’s revised comments were not available at the time of writing this report and Members will be updated accordingly, however the Conservation Officer is fully supportive of the proposed scheme as amended.

13. The **Council's Tree Officer** raises no objections but makes the following comments:

"The ownership and maintenance of the trees is not a material consideration for this planning application and if there is doubt over the ownership this must be clarified.

The trees themselves are typical for their age, species and the pollarding management, which has been historically undertaken. Due to access being limited I was unable to determine the full structural integrity of them however there is evidence of poor pruning practice which has left cavities however in themselves not necessarily compromising the trees as they are squat in stature and broad spreading, providing the management of pollarding is maintained the trees could stand for many years to come. They are atypical and can be considered veteran pollards.

With on-going maintenance the trees could be retained within the development with a new structure being built to accommodate the trees, not the trees removed to facilitate development. Foundations can be designed to accommodate the roots; the footprint of the building could be reduced in size and moved forward of the Horse chestnuts."

14. The **Council's Landscape Officer** should like to see the style of gates if there are any planned to go across the entrance. The ivy clad wall of the existing building that is to be demolished is a very important feature on the corner. Is the wall being retained or replaced? I should like to see a landscape plan covering the area immediately behind this wall if it is to be lower than the existing one. I should also like the plan to cover the area between the wall and the house on the Station Road side. I imagine something reasonably tall will be necessary to provide some privacy to the windows on the side- wall from the footway.
15. The **Local Highway Authority** raises no objection
16. The **Council's Environmental Health Officer** has no objections to the proposed scheme from a noise and pollution viewpoint. A condition regarding period of construction should be used to protect neighbour amenity and informatives regarding pile driven foundations included.

Representations

17. There have been 2 representations made for this application.
18. A letter received from the occupier of No. 27 Station Road raises concern about the content of the Tree Survey that has been submitted.
- (a) Tree 4 is on a shared boundary
 - (b) Tree 5 is wholly sited on 27 Station Road
 - (c) Historic value
 - (d) These trees have not been fully inspected given their location
 - (e) The survey contains misdescriptions
 - (f) Recent tree survey work indicated that these trees were in good condition

- (g) Considering their location permission from myself would be required and this has not been sought
 - (h) The proposed plans cannot commence without the removal of these trees and therefore the plans should be revised as this representation is not an indication that any consent will be forthcoming
19. The occupiers of No. 23 Station Road (The Carlings) have made the following representations:
- A turning 'banjo' should be required for turning immediately outside of my gate
 - At present any vehicle visiting me can use the Pink Geranium car park to turn and exit in forward gear, without this is it would force vehicles to exit backwards onto Station Road.

Planning Comments

20. The key issues to consider in this instance are the principle of development, impact on the Listed Building and conservation area, highway safety and parking provision and impact on neighbour amenity.

Principle of Development

21. The Pink Geranium has been a restaurant for many years and had different occupiers over recent years. Whilst in a prime location locally it has struggled as a business and discussion regarding a change of use to residential has been long considered. This is with high regard to its status as a listed building and its primary location in the Conservation Area with potential alternative uses considered detrimental to the building and wider area. The policy in support of protecting village services and facilities (SF/1) specifically refers to village pubs, shops, post offices, community meeting places or health centres but it is considered that this type of establishment would come under the village service category. Melbourn as a Minor Rural Village has a number of very good local services that would allow for the loss of this restaurant use to the benefit of retaining and refurbishing a listed building and its wider setting. The change of use will have a wider benefit to the surrounding conservation area and see the creation of a new family home. Whilst the conversion will require financial contributions towards the provision of public open space and community facilities the overall loss of the building to the community is not considered to be detrimental to the requirements of Policy SF/1 and the balance outweighed in favour of allowing a change of use such as this in this location based on the individual merits of the site.

Impact on the Listed Building and Conservation Area

22. The changes to the Listed Building have been discussed at length with the Conservation officer and the changes made are fully supported. The proposals turn the existing restaurant use into a useable family home with modern extensions and adaptations that are considered appropriate to the listed building. The changes are considered to be sympathetic to the Listed Building and the wider setting of the Conservation Area

Highway Safety and Parking Provision

23. The principle of the increased access width is considered acceptable through the outcome of the appeal. The provision on site for off road parking meets the adopted parking standards and turning space on site is considered adequate. There is no reason for refusal based on highway safety of parking provision in this instance.
24. The occupiers of No. 23 Station Road have concerns that there is inadequate turning area for large vehicles with the restaurant car park area being removed. It is considered that there is insufficient space for service vehicles or fuel carriers to enter and exit the site or neighbouring sites in forward gear and therefore having to reverse onto a busy road. The Parish Council has made similar comments.
25. The local highway authority accepts that this can cause some inconvenience. However, it is not considered a highway safety issue that would warrant a reason for refusal. It is understood that a recent incident meant that an ambulance driver who was unaware that he was able to enter into the access to reach No 23 walked the entrance distance by foot for fear of having to reverse out. Whilst it is not a material planning consideration the requirement for full access and turning is considered important to those who have to use this access regularly and for emergencies.

Impact on Neighbour Amenities

26. The proposed development sees the change of use of an existing building with existing openings. These will remain unchanged and the new built development set primarily at ground floor level. The removal of the cold room and wine store that shares the boundary with No 27 Station Road will open up this boundary, but the replacement building and proposed walled garden will go some way to ensure ongoing privacy between the two units. The proposed development is not considered to have an adverse impact on its neighbouring units by being unduly overbearing or cause adverse overlooking problems.
27. The concerns raised by the occupiers of No 23 Station Road have been considered above. It is considered that the concerns raised are not linked directly to neighbour impact, but more applicable to neighbour-to-neighbour relationships. The car park of the Pink Geranium has been used by those visiting No. 23 as part of an ongoing agreement between the owners of the land. The change of use sees this area of land being taken out of public use. Whilst the separate sites have adequate off road parking and turning the concerns raised are with respect to larger vehicles like oil tankers, fire engines and delivery vehicles. It is not ideal to have vehicles reversing up and down the entrance but there is some space near the proposed garage and carport that could enable a reasonable turning space for larger vehicles should they need it, however, this would have to be agreed between the owners. Land ownership and how it is shared is not a planning issue and therefore it is not considered as a reason for refusal of this scheme.

Other Matters

28. Policy DP/4 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 states that planning permission will only be granted for proposals that have made suitable arrangements for the improvement or provision of infrastructure necessary to make the scheme acceptable in planning terms.
29. Policy SF/10 of the LDF The South Cambridgeshire Recreation Study 2005 identified Melbourn as having a shortfall of play space. The proposed change of use will create a new dwelling resulting in an increase of occupants that reside in the village. 13 sqm of informal open space on-site or a contribution towards off-site provision of such space of £4,258.90 is required. This is index-linked and would be secured through the signing of a Section 106 legal agreement. Confirmation that the applicant would be willing to make such a contribution has been received.
30. In accordance with Policy DP/4, a charge has been introduced in relation to the Community Facilities Assessment 2009 that seeks a financial contribution of £703.84 towards indoor community facilities. This is index-linked and would be secured through the signing of a Section 106 legal agreement. Confirmation that the applicant would be willing to make such a contribution has been received.
31. South Cambridgeshire District Council has adopted the RECAP Waste Management Design Guide, which outlines the basis for planning conditions and obligations. In accordance with the guide developers are required to provide for household waste receptacles as part of a scheme. The current fee for the provision of appropriate waste containers is £69.50 per dwelling. The costs will be secured via a Section 106 agreement and would be required to be paid upon completion of the agreement. Confirmation that the applicant would be willing to make such a contribution has been received.
32. The concerns raised by the occupier of No. 27 Station Road with regard to the tree survey have been raised again with the Councils Tree Officer for further clarification. Comments will be made available once received via an update.

Conclusion

33. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning and listed building permission should be granted in this instance, subject to the following conditions.

Decision/Recommendation

Planning Approval subject to 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. The development hereby permitted shall be carried out in accordance with the following approved plans: SRM 005.1, 020.1, 021.1, 022.1, 023.1, 024.1 and 025.1 franked 15th March 2011
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. The development, hereby permitted, shall be carried out in accordance with the external materials referenced within the application forms and approved drawings, unless otherwise agreed in writing by the Local Planning Authority.
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
4. During the period of construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
6. The development, hereby permitted, shall not be occupied until space has been provided within the site for vehicles to enter, turn and leave the site in forward gear, and to park clear of the public highway, in accordance with the details shown on Drawing SRM 005.1 amended 15th March 2011 and that space shall thereafter be retained for those purposes.
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
7. The access and driveway shall be constructed with adequate drainage measures to prevent surface water run-off onto the public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority.
(Reason – In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
8. 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.)
9. 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.)

10. Any removal of trees, scrub or hedgerow shall not take place in the bird breeding season between 15 February and 15 July inclusive, unless a mitigation scheme for the protection of bird-nesting habitat has been previously submitted to and approved in writing by the Local Planning Authority.

(Reason - To avoid causing harm to nesting birds in accordance with their protection under the Wildlife and Countryside Act 1981 and in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)

11. No development shall begin until details of a scheme for the provision of public open space infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policy DP4 and Policy SF/10 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

(Reason - To ensure that the development contributes towards public open space in accordance with the above-mentioned Policy SF/10 and Policy DP/4 of the adopted Local Development Framework 2007.)

12. No development shall begin until details of a scheme for the provision of community facilities infrastructure, waste receptacles and Section 106 monitoring costs, to meet the needs of the development in accordance with adopted Local Development Framework Policy DP/4 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

(Reason - To ensure that the development contributes towards infrastructure in accordance with the above-mentioned Policy DP/4 of the adopted Local Development Framework 2007.)

Listed Building Conditions will be provided as an Update to the report.

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

- Circulars 05/2005 and 11/1995
- South Cambridgeshire Development Control Policies Development Plan Document 2007
- SPD District Design Guide
- Planning Files ref S/0034/09, S/1984/10, S/1983/10.

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