

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

7 September 2011

**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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### **S/1297/11 – SAWSTON**

**Extension of Time for Implementation of Planning Consent S/2435/07/F for Change of Use of Shop/ Dwelling to Dwelling with Home Office, Erection of Bungalow and Garage, Formation of Driveway, and Realignment of Public Right of Way At 82 Mill Lane, for Fabco Properties Ltd.**

**Recommendation: Approval**

**Date for Determination: 23<sup>rd</sup> August 2011**

#### **Notes:**

**This application has been reported to the Planning Committee for determination as the officer recommendation conflicts with the recommendation of Sawston Parish Council**

#### **Site and Proposal**

1. The site is located within the Sawston village framework. No. 82 Mill Lane is a grade II listed building. It is a detached, one and half storey in height. The building is clad in render and roofed with corrugated tin. It has a single storey render and tile front projection and a single storey flat roof rear extension that was previously a shop and store. The building is in a poor state of repair. There is one parking space to the front and one to the rear. A mature Horse Chestnut tree subject to a Tree Preservation Order is situated in the front garden. There is a narrow rear garden that tapers to the north. A 1.8 metre high fence runs along the eastern boundary. There is an existing access to the eastern side outside the curtilage of the listed building and an area of public amenity space. Public footpath No. 18, Sawston runs through the amenity area to the east and public footpath No.20, Sawston runs along the northern boundary of the site. The land rises gently from south to north. The site is located within flood zone 2 (medium risk).
2. No. 84 Mill Lane is a two-storey end of terrace house that is set back slightly from No. 82 Mill Lane. It has a single storey rear element with a window facing the site. No. 80 Mill Lane is a two-storey house that is set slightly forward of No. 82 Mill Lane. It has a blank side elevation and windows in the front and rear elevation adjacent the boundary. A 1.8metre high fence runs along the western boundary. Nos. 21 and 22 Uffen Way are bungalows that have their rear garden facing the site with a hedge along the boundary. These are on higher ground above the levels of the application site.
3. This full planning application, received 28<sup>th</sup> June 2011, proposes to extend the existing time limited implementation period of planning consent S/2435/07/F that expires on 4<sup>th</sup> December 2011. The original application proposed the change of use of the existing shop/dwelling at No. 82 Mill Lane to a three bedroom dwelling with home office including internal and external alterations and the extension of the residential cartilage. It also included the erection of a three bedroom bungalow with a ridge height of 5 metres to the rear of No. 82 Mill Lane facing eastwards with a

garden to the west, the erection of a shared double garage/store with a ridge height of 4.2 metres and parking area to the north of No. 82 Mill Lane and to the south of the new bungalow, the creation of a new shared driveway with a width of 5 metres to serve No. 82 Mill Lane and the new bungalow, and the re-alignment of the existing public footpath from the centre of the public amenity space to the eastern site boundary.

### **Planning History**

- 4 Planning permission was granted at appeal for the change of use of shop/ dwelling to dwelling with home Office at 82 Mill Lane, the erection of a bungalow and garage to the north of 82 Mill Lane, and the formation of driveway, re-alignment of public right of way, and erection of boundary fencing to the east of Mill Lane under reference **S/2435/07/F**. The application was originally refused as a result of the impact upon the setting of the listed building but the Inspector considered this to be acceptable.
- 5 Listed building consent was granted for internal and external alterations to No. 82 Mill Lane under reference **S/0616/07/LB**. Planning permission was refused for the change of use of shop/ dwelling to dwelling with home Office at 82 Mill Lane, the erection of a bungalow and garage to the north of 82 Mill Lane, and the formation of driveway, re-alignment of public right of way, and erection of boundary fencing to the east of Mill Lane under reference **S/0617/07/F**.
- 6 An appeal was dismissed for full planning permission for one bungalow to the rear of No. 82 Mill Lane under reference **S/1629/86/F** on the grounds of the impact upon neighbour amenity.
- 7 An appeal was dismissed for outline planning permission for two bungalows to the rear of No. 82 Mill Lane under reference **S/0736/86/O** grounds of the impact upon neighbour amenity.
- 8 Planning permission was granted for use of room as hairdressing salon at 82 Mill Lane under reference **S/1505/85/F**.

### **Planning Policy**

- 9 ***Local Development Plan Policies***

**South Cambridgeshire LDF Core Strategy DPD, 2007:**  
ST/4 Rural Centres

**South Cambridgeshire LDF Development Control Policies DPD, 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  
HG/1 Housing Density  
NE/6 Biodiversity  
NE/11 Flood Risk  
CH/3 Listed Building  
CH/4 Development Within the Curtilage or Setting of a Listed Building  
SF/1 Protection of Village Services  
SF/10 Outdoor Playspace, Informal Open Space, and New Developments  
SF/11 Open Space Standards  
TR/1 Planning for More Sustainable Travel

## TR/2 Car and Cycle Parking Standards

### **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**

Open Space in New Developments 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 - Adopted March 2010

District Design Guide SPD - Adopted March 2010

#### 10 ***National Planning Guidance***

Planning Policy Statement 1 (Delivering Sustainable Development)

Planning Policy Statement 5 (Planning for the Historic Environment)

#### 11 ***Circulars***

Circular 05/2005 Planning Obligations

Circular 11/95 The Use of Conditions in Planning Permissions

#### **Consultation**

12 **Sawston Parish Council** – Recommends refusal on the grounds of the movement of the public right of way that would cause nuisance to neighbours, overdevelopment of the site, and access problems.

13 **Local Highways Authority** – Considers that the proposal would not have a significant impact upon the public highway (comments from previous application).

14 **Environmental Health Officer** – Concerned that problems could arise from noise during construction and suggests a condition in relation to the hours of use of power operated machinery. Also request informatives with regards to pile driven foundations and the burning of waste on site.

15 **Conservation Officer** – Recommends approval and comments that the alterations to the listed building would ensure its long-term future and the conversion of the shop would result in the demolition of the modern flat roof rear extension. The bungalow would not have a significant impact upon the setting of the listed building.

16 **Environment Agency** – The site is located with flood zone 2 (medium risk). The Flood Risk Assessment will need updating as it is in excess of 6 months since it was produced and the data may have changed.

17 **Rights of Way and Access Team** – Has no objections in principle providing the boundary treatment adjacent to the new footpath are as detailed in the application to discharge conditions 3 and 9 of the planning consent S/2435/07/F (1.2 metre high fencing to the front and side of the new bungalow and 1.8 metre high fencing including trellis to the side of the listed building) rather than 1.8 to 2 metre high fencing shown on the submitted plans.

18 **Trees and Landscapes Officer** – Comments are awaited.

19 **Landscape Design Officer** – Comments are awaited.

20 **Ecology** – Comments are awaited.

## **Representations**

- 21 The occupier of No. 84 Mill Lane strongly supports the development as the only financially viable scheme to restore the existing listed building on the site. Comments that the bungalow would not significantly detract from the listed building. Requests that the extension to the time limit is restricted to one year to maintain pressure on the applicant's to develop the site as there are problems with vandalism and fly tipping.
- 22 The occupier of No. 4 Milner Close comments that the pathway through the property as believed to be a 'right of way', has been a right of way for at least 50 years, and is used on a regular basis.

## **Planning Comments – Key Issues**

- 23 The key issue to consider in the determination of this application is whether there has been any material change in circumstances that would justify a different decision to that of the original application. The main factors to take into consideration relate to the principle of the development and its impact upon the character and appearance of the listed building, the setting of the listed building, enabling development, the character and appearance of the area, flood risk, highway safety, neighbour amenity, and the public footpath.

## **Principle of Development**

- 24 There are no objections in principle to the change of use of the whole of the existing building to a dwelling. Whilst it is noted that the premises has not been marketed, the loss of the shop is not considered to result in a significant reduction in retail provision locally available, given that the site is close to Sawston village centre that has a range of shops, it is located in a pre-dominantly residential area, and it has been vacant for a number of years.
- 25 The site is located within the village framework of a 'Rural Centre' where there is a good range of services and residential developments with no limit on size are acceptable in principle subject to all other materials planning considerations.
- 26 The site for the proposed bungalow measures 0.04 of a hectare in area. The erection of one dwelling on the site would equate to a density of 25 dwellings per hectare. Whilst it is acknowledged that this density is below the requirements of at least 40 dwellings per hectare for sustainable villages such as Sawston, it is considered appropriate in this case as a result of the sensitive nature and openness of the site within the setting of a listed building.

## **Character and Appearance of the Listed Building**

- 27 The proposed alterations to No. 82 Mill Lane are not considered to detract from the character and appearance of the listed building and listed building consent has been granted for these works. The alterations to the listed building would ensure its long term future and the conversion of the shop would result in the demolition of the modern flat roof rear extension.

## **Setting of the Listed Building**

- 28 The new bungalow is not considered to damage the setting of the listed building. Although there was an initial objection to this element of the scheme in the original application, the view of the Inspector in the appeal decision was that the proposals

would do very little visual harm to the setting of the listed building. He stated that the setting on to Mill Lane would be little changed and the adjoining open land between Nos. 80 and 82 possesses no visual quality save openness. The eastern boundary would remain open to view and the land between Nos. 80 and 82 would remain free of building apart from an access road. The present visibility of the listed building is partial, obtained over the garden area where planting would always confine clear views of the upper parts. The proposal would not result in a dissimilar view of the structure to remain from the footpaths. The present setting is not one of any particular positive visual quality or one which positively enhances the building's architectural or historic interest.

### **Enabling Development**

- 29 The applicant's agent states that No. 82 Mill Lane is in urgent need of full restoration but Council does not consider that the building is at risk. Given the Inspectors view, the application should not be subject to a unilateral undertaking in relation to the works to the listed building as a result of the proposal being acceptable in its own right rather than only acceptable in relation to enabling development to secure the future of the listed building.

### **Character and Appearance of the Area**

- 30 The siting of the bungalow set back from the road frontage behind No. 82 Mill Lane is not considered to be out of character with the pattern of development in the area, given the similar layout of the site at Nos. 92 and 94 Mill Lane.
- 31 The area has a varied character consisting of a range of sizes and styles of dwellings. A bungalow would be in keeping with surrounding single storey development in Uffen Way and a detached property would be similar to the listed building and other developments in close proximity to the site along Mill Lane. The design of the buildings are deemed acceptable.

### **Flood Risk**

- 32 The site lies within Flood Zone 2 (medium risk) as defined by the Environment Agency. It is situated 600m to the east of the River Cam. The existing impermeable area of the site comprises 269 square metres (27%) and the proposed covers 556 square metres (56%). This gives an increase of 290 square metres (29%).
- 33 The Flood Risk Assessment submitted as part of the original application in 2007 stated that finished floor levels will be 600mm above the 1 in 100 year fluvial flood level at a minimum of 19.34m AOD. This complies with the requirements of the Environment Agency. The development was therefore not previously considered to significantly increase the risk of flooding at the site, or in the surrounding area. However, an updated FRA has been requested to ensure that this remains the case, as the information in the original FRA may be out of date.

### **Highway Safety**

- 34 The additional bungalow is not considered to result in a significant increase in traffic generation from the site given the historic use of part of No. 82 Mill Lane as a shop. The 5 metre wide shared access driveway is acceptable, as it would allow two vehicles to pass. Adequate vehicular and pedestrian visibility splays would be achieved. Two on-site parking spaces would be provided for each dwelling that would accord with the Council's standards. A shed attached to the garage would allow a secure and undercover cycle parking space for each dwelling. The proposal would not therefore be detrimental to highway safety.

## **Neighbour Amenity**

- 35 The proposed dwelling would be situated adjacent to the part of the rear gardens of Nos. 80 and 84 Mill Lane that are used as vegetable patches. Although it is acknowledged that the land rises from Mill Lane towards the north, I do not consider that the dwelling would seriously harm the amenities of these properties through being unduly overbearing or through overlooking leading to a severe loss of privacy, given the position of the dwelling and the number of windows in the south elevation.
- 36 Nos. 21 and 22 Uffen Way have small rear gardens and windows adjacent to the footpath along the northern boundary of the site. The dwelling is not considered to seriously harm the amenities of these properties, due to the reduction in the level of the land, boundary treatment to one of the gardens, distance from the dwelling (13 metres) that complies with the guidelines in the design guide, and low height.
- 37 Whilst the proposed garage block would be situated immediately adjacent to the boundary of No. 84 Mill Lane and approximately 8 metres in length, it is not considered to seriously harm the amenities of that property through being unduly overbearing or through a significant loss of light to its garden, as a result of its design, height of the ridge in relation to the boundary and orientation to the east.
38. The proposed dwelling is not considered to seriously harm the amenities of neighbours through a significant increase in noise and disturbance through the use of its access. Whilst it is noted that the access would be close to the garden of No. 80 Mill Lane, it would be separated by the public footpath and fencing.
- 39 The re-alignment of the right of way is not considered to seriously harm the amenities of the neighbour at No. 80 Mill Lane through a significant increase in the level of noise and disturbance given that there is an existing 2 metre high fence along the boundary.

## **Developer Contributions**

- 40 New policies have been introduced since the approval of the previous planning consent in relation to developer contributions.
- 41 The South Cambridgeshire Recreation Study 2005 identified a shortage of sport and playspace within Sawston. No sport or public open space is shown within the development. The increase in demand for sport space as a result of the development requires a financial contribution of £3,104.38 (index linked) towards the improvement of existing open space in the village to comply with Policy SF/10 of the LDF. This would be secured via a legal agreement that would be a condition of any consent. The applicant is aware of this contribution.
- 42 The South Cambridgeshire Community Facilities Assessment 2009 states that Sawston has a poor level of community facilities. Due to the increase in the demand for the use of this space from the development, a financial contribution of £513.04 (index-linked) is sought towards the provision of new facilities or the improvement of existing facilities in order to comply with Policy DP/4 of the LDF. This would be secured via a legal agreement that would be a condition of any consent. The applicant is aware of this contribution.
- 43 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 requested to provide for the household waste receptacles as part of a scheme. The fee for the provision of appropriate waste

containers is £69.50 per dwelling. This would be secured via a legal agreement that would be a condition of any planning consent. The applicant is aware of this contribution.

### **Other Matters**

- 44 The diversion of the public right of way is a matter for the Rights of Way and Access Team at the County Council to determine. However, it would be a condition of any planning consent.
- 45 The proposal would not result in the loss of the public right of way. The boundary treatment submitted would ensure that the footpath is not enclosed and therefore remains safe for pedestrians.
- 46. Although the comments of the neighbour in relation to the current state of the site are noted, these are not material planning considerations that would justify a limited extension of time to the current consent other than the standard three years.

### **Conclusion**

- 47 Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be granted in this instance.

### **Recommendation**

- 48 Approval. The following conditions and informatives are suggested: -

#### ***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: 1:1250 location plan and drawing numbers (00)01A, (00)02A, (2-)10A, (2-)11A, and (2-)12B.**  
(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 samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**  
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy CH/4 of the adopted Local Development Framework 2007.)
4. **No development in respect of the bungalow, garages and driveway 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 hard surfaces, walls, fences, and other boundary treatments, access features, existing trees, hedges and shrubs on the land, and details of any to be retained, together with measures for their protection in the course of development.**

(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy CH/4 and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

5. **The landscaping scheme 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 appearance of the development is satisfactory in accordance with Policy CH/4 and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

6. **The proposed access, turning area and parking provision shall be provided before the bungalow hereby permitted is occupied and retained as such.**

(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

7. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be inserted in the front, side (north) and rear elevations of the bungalow above ground floor level unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.**

(Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

8. **The proposed home office shall only be used in connection with the existing dwelling at No. 82 Mill Lane, Sawston and at no time shall be used as a separate self-contained unit.**

(Reason - To ensure the development is satisfactory in accordance with Policy CH/4 of the adopted Local Development Framework 2007.)

9. **No development shall take place within the appeal site until the appellants or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.**

(Reason - To secure the provision of archaeological excavation and the subsequent recording of the remains in accordance with Policy CH/2 of the adopted Local Development Framework 2007.)

10. **No part of the development that results in the diversion of the public footpath that runs along the site shall be commenced until the diversions as shown on drawing number (00)01A has been agreed and the footpath has been provided in accordance with the approved drawing.**

(Reason- To ensure the continued provision of a public right of way.)

11. **No development shall begin until details of a scheme for the provision of recreational, community, and waste infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policies SF/10 and 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 recreational, community, and waste infrastructure in accordance with Policies SF/10 and DP/4 of the adopted Local Development Framework 2007.)

- 12. During the period of demolition and construction, no power operated machinery shall be operated on the site before 08.00 hours and after 18.00 hours on weekdays and before 08.00 hours and after 13.00 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.)

+ any additional conditions required from outstanding consultee responses.

***Informatives***

1. Should pile driven foundations be proposed, then before works commence, a statement of the method of construction for these foundations shall be submitted and agreed by the Environmental Health Office so that noise and vibration can be controlled.
2. During construction, there shall be no bonfires or burning of waste on site except with the prior permission of the District 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 DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents: Open Space in New Developments, Trees & Development Sites, Biodiversity, Listed Buildings, Landscape in New Developments, and District Design Guide.
- Planning Policy Statements 1 and 5
- **Planning File References:** S/1297/11, S/2435/07/F, S/0616/07/LB, S/0617/07/F, S/1629/86/F, S/0736/86/O, and S/1505/85/F.

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