

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee 5 October 2011  
**AUTHOR/S:** Executive Director (Operational Services) / Corporate Manager (Planning and New Communities)

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### **S/1379/11 - LONGSTANTON**

**Proposed extension to restaurant and living accommodation, and relocation of the existing garage (part retrospective) at The Black Bull, 56 High Street for Mr Hau Li**

**Recommendation: Approval**

**Date for Determination: 26 September 2011**

**This application has been reported to the Planning Committee for determination as requested by the Local Member and given the nature of the comments by the Parish Council.**

#### **Site and Proposal**

1. The application site is located within the designated Longstanton village framework, on the east side of High Street. The building is a public house, and works are currently taking place to extend that approved under S/0156/08/F. The site has a Public Footpath running through the existing car park area, linking High Street to Prentice Close. The building is also within flood zone 3a.
2. The application, received on 1st August 2011, seeks to extension the existing building to form a restaurant area and additional living accommodation, and an extraction system. It also seeks the retention of the existing boiler room, and the relocation of the existing garage and rearrangement of the parking area. The extensions are complete and the extractor system is in place, although works to the car parking area have yet to begin. The application is therefore part retrospective. The application is accompanied by a Design and Access Statement, manufacturer details of the extraction system, and a Flood Risk Assessment.

#### **Planning History**

3. Application **S/0156/08/F** granted consent for extensions including a restaurant area at the site.
4. None of the other planning applications at the site are considered relevant to the determination of this application.

#### **Policies**

5. **Local Development Framework Development Control Policies (LDF DCP) 2007: DP/1 Sustainable Development, DP/2 Design of New Development, DP/3 Development Criteria, NE/11 Flood Risk, NE/15 Noise Pollution, NE/16 Emissions, and TR/2 Car and Cycle Parking Standards.**
6. **District Design Guide SPD** - adopted March 2010.

7. **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.

### **Consultations**

8. **Longstanton Parish Council** recommends approval of the application subject to receipt of a superseded Flood Risk Assessment, windows overlooking 54 High Street are obscure glazed, works being completed at reasonable times, a redesign of the extractor system, clear marking of the parking spaces and footpath, and the material of the footpath not being gravel.
9. **Cllr Riley** has recommended the application be determined by the Planning Committee. He notes concerns regarding overlooking towards 54 High Street, the date of the Flood Risk Assessment, and the relationship between parking and the footpath.
10. The **County Council Rights of Way and Access Team** have no objection but note Public Footpath No. 4, Longstanton runs through the site. The gate across the frontage should be unobstructed and open at all times, and of a type to allow footpath users to pass and repass along the footpath. Informatives regarding the footpath are recommended.
11. The **Environment Agency** notes the application is of a type that the Agency would not comment.
12. The **Old West Internal Drainage Board** notes the site is outside of the Boards district.

### **Representations**

13. The occupiers of **The Retreat, Fews Lane** object on grounds of the potential obstruction of the footpath and vehicles crossing this area, highway dangers from use of the garage, location of the disabled parking bays, and odour control.
14. The occupiers of **8 Prentice Close** note there is no objection to the extension although the extraction system is considered ugly. The garage should be built with appropriate materials, and the footpath should be unaffected by development. The garden area is against the shared boundary rather than by the restaurant.

### **Planning Comments**

15. The key considerations in the determination of this application are the impact upon the street scene, impact upon the amenity of the occupiers of adjacent properties, impact upon the Public Footpath, flood risk, and parking provision. Members should be aware that, following the approval of application S/0156/08/F, development began without the discharge of conditions. This application does show changes to the approval, but following discussions with the applicant, it is seen as a method of regularising what has already taken place.

#### *Impact upon the Street Scene*

16. The previous scheme S/0156/08/F was considered an appropriate design in the street scene. The site is a large plot, and whilst there are significant views from the road and footpath, it was not considered to harm the local character. The retention of

the boiler room is not considered to add any harm to the proposal, nor is the resiting of the garage, which will be screened from some views from High Street. Local comment regarding the extractor system is noted. This apparatus is now in situ. It is metallic in its finish and given it is new, it does have a “shiny” appearance at present. This will weather down over time. It is clearly visible from the public footpath, and there are some views from High Street from the north. Whilst it is not a feature that would usually be encouraged, it is required given the nature of the use of the building. In this instance, the extractor system is not considered to cause any undue harm to the street scene.

*Impact upon the Amenity of the Occupiers of the Adjacent Properties*

17. The closest neighbour to the development is 54 High Street, set to the south of the site. The single storey toilet block extends 3.5m towards the shared boundary, which is between 4.5m and 6.1m from this toilet block. The two-storey extension to the rear extends 9.4m from the original two-storey element, with a further 7.4m single storey extension beyond that.
18. 54 High Street is a bungalow set close to the shared boundary. It has a blank gable facing the site, with an evergreen hedge 2m in height to the front and rear of the dwelling and a 1.8m high panel fence along the rear boundary. Cllr Riley has noted the occupiers of 54 are concerned regarding overlooking. There are windows to the restaurant area at ground floor level of the facing elevation. However, these would offer no views above the boundary hedge and fence. There are no windows above ground floor level in the facing elevation, and a condition can ensure this remains the case. There is a window serving a bedroom/office, which faces to the rear. A line 45° from the centre point of this window would be 12.3m from the shared boundary. Beyond this distance, there would be some overlooking of the rear garden. However, the private area directly to the rear would be unaffected. A usual estate relationship is in place.
19. Members should be aware that the windows formed part of the approved scheme S/0156/08/F, and the determination of this application again considered no serious overlooking would result. There is no condition on the approved consent saying the windows should be obscure glazed and officers do not consider such a condition is again necessary..
20. The extensions are located significant distance from the boundary with the other neighbouring properties at the site. Comments from the occupiers of 8 Prentice Close are noted. However, prior to development, the public house already had an outdoor area by this boundary. There were to be parking in this area as per the approved plans of S/0156/08/F. The more formal layout would not cause any further harm to the occupiers of this property.

*Impact upon the Public Footpath*

21. Public Footpath No.4, Longstanton runs through the site from High Street to Prentice Close at the rear. There is local concern regarding the impact of the car parking layout on the public footpath and its users. The comments from the County Council Rights of Way and Access Team are noted. Parking spaces 16-25 are set next to the path, and it is considered appropriate for some form of rail to divide the parking from the footpath, as recommended by the Parish Council. This can be achieved through an appropriately worded condition. The garage is to be moved further away from the footpath and therefore users of the footpath would benefit as a result. There is a gate across the entrance to the site, and a condition should ensure that if this is to be replaced, an appropriate gate is proposed to retain access to the footpath. The

submitted plan shows the footpath to be gravelled. The County Council note any change to its material will require consent from them. The Parish Council notes this is not ideal for all users of the footpath. A condition can ensure an appropriate material, and the County Council can be involved in these discussions.

#### *Flood Risk*

22. The majority of the site lies within flood zone 3a. A Flood Risk Assessment was submitted with the previous application, and it was considered acceptable. The same Assessment, dated 2007, has been submitted with this application, and there is local concern that the document is out of date. The extensions to the building were built following submission of the original Assessment, the only changes being the retention of the boiler room and the relocation of the garage rather than its removal. It should be noted the garage is moving further away from the watercourse. The Environment Agency has confirmed they have no objection to the proposals in this flood risk area.

#### *Parking Provision*

23. Prior to the development at the site, there is an informal gravelled parking area, which is not laid out. The approved plan S/0156/08/F provided a scheme of 29 parking spaces to be laid out across the site, which required the removal of the existing garage. The new layout shows 25 spaces available for users of the building, plus four spaces for residents of the first floor accommodation, again totalling 29 spaces. When measured against the Council's maximum parking standards, 34 spaces are required, although this is reduced to 30 if the toilets are removed. Given 29 spaces is a maximum guide, the proposed parking provision is considered acceptable. A condition will seek their layout within a set time given the retrospective nature of the application.

#### *Other Matters*

24. The Parish Council seek contractors to reduce inconvenience and disturbance to local residents. A condition can be added to the consent regarding timing for the use of power operated machinery.

#### **Decision/Recommendation**

25. Approve, subject to the following conditions
- 1. The development hereby permitted shall be carried out in accordance with the following approved plans: 5674/1, 500-1C, 500-2C, P110-1D and P201-1B (Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)**
  - 2. Notwithstanding the approved plan P110-1D, within 2 months of the date of this decision, details of materials to be used for the hard surfaced areas within the site including the access, driveway, parking spaces and public footpath 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 within an agreed time period. (Reason - To minimise noise disturbance to the occupiers of neighbouring properties, to ensure adequate access for footpath users, and to provide an appropriate surface within the flood zone area in accordance with policies DP/2, DP/3 and NE/11 of the Local Development Framework.)**

- 3. 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 constructed in the south (side) elevation of the building at and above first 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.)**
- 4. Within 2 months of the date of this decision, details of the time frames for the removal of the garage, a scheme for the safe division between parking areas and the public footpath, and the laying out of the parking spaces as per the approved plan P110-1D shall be submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details within an agreed time period. The parking spaces shall thereafter be retained as such.  
(Reason - To ensure adequate parking to the site and safe use of the public footpath in accordance with policies DP/2, DP/3 and TR/2 of the Local Development Framework.**
- 5. During the period of demolition and 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. No replacement gates shall be added to the front of the access without the details to be submitted and approved in writing by the Local Planning Authority, the development shall be carried out in accordance with the approved details.  
(Reason - To ensure gates suitable to the site whilst allowing access for users of the public footpath in accordance with Policies DP/2 and DP/3 of the Local Development Framework.)**

Informatives recommended by the County Council to be added to any approval.

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

- **Local Development Framework Development Control Policies 2007.**
- **District Design Guide SPD.**
- **Circular 11/95 – The Use of Conditions in Planning Permissions.**
- **Planning File ref: S/1379/11 and S/0158/08/F.**

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