

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

6 June 2012

**AUTHOR/S:** Planning and New Communities Director

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### **S/2509/11 - STAPLEFORD**

**Change of use of existing buildings from agricultural use to a community study centre for arts and business (use class D1 & D2) in association with the previously consented office use, together with the erection of a single storey extension, external fire escape and associated works – Bury Farm, Bury Road for The Ace Foundation**

**Recommendation: Approval**

**Date for Determination: 13 February 2012**

#### **Notes:**

**This application has been reported to the Planning Committee for determination because the Officer recommendation is contrary to the response of Stapleford Parish Council, and at the request of District Councillor Nightingale and District Councillor Shelton**

**Members of Committee will visit the site on Friday 1 June 2012**

**To be presented to the Committee by Kate Wood**

#### **Site and Proposal**

1. Bury Farm is located on the south-east side of Bury Road, outside the Stapleford village framework and within the countryside and Green Belt. The site comprises a range of redundant agricultural buildings. A two-storey brick building, formerly used as a granary, is situated on the west side of the range of buildings and has consent for conversion to offices. These works are being undertaken at present. Attached to the northern end of this building, and running at right angles to it, is a single-storey brick range. To the south of the eastern end of this is a detached timber outbuilding and further to the south of this is a single-storey timber range of outbuildings. These structures enclose a predominantly paved central courtyard area. Immediately to the south of the buildings is land that falls within an area of medium and high flood risk, whilst a public right of way and bridleway is sited on the north side of the barns. To the west of the site is a residential cul-de-sac, Joscelynes, within which there are four dwellings (Nos. 11, 13, 15, and 22) whose boundaries directly abut the land. To the east is Bury Farmhouse whilst agricultural buildings lie beyond the bridleway to the north. Vehicular access to the site is obtained via Bury Road and is situated on the south side of a sharp bend in the road joining Haverhill Road to the north and Bury Road to the west. The access consists of two arms separated by a grassed island and mature tree. The entrance to Joscelynes lies some 60 metres to the west, and approximately 27 metres away on the opposite side of the road is the entrance to Greenfield Close.

2. The application, as amended, proposes to change the use of the existing buildings from agricultural use to a community study centre for the arts and business (Use Classes D1 and D2) in association with the previously consented office use, together with the erection of a single-storey extension, external fire escape and associated works. The supporting statements explain that it is intended Bury Farm would become the base for The ACE Foundation, a local educational charity based in Babraham that aims to promote cultural and international understanding through education. There is already consent to convert the main granary building to offices. These works are presently being implemented, and the ground floor of the granary would be used as the company's offices. The application proposes to convert the first floor of the granary building to a performance space, and to convert the adjoining farm buildings to classrooms/meeting rooms, WC facilities, and a further performance space within part of the barn on the east side of the courtyard. It is proposed to demolish a 56m<sup>2</sup> single-storey extension on the east side of the granary building. In lieu of this, the application proposes the construction of an infill extension to connect the detached barn on the east side of the site with the main single-storey range of buildings to the north, a new single-storey glazed link to the rear/south side of the northern range, and a new external fire escape to the eastern courtyard elevation of the former granary building. The proposed additional floorspace amounts to 122m<sup>2</sup> and a net gain of 66m<sup>2</sup>, and is required to ensure the public has full access to the development and that the facility complies with Building Regulations.
3. The development would employ 15-20 people, with the proposed opening hours being Monday-Saturday 8am-10pm, and Sundays and Bank Holidays 10am-7pm. The scheme initially proposed the provision of 41 parking spaces (including 5 disabled spaces on the north side of the buildings) and 20 cycle spaces, but has since been amended to provide 35 car parking spaces within the courtyard area and 63 cycle spaces within an open sided former agricultural building on the south side of the courtyard.
4. The application also includes the upgrading of the existing two-way entrance/exit to the site. At present, there are two tracks to either side of a tree that measure 3.2m and 4m in width on the south and north arms respectively. It is proposed to widen the south arm to 5m and to divert the entry slightly to the south, and to retain and slightly realign the north arm. In addition, it is proposed to separate the vehicular access and bridleway/footpath.

### **Planning History**

5. **S/1526/00/F** – Planning permission granted for the conversion of the barn into offices.
6. **S/1578/06/F** – Planning permission granted for conversion of barn into offices (renewal of planning permission S/1526/00/F). The works approved under this permission commenced within the three-year timescale specified within condition 1, but the building has not been occupied as offices to date. This was subject to conditions and a S106 restricting the number of employees to no more than 20.
7. **S/0995/11** – Planning permission granted for the change of use and alteration of part of the adjacent outbuildings from agricultural workshop to musical instrument making workshop and offices.

### **Planning Policy**

8. South Cambridgeshire LDF Core Strategy DPD, 2007:  
ST/1: Green Belt

9. South Cambridgeshire LDF Development Control Policies DPD 2007:  
DP/1: Sustainable Development  
DP/2: Design of New Development  
DP/3: Development Criteria  
DP/7: Development Frameworks  
GB/1: Development in the Green Belt  
GB/2: Mitigating the Impact of Development in the Green Belt  
ET/7: Conversion of Rural Buildings for Employment  
ET/8: Replacement Buildings in the Countryside  
SF/6: Public Art and New Development  
NE/1: Energy Efficiency  
NE/2: Renewable Energy  
NE/3: Renewable Energy Technologies in New Development  
NE/6: Biodiversity  
NE/11: Flood Risk  
NE/14: Lighting Proposals  
NE/15: Noise Pollution  
TR/1: Planning for More Sustainable Travel  
TR/2: Car and Cycle Parking Standards  
TR/3: Mitigating Travel Impact
10. South Cambridgeshire LDF Supplementary Planning Documents (SPD):  
Public Art – Adopted January 2009  
Biodiversity – Adopted July 2009  
District Design Guide – Adopted March 2010  
Landscape in New Developments – Adopted March 2010
11. 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.
12. National Planning Policy Framework (NPPF), 2012.

**Consultation by South Cambridgeshire District Council as Local Planning Authority**

13. **Stapleford Parish Council** – Initially recommended approval, subject to application of normal working conditions, to consideration of limitations of access, and to any required S106 payments being put towards traffic calming measures.

The Parish Council later commented that the activities allowed should comply with the original D1 application – eg – no bingo, that restrictions need to be placed on the use of amplified sound, that the proposed D2 use covers a wide range of uses, and that the use should potentially be restricted to ACE only.

Following clarification from the applicant's agent regarding the intended usage of the site, the Parish Council recommends approval, but emphasises to the Council the genuine concerns of the residents in seeking further clarification of the proposed events as insufficient data was available to make an evaluation. The concerns were about events and especially those that require specific licences or have amplified sound. The proposed changes to the access are supported, but there is concern about the dangers that arise from farm vehicles leaving mud on the road, as well as posing a risk to pedestrians, especially school children. Also concerns about the reduction of parking spaces on the site, and the potential for off-site parking must be

referred to the County Highways department. It is requested the application be scrutinised by planning committee.

14. **The Environmental Health Officer** – Expresses concern that problems could arise from noise, and requests that appropriate conditions be added to any consent. Due to the proximity of dwellings and the current building construction, the submitted report only contains recommendations and certain assumptions such as keeping all windows and doors closed during performances. Further information is needed to ensure the recommendations are carried out.
  - Construction and noise attenuation of buildings to comply with the submitted acoustic report. Use of any music performance space not to commence until details of the sound insulation performance standard/specification of the external building including measures to ensure windows and doors to external spaces are not opened during use, and a ventilation strategy to include acoustic mitigation to control noise breakout through any ventilation to be submitted and agreed in writing. The attenuation//insulation scheme should be implemented and a post construction/installation testing and performance completion report submitted and approved in writing. The rating level of any noise generated by the use and plant and equipment shall be at least 5dB below the pre-existing background noise level.
  - Musical events to only take place between the hours of 9am-10pm Mondays-Saturdays, and 9am-7pm on Sundays.
  - Hours of use of power operated machinery during the construction period to be limited to 8am-6pm on weekdays, 8am-1pm on Saturdays, and not at any time on Sundays or Bank Holidays.
  - Details of any external lighting.
15. **The Environmental Health Officer (Contaminated Land)** – States that the area of land was formerly of industrial/agricultural use. A condition should be added to any consent requiring further investigation of any previously unidentified contamination.
16. **The Ecology Officer** – No comments received.
17. **The Landscape Design Officer** – No comments received.
18. **The Arts Officer** – No comments received.
19. **The Drainage Manager** – No comments received.
20. **The Local Highways Authority** – Initially objected to the application, on the basis that the application was supported by insufficient highways/transport information to demonstrate that the proposed development would not be prejudicial to highway safety. The LHA requested the provision of volume data of existing movements, and tracking details for an HCV and large farm vehicles within the amended entrance to the site to demonstrate that these vehicles can enter and leave in forward gear. In addition, the full required cycle provision of 63 spaces should be provided, and relocated so that it is at least as accessible as the car parking, and data on the proposed events needs to be provided, as it appears the applicant is aware of how many on-street spaces will be required as a result of these events.
21. **The Environment Agency** – Raises no objections providing a condition is attached to any planning permission stating that the development shall only be carried out in accordance with the submitted Flood Risk Assessment and the mitigation measures contained therein.

22. **Anglian Water** – No comments received.
23. **The County Council Rights of Way & Access Team** – Raises no objections, welcoming the fact that the applicant is proposing to separate the vehicular entrance from the public footpath. This footpath is subject to a claim to update its status to a bridleway, with a public inquiry due to take place in Spring 2012. Points of law relating to the right of way should be added as informatives to any planning permission.

Following a representation from the local Bridleway association, the Team states this raises a legitimate concern over the application's depiction of the footpath/bridleway through the site. The order to upgrade the route to bridleway records the width as 2.5m. However, the section of path that runs through the farmyard is wider than this. It would be more appropriate if the route through the farmyard was set out at 4m wide to enable horse riders, pedestrians and cyclists to pass with ease. It is unclear from the application whether there is an intention to fence the footpath/bridleway but, if this is the case, a wider width is imperative.

Further to clarification that no works will go ahead to restrict the width of the route, the Rights of Way & Access Team has confirmed it has no objections to the proposal.

24. **The Ramblers Association** – States that during the alterations and construction, it is vital that the existing path be maintained, in terms of signage, surface and accessibility, and that walkers be well protected from the traffic coming to the site.
25. **Cambridge Past, Present & Future** – Welcomes the farm buildings being brought back into alternative use, and an additional cultural facility being created. The buildings are considered to be an important heritage asset and a visible record of the involvement of University colleges in local farming. The layout of the farmstead is based on an 18<sup>th</sup>/19<sup>th</sup> century model. Liaison with the Council's Historic Building Officers is strongly suggested to ensure the character of the buildings are well preserved. The site is considered to be of sufficient quality to add to the Conservation Area and perhaps to be listed. The site would not just be used as a study centre and office complex, but as a major concert/recital/conference venue. There will therefore be heavy usage with many groups coming and going and overlap of sessions. A ratio of 1 space per 22m<sup>2</sup> is not considered adequate for such a use. The siting of any parking on the track is not considered appropriate to the setting of the lane. The wildflower meadow to the west of the building could be relocated to the north to retain the rural character of the footpath. Disabled parking spaces should be provided to the west of the building. Visibility along Bury Road is already reduced due to high volume of parked cars and the proposed use would exacerbate this issue. Relocating the bin store to the west would enhance the setting of the site. The detailing of the windows and doors should be of high quality. The integration of a hedge to the western boundary, orchard trees and wildflower meadows is welcomed. Contributions should be required towards: the upkeep of the bridleway network, the upkeep of local recreational areas, implementation of traffic calming along Bury Road, and ensuring use of the buildings for the local community.
26. **The Shelford and District Bridleways Group** – Expresses concern that it is unclear how the specified route for the right of way would be defined. The TA seems to indicate the route will be divided in two, half for the footpath and half for the bridleway. Will there be a physical division between the two? The access track is proposed to be between 2 and 2.5m wide and, if it is a shared fenced access route, footpath users may feel intimidated by horses, and there may be conflict between dogs and horses. 1-1.5m is too narrow for a horse and rider to use.

## **Representations by members of the public**

27. 23 letters of objection have been received, predominantly from residents within Joscelynes, Haverhill Road and Greenfield Close. The main points raised are:
- A D2 use is not in keeping with the D1 use (educational and cultural use) originally discussed and presented to local residents by ACE.
  - A blanket D2 use raises strong concerns – eg – cinemas, discos etc. Such uses would result in more people and traffic than claimed, resulting in obstruction of surrounding streets. If a D2 use is permitted, it should be restricted to: no more than 6 events per year, 9pm finish time so that movement has stopped by 10pm, and a maximum of 50 people (performers and audiences combined) for the events.
  - The development would harm the rural character of the area.
  - White uPVC windows have been inserted in the former granary building, and these are very different in appearance to the former russet coloured small multi-paned windows.
  - The access to the site is on a sharp dangerous 90-degree bend on a busy through road.
  - The proposal includes insufficient parking to meet the needs of the use. Cars would therefore park in adjacent streets, such as Bury Road, Haverhill Road and Greenfield Close, exacerbating existing highway safety problems, obstructing access for emergency vehicles and disrupting the amenities of local residents. Yellow lines should be required for all roadsides within 100m of Bury Farm.
  - The proposals make unrealistic assumptions about the number of car movements. The site is on the edge of the village and the number of people in walking/cycling range is limited. For most, car travel will be a necessity.
  - The site access is shared with farm traffic, residential traffic for Bury Farmhouse, and walkers, cyclists and horseriders. It would result in danger to pedestrians and horses using the right of way. There would also be conflict between pedestrians and vehicles within the site. The width and alignment of the access road to the yard for parking from the entrance gate are limited, and the corner of the granary building restricts visibility.
  - Potential noise pollution from music performances, some of which would be amplified, till 10pm 6 days a week. The noise assessment is only applicable to low amplification classical music. The measures may not be suitable for all possible uses of the site. There is also the possibility of outdoor music events that would negate the internal measures. Extractors would result in generator noise.
  - The noise assessment doesn't consider the impact on Haverhill Road residents.
  - The proposed operating time limit of 10pm would not signify the end of all activities on the site, and would result in unacceptable disturbance to surrounding residents. Vehicles and visitors are noisier than the proposed events and are likely to continue beyond 10pm.

- The performance space should be for people learning to play instruments to perform before a live audience. These could take place during normal working hours. Evening hours implies a commercial concert venue. A 9am-6pm restriction should be imposed.
- Audiences for evening concerts are more likely to come by car and to be from outside the village. As a charity, ACE are probably seeking to maximise their revenue, and events are therefore likely to be frequent. A condition should be added restricting performances to no more than 1 per month.
- Is the proposed soundproofing adequate?
- Bats are present in the buildings and the development would impact on biodiversity.
- The proposal to break up the existing concrete and replace with bound gravel represents unnecessary production of waste material, dust, noise and traffic.
- The proposed screening of the site with hornbeam trees is inadequate. They would be planted next to residents fences, making repair and replacement difficult. A 2m high fence/wall would be the only effective form of screening.
- Bury Farm is affected by covenants preventing any development or car parking on the north side of the buildings.
- There is no requirement for community use of these facilities. A pavilion is nearing completion on the recreation ground and there are other facilities available locally for community groups.

28. 39 letters of support have been received from residents of Great Shelford, Stapleford and Little Shelford, as well as from Sawston Village College, Hills Road Sixth Form College and the Stapleford Umbrella Association which includes groups with active participation in the arts. The key points raised are:

- The proposal study centre for arts and music is a very exciting project that would be a valuable addition to local amenities, would be of great benefit to the village and area, and would enhance the life of the local community.
- The development would provide much needed capacity for classroom and workshop space, and as an exhibition facility.
- There is a very strong tradition of music in local schools in Shelford, Stapleford and Sawston, and schools would benefit from the experience and resources of ACE.
- Sawston Village College would be interested in developing the courses proposed for the project, either in partnership or as potential customers. The study centre would offer workshops that would help enhance educational outcomes for a wide range of local people and children, within walking and cycling distance of the school and local community.

- The existing buildings are derelict and neglected, and an eyesore in the landscape. The proposal would represent a sympathetic redevelopment of the buildings, to the benefit of the rural character of the surroundings.
  - The facility would be ideally placed for maximum use to people who can walk or cycle to the venue. The location also has good public transport links, close to Shelford train station and to the Citi 7 bus service.
  - The proposal would avoid the need for local residents to travel into Cambridge to alternative facilities of this nature.
  - The facility would encourage local artists to use it for creative workshops, courses and exhibition space, and would also provide a better venue than local school spaces.
  - The proposal is in line with SDC's objectives to promote the arts in local communities.
  - The barns would be sound proofed to a high standard.
  - The development would provide further employment in the village.
29. District Councillor Nightingale requests that the D2 element of the use be restricted to assembly and leisure for music and concerts related to educational projects only. He also requests that the application be referred to Committee with a site visit, for parking and access reasons.
30. District Councillor Shelton states that he has been contacted by several residents, all with concerns relating to excess car parking and noise. The application should be refused. If not, at least the D2 use should be heavily conditioned – eg – any musical events to be related to educational use.

## **Material Planning Considerations**

### ***Principle of the development in the Green Belt***

31. The proposals relate to the two-storey brick barn, for which planning permission has previously been granted for change of use to offices, together with a range of other predominantly single-storey barns to the east side of the main barn. The proposals seek to convert the buildings in order to form a study centre for music and the arts for The ACE Foundation, a local educational charity. The first floor of the grain store would provide a space for recitals, exhibitions and seminars, whilst another multifunction space would be provided in the existing detached barn to the east and used for rehearsals and arts workshop activities, with smaller rooms designed for meeting and seminar use and small class activities. The organisation's offices would be on the ground floor of the main building.
32. Policy ET/7 of the Local Development Framework states that the change of use or adaptation of buildings in the countryside for employment use will be permitted provided the buildings are structurally sound and are capable of re-use without materially changing their existing character or impact upon the surrounding countryside. This policy also states that any increase in floor area will be strictly controlled and must be for the benefit of the design, in order to better integrate the development with its surroundings. Incidental uses such as car parking and storage



should be accommodated within the group of buildings, or on well related land where landscaping can reduce the visual impact. Finally, developments resulting in significant numbers of employees or visitors must only be located near to larger settlements or accessible by public transport, cycling or walking. Policies relating to development in the Green Belt echo these requirements.

33. Policy ET/8 supports the replacement of buildings of permanent design and construction in the countryside, but states any increase in floor area must be for the benefit of the design, bring about environmental improvement or result in a more sustainable development.
34. The former granary/main two-storey brick building has the benefit of planning permission for conversion to offices, and the principle of its conversion has already been deemed acceptable. The application has been accompanied by a structural appraisal demonstrating that the remaining buildings proposed for conversion are structurally sound and capable of conversion without altering their character. The proposal would involve the erection of two extensions, following the demolition of an existing extension on the east side of the granary building, resulting in a net gain of an additional 66m<sup>2</sup>. The new build consists of a small area of infill between the northern range and the existing detached barn, the construction of a glazed link on the south/courtyard side of the northern buildings, and an external fire escape on the eastern side of the granary building. These additions are designed to provide secure, covered access for all, and to ensure the development is fully compliant with Building Regulations. Other than the fire escape, the new build elements would be single-storey, of lightweight construction and located on the courtyard side of the buildings. The additions would enable access for all to the proposed facility in a way that involves minimal disruption to the fabric and character of the existing buildings, and due to their siting on the courtyard side of the development, are considered to have an acceptable impact on the surrounding countryside and openness of the Green Belt. The principle of converting and extending the buildings is therefore considered to be acceptable. It is next necessary to consider the proposed usage of the building, and whether it is appropriate in this location.

### ***Proposed use***

35. The application proposes to use the site for a study centre for the arts and music in association with the previously consented office use. This has generated a significant level of concern regarding the potential range of activities that could be carried out on the site under the D1 and D2 use classes applied for, as a result of which the applicant and applicant's agent have provided further information regarding the nature and intended use of the proposed development:
  - Music courses: this may consist of 30-40 students playing acoustic instruments. The day (normally Saturday or Sunday) would begin at 9.30 and end at 5.30pm with an end of course concert lasting for 30 minutes. For adult concerts, there would not normally be an audience but, for junior age groups, parents/family members would normally attend. The students would study and rehearse as a single ensemble and in smaller units, hence the need for more than one performance space. For week-day events, many people would only be able to attend after school or work, hence the need for evening activities.
  - Other uses: Art, speech and drama, natural history, instrument making, and literature courses. These would normally be smaller in scale. The performance spaces would also be used, at times, to display local artists' work, and local

interest groups may use the space for weekly meetings/small scale events, or for local keep fit groups.

- Concert performances (other than those associated with the training events/courses) would occasionally be held on the premises. These will be ticket events and relate to the performance of a professional orchestra/music group. The applicants would have no objection to the number of specifically arranged concerts to be held at the premises being limited to no more than 12 in any one calendar year.
  - The proposal is not seeking an open ended D1 and D2 consent. Uses such as health centres, day nurseries, places of worship etc that fall within a D1 use class could be excluded such that the permitted D1 uses would relate to the proposed non-residential education and training facility, and art gallery use only. The only use that could be argued to fall within a D2 class would be the aforementioned concert performances. There is no intention to use the site for other D2 uses such as cinemas, bingo halls, sports halls etc.
  - The proposed opening hours represent a worst-case scenario, and provide the level of flexibility required to cater for the occasional event/performance that may occur.
36. The use of the buildings by local keep-fit/yoga groups or for dance classes etc is considered to be very much ancillary to the overall proposed use of the site, and to fall within the overall D1 usage. As a result, the applicant's agent has proposed that the description of the application be amended to propose a community study centre for the arts and music (use class D1), together with the use of identified performance spaces for concert use no more than 12 times per calendar year. Officers would recommend that the description of the application be amended accordingly and that conditions be added to any consent requiring the buildings to be used for the purposes specified in the application only, and restricting the number of concerts (other than those associated with the training events/courses) to a maximum of 12 per year.

### ***Residential amenity***

37. The site lies in close proximity to residential properties to the west (Joscelynes) and east (Bury Farmhouse). Significant concerns have been raised by local residents in relation to the scale of the use, and disturbance arising from noise breakout from the buildings and from vehicles entering and leaving the site. The proposed cutoff time of 10pm is considered by local residents to be too late and, whilst activities may finish at this time, it may be some time after this before all people and vehicles have left the site.
38. Due to the proximity of the site to residential properties, the application has been accompanied by a noise impact assessment. The proposal includes two performance spaces, one at first floor level in the granary building and the other within the barn to the east, which would be used at times for live music performances. The noise assessment states that music activities are intended to be mainly classical in nature, with the largest groups using the performance space being chamber ensembles of 30-40 players, and possibly small jazz groups. The report outlines improvements that need to be carried out to the fabric of both the buildings to ensure that a satisfactory level of noise attenuation is provided. This includes, amongst other measures, a requirement for first floor windows in the granary building facing the dwellings in Joscelynes to be non-openable.

39. The Environmental Health Officer has been consulted on the proposals and, whilst raising no in principle objections to the use, has recommended that a number of conditions be added to any consent in order to protect the amenities of nearby residents. In particular, the EHO recommends that a condition requiring further information of the sound insulation performance standard/specification of the external buildings be submitted and agreed prior to the use of any music performance space.
40. The EHO has not raised any specific objections to noise and disturbance associated with vehicle movements. However, in response to concerns raised by local residents and to ensure the cessation of all activity by 10pm on evenings before normal working days, the applicant has agreed to the opening hours being restricted to 8am-9.30pm on Mondays-Thursdays.
41. The applicant's agent has confirmed that any proposed lighting to the car park would be low level and discrete. A condition requesting further details of any lighting should be added to any consent.

### ***Highway Safety***

42. Significant concerns have been raised regarding the low level of parking provision proposed within the application and the likelihood of vehicles parking on nearby roads, resulting in highway safety problems and disturbance to nearby residents particularly within Joscelynes and Greenfield Close.
43. During pre-application discussions, Officers suggested that the following ratio be used to calculate the parking requirement. In accordance with Policy TR/2, the applicants were advised that parking should be provided at a ratio of 1 space per 25 square metres for the offices then, for the remainder of the development, 1 space per 22 square metres. The consented office space amounts to 328m<sup>2</sup>, and the proposed non-office space is 781m<sup>2</sup>, resulting in a requirement for 49 parking spaces and 63 cycle spaces. The application initially proposed to provide 41 parking spaces, (including 5 disabled spaces on the north side of the buildings adjacent to the footpaths) and 20 cycle spaces. Following the information provided by Bury Farmhouse in respect of covenants relating to the land on the north side of the buildings, the application has been amended to remove the disabled spaces from this area and to relocate them in the courtyard to the rear, resulting in a reduction in the total number of proposed spaces to 35.
44. Whilst the applicant states that the proposal results in a requirement for 49 parking spaces, the calculations have not taken into account the consent granted under planning permission reference S/0995/11 for an instrument making workshop in part of the adjacent outbuilding to the south (which is not within the current site area). This permission was subject to the provision of 4 parking spaces, which overlap with the parking provision shown within the current application, resulting in a total requirement for 53 spaces. The application, as amended, therefore results in a total shortfall of 18 parking spaces.
45. The Local Highways Authority has been consulted on the proposals and, following its initial response, the scheme has been amended to increase the number of cycle spaces from 20 to the required 63 spaces. The applicant's agent has clarified that reference to the potential for cars parking on the highway relates to the concerts that would only occur a maximum of 12 times per year. In addition, the applicant's agent has submitted the requested swept path analysis data to the LHA. In light of these

amendments and additional information, the LHA has removed its objection to the proposal.

46. Whilst the proposal would provide fewer parking spaces than required, Stapleford, together with Great Shelford, is identified in the Local Development Framework as a Rural Centre. These are the larger more sustainable villages that have good access to contain a range of services and facilities, and have good public transport facilities. Great Shelford has a railway station whilst the Citi 7 bus stops at the end of Bury Road, and both of these are within walking/cycling distance of the site. The site is also within walking and cycling distance of residents within Great Shelford and Stapleford. In view of the sustainable location of the site, that the scheme has been amended to provide the required number of cycle spaces, and that there are alternatives other than the car to access the site, the proposed use is considered to be acceptable in this respect.

### ***Footpath***

47. There is a public right of way on the north side of the buildings. It is proposed to widen the access to the site in order to better accommodate shared public/vehicular use, and to physically separate footpath no.2 from the vehicular track in order to ensure public safety/prevent increased vehicle movements causing a nuisance to members of the public using the right of way. The Rights of Way and Access Team has been consulted and, following clarification that there would be no intention to fence off the right of way, has raised no objections to the proposal.

### ***Flood Risk***

48. Part of the site lies within Flood Zone 2, an area of medium flood risk. The application has been accompanied by a Flood Risk Assessment, to which the Environment Agency has raised no objections subject to a condition requiring compliance with the submitted FRA.

### ***Ecology***

49. In accordance with Policy NE/6 and the Biodiversity SPD, a bat survey of the buildings has been submitted with the application. This has concluded that the buildings have some potential for use by bats. 3 bat species were found to have used the area for feeding but no evidence was found of bats using the buildings for roosting and breeding. Whilst no formal response has been received from the Ecology Officer, a reply was received in respect of the recent application for an instrument making workshop, subject to a condition requiring a scheme for ecological enhancements (bird and bat boxes).

### **Recommendation**

50. It is recommended that Planning Committee approves the application as amended subject to the following 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: 170-PA-01, 02, 03, 04, 05, 07, 08 and 06 Rev A date stamped 15<sup>th</sup> February 2012  
(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 not commence until details of all materials and joinery, including colour of stain of finish, have been submitted to and approved in writing by the LPA. The joinery shall thereafter be maintained in accordance with these details.  
(Reason – To ensure the appearance of the development is satisfactory and does not detract from the rural character of the area and the openness of the Green Belt, in accordance with Policies GB/1 and DP/2 of the adopted South Cambridgeshire Local Development Framework 2007.)
4. The permanent space to be reserved on the site for car and cycle parking, as shown within drawing number 170-PA-05 shall be provided before the use commences, and maintained in accordance with the approved details thereafter.  
(Reason – In the interests of highway safety, and to ensure the provision of car and cycle parking spaces on the site, in accordance with Policies DP/3 and TR/2 of the adopted Local Development Framework 2007.)
5. No parking of vehicles shall take place on the site or on land under the control of the applicant except within the area designated for parking within drawing number 170-PA-06 Rev A. (Reason – To minimise the impact on the Green Belt and adjoining residents, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
6. Before the use commences, the access from the existing highway shall be laid in accordance with the approved drawings. (Reason – In the interests of highway safety, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
7. The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. (Reason – To prevent surface water discharging to the highway in the interests of highway safety, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
8. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site. (Reason – To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
9. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Andre Graham (MSc) dated November 2011 and the following mitigation measures detailed within the FRA:
  - a) A scheme for surface water drainage shall be submitted and agreed in writing with the Local Planning Authority to ensure that existing runoff rates will not be exceeded as a result of the redevelopment of the site.

b) Finished floor levels are set no lower than 16.95m above Ordnance Datum (AOD) as per section 1.7 (proposed development) of the FRA.

(Reason – To prevent flooding by ensuring the satisfactory management of surface water on the site, and to reduce the risk and impact of flooding on the proposed development and future occupants, in accordance with Policy NE/11 of the adopted South Cambridgeshire Local Development Framework 2007)

10. If, during development, contamination not previously identified is found to be present on the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved. (Reason – To protect the quality of inland fresh waters and groundwaters in accordance with Policy 9-6 of the Groundwater Protection: Policy and Practice (GP3) document and PPS23)
11. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details. (Reason – To protect the quality of inland fresh waters and groundwaters in accordance with Policies P9-6 and P4-1 to P4-12 of the Groundwater Protection: Policy and Practice (GP3) document and PPS23.)
12. Prior to the commencement of any development, a scheme for the provision and implementation of pollution control shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed with the Local Planning Authority.  
(Reason - To reduce the risk of pollution to the water environment in accordance with Policy DP/1 of the adopted Local Development Framework 2007.)
13. During the period of conversion 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)
14. Details of the location and type of any power driven plant or equipment including equipment for heating, ventilation and for the control or extraction of any odour, dust or fumes from the building(s) but excluding office equipment and vehicles and the location of the outlet from the building(s) of such plant or equipment shall be submitted to and approved in writing by the Local Planning Authority before such plant or equipment is installed; the said plant or equipment shall be installed in accordance with the approved details and with any agreed noise restrictions.  
(Reason - To protect the occupiers of adjoining buildings (dwellings) from the effect of odour, dust or fumes in accordance with Policy NE/16 of the adopted Local Development Framework 2007.)
15. The approved use shall be constructed and operated in accordance with the noise insulation/attenuation scheme recommendations and principles as detailed in the submitted Acoustic Report dated 25<sup>th</sup> March 2011 provided by Matthew Sweet of Walker Beak Mason and entitled 'Proposed Study Centre for Arts and Music, Bury

Farm, Stapleford' Ref 3966, and in particular as part of a noise insulation scheme, the use of any music performance rooms/spaces shall not commence until details of the following have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter maintained in accordance with the approved details and a noise insulation scheme post construction/installation testing and performance completion report submitted to and approved in writing by the Local Planning Authority:

- Details of the sound insulation performance standard/specification of the external building/structural elements including: Measures to ensure that external windows and doors to performance spaces are not opened during use; and a ventilation strategy to include acoustic mitigation to control noise break-out through any ventilation system

(Reason – To minimise noise disturbance to adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007)

16. The rating level of any noise generated by the use of the music performance spaces and all plant and equipment operating collectively as part of the development shall be at least 5dB below the pre-existing background level as determined by BS4142: 1997: 'Method of rating industrial noise affecting mixed residential and industrial areas' or per acoustic report.

(Reason – To minimise noise disturbance to and protect the amenities of adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007)

17. The use hereby permitted shall not operate on the site, other than between the hours of 8am-9.30pm on Mondays to Thursdays, 8am-10pm on Fridays and Saturdays, and 9am-7pm on Sundays and Bank Holidays. (Reason – To minimise noise disturbance to adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007)

18. Notwithstanding the provisions of Article 3 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), the premises shall be used as a community study centre for arts and music and exhibition space, together with the use of the performance spaces indicated in the approved plans for no more than 12 times per calendar year, and for no other purpose (including any other purposes in Classes D1 and D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

(Reason - To protect the amenities of adjoining residents in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

19. 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.)

20. No development shall take place until a scheme of ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the features to be enhanced, recreated and managed for species of local importance both in the course of development and in the future. The scheme 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.

(Reason - To enhance ecological interests in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)

21. 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.)

22. 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.)

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

- South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007
- South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007
- Supplementary Planning Documents: Development Affecting Conservation Areas, Trees and Development Sites, District Design Guide, Landscape in New Developments
- Circular 11/95 and 05/2005
- Planning File References: S/2509/11, S/0995/11, S/1578/06/F and S/1526/00/F

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