

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 March 2013

AUTHOR/S: Planning and New Communities Director

S/1664/12/FL – ICKLETON

Change of use of annexe to form separate dwelling, modifications to existing access and associated fences, walls, gates, hardstanding and bin and bike stores at 66 Abbey Street for Mrs Barbara Cooper

Recommendation: Delegated Approval

Date for Determination: 20 March 2013

Members of Committee will visit the site on 5 March 2013

Notes:

This application has been reported to the Planning Committee for determination because the Officer recommendation is contrary to the response of Ickleton Parish Council

Conservation Area

To be presented to the Committee by Kate Wood

Site and Proposal

1. The site is located within the Ickleton village framework and inside the Conservation Area. No.66 Abbey Street is a two-storey render and slate dwelling located on the north side of Abbey Street. Within the rear garden area is a single-storey timber outbuilding. Planning permission was granted in 2005 to alter and extend this outbuilding for use as an annexe to the main dwelling. To the north the site abuts agricultural land that lies within the open countryside.
2. The application proposes to change the use of the annexe to form a separate one-bedroom dwelling. In order to facilitate this, and to provide separate garden and parking areas for each property, a number of external works are proposed:
 - Erection of a dividing fence.
 - An additional access and driveway (necessitating the removal of a hedge at the front of the site and a cherry tree)
 - Recycling and refuse areas
 - Existing gravel drive changed to block paving
3. Part of these works have already been carried out, with a fence having been constructed to subdivide the two garden areas and a separate pedestrian walkway created to the annexe.

Planning History

4. S/0177/05/F – Alteration and extension to outbuilding – approved subject to a standard annexe Agreement.

Planning Policy

5. National Planning Policy Framework 2012
6. South Cambridgeshire LDF Core Strategy DPD, 2007:
ST/7: Infill Villages
7. 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
HG/1: Housing Density
NE/1: Energy Efficiency
NE/6: Biodiversity
NE/15: Noise Pollution
CH/5: Conservation Areas
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
8. South Cambridgeshire LDF Supplementary Planning Documents (SPD):
Development Affecting Conservation Areas – Adopted January 2009
Open Space in New Developments – Adopted January 2009
Trees and Development Sites – Adopted July 2009
District Design Guide – Adopted March 2010
9. Circular 11/95 (The Use of Conditions in Planning Permissions) - Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Consultation by South Cambridgeshire District Council as Local Planning Authority

10. **Ickleton Parish Council** – Recommends refusal, stating:

“We wish to make the following comments:

1. We felt that the application did not make out a sufficient case for setting aside the Section 106 agreement reached in 2005 relating to the house and the annexe.
2. Dividing the properties as planned left the original house at No. 66 with a very small private amenity area. We felt that the proposal would therefore result in an adverse impact on this dwelling and hence on the Conservation Area. This was not acceptable.
3. We thought that if No. 66 did not possess an annexe and the owner had divided up the plot as proposed and had applied for permission to build a new dwelling the size of the annexe this would have been regarded as an unacceptable instance of "garden-grabbing".

4. There are numerous properties in the Conservation Area with large gardens and outbuildings, and it was felt that if this application were granted it could create an unfortunate precedent.
 5. At no point in the application is the question of impact on the amenity of neighbouring houses addressed. It should be.
 6. The proposed installation of raised planters on the street frontage was felt to be inappropriate to the Conservation Area.
 7. The proposal would result in over development of that part of the Conservation Area, not least owing to the amount of fencing required.”
11. **The Conservation Officer** – Objects to the application and recommends refusal, stating that the proposal would be harmful to the character of the area for the following reasons:
- It would fragment the existing site by creating a separate dwelling. This would impact on the pattern of development in the Conservation Area, and alien to the strong linear form that characterises the area.
 - The existing site is open in character and the development will compromise this openness by loss of important green space which is a significant feature in the area.
 - The creation of a new vehicular access would result in the loss of a hedge and cherry tree and the replacement of the gravel drive with block paving would harm the character and appearance of the area.
 - The immediate setting of the dwelling would be affected. The erection of a low wall and planter, and a brick paved shared access will impact on the character of the Conservation Area and street scene.
 - The site is historically important as the cluster of outbuildings represent ancillary accommodation supporting the function of the bakery business. The outbuildings include the former granary and stables. The creation of the new vehicular access will result in the loss of garden area.
 - The site and surroundings contribute positively to the semi-rural character and appearance of the area by virtue of large plots with established gardens characterized by mature trees. This landscape setting provides important views along Abbey Street.
12. **The Trees Officer** – States that the yew tree has been identified for retention, but expresses concern regarding the impact of the proposed bin store(s) and hard landscaping adjacent to the yew tree. Specific details of the stores and landscaping should be submitted, in accordance with BS5837 2012, to ensure the yew is protected.
13. **The Environmental Health Officer** – Raises no objections providing a condition is added to any consent to control the hours of use of power operated machinery during the construction period.
14. **The Local Highways Authority** – Expresses concern regarding the proposed parking layout as it appears to be awkward and contrived. This can be resolved by providing two car parking spaces of 2.5m x 5m within the block paving area. Any consent would need to be subject to conditions requiring the provision of 1.5m x 1.5m pedestrian visibility splays, the use of a bound surface for the driveway, and construction of the driveway to prevent surface water draining onto the public highway.

Representations by members of the public

15. Letters of objection have been received from the owners of Nos.64 and 68 Abbey Street. The main points raised are:
- The barn was never intended to be used as a permanent dwelling. The original planning consent granted in 2005 required the annexe to be used and occupied as part of the main dwelling, and never as a separate unit of accommodation.
 - The residential amenity interests of No.64 Abbey Street would be seriously affected by the change of use. Planning permission was granted to extend No.64 based on the restricted use of the annexe. Now it is being used as a permanent dwelling, there has been a substantial increase in noise, reduced privacy, traffic and people accessing the property at all times.
 - The number of vehicles parking on Abbey Street has already increased as there is insufficient parking (just 2 spaces for a family home and the annexe to share).
 - If approved, the proposal would set an undesirable precedent for backland development in the area.
 - The development would create an undesirable intensification in the use of the site, with consequent loss of privacy and nuisance from vehicle and pedestrian movements adjacent to the boundary.

Material Planning Considerations

16. The key issues to consider in the determination of this application relate to: the principle of the development; the impact of the development upon the character and appearance of the Conservation Area; the impact upon the amenities of nearby residents; highway safety; impact on trees; and infrastructure requirements.

Principle of the development

17. The site lies inside the village framework of Ickleton, which is identified as an infill only village within LDF Policy ST/7. In such settlements, residential development is restricted to no more than two dwellings comprising (in part) the redevelopment or subdivision of an existing residential curtilage. The proposal would therefore comply in principle with this policy.

Impact on the character of the Conservation Area

18. With regards to the impact of the development upon the character and appearance of the area, the Conservation Officer has objected to the proposal on the grounds that it would result in the creation of a backland plot, which would be out of keeping with the linear pattern of development in the area and consequently harmful to the Conservation Area. In addition, the Conservation Officer has expressed concerns that the new vehicular access, additional hardstanding, loss of greenery and fences etc would also be detrimental to the character of the area.
19. The Parish Council has voiced similar concerns, stating that there are many properties in the Conservation Area with large gardens and outbuildings, and that the proposed development would be out of keeping with this character. The installation of raised planters and extent of fencing required is also considered by the Parish Council to be harmful to the character of the area.
20. The outbuilding that is the subject of this application is already in situ. As such, the main physical changes associated with the proposal relate to the erection of fences to subdivide the garden areas, the removal of a small section of hedge and tree from the

front of the site in order to provide an extended shared access and separate driveway to the proposed dwelling, and the provision of bin and bike stores for each dwelling. Officers consider that the extent of proposed hardstanding, and the overly formal and suburban appearance of the access works and planters at the front of the site would be inappropriate and harmful to the character of the area. These concerns have been discussed with the applicant's agent, as a result of which it is intended to amend the application to provide two parking spaces within the paved area at the front of the site and to provide a pedestrian only access from there to the proposed dwelling. The amended plans also remove the planters from the frontage and, instead, define the visibility splay areas through the use of a differing surface treatment. Officers have also requested that the proposed block paving be replaced with a bound gravel surface. Providing these improvements are incorporated into the scheme, it is considered that, as the building is already in situ, the development would not result in demonstrable harm to the character or appearance of the Conservation Area, or harm the open views through to the countryside beyond the northern boundary of the site.

Residential amenity

21. The original consent for the extension and conversion of the outbuilding was subject to a Section 106 agreement requiring the annexe to be used/occupied as part of the main dwelling only, and not as a separate unit of accommodation. The curtilage of the property has since been subdivided through the erection of close-boarded fencing, thereby providing both the main house and rear outbuilding with separate defined curtilage areas. With regards to the impact upon the amenities of nearby residents, the outbuilding is a single-storey property so its use as a separate dwelling would not result in any adverse overlooking of adjacent properties. Concerns have been raised by the owner of No.64 Abbey Street regarding noise and disturbance arising from the unauthorised use of the building as a separate dwelling, but this land has always formed part of the garden area of No.66 Abbey Street, with the approved plans dating from 2005, showing the provision of two parking spaces in this area, and the proposal would not therefore be introducing domestic activity in an area where there was previously none. The requested amendments to provide parking for the existing and proposed dwellings at the front of the site would negate the requirement to provide parking and turning areas in the curtilage of the proposed dwelling, and this would therefore minimise any impact upon the amenities of occupiers of Nos. 64 and 66 Abbey Street arising from vehicle movements.
22. With regards to the amenities of future occupiers of the proposed dwelling, there is a small bedroom window in the rear elevation of No.66 Abbey Street that is sited 18 metres from the front elevation of the outbuilding. Whilst this distance is lower than the desired 25 metres set out within the District Design Guide SPD, given the small size of the window and that views from this window are partially obscured by a long single-storey wing at the back of the property, there is no real sense or perception when standing in the garden area or within the property of being overlooked to an unacceptable degree. A two-storey extension is currently being added to the rear of No.64 Abbey Street, bringing the extended property in close proximity to the south-eastern corner of the curtilage of the proposed dwelling. This extension includes a first-floor bedroom window in its north elevation but this is at an oblique angle to the site and is not considered to unacceptably compromise the amenities of occupiers of the proposed dwelling by reason of overlooking.
23. The Parish Council has raised concerns that the proposal would result in overdevelopment of the area. The adopted District Design Guide SPD states that a one bedroom house should have a private garden space of 50m² in rural settings, whilst a 3+ bedroom property should have an area of 80m². Both the existing and

proposed dwellings would have curtilages exceeding this level of provision, and the size of each plot is therefore considered sufficient to ensure residents of each property would enjoy an adequate level of amenity.

Highway safety and parking

24. The application proposed a separate driveway and in-curtilage parking for each dwelling, resulting in a contrived and over-engineered layout that would be very much dominated by hardsurfaced areas. The Local Highways Authority has raised concerns regarding the awkward nature of the access and parking arrangements, suggesting that the parking spaces be provided within the shared block paved area at the front of the site. As set out within paragraph 20 of this report, amended drawings have been submitted that address these concerns.

Impact on trees

25. The Trees Officer has raised no objections to the loss of the cherry tree but has raised concerns regarding the impact of the landscaping and bin storage proposals upon the yew tree that lies within the proposed reduced curtilage of No.66 Abbey Street. The Trees Officer has advised that these concerns can be controlled through a condition of any planning consent.
26. The applicant's agent has commented that the requested amendments would provide ample space to reposition the bins etc away from the yew tree, thereby ensuring the development would not negatively impact on this tree.

Infrastructure requirements

27. The proposal would result in the need for a financial contribution towards the provision and maintenance of open space, in accordance with the requirements of Policies DP/4 and SF/10 of the Local Development Framework. For the 1 bedroom dwelling proposed, this amounts to £743.82. It would also result in the need for a contribution towards the provision of indoor community facilities (£284.08) and household waste receptacles (£69.50), together with additional costs relating to Section 106 monitoring (£50) and legal fees (minimum £400). The application has been accompanied by a Heads of Terms. A Section 106 agreement to secure these contributions would need to be completed prior to any permission being issued.

Recommendation

28. Subject to the prior signing of a Section 106 legal agreement, delegated powers are sought to approve 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: [amended plan number to be inserted].
(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 the proposed bin stores and hard landscaping in the context of the yew tree have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.
(Reason - To protect trees which are to be retained in order to enhance the development, biodiversity and the visual amenities of the area in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007.)
4. During the period of construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays or Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.
(Reason – To minimise noise disturbance to adjoining residents in accordance with Policy NE/15 of the Local Development Framework 2007.)
5. Visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 1.5m x 1.5m measured from and along respectively the highway boundary.
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
6. 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 that shall previously have been 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.)
7. 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.)
8. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
9. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

10. No site clearance or building operations shall commence until tree protection comprising weldmesh secured to standard scaffold poles driven into the ground to a height not less than 2.3 metres shall have been erected around trees to be retained on site at a distance agreed with the Local Planning Authority following BS 5837:2012. Such fencing shall be maintained to the satisfaction of the Local Planning Authority during the course of development operations. Any tree(s) removed without consent or dying or being severely damaged or becoming seriously diseased during the period of development operations shall be replaced in the next planting season with tree(s) of such size and species as shall have been previously agreed in writing with the Local Planning Authority.

(Reason - To protect trees which are to be retained in order to enhance the development, biodiversity and the visual amenities of the area in accordance with Policies DP/1 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 – Adopted January 2009, Open Space in New Developments – Adopted January 2009, Trees and Development Sites – Adopted July 2009, District Design Guide – Adopted March 2010
- National Planning Policy Framework 2012
- Circular 11/95
- Planning File References: S/1664/12/FL and S/0177/05/F

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