

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee

6th April 2005

AUTHOR/S: Director of Development Services

S1580/04/F - Melbourn
Children's Slide and Climbing Frame at The Star, 29 High Street for Mr A Martin

Recommendation: Refusal
Date for determination 25th November 2004

Conservation Area

Site and Proposal

1. The Star Public House is located on the south east side of the High Street; this road leads out of Melbourn north easterly onto Cambridge Road. The site is within the Conservation Area for Melbourn and the garden area in which the play equipment has been erected is approximately 0.11 (0.28 acres) hectares. The site has some play equipment already located close to the northeast boundary. The Beer garden and car park are separated by a low picket fence (approx 1 metre) and the site is entered using gates. The site is surrounded by residential properties and has some orchard trees within the garden area. Adjoining to the north east is a Listed Building (No. 27 High Street).
2. The full planning application, received 28th July 2004 (later re dated due to incorrect site plans) is a retrospective application for the erection of a children's slide and climbing frame

Planning History

2. None relevant to this application

Planning Policy

3. Structure Plan 2003 **Policy P1/3** requires a high standard of design for all new development, which responds to the local character of the built environment.
4. Local Plan 2004 **Policy EN30** states that proposals within conservation areas will be expected to preserve or enhance the special character and appearance of the conservation areas in terms of their scale, massing, roof materials and wall materials. It also states that the District Council will refuse permission for schemes within conservation areas, which do not specify traditional local materials and details and which do not fit comfortably into their context.

Consultation

5. **Melbourn Parish Council** recommends approval and suggests that the structure has a "shut down" time to address noise issues (say 9.00 pm). An adjacent neighbour has problems with the noise generated.

6. **Conservation Manager** has no objection, having regard to visual impact in the Conservation Area and the setting of the adjacent Listed Building.
7. **Chief Environmental Health Officer** has no objections. With reference to the objections received from neighbouring properties the Environmental Health Officer was re-consulted and visited the site again to speak to the applicant and the objecting occupiers of surrounding properties. At the time of the visit, in November, the use of the equipment was considerably less. He was of the view that a fair indication of noise level would not be obtainable. Although there was no doubt that the noise of voices would be clearly audible at the complainants properties, the Environmental Health Officer was of the view that there would be no unreasonable disturbance due to the usage of this particular piece of equipment with reference to noise. He was also of the view that moving the equipment away from the neighbours closer to the car park would not result in a noise reduction.

Representations

8. Three letters of objection were received from neighbouring properties. The occupier of 27 High Street Melbourn has commented on the increased noise levels and suggests further screening to lessen noise.
9. The occupier of 8 Spencer Drive objects to the location of the frame rather than the frame itself. The location has lead to overlooking of their property given the height and siting of the frame and the proximity has meant an increase in noise level.
10. The occupiers of No. 7 Spencer Drive has objected to the noise increase and overlooking of their property.

Planning Comments - Key Issues

11. The key issue into relation of this application is the impact of the climbing frame on the occupiers of the dwellings at Spencer Drive with reference to overlooking and loss of privacy.
12. The play equipment is located close to the rear boundary of the public house gardens, the closest part of which is 4 metres from the adjoining boundary. The part of the equipment that causes most concern is that of the covered platform. The structure is some 3 metres high, the platform of which is approximately 1 metre from the floor. It is this part of the play equipment and the surrounding log traverse that is capable of being climbed on, over and around.
13. Having been out onto the site and stood on this platform I was originally of the view that this could somehow have a 'return' or screen built into it to address overlooking from the part of the equipment, as it was clear that I could view into the neighbouring properties gardens; tree screening may also have helped.
14. I also viewed the site from the adjoining properties, particularly that of No. 7 and 8 Spencer Drive. I am of the view that the structure is very visible from the habitable rooms and rear garden of No. 7. The structure is for the use of climbing on and from this point I believe this adversely affects the occupiers' amenity and leads to a loss of privacy.
15. From the rear garden of No. 8 there is less impact on the view into the rooms of the dwelling, however from the height of the structure a view into the rear garden is

apparent and I am of the view this adversely impact the occupiers of this dwelling by means of overlooking.

16. The structure was erected before a planning application was received and moving the structure was suggested to the applicant. I was informed that this was a costly process now that it has been fixed to its current position. The application has been on going for sometime as arranging to view the site from the adjoining occupiers gardens proved difficult, but has none the less been essential in assessing this application.

Recommendation

Refusal

The play equipment in its existing position adversely affects the amenities of neighbouring properties by virtue of introducing overlooking and loss of privacy. The proposal is therefore is contrary to Policy P1/3 of the Cambridgeshire and Peterborough Structure Plan 2003.

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

- File reference S/1580/04/F
- Cambridgeshire and Peterborough Structure Plan 2003
- South Cambridgeshire Local Plan 2004

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