

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

4 June 2014

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

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**Application Number:** S/0067/14/FL

**Parish:** Swavesey

**Proposal:** Conversion of existing storage barn into 2 dwellings with associated residential curtilages

**Site address:** 35 Middlewatch, Swavesey

**Applicant:** Mr Andrew Hartwig

**Recommendation:** Delegated Approval

**Key material considerations:** Principle, residential amenity, setting of listed buildings, highway safety and other matters (including affordable housing).

**Committee Site Visit:** Yes

**Departure Application:** No

**Presenting Officer:** Paul Sexton

**Application brought to Committee because:** The officer recommendation of delegated approval is contrary to the recommendation of refusal from Swavesey Parish Council

**Date by which decision due:** 6 March 2014

### Planning History

1. S/0691/13/FL - Conversion of existing storage barn into 2 dwellings with associated residential curtilages – Appeal lodged against non-determination – Hearing scheduled for 20 and 21 August 2014
2. In the Councils appeal statement officers have stated that had the application been determined it would have been refused for the following reason:
3. 'The proposed conversion of the existing storage barn into 2 dwellings is unacceptable as the future occupiers of the dwellings, and in particular the occupiers of the northern plot, are likely to suffer undue loss of amenity by reason of disturbance in the form of noise and odour, due to the close proximity of the building and proposed private amenity areas to the adjacent working farm, Trinity Farm. For

that reason the proposal would be contrary to the aims of Policies DP/3 and NE/15 of the adopted Local Development Framework 2007.'

4. S/0251/04/F – Use of outbuildings as residential annexe (retrospective application) – Approved with a Section 106 Agreement which restricts occupation of the annex to short-term holiday accommodation; or as part of the dwelling; or by any persons on a shorthold tenancy.
5. S/1306/92/F – Extension and new access – Approved (This application included the appeal building)

### **Planning Policies**

6. *National Planning Policy Framework*
7. *Local Development Framework*

ST/6 – Group Villages

DP/1 – Sustainable Development

DP/2 – Design of New Development

DP/3 – Development Criteria

DP/4 – Infrastructure and New Developments

DP/7 – Development Framework

HG/3 – Affordable Housing

SF/10 – Outdoor Play Space, Informal Open Space and New Developments

SF/11- Open Space Standards

NE/1 – Renewable Energy

NE/6 – Biodiversity

NE/15 – Noise Pollution

CH/4 – Development Within the Curtilage or Setting of a Listed Building

8. Supplementary Planning Documents

Affordable Housing SPD – adopted March 2010

District Design guide SPD – adopted March 2010

Listed Buildings SPD – adopted January 2009

Open Space in New Development SPD – adopted January 2009

9. *Draft Local Plan*

S/3 – Presumption in Favour of Sustainable Development

CC/3 – Renewable and Low Carbon Energy in New Developments

CC/6 – Construction Methods

HQ/1 – Design Principles

NH/4 – Biodiversity

NH/14 – Heritage Assets

H/9 – Affordable Housing

SC/7 – Outdoor Play Space, Informal Open Space and New Developments

SC/8 – Open Space Standards

SC/11 – Noise Pollution

### **Consultations**

10. **Swavesey Parish Council** – recommends refusal for the following reasons:

11. "The conversion will create residential use extremely close to the boundary with Trinity Farm and its working farmyard. The farmyard barns alongside the boundary with Ryders Farm are constantly used for sheep and lambs for farm machinery. Noise from these long-term uses may affect residential use of the barn should it be converted. Residential use this close to the working farmyard would not be suitable.
12. It is also noted that existing residential conversion of a stable block at Ryders Farm is subject to a S106 agreement restricting its use to either short-term lets, holiday accommodation or family accommodation. If this current application should be permitted the Council considers it should also be subject to the same S106 restrictions."
13. Any further comments in respect of the noise report will be reported at the meeting
14. **Environmental Health Officer** – comments. 'Although I was unable to support an earlier application for this proposal, on the grounds of the potential impact of the operations of the adjacent farmyard on the future occupiers of the proposed dwellings, the Noise Report now submitted, and further visits I have carried out during the lambing season (which was not previously possible), when impact of the operations are likely to be at their greatest, means that I am now of the view that an objection to the scheme on environmental health grounds cannot be sustained. I have reached this view having assessed the application from the aspect of noise, lighting, odours and pests. In particular I have considered the Environmental Noise Survey carried out by Tim Green Sound dated 21 March 2014.'
15. Three visits were paid by the Councils' Environmental Health Officer during the lambing season and the following detailed observations made.
16. 'Noise – Although there are some 500 ewes on site during lambing, many of the sheep are penned on the opposite side of the yard, some 40m away from the boundary with Ryders Farm. No sheep were housed in the area directly abutting the garden area for the proposed dwelling as previously was thought. Sheep that were penned in the three sided barn were generally quiet, with only the occasional bleat. Although these bleats increased when I approached the pen, I did not consider the level to be unreasonable or that which would constitute a statutory noise nuisance.
17. Lighting – The positions of the floodlights used for night time lambing are such that overspill should not affect the proposed development at Ryders Farm.
18. Odours – I only detected agricultural/manure type smells on one of my visits and the smell was consistent with that of a rural environment. I did not consider the odour to be excessively strong or to constitute a statutory nuisance.
19. Pests – No obvious signs of pests were observed.'
20. Although the concerns expressed by the owners of Trinity Farm are acknowledged, and it is accepted that conditions may vary from year to year dependant on weather conditions, it is not considered that there is sufficient evidence to object to the application.
21. Should consent be granted conditions should be included securing the provision of the 1.8m high close boarded fence on the northern boundary of the site, and restricting the hours of operation of power driven machinery during the period of construction.

22. **Historic Buildings Officer** – comments that in the light of the previous application having been revised in accordance with recommendations made by the Historic Building Officer at the time, it would not be appropriate to present a different view in respect of the current application.
23. However, it is felt that the south elevation in particular is very over-glazed, and it is suggested that it is to the extent where there will be an uncomfortable level of solar gain, and may therefore be difficult to get through building regulations. Amendments are suggested.
24. If permission is granted conditions should be included requiring details of materials, boundary treatment, and details of roof eaves and verges, windows/screens, doors, walls, rainwater goods, and rooflights. Permitted development rights should be withdrawn for further alterations and outbuildings.
25. **Local Highway Authority** – has no objection subject to conditions including securing the provision of visibility splays as shown on the submitted drawings; access to be a minimum width of 5m for a minimum distance of 10m from the near edge of the highway boundary, and gates to be set back a minimum of 5m from the near edge of the highway boundary.
26. **Middle Level Commissioners** – comment that flows from the site must be restricted to existing greenfield run-off rate due to the water level/flood risk management systems in the area becoming overloaded during high rainfall events, with resultant flooding problem.
27. A scheme for surface water drainage will be required, and the applicant should be reminded of the need to comply with the requirements of the Land Drainage Act before any work is commenced on site.

### **Representations**

28. None received in respect of the current application.
29. In respect of the earlier application the owner of Trinity Farm expressed concerns about location of the development and its proximity to the working farmyard, with the barns close to the boundary being seasonally used as lambing sheds and sheep pens, in addition to farm machinery.
30. Any consent should be tied by a Section 106 in line with the existing annexe.

### **Planning Comments**

31. Ryders Farm, 35 Middle Watch Swavesey is located on the east side of the road, and comprises a Grade II listed house, dovecote and outbuildings. The grounds of the main house extend for 450m to the east. The site is accessed by a driveway from Middle Watch.
32. Immediately to the north of the appeal site is Trinity Farm, a working farm, which includes livestock pens immediately to the north of the appeal building.
33. To the east the red edged appeal site adjoins the remaining residential curtilage of Ryders Farm, which immediately beyond the appeal site comprises a treed area. There are residential properties to the west and south of the curtilage of Ryders Farm.

34. The application building, which is located to the north east of the farmhouse, comprises a higher storage barn on the east end, and single storey projection to the east, which is occupied as a residential annexe (See History above).
35. The full application, proposes the conversion of an existing domestic storage building into two 3-bedroom dwellings. Each unit occupiers two floors, with the one dwelling in the northern half and one in the southern half of the building.
36. The proposal involves the replacement of existing doors on the south elevation with glazing, and the introduction of four new openings at ground floor level and two additional rooflights in the east elevation. The north elevation remains unchanged, apart from an existing window being replaced by a door. The west elevation is unchanged.
37. The northern dwelling will have a rear garden between 6.5 and 7m deep, beyond which is Trinity Farm. The southern plot has a small garden area of approximately 36m<sup>2</sup> on its south side, to be separated from the adjacent hardsurfaced area by a brick dwarf wall. A 1.8m high close boarded fence is proposed on the north boundary with Ryders Farm.
38. Access to the proposed dwellings will be via the existing access and driveway from Middle Watch which currently serves the existing house and annexe. The driveway passes to the north of Ryders Farmhouse. Four car parking spaces are provided on an existing hardsurfaced area to the south of the building. The submitted drawings show the provision of 2.4m x 43m visibility splays at the site entrance, set the existing gates back 5m from the highway boundary, and provide a tarmac surface to the driveway for its first 6m from the highway boundary.

#### *Principle*

39. The site is within the village framework and therefore the principle of the conversion of the existing building to two dwellings is acceptable subject to compliance with other policies of the Plan.

#### *Residential amenity*

40. There are two main areas to consider in respect of residential amenity. The first of these is the amenity of the future occupiers of the proposed dwellings given the proximity of the working farmyard at Trinity Farm, immediately to the north boundary of the site, and the second the relationship of the proposed development to the existing Ryders Farm.
41. In respect of the former the applicant has submitted an Environmental Noise Survey, based on work carried out on site during day and night time surveys carried in March. It concludes that noise measurements taken fall well within the internal levels recommended for both day and night time period, and for the recommended day time outside amenity area.
42. As reported in paragraphs 14-21 above the Councils' Environmental Health Officer has considered this report, and carried out visits during the same period. The impact on the proposed residential occupation of the building has been considered in terms of noise, lighting, odours and pests, at a time of year when potential disturbance is likely to be at its greatest. The conclusion is that refusal of the application cannot be justified on environmental health grounds.

43. Whilst there can be a difference between the levels of disturbance which create a statutory nuisance, and disturbance which may constitute a nuisance for planning purposes, officers are of the view that in this case the relationship between the two uses has been proven acceptable.
44. The proposed use of the building for 2 separate dwellings will result in an increase in vehicular movements across the north elevation of Ryders Farm. Officers are of the view however that the distance between the north face of the building from the road way, and the fact that the more private area for the dwelling is on the south side, means that the level of disturbance will not be unreasonable for occupiers of that property.
45. Officers note the request for occupation of the dwellings to be tied by a Section 106 Agreement, but do not consider this to be justified.

*Setting of the listed building*

46. The listed building comprises Ryders Farm and its dovecote. The building the subject of this application is modern and is not therefore curtilage listed, however alterations to it will impact on the setting of the listed building.
47. The application drawings include the revisions requested by the conservation officer at the time of the previous application, and the Councils appeal statement does not contest setting of the listed building. The suggested further alterations made by the conservation officer have been passed to the applicant, but although these have been considered the applicants wish is for the scheme to be considered as submitted.
48. On the basis that the proposed alterations to the buildings are in line with those previously agreed I am of the view that it would not be reasonable to insist on further revisions.
49. Parking for the new units can be provided on the extensive area of existing hardsurfacing within the curtilage of Ryders Farm, and in such a way which will not harm the setting of the listed building.

*Highway safety*

50. The application accords with the requirements of the Local Highway Authority in respect to visibility splays and gates. The width of the access road within the site where it is close to Middlewatch, is 4.2 metres. Whilst this is below the 5.0m width for the first 10m suggested by the Local Highway Authority, it widens within the site, and officers are of the view that its width is adequate given the limited number of dwellings it will serve. Widening of the roadway would be detrimental to the setting of the listed building.

*Other matters*

51. Under Policy HG/3 of the adopted Local Development Framework one of the two dwellings proposed should be brought forward as an affordable dwelling. In the draft Local Plan Submission Policy H/9 proposes to raise the threshold for requiring affordable dwellings to apply to developments where there is a net gain of 3 or more dwellings. There have been no objections to the raising of the threshold and members have accepted that the emerging policy can now take precedent over the adopted policy in respect of the appropriate minimum threshold for requiring

affordable housing. No affordable housing contribution is therefore required in this case.

52. The applicant has accepted the need for contributions in respect of public open space, community facilities and waste receptacle provision, and a draft Section 106 securing these is being prepared.
53. The comments of the Middle Level Commissioners IDB are noted, however the building exists. Although the use of residential purposes may result in additional hardsurfacing within the site, a condition requiring a scheme for surface water drainage will ensure that the concerns of the IDB are addressed.
54. The Parish Council and occupiers of Trinity Farm have suggested that the residential accommodation should be tied to the dwelling by a Section 106 Agreement. Officers are of the view that there is no justification for such a tie, particularly as the Environmental Health Officer has not suggested that any form of restrictive or more temporary occupation is necessary.

### **Conclusion**

55. Officers were not able to support the previous application for conversion of this building to 2 dwellings, however the applicant addressed concerns raised by the Conservation Officer and Local Highway Authority at the time, and these revisions are carried through in the current application.
56. In the appeal statement submitted in respect of the appeal against non-determination of the previous application, officers have indicated that the Councils' case is based solely on the previous objection raised by the Environmental Health Officer. In officers' view these concerns have been correctly re-examined as part of the consideration of the new application. The timing of this application has allowed the Environmental Health Officer to visit the adjacent farmyard during the lambing season, when activity is at its highest, and consider the Noise report submitted by the applicant. As a result the view is that an objection cannot be sustained.
57. Officers are now of the view that they would now be unable to present a case in support of the current appeal, and would be at risk of full costs being awarded against the Council if it proceeds to the hearing on that basis.
58. Although Members must consider this application on its merits, officers are of the view that consent should be granted, subject to the prior signing of a Section 106 Agreement.

### **Recommendation**

59. That subject to the applicant entering into a Section 106 Agreement to secure the required contributions to public open space, community facilities and waste receptacle provision, that delegated powers to approve the application.

### **Conditions** (to include)

- (a) 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.)

- (b) The development hereby permitted shall be carried out in accordance with the following approved plans: 12\_519\_003 B, 12\_519\_006 B; 12\_519\_007 B and 12\_519\_010 A.  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- (c) Notwithstanding the submitted details 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.)
- (d) 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.)
- (e) 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 and to protect the setting of the listed building in accordance with Policies NE/14 and CH/4 of the adopted Local Development Framework 2007.)
- (f) The parking spaces shown on Drawing 12\_519\_03 B shall be provided in accordance with that drawing prior to the occupation of the development hereby permitted and shall thereafter be retained for the purpose of the parking of vehicles.  
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (g) No development shall commence until details of rooflights, rainwater goods, walls, including plinth and dwarf walls, windows/screens, doors, 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.  
(Reason – To ensure that the details of the development do not detract from the setting of the listed building, within the curtilage of which the application building is located, in accordance with the aim of Policy CH/4 of the adopted Local Development Framework 2007.)

- (h) The 1.8m high close-boarded fence shall be erected along the northern boundary of the site, as detailed on Drawing 12 519 003, prior to the occupation of the dwellings hereby permitted, and thereafter maintained. (Reason – To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Policies DP/3 and NE/15 of the adopted Local Development Framework 2007.)
- (i) 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 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.)
- (j) Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage 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 in writing with the Local Planning Authority. (Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)

### **Background Papers**

Where the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Plan Proposed Submission July 2013
- South Cambridgeshire Supplementary Planning Documents
- National Planning Policy Framework 2012
- Planning File References: S/0067/14/FL and S/0691/13/FL

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