
F/YR18/0781/F

Applicant: Mr F Hu

**Agent : Mrs Fiona Russek
Artifex Conservation Architects Ltd**

15 Church Lane, Doddington, Cambridgeshire, PE15 0TA

Change of use from residential to residential and importation, breeding and selling of tropical fish and erection of a detached outbuilding (retrospective)

Reason for Committee: Number of representations received contrary to officer recommendation

1 EXECUTIVE SUMMARY

The application seeks (retrospective) full planning permission for a change of use from solely residential to residential and the importation, breeding and selling of tropical fish and erection of a detached outbuilding.

It is acknowledged that there is some detrimental impact on the visual amenity of the area in relation to the outbuilding however this is not considered to be significant and can be mitigated to some degree by the repainting of the outbuilding in a more subtle colour. Whilst the business use would provide a minimal contribution to economic growth, it would enable a pre-existing small-scale business to relocate to the District. The impact of the business on the residential amenity of adjoining dwellings is not considered to be significantly detrimental particularly given the limited number of visiting members of the public and courier collections (Highways have advised that the modest number of vehicle trips will not result in any capacity/highway safety problems), in addition Environmental Health have no concerns regarding the proposal, as such the Officer's recommendation is a positive one.

2 SITE DESCRIPTION

The host property is a detached 2-storey (chalet style) building in mixed use residential/ commercial with an attached flat roofed single-storey element to western side (former garage which has since been converted), conservatory to the rear and flat roofed detached outbuilding to the east (which is partly obscured from the streetscene by the close boarded fence to the side of the dwelling). To the front of the site is a boundary wall (which is to be lowered in height to meet what would be permitted development for this site) and a part finished hardstanding. To the rear is a raised patio and partially completed hardstanding with raised borders and trees to the boundaries. The site is located on a prominent corner plot adjacent to Doddington Conservation Area.

3 PROPOSAL

- 3.1 The application seeks (retrospective) full planning permission for a change of use from solely residential to residential and the importation, breeding and selling of tropical fish and erection of a detached outbuilding. The outbuilding measures 8.3m x 4.5m and 2.5m in height, and is at present painted white. The tropical fish business utilises the new detached outbuilding and converted garage element, the rest of the building remaining residential.

3.2 The supporting information submitted confirms the following:

- The business is mainly run online, with the occasional visiting customer (no more than 5-6 per week).
- Customers park on the driveway.
- Courier collections 1-3 times a week (usually Tuesday, Wednesday or Thursday around 3-5pm) and the van is parked on the driveway.
- Livestock is collected from the airport by the applicant.
- 2 extractor fans are required to the outbuilding (of the type usually installed in bathrooms), there is no extractor required for the fish room in the main house.
- Filtration which recycles water has been installed (this is located within the buildings).
- A license for commercial waste disposal has been obtained.

3.3 Full plans and associated documents for this application can be found at:

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=PC47WJHE01U00>

4 SITE PLANNING HISTORY

F/YR18/0482/F	Erection of a shed attached to side of existing dwelling and a 1.75m high (max height) front boundary wall/railings (retrospective)	Withdrawn
F/0214/79/F	Erection of porch	Granted 23/04/1979
NW/71/31/D	Erection of a 6ft high interwoven fence (retrospective)	Refused 21/6/1971
NW/70/49/D	Erection of a chalet bungalow and garage	Grant 15/9/1970

5 CONSULTATIONS

5.1 Environment Agency

We have reviewed the information provided and have no comment to make on this application.

5.2 Cambridgeshire County Council Highways Authority

This is a change of use from residential to residential and importation, breeding and selling of tropical fish and erection of a detached shed (retrospective)

I note the concerns raised by some objectors regarding pedestrian safety, however I cannot justify any pedestrian improvements to the highway network for a business selling tropical fish.

The majority of trips attracted to the business will be by motor vehicle and courier three times a week. The modest number of vehicle trips mentioned in the D&A statement will not result in any capacity/ highway safety problems.

I do not consider the off road parking area to provide suitable parking provision to cater for the business element of the application, however there is unrestricted

kerb side parking available within the vicinity of the application site that could be used. This may have a detrimental impact on residential amenity (for LPA consideration), however it is unlikely to result in any highway safety issue. If the LPA were minded to insist on an off road parking arrangement that better catered for the business element of this application, then the site frontage could be opened up to provide a greater amount of forecourt parking and allow for independent movement of vehicle on and off the site frontage.

I have no highways objections. Please re-consult if the parking/access arrangement is altered in any way.

5.3 Environment & Health Services (FDC) (20/9/2018)

Environmental Health note the submitted details and have some concerns as to the proposed scheme. Insufficient information is available to fully consider the impact the proposal (if any) on residents within close proximity to the site. Details contained within the design and access statement paragraph 6 state there will be overnight deliveries/collection from the proposed store room. With significant reduction in background noise overnight, such activity may give rise to noise complaint and it would seem that the applicant has not considered this or given more to assumptions as to why such vehicle movements will not harm the amenity of residents.

The applicant proposes to install and extractor fans claimed to produce 24dB? at what distance?. I note there will some form of 'pumping machine which will be used to run the facility. It will important to have a clearer understanding of the cumulative noise to enable us determine the likely noise impact on residents from these noise sources.

Once further clarity has been provided, further comments will be provided as appropriate.

Environment & Health Services (FDC) (2/11/2018)

The agent's attached email provide further clarity on the concerns raised in our consultation response dated 20th September 2018. Therefore, I have no further comments to make.

5.4 Parish/Town Council

Doddington Parish Council objects to the above planning application on the grounds that this is a change of use from a residential use to a business use. The applicants website www.chensdiscus.co.uk clearly demonstrates that they are running a business. As such this activity is far more than having a personal hobby. We are concerned on the quantity and frequency of contaminated water that goes into the soakaways. That area suffers from drainage issues and experiences localised flooding on occasions. This additional release of water could create further drainage problems.

5.5 Local Residents/Interested Parties

10 objections have been received from 6 sources (households) in relation to the following (planning considerations only):

- The number of vehicles and visitors is greater than indicated by the applicant.
- Drainage/Flooding
- *'The residential area..... is totally inadequate for small business development as the pavements are inadequate or non-existent.....Additional traffic will be a severe danger'*

- Trade waste/effluent
- No Environmental Impact Assessment has been carried out/environmental concerns
- Out of character
- Parking/traffic
- Smell
- Would set a precedent

5.6 In response; a number of comments have been made with regards to the accuracy of the information submitted; the application is being processed on the basis of the description of the development (a business) and no evidence has been put forward to disprove the information provided, hence the application will be assessed on the basis of this.

5.7 Any other licences or legal requirements outside the planning system are not a consideration in the determination of this application.

5.8 The application does not require an Environmental Impact Assessment in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6 STATUTORY DUTY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

6.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Fenland Local Plan 2014; LP1, LP2, LP3, LP6, LP12, LP14, LP15, LP16 and LP18

8 KEY ISSUES

- **Principle of Development and Economic Growth**
- **Heritage, design considerations and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Parking/Highways**
- **Flood Risk/Drainage**

9 BACKGROUND

The previous application (F/YR18/0482/F) was submitted retrospectively following an Enforcement case, this was subsequently withdrawn to enable an application to be submitted for all relevant aspects, as following a site visit it was considered that a material change of use had occurred with the introduction of the tropical fish business.

10 ASSESSMENT

Principle of Development and Economic Growth

- 10.1 Policy LP3 and the Settlement Hierarchy classify Doddington as a Growth Village, where development and new service provision within the existing urban area will be appropriate.
- 10.2 Policy LP6 seeks to increase opportunities to broaden the economy, advising that the rural economy will be supported by allowing appropriate proposals that meet the criteria as set out in Policy LP12.
- 10.3 Policy LP12 advises that for villages, new development will be supported where it contributes to the sustainability of that settlement and does not harm the wide open character of the countryside.
- 10.4 The principle of development is therefore supported subject to no adverse issues arising relating to heritage, visual and residential amenity. Consideration should also be given to the provision of parking, highways and flood risk/drainage.
- 10.5 The proposal relates to development within the boundary and confines of an existing dwelling, in the settlement of Doddington, and introduces a small scale business commensurate with the size of the site in which it is located. The business does not employ any additional staff, as such any contribution towards economic growth is considered to be minimal.

Heritage, design considerations and visual amenity of area

- 10.6 Whilst other alterations have been made to the property, this application relates solely to the change of use and erection of a detached outbuilding, as that is what has been applied for.
- 10.7 The outbuilding has already been constructed, this has a render finish and is at present painted white. It is set back slightly from the front of the dwelling and is obscured to some degree by the existing close boarded timber fence which extends to the side of the dwelling and the trees/fence on the eastern boundary, hence is not considered to be prominent in the streetscene. The flat roofed design is not considered to be ideal particularly as the building is visible from the public realm, however it is reflective of the existing flat roofed element to the west of the main dwelling and it has been agreed with the applicant to paint the render a more subtle colour, similar to the bricks of the existing dwelling (it would be necessary to impose a condition in this regard as details have not been provided). Hence whilst it is noted that there would be some detrimental impact on the adjacent conservation area, visual amenity and character of the area this is not considered to be significant.

Residential Amenity/Health and wellbeing

- 10.8 The outbuilding is located a minimum of 10m from the boundary of surrounding dwellings and as such loss of outlook, light, privacy and overshadowing is not considered to be an issue.
- 10.9 The impact of the business use on the residential amenity of surrounding properties is assessed below:
- 10.10 Following further information being submitted to accompany the application Environmental Health have advised they have no objections to the proposal; issues raised in respect of smell have been passed on, and are being investigated under the Environmental Protection Act. An Environment Agency license for commercial waste disposal has been obtained along with the relevant animal welfare license.
- 10.11 The business is small scale, mainly online and does not employ any additional staff, information submitted advises that there are a maximum of 6 members of the public visiting each week and there are 3 courier collections; this is not considered to be unrepresentative of visitors or deliveries which could occur in a normal residential situation and is therefore not considered to create a significant adverse impact on the neighbouring dwellings.
- 10.12 There are alternative business uses that can be run from a dwelling which are not considered to create a material change of use and therefore do not require the benefit of planning permission. An example of which would be a child minders, which could have up to 6 children being cared for, resulting in up to 12 trips per day to and from the premises, considerably more than in this case. However it is felt necessary, given the nature of the business and potential for sales from the site to limit the hours of for deliveries/collections and the number of visiting public in relation to the business.
- 10.13 Filtration equipment is located within the buildings and the extractors installed are designed for domestic bathrooms hence are not out of keeping in a residential area and are not considered to create a significant detrimental impact in terms of noise. However should there be cause for concern Environmental Protection legislation exists to enable matters of noise and/or smell to be dealt with.

Parking/Highways

- 10.14 There is a large parking area to the front of the site capable of accommodating a number of vehicles, this utilises the existing access. Highways advise that the modest number of vehicle trips '*will not result in any capacity/highway safety problems*'.

Flood Risk/Drainage

- 10.15 Anglian Water, the Environment Agency and Middle Level Commissioners have been consulted on this application, only the Environment Agency have responded, advising they had no comment to make.

10.16 The application site falls within Flood Zone 1 (low risk) and as such does not require the submission of a Flood Risk Assessment or inclusion of mitigation measures. The surface water flood risk map on the Environment Agency's website indicates that there is a low risk of surface water flooding to the site, though some surrounding areas have a higher risk. The outbuilding and business use which this application relates to, are not considered to have a significant impact on surface water flooding.

11 CONCLUSIONS

The proposal is considered acceptable and accords with policies LP1, LP2, LP3, LP6, LP12, LP14, LP15, LP16 and LP18 of the Fenland Local Plan, as whilst it is acknowledged and detailed above that there is some detrimental impact on the visual amenity of the area in relation to the outbuilding, this is not considered to be significant and can be mitigated to some degree by the repainting of the outbuilding in a more subtle colour. Whilst the business use would provide a minimal contribution to economic growth, it would enable a pre-existing small-scale business to relocate to the District and allow for flexible working practices as required by the NPPF (para 81), the impact of the business on the residential amenity of adjoining dwellings is not considered to be significantly detrimental particularly given the limited number of visiting members of the public and courier collections, in addition Environmental Health have no concerns regarding the proposal.

11.1 It is felt necessary, particularly as the business is not yet fully operational to propose a temporary permission only, which would allow sufficient time for the business to become established and enable further assessment based on evidential data collected during this time.

12 RECOMMENDATION

Grant

The proposed conditions are as follows;

- 1 In so far as this permission relates to the business use, this shall be discontinued and the buildings restored to solely residential use; on or before 2 years from the date of this permission; unless a further planning application for renewal or continued use is submitted prior to that date.

Reason - The proposal is not one the Council is prepared to permit other than for a limited period, as the use is not yet fully implemented, in order to assess the impact of the proposed use on the residential amenities of the occupiers of neighbouring dwellings so as to accord with Policies LP2 and LP16 of the Fenland Local Plan 2014.

- 2 Deliveries/collections and visiting members of the public, in association with the business use hereby permitted, shall not occur outside the hours of 08:00 and 18:00 Mondays to Saturdays, and the hours of 10:00 and 16:00 Sundays and Bank/Public Holidays.

Reason - To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings in accordance with Policy LP16 of the Fenland Local Plan 2014.

- 3 Members of the public visiting in association with the business hereby permitted, shall be limited to a maximum of 10 per week (Monday-Sunday); each visit shall be recorded in a written log (time, date, number of visitors) and be available for inspection upon request by the Local Planning Authority.

Reason - To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings in accordance with Policy LP16 of the Fenland Local Plan 2014.

- 4 Within 3 months of the date of this decision full details of the paint colour to be used for the external walls of the outbuilding shall be submitted to and approved in writing by the Local Planning Authority. The building shall then be repainted within 6 months of the date of this decision, in accordance with the approved particulars, and retained in that colour thereafter.

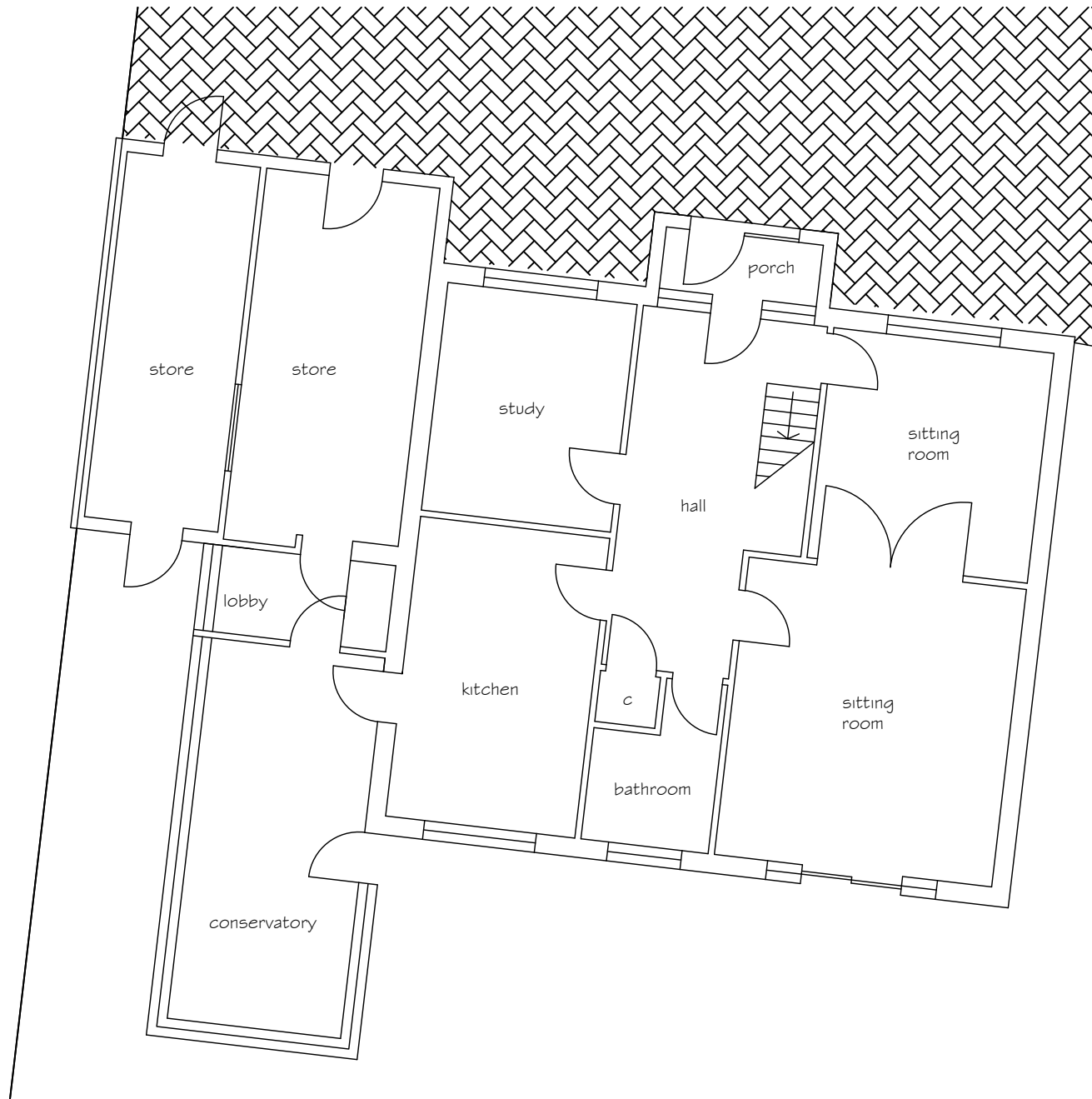
Reason - To safeguard the visual amenities of the area in accordance with Policies LP16 and LP18 of the Fenland Local Plan, 2014.

- 5 The development hereby permitted shall be carried out in accordance with the following approved plans and documents

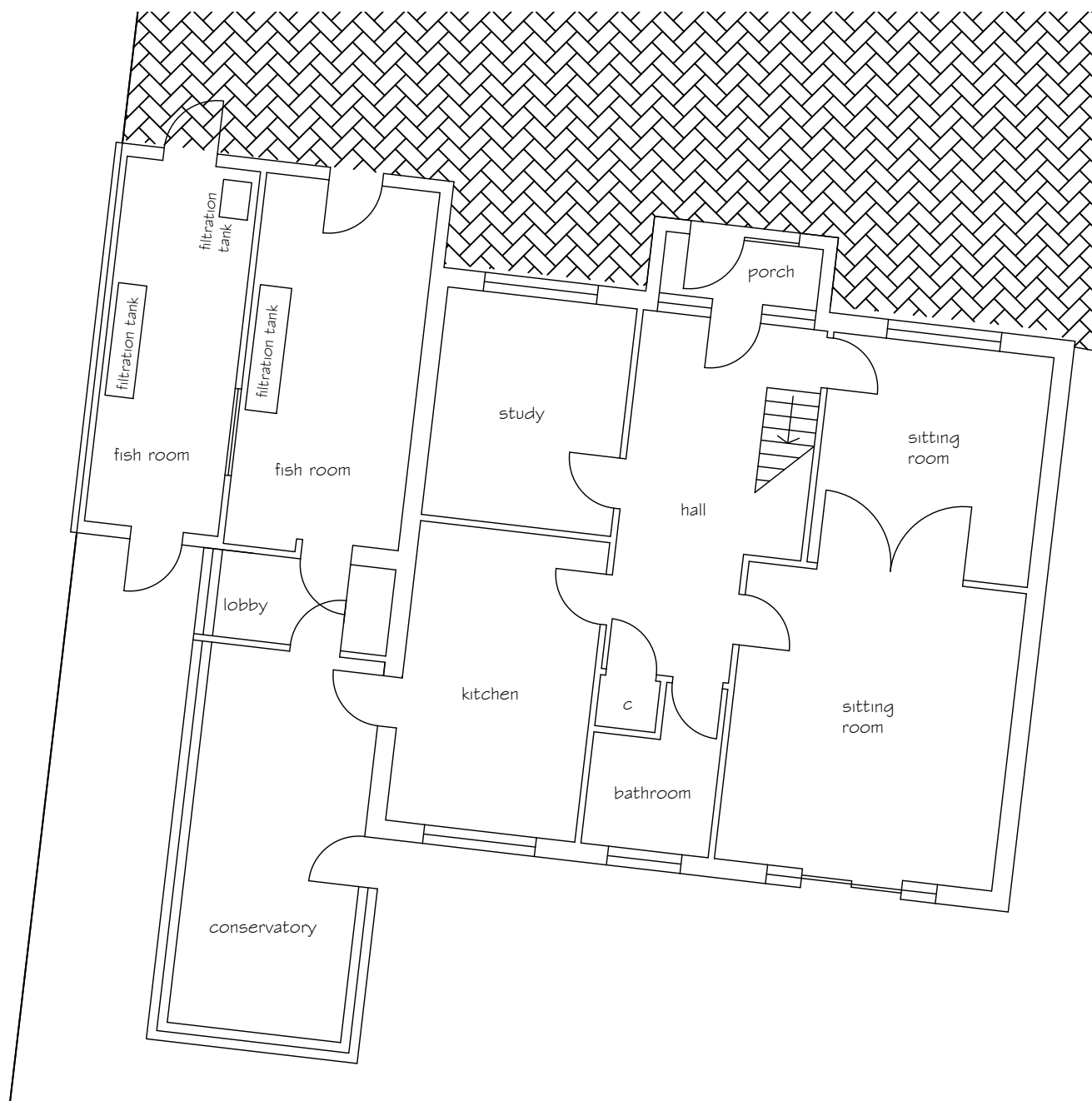
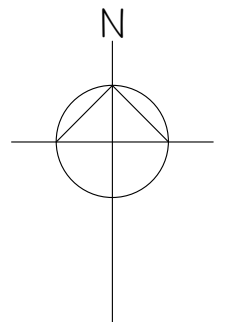
Reference	Title
DD.15CL.PO2	Proposed site plan and floor plans/elevations for outbuilding (revision E)
DD.15CL.P03	Existing and proposed floor plans (revision B)
	Applicants Supporting Statement
DD.15CL.P01	Existing and Proposed Location and Block Plans (revision E)
	Design and Access Statement (revision A)
	Email from agent confirming details of extractor fan dated 07/10/2018
	Email from agent detailing filtration system dated 08/10/2018

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EXISTING GROUND FLOOR PLAN



PROPOSED GROUND FLOOR PLAN

12.10.18 B Filtration tanks added to fish rooms

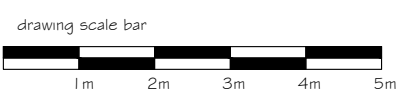
03.10.18 A Driveway hatched

date	rev.	revision/author/checker

purpose of issue	PLANNING
project	New outbuilding, 15 Church Lane, Dodington
drawing	Proposed plans and elevations

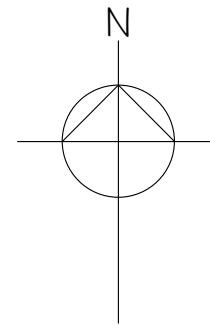
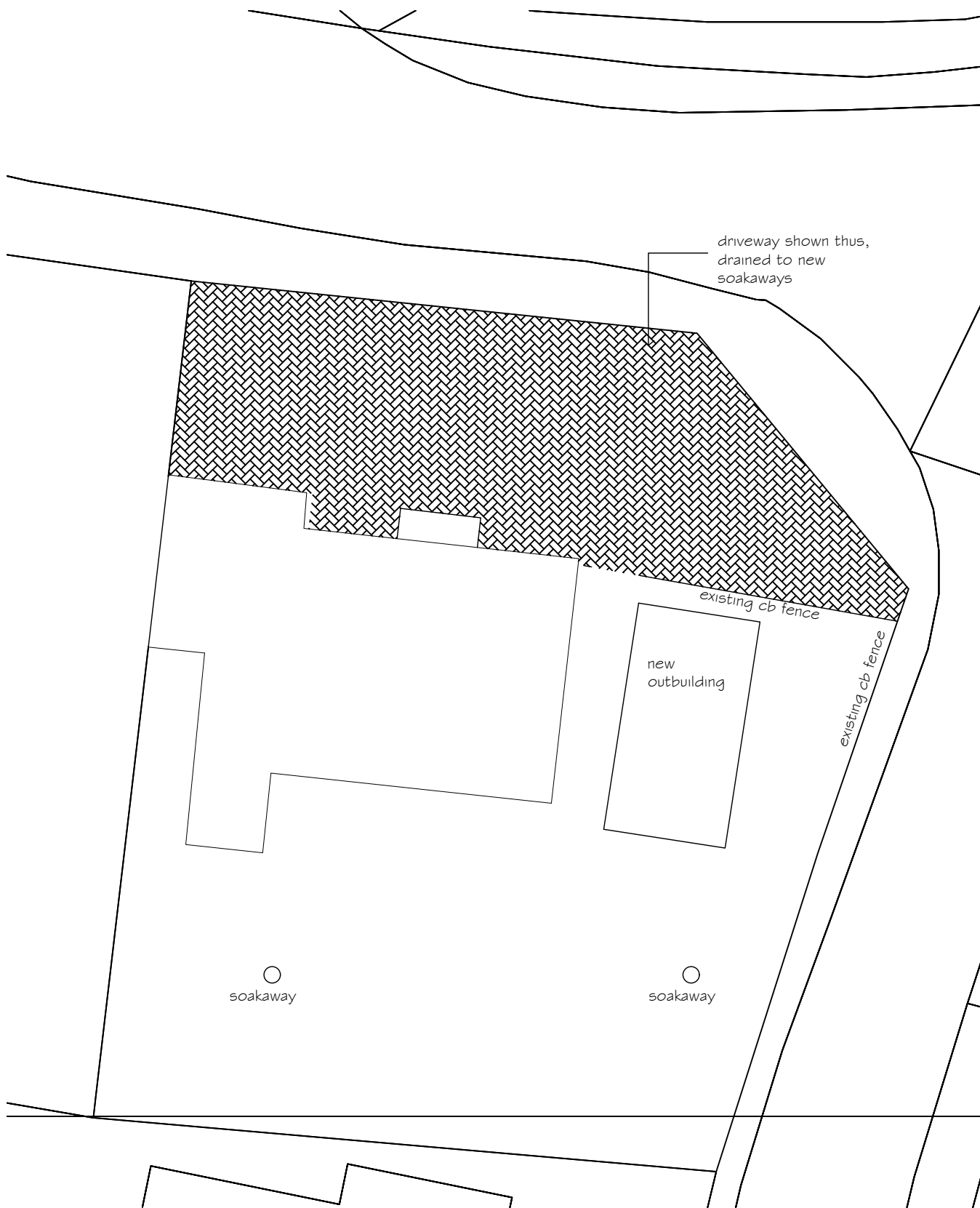
drawing no.	DD.15CL.P03	B
drawn		checked
scale	1/100 @ A3	date August 2018

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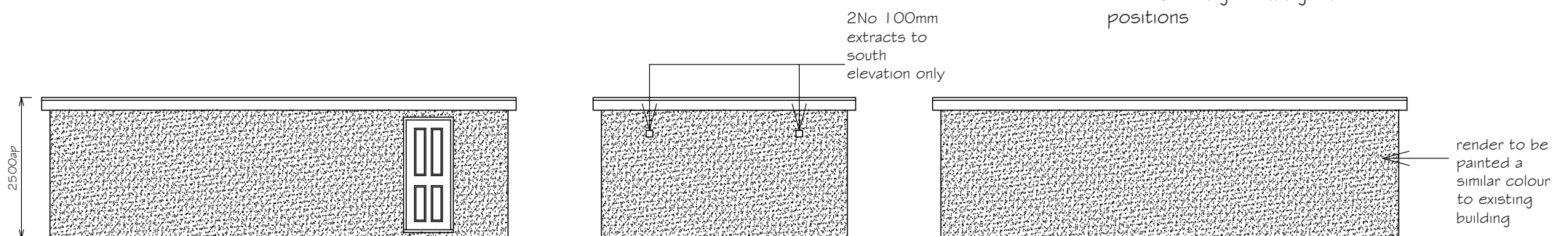


SITE PLAN (1:200 scale)



2No 100mm extracts to south elevation only

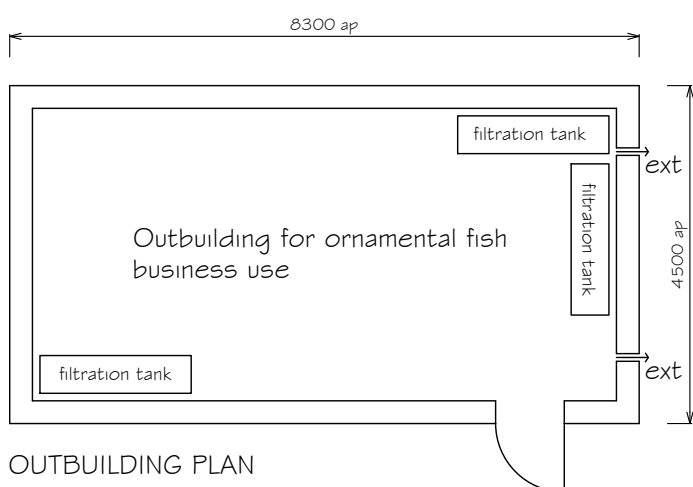
Photograph of south elevation of outbuilding showing extract positions



OUTBUILDING WEST ELEVATION

NORTH AND SOUTH ELEVATIONS

EAST ELEVATION



OUTBUILDING PLAN



Photograph of outbuilding

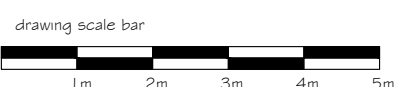
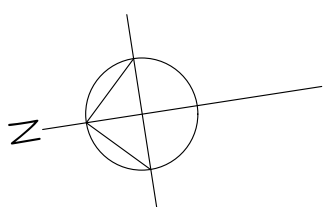
- 11.10.18 E Extract and filtration unit positions shown
- 03.10.18 D Driveway hatched
- 19.07.18 C Description amended
- 11.07.18 B Front boundary wall and gates removed
- 25.06.18 A Cover between outbuilding and dwelling removed

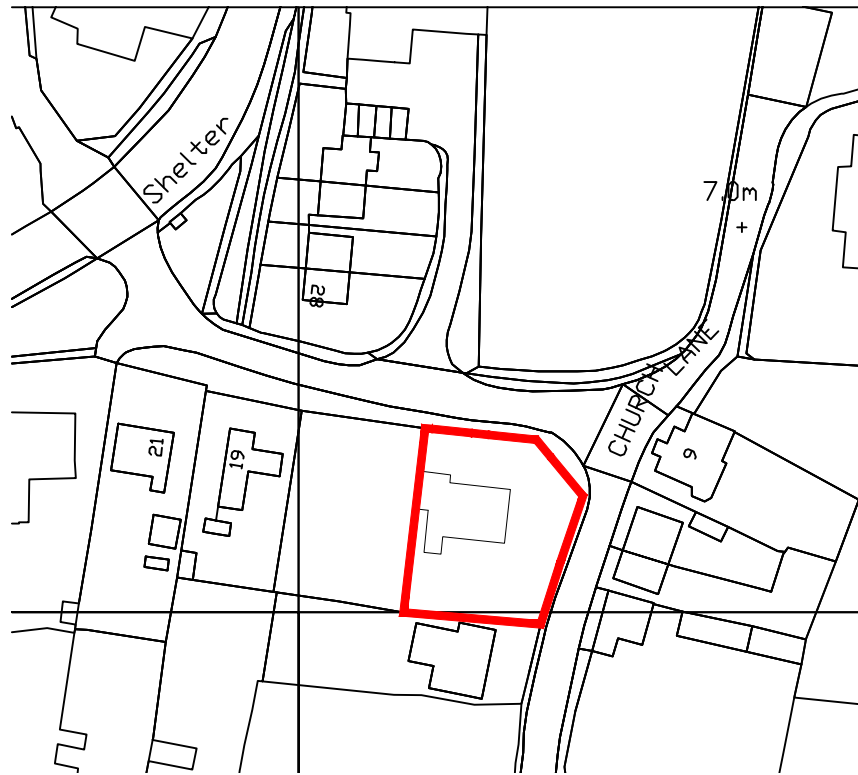
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purpose of issue	
PLANNING	
project	
New outbuilding, 15 Church Lane, Dodington	
drawing	
Proposed plans and elevations	

drawing no.	E
DD.15CL.P02	
drawn	checked
scale 1/100 @ A3	date May 2018

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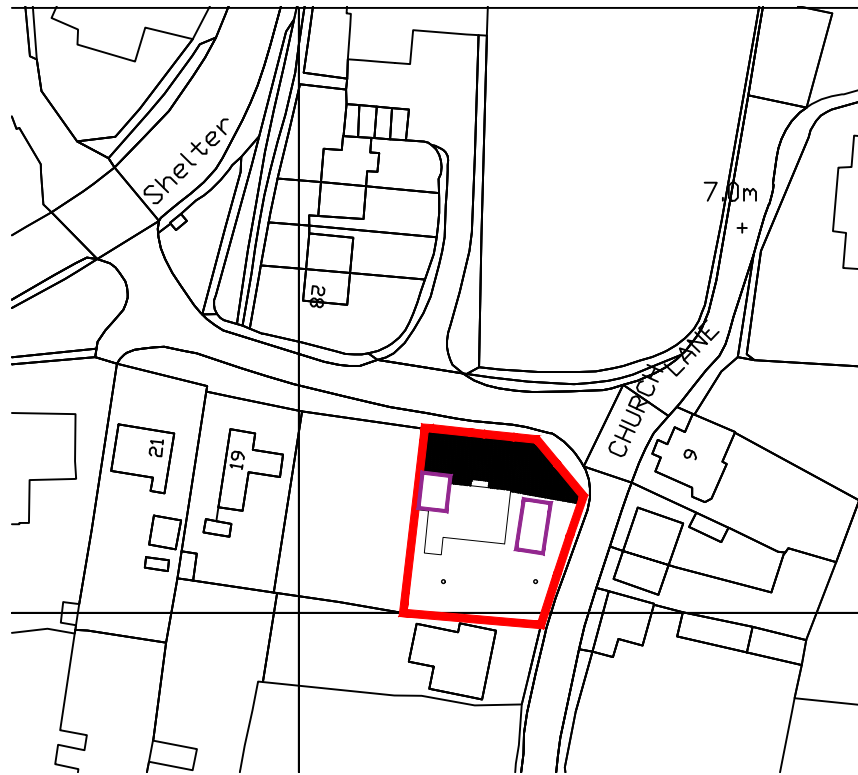




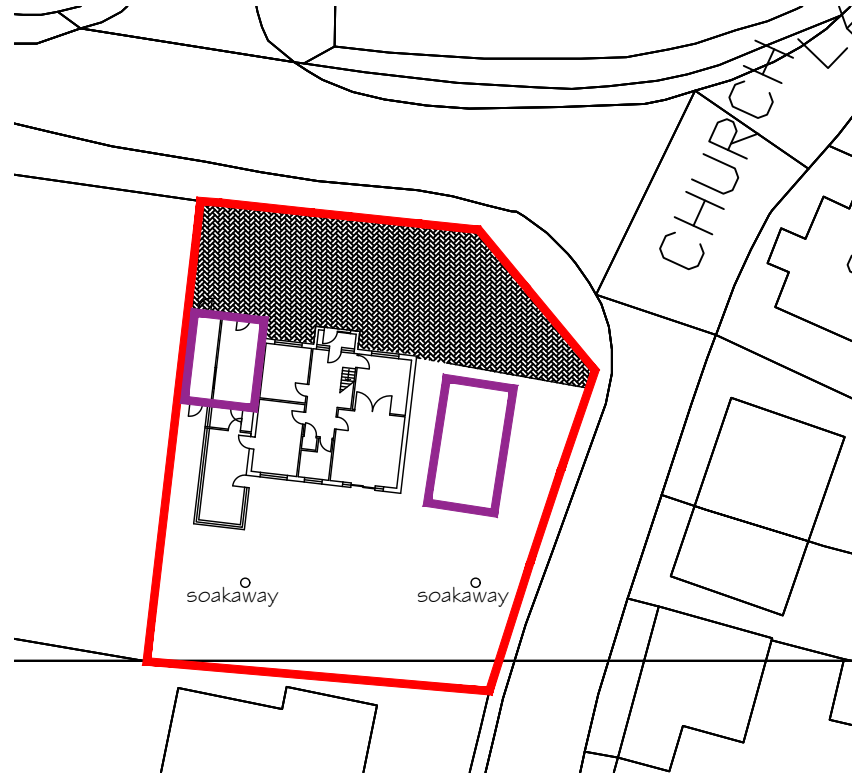
EXISTING LOCATION PLAN
(1:1250 scale)



EXISTING BLOCK PLAN SHOWING GROUND FLOOR LAYOUT
(1:500 scale)



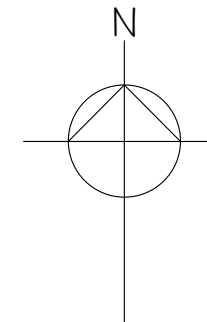
PROPOSED LOCATION PLAN (1:1250 scale)



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- 03.10.18 E Driveway hatched
- 28.08.18 D FDC letter 14.08.18
- 19.07.18 C Description amended, ground floor layout shown, red and blue site boundaries revised.
- 11.07.18 B Front boundary wall and gates removed
- 25.06.18 A Cover between outbuilding and dwelling removed



date	rev.	revision/author/checker
purpose of issue		
PLANNING		
project		
New outbuilding. 15 Church Lane, Doddington		
drawing		
Existing and proposed location and block plans		
drawing no.		E
DD.15CL.PO1		
drawn	checked	
scale as shown	date May 2018	