

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** New Communities Portfolio Holder 19 May 2011  
**AUTHOR/S:** Executive Director, Operational Services / Corporate Manager, Planning & New Communities

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### LOCAL DEVELOPMENT FRAMEWORK – ADOPTION OF FEN DRAYTON FORMER LAND SETTLEMENT ASSOCIATION ESTATE SUPPLEMENTARY PLANNING DOCUMENT

#### Purpose

1. The purpose of this report is to consider the results of further discussions relating to the classification of buildings at 54 Park Lane and 33 Cootes Lane, and to agree the adoption of the Fen Drayton Former Land Settlement Association (LSA) Estate Supplementary Planning Document (SPD) by the Council. Once adopted, the SPD will form part of the Local Development Framework and will be a material consideration in the determination of planning applications.
2. This is not a key decision because the SPD does not create new policy, but provides further guidance on implementing existing policy in the Council's Local Development Framework.

#### Recommendations

3. That the New Communities Portfolio Holder:
  - (a) **considers** the results of further discussions relating to the classification of buildings at 54 Park Lane and 33 Cootes Lane;
  - (b) **agrees** the classification of building 97 at 54 Park Lane as non-eligible and the classification of the converted water tank at 33 Cootes Lane as eligible; and
  - (c) **agrees** the adoption of the Fen Drayton Former LSA Estate SPD (as included in **Appendix 2**).

#### Reasons for Recommendations

4. The Fen Drayton Former LSA Estate SPD was submitted to the New Communities Portfolio Holder Meeting on 8 March 2011 for adoption. As a result of the comments and questions raised by both Councillors and members of the public who attended the meeting, the New Communities Portfolio Holder agreed to adopt the Fen Drayton Former LSA Estate SPD subject to further consideration of the classification of buildings at 54 Park Lane and 33 Cootes Lane, and requested that the outcome of further consideration of the buildings be brought back to the New Communities Portfolio Holder for approval.

## Background

5. The purpose of SPDs is to expand on policies set out in Development Plan Documents (DPDs) and to provide additional detail. The Fen Drayton Former LSA Estate SPD relates to Policy SP/11, which was adopted as part of the Site Specific Policies DPD in January 2010.
6. Policy SP/11 is an unusual and innovative policy that allows the redevelopment or reuse of buildings (excluding glasshouses) within the former LSA estate for experimental or groundbreaking forms of sustainable living, where it can be demonstrated that the buildings are no longer needed for agricultural purposes and provided that the development would not occupy a larger footprint than the existing eligible buildings. The purpose of the SPD is to provide practical advice and guidance to applicants on how to develop a proposal that will comply with the requirements of the policy.
7. Public consultation on the draft SPD was undertaken in October – December 2010. The public consultation resulted in 142 representations, consisting of: 7 support, 32 objections and 103 comments.
8. The Fen Drayton Former LSA Estate SPD was submitted to the New Communities Portfolio Holder Meeting on 8 March 2011 for adoption. As a result of the comments and questions raised by both Councillors and members of the public who attended the meeting, the New Communities Portfolio Holder agreed to further consideration of the classification of two buildings at 54 Park Lane and 33 Cootes Lane. Both landowners met with the Planning Policy Team and submitted a written statement supporting their case for classifying these buildings as eligible (see **Appendix 1**).

## Considerations

- ***54 Park Lane [building 97]: classification of an implement shed***

9. In summary, the landowner argues that the current building was erected as an implement store in accordance with planning permission S/0343/00, and that the building was constructed for agricultural purposes, although it is now used for purposes ancillary to the existing dwelling. He also argues that the current use of the land as residential garden land, rather than agricultural / horticultural land, is no different to the other plots within the former LSA estate.
10. Following research and consideration of the evidence, the officer assessment is that the building is not a former agricultural building and therefore not eligible. The application form submitted as part of S/0343/00 states that at the time of the planning application, the use of the buildings / land was “garden”. The aerial photographs from 1998, 2003 and 2008 also show that within the curtilage of 54 Park Lane the land is garden (grass) and that there is no delineation between this and any agricultural / horticultural use. Therefore the implement shed cannot be considered to be agricultural, as the site was in residential use at the time of the planning application. The planning statement submitted as part of S/0485/10 (a planning application for the conversion of the building to a dwelling) also confirms that “the existing buildings are

ancillary to the main dwelling on the site, being buildings erected within the curtilage of the dwelling house”.

11. It is recognised that other plots within the former LSA estate have former agricultural buildings that were once surrounded by agricultural land, but that now the land is used as residential garden land. However, at 54 Park Lane, the evidence suggests that the change in the use of the land to garden occurred before the construction of building 97 [the replacement implement shed] rather than after, and therefore the building cannot be classified as eligible unlike other buildings within the former LSA estate.
12. As the implement shed [building 97] constructed at 54 Park Lane under S/0343/00 is not considered to be agricultural, it cannot be classified as an eligible building. The classification of building 97 should therefore remain as non-eligible.
13. The landowner also raises inconsistencies in the policy boundary used for Policy SP/11 and its relationship with the boundary of the LSA estate when it was operating. Responses to these inconsistencies were provided in the Schedule of Comments Received and the Council's Response that was considered and approved at the New Communities Portfolio Holder Meeting on 8 March 2011.

• **33 Cootes Lane: classification of a converted water tank**

14. In summary, the landowner argues that by converting his water tank into a storage building, through cutting a hole in the side and replacing the roof liner with a more substantial covering, it should be classified as an eligible building.
15. Following research and consideration of the evidence, the officer assessment is that the converted water tank should be considered eligible as the conversion of the water tank over 10 years ago means that it was no longer a water storage container when Policy SP/11 was adopted in January 2010, and can therefore be considered differently to all the unconverted water tanks. All unconverted water tanks are considered to be non-eligible buildings as they are purpose built containers for the storage of water, and containers are specifically excluded from being classified as eligible buildings by the definitions set out in the SPD.
16. The officer assessment has changed as a result of the discussions held and evidence submitted following the New Communities Portfolio Holder Meeting on 8 March 2011. The SPD has been amended to include the converted water tank at 33 Cootes Lane as an eligible building (the revised SPD is attached as Appendix 2).

**Options**

17. Before the Fen Drayton Former LSA Estate SPD can be formally adopted, the classification of the buildings at 54 Park Lane and 33 Cootes Lane must be resolved. Once adopted, the SPD will form part of the Local Development Framework and will be a material consideration in the determination of planning applications. Until the SPD is formally adopted, it has less status in the determination of planning applications. Landowners are already seeking advice regarding the submission of planning applications and a planning application relating to 54 Park Lane was

received in April 2011. Delay in the adoption of the SPD could result in planning applications being determined without detailed guidance on the implementation of Policy SP/11.

### Implications

18.	Financial	Within existing budgets.
	Legal	None.
	Staffing	The SPD will assist officers by providing developers and applicants with greater detail on how to develop a proposal that will comply with Policy SP/11, however there may be an increase in pre-application discussions as a result.
	Risk Management	No significant risks.
	Equality and Diversity	The SPD has been subject to an Equality Impact Assessment.
	Equality Impact Assessment completed	Yes. <a href="http://www.scambs.gov.uk/CouncilAndDemocracy/Equality/equalityimpactassessments.htm">http://www.scambs.gov.uk/CouncilAndDemocracy/Equality/equalityimpactassessments.htm</a>
		The SPD has been shown to have a neutral and / or positive impact on Equal Opportunities.
	Climate Change	The SPD supports sustainable development and the development of zero carbon buildings.

### Consultations

19. The SPD has been prepared in consultation with relevant specialist officers within the Council. During the preparation of the SPD the Council has undertaken informal consultation with local stakeholders (the residents of the former LSA estate, the Parish Council and district Councillors) and further, wider, formal public consultation to receive comments from local residents and businesses, nearby villages, developers / house builders, renewable energy providers, other interested parties and the general public.

### Effect on Strategic Aims

20. **Commitment to being a listening council, providing first class services accessible to all.** During the preparation of the SPD the Council has undertaken informal consultation with local stakeholders: the residents of the former LSA estate and the Parish Council. Further, wider, formal public consultation was also undertaken to enable the Council to receive comments from local residents and businesses, nearby villages, developers / house builders, renewable energy providers, other interested parties and the general public.
21. **Commitment to ensuring that South Cambridgeshire continues to be a safe and healthy place for all.** At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations. The aim of the SPD is to provide practical advice and guidance to applicants on how development proposals can ensure they are sustainable and achieve a high quality of design in a way that respects the local context.

22. **Commitment to making South Cambridgeshire a place in which residents can feel proud to live.** At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations. The aim of the SPD is to provide practical advice and guidance to applicants on how development proposals can ensure they are sustainable and achieve a high quality of design in a way that respects the local context.
23. **Commitment to assisting provision for local jobs for all.** New employment opportunities may be created within the policy area, as development proposals could include employment uses to promote the principles of sustainable living by allowing residents to live and work in the locality. The sustainability of any development proposal could also be increased through the use of local businesses, such as architects, builders and suppliers, in designing and constructing any development proposal.
24. **Commitment to providing a voice for rural life.** During the preparation of the SPD the Council has undertaken informal consultation with local stakeholders: the residents of the former LSA estate and the Parish Council. Further, wider, formal public consultation was also undertaken to enable the Council to receive comments from local residents and businesses, nearby villages, developers / house builders, renewable energy providers, other interested parties and the general public.

### **Conclusions / Summary**

25. This report outlines the further discussions undertaken relating to the classification of buildings at 54 Park Lane and 33 Cootes Lane, and the officer assessment of the eligibility of the two buildings. The officer assessment is that building 97 [an implement shed at 54 Park Lane] should remain as non-eligible and the converted water tank at 33 Cootes Lane should be changed to eligible. The next step is to adopt the SPD, at which point it will form part of the Local Development Framework and will become a material consideration in the determination of planning applications

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

- New Communities Portfolio Holder Report 7 October 2010: Fen Drayton Former LSA Estate SPD - Approval for Consultation
- Fen Drayton Former LSA Estate SPD (Consultation Draft October 2010)  
<http://www.scambs.gov.uk/Environment/Planning/DistrictPlanning/LocalDevelopmentFramework/SPDs/FenDraytonSPD.htm>
- Sustainability Appraisal Statement (October 2010)
- Habitats Regulations Assessment Statement (October 2010)
- New Communities Portfolio Holder Report 8 March 2011: Fen Drayton Former LSA Estate SPD - Adoption

**Appendices:**

- Appendix 1 Further Written Responses from Landowners of 54 Park Lane and 33 Cootes Lane
- Appendix 2 Fen Drayton Former LSA Estate SPD

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