

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2nd December 2009

AUTHOR/S: Executive Director (Operational Services)/
Corporate Manager (Planning and Sustainable Communities)

S/1521/09/F – FEN DRAYTON

Replacement Dwelling at 32 Cootes Lane, Fen Drayton for Mr & Mrs S Jardine

Recommendation: Refusal

Date for Determination: 25th December 2009

Notes:

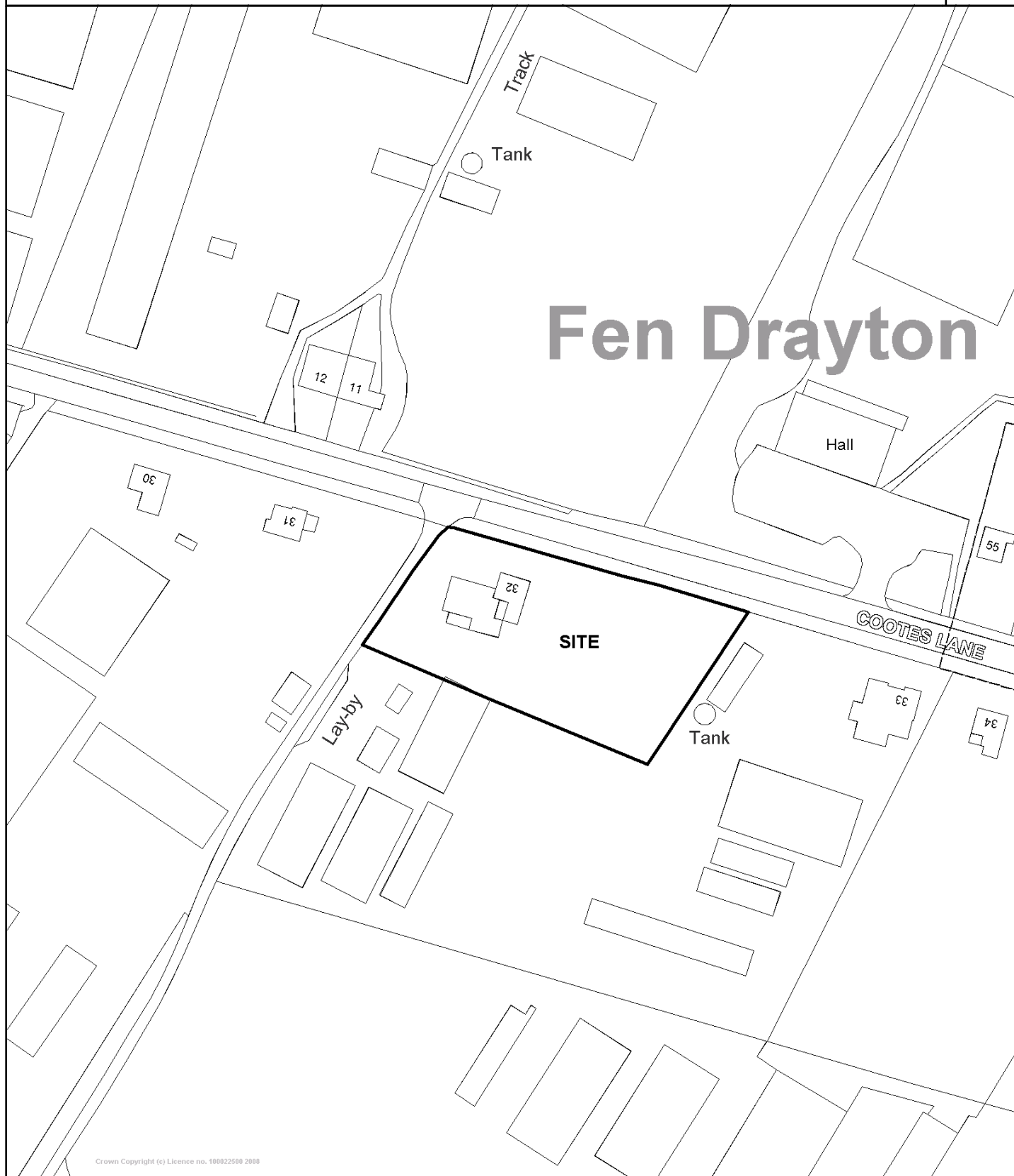
This Application has been reported to the Planning Committee for determination following a request by the Local Member.

Site and Proposal

1. The full application, received on 20th October 2009, relates to the detached two-storey property on the site. The proposal seeks removal of the existing dwelling, and replacement with a new dwelling, the main two-storey element of which would have the same footprint as the existing. The site is within the former Fen Drayton Land Settlement Association land, and is outside of the designation Fen Drayton village framework.
2. The existing dwelling has a span of 8.3m across the plot, and a depth of 6m, with a small single storey extension to the rear. The two-storey element measures 2.8m and 7.5m to the eaves and roof ridge respectively. The dwelling is set back approximately 7.5m from the front hedge along Cootes Lane. The site is a large plot, the existing dwelling being located 18.5m from Middleton Way to the west and approximately 44m from the shared boundary with no. 33 Cootes Lane to the east. It is also approximately 13m from the southern boundary, beyond which are a number of greenhouses and outbuildings. There are some large trees along the access from Middleton Way, and some good screening along the east boundary.
3. A small garage sits to the west of the dwelling, close to Middleton Way. The frontage boundary is a 2m high hedge, in front of which stands a small ditch and grass verge leading to Cootes Lane. The site lies in flood zone 1 of the Environment Agency matrix only, and a flood risk assessment is not required. A Design and Access Statement does form part of the application.

Planning History

4. Application **S/1380/09/LDC** was submitted for an outbuilding to the property. This has been written up for approval, and is currently with the Legal Team prior to the issuing of the certificate.
5. Application **S/0804/09/F** was submitted for a replacement dwelling on site. It was refused dated 12th August 2009 as it represented a 110% increase in volume against



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the existing dwelling. Application **S/1001/09/F** was withdrawn on 3rd September 2009 for a replacement dwelling.

6. Following refusal of application **S/0486/08/F**, application **S/0887/08/F** was approved dated 14th July 2008 for extensions to the existing dwelling. Condition 1 states development must commence before the expiration of three years from the date of the consent. The scheme extends the floor area of the existing (original) dwelling by 50%, and work has yet to commence.

Planning Policy

7. South Cambridgeshire Local Plan 2004 Saved Policies: **Policy Fen Drayton 1**. This policy will be superseded by **Policy SP/9** of the draft Local Development Framework Site Specific Policies Development Plan Document. Adoption is anticipated in January 2010.
8. Local Development Framework Core Strategy 2007: **ST/6** – Group Villages.
9. Local Development Framework Development Control Policies 2007: **DP/1** – Sustainable Development, **DP/2** – Design of New Development, **DP/3** – Development Criteria, **DP/7** – Development Frameworks, **HG/7** – Replacement Dwellings in the Countryside & **NE/15** – Noise Pollution.
10. **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

11. **The Local Highways Authority** request information regarding vehicle parking, turning, loading and unloading during construction, a method statement for demolition, a plan showing manoeuvring areas, and parking space dimensions.
12. Consultations have been sent to **Fen Drayton Parish Council** and the **Ecology Officer** and no responses have been received. Members will be updated on any responses.
13. **Cllr Wright** requested the scheme be referred to Planning Committee if officers recommend refusal. He adds it would be helpful to have the committee's opinion on the new Land Settlement Association policy.

Representations

14. The occupiers of no. 33 Cootes Lane support the scheme, and wish to speak at the planning meeting. Letters of support have been received from the occupiers of 29 Cootes Lane, 18 Vermuyden Way and 2 Mill Road, all in Fen Drayton. Members will be updated on any further comments received.

Planning Comments – Key Issues

15. The key issue regarding the scheme is the principle of development given the size of the replacement dwelling when compared to the existing dwelling and that granted approval under S/0887/08/F.

The Principle of Development

16. The site lies outside the Fen Drayton village framework, and as such is within the countryside. Policy HG/7 of the Local Development Framework Development Control Policies 2007 relates specifically to the replacement of dwellings in the countryside. It states that one for one replacements would only be permitted for a maximum enlargement of 15% in volume, and also states the dwelling should not be abandoned, should be in scale and character with that it is intended to replace and in character with its surroundings, and that it should not materially increase the impact of the site on the surrounding countryside. The supporting text states that a new dwelling is likely to have a greater impact upon the countryside than the dwelling it replaces, and therefore replacements should be similar in size and height to the original structure.
17. The existing dwelling has a volume of approximately 344 cubic metres, and the single storey rear element is included in this figure. The extant consent for extensions (S/0887/08/F) increases the volume to approximately 455 cubic metres, a 32% volume increase from the original.
18. The proposed plans under application S/1521/09/F have an approximate volume of 884 cubic metres. This would represent an increase in volume of 156% from the existing dwelling, and a 94% increase in volume from the extant planning S/0887/08/F. This is considered to be excessive and unsatisfactory given the 15% requirement within the policy. The application is therefore considered to be contrary to Policy HG/7 and its aim of protecting the countryside for its own intrinsic value.
19. Since the previous refusal on the site, the application for a Certificate of Lawfulness (S/1380/09/LDC) has been submitted for a proposed outbuilding on the site. Given its proposed incidental use, it is considered to be permitted development. This outbuilding has a volume of 520 cubic metres in itself, and is shown to provide a games room, gym and home office. When added to the volume of the existing dwelling, this gives the site potential for 864 cubic metres without any additional planning permission. The outbuilding is also considered permitted development if the extensions approved under application S/0887/08/F are constructed. This would give the site a volume of 975 cubic metres.
20. There are changes to the layout of the Certificate of Lawful Development outbuilding and the main dwelling from what has consent. The outbuilding has slightly reduced in size, but it is no longer to be used for "incidental" uses ancillary to the main dwelling. The proposed layout shows it would be used as a kitchen, dining room and living room, and as a result, it would require planning permission now in its own right. The lounge would remain in the main two-storey element, which would then be principally used for the four bedrooms.
21. Policy HG/7 does not allow for flexibility for such volume increases and the proposal remains contrary to the wording and aims of the policy. Members will have to decide how much weight is given to the extant permission and the Certificate of Lawful Development against the aims of the policy. I consider the wording of the policy is still relevant given the aims of the policy in protecting the countryside. The changes to the proposed layout, in particular with the outbuilding, also significantly alter the proposal. The application is therefore recommended for refusal.

Other Matters

22. There are specific planning policies relating to the former Land Settlement Association land in Fen Drayton. Policy Fen Drayton 1 has been saved from the South Cambridgeshire Local Plan 2004, and states that planning permission will not be granted for housing unless it is directly related to uses appropriate to a rural area. The policy does not seek to impose agricultural occupancy controls on dwellings. Historic agricultural restrictions on occupation of dwellings have been lifted, and therefore I do not consider the policy relevant for a replacement dwelling. It would be appropriate to any proposed new dwellings. Policy HG/7 is still pertinent to the site.
23. The policy is soon to be superseded by Policy SP/9 of the Site Specific Policies Development Plan Document. This states planning permission for change of use or redevelopment of existing buildings will be permitted for on-site experimental or other ground breaking forms of sustainable living, provided that development would not occupy a larger footprint than existing buildings. It does however, only relate to buildings no longer needed for agricultural purposes, and does not restrict replacements. Again, I consider Policy HG/7 would hold more weight. Members should be aware the proposal is being designed as an “eco” home, and would meet the carbon neutral aims of Policy SP/9.
24. Given the size of the plot, there would be no serious impacts upon the occupiers of adjacent dwellings. Members will be updated on comments made from the Parish Council who did not object to the previous two applications for replacement dwellings on the site. Members will also be updated on any comments from the Ecology Officer.
25. I note the comments from the Local Highways Authority regarding the scheme. Conditions could be added regarding provision during construction and manoeuvring areas. The parking spaces are scaled on the plan and a condition is unnecessary. A method statement for construction should be agreed directly with the Local Highways Authority and would not be required as a planning condition.

Recommendation

26. Recommend refusal.

The site is located approximately 100m to the west side of the Fen Drayton village framework, and therefore is located in the countryside. The existing dwelling has a volume of approximately 344 cubic metres. An extant permission for extensions to the dwelling increases this to approximately 455 cubic metres. The proposal has a volume of approximately 884 cubic metres. This would represent a volume increase of 156% above the existing dwelling, and a 94% increase above the size of the extant permissions for extensions. The outbuilding considered to be permitted development (S/1380/09/LDC) would allow a similar volume to the replacement dwelling, but would significantly increase the living area and would no longer be “incidental” to the main dwelling. The proposal represents a disproportionate increase in the size of the dwelling and the increase in scale and bulk would have a greater impact upon the countryside than the dwelling it replaces.

The proposal is therefore contrary to Policy HG/7 of the Local Development Framework Development Control Policies adopted July 2007, which permits one-for-one replacement of dwellings in the countryside so long as the replacement dwelling is in scale with the dwelling it is intended to replace and it would not materially increase the impact of the site on the surrounding countryside.

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

- Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007).
- South Cambridgeshire Local Plan 2004 Saved Policies.
- Planning Files Ref: S/1521/09/F, S/1380/09/LDC, S/1001/09/F, S/0804/09/F, S/0887/08/F & S/0486/08/F.

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