

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 August 2012

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/1235/12/FL – FULBOURN

Replacement Dwelling at L'Abri, Teversham Road for Mr R. Hearne

Recommendation: Approval

Date for Determination: 3 August 2012

Notes:

This application has been reported to the Planning Committee for determination as it is a minor application and the recommendation of Fulbourn Parish Council conflicts with the officer recommendation.

To be presented to the Committee by Karen Pell-Coggins

Site and Proposal

1. The site is located outside the Fulbourn village framework and within the Green Belt and countryside. It measures 0.12 of a hectare in area and currently comprises a single storey, flat roof painted brick building that was originally used in connection with the previous use of the site as a campsite and part of the building now has a Certificate of Lawful Use to be occupied as a dwelling. A large open grassed area with a number of trees and single storey outbuildings lies to the east. The southern boundary alongside Teversham Road has a high hedge. There is a gated vehicular access to the north.
2. The application, received on 8 June 2012, seeks the erection of a one bedroom dwelling following demolition of the existing building on the site. The dwelling would be sited in approximately the same position as the existing building and measure 10 metres in length, 6.6 metres in depth, and 2.9 metres in height. It would have a simple, contemporary design and the materials of construction would be white render for the walls and sedum for the roof. The existing garage to the north would be retained for parking and the existing summerhouse to the north would be retained within the garden.

Planning History

3. **S/1417/11/LDC** - Lawful Development Certificate for Existing Use of Part of Building as Dwelling - Approved
4. **S/0183/10/LDC** - Lawful Development Certificate for Existing Use of Building as Dwelling - Refused

5. **Breach of Condition Notice E122B** dated 17th February 1992 - Condition 3 of S/2286/86/F - Appeal Dismissed
6. **S/0463/92/F** - Variation of Condition 3 of Planning Permission S/2286/86/F to Permit Permanent Residential Occupation - Refused
7. **S/0303/89/F** - Extension to Building – Approved (Shelter)
8. **S/2286/86/F**- Extension to Camp Facilities - Appeal Allowed (Wardens Office)
9. **S/0096/85/F** - Seasonal Caravan and Camping Site, Youth Activities, Mobile Home, and Ancillary Buildings (Renewal of S/1304/82/F) - Approved
10. **S/1986/84/F** - Extension to Camp Facilities - Approved (Dining/ Leisure)
11. **S/1985/84/F** - Extension to Camp Facilities - Refused
12. **S/1577/83/F** - Erection of Field Shelter for Site Equipment - Approved
13. **Enforcement Notice** dated 21st February 1983 for Change of Use of Land for Siting of Mobile Home
14. **S/1304/82/F** - Seasonal Caravan and Camping Site, Youth Activities, Mobile Home, and Ancillary Buildings - Approved (Toilet/Shower Block)
15. **C/0837/67/O** - Use of Land as Caravan Park - Refused
16. **C/0242/66/O** - Residential Development - Refused

Planning Policy

17. **South Cambridgeshire LDF Core Strategy DPD, 2007:**
ST/1 Green Belt
18. **South Cambridgeshire LDF Development Control Policies DPD, 2007:**
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/7 Development Frameworks
GB/1 Development in the Green Belt
GB/2 Mitigating the Impact of Development in the Green Belt
HG/7 Replacement Dwellings
NE/1 Energy Efficiency
NE/6 Biodiversity
NE/11 Flood Risk
SF/10 Outdoor Playspace, Informal Open Space, and New Developments
SF/11 Open Space Standards
TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards
19. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**
Open Space in New Developments SPD - Adopted January 2009
Trees & Development Sites SPD - Adopted January 2009
Biodiversity SPD - Adopted July 2009
Landscape in New Developments SPD - Adopted March 2010
District Design Guide SPD - Adopted March 2010

Consultation by South Cambridgeshire District Council as Local Planning Authority

20. **Fulbourn Parish Council** – Recommends refusal – we understand that the structure on the site at present is not designated as a fully permanent dwelling and has not been occupied for the last four years. It is not therefore a like-for-like replacement as such. As the site lies outside the village framework and in green belt land we consider it an inappropriate development.
21. **Local Highways Authority** – Requires a condition in relation to a traffic management plan for vehicles visiting the site during construction to ensure the impact upon the public highway is satisfactory.
22. **Environmental Health Officer** – Has concerns that problems could arise from noise and suggests conditions in relation to the hours of use of power operated machinery during demolition and construction. Also requests informatives with regards to a demolition notice, the burning of waste on site, and pile driven foundations.
23. **Environment Agency** – septic tanks are not acceptable in areas where mains foul water drainage is available unless it can be demonstrated that a connection is not possible. Therefore, requests a condition in relation to foul water drainage. Also suggests informatives with regards to foul and surface water drainage.
24. **Trees and Landscapes Officer** – the trees are not afforded any statutory protection but the screening along the frontage should be retained if robust and in a good condition. Advises that guidance in BS 5837 2012 is followed to protect the frontage.
25. **Landscape Design Officer** – No reply (out of time).
26. **Ecology Officer** – No reply (out of time).

Representations by Members of the Public

27. The neighbour at Brook House, Teversham Road questions the lawful use of the existing building as a dwelling, as it is understood that it was never occupied permanently and the owner has not occupied the building since 2008. Concerns that if the application is granted, the dwelling could be replaced or extended, or new dwellings built in the future on a site in the green belt which is not right for development.

Material Planning Considerations

28. The key issues to consider in the determination of this application are whether the proposal would represent inappropriate development in the Green Belt in policy terms, whether there is any other harm, and whether any very special circumstances could be demonstrated that would outweigh any harm identified through inappropriateness or other harm.

Inappropriate Development

29. Paragraph 89 of the National Planning Policy Framework 2012 states that new buildings are inappropriate in the Green Belt with the exception of the replacement of a building providing the new building is in the same use and not materially larger than the one it replaces.

30. Policy HG/7 of the Local Development Framework supports one-for-one replacement dwellings in the countryside subject to the requirements of the General Permitted Development Order (i.e. a maximum enlargement of 15% of volume) and the need to provide satisfactory internal layout and amenities, where it can be shown that the use of a dwelling has not been abandoned; the proposed replacement dwelling is in scale with the dwelling it is intended to replace and is in character with its surroundings; and the proposed replacement dwelling would not materially increase the impact of the site on the surrounding countryside.
31. The building on the site has a certified lawful use as a dwelling and this use has not been abandoned simply through lack of occupation. The proposed replacement with a new dwelling would therefore result in the same use of the site.
32. The existing dwelling on the site has a floor area of 51 square metres, a volume of 258 cubic metres, and a height of 2.8 metres. The proposed dwelling would have a floor area of 54 square metres, a volume of 191 cubic metres, and a height of 2.9 metres. Such an enlargement would result in an increase of 6% in the floor area of the dwelling, a decrease of 25% in the volume of the dwelling, and an increase of 0.1 metres in the height of the dwelling. Given the limited increase in floor area and height and decrease in volume, the proposal is considered to be in scale with the lawful dwelling and would not have a materially greater impact upon the Green Belt.
33. Given the above reasons, the proposal is not considered to represent inappropriate development that would, by definition, be harmful in policy terms. However, this is subject to control over any future development on the site in future, so a condition removing Permitted Development rights is recommended.

Other Harm

34. The proposal would not result in any further encroachment to the Green Belt from the previous use nor lead to a visually intrusive development that would adversely affect the openness or rural character and appearance of the Green Belt given its similar scale and siting.
35. The existing dwelling has a poor quality design and is constructed from substandard materials. The proposed dwelling would have a high quality design and modern materials for sustainable construction. Whilst it is acknowledged that the character and appearance of the dwelling would therefore be different to the existing dwelling, it is considered acceptable in this case, due to the improvement to the existing building, lack of public views, and unique setting of the site.
36. A one-for-one replacement dwelling would not result in an increase in traffic generation to and from the site. A condition would be attached to any consent to secure a traffic management plan for construction vehicles to ensure the development would not be detrimental to highway safety.
37. The proposal would not result in the loss of any significant trees or hedges that contribute to the visual amenity of the area. A condition would be attached to any consent to ensure the existing hedge on the site frontage would be retained and a protected during construction.
38. The demolition of the existing building is not considered to lead to the loss of an important habitat for protected species.
39. The dwelling would be situated a substantial distance away from the nearest residential property at Brook House and would not harm the amenities of any neighbours.

40. The proposal would not result in an increase in the number of bedrooms that would place additional demand upon open space or community facilities. Developer contributions are not therefore required to ensure the development is acceptable in planning terms.
41. Given the above reasons, the proposal is not therefore considered to result in any other harm to the Green Belt.

Very Special Circumstances

42. Given that the proposal is considered to represent appropriate development in the Green Belt in policy terms and no other harm has been identified, the need for the demonstration of very special circumstances is not applicable in this case.

Conclusion

43. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be granted in this instance.

Recommendation

44. Approval. The following conditions and informatives are suggested: -

Conditions

- i) 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.)
- ii) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing number 1610/02.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- iii) Details of the materials to be used in the external construction of the extension, hereby permitted, shall follow the specifications as stated on the planning application form and shown on the approved drawings unless otherwise approved in writing by the Local Planning Authority.
(Reason- To ensure the development is in keeping with the character and appearance of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
- iv) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Classes A and E of Part 1 of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.
(Reason – To safeguard the openness of the Green Belt in accordance with Policy GB/1 of the adopted Local Development Framework 2007.)

- v) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied in accordance with the approved details and shall thereafter be retained. (Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
- vi) 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.)
- vii) 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.)
- viii) The existing hedge on the front boundary of the site shall be retained except at the point of access; and any trees or shrubs within it which, within a period of five years from the completion of the development or the occupation of the buildings, whichever is the sooner, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. (Reason - To protect the hedge which is of sufficient quality to warrant its retention and to safeguard biodiversity interests and the character of the area in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007.)
- ix) No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:
- i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)
 - ii. Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street.
 - iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)

iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

x) Prior to the commencement of any development, a scheme for the provision and implementation of foul 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 reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 of the adopted Local Development Framework 2007.)

xi) During the period of demolition and construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and before 0800 hours and after 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.)

Informatives

i) During demolition and construction, there shall be no bonfires or burning of waste on site except with the prior permission of the District Environmental Health Officer in accordance with best practice and existing waste management legislation.

ii) Before the existing property is demolished, a Demolition Notice will be required from the Environmental Health Department establishing the way in which the property will be dismantled, including any asbestos present, the removal of waste, minimisation of dust, capping of drains and establishing hours of working operation.

iii) Should pile driven foundations be proposed, then before works commence a statement of the method for construction of these foundations shall be submitted to the District Environmental Health Officer so that noise and vibration can be controlled.

iv) The applicant's attention is drawn to DETR Circular 03/99 which **requires an applicant to demonstrate that a connection to the public foul sewer is not available**. In the eventuality of a connection to the public foul water sewer not being available, the suitability of any non-mains sewerage systems, particularly those incorporating septic tanks, must be effectively demonstrated by the applicant to the satisfaction of the Local Planning Authority. The above detail must be submitted with any subsequent foul water drainage submission.

v) Any 'non mains' foul water drainage system may require the prior written Consent of the Agency under the term of the Water Resources Act 1991. Such consent may not be forthcoming.

- vi) Foul drainage from the proposed development should be discharged to the public foul sewer unless it can be satisfactorily demonstrated that a connection is not reasonably available.
- vii) Anglian Water Services Ltd. should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution or flooding. If there is not capacity in either of the sewers, the Agency must be reconsulted with alternative methods of disposal.
- viii) All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes. Open gullies should not be used.
- ix) Where soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Local Authority. The maximum acceptable depth for soakaways is 2 metres below existing ground level. **Soakaways will not be permitted to be located in contaminated areas.** If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.
- x) Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.
- xii) Any culverting or works affecting the flow of a watercourse requires the prior written Consent of the Lead Local Flood Authority (LLFA). The LLFA seeks to avoid culverting, and its Consent for such works will not normally be granted except as a means of access. The granting of planning approval must not be taken to imply that consent has been given in respect of the above.
- xiii) Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

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

- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents: Open Space in New Developments SPD - Adopted January 2009, Trees & Development Sites SPD - Adopted January 2009, Biodiversity SPD - Adopted July 2009, Landscape in New Developments SPD - Adopted March 2010, and District Design Guide SPD - Adopted March 2010
- National Planning Policy Framework
- Planning File References: S/1235/12/FL, S/1417/11, S/01823/10, S/0463/92/F, S/0303/89/F, S/2286/86/F, S/0096/85/F, S/1986/84/F, S/1985/84/F, S/1577/83/F, S/1304/82/F, C/0837/67/O, and C/0242/66/O

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