

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

5 September 2012

AUTHOR/S: Planning and New Communities Director

S/1874/11 – BOURN

Replacement dwellinghouse and extension and alteration to existing structures to provide carport and storage buildings – The Apiary, 107 Caxton End for Mr Andrew Dearman, Dearman Developments Ltd

Recommendation: Approve

Date for Determination: 26 November 2011

Notes:

This Application has been reported to the Planning Committee due to the disparity between Officer recommendation and that of the Parish Council

To be presented to the Committee by Matthew Hare

Site and Proposal

1. The application site comprises what is believed to be the former site of the Cock and Bottle Public House. The derelict and severely dilapidated remains of which are still visible on site. It is, however, understood that following closure of the pub the building was used as a dwellinghouse before falling into disrepair. Also on site is a timber outbuilding which is in a comparatively better state of repair.
2. The site is large (approx. 0.9ha) and littered with the remains of numerous vehicles and other objects. The current owners are making good progress with clearing this from the site.
3. The site is accessed from Caxton End, an unclassified road leading north-westward from the village of Bourn. Caxton End is characterised by a dispersed linear settlement pattern exhibiting a mix of dwelling age and design. The site falls outside of the Development Framework boundary for Bourn and is therefore within the defined countryside.
4. The site also falls partially within the Bourn Conservation Area. Land levels slope gently upwards from Caxton End to the rear of the site and a public footpath runs along the rear boundary.
5. The application seeks approval of a replacement dwelling. The proposals were originally described as refurbishment but were amended during consultation to comprise replacement when it became clear that there was no merit in refurbishment. The proposals have been amended to address design concerns raised by the Conservation Officer and Parish Council.

Planning History

6. **S/1265/04/F** – Two New Dwellings – Refused due to the fact that the development was inappropriate within the countryside and the scale and design of the buildings was such that it was considered to erode the rural character of the countryside and Conservation Area.

Planning Policy

7. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007:**

DP/1 Sustainable Development

DP/2 Design of New Development

DP/3 Development Criteria

DP/4 Infrastructure in New Developments

DP/7 Development Frameworks

HG/7 Replacement Dwellings

HG/8 Conversion of Buildings in the Countryside for Residential Use

SF/10 Outdoor Playspace, Informal Open Space, and New Developments

SF/11 Open Space Standards

NE/1 Energy Efficiency

NE/2 Renewable energy

CH/5 Conservation Areas

TR/1 Planning for more Sustainable Travel

TR/2 Car and Cycle Parking Standards

Consultations

8. **Bourn Parish Council** – Recommends Refusal in light of the fact that the previous residential use is considered to be abandoned and therefore that the proposals are contrary to policies DP/7 and HG/7 of the LDF.

Following amendment and discussions with the Council's Senior Lawyer (see below) the Parish Council omits its concerns regarding abandonment but recommends refusal on design grounds commenting:

"The Parish Council is pleased to see the dwelling has been moved more centrally on site however it recommends the application is refused as the roof height has been raised. The roof height should be lower"

9. **Senior Lawyer** – Advises the following in respect of the matter of abandonment:

"The period of non-use, even if from the 1970s rather than the 2002/03 claimed by the agent, is not excessive provided there is some good evidence of an intention to resume the user. There are a number of authorities that accept breaks in active use of as long as 30 years without use rights being lost. Similarly, the extent of dilapidation does not seem necessarily fatal where there are clearly residual features of the original structure physically remaining and no evidence I am aware of that indicates demolition or other deliberate measures to render the property uninhabitable have occurred.

So, in assessing intention, given the death of Mr Sparkes, we have to look at what we know. He apparently lived on the site in a caravan (at least from time

to time), he certainly seems to have been present there generally more or less continuously, even if actually living from a car at the roadside at times as the third-party claims. It seems to me that a reasonable person looking at those facts might conclude that those actions only occurred because Mr Sparkes regarded the site as his home (and, therefore, residence), notwithstanding the built structure was not being lived in. I see no reason to conclude from those facts alone that his intention was to abandon.

Given these considerations, if I have to call it either way, I prefer the view that the residential use has not been abandoned”

10. **Conservation Officer** - Advises that the remains of the previous cock and bottle building on site are not worthy of preservation having regard to the severe state of dilapidation and engineers reports submitted. Advises that the outbuilding structure is worthy of retention. Advises that the remains will require Conservation Area Consent for demolition.

Recommends refusal of the scheme, as amended, for the following design reasons:

"The proposed scheme has some general historic and vernacular characteristics but it mainly lacks many of the characteristics [of the area] such as simple, linear forms. Many of the elements (highlighted in one side elevation) have wide spans and relatively shallow pitches. The way render, brick and weatherboarding is split does not reflect local examples of houses, nor does the exposed chimneys on the south-east elevation".

11. **Tree Officer** – No objections. Recommends a soft landscape condition.
12. **Contaminated Land Officer** – Recommends a condition for the investigation, mitigation and remediation of contaminated land.
13. **Environmental Health Officer** – Recommends standard conditions for noise during construction and pile driven foundations.
14. **Ecology Officer** – No objections but recommends that the development be conditioned to ensure that the works are carried out in accordance with the Habitat Survey Report that accompanies the submission.
15. **Local Highways Authority** – Request that the field access gate be set at least 10m back from the highway boundary. Otherwise raise no objections and suggest a number of standard conditions regarding:

- Retention of visibility splays
- Surface water drainage
- Use of a bound material for driveway

Representations by members of public

16. Letters of representation received no.105 Caxton End, raising the following concerns (summarised):
- Previous residential use of the site has been abandoned

- Inappropriate design in terms of scale relative to no.105 and appearance in terms of complex design
- The application fundamentally seeks permission for a new dwelling in the countryside which is inappropriate

Representations received from 71 and 81 Caxton End, offering support for the proposed redevelopment of the site, commenting that the proposed design appears attractive and that re-use of the site would be positive for the area.

Material Planning Considerations

17. The key issues to consider in this instance are the acceptability of the principle of the development proposed in this location, impact upon the character and appearance of the countryside and Conservation Area, impact upon residential amenity and other matters.

Principle of Development

18. The proposals originally sought restoration of the remains on site but have been amended to seek replacement of the existing remains of the Cock and Bottle to provide a new dwellinghouse after it was established that there was little fabric of merit remaining on site to warrant refurbishment.
19. It is documented by the applicant and local representation that there has been a previous residential use of the former Cock and Bottle PH. It is evident that the residential use of the site has ceased and the building exists in a state of severe disrepair. Anecdotal evidence in the representations received suggests that the former Cock and Bottle has not been occupied since the mid 1970's. Given the severely dilapidated nature of the site in order for a proposal for a replacement dwelling to be viewed positively it would have to be demonstrated that the previous residential use of the site has not been abandoned. The test for abandonment as established by past case law pertains to four key matters:
 - Physical condition
 - Length of time unoccupied
 - The existence of any intervening land use
 - Intent to abandon
20. Having regard to the above the Council's Senior Lawyer has advised that, on balance, the strongest case rests with the residential use of the site having not been abandoned.
21. Moving forward with this in mind the key policy applicable is policy HG/7 which permits the one for one replacement of existing dwellings in the countryside subject to the stipulation that any development must not materially increase the impact of the site upon the surroundings.
22. The site at present is, as stated numerous times, in a severely dilapidated condition. The remains of the Cock & Bottle are so degraded that it is impossible to acquire an understanding of the visual impact that the building might once have had. The application makes some suggestions as to what the prior extent of the building was but this is not substantiated and thus little weight is attached to these speculations. On the flip-side the Local Planning

Authority has no evidence to demonstrate beyond the balance of probability that the historic survey details are incorrect.

23. The proposed replacement dwelling is, in all likelihood, materially larger than the previous structure. However the prevailing character of Caxton End is one of large detached dwellings set within spacious plots. In this regard the proposal will not appear incongruous or out of scale (the proposed dwelling would stand only 0.14m higher than the adjacent dwelling no.105). Thus whilst there will be an increase in the visual presence of the site in the surroundings this is largely due to the dilapidated nature of the existing buildings and the lack of evidence to qualify the previous impact of the existing building it is not considered that this increased visual presence would be harmful in principle, rather it would result in the decontamination and tidying up of the site which is to be generally viewed as positive.
24. There would be no concern for the establishment of a precedent for further large detached dwellings in the vicinity as the current proposals are determined on the assessment that the existing residential use of the site has not been abandoned, clearly there are no sites with similar applicable circumstances in the vicinity.

Character and Appearance

25. The site falls within the Bourn Conservation Area as does much of Caxton End. At the south eastern end of the lane development is relatively dense, but historic dwellings have a generally high status appearance. Development patterns quickly become less dense as one moves north westwards away from the village centre and in the vicinity of the application site dwellings on Caxton End are typically large, detached and set within spacious plots. There is a harmonious mix of dwelling age and design evident.
26. The proposed dwelling represents a large detached dwelling of historic appearance. The house design has been amended to simplify the external appearance of the dwelling and in this regard the scheme is considered to have an attractive and well-balanced street fronting elevation. The Conservation Officer considers that the scheme is only partially reflective of the character of the area and that it does not respond to historic dwelling forms or details in the vicinity. Regardless however, the street fronting appearance of the dwelling is considered to respond well to local distinctiveness overall and is reminiscent of wider vernacular trends of high status dwellings in the district. Gable spans on the dwelling are largely commensurate to traditional proportions other than that of the northwest elevation, the wide span on this elevation having resulted from the Conservation Officer's previous concern for a valley roof construction.
27. Rear elevations are less attractive due to a perceived complexity, but have substantially less impact upon the character and appearance of the area and thus are not considered to constitute a design concern.
28. It is considered reasonable and necessary to condition external materials for approval in the event of planning permission being granted to ensure that the detailed external appearance is appropriate for the area.
29. The existing barn structure is proposed to be retained, repaired and enlarged. Enlargement is not considered to materially harm the character of the area

and the street fronting elevation of the barn remains suitably utilitarian and thus contextual to the area. The Conservation Officer has advised that the barn is worthy and capable of restoration, the application lacks detail in this regard and thus is it considered reasonable to require a scheme of restoration by way of a conditional requirement.

30. New landscaping is indicated by the proposals but no specific details are provided. Having regard to the relatively verdant qualities of Caxton End it is considered reasonable to condition a specific soft landscaping scheme for approval and implementation to ensure that this character is complemented.
31. Having regard to the above it is not considered that the proposals will materially harm the character or appearance of the Conservation Area in this instance.

Residential Amenity

32. There is not considered to be any adverse impact upon residential amenity in this instance due to the degree of separation from adjacent residential dwellings that is proposed.

Further considerations

33. The proposed dwelling comprises a four bedroom dwelling. Officers are unable to establish how many bedrooms the previous dwelling had due to a general lack of historic information in this regard. It is clear however that the previous dwelling on the site has been unoccupied for a number of years and as such the community has not had to accommodate the burden of the occupants for the same period. Due to this it is considered reasonable to seek a financial contribution in lieu of on-site provision of public open space and community facilities in full having regard to the size of the proposed dwelling. The applicant has acquiesced to this and provided a draft heads of terms to meet these requirements. A standard Grampian condition is there considered to be reasonable and necessary in this instance.
34. The Local Highways Authority Recommend that the field access gate be sited back from the edge of highway boundary by at least 10m. Amended plan ref. NWA-11-014101D appears to omit the field access from proposals, but the site location plan retains this feature. It is considered reasonable in this instance to condition all boundary treatments on site for approval, this would allow the authority control over the siting and design of a gated field access.

Conclusion

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

Recommendation

36. Approve subject to conditions

Conditions

- 1. 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.)
- 2. The development hereby permitted shall be carried out in accordance with the following approved plans & Documents: NWA-11-041-BLK_P rev A, NWA-11-041-1 Rev D, NWA-11-041-2 Rev B, NWA-11-041-3, NWA-11-041-4 Rev A & Habitat Survey dated 5th March 2011.**
(Reason – To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- 3. No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
- 4. Notwithstanding plan ref NWA-11-014101D, 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.)
- 5. 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.)
- 6. No development approved by this permission shall be commenced until:**

- a) **The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority.**
 - b) **Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.**
 - c) **The works specified in the remediation method statement have been completed, and a validation report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.**
 - d) **If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this contamination should be agreed in writing by the Local Planning Authority.**
(Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007)
7. **No development shall begin until details of a scheme for the provision of recreational, community services and refuse infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policies SF/10 & SF/11 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.**
(Reason - To ensure that the development contributes towards public open space, community facilities and refuse in accordance with the above-mentioned Policies SF/10 & SF/11 and Policy DP/4 of the adopted Local Development Framework 2007.)
 8. **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 and gates to be erected. The boundary treatment and gates shall be completed before that/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 and in the interests of highway safety in accordance with Policies DP/2 & DP/3 of the adopted Local Development Framework 2007.)
 9. **Prior to the commencement of development on site a detailed scheme for the restoration of the existing cattle shed on site**

shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be carried out in accordance with the agreed details.

(Reason - To ensure the appropriate restoration of the cattle shed which is considered to be of historic interest.)

10. **The driveway and hardstanding, hereby approved, shall be constructed such that no surface water run-off is discharged on to the public highway. This arrangement shall be retained for so long as the hardstanding remains.**

(Reason - To ensure that the development does not negatively impact on site highway safety in accordance with Policies DP/2 and DP/3 of the adopted Local Development Framework 2007.)

11. **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 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.)

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

- South Cambridgeshire Local Development Framework 2007

Contact Officer: Matt Hare – Senior Planning Officer
Telephone: (01954) 713180