

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

9 January 2013

**AUTHOR/S:** Planning and New Communities Director

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**S/2288/12/VC – BOURN**

**Variation of condition 2 of planning permission ref. S/1874/11 to agree revisions to dwelling design – The Apiary, 107 Caxton End for Mr Andrew Dearman, Dearman Developments Ltd**

**Recommendation: Approve**

**Date for Determination: 31 December 2012**

**Notes:**

**This Application has been reported to the Planning Committee because Officer recommendation of approval is contrary to 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 design of which differs from that previously approved by the Council under ref. S/1874/11 by way of a basement, slight increase in height, taller side (west) addition, larger rear balcony and rooflight within the street fronting roof slope.

## **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.
7. **S/1874/11** - Replacement dwellinghouse and extension and alteration to existing structures to provide carport and storage buildings - Approved

## **Planning Policy**

8. **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

## **Consultation by South Cambridgeshire District Council as Local Planning Authority**

9. **Bourn Parish Council** – Recommends refusal, making the following comments:  
  
*Bourn Parish Council recommend refusal of this application as it contravenes HG/7: the replacement building is considerably more than 15% larger than the original Cock and Bottle.*  
  
*Also the ridge height of the West Wing has been raised in this variation. The Parish Council objected to the original proposal partly because of the total height, so believe a rise in a further section of the building is unacceptable, this contravenes DP/2.*
10. **Conservation Officer** - Recommends refusal of the scheme for the following design reasons:  
  
*"The additional below ground accommodation, changes to the west wing and enlarged rear balcony will neither preserve nor enhance the approved building".*
11. **Contaminated Land Officer** – Recommends a condition for the investigation, mitigation and remediation of contaminated land.

12. **Environmental Health Officer** – Recommends standard conditions for noise during construction and pile driven foundations.
13. **Ecology Officer** – No comments received but previously commented '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.'
14. **Local Highways Authority** – No comments received, but previously raised 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**

15. 1 Letter of representation received from View Farm Caxton End, raising concerns that any further increase in scale or volume, however small, would cause unacceptable harm to the character of the surrounding countryside and the Conservation Area.

#### **Material Planning Considerations**

16. Having regard to the fact that the council recently approved a replacement dwelling on the site and that this application seeks to vary the design of that approved dwelling the key issues to consider in this instance are the impact upon the character and appearance of the countryside and Conservation Area arising from the design changes.

#### **Character and Appearance**

17. 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. The site also falls within the defined countryside.
18. The Council's Planning Committee resolved to grant planning permission for the replacement dwelling proposed under reference S/1874/11 in September 2012.
19. The application under consideration seeks to vary the design of the proposed dwelling by providing a large basement (full extent of footprint), an increase in the height of the western element to provide a first floor office, an enlargement of the rear balcony and a roof light in the street-fronting roofslope. In order to facilitate the proposed basement the overall height of the dwelling is proposed to increase by approximately 300mm (from 8.3m to 8.6m).

20. The proposed changes do not substantively alter the detailed appearance of the dwelling or its scale relationship to the surrounding area and as such it is not considered that the Council could sustain refusal of the proposals on design grounds (under either policy DP/2 or CH/5). The Conservation Officer advises that the proposed alterations will neither preserve nor enhance the approved building, however in this instance this statutory test is to be applied to the character of the area, not that of the building - the difference is perhaps subtle but no weight can be attached to this comment for this reason.
21. The previous approval (S/1874/11) was considered under the terms of policy HG/7 which applies a limit to the amount of enlargement that can be achieved by any replacement dwelling of 15% of the volume of the original. At the time Officers considered that the proposed replacement dwelling was '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. 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'.
22. Due to the substantially dilapidated nature of the existing remains of the Cock and Bottle, and lack of reliable records indicating its previous dimensions it was not possible for Officers to carry out an accurate assessment of the enlargement in volume proposed but regardless the impact was not deemed to be harmful.
23. Clearly the amended design under consideration substantially increases the volume of the replacement dwelling. However this increase in volume is largely achieved under the ground (the basement) and as such the external impact is negligible and as discussed above is not considered to cause harm.
24. As such the objectives of policy HG/7 to resist a material increase in the impact of a residential development site on the countryside are considered to be met when comparing the difference in impact between the approved scheme and the amended proposals.

#### **Further considerations**

25. All conditions previously imposed upon S/1874/11 are considered to stand as reasonable and necessary and are thus any approval granted is recommended subject to these conditions (as set out below).

#### **Conclusion**

26. 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**

27. 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 E, NWA-11-041-2 Rev D, NWA-11-041-3, NWA-11-041-4 Rev B & Habitat Survey dated 5<sup>th</sup> March 2011.**

(Reason – To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990 and to ensure that appropriate ecological enhancements are made to the site.)

**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-11-0141 -1 rev E, 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

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