

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

5 March 2014

AUTHOR/S: Planning and New Communities Director

Application Number:	S/2702/13/FL
Parish(es):	Cottenham
Proposal:	Replacement of No.3 The Lakes (two-bedroom basement flat) with single-storey three-bedroom dwelling through the change of use and minor alteration of an existing outbuilding
Site address:	The Lakes, Twentypence Road
Applicant(s):	Mr & Mrs G Clandillon
Recommendation:	Approval
Key material considerations:	Principle of development
Committee Site Visit:	No
Departure Application:	No
Presenting Officer:	Dylan Jones
Application brought to Committee because:	The Officer recommendation conflicts with the recommendation of Cottenham Parish Council
Date by which decision due:	17 March 2014

Executive Summary

1. The Lakes currently comprises six lawful dwellings and two unauthorised dwellings. The application proposes to relinquish the use of one of the lawful dwellings (a 2-bedroom basement flat) and to convert the two unauthorised dwellings (contained within an outbuilding) into a single 3-bedroom property.
2. Last year, an application to regularise the use of the two unauthorised dwellings was refused and dismissed at appeal on sustainability grounds. As the current application would not result in any increase in the lawful use of the site for six dwellings, it is not considered to result in an unsustainable form of development in this rural location. As such, the reasons behind the appeal being dismissed are considered to have been addressed in the current scheme, and the Officer recommendation is one of approval.

Site and Proposal

3. The Lakes is located outside the village framework and within the countryside between the villages of Cottenham to the south and Wilburton to the north.
4. The applicants first acquired The Lakes in May 2002. At that time, the property was a six-bedroom dwelling and a self-contained basement flat. In 2005, the applicants subdivided the building to form six independent dwellings by demolishing connecting sections and making alterations to the retained floorspace. These works were completed in 2008 and all of the dwellings subsequently occupied by separate households. A Certificate of Lawfulness confirming the lawful use of the six dwellings was issued by the Council last year.
5. The site also includes an outbuilding that was originally a detached garage and store associated with the main dwelling. It was converted, without planning permission, to form two semi-detached dwellings. An application to regularise this use was submitted last year. This application was refused and subsequently dismissed at appeal.
6. The current application proposes to relinquish the use of one of the lawful six dwellings (a two-bedroom basement flat known as No.3 The Lakes) and to replace this property by converting the aforementioned outbuilding to a single dwelling.
7. The proposed physical works comprise the following:
 - Basement flat: the demolition of No.3 The Lakes would be achieved by removing the walls and tanking/lining; and
 - Outbuilding/proposed dwelling: the works would consist of internal alterations to convert the building from the currently unauthorised two dwellings to one dwelling. Externally, two French windows on the front elevation would be replaced with half-height casement windows, one of two front facing doors removed, and a new secondary access door and window inserted on the rear elevation.

Planning History

8. S/1529/12/FL – Application for change of use and alteration to outbuilding to form 2 no. dwellings (retrospective) refused for the following reasons:
 1. The site is located in the countryside, approximately 3 miles from the edge of Cottenham, the closest settlement. Twentypence Road, off which the site is accessed, is a busy, poorly-lit 60mph road with no footpaths or cycleways. Occupiers of the site would, in all likelihood, be forced to rely on the private car to travel to facilities and services. The increase in the number of dwellings within this isolated location represents an unsustainable form of development. The proposal is therefore contrary to the Local Development Framework 2007: Policy DP/7, which states that, in countryside locations, only development for agriculture, horticulture, forestry, outdoor recreation and other uses that need to be located in the countryside will be permitted; and Policy HG/8, which states that residential conversion will only be appropriate in locations close to larger villages. The proposal is also contrary to the aims and objectives of the National Planning Policy Framework 2012, which contains a presumption in favour of sustainable development.

2. The access is from the Twenty Pence Road, a B-classified road that is subject to a 60mph speed limit and has a recorded history of accidents, including a number of fatalities. The proposal would result in the number of dwellings utilising the existing access increasing from 6 to 8. The existing access is substandard and suffers from inadequate vehicle visibility in both directions and substandard kerb radii. The proposal will result in an intensification in the use of the access. The application fails to demonstrate how the access can be improved to ensure that highway safety would not be compromised, and is therefore contrary to the requirements of Policy DP/3 of the Local Development Framework 2007.

The application was then dismissed at appeal on the grounds that the site is not in a sustainable location. The Inspector did not concur with the highway safety issue, stating that an appropriate access could be achieved within the land controlled by the appellants and that this matter could therefore be dealt with by condition if permission were granted.

9. S/2379/12/LD – Certificate of lawfulness for existing development comprising the conversion of single dwelling to six dwellings – granted.
10. S/1048/09/F – Alterations and change of use of dwelling to form 4 holiday lets and replacement access – refused, contrary to officer recommendation, at Planning Committee, on sustainability grounds.
11. S/1979/08/F – Alterations and change of use of dwelling to form 4 holiday lets and replacement access – refused for biodiversity reasons.
12. S/0919/08/F – New access – withdrawn.
13. S/0386/08/F – Part demolition and conversion of house to 4 dwellings (retrospective) – refused due to unsustainable location, increase in traffic, failure to comply with mix policy, neighbour amenity problems, and no affordable housing or public open space contributions.
14. S/1502/07/F – Part demolition and conversion of house to 4 dwellings – withdrawn.
15. S/1535/06/O and S/1536/06/O – Two separate applications for three residential units on land to the north of The Lakes refused.
16. S/1534/06/F – Relocation of access – refused.
17. S/0099/06/LDC – Existing use as 3 dwellings – refused.

Planning Policies

18. National Planning Policy Framework 2012
19. Local Development Framework

South Cambridgeshire LDF Development Control Policies DPD 2007:

DP/1: Sustainable Development
DP/2: Design of New Development
DP/3: Development Criteria
DP/4: Infrastructure and New Developments
DP/7: Development Frameworks
HG/2: Housing Mix

HG/7: Replacement Dwellings in the Countryside
HG/8: Conversion of Buildings in the Countryside for Residential Use
NE/11: Flood Risk
NE/15: Noise Pollution
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

South Cambridgeshire LDF Supplementary Planning Documents (SPD):
Cottenham Village Design Statement – Adopted November 2007
Open Space in New Developments – Adopted January 2009
District Design Guide – Adopted March 2010

20. Draft Local Plan

S/1: Vision
S/2: Objectives of the Local Plan
S/3: Presumption in Favour of Sustainable Development
S/7: Development Frameworks
CC/1: Mitigation and Adaptation to Climate Change
CC/9: Managing Flood Risk
HQ/1: Design Principles
H/9: Conversion of Buildings in Countryside to Residential?
NH/4: Biodiversity
SC/11: Noise Pollution
TI/2: Planning for Sustainable Travel
TI/3: Parking Provision

Consultations

21. **Cottenham Parish Council** – Recommends refusal on the following grounds:

- The reasons that the Planning Inspectorate gave in their appeal decision of 29th October 2013 are still valid (Ref: APP/W0530/A/13/2197336)
- We believe section 12 of the application form is incorrect. The applicant has stated that the site isn't within 20m of a watercourse but there is a drainage ditch in very close proximity to the site (the site itself is an 'island' surrounded by zone 3 flood plains).
- The application is contrary to Policy HG/7 of the SCambs Local Development Framework. The proposal is not a like for like replacement, we believe it to be more than a 15% enlargement and the dwelling has been abandoned because it is uninhabitable.

Representations

22. None

Planning Comments

Principle of development

23. The site is located outside any defined village framework and within the countryside between the villages of Cottenham to the south and Wilburton to the north.
24. The Lakes was originally a large detached dwelling that, through alterations and demolition of connecting sections of the original building, has been subdivided over time to form six independent dwellings. A Certificate of Lawfulness for these six properties was issued by the Council last year.
25. The outbuilding that is included within this application was originally a garage/store associated with the main house. This has been converted, without the benefit of any planning permission, to form two additional dwellings, thereby increasing the number of dwellings on the site from six to eight.
26. A retrospective application for the conversion of the outbuilding to two dwellings was refused last year on the grounds that it would result in an unsustainable form of development, and for highway safety reasons.
27. This application was dismissed at appeal solely on sustainability grounds. The Inspector stated that the site is in a very remote location, and that the distance to the nearest settlements, together with the nature of the busy road leading to the site, would mean that residents could not safely walk or cycle. As a result, residents would, in all likelihood, be reliant on private motor vehicles. Given the high number of vehicle movements associated with residential properties (approximately 17 daily movements for two properties), the Inspector considered the proposal represented an inherently unsustainable form of development.
28. The Parish Council has objected to the current application, stating that it does not address the reasons behind the appeal being dismissed.
29. The site has a lawful use for six dwellings. The proposal would result in the use of one of these dwellings (the 2-bedroom basement flat) ceasing and its replacement with a 3-bedroom dwelling created through the conversion of an existing outbuilding. Therefore, there would still be six dwellings on the site and, unlike the previous application that was dismissed at appeal, the current proposal would not increase the number of properties on the site. The appeal decision was based on the increase in the number of dwellings and the associated increase in the number of vehicle movements (in excess of 100 movements per week) in this unsustainable location. As there would be no net gain in the number of properties on the site, it is considered that the sole reason behind the appeal being dismissed has been addressed within the current application.
30. The proposal represents the one-for-one replacement of an existing dwelling in the countryside. Policy HG/7 of the LDF states that the Council will permit the one-for-one replacement of dwellings in the countryside subject to the requirements of the General Permitted Development Order (ie – a maximum enlargement of 15% of volume) where:
 - It can be shown the use of a dwelling has been abandoned.
 - The proposed replacement dwelling is in scale with the dwelling it is intended to replace and is in character with its surroundings.

- The proposed replacement would not materially increase the impact of the site on the surrounding countryside.
31. The Parish Council has objected on the grounds that the proposal would conflict with Policy HG/7, stating that the replacement property (ie – the outbuilding) would be more than 15% larger than the basement flat, and also on the basis that the basement flat is uninhabitable and has been abandoned.
32. The applicant's agent has advised that the cubic content of the basement flat is 331m³, whilst the volume of the outbuilding (excluding space within the shallow pitched roof) is 365m³. This represents an approximately 10% increase in volume and is therefore within the policy limits. It is also important to stress that part of the reason behind this guideline enlargement is to ensure that development would not have a greater visual impact on the countryside. In this instance, the outbuilding exists and is lawful, and the proposal would not therefore have a materially harmful visual impact on the character of the surrounding countryside.
33. With regards to the abandonment issue, the applicant's agent has advised that, due to the finished floor height of the basement flat being below water level, it suffers from chronic damp and will soon be unviable to maintain without remedial works. It has only recently become vacant after a long-term tenant departed, but has been continually occupied as a dwelling since at least 2004. Whilst suffering from damp issues, the basement flat is neither uninhabitable, nor can the use be said to have been abandoned.
34. The application is therefore considered to be in compliance with Policy HG/7.
35. Given that there are presently two unauthorised dwellings on the site within the outbuilding, any consent would need to be subject to a Section 106 Legal Agreement to relinquish the use of the basement flat and to convert the outbuilding from two dwellings to one dwelling in accordance with the drawings and schedule of works included with the application. The applicant has agreed to these works being carried out within 3 months of the date of the decision.

Infrastructure requirements

36. All residential developments are required to contribute to the off-site provision and maintenance of open space, to the off-site provision of indoor community facilities, and towards the provision of household waste receptacles. In this instance, the level of contributions would be based on the net impact and the additional bedroom in the replacement dwelling. A Heads of Terms confirming acceptance of these contributions has been submitted with the application, and would need to be secured through the prior completion of a Section 106 Legal Agreement.

Flood Risk

37. The site lies within Flood Zone 1 (low risk). The Environment Agency stated, in connection with a previous application, that the site is effectively a 'dry island', with the surrounding area being within zones 2 and 3, and raised no objections. The current application is therefore considered to be acceptable from a flood risk perspective.

Recommendation

38. Approval, subject to the prior signing of a Section 106 Agreement as set out within paragraphs 35 and 36 above.
39. As the use of the outbuilding as two dwellings is unauthorised, and given that a decision cannot be issued until the Legal Agreement has been resolved and completed, it is also recommended that an Enforcement Notice be served immediately requiring the cessation of the use of the outbuilding as two dwellings within a six-month timescale.
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: Site location plan, No.3 The Lakes (Proposed Floor Plan and Finished Perspective) and drawing number A272 02.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

Background Papers

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007
- South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007
- Supplementary Planning Documents: District Design Guide, Landscape in New Developments
- Proposed Submission South Cambridgeshire Local Plan 2013
- Planning File Reference: S/2702/13/FL

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