

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 12th February 2020
AUTHOR/S: Joint Director of Planning and Economic Development

Application Number: S/2513/19/FL
Parish(es): Swavesey Parish
Proposal: Proposed New Dwelling
Site address: White Willows, Hale Road, Swavesey, Cambridge, CB24 4QP
Applicant(s): Mr & Mrs R & B Ratcliffe
Recommendation: Refusal
Key material considerations: Principle of Development
Ecology and Biodiversity
Committee Site Visit: Yes -11th February 2020
Departure Application: No
Presenting Officer: Aaron Sands, Senior Planning Officer
Application brought to Committee because: Following referral to Planning Committee by the Parish Council
Date by which decision due: 14 October, 2019

Executive Summary

1. The application site is located outside the Development Framework, where the principle of new residential development is not supported. While the proposal relies on the fall-back afforded by Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) Order 2015 insufficient information has been provided to determine that is a realistic fallback. Notwithstanding, as the proposal is far larger than the form that could be afforded by Class Q, it is considered to represent an unacceptable impact to the countryside, as well as development in an unsustainable location. In addition, the proposal has not been accompanied by an ecology assessment to demonstrate the impact on protected species, though there is a wealth of features and designations within and surrounding the site that would appear highly likely to support protected species. As such, the proposal fails to demonstrate it would not have an adverse impact to biodiversity.

Planning History

2. S/3005/16/PN – Change of use of agricultural building to dwelling. Approved 02/12/2016.

Site Constraints

3. The site comprises an agricultural barn located outside the Development Framework in designated countryside. There is an existing access point to the south along an unadopted Public Right of Way (PROW) (Footpath no. 7). To the east of the site is an area of Flood Zone 3a, as well as the start of the Conservation Area. There is a well established belt of trees along the roadside that continues along Hale Road on both sides of the road.

Proposal

4. The application proposes a single dwelling to replace the existing barn. The proposed dwelling measures approximately 25.8m in overall depth, 17.1m in overall width, 4.8m in height to the ridge and 5.6m in height to the eaves, proposed in roughly a 'T' shape.

Relevant Policy

5. National Guidance

National Planning Policy Framework 2019 (NPPF)
National Planning Practice Guidance (NPPG)

6. South Cambridgeshire Local Plan 2018

S/1 Vision
S/2 Objectives of the Local Plan
S/3 Presumption in Favour of Sustainable Development
S/5 Provision of New Jobs and Homes
S/6 The Development Strategy to 2031
S/7 Development Frameworks
S/9 Minor Rural Centres
CC/1 Mitigation and Adaptation to Climate Change
CC/3 Renewable and Low Carbon Energy in New Developments
CC/4 Water Efficiency
CC/6 Construction Methods
CC/7 Water Quality
CC/8 Sustainable Drainage Systems
CC/9 Managing Flood Risk
HQ/1 Design Principles
NH/2 Protecting and Enhancing Landscape Character
NH/4 Biodiversity
NH/14 Heritage Assets
H/8 Housing Density
H/9 Housing Mix
H/12 Residential Space Standards
H/14 Replacement Dwellings in the Countryside
H/17 Re-use of buildings in the Countryside for Residential Use
SC/7 Outdoor Play Space, Informal Open Space and New Developments
SC/9 Lighting Proposals
SC/10 Noise Pollution
SC/11 Contaminated Land
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision
TI/8 Infrastructure and New Developments
TI/10 Broadband

7. **Supplementary Planning Documents (SPD)**

- Greater Cambridge Sustainable Design and Construction – Adopted 2020
- Swavesey Village Design Statement – Adopted 2020
- Cambridgeshire Flood and Water SPD – Adopted 2016
- Landscape in New Developments – Adopted 2010
- District Design Guide – Adopted 2010
- Biodiversity – Adopted 2009
- Tres and Development Sites – Adopted 2009

Consultees

8. **Parish Council** – Objection. Permission already granted on this site is not for a new dwelling on a new footprint but to convert an existing agricultural barn to a dwelling. Therefore this application is for a completely new and separate dwelling on the same site. This site is now, since the Local Plan was signed off, outside of the village development area. It is also along an unadopted private byeway. The information in the applicant's planning statement is incorrect, page 4 "South Cambridgeshire does not have an up to date local plan." Yes it does and it is in force with its 5-year land supply for new dwellings. Policy is that new dwellings are not permitted outside of the village development boundary. The previous application to convert the agricultural building can still proceed as it has permission. The Parish Council objects to this new application for a new dwelling on the same site. Both would be over development of the site. Request the application referred to planning committee as the site is outside the development framework; additional dwellings along the unadopted road cannot be sustainable and will lead to further damage of the surface due to increased traffic levels and a new dwelling is already permitted through converting the agricultural building and so the proposal would lead to an overdevelopment of the site.
9. **Definitive Maps Team** – The route is recorded as a Public Footpath and there are no public rights to drive a motor vehicle along it. The applicant and local planning authority must be satisfied they have a private right to access the dwelling by vehicle before granting this permission. The public's right to use the route must not be compromised by the application. Suggest informatives regarding the impact to the right of way.
10. **Drainage Officer** – No objections subject to a condition requiring a scheme demonstrating foul and surface water disposal methods.
11. **Tree Officer** – No objection subject to a condition requiring an arboricultural method statement and tree protection strategy.
12. **Contaminated Land Officer** – No objection subject to conditions requiring further investigation and remediation.
13. **Local Highway Authority** – No objections.

Representations

14. No other representations received.

Planning Assessment

15. The key considerations in this application are;
- Principle of Development

- Design and Character
- Ecology and Biodiversity
- Highway and Transport Impacts
- Residential Amenity

Principle of Development

16. The application is located outside the Development Framework, where policies S/7 prevent the erection of new dwellings except in specific circumstances, including where supported by other policies. In this instance, relevant policies relate to the re-use of redundant buildings and replacement of dwellings. The application has benefited from prior approval, but due to its age it is not capable of being carried out, as it requires the development is completed within 3 years of the date of prior approval (or by December 2019).
17. The application relies on the fallback afforded by Class Q, and it is a material consideration in the determination of this application. The Permitted Development Rights may afford the ability to otherwise form a dwellinghouse in this location.
18. However, the exercise of those rights is restrictive, in affording only limited amounts of floor space, and officers note the prior approval that was granted utilised a very modest area of the agricultural building, with limited surrounding land associated as its curtilage. In addition, officers note no information has been provided that demonstrates the present state of the building, in terms of its structural stability. Given the limited information submitted with the prior approval and the age of that application, it is not possible to conclude the state of the building remains as it was at that time and that it would be possible to achieve the conversion under Class Q.
19. The proposed development represents a significant material increase in both the garden size and the dwelling that would be permitted above that achievable under the prior approval. The scale of the building and its clearly domestic appearance would make it readily identifiable as a separate dwelling in its own right, as opposed to the converted, small scale barn that would arise from a conversion. In light of the increased scale and the lack of information to be certain as to the fallback position, the proposal is considered to represent an increased material encroachment into the countryside and incremental development in an unsustainable location, contrary to policies S/2, S/6, S/7 and S/9.
20. Officers note that a similar dwelling was approved to the west of the site. This was granted consent at a time the council was unable to demonstrate a five year supply of housing land and so the tilted balance applied. In that context is not considered to set any precedent or otherwise be material to the determination of this application. Indeed, a subsequent larger application was refused for its impacts to the character of the area and its encroachment of the countryside based on the increased size.

Design and Character

21. Notwithstanding the above matters in respect of the impact to the countryside, this section is concerned with the general design of the proposal in relation to the character of the surroundings. There is a mix of architectural styles in the area, which appear to have generally been built responding to prevalent styles at the time, and of varying forms and plot sizes, though dwellings are predominantly set within spacious plots.

22. Given the variation in styles in this area, the proposed dwelling itself is not considered to represent a departure from the character of built form in the surroundings. The proposed dwelling is of a lower scale and there is screening in place along the frontage to limit the character impact to the wider area. In terms of the design of the proposal, it is considered to appropriately preserve and respond to the character of the area and is therefore considered to accord with policy HQ/1.

Ecology and Biodiversity

23. That application proposes the new dwelling partially on the site of an existing agricultural building, which would be demolished as part of the application. The surrounding area is largely agricultural, with very limited development to the north and west. Officers note there are two nearby county wildlife sites, Swavesey Meadows and the Fen Drayton Gravel Pits, with part of the latter also forming a RSPB Bird Sanctuary and comprises significant areas of lakes. There is a wealth of vegetation and established tree belts within the surroundings and from the appearance of the building at the time of the site visit it appeared there was the potential for access by protected species, particularly birds and bats.
24. The application has not been accompanied by any form of ecology survey and given the age of the prior approval no details provided as part of that would be considered up-to-date. There is a requirement for all development proposals to maintain, enhance, restore or add to biodiversity and a duty on LPAs to determine applications so as to meet the aims of the directives in conserving habitat and protected species.
25. The lack of information as part of this application means it is not possible to determine the impacts of the proposal to ecology and protected species, both in terms of the loss of habitat through the development itself or the requirements for mitigation. The wealth of features in and surrounding the site that would support protected species and the surrounding designations give an indication the area is of high value in ecological and biodiversity terms, and, taking a precautionary approach, it is not possible to conclude the proposal would lead to anything except the loss of biodiversity and protected habitat, contrary to policy NH/4.

Highway and Transport Impacts

26. The application proposes a single dwelling served from the existing Hale Road, a public right of way and unadopted road that serves a small number of properties. Officers note the local highway authority have raised no objections on safety grounds, and the definitive maps team has commented that there is no legal right for access by vehicles. The parish council has stated the road is not suitable for further traffic due to the increased damage to its surface. The latter two matters, relating to the legal access and the maintenance of Hale Road are not material planning considerations, and fall to either the County Council to enforce under Rights of Way legislation, or a civil issue between the owners of the access.
27. The road is generally straight, and the access would be located at a point where it readily appears able to achieve visibility splays and the required access width serving a single dwelling. The level of activity from a single dwelling is minimal, such that this would not represent a safety issue over and above the existing dwellings along this road, even considering others that have been approved within this location.
28. There is adequate space within the site to afford appropriate levels of parking and turning, such that cars would not be required to park outside the site. Appropriate

conditions could ensure this area remains and that cycle parking is installed within the site. Subject to that condition, the proposal would accord with policies TI/2 and TI/3.

Residential Amenity

29. The new dwelling is of a sufficient distance from neighbouring property and of a scale such that it would not adversely impact residential amenity of neighbouring residences. It would accord with policy HQ/1 in this respect.
30. Based on the submitted plans, the proposal appears to readily exceed the adopted minimum space standards, and would therefore accord with policy H/12.

Recommendation

Officers recommend that the Committee **Refuses** planning permission for the following reasons;

Reasons

1. Policies S/7 and S/9 together seek to focus development within the most sustainable areas of the district as defined by the Development Frameworks in order to prevent incremental unsustainable forms of growth and gradual encroachment into and urbanisation of the countryside, contrary to the strategy for managing housing growth across the district. The proposal is made on the basis of the fallback position afforded by Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) Order 2015 that would enable the conversion of an agricultural building to a dwelling. However, by virtue of its materially increased scale and footprint, and the more domestic appearance in comparison to the agricultural building on site, it would represent an increased adverse impact on the openness and character of the countryside, and insufficient information has been provided to demonstrate the proposal could benefit from the rights afforded by Class Q. The proposal is therefore contrary to policies S/2, S/6, S/7 and S/9 of the South Cambridgeshire Local Plan 2018.
2. The application has not been accompanied by any form of ecology survey or report. There is a wealth of identifiable resources in the area, including open land, established dense vegetation, large waterbodies and the agricultural barn on site that would appear appropriate and capable of supporting protected species. The lack of assessment means it is not possible to determine what effect the proposal would have on ecology and biodiversity, and what mitigation and enhancement measures are required to make the proposal acceptable. As such, it is not possible to conclude anything other than that the proposal would result in harm to protected species, contrary to policy NH/4 of the South Cambridgeshire Local Plan and the provisions of the National Planning Policy Framework 2019, notably paragraph 170.

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 Plan 2018](#)
- [Planning File Ref: S/2513/19/FL](#)

- Documents referred to in the report including appendices on the website only and reports to previous meetings

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