

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee

1st March 2006

AUTHOR/S: Director of Development Services

S/2205/05/O - Swavesey

**Proposed Erection of Five Dwellings as Amended by Plan Received 13th February 2006
at 20 Middlewatch for C Lamb and V Lamb**

Recommendation: Refusal

Date for Determination: 6th March 2006

Site and Proposal

1. This outline application, received on 17th November 2005 as amended by plan received 13th February 2006, proposes the erection of five dwellings at 20 Middlewatch, which is currently occupied by Swavesey Garage.
2. Middlewatch is the main road through the village, the site is located between the High Street to the north, and Boxworth End to the south. The site lies within the settlement boundary of Swavesey, with no site specific designations.
3. The site which has an area of 0.16ha, currently has a flat roof building of white painted brick, adjacent to a further white painted building used as an office. In addition, to the rear of the site is a large workshop and shed, and display of cars for sale. These buildings would be removed to allow for the development.
4. The proposal represents a density of 31 dwellings per hectare.

Planning History

5. **S/1905/86/O** - Erection of five houses, approved at Planning Committee on 3rd December 1986.
6. **S/1951/90/O** - Erection of five houses, withdrawn on 16th April 1990.
7. **S/1353/98/O**- Erection of five houses, approved under officer delegated powers on 30th November 1998.

Planning Policy

Cambridgeshire and Peterborough Structure Plan 2003:

8. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 states that no new development will be permitted that is likely to adversely affect areas where adequate flood protection cannot be given, and/or there is a significant risk of increasing flooding elsewhere.
9. **Policy P1/3** of the Structure Plan explains that a high standard of new design and sustainability for all new development will be required which creates a compact form of development through the promotion of higher densities, and that provides a sense of place which responds well to the local character of the built environment.

10. **Policy P6/3** of the Structure Plan notes that if development is permitted in areas where flood protection is required, flood defence measures and design features must give sufficient protection to ensure that an unacceptable risk is not incurred, both locally and elsewhere.

South Cambridgeshire Local Plan 2004:

11. **Policy SE2** of the South Cambridgeshire Local Plan states that Swavesey is a Rural Growth Settlement, and as such residential development and redevelopment will be permitted on unallocated land within the village framework, provided that the retention of the site in its present form is not essential to the character of the village; the development would be sensitive to the character of the village, local features of landscape or ecological importance, and the amenities of neighbours, and the village has the necessary infrastructure. Development should provide an appropriate mix of dwellings in terms of size, type and affordability and should achieve a minimum density of 30 dph unless there are strong design grounds for not doing so.
12. **Policy SE8** of the Local Plan explains that there will be a general presumption in favour of residential development within the village framework. Residential development outside these frameworks will not be permitted.
13. **Policy HG7** of the Local Plan states that the Council will negotiate with applicants to secure the provision of accommodation to meet some of the continuing need for affordable housing in the District. In settlements with a population of less than 3000, affordable housing should represent up to 50% of the total number of dwellings for which planning permission may be given.
14. **Policy HG10** of the Local Plan explains that residential developments will be required to contain a mix of units providing accommodation in a range of types and sizes (including 1 and 2 bedroom dwellings) and affordability, making the best use of the site and promoting a sense of community which reflects local needs. The design and layout of schemes should be informed by the wider character and context of the local townscape and landscape.
15. **Policy EM8** of the Local Plan notes that the conversion, change of use or redevelopment of existing employment sites to non-employment uses within village frameworks will be resisted unless the existing use is generating environmental problems such as noise, pollution or unacceptable levels of traffic or where it is demonstrated that the site is inappropriate for any employment use to continue having regard to market demand.
16. **Policy EN5** of the Local Plan states that the Council will require trees, hedges and woodland and other natural features to be retained wherever possible in proposals for new development. Landscaping schemes will be required to accompany applications for development where it is appropriate to the character of the development, its landscape setting and biodiversity of the locality.
17. **Policy EN12** of the Local Plan explains that the Council will, wherever possible, retain features and habitat types of nature conservation value where these occur on sites not specifically identified in the plan.
18. **Policy EN13** of the Local Plan notes that the Council will not grant planning permission for development which could adversely affect, either directly or indirectly, the habitats of animal and plant species which are protected by law unless the need for the development clearly outweighs the importance of conserving the habitat.

19. **Policy CS5** of the Local Plan states that planning permission will not be granted for development where the site is liable to flooding, or where development is likely to increase the risk of flooding elsewhere by materially impeding the flow or storage of flood water; increase flood risk in areas downstream due to additional surface water run off, or increase the number of people or properties at risk.

South Cambridgeshire Local Development Framework Submission Documents 2006:

20. **Policy ST/2** of the Core Strategy Submission Draft Document states that between 1999 and 2016 at least 37% of new dwellings will either be located on previously developed land or utilise existing buildings.
21. **Policy ST/6** designates Swavesey as a Group Village. Residential development and redevelopment up to a maximum scheme size of 8 dwellings will be permitted within the village frameworks of Group Villages.
22. **Policy DP/1** of the Development Control Policies Submission Draft Document explains that development will only be permitted where it is demonstrated that it is consistent with the principles of sustainable development, as appropriate to its scale, location and form. Development should make efficient use of land by giving priority to the use of brownfield sites and achieve adaptable, compact forms of development.
23. **Policy DP/2** states that all new development must be of high quality design and, as appropriate to the scale and nature of the development, should be compatible with its location and appropriate in terms of scale, mass, form, siting, design, proportion, materials, texture and colour in the surrounding area. Development should provide higher residential densities, and a mix of smaller homes, without compromising a high standard of design. Proposals should include high quality landscaping compatible with the scale and character of the development and its surroundings. In addition, planning applications should be accompanied by both a Design and Landscape Statement, compatible with the scale and complexity of the proposal, together with an Access Statement.
24. **Policy DP/3** explains that development proposals must provide housing, appropriate access from the highway network, car parking, cycle parking, play space, screened storage for refuse, a layout and design that minimises crime, and financial contributions towards the provision of infrastructure, services and facilities. Planning permission will not be granted where the proposed development would have an unacceptable adverse impact on residential amenity, from potential traffic generated, on ecological wildlife or archaeological interests, and on flooding or flood risk.
25. **Policy DP/7** notes that development and redevelopment of unallocated sites within development frameworks will be permitted provided that retention of the site in its present form does not form an essential part of the local character; development would be sensitive to the character of the location and amenities of neighbours; there is the necessary infrastructure capacity to support the development; and development would not result in the loss of local employment.
26. **Policy HG/1** states that residential developments will make best use of the site by achieving average net densities of at least 30 dwellings per hectare unless there are exceptional local circumstances that require a different treatment.
27. **Policy HG/2** notes that residential developments will contain a mix of units providing accommodation in a range of types, sizes and affordability, to meet local needs.
28. **Policy HG/3** explains that proposals for housing developments will only be permitted if they provide an agreed mix of affordable housing types, including for Key Workers,

to meet local needs. The amount of affordable housing sought will be approximately 50% of the dwellings for which planning permission may be given on all sites of two or more dwellings.

29. **Policy ET/7** states that the conversion, change of use or redevelopment of existing employment uses to non-employment uses within village frameworks should be resisted unless one of the following is met:
1. It is demonstrated that the site is inappropriate for any employment use to continue having regard to market demand. Applications will need to be accompanied by documentary evidence that the site is not suitable or capable of being made suitable for continued employment use. Evidence would be required that the property has been adequately marketed for a period of not less than 12 months on terms that reflect the lawful use and condition of the premises
 2. The overall benefit to the community of the proposal outweighs any adverse effect on employment opportunities and the range of available employment land and premises
 3. The existing use of generating environmental problems such as noise, pollution, or unacceptable levels of traffic
30. **Policy NE/6** explains that new development should aim to maintain and enhance, restore or add to biodiversity. Opportunities should be taken to achieve positive gain through the form and design of development. The District Council will refuse development that would have an adverse significant impact on the population or conservation status of protected species unless the impact can be adequately mitigated or compensated for by measures secured by planning conditions or obligations. Applicants will be expected to provide an adequate level of survey information to establish the extent of the potential impact together with possible alternatives to the development, mitigation schemes and/or compensation measures. Development proposals will be expected to include measures that maintain and enhance important features whilst incorporating them within any development of the site.
31. **Policy NE/11** notes that planning permission will not be granted where the site is liable to flooding or where development is likely to increase the risk of flooding elsewhere by impeding the flow or storage of flood water; increase flood risk in other areas due to additional water run off; increase the number of people or properties at risk; have a detrimental effect on flood defences or inhibit flood control and maintenance work, unless it is demonstrated that these effects can be overcome by appropriate alleviation and mitigation measures secured by planning conditions or legal agreements.

Consultations

32. **Swavesey Parish Council** - recommend approval of the proposals.
33. **Environment Agency** - objects to the proposed development as the site falls within an area of low flood risk in the Environment Agency's Flood Zone Matrix but is adjacent to floodzone 3 (high risk). No flood risk assessment has been submitted with the application. The Agency objects to the application on the grounds that the proposed development would be at risk of flooding and would increase the risk of flooding to existing property.
34. **Ecology Officer** - There is a large pond within 20 metres of the site. Great Crested Newts are recorded from some of the ponds in Swavesey. He considers that this

pond maybe in use by newts for terrestrial shelter (PPS9 would expect this to be investigated before determining the application). In addition, there appears to be a culvert beneath the site. PPS9 expects the restoration of landscape features, thus the Local Planning Authority should be looking to open up the culvert rather than allowing further development upon it. He objects to the proposal on grounds of Local Plan policies EN5, EN12 and EN13. In addition, there is an objection to the proposed layout of the site on grounds of the impact of the watercourse running through the site. He would like to see the existing culvert opened up, so that the restored drain could then form a boundary and contribute to the site's overall biodiversity value (PPS9 seeks the restoration of landscape features for biodiversity gain and it should apply here).

35. **County Highways** - Vehicle to vehicle splays of 2.4m x 90.0m would normally be required to serve development of this nature. It is evident from the submitted survey that such splay can be achieved to the south but it is not possible to achieve such splay to the north. It is the officer's view that the vehicular traffic to be generated by residential use is unlikely to be greater than that which could be expected to be generated by the garage use. Consequently, for the modest development proposed, the officer is prepared to accept the reduced available splay to the north.
36. **Middle Level Commissioners** - The site is within the catchment area of the Swavesey I.D.B with surface water drainage in the area to the Board's system, via surface water sewers and private open watercourse. It is a requirement, in accordance with PPG25, that the applicant provides a Flood Risk Assessment for this development, and as one was not submitted, the Board opposes the application.
37. **Drainage Manager** - Objects to the application due to the location of the proposed properties shown within the Council's 5-metre land drainage by-law maintenance strip. Additionally, in order for any application to proceed, it will be necessary for the applicant to satisfy the Council's requirements on the disposal of surface water drainage.
38. **Environmental Health** - Concerned that problems could arise from noise, and suggest that conditions are attached to any consent in order to minimise the effects of the development to nearby residents or occupiers.
39. **Cambridgeshire Fire and Rescue** - The Fire Authority are of the opinion that additional water supplies for fire fighting are not required.
40. **Chief Financial Planning Officer** - The County Council is concerned that adequate secondary school capacity is not available in the area to meet the additional demand created by the development. He seeks a contribution to enable an additional school place to be provided in the sum of £10,000.

Representations

41. None received.

Planning Comments – Key Issues

Amenity of neighbours

42. It is considered that the amenities of adjoining residents will be improved if the existing garage use is relocated and replaced with housing. However, since the last approval for residential use on the site (1998), there has been a change in material

circumstances with the adoption of the South Cambridgeshire Local Plan, and its requirement under Policy EM8.

43. This policy states that the change of use of employment sites will be resisted unless the existing use is generating environmental problems such as noise, pollution or unacceptable levels of traffic, or where it is demonstrated that the site is inappropriate for any employment use to continue having regard to market demand. No justification was submitted with the current application regarding the redevelopment of the Swavesey Garage site, which is therefore contrary to Local Plan policy.

Flooding and drainage issues

44. The application site lies within Cell F10 of the Environment Agency's Flood Zone Matrix, which requires a flood risk assessment to be completed. No assessment was submitted with the application, thus the application cannot be determined due to lack of sufficient information.
45. In addition, the proposed siting of the dwellings are within the Council's 5-metre land drainage by-law maintenance strip. Thus in order for the application to be determined, information needs to be submitted by the applicant to satisfy requirements concerning the disposal of surface water drainage.

Ecological issues

46. The application site lies within 20 metres of a large pond. On the grounds that this pond may be used as shelter by Great Crested Newts it is requested that a survey be completed to establish whether these protected amphibians are present at this location.
47. In addition, there are concerns over development on the site as there is a culvert located beneath it. The ecology officer would wish to see the existing culvert opened up, so that the restored drain could then form a boundary and contribute to the site's overall biodiversity value.

Design and layout

48. There have been concerns raised by the ecology officer in terms of the design and layout of the proposal, given the watercourse running through the site. The officer would wish to see the existing culvert opened up, so that the restored drain could then form a boundary and contribute to the site's overall biodiversity value.
49. In terms of the number of dwellings proposed on the site, there are no objections raised on planning grounds, as five dwellings are an appropriate density for this location (31 dwellings per hectare).
50. In relation to the layout of the proposals, as this application is in outline form, the design and layout of the scheme would need to be agreed at a later stage if approval were granted.

Affordable housing

51. The current application makes no reference to the requirement under Policy HG7 for affordable housing provision. This policy states that in settlements with a population of 3000 or fewer affordable housing is sought to represent up to 50% of the total number of new dwellings, dependant upon clearly identified local need.

52. No affordable housing contribution has been mentioned by the applicant, nor discussed with officers. The application needs to take the requirement into consideration as part of the proposals.

Conclusions

53. In view of the consultation responses we have received the current proposals cannot be properly considered. There is a requirement for a flood risk assessment to be completed, together with an ecological survey. In addition, attention needs to be given to the need for affordable housing units on the site and information provided regarding the loss of the employment site in the village. Until these assessments and further information are submitted and issues considered, the current proposals cannot be determined.

Recommendation

54. Recommend refusal of the application, for the reasons given below

Reasons for Refusal

1. The application site is identified as falling within Cell F10 of the Environment Agency's Flood Zone Matrix, which requires a Flood Risk Assessment to be completed for development within this area. As no assessment was submitted with the application, this application is contrary to Policy P6/3 of the Cambridgeshire and Peterborough Structure Plan 2003 and the South Cambridgeshire Local Plan 2004 Policy CS5 which states that planning permission will not be granted for development where the site is liable to flooding unless it is demonstrated that the above effects can be overcome by appropriate alleviation and mitigation measures.
2. The application site falls within close proximity to a large pond that may be used as shelter by Great Crested Newts. The proposals are not in accordance with South Cambridgeshire Local Plan Policy EN13, as no ecological survey was submitted as part of the planning application to establish the presence of the newts at this particular location in Swavesey.
3. The proposals do not take into account the loss of an employment site within the village of Swavesey. No information has been submitted by the applicant to support a proposal of residential development on the site, or that the existing use is inappropriate for any employment use to continue having regard to market demand. Thus the redevelopment of the site is contrary to Policy EM8 of the South Cambridgeshire Local Plan 2003.
4. The application makes no reference to, or provides appropriate provision for, the need to provide affordable housing as part of the requirement under Local Plan policy. In this respect the application is contrary to Policy HG7 of the South Cambridgeshire Local Plan 2003.

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

- South Cambridgeshire Local Development Framework Submission Draft (2006)
- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003

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