

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

5th September 2007

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

**S/1183/07/F - SWAVESEY
Dwelling and Garage at
Land adjacent 24 Taylors Lane for Mrs D Thwaites**

Recommendation: Delegated Approval

Date for Determination: 6th August 2007

This Application has been reported to the Planning Committee for determination because it is a departure from the Development Plan.

Departure application

Conservation Area

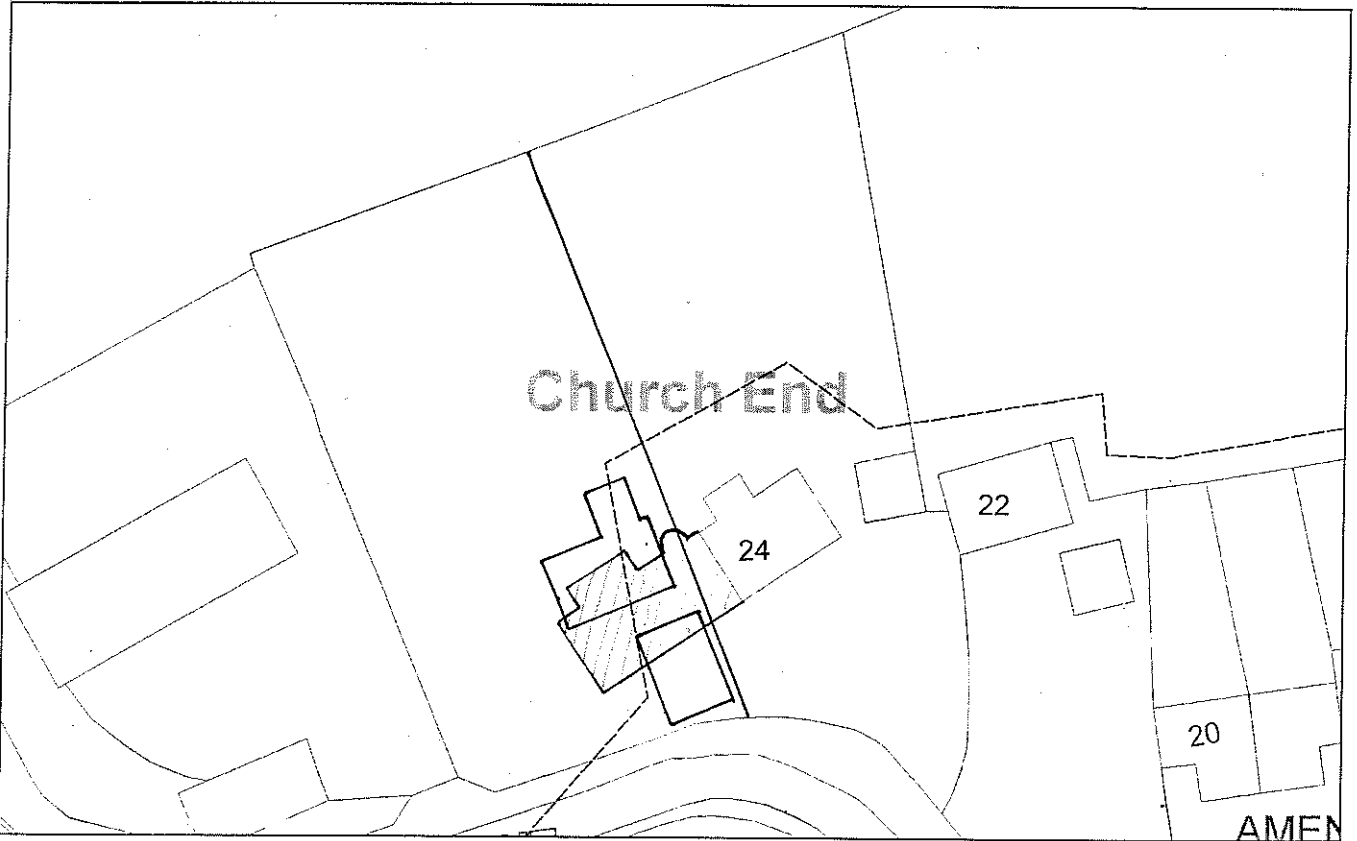
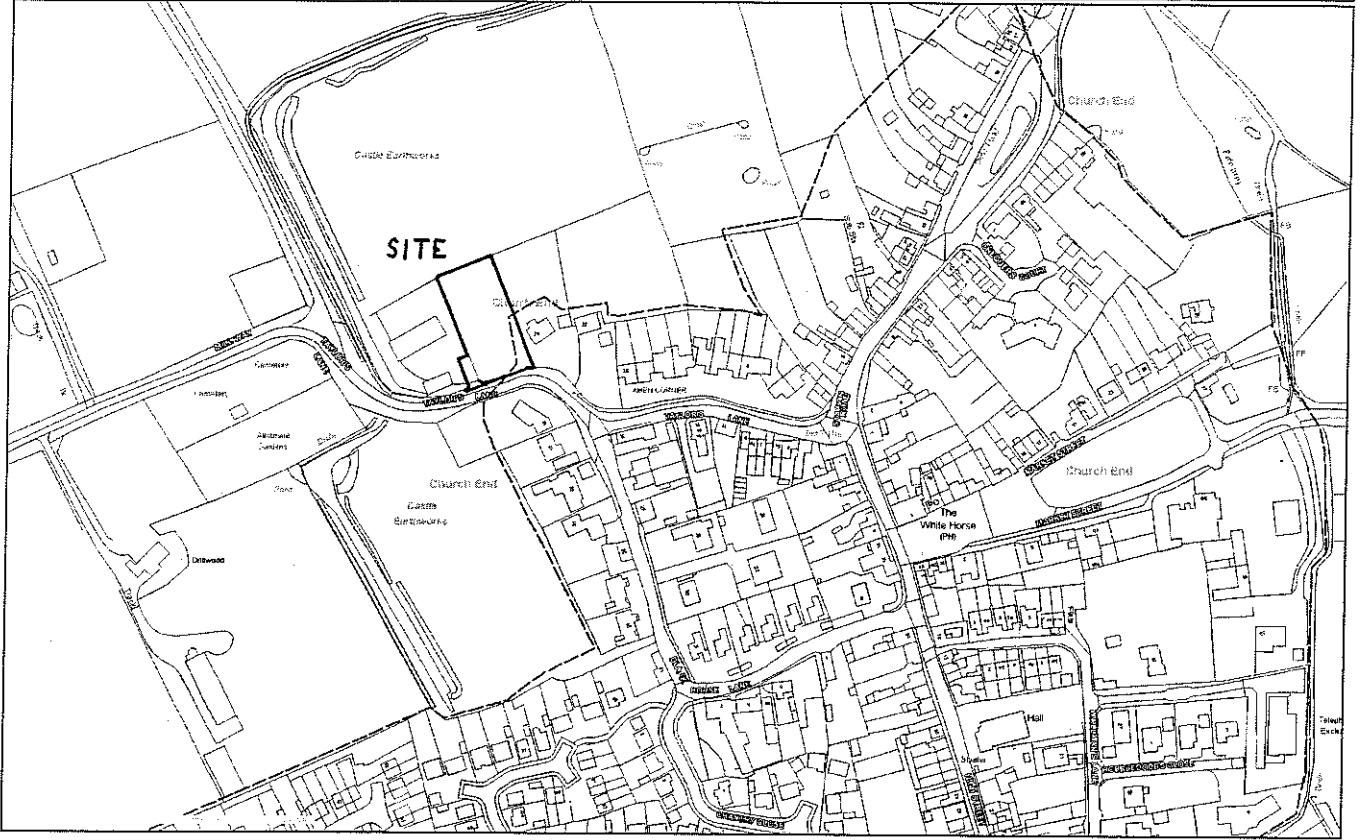
Members will visit the site on 3rd September 2007.

Site and Proposal

1. This 0.16ha site lies to the north and east of the village. It is residential garden land forming the side portion of the garden to No. 24. It is within the Castle Hill Earthworks Scheduled Ancient Monument (SAM).
2. The site lies mostly outside of the village framework (as shown on the attached plan).
3. Adjacent and to the west are agricultural buildings that were used for the storage of builders materials (planning permission expired in June 2002) and have now reverted to agricultural use.
4. The Full planning application, received 11th June 2007 and amended 4th July 2007, proposes to erect a four bedroom house and garage. The house would be approximately 9.7m high to the ridgeline, 5.7m to the eaves and would straddle the village framework so that the majority of the house would be outside of the village framework. The garage building would be set to the front of the house and would be within the framework.
5. The density is approximately 6 dwellings/ha.
6. The trees on the frontage are to be retained and an existing farm access will be utilised and shared.

Planning History

7. In the late 1960's and in 1987 permission was refused for residential development, and 68 houses, respectively, on a large site encompassing the application site.
8. **S/1532/81/O** – Dwelling – refused Oct 1981, appeal dismissed July 1982.



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Scale 1/500
Centre = 535967 E 269033 N

Date 23/8/2007

9. **S/1199/89/F** - Extension to 24 Taylors Lane – approved Sept 1989 (renewed June 1994, July 1999 and June 2004).
10. **S/0305/06/F** – One dwelling – refused April 2006, appeal withdrawn Jan 2007.

Planning Policy

Cambridgeshire and Peterborough Structure Plan 2003:

11. **Policy P1/2** (Environmental Restrictions on Development) restricts development in the countryside unless the proposals can be demonstrated to be essential in a particular rural location.
12. **Policy P1/3** (Sustainable Design in Built Development) requires compact forms of development through the promotion of higher densities that responds to the local character of the built environment. A high standard of design and sustainability for all new development will be required which provides a sense of place, which responds to the local character of the built environment, conserves important environmental assets of the site and pays attention to the detail of form, massing, textures, colours and landscaping.
13. **Policy P5/5** (Homes in Rural Areas) – small scale housing developments will be permitted in villages only where appropriate, taking into account the need for affordable rural housing, the character of the village and its setting, and the level of jobs, services, infrastructure and passenger transport provision in the immediate area.
14. **Policy P7/6** (Historic Built Environment) LPA's will protect and enhance the quality and distinctiveness of the historic built environment.

South Cambridgeshire Local Development Framework Development Control Policies Development Plan Document 2007:

15. **DP/1** (Sustainable Development) states (in part): Development will only be permitted where it is demonstrated that it is consistent with the principles of sustainable development, as appropriate to its location, scale and form. It should:
 - a) Minimise the need to travel and reduce car dependency;
 - b) Make efficient and effective use of land by giving priority to the use of brownfield sites and achieve adaptable, compact forms of development through the use of higher densities;
 - c) Include mixed-use development of compatible uses as appropriate to the scale and location of the development;
 - d) Minimise flood risk;
 - e) Conserve and wherever possible enhance local landscape character;
 - f) Conserve and wherever possible enhance cultural heritage.

16. **DP/2** (Design of New Development) states (in part): All new development must be of high quality design and, as appropriate to the scale and nature of the development, should:
- a) Preserve or enhance the character of the local area;
 - b) Conserve or enhance important environmental assets of the site;
 - c) Include variety and interest within a coherent design, which is legible and provides a sense of place whilst also responding to the local context and respecting local distinctiveness;
 - d) Be compatible with its location and appropriate in terms of scale, mass, form, siting, design, proportion, materials, texture and colour in relation to the surrounding area;
 - e) In the case of residential development, provide higher residential densities, and a mix of housing types including smaller homes;
 - f) Include high quality landscaping compatible with the scale and character of the development and its surroundings.
17. **DP/3** (Development Criteria) states (in part): All development proposals should provide, as appropriate to the nature, scale and economic viability:
- Appropriate access from the highway network that does not compromise safety, enhanced public and community transport and cycling and pedestrian infrastructure
- Planning permission will not be granted where the proposed development would have an unacceptable adverse impact: on residential amenity; from traffic generated; on village character; on the countryside, and landscape character; on flooding and flood risk.
18. **DP/7** (Development Frameworks) states (in part): “Outside urban and village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted.”
19. **HG/1** (Housing Density) states (in part): “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.”
20. **NE/11** (Flood Risk): In relation to flood risk, applications for planning permission will be judged against national policy.
21. **CH/5** (Conservation Areas) states (in part): Planning applications for development proposals in or affecting Conservation Areas will be determined in accordance with legislative provisions and national policy and guidance contained in specific Conservation Area Appraisals and the District Design Guide.
22. Swavesey Conservation Area appraisal was adopted as Council Policy on 8th June 2006.

South Cambridgeshire Local Plan 2004 Part 2:

23. Paragraph 88.18
88.18 In view of the open nature of the surrounding countryside and the linear nature of the settlement there are only limited opportunities for further development without materially harming the character of Swavesey. The northern part of the village, around and including the Conservation Area, represents Swavesey's historic past. The District Council will restrict development here and aim to enhance its character.

Consultation

24. **Swavesey Parish Council** – recommends refusal. It states:

“Swavesey Parish Council objects to this application and supports the reasons made by SCDC in refusing the original application for a dwelling and garage on this site in April 2006. The Parish Council does not consider that any material changes have been made with this new application.

Application site lies outside of the defined village framework boundary. Development would be contrary to policies aimed at protecting the countryside and village frameworks.

Development is proposed in the Conservation Area at the very edge of the built up area of the village and would result in loss of views across the Scheduled Ancient Monument. The positive vista across the proposed site, as detailed in the Conservation Area Appraisal would be adversely affected.”

25. **Trees and Landscape Officer**

“A constraints plan and root protection areas in accordance with BS5837 to be submitted to accommodate the trees to be retained. No objection otherwise.”

26. **Middle Level Commissioner**

The attenuation of surface water discharge from the site will be required.

27. **Local Highway Authority**

“The visibility to the west of the existing entrance is very limited and the intensification of use even to the limited extent of one extra dwelling is a concern.

The Highway Authority would prefer to see as part of the application that the access to the site and number 24 be relocated to the east, by 5m or so, as this will significantly improve visibility and reduce the potential hazard.

Normally the Highway Authority would seek splays of 2.4m x 90m for a 30mph road. However, given the quiet nature of Taylors Lane (it serves five farms, a small cemetery and two small areas of allotment gardens, before becoming a footpath) the principles of the Manual for Streets could be applied. However, before the Highway Authority could consider a reduction in the Y distance of the visibility splays, empirical evidence, in the form of a speed survey and traffic count will need to be provided.

Please make the applicant aware that the Highway Authority will seek a condition to any planning permission to the effect that all vegetation within the visibility splays

must either be maintained at a height of less than 600mm or have a clear stem height of 2m.

In its present form the Highway Authority requests that the application be refused on the grounds of highway safety”.

28. **Conservation Manager**

Observations:

As noted by the Parish, this new dwelling will close off views out of the Conservation Area across the Scheduled Ancient Monument site, a view that was identified as a positive vista in the Conservation Area Appraisal. However, it should be noted that there is a valid planning permission to build a very substantial extension on to 24 Taylors Lane which would close off even more of the view than would be obscured by the new dwelling. Currently Nos. 22 and 24 Taylors Lane have a similar footprint and massing and the proposed new dwelling would again have a similar footprint and massing. The alternative option of a vastly extended No 24 would create an architectural imbalance between No 24 and No 22, whereas the current proposal would result in three dwellings of similar massing. Therefore, when compared to the previous approved extension, the impact of the proposed new dwelling will be less harmful.

The design of the dwelling generally adopts the design principles found in traditional 19th century dwellings found elsewhere in the village, and represents an appropriate design form for this part of the Conservation Area. However, I would recommend that the roof pitch on the main dwelling is reduced to 30 degrees (a pitch of this angle is suitable for slate and is typical in the area). The garage block should also have its roof pitch lowered to 30 degrees, but I would also recommend that the roofing material on the garage is changed from slate to clay pantile. Also, in respect of the garage block, the cycle store doors should be timber, vertically boarded while the garage itself might be better left open as a cart-lodge structure with a central timber post dividing the wide opening. If doors are required then there should be two pairs of side hung timber doors of similar size and design to match those on the cycle store.

Subject to the above changes, it is my view that the proposed dwelling represents an enhancement of the Conservation Area when compared with the form, massing and bulk of the approved extension. Therefore while I might prefer to see no development on this site, that is not a realistic option and since this proposed dwelling will have less impact, I have no objection to the proposal.

In the event of the scheme be granted planning permission I would wish to see conditions added requiring:

1. Agreement of samples of all external materials,
2. That all windows and doors will be timber, with the windows to be double hung sashes with a paint finish (details to be agreed prior to commencement on site).
3. Openings in brickwork to have fan shaped, flat brick arches over, (details to be agreed prior to commencement on site).
4. Agreement of details of all boundary treatments.

5. Agreement of a scheme of hard and soft landscaping (including materials for drive etc).
6. Withdrawal of Permitted Development rights - to ensure unapproved structures are not erected on the SAM etc.

29. **Environment Agency**

Objects to the proposal since the submitted Flood Risk Assessment (FRA) does not fully consider flood risk to the site.

Comments the Environment Agency made regarding the FRA submitted at pre-application stage have not been addressed.

“It is considered naïve to state in section 4 of the FRA that climate change will not have an impact on the proposed development. Increased peak rainfall and increased river flows are likely to result in greater flood extents and more frequent flooding. This should be considered against the expected lifetime of the development and mitigated against appropriately.

Although raised floor levels as mitigation against flooding has been mentioned in the FRA, no finished floor level has been stated. This information is required along with how the level has been decided upon. As per our letter of 11 June 2007 mitigation should follow the precautionary approach with recommended floor levels 300mm above the 1% probability flood level inclusive of climate change allowance”.

Representations

30. Three letters of objection have been received from the occupiers of 12 and 19 Taylors Lane and 10 St. Mary’s Road, Bluntisham (currently in the process of purchasing 19 Taylors Lane).

The main points of objection are summarised below:

- a) Any dwelling here will extend the village framework which would change the character of this part of the village in a significant manner to the detriment of the village, the Conservation Area and the Scheduled Ancient Monument.
- b) Impact of the garage whose gable end will project into the street scene contrary to the ‘positive vista’ marked on the Conservation Appraisal map and the building will detract from this view. Any increased landscaping will also block off all views.
- c) Dwelling is too close to No. 24 – artificially to present as much of it as within the framework as possible. This will give an urban appearance.
- d) The District Council will not achieve its aim of enhancing the area by permitting this development as required by the Local Plan Part 2 at paragraph 88.18.
- e) “The proposed new house would certainly extend the village boundary since it would be the first residential property seen when entering the village along Taylors Lane from the Fen Drayton direction. It would have a far greater impact than an extension to No. 24 since the first view of Swavesey would be the driveway and side of the new property. The key positive vista from the lane across the garden and fields to the trees by the Church would be spoilt by the

solid brick expanse of the side elevation of the house, and the rural feel of this end of Taylors Lane would have been lost. It was agreed that the previous application 'failed to take into consideration the traditional characteristics of the designated Swavesey Conservation Area', and this is still the case – this will be the only house built in the vicinity in the past 25 years, and the nearest black timber-clad garage is over half a mile away”.

- f) The application refers in some of the papers to the erection of flats. This is clearly an error but it introduces confusion and uncertainty as to future intentions.

Planning Comments – Key Issues

31. The key issues to consider are:

- Design and impact upon the Conservation Area and Scheduled Ancient Monument
- Principle of development outside of the village framework
- Flood risk
- Highway safety

Design and impact upon the Conservation Area and Scheduled Ancient Monument

32. I note the comments of the Conservation Manager and I share his view that, subject to the revisions he has requested, the proposal represents an enhancement of the Conservation Area over the permitted extension.
33. At the time of writing the applicant is preparing revised plans to address all of the Conservation Manager's requirements. Members will be updated verbally at the committee meeting.
34. The reduction in the pitch of the roofslope should result in a dwelling that is no higher than No. 24 Taylors Lane.
35. Existing substantial vegetation is to be retained and will help to soften the appearance of the built form when viewed from Taylors Lane.
36. In 2005, the Secretary of State granted conditional scheduled monument consent for the erection of a detached dwelling in the grounds of 24 Taylor's Lane.

Development outside the framework

37. The site lies mostly outside of the village framework for Swavesey. The actual dwelling would straddle the boundary such that approximately half of the dwelling would lie outside and half within.
38. The site is currently garden land and the framework boundary is drawn here in a seemingly arbitrary way such that it does not follow any physical features on the land but nevertheless would appear to define No. 24 as the edge of the village.
39. Planning permission for a large side extension to No. 24 Taylors Lane, granted in 1989, remains extant. This extension, if developed, would fall largely outside of the village framework.

40. If the extension were built it would be possible to convert it to a dwelling, subject to planning permission. Apart from site specific issues of access, amenity etc such an application would be judged against the normal objection to dwellings in the countryside as part of the built form would fall outside of the line of the framework. It is unlikely there would be any argument that such a proposal would be visually harmful as the bulk and form are already approved. The issue would therefore be sustainability.
41. There would be enough of the built form within the framework to convert to a small additional dwelling for which there would be no policy objection in principle.
42. Swavesey is defined as a Group Village in the LDF Core Strategy where the village can support up to 8 dwellings or exceptionally up to 15 where this would make best use of a brownfield site. One further dwelling would not appear to compromise sustainability issues.
43. In the case of this application it is my view that the positive enhancement to the character and appearance of the Conservation Area that would ensue from this well designed dwelling incorporating high quality materials, compared with the extant permission for an extension, the benefit of forming a visual separation between the new dwelling and No. 24 (which would be lost in the permitted scheme), the fact that the land is already garden land and that half of the new dwelling and all of its garage would, in any case, be within the framework all combine to outweigh the normal policy objection to dwellings outside the framework in this instance.
44. In my opinion one additional dwelling would not be unsustainable in Swavesey and in this location would be closer to village services than from some other parts of the village. If it were to be repeated however it clearly would not be sustainable. However, I do not believe that this proposal, if approved, would create a precedent as it is the very specific factors identified above that lead me to conclude that it is acceptable. Such circumstances are unlikely to reoccur.
45. Neither is balancing material planning issues against the policy objection to new dwellings outside of the village framework unprecedented as the need to provide affordable housing on exception sites often takes precedence over sustainability issues and often involving larger numbers of dwellings in smaller villages.
46. Members will have to balance the views expressed above. My conclusion is that the proposal (as amended) will not result in an unsustainable development in its context, it may be possible to convert part of the permitted extension to an extra dwelling in any case, it would significantly enhance the Conservation Area over the approved extension, is on land that is already residential in character and is only partially outside of the village framework which is not defined on the ground.
47. Attached is a plan showing the approximate positions of the new dwelling and garage, the approved extension and the village framework boundary.

Flood Risk

48. I note the Environment Agency objection. However, at the time of writing a revised FRA is being produced and the applicant is confident that the revisions will satisfy the EA. If Members are minded to approve the application it would be subject to the FRA being acceptable and that the measures necessary to satisfy the EA do not result in the dwelling exceeding the height of No. 24 Taylors Lane. This is likely to be resolved prior to the committee meeting and Members will be updated verbally.

49. It has been confirmed to me that the FRA erroneously referred to the development as a number of flats. There is no intention to develop the site in this way.

Highway Safety

50. I note the objection on highway safety grounds. However, it is very likely that following the speed survey and traffic count information the Local Highway Authority will be satisfied. Again this is likely to be resolved prior to the committee meeting and Members will be updated verbally.
67. The Local Highway Authority has confirmed that any required visibility splays will not compromise the existing planting to the front of the site.

Departure

51. Although the application is a departure from the Development Plan, the small nature of the proposal does not lead me to consider it would need to be referred to the Secretary of State, bearing in mind also the factors mentioned in Paragraph 43 above.

Previous refusal and appeal

52. Planning application ref. S/0305/06/F was refused for the reasons given below:

1. **The application site lies outside the defined village framework of Swavesey. There is no justification for an exception to be made to the normal restraint policies which apply in this location and the proposals are therefore contrary to Policy SE8 of the South Cambridgeshire Local Plan 2004 and Policy P1/2 of the approved Structure Plan 2003, which aim to protect the countryside outside village frameworks from all but essential development.**
2. **The development is located within the Swavesey Conservation Area. The site is located on the edge of the village where there is a very clear visual transition between the built up village and the open countryside. The development of this site would result in the loss of views currently afforded across the Scheduled Ancient Monument from Taylor's Lane which is identified as being a positive vista in the Conservation Area Policy Document (draft) 2006. The trees and grass hedges fronting from Taylor's Lane are identified as contributing to the character and appearance of the locality. The proposed dwelling and the associated vehicular access are considered to harm these features. The proposal is therefore considered to be contrary to the provisions of Policy P7/6 of the Cambridgeshire and Peterborough Structure Plan 2003 and Policy EN30 of the South Cambridgeshire Local Plan 2004.**
3. **The site marks a break in the built form, which affords views over the Scheduled Ancient Monument site from a publicly accessible vantage point. To develop a dwelling in this location would lose this vista over the site. The scheme is therefore considered to be contrary to the provisions of Policy EN15(b) of the South Cambridgeshire Local Plan 2004, which aims to refuse planning permission for development which would damage the setting of Scheduled Ancient Monuments.**

53. As stated above I believe the proposal now provides sufficient justification for an exception to be made to the normal restraint policies. As such I consider it overcomes the first reason for refusal.
54. During the appeal the Council conceded that an error had been made with regard to the second and third reasons for refusal. The objection to the loss of views across the Scheduled Ancient Monument from Taylor's Lane was taken considering the proposal in isolation and did not take account of the extant planning permission for the extension. I note the comments of the Conservation Manager in this regard. He considers the proposal will actually result in less obstruction to the view than from the permitted extension.
55. The refused scheme included a new access that would have resulted in the loss of significant existing vegetation. The use of the existing farm access will not result in the loss of any trees. As such I consider the proposal has overcome the second reason for refusal.
56. For the reasons given above I consider that all three reasons for refusal have been overcome.
57. The appeal was withdrawn to allow the applicant an opportunity to overcome the Council's concerns.

Recommendation

58. Delegated approval subject to the EA's approval of the revised FRA, the dwelling not exceeding the height of No. 24 as a result, the support of the LHA and the revisions requested by the Conservation Manager, and to other safeguarding conditions.

Reasons for Approval

1. Although the development is not considered to accord with the Development Plan it is considered that sufficient justification has been given in this case for an exception to be made to the normal restraint policies which apply in this location. The following policies have been taken into consideration:
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
 - P1/2** (Environmental restrictions on development)
 - P1/3** (Sustainable design in built development)
 - P5/5** (Homes in Rural Areas)
 - P7/6** (Historic Built Environment)
 - **South Cambridgeshire Local Development Framework Development Control Policies Development Plan Document 2007:**
 - DP/1** (Sustainable Development)
 - DP/2** (Design of New Development)
 - DP/3** (Development Criteria)
 - DP/7** (Development Frameworks)
 - HG/1** (Housing Density)
 - NE/11** (Flood Risk)
 - CH/5** (Conservation Areas)
 - **Local Development Framework Core Strategy 2007:**
 - ST/6** (Group Villages)

- **South Cambridgeshire Local Plan 2004 Part 2:**
Paragraph 88.18

2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:

- Impact on the countryside
- Impact upon the character and appearance of the Conservation Area
- Impact on existing trees and planting
- Impact upon highway safety
- Flood risk
- Impact upon a Scheduled Ancient Monument
- Impact upon the street scene

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

- South Cambridgeshire Local Plan 2004 Part 2
- South Cambridgeshire Local Development Framework Core Strategy and Development Control Policies Development Plan Document 2007
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning files Ref. S/1183/07/F, S/0305/06/F, S/1199/89/F and S/0853/04/F.

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