

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 October 2010

AUTHOR/S: Executive Director (Operational Services)
Corporate Manager (Planning and New Communities)

S/0847/10 - SWAVESEY

Dwelling and Garage (Application for a New Planning Application to Replace an Extant Planning Permission in Order to Extend the Time Limit for Implementation) at Land to the West of 24 Taylors Lane, for Mrs D Thwaites

Recommendation: Approve

Date for Determination: 20 September 2010

Notes:

This Application has been reported to the Planning Committee for determination because it is a departure application and because the recommendation of approval is contrary to that of the Parish Council.

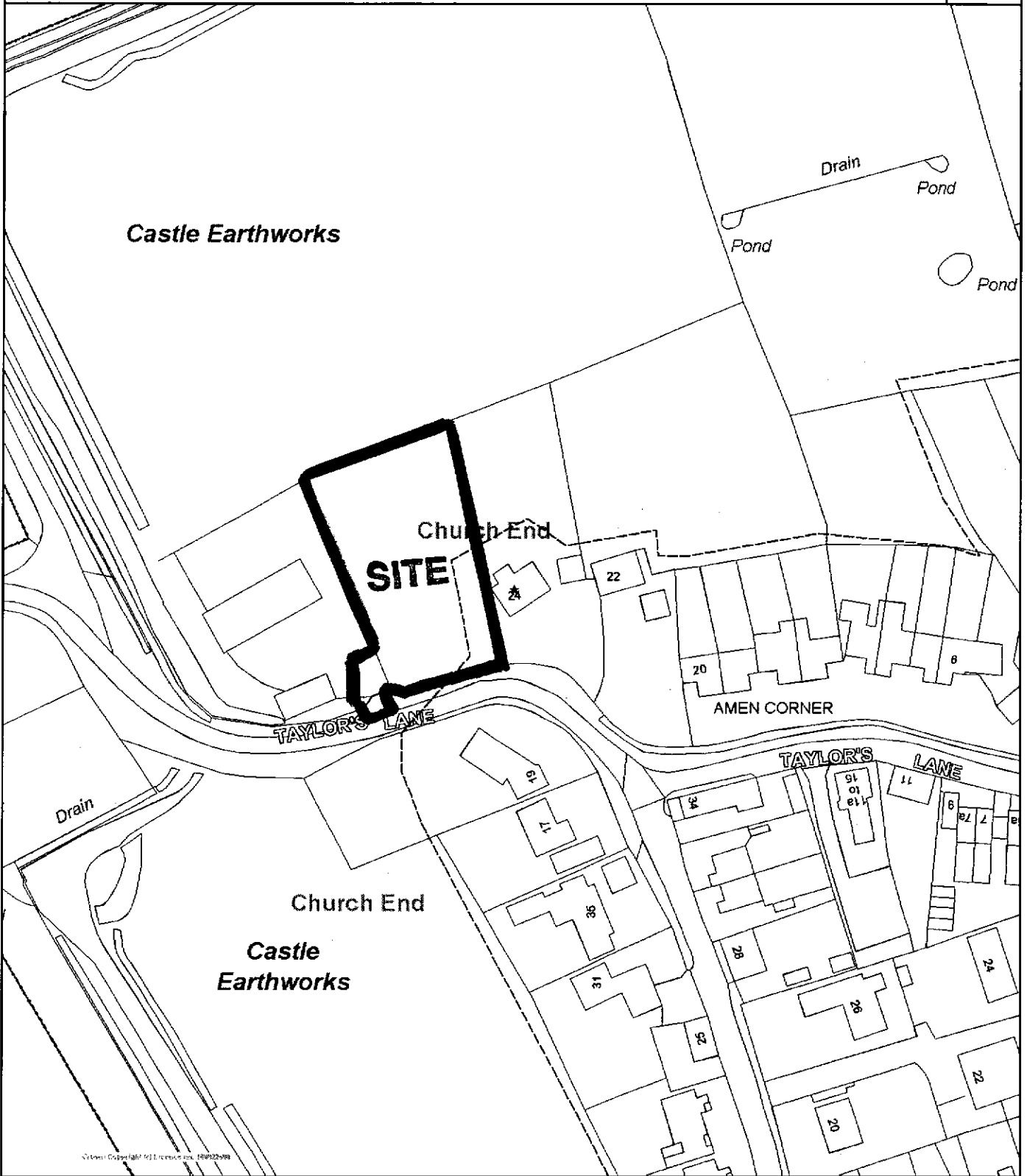
Conservation Area

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. Adjacent and to the west are agricultural buildings that were once used for the storage of builders materials but have now reverted to agricultural use.
2. The Full planning application, received on 26 May 2010 and amended with a correct site plan on 26 July 2010, proposes to erect a dwelling and garage. The dwelling 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 dwelling would be outside of the village framework. The garage building would be set to the front of the dwelling and would just be within the framework. The trees on the frontage are to be retained and an existing farm access will be utilised and shared. A Flood Risk Assessment ("FRA") accompanies the application as part of the site lies within Flood Zone 3.
3. The site lies mostly outside of the village framework and within the village conservation area. It also lies within the confines of the 'Castle Hill' earthworks Scheduled Ancient Monument ("SAM").

Planning History

4. An application for a dwelling was originally refused and dismissed at appeal in 1982 under reference **S/1532/81/O**.
5. An application for a side extension to 24 Taylors Lane under reference **S/1199/89/F** was first approved in 1989 and then renewed in 1994, 1999 and June 2004). That permission is no longer extant.



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Scale 1/1250 Date 24/9/2010

Centre = 535975 E 269022 N

6. A further application for a dwelling (Reference **S/0305/06/F** was refused in April 2006, and an appeal withdrawn in January 2007. However, a modified proposal was then approved under reference **S/1183/07/F** on 19 February 2008. That permission remains extant until 19 February 2011 and it is that permission which this latest application seeks to extend the time limit for implementation.
7. An application for a dwelling (**S/1818/09/F**) in a different position and with a different design was withdrawn in February 2010.

Planning Policy

8. **South Cambridgeshire Local Development Framework Core Strategy 2007: ST/6 Group Villages**
9. **South Cambridgeshire Local Development Framework Development Control Policies 2007:**
 - DP/1** Sustainable Development
 - DP/2** Design of New Development
 - DP/3** Development Criteria
 - DP/4** Infrastructure and New Development
 - DP/7** Development Frameworks
 - HG/1** Housing Density
 - SF/10** Outdoor Playspace, Informal Open Space and New Developments
 - CH/5** Conservation Areas
10. **Supplementary Planning Documents**
 - Development Affecting Conservation Areas 2009
 - Open Space in New Developments 2009
 - District Design Guide 2010
11. **Other relevant planning guidance**
 - Swavesey Conservation Area Appraisal ("CAA") – adopted 2006
 - Recreation Study. Annex 1: Village Results
 - Community Facilities Assessment. A Final Report September 2009; Audit – November 2009
 - RECAP Waste Management Design Guide - 2008
12. **Circular 11/95 (The use of Conditions in Planning Permissions)**

Advises that planning conditions should be necessary, relevant to planning, relevant to the development to be permitted, enforceable. Precise and reasonable in all other respects.
13. **Circular 05/2005**

Advises that planning obligations must relevant to planning, necessary, directly related to the proposed development to be permitted, fairly and reasonably related in scale and kind and reasonable in all other respects.

Consultations

14. **Swavesey Parish Council** recommends refusal. It objects, as it did originally on the grounds that:
 - Application site lies outside 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 vistas across the proposed site, as detailed in the Conservations Area Appraisal would be adversely affected.
15. The **Local Highway Authority** raises no objections. It wishes to see conditions imposed to control the construction and surface finish of the proposed driveway; vehicles entering, turning and leaving the site in forward gear; parking; and the positioning of gates across the access.
 16. **Cambridgeshire Archaeology** recommends the same objection to the development as we recommended in the last withdrawn application for the site (S1818/09/F). We feel that the development would have a negative impact on the SAM site itself and the character of the surrounding area.

In addition, due to the (national planning) policy change of PPG16 to PPS5, we recommend also that any permissions granted/missed by ourselves in previous applications can now be overruled by PPS5, section HE9.

17. **English Heritage** has not specifically commented on the application, but granted Scheduled Monument Consent for the development on 23 July 2010. English heritage considers the effect of the proposed works upon the monument to be potentially detrimental, but with reasonable safeguards the Secretary of State is agreeable for the works to proceed subject to certain conditions being adhered to. Essentially, these are:
 - a) The works shall be carried out to the satisfaction of the Secretary of State, who will be advised by English Heritage. At least 4 weeks notice of commencement of the works shall be given in writing.
 - b) Any ground disturbance works shall be carried out under the overall archaeological supervision of the County Archaeologist.
 - c) A report on the archaeological recording shall be provided within three months of the completion of the works.
 - d) English Heritage shall be notified of any land disposal and future owners notified of the full extent of the scheduled monument and the nature of this consent
 - e) No ground works, landscaping fencing, site access works or building work shall take place until an archaeological investigation has been commissioned.
 - f) Equipment or machinery shall not be used in the schedules area in conditions or in a manner likely to result in damage to the monument/ground disturbance.
18. The **Middle level Commissioners** note the site is within the catchment area of Swavesey Internal Drainage Board. The Board's surface water system downstream of the development is close to capacity during high rainfall events. Attenuation of surface water discharge from the site will be required
19. The **Environment Agency** has not commented on the application, but has previously confirmed that the FRA that accompanied the original application is no longer sufficient.

20. The **Conservation Officer** comments that the scheme addresses previous concerns under application S/1183/07/F. She therefore recommends approval of the extension of time.

Representations

21. None.

Planning Comments - Key Issues

22. The details of the proposal are exactly the same as those approved under the extant planning permission. The main issue therefore is whether there has been any material change in circumstances such that the time limit for implementation should not be approved.
23. Development plan policies have changed since the last decision insofar as there is now a full suite of LDF documents. Nonetheless, Swavesey is still defined as a Group Village in the LDF Core Strategy where development up to an indicative maximum scheme size of up to 8 dwellings will be permitted. As before, the site lies mostly outside of the village framework for Swavesey. 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 of the land but nevertheless would appear to define No. 24 as the edge of the village. The actual dwelling would straddle the boundary such that approximately half of the dwelling would lie outside and half within. The proposed detached garage would lie within the village framework.
24. There is no harm to the conservation area from what is a well designed dwelling and the fact that the land is already garden land and that half of the new dwelling and all of its garage would be within the framework all combine to outweigh the normal policy objection to dwellings outside the framework in this instance. While the CAA identifies that there is a positive vista across the site towards the scheduled monument, there is no change from what was approved previously. Neither have English Heritage objected to any impact on the setting of the monument.
25. The development would not create a precedent because of the specific factors identified above. As such, there is no suggestion that the site could be more intensively developed or that an increase in density would be appropriate.
26. The previous application was approved on the basis that English Heritage had granted the necessary scheduled monument consent. A fresh consent has been sought and as mentioned at paragraph 17 above has been approved subject to various safeguarding conditions. I am satisfied that subject to the imposition of similar conditions the impact on the scheduled monument and archaeological remains is acceptable.
27. The updated flood risk assessment provides adequate mitigation measures. To reduce the risk of flooding, finished floor levels need to be conditioned as they were previously. The submission of a scheme for both foul and surface water drainage also remains appropriate.
28. The one material change is the need for developer contributions towards meeting the infrastructure requirements arising from the development. These relate to an increase in demand for playspace as a result of the four-bedroom dwelling proposed, requiring a financial contribution of £4,258.90 towards the off-site provision and maintenance of open space (index linked); a financial contribution of £718.78 towards the provision of

indoor community facilities (index linked); and a financial contribution of £69.50 towards household waste receptacles. These requirements are derived from the relevant planning policy guidance outlined at paragraph 11 above.

29. I therefore conclude that subject to the infrastructure requirements, there has been no material change in circumstances. Subject to the conditions as previously imposed and modified to take account of the current consultation responses, the application can be approved.

Recommendation

30. Approve subject to the following 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. **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 and all hard surfaced areas within the site have been submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be timber and all doors to the garage block shall be timber and side hung. 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.)
 3. **Prior to the commencement of any development, a scheme for the provision and implementation of foul and surface drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.**
(Reason - To reduce the risk of pollution to the water environment, to ensure a satisfactory method of foul and surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1, NE/10 and NE/11 of the adopted Local Development Framework 2007.)
 4. **No development shall take place on the application site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.**
(Reason - To secure the provision of archaeological excavation and the subsequent recording of the remains in accordance with Policy CH/2 of the adopted Local Development Framework 2007.)
 5. **No development shall begin until details of a scheme for the provision of public open space, community facilities, waste receptacles and S106 monitoring infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policies DP/4**

and SF/10 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 infrastructure required by the development in accordance with the Policies DP/4 and SF/10 of the adopted Local Development Framework 2007.)

6. **The proposed access and turning area shall be provided before the dwelling hereby permitted is occupied and thereafter retained as such.**
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
7. **The finished ground floor levels of the dwelling hereby approved shall be set no lower than 6.5m AOD.**
(Reason – To protect the development from flooding in extreme circumstances)
8. **The dwelling shall not be occupied until the proposed planting and boundary treatment has been carried out in accordance with the scheme shown on plan no. LD 07 239. The scheme shall thereafter be retained as such unless otherwise agreed in writing by the local planning authority.**
(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.)
9. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Part 1 and Part 2, Class A of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.**
(Reason - In the interests of preventing harm to the Swavesey Conservation Area in accordance with Policies DP/2 and CH/5 of the adopted Local Development Framework 2007.)
10. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed east elevation at or above first floor level or any of the roofspace of the dwelling unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.**
(Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
11. **The development hereby permitted shall be carried out in accordance with the following approved plans: 162/01B, 162/02C, 162/03A and LD 07 239.**
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

Reasons for Approval

1. Although the development is not wholly in accordance 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.

- a) **South Cambridgeshire Local Development Framework Core Strategy 2007**
ST/6 Group Villages

- b) **South Cambridgeshire Local Development Framework Development Control Policies 2007**
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Development
DP/7 Development Frameworks
HG/1 Housing Density
SF/10 Outdoor Playspace, Informal Open Space and New Developments
CH/5 Conservation Areas

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 upon highway safety
- Drainage and 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 Development Framework Core Strategy Development Plan Document 2007
- South Cambridgeshire Local Development Framework Development Control Policies Development Plan Document 2007
- Planning file Ref. S/1183/07/F

Contact Officer: John Koch – DC Team Leader (West)
Telephone: (01954) 713268