

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2 March 2011

AUTHOR/S: Executive Director (Operational Services)/
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S/2191/10 – WESTON COLVILLE

Extension of time limit for implementation of planning permission reference S/0376/08/F, for the erection of a country house, two staff dwellings, and barn, together with parkland, associated site works, and excavation of lake and pond.

- Mines Farm, Weston Green, for Mr Henry D'Abo

Recommendation: Approve Conditionally

Date for Determination: 11 March 2011 (Major Application)

Notes:

This application has been reported to the Planning Committee for determination as the Officer recommendation is contrary to the recommendation of West Wrating Parish Council.

Site and Proposal

1. The application site, an area of approximately 39 hectares, is located immediately to the south-west of Weston Green. It is situated within gently rolling countryside typified by blocks of woodland, hedgerows and large, irregular shaped fields. The site is made up of two arable fields separated by a deep drain, hedgerow and footpath, the western field triangular in shape and tapering towards the west, with Chapel Road defining the long northern boundary of the field. The eastern field is more rectangular, its northern boundary forming part of the framework of Weston Green.
2. Mines Farm comprises a group of derelict agricultural buildings (dating from the mid 19th century) within the western field, set 50 metres back from Chapel Road with an intervening overgrown concrete hardstanding. They consist of a two storey weather-boarded and brick structure and a single storey structure beyond repair. The field rises up from the road to a plateau about half way across the field. The roadside boundary is unfenced but there is a good hedgerow along the south boundary of this field. Within the eastern field, ground levels again are lowest at the northern end, closest to the village.
3. The full application, received on 10th December 2010, seeks to extend the time limit for the implementation of an extant permission (reference S/0376/08/F) for the erection of a country house, two staff dwellings and a barn, all within a parkland setting comprising new woodland, meadows, a lake and pond.

4. The proposed country house would be located in the western field and on the crest of the rise, approximately 150 metres to the south-west of the derelict farm buildings and around 220 metres back from the road. It would be a contemporary three storey, eight bedroom dwelling comprising kitchen/lounge/family areas on the ground floor, three bedrooms/bathrooms at first floor level, and five bedrooms/bathrooms on the second floor. There would also be a basement containing car parking, a staff flat, swimming pool and gym. To the south-east of the house, there would be a walled garden surrounded by a 5 metre high concrete wall with circular openings cut into it to provide views through to the surrounding landscape. The walled garden would accommodate a kitchen garden and greenhouse, formal orchard, scented garden and pleasure garden. Immediately to the north and west of the house would be grass mounding whilst the main private garden area would be to the south. The house would be an oak timber framed building with exposed timbers and hempcrete infill. Metal standing seam with hidden gutter detail would be used for the roof. The house would be 12.8 metres high above the grass mounding. To the rear, the land would be cut away to expose the basement areas, giving the house a total height of 15.8 metres above the reduced ground level.
5. The proposed staff cottages would each comprise four bedrooms and would be constructed on the site of the existing derelict farm buildings. They would be predominantly single storey (4.2 metres high) white concrete buildings arranged around a central courtyard. Two elements of the building near to the main access would have first floor accommodation and would be 6.5 metres high. The design and access statement explains that the cottages would be constructed in environmentally friendly white GGBS concrete with no gutters or downpipes. Instead, the surface water would stream down the roof and walls streaking the surface and, over time, staining it as a controlled pattern of weathering like an old ruin.
6. The proposal also seeks to erect a barn, to be used for housing the wood chip boiler, to provide drying space for coppiced timber and for agricultural equipment storage, near to the south-western corner of the site, approximately 80 metres back from the road. The barn would be a timber clad building measuring 30.7 metres long x 9.5 metres wide and standing 8.5 metres high.
7. The landscaping proposals include the creation of a lake to the south of the staff cottages and a pond in the eastern field. Willow energy woodland, on a 4 year short rotation coppice, would be planted alongside the main road, on the north-east side of the lake, and in the eastern field. Standard woodland (oak, ash and pine), on a 7 year mid-rotation coppice, would be introduced alongside the main road, the southern boundary of the western field and the eastern boundary of the eastern field. Sweet chestnut woodland, on a 14 year mid-rotation coppice, is proposed south of the willow areas and along the southern boundary of the eastern field. Finally, alder carr woodland would straddle the boundary between the two fields surrounding the pond outflow.
8. Access to the house and staff cottages would be via the existing access point onto Chapel Road. The driveway would be 6 metres wide and would pass the staff accommodation before turning east along the lake, and then turning back on itself to approach the house from the west with the walled gardens to one side and the meadow to the other. A secondary route from the main house would run westwards and exit at the western point of the site onto

Chapel Road. This road would be used to transport coppiced willow to and from the storage building as well as an alternative route to the main house.

Planning History

9. **S/0376/08/F** – Application for the erection of a country house, 2 staff dwellings, and barn together with parkland, associated site works and excavation of lake and pond. This application was considered at Planning Committee in May 2008 and was refused for the following reason:
- “1. Development of a house in the countryside is contrary to Policy DP/7 of the South Cambridgeshire Local Development Framework unless it can be justified as being essential for the effective operation of identified countryside activities. The proposed development has been advanced as an exception to this policy and argued to comply with the requirements of paragraph 11 of Planning Policy Statement 7 (Sustainable Development in Rural Areas) which states that, very occasionally, the exceptional quality and innovative nature of the design of a proposed new house in the countryside may provide special justification for granting planning permission. The proposed scheme fails to achieve this and would not result in a significant enhancement of its immediate setting for the reasons set out below:
- Due to the height and scale of the country house, together with its proximity to and elevated position above the road, it would be a visually dominant feature within the countryside and would be detrimental to the open and rural character of the landscape;
 - The main house has been designed without an eaves overhang. This would be out of keeping with the English timber frame tradition, which always has a sheltering overhanging roof to protect the wall, and also raises serious concerns about the long term appearance of the building;
 - The introduction of intensively coppiced large blocks of monoculture of willow and sweet chestnut trees, particularly where willows are positioned on a slope, would be alien features that would fail to significantly enhance the character of the landscape;
 - The introduction of a lake, and associated surrounding bunding, in a position sited halfway up a hillside would be an incongruous and artificial feature (lakes normally being sited in valley bottoms) that would not result in an enhancement in the character of the landscape;
 - The landscaping scheme, in proposing to plant woodland on the assumed historical site of Moynes Farm, fails to acknowledge the history of the site;
 - The proposed staff cottages, by virtue of the use of white concrete for the roofs and walls, together with the proximity of the buildings to the main road, would be very stark in appearance and visually harmful features in the landscape. The visual impact of the cottages would be exacerbated by the lack of an eaves overhang or gutters/downpipes meaning that, over time, the character and appearance of the

buildings would change and degrade as they weather, causing further visual harm;

- Due to the height of the proposed maintenance shed, together with its siting in close proximity to the road and elevated position above the road, it would be a visually prominent feature within the countryside.

For the above reasons, the proposal would also be contrary to Policies DP/2, which requires new development to preserve or enhance the character of the area, DP/3, which states permission will not be granted for proposals that would have an unacceptable adverse impact on the countryside and landscape character, and NE/4, which only permits development if it respects and retains or enhances the local character and distinctiveness of the Landscape Character Area in which it is located.

2. In the absence of sufficient justification on the grounds of agricultural need, the proposed staff cottages contravene Policy DP/7 of the Local Development Framework 2007 which states that, outside village frameworks, only development for agriculture and other uses that need to be located in the countryside will be permitted.
3. The application fails to satisfactorily demonstrate that the development will neither cause nor exacerbate flooding to existing property. Consequently, the proposal contravenes Policy NE/11 of the South Cambridgeshire Local Development Framework 2007, which requires proposals to adequately consider the issue of flood risk.
4. In the absence of a full ecological survey and assessment, the application fails to satisfactorily evaluate the present biodiversity value of the site and existing barns, and hence to ensure that all valuable biodiversity species and features are identified and properly integrated into the scheme. Consequently, the proposal contravenes Policy NE/6 of the South Cambridgeshire Local Development Framework 2007, which requires new development to maintain, enhance, restore or add to biodiversity.”
10. The application was subsequently the subject of a planning appeal (an informal hearing). Prior to the hearing, an ecological appraisal and further flood risk information were submitted, resulting in the 3rd and 4th reasons for refusal being withdrawn. The discussion at the hearing therefore focussed on the 1st and 2nd reasons for refusal, namely the effect of the proposed development on the character and appearance of the countryside.
11. The Inspector allowed the appeal, on 26th February 2009, stating that:

“.....there is no doubt that the building would be of very considerable architectural interest on account of its outstanding design and its innovative use of materials and construction methods.”; and

“I do not accept the assumption, implicit in the Council’s reason for refusal, that because the house would be very prominent it would necessarily be detrimental to the character of the landscape. The building has been designed as a sculptural object and is intended to act as a local landmark. Considerable thought has gone into its siting in relation to the local topography and areas of woodland. In my view the building would make a

positive contribution to the landscape in the same way that other buildings, sculptures and other artefacts have done in the past.”

12. The Inspector also stated that the Council’s objection to the coppiced woodland, on the basis that it would be an alien feature in the landscape, was ill founded, as the extensive areas of coppiced and other woodland included in the scheme would be seen in the context of the large stands of woodland already in the vicinity, as well as increasing the biodiversity interest of the site. The proposed pond and lake were considered by the Inspector to be of great benefit, adding variety and beauty to the landscape and expanding the range of wildlife habitats on the site.
13. With regards to the two staff cottages, the Inspector stated that the scheme fits within the tradition of country estates, in which lodges and cottages for estate workers are common features, and that this staff accommodation would ensure a large degree of self-sufficiency within the development. The appearance of the cottages/barn, and their visual impact within the landscape, was also deemed to be acceptable.
14. The appeal decision concluded that, due to the exceptional quality and outstanding design of the scheme, together with the enhancement to the natural beauty and biodiversity of the landscape, the development fulfils all the criteria of PPS7, and therefore qualifies for exemption from the usual strict controls over development in the countryside envisaged in PPS7 and in the development plan.
15. Prior to the above decision, an application for a country house, staff cottage and associated landscaping works was refused and dismissed at appeal (**S/1472/02/F**). In addition, planning permission had been refused a number of times for the conversion of the redundant agricultural buildings to form a dwelling (**S/0373/89/F**, **S/0352/88/F** and **S/0805/83/F**).

Planning Policy

16. South Cambridgeshire Local Development Framework Development Control Policies DPD, adopted July 2007:
 - DP/1:** Sustainable Development
 - DP/2:** Design of New Development
 - DP/3:** Development Criteria
 - DP/7:** Development Frameworks
 - NE/1:** Energy Efficiency
 - NE/4:** Landscape Character Areas
 - NE/6:** Biodiversity
 - CH/2:** Archaeological Sites
 - NE/11:** Flood Risk
 - NE/12:** Water Conservation
17. South Cambridgeshire Local Development Framework Supplementary Planning Documents:
 - Trees and Development Sites – Adopted January 2009
 - Biodiversity – Adopted July 2009
 - District Design Guide – Adopted March 2010
 - Landscape in New Developments – Adopted March 2010

18. **Circular 11/95 (The Use of Conditions in Planning Permissions)** - Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
19. **Circular 05/2005 (Planning Obligations)** - Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

Consultations

20. **Weston Colville Parish Council** - Recommends approval, stating:

"We have no objection to this extension for a maximum of 3 years from the date of the new decision. However we believe the matter should be resolved before the end of the new period."
21. **West Wrattling Parish Council** – Recommends refusal, stating:

"The Council objects to this request for an extension of time for the Consent granted on Appeal due to:
 - (1) It being too early to re-consider the application as there are a further 14 months in which the applicant could undertake works in line with the application.
 - (2) The information in the letter does not provide sufficient reason for an extension of time as (a) the economic climate may change considerably within 14 months, and, (b) no information related to the **"unforeseen delays in taking this site forward"** is given to enable the Council to given this proper consideration at this time."
22. **The Landscape Design Officer** – States that the appeal decision restricts the comments that can be made, although previous concerns relating to the poor landscape layout, particularly around the house, are reiterated.
23. **The Environment Agency** – Raises no objections, in principle, to the proposed development. However, the applicant should be aware that, to safeguard the development and third parties from flood risk, the development must be constructed in accordance with flood risk guidance and requirements contemporaneous with the time of construction. The applicant should contact the Agency prior to commencement of development to discuss outstanding issues, including the following which will require a formal consent/permit: - foul water drainage; abstraction license; and culverting/alteration to any watercourse, stream or ditch.

Representations

24. 6 letters have been received from residents within West Wrattling.
25. No objections are raised within 1 of the responses, whilst 5 of the letters object to the application for the following reasons:

1. This is an area of outstanding natural beauty. The development would harm the rural character of the area and planning permission should therefore never have been granted for the proposal.
2. The Council originally decided to refuse the application for very good planning reasons, and should therefore make the same decision again.
3. It is too early to grant an extension of time, as the current decision doesn't expire until February 2012.
4. The previous application was speculative in nature and designed to increase the value of the land. Marketing of the site has failed to generate any interest. The land should remain in agricultural use, which would be better for the prosperity of the area and better serve the local community, than the approved country house.
5. The proposed development lies in a remote, unsustainable location.
6. Run-off from the development would result in flooding of the road.

Representation from the applicant's agent

26. Further to the objection received from West Wrattling Parish Council, the applicant's agent has commented that a permission granted prior to 1st October 2009 can be renewed at any time during its three-year time limit. It is unlikely that market conditions will improve in the short to medium term and, due to the complexity of works associated with the proposal, it is unlikely that all the conditions can be discharged and contracts let prior to the current planning permission lapsing. In addition, the applicant wished to allow sufficient time for the renewal application to be determined, given the protracted nature of the original application.
27. With regards to the economic climate, the opinion of many professionals is that it is unlikely the economic climate, and particularly the housing market, will improve for at least 3 years. The Greater Flexibility for Planning Permissions regulations were introduced to make it easier for developers and planning authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve.
28. The applicant's agent clarifies that unforeseen delays have arisen as a consequence of a sale of the site not proceeding and the need to secure the necessary finance to take the project forward.

Planning Comments

29. As has been set out within paragraphs 9-14 of this report, planning permission was granted at appeal for the erection of a country house, two staff dwellings and associated landscaping/works in February 2009. Whilst this Authority refused the original application, the current proposal to extend the time limit for implementation of the permission must be considered against the Planning Inspectorate's subsequent decision to allow the appeal.

30. Applications to extend the time limit for implementation of extant planning permissions need to be assessed against any change in planning policies or other material change in circumstances. In this instance, the policy background remains the same as existed at the time of the consideration of the original application, and there has been no material change in policies relating to the erection of country houses. In addition, there has been no material change affecting the site and its surroundings.
31. West Wratting Parish Council has objected to the application on the basis that ample time remains in which to implement the existing permission and due to the lack of justification for the time extension. The existing permission expires on 26th February 2012. The applicant's agent has clarified that, due to a combination of market conditions, the general consensus that the housing market is unlikely to improve in the foreseeable future, the need to discharge conditions of the planning permission, and the need to arrange the relevant contracts, it is highly unlikely that the scheme would be implemented before the current permission lapses. The fact that the existing permission remains in force for approximately another year does not represent a justifiable reason for refusing to extend the time limit, as the relevant legislation allows a permission to be renewed at any time during its lifespan. In addition, the Greater Flexibility for Planning Permissions regulations, adopted in October 2009, sought to assist developers and planning authorities in keeping permissions alive during the economic downturn.
32. A nearby resident has commented that the proposed scheme is speculative in nature and of no benefit to the local population. Whether this is the case or not, there are no conditions on the planning permission restricting the occupancy of the main dwelling, and this is not therefore a material planning consideration.

Recommendation

33. Approval, 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. **The development hereby permitted shall be carried out in accordance with the following approved plans: 170_0001, 1001, 1002, 1003, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1201, 1202, 1203, 1204, 1205, 1301, 1302, 1303, 1304, 1305, 1307, and 1308.**
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
 3. **In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars and paragraphs (i) and (iii) below shall have effect until the expiration of 1 year from the date of the occupation of the building for its permitted use.**

- i) **No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).**
- ii) **The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.**
- iii) **If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.**

(Reason – To protect trees which are to be retained in order to enhance the development, biodiversity and the visual amenities of the area in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007.)

- 4. **No development shall take place until details of the finished floor levels of the buildings have been submitted to and approved in writing by the local planning authority. 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.)

- 5. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no development within Classes A to H of Part 1 of Schedule 2 and Classes A to C of Part 2 of the Order shall take place without the prior written permission of the local planning authority.**

(Reason – To ensure that future extensions and/or alterations that would otherwise be permitted are not carried out with consequent potential harm to the architectural qualities of the building, in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

- 6. **No development shall take place other than in accordance with the Flood Risk Assessment dated January 2008 as amended by the Drainage Review technical Note MAM5970-01 and Supplementary Drainage Notes on 23 June 2008.**

(Reason - To ensure a satisfactory method of surface water drainage and

to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)

- 7. No development shall take place other than in accordance with the mitigation requirement set out in Section 5 of the Ecological Appraisal dated August 2008, prepared by the Landscape Partnership (“the scheme”). The scheme shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the local planning authority.**
(Reason – To enhance ecological interests in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)
- 8. No development shall take place until the applicant, or his agents or successors in title, has secured the implementation of a staged programme of archaeological work 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.)
- 9. Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the buildings are occupied. Development shall be carried out in accordance with the approved details. No external lighting other than that shown in the approved details shall be used without the prior written permission of the local planning authority.**
(Reason – To protect the character and appearance of this rural area at night, in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
- 10. The occupation of the two staff dwellings shall be limited to persons solely or mainly working, or last working on the appeal site, or a widow or widower of such a person, and to any resident dependants.**
(Reason – The dwellings are situated in a rural area outside any established settlement where the Local Planning Authority would not normally grant permission for such development and this permission is granted solely in order to fulfil a need to satisfy the requirements of the country house.)

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

- 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: Trees and Development Sites; Biodiversity; District Design Guide; Landscape in New Developments.
- Circular 11/95 and 05/2005
- Planning File References: S/2191/10; S/0376/08/F; S/1472/02/F; S/0373/89/F; S/0352/88/F; S/0805/83/F.

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