

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

| | | |
|-------------------|--|--------------|
| REPORT TO: | Planning Committee | 2 March 2011 |
| AUTHOR/S: | Executive Director (Operational Services)/ Corporate Manager (Planning and New Communities) | |

S/2288/10 - PAPWORTH EVERARD

Extension of time of planning application S/2476/03/O through the variation of condition 2 at land off Ermine Street South for David Wilson Homes

Recommendation: Delegated Approval

Date for Determination: 25th March 2011

Notes:

This application has been reported to the Planning Committee as the Parish Council has recommended refusal.

The proposal has been advertised as a departure on 8th February 2011.

Departure Application

Site and Proposal

1. The site defined within this application measures approximately 22 hectares (13.6 hectares within village framework). To the east of the site are residential properties and the public highway of Ermine Street. The majority of these properties along Ermine Street are within the newly proposed conservation area. To the north of the site are the properties along Southbrook Field and the Grade II Listed Building of St Peter's Church. Open fields define the western boundary and to the south is an area of grassland and beyond this is the public highway (A1198).
2. Essentially, the proposed site of S/2476/03/O has been divided into three sections. Planning applications S/1688/08/RM and S/1101/10 define the southern half, while the northern half is split between S/1424/08/RM and S/1624/08/RM.
3. The application, validated on the 24th December 2010, is for the extension of time for the implementation of reserved matters for S/2476/03/O by one year. Condition 2 of S/2476/03/O controls the timing of implementation of the development. The developer, therefore, requests to have until the 18th May 2012 to start construction on the reserved matters for the northern half instead of the 18th May 2011. The reason for the application is not to delay construction but to allow more time for consideration of future applications concerning the northern half. The commencement date for the southern half will remain 18th May 2011.

4. The original outline application of S/2476/03/O was for Residential Development including Public Open Space, Vehicular Access together with Demolition of 18, 20, 52 and 54 Ermine Street South, and 1 & 3 St Johns Lane.

Planning History

5. **S/2476/03/O** – The proposal for Residential Development including Public Open Space, Vehicular Access together with Demolition of 18, 20, 52, & 54 Ermine Street South and 1&3 St John's Lane was conditionally approved. The developer is currently working to discharge some of these conditions.
6. **S/0097/06/RM** – The proposal for the Erection of 397 Dwellings with Associated Open Space (The First Reserved Matters Application) Pursuant to Outline Planning Permission Ref: S/2476/03/O was withdrawn.
7. **S/0093/07/RM** – The proposal for the Erection of 365 Dwellings with Associated Open Space and Landscaping (Reserved Matters Pursuant to Outline Planning Permission Ref. **S/2476/03/O**) was conditionally approved. The developer is currently working to discharge some of these conditions. This is the development that Barratts wants to go forward and have merged some of the design principles and site layout, in particular the eastern side, into this current application.
8. **S/1688/08/RM** – The proposal for the Siting design and external appearance of 166 dwellings was conditionally approved. The developer is currently working discharge some of these conditions. This is the development that Barratts wants to go forward and have merged some of the design principles and site layout, in particular the western side, into this current application.
9. **S/1424/08/RM** – The proposal for the Approval of appearance, landscaping, layout & scale for the erection of 81 dwellings was conditionally approved.
10. **S/1624/08/RM** – The proposal for Details of reserved matters for the siting, design and external appearance of 118 dwellings, associated works, garaging and car parking, and landscaping for the northern phase 2 (amended scheme to part of reserved matters **S/0093/07/RM**) was conditionally approved.
11. **S/1101/10** – The proposal for the Variation of Conditions 12 & 26 of Planning Permission S/1688/08/RM was approved.

Planning Policy

12. Central Government Guidance:
Greater Flexibility for Planning Permissions, October 2010
Planning Policy Statement 3: Housing
13. Local Development Framework, Core Strategy
ST/5 Minor Rural Centres
14. South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007:

DP/1 (Sustainable Development)
DP/2 (Design of New Development)
DP/3 (Development Criteria)
DP/4 (Infrastructure and New Developments)
DP/6 (Construction Methods)
HG/1 (Housing Density)
HG/2 (Housing Mix)
SF/6 (Public Art and New Development)
SF/10 (Outdoor Playspace, Informal Open Space and New Developments)
SF/11 (Open Space Standards)
NE/1 (Energy Efficiency)
NE/3 (Renewable Energy Technologies in New Development)
NE/6 (Biodiversity)
NE/8 (Ground Water)
NE/9 (Water and Drainage Infrastructure)
NE/12 (Water Conservation)
CH/2 (Archaeological Sites)
CH/4 (Development within the Curtilage or Setting of a Listed Building)
CH/5 (Conservation Areas)
TR/1 (Planning for More Sustainable Travel)
TR/2 (Car and Cycle Parking Standards)

Consultation

15. **Papworth Everard Parish Council** – The Parish Council is recommending refusal, as it is requiring an urgent meeting with the developer to discuss their plans and an acceptable timeframe.
16. In a telephone conversation with one of the parish council members clarification on this was given stating that the concern is based upon the continued length of delay, impacts on S106 triggers, delay in infrastructure and what happens for any land transfer if the Varrier-Jones Foundation disbands.
17. **Cambridgeshire Archaeology** – The County Archaeologist recommends the same advice given for applications S/1424/08/RM and onwards, that is a no comment.
18. **County Council (Education)** – In terms of County education, the only comments are that the education contributions contained in the S106 dated 29th September 2005 should be carried forward if any extension of time is granted.
19. **Joint Urban Design Team** – The Principle Urban Design Officer supports the applicants request for an extension of time, as to complete the detailed design considerations within the original timescale could result in insufficient time to fully consider all relevant design matters and have any resulting amendments to the designs worked up and agreed prior to the submission of a planning application; resultantly we would receive an application to take to Committee that was not as developed as we would wish and may contain elements we could not support. It would be better, therefore, to have additional time to fully consider the design

and any necessary amendments worked through, in co-operation with the developer, prior to putting an application before the Planning Committee.

Representations

19. No representations received

Planning Comments

20. The main planning considerations for this development are any material changes in circumstance since the approval of S/2476/03/O and the need to ensure all existing controls remain in place.
21. The advice from Central Government is that Local Planning Authorities “should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly” (Greater flexibility for planning permissions Guidance, October 2010)
22. The Material Changes – The main consideration before the Local Planning Authority is whether the outline proposal be acceptable if approved under the current Local Development Framework. If this were not the case what material considerations are there that would outweigh the harm to the Local Development Framework. In coming to this view the Greater flexibility for planning permissions Guidance, October 2010 as mentioned in Paragraph 21 is relevant.
23. The South Cambridgeshire Local Plan 2004 defined this site for residential development for approximately 259 dwellings. The existing permissions allow for a total of 365 dwellings. Under the current Core Strategy this is significantly over the indicative maximum 30 dwellings that is allowed in a single application under Policy ST/5. However, the Local Planning Authority has previously accepted this level of residential development under the reserved matter applications. The proposal is, therefore, considered to be acceptable.
24. Whilst not all of the site is defined within the village framework, it is noted that in the reserved matters, and the Section 73 (S/1101/10), application built development is fully within the village framework. The remaining land is left as open space, which is an appropriate use within the countryside.
25. The proposed density of the development is considered to be approximately 27 dwellings per hectare. This is taking the site area within the village framework (13.6 hectares) where residential development could reasonably take place. This density, whilst slightly low, is not considered to be harmful, as the overall design of the development has been carefully considered to ensure that it is appropriate for the local area.
26. The proposed conservation area that runs along the east boundary line of the site is currently being considered (reporting to the Planning Portfolio on the 8th March 2011). The discharge of conditions in the reserved matters and S73 application are taking this into consideration and any future S73 applications on this site will take the outcome of this proposed conservation area into account.

27. Whilst the main policies are covered above it is noted that not all current policies that have been adopted since the earlier approval will strictly be complied with (for example the requirement for 10% renewable energy) but officers feel this is outweighed by the fact that in discharging the conditions for the approved applications, officers are using the Supplementary Planning Documents in order to ensure that details meet current standards where reasonable. The existing conditions on S/2476/03/O are considered to prevent the development from causing any harm upon the local area and any rewording of these conditions is in order for them to better meet the tests (Circular 11/95).
28. The proposed extension of time of one year is unlikely to have any impact upon the construction time of dwellings within the development. This is due to the fact that it is very unlikely that the developer will have finished building all the dwellings in the southern half before May 2012. If the northern half were to start by the 18th May 2011 it would likely only be the layout of a small section of road before the developer moved back to the southern half. In addition to this it is considered by officers that an extension of time of one year would allow for design improvements to be made on the northern half and continue helping create a comprehensive development.
29. If development were to start on the northern half, as it currently stands, there would be a clear split between the northern and southern half design around one of the main public open spaces. The additional year will allow for further applications to be submitted to address this issue as mentioned above.
30. Previous Legal Agreements – The developer is in the process of submitting a legal agreement to tie this application to all previous legal agreements of this development. The current trigger points set in these previous legal agreements is not going to be changed. This extension of time application would have a minimal impact upon the dates of this trigger point, as explained above. In order to give a fuller explanation to this the public open spaces completion in the development are linked to dwelling completions within that half. Some of the footpath improvements in the northern half are linked to development within that half while others are to completed dwellings. The other contributions within the agreed legal agreements are linked to overall dwelling construction numbers.
31. Summary – To conclude officers are of the view that the development will not cause any delay in the implementation of development at this site and the extension of time will allow for improvements to the design of the northern half to be made.
32. Although the application is a departure from the Local Development Framework officers have concluded that the opportunity to consider revisions to the design of the northern half scheme, and better integrate it with the southern half, presents benefits sufficient to outweigh the policy requirements in this case. Officers are also mindful of the developers' fallback position of implementing the existing consents.

Recommendation

Delegated Approval subject to the submission of a legal agreement that ensure all the controls from the previous legal agreements remain in place for this development and subject to the following conditions

1. This permission shall be commenced no later than the 18th May 2012.
(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. This permission is solely for the approved detail contained within reserved matters consents S/0093/07/RM (excluding the area defined by planning applications S/1688/08/RM and S/1101/10), S/1424/08/RM, S/1624/08/RM (or to any subsequent planning permissions to vary conditions attached to these consents) and for no other development.
(Reason – This application relates to the extension of time to implement reserved matters on the northern half of the outline consent S/2476/03/O.)

As previously stated the remaining conditions on the outline consent (S/2476/03/O) will become part of this consent, in so far as they remain relevant.

Contact Officer: Andrew Phillips, Planning Officer
Telephone: 01954 713169