

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

5 March 2014

AUTHOR/S: Planning and New Communities Director

Application Number: S/1329/13/FL

Parish: Swavesey

Proposal: Erection of nine residential units

Site address: Rear of Cygnus Business Park, Middle Watch

Applicant: Starburst Limited

Recommendation: Delegated Approval

Key material considerations: Principle and sustainability, density, and affordable housing, character of area (including setting of listed buildings), residential amenity and highway safety

Committee Site Visit: Yes

Departure Application: Yes

Presenting Officer: Paul Sexton

Application brought to Committee because: The officer recommendation of delegated approval is contrary to the recommendation of refusal from Swavesey Parish Council

Date by which decision due: 26 August 2013

Planning History

1. S/0703/08/F – Erection of seven new business units in alteration of planning permission ref: S/1453/04/F - Approved
2. S/1453/04/F – Conversion of barns into offices and erection of offices and children's day nursery – Approved

Planning Policies

3. *National Planning Policy Framework*
4. *Local Development Framework*

ST/6 – Group Villages
DP/1 – Sustainable Development
DP/2 – Design of New Development
DP/3 – Development Criteria
DP/4 – Infrastructure and New Developments
DP/7 – Development Frameworks
HG/1 – Housing Density
HG/2 – Housing Mix
HG/3 – Affordable Housing
HG/8 – Conversion of Building in the Countryside to Residential Use
ET/6 – Loss of Rural Employment to Non-Employment Uses
SF/10 – Outdoor Playspace, Informal Open Space and New Developments
SF/11 – Open Space Standards
NE/1 – Energy Efficiency
NE/6 – Biodiversity
NE/9 – Water and Drainage Infrastructure
NE/11 – Flood Risk
NE/12 – Water Conservation
CH/4 – Development Within the Setting or Curtilage of a Listed Building
TR/1 – Planning for More Sustainable Travel

4. *Draft Local Plan*

S/3 – Presumption in Favour of Sustainable Development
S/7 – Development Frameworks
S/9 – Minor Rural Centres
CC/3 – Renewable and Low Carbon Energy in New Developments
CC/8 – Sustainable Drainage Systems
CC/9 – Managing Flood Risk
HQ/1 – Design Principles
NH/4 – Biodiversity
NH/14 – Heritage Assets
H/7 – Housing Density
H/8 – Housing Mix
H/9 – Affordable Housing
H/11 – Residential Space Standards for Market Housing
H/16 – Re-use of Building in the Countryside for Residential Use
E/14 – Loss of Employment Land to Non Employment Uses
SC/7 – Outdoor Play Space, Informal Open Space and New Developments
SC/8 – Open Space Standards
TI/2 – Planning for Sustainable Travel

5. *Supplementary Planning Documents*

Open Space in New Developments SPD 2009
District Design Guide SPD 2010
Listed Buildings SPD 2009
Affordable Housing SPD 2010

Consultations

6. **Swavesey Parish Council** recommends refusal.

7. 'The site is outside the village development framework and therefore contrary to Policy DP/7 of the Local Development Plan. The Parish Council also raises the following comments:
8. The vehicle access road is primarily single vehicle width. With business use the traffic flow would predominantly be in one direction – into the site in the morning and out of the site late afternoon. Residential use would most likely bring traffic flow in both directions at all times of the day and evening.
9. There is no pedestrian footpath on the east side of Middlewatch, all pedestrian traffic to and from the development would have to cross the road at the point of access.
10. The Council does not think that business and residential mix on one site would be ideal.
11. Residential use of the site would affect the surrounding land and its use more than business use would. Business use being predominantly from approx. 8am – 6pm Monday-Friday, whereas residential use and associated noise would be all day, every day.
12. Agricultural and equestrian business use takes place on land surrounding the development site. Noise from the residential development and use would have a greater constant effect on this existing use than business use.
13. The Council also has concerns that if permission is given for residential development on this site, outside of the development framework, what would that decision have on other potential similar sites elsewhere in the village which might then put development applications through'?
13. The **Conservation Officer** comments that the proposed drawings are very similar in plan and elevation, although more openings are proposed on the 'outside' elevations than for the commercial scheme. The largest change is the substitution of an open car port for some of the accommodation, and whilst this is a good idea in principle the proposal to make it two-storey is not supported. The splitting of plots into separate gardens is more of an intrusion in the countryside, and would introduce clutter and paraphernalia which would over domesticate the character and setting of this listed group. Any garden areas should be communal.
14. In conclusion there is a general preference for commercial rather than residential use where agricultural buildings are concerned, however as the approved scheme is considered to be poorly fenestrated there is an opportunity for improvement by reducing openings.
15. The **Local Highway Authority** has no objection
16. The **Environmental Health Officer** has no objection
17. The **Housing Development Officer** comments that 4 of the properties will be for intermediate housing, which is not in accordance with the Affordable Housing SPD, which indicates that tenure mix should be a 70/30 split in favour of rented. Three of the four properties should therefore be for rent in this case.
18. The **Environment Agency** has no objection, but requests a condition requiring investigation of any contamination found during development.

19. The **Middle Level Commissioners (Swavesey IDB)** comments than an appropriate Flood Risk Assessment has not been submitted and should be required. The document should advise whether there is any material prejudice to the Boards systems, local water level management systems, natural or built environment. Flows from the development must be restricted to greenfield run-off rate, and no additional volumes will be consented to the Board's system. Evidence has not been provided that the application can comply with relevant development plan policies and is therefore opposed.
20. The **Landscapes Officer** has no objection, but would wish to see additional tree planting within the proposed boundary native hedgeline.
21. The **Ecology Officer** accepts that the change from office use to residential will have no greater impact upon biodiversity associated with this site

Representations

22. Letters have been received from the occupiers of Mill Farm House (87 Middle Watch), 93 and 95 Middle Watch, along with Analytik Ltd and Cambridge Marketing Colleges, companies that occupier two of the existing Cygnus Business Park units, objecting on the following grounds:
23. Outside village framework and previously understood that barns could only be used for commercial use. Permission for houses previously rejected in the area outside framework.
24. Existing units used only from 8am to 6pm, residential use would be outside these hours leading to greater noise disturbance from traffic/use.
25. Width of road not adequate for two cars to pass and will cause bottleneck. Mixing residential and commercial will create significant access issues, and conflicts at certain access and exit times. There is no separate pedestrian access along the main driveway.
26. Number of cars seriously underestimated – the 20 allocated car parking spaces will not be enough, and this does not take into account visitor parking needs.
27. When all three office units are occupied car parking will be full, and any future parking for occupiers of the housing could have serious implications for safety, as there is nowhere else to park, other than the main road. The number of spaces allocated for parking for the business units should be clarified.
28. The entrance to the residential parking area should be separate, leaving the business car parking clear.
29. Site borders Mill Farm/Mill Farm Stables which is in constant use for agriculture, animal grazing and equestrian leisure purposes, and seasonal farming activities. Noise from these activities may affect the proposed residential dwellings
30. The equestrian use involves a floodlit, all-weather ménage, which is in constant use, especially in the evening. Horses can be easily spooked by sudden unfamiliar elevated sound.

31. Dwellings could have negative effect on future plans for expansion of the existing farming business at Mill Farm., or any changes in farming policy required to enable the business to remain viable.
32. Confirmation is sought that adequate consideration has been given to drainage, sewage and other services, the use of which will be higher for residential units.

Planning Comments

33. Cygnus Business Park is located to the east of Middle Watch and comprises three commercial buildings, which were formed by the conversion of existing barns under a planning consent granted in 2004. One of these buildings remains unoccupied. Two of the barns are Grade II listed buildings.
34. The 0.4ha site to the rear of the existing Business Park benefits from an extant consent for the erection of seven new business units. Slabs of the approved buildings have been laid.
35. The full application, as amended, proposes the erection of nine residential units, including four affordable dwellings. The scheme is based on the footprint of the approved scheme for commercial buildings, although as amended Units 1 and 2 are reduced in size and moved away from the north boundary to provide an extension of the access roadway to the rear of the site. The market units comprise three 3-bedroom units and two 4-bedroom units.
36. The scheme comprises a mix of single-storey and two-storey buildings. A total of 21 car parking spaces are provided. Access is provided by the existing driveway to the north of Cygnus Court. As amended a separate area of parking, comprising 15 spaces is provided for the three commercial units. The width of the access is shown as being 3.5m at its narrowest point. It is proposed to provide a separate access for pedestrians to the south of the existing Cygnus Court building, and this pathway already exists.
37. To the west, at its northern end, the site adjoins the rear parking area of Cygnus Business Park, and at its southern end it adjoins the rear of Mill Farm House, a Grade II listed building. To the north the site adjoins agricultural land, and to the east land used for agricultural/equestrian purposes, with buildings adjacent the south east boundary of the site.
38. The application is accompanied by a Planning, Design and Access Statement and Heritage Assessment, Marketing Report and Records, Environmental and Ecology Report, Contamination letter, and Draft Heads of Terms.

Principle of development and sustainability

39. The site is outside the village framework and therefore the application has been advertised as a departure from the development plan
40. Policy DP/7 'Development Frameworks' states that outside of 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. This is necessary to ensure that the countryside is protected from gradual encroachment on the edges of villages and to help guard against incremental growth in unsustainable locations. Therefore the proposal is deemed unacceptable in principle by this policy.

41. However, the site is brownfield land, with the 2008 consent for commercial development having been implemented. The applicant has supplied marketing information for the site, and the remaining unoccupied building between the site and the main road from 2010. No occupiers have been found.
42. The principle of new built development on this site has previously been accepted. The site in its current state does not enhance the character of the area. The proposed development has the potential to result in an environmental upgrading of the site, and help to contribute towards the districts housing and affordable housing need. On balance, it is considered that this material consideration carries significant weight consideration to support the proposal. The detailed implications for a residential use are considered below.
43. Swavesey is identified as a Group Village in the adopted Local Development Framework, where residential development can be permitted within the village framework for schemes with an indicative maximum size of eight dwellings. The draft Local Plan submission proposes to designate Swavesey as a Minor Rural Centre.
44. Although the site is outside the village framework the site is within walking distance of village facilities with the Village Centre and Village College being 900m and 400m away respectively. There are properties 1.1km south of the application site which are within the village framework. There are bus stops at the site entrance. Officers therefore consider that the location of the site is sustainable.

Housing density, and affordable housing

45. The density of development equates to approximately 22 dwellings per hectare. The development is based on the footprint of the approved commercial buildings, and in officers view is appropriate for this site given its location adjacent next to a series of listed buildings, and the more open countryside beyond.
46. The scheme provides four affordable dwellings, which meets the percentage required by Policy HG/3, however the Housing Development Officer has highlighted the need to revise the proposed tenure, and further negotiations will be needed on this point.

Character of the area and impact on setting of listed buildings

47. The existing approval for new commercial buildings on this site has set a precedent for its development. The residential scheme, as amended, reduces the footprint proposed from that previously approved.
48. If Members are minded to support the principle of development on this site further negotiations can take place with the applicant regarding the detailed elevational treatment of the buildings and plot subdivision to address the concerns of the Conservation Manager.
49. Permitted development rights can be withdrawn to prevent the further additions to the buildings, further openings, and the erection of outbuildings etc, in order to protect to setting of listed buildings and the rural character of the area.

Residential amenity

50. Whilst a residential use of the site will result in an increased level of activity at evening and weekends, officers are of the view that it will not have an unreasonable

impact on the amenity of existing residential dwellings. The main existing dwelling that will be affected by the use is Mill Farm, however officers are of the view that the layout proposed will not have an undue adverse impact on this property, provided that adequate additional boundary screening is provided to the front of the building, to protect the amenity of occupiers from additional use of the footpath link. This boundary is currently formed by a low wall.

51. Concern has been expressed locally about the suitability of a mixed use development, and the relationship of the proposed residential use to the adjoin land to the north and east which is used for agricultural and equestrian activities.
52. In respect of the mixed-use officers are of the view that whilst the vehicular access to the site will be shared between the two uses, the residential use within the site, will be relatively self-contained. The parking area for the commercial units abuts the west elevation of the proposed dwellings on plots 1 and 2, and a boundary wall will be required. The private space for these dwellings face into the site, and will be protected from the use of the commercial car park.
53. Officers do have some concern about the relationship of the residential curtilages of dwellings on the east and south east boundaries of the site. The layout of the buildings was originally designed to support the commercial use, and the need to provide curtilages for residential use would not therefore have been a factor in the siting of the buildings. As a result buildings are located close to the east and south east boundaries of the site, which allows for limited private amenity space for some units, and restricts the ability to provide boundary landscaping.
54. The Environmental Health Officer will have considered the relationship of the site to the adjacent agricultural and equestrian uses and has not objected to the proposal.

Highway safety and parking

49. The Local Highway Authority has not objected to the application. As amended the application proposes a separate pedestrian access to the site to the south of the commercial buildings.
50. The width of the access roadway at the front part of the site is restricted, although allowing two cars to pass for part of its length.
51. There is no pedestrian footpath from the site entrance towards the village on the east side of Middle Watch and pedestrians will have to cross to the other side of the road to access the existing footpath. Whilst this is not an ideal situation there is no existing footpath on this side of the road from the site until the centre of the village, and therefore no opportunity for the applicant to make such provision.
51. Adequate parking is retained for the existing commercial buildings to comply with the adopted car parking standards. A total of 21 car parking spaces are provided to serve the 9 dwellings proposed, which again meets the adopted parking standards.

Other matters

53. Whilst the comments of the Internal Drainage Board are noted, there is an approved scheme for the development of this site, and the built form now proposed is reduced from that previously consented. A scheme for surface water drainage was approved as part of the consent for commercial buildings and a similar condition can be

attached to any new consent. The site is not within Flood Zones 2 or 3 and therefore a Flood Risk Assessment is not required by the Environment Agency.

54. The applicant has provided a draft heads of terms and has accepted the need to provide affordable housing, and the required contributions for public open space and community facilities. A Section 106 agreement securing these will need to be completed prior to the issuing of any planning consent.
55. Concern has been expressed about a precedent being set for further residential development being permitted outside the village framework should this scheme be permitted, however officers are of the view that any support of this application would be based on the extant consent. As such, any planning permission would not be seen as a precedent for any other potential edge of village sites.

Conclusion

56. Officers are of the view that although this site is outside the village framework it is well related to it and development of the site for residential purposes would be sustainable. The applicant has marketed the site with the existing commercial consent over a period of time, but occupiers have not been found.
57. Subject to the detailed matters referred to above officers are of the view that there is a case here to permit a residential development of the site, as a departure from the development plan

Recommendation

58. Delegated approval subject to the completion of a Section 106 Agreement in respect of affordable housing, public open space and community facilities, and to the receipt of further amended drawings addressing the concerns of the Conservation Manager.

Conditions (to include)

- a) Time limit – 3 years
- b) Approved plan
- c) Landscaping
- d) Implementation of landscaping
- e) Surface water drainage
- f) Provision of footpath and screening
- g) Parking provision
- h) Withdrawal of pd rights
- i) No Further openings

Background Papers

Where the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Plan Proposed Submission July 2013
- South Cambridgeshire Supplementary Planning Documents
- National Planning Policy Framework 2012
- Planning File References: S/1329/13/FL and S/1453/04/F

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