

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

7 October 2015

**AUTHOR/S:** Planning and New Communities Director

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**Application Number:** S/1660/15/FL

**Parish(es):** Swavesey

**Proposal:** Erection of a three bedroom dwelling and associated new access and driveway

**Site address:** 32 Boxworth End, Swavesey

**Applicant(s):** Mr B Dye

**Recommendation:** Approval

**Key material considerations:** Principle, Character and Appearance of the Area, Neighbour amenity, Highway safety

**Committee Site Visit:** 6 October 2015

**Departure Application:** Yes

**Presenting Officer:** Rebecca Ward, Senior Planning Officer

**Application brought to Committee because:** The officer recommendation conflicts with the views of the parish council

**Date by which decision due:** 28 August 2015

### Relevant Planning History

1. None of relevance.

### Planning Policies

2. *National Planning Policy Framework  
Planning Practice Guidance*
3. *South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted  
January 2007*  
ST/6 Group Village
4. *South Cambridgeshire 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/7 Village Frameworks  
HG/1 Housing Density  
SF/10 Outdoor Playspace, Informal Open Space and New Developments  
SF/11 Open Space Standards

5. *South Cambridgeshire LDF Supplementary Planning Documents (SPD)*

District Design Guide SPD – adopted March 2010  
Open Space in New Developments SPD – adopted January 2009  
Landscape in New Developments - adopted March 2010

6 *Draft Local Plan*

CC/4 Sustainable Design and Construction  
H/7 Housing Density  
H/8 Housing Mix  
H/11 Residential Space Standards  
HQ/1 Design Principles  
S/3 Presumption in Favour of Sustainable Development  
S/7 Development Frameworks  
S/10 Group Villages  
SC/7 Outdoor Playspace, Informal Open Space, and New Developments  
SC/8 Open Space Standards  
S/11 Infill Villages  
TI/2 Planning for Sustainable Travel

**Consultation**

7. **Swavesey Parish Council** – Recommends Refusal. Swavesey Parish Council raises an objection to this application as the proposed new dwelling would be outside of the village development boundary and hence against existing planning policy and the Parish Council's support of such policy. Council would like to add additional concerns about highway access and safety. The entrance to the proposed driveway is next to No.34 which abuts the footpath. Council has a concern over visibility and for safety of pedestrians. Boxworth End is also a busy road.
8. **Local Highway Authority (LHA)** – No objections subject to conditions regarding pedestrian visibility splays, dimensions of proposed car parking spaces, driveway construction (drainage, debris and bound material) and a construction traffic management plan as well as an informative re the separate consent of the LHA.

**Representations**

9. None received.

**Planning Appraisal**

10. No.32 Boxworth End is a semi-detached dwelling, which lies within the village development framework boundary. The boundary cuts through the rear garden and as such the proposed siting for the new dwelling will be outside the defined village framework. There are a number of outbuildings within the curtilage including a garage and large shed. The western boundary is screened from the adjacent fields by an

established hedgerow. The southern and northern boundaries are shared with residential properties and their amenity space.

11. Following the submission of amended plans, the dwelling was reduced in height on the 14 September 2015 .
12. The main considerations in this case are the principle of development, the impact on the character and appearance of the surrounding area, neighbour amenity and highway safety.
13. *Principle of development*  
The NPPF advises that every effort should be made to identify and then meet the housing needs of an area, and respond positively to wider opportunities for growth.
14. The site is located outside but immediately adjacent to the designated village framework of Swavesey. For this reason the proposal conflicts with the principle of local planning policies ST/6 of the Core Strategy and DP/1 and DP/7 of the Development Control Policies.
15. However, paragraphs 47 and 49 of the National Planning Policy Framework state that where a planning authority does not have an up to date five year housing supply, the relevant local policies for supply of housing should not be considered up-to-date and that housing applications should be considered in the context of the presumption in favour of sustainable development. The Council does not currently have an up to date 5 year housing supply and therefore the above mentioned policies are considered out of date and the proposal should be assessed against the policies contained within the NPPF.
16. In terms of the economic and social role, it is acknowledged that the proposed dwelling would provide a good degree of social and economic benefit. The site is located adjacent to the village framework of Swavesey which is identified as a Group Village with a good access to services, facilities and public transport.
17. In terms of the environmental role, the site is, to some degree, well related to the existing pattern of development. Its established boundaries enclose the site from the open countryside to the west and existing residential developments to the north would enable it to sit well within its surroundings. As such, a new home that has been suitably designed to fit in with the character and appearance of the area could be acceptable in this location.
18. *Impact on Character and Appearance of the Area*  
The proposed dwelling will be situated roughly 50m from the main road and will be largely screened by the two storey residential properties that line Boxworth End. By virtue of its low ridge height (4.7m), and modest size footprint, officers consider it will have a limited impact on the overall character and appearance of the area and views in the street-scene.
19. Brent Court, which is situated beyond the northern boundary of the site, is also situated 50m from the main road. As such, the proposed dwelling is not considered to be wholly out keeping with the pattern and layout of development in the area. The proposal therefore complies with Policies DP/2 and DP/3 of the Local Development Framework.
20. *Neighbour amenity*  
The new dwelling will have negligible impact on adjoining dwellings given its overall

height and scale. A minimum of a 2-3m gap will be left between both shared boundaries and as such no significant overlooking and overshadowing impacts will occur. The proposal therefore complies with Policy DP/3 of the Local Development Framework.

21. **Highway Safety**

The additional demands arising from a single three-bedroom dwelling are such that the LHA has raised no objection subject to various safeguarding conditions. Officers have no reason to dispute the above conclusion though all of the suggested conditions are considered to be necessary.

22. ***Other Matters***

Government planning policy that sought to introduce a new national threshold on pooled contributions was introduced on 28 November 2014 but has since been quashed. Policies DP/4, SF/10 and SF/11 therefore remain relevant in seeking to ensure the demands placed by a development on local infrastructure are properly addressed.

23. There remains restrictions on the use of section 106 agreements, however, resulting from the Community Infrastructure Levy Regulations 2010 (amended). CIL Regulation 122 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is (i) Necessary to make the development acceptable in planning terms; (ii) Directly related to the development; and (iii) Fairly and reasonably related in scale and kind to the development.

24. CIL Regulation 123 has the effect of restricting the use of pooled contributions. In accordance with Planning Practice Guidance "When the levy is introduced (and nationally from April 2015), the regulations restrict the use of pooled contributions towards items that may be funded via the levy. At that point, no more may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy". The pooling is counted from 6 April 2010.

25. More than five planning obligations have been entered into for developments in the village of Swavesey since that date. As such, officers are minded that the Council cannot enter into a section 106 agreement to secure developer contributions as per development control policies DP/4, SF/10, SF/11.

26. No specific projects for indoor community facilities have been identified that are directly related to the development; fairly and reasonably related in scale and kind to the development; or necessary to make the development acceptable in planning terms (as per the requirements on paragraph 204 of the NPPF). As such, no request for such contributions should be sought in the event the application was to be approved.

**Recommendation**

27. Officers recommend that the Committee approve the application, subject to:

**Conditions**

28. (a) Time Limit (3 years) (SC1)  
(b) Drawing Numbers (SC95)

- (c) Materials (SC13)
- (d) Landscaping (SC5)
- (e) Landscape Implementation (SC6)
- (f) Boundary Treatment (SC12)
- (g) 2m x 2m pedestrian visibility splays (SC22)
- (h) Driveway construction (drainage and bound material)
- (i) Construction traffic management plan

### **Informatives**

29. (a) Consent of the LHA to carry out highway works

### **Background Papers:**

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 Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies DPD (adopted July 2007)
- Planning File Ref: S/1660/15/FL

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