

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4 November 2015

AUTHOR/S: Planning and New Communities Director

Application Number: S/2088/15/FL

Parish(es): Swavesey

Proposal: Use of residential annexe as dwelling house

Site address: Ryders Farm, 35 Middlewatch, Swavesey

Applicant(s): Andrew Hartwig

Recommendation: Delegated Approval

Key material considerations: Principle of development, setting of listed building, residential amenity, affordable housing

Committee Site Visit: No

Departure Application: No

Presenting Officer: Paul Sexton – Principal Planning Officer

Application brought to Committee because: Officer recommendation is contrary to the recommendation of refusal from Swavesey Parish Council

Date by which decision due: 14 October 2015

Planning History

1. S/0846/15/FL – Erection of 2 car ports – Approved

S/2704/14/LD – Lawful development certificate for an existing use of land as residential curtilage – Approved

S/0067/14/FL – Conversion of existing storage barn into 2 dwellings with associated residential curtilages – Approved

S/0251/04/F – Use of outbuilding as residential annexe (retrospective application)- Approved

Planning Policies

2. *National Planning Policy Framework*

3. *South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007*

ST/6 – Group Villages

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 – Development Framework

HG/3 – Affordable Housing

SF/10 – Outdoor Play Space, Informal Open Space and New Developments

SF/11- Open Space Standards

NE/1 – Renewable Energy

NE/6 – Biodiversity

NE/15 – Noise Pollution

CH/4 – Development Within the Curtilage or Setting of a Listed Building

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

Affordable Housing SPD – adopted March 2010

District Design guide SPD – adopted March 2010

Listed Buildings SPD – adopted January 2009

Open Space in New Development SPD – adopted January 2009

6. *Draft Local Plan*

S/3 – Presumption in Favour of Sustainable Development

CC/3 – Renewable and Low Carbon Energy in New Developments

CC/6 – Construction Methods

HQ/1 – Design Principles

NH/4 – Biodiversity

NH/14 – Heritage Assets

H/9 – Affordable Housing

SC/7 – Outdoor Play Space, Informal Open Space and New Developments

SC/8 – Open Space Standards

SC/11 – Noise Pollution

Consultation

7. **Swavesey Parish Council** - recommends refusal. 'Swavesey Parish Council retains its view that the conversion of the stable block and more recently permission to convert the adjoining barn into two dwellings, should be restricted by a Section 106 agreement to short-term holiday or family residence. Therefore the Council does not agree to the removal of the S106 from the stable block.
- 8 Council acknowledges that the recent permission to convert the barn has not included a S106 agreement.
- 9 Council wishes to see the S106 retained on the stable block.
- 10 Council also reiterated its concern that the dwellings in the stable block and the barn

will be immediately adjacent to a working farm yard and therefore subject to potential noise etc as associated with such premises.'

11. **Local Highway Authority** – recommend refusal as insufficient information has been submitted in respect to visibility splays and access information. Visibility splays of 2.4m x 43m are required, and gates should be set back a minimum of 5m from the highway boundary, and should open inwards.
12. **Environmental Health** – No objection in respect of noise or environmental pollution.

Representations

13. None received

Planning Appraisal

14. Ryders Farm, 35 Middle Watch, Swavesey is located on the east side of the road, and comprises a Grade II listed house, dovecote and outbuildings. The grounds of the main house extend for 450m to the east. The site is accessed by a driveway from Middle Watch, which runs to the north of the main house.
15. Immediately to the north of the appeal site is Trinity Farm, a working farm, which includes livestock pens immediately to the north of the appeal building.
16. The application site comprises a single storey former stable building, converted to a 2-bedroom residential annexe under planning consent S/0251/04/F. The consent is subject to a Section 106 Agreement which restricts occupation of the annexe to holiday accommodation, family annexe, or short term tenancies. Officers recommended to Members at the time that it would be appropriate to restrict occupation to an annexe as it was felt that use as a separation could have an impact on the appearance of the site by way of enclosures and pressure for additional structures.
17. The annexe building is linked to a 2-storey height storage barn, which was granted consent for conversion to 2 dwellings under planning consent S/0067/14/FL (June 2014 Planning Committee). The occupation of the two dwellings approved was not restricted. That consent has not currently been implemented.
18. The full application seeks consent for use of the annexe as a separate dwelling. No alterations are proposed to the building. Garden land is provided immediately to the rear of the building, adjacent to Trinity Farm.
19. The building is within the village framework.

Principle of development

20. The principle of the use of the building for residential purposes has been accepted by the 2004 consent. The impacts of the proposed use as an independent dwelling are discussed below.

Impact on character of the site and setting of the listed building

21. There are no physical alterations proposed to the building. By virtue of the location of the building within the curtilage of a listed building there are no permitted development rights for walls, fences or curtilage buildings. Adequate car parking area exists to

serve a separate dwelling, and consent has recently been granted for 2 car port buildings. Private amenity space is to the rear of the building, and any additional residential paraphernalia in that area would not impact on the setting of the listed building.

22. Although use as a separate dwelling may give rise to future pressure for additional works and structures, officers are of the view that adequate control exists to ensure that the setting of the listed building is maintained.

Residential amenity

23. In discussing the 2014 application for use of the attached barn as 2 dwellings, the relationship of the building to Trinity Farm to the north, and the potential impact on the residential amenity of any future occupiers from noise and odour from the legitimate agricultural activities carried out at the Farm, were carefully considered by Environmental Health Officers. Members visited the site at the time and viewed the relationship of the building to the adjoining agricultural activities.
24. Having considered the report submitted by the applicant at that time, along with assessments undertaken by Environmental Health Officer, it was concluded that there were not sufficient grounds to refuse the application on environmental health grounds. The building the subject of this application has a similar relationship to Trinity Farm, and therefore the same conclusion has been reached by the Environmental Health Officer.
25. The proposed use of the building as a separate dwelling will result in additional movements across the north elevation of Ryders Farm, unrelated to the dwelling itself. The distance between the north face of the building from the road way, and the fact that the more private area for the dwelling is on the south side, means that the level of disturbance from the additional dwelling will not be unreasonable for occupiers of Ryders Farm.

Highway Safety

26. The comments of the Local Highway Authority are noted, however site inspection confirms the existing access accords with its requirements in respect of visibility and gates. No further information in this respect is therefore required.

Affordable Housing

27. Policy HG/3 of the adopted Local Development Framework requires developments resulting in a net gain of two or more dwellings to provide 40% affordable housing. In the draft Local Plan Submission Policy H/9 proposes to raise the threshold for requiring affordable dwellings to apply to developments where there is a net gain of 3 or more dwellings. There have been no objections to the raising of the threshold and members have accepted that the emerging policy can now take precedent over the adopted policy in respect of the appropriate minimum threshold for requiring affordable housing.
28. In respect of this particular site planning permission already exists for the conversion of the storage building to two dwellings. That consent was granted in July 2014, but is yet to be implemented. That building is attached to the application building, which, although currently in use as an annexe, the conversion to a separate dwelling will result in extant permission existing for three dwellings on the site. The applicant is the same, and the buildings are served by the same access. Officers are of the therefore

of the view that an affordable housing contribution is required, which in this case would take the form of a commuted sum. This matter has been raised with the applicant.

Other matters

29. 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.
30. 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.
31. 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.
32. 5 or more planning obligations have been entered into for developments in the village of Swavesey since that date. As such, officers are satisfied that the Council cannot lawfully enter into a section 106 agreement to secure developer contributions as per development control policies DP/4, SF/10, SF/11 should the application be approved.

Recommendation

33. Officers recommend that the Committee grants delegated powers to approves the application subject to the prior signing of a Section 106 Agreement (Affordable Housing) and,:

Conditions

1. Parking

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 Plan 2004
- Planning File Ref: S/2088/15/FL, S/0067/14/FL and S/0251/04/F

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