

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

5 October 2016

AUTHOR/S: Head of Development Management

Application Number: S/1048/16/FL

Parish(es): Swavesey

Proposal: Erection of Two Dwellings and Vehicular Access

Site address: Land at 19 Wallmans Lane

Applicant(s): Mrs Sue Ellington.

Recommendation: Delegated Approval

Key material considerations: Principle, residential amenity, character of conservation area, highway safety and drainage

Committee Site Visit: 4 October 2016

Departure Application: No

Presenting Officer: Rebecca Ward, Senior Planning Officer

Application brought to Committee because: The officer recommendation conflicts with the recommendation of Swavesey Parish Council and the application is submitted on behalf of a Councillor of the District Council

Date by which decision due: 9 October 2016 (Extension of Time)

Planning History

1. S/0111/14/FL - Erection of one and a half storey 3- bedroom dwelling and a separate single garage - Approved

National Guidance

2. National Planning Policy Framework (NPPF)
Planning Practice Guidance

Development Plan Policies

3. **South Cambridgeshire Local Development Framework Core Strategy DPD 2007**
ST/2 - Housing Provision
ST/6 – Group Villages

4. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007**

DP/1 – Sustainable Development
DP/2 – Design of New Development
DP/3 – Development Criteria
DP/7 – Development Frameworks
HG/1 – Housing Density
SF/10 – Outdoor Playspace, Informal Open Space and New Developments
SF/11 – Open Space Standards
CH/5 – Conservation Areas
NE/1 – Energy Efficiency
TR/2 – Car and Cycle Parking Standards

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

Open Space in New Developments SPD - Adopted January 2009
Biodiversity SPD - Adopted July 2009
Trees & Development Sites SPD - Adopted January 2009
Landscape in New Developments SPD - Adopted March 2010
Development Affecting Conservation Areas SPD - Adopted January 2009
Listed Buildings SPD - Adopted July 2009
Affordable Housing SPD - Adopted March 2010
District Design Guide SPD - Adopted March 2010

6. **South Cambridgeshire Local Plan Submission - March 2014**

S/3 Presumption in Favour of Sustainable Development
S/5 Provision of New Jobs and Homes
S/6 The Development Strategy to 2031
S/7 Development Frameworks
S/10 Group Villages
HQ/1 Design Principles
H/7 Housing Density
H/8 Housing Mix
H/9 Affordable Housing
NH/3 Protecting Agricultural Land
NH/4 Biodiversity
NH/14 Heritage Assets
CC/4 Sustainable Design and Construction
CC/6 Construction Methods
CC/9 Managing Flood Risk
SC/6 Indoor Community Facilities
SC/7 Outdoor Playspace, Informal Open Space, and New Developments
SC/8 Open Space Standards
SC/10 Lighting Proposals
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision
TI/8 Infrastructure and New Developments

Consultation

7. **Swavesey Parish Council** – Objections raised against a further two dwellings putting additional pressure on village infrastructure which is already under pressure from development over the amount anticipated within the Local Plan for the village. No issues raised with the house design or location but on top of existing permissions for new dwellings currently under construction and also permitted, objections raised on the following grounds:

- Education provision – Primary school is full in many classes, Village College is also full. Pressure also on pre-school places. 20 new homes have just been completed, other individual family homes are under construction in infill sites and 30 new dwellings have just been granted permission. There is enormous pressure on lack of school places for families moving into the village.
- Traffic – parking and traffic volume through the village is a major issue. Two more 3 bed dwellings on top of the above mentioned new dwellings, add further vehicles into the village.
- Doctors Surgery – a small surgery with one doctor, health provision in the village may soon be unable to cope with additional development.
- Surface water – there is no indication in the plans of where the surface water is to go. This is a major issue within the village and local surface water drains are working at close to capacity and having to take all of the additional development already permitted.
- In the emerging Local Plan, Swavesey is to become a Minor Rural Centre with up to 30 dwellings permitted inside the development boundary. More than that is currently close to completion, under construction or with permission granted, the village infrastructure is unable to cope with this continuous development.

For the above reasons the Parish Council requests that this application go to Planning Committee for further discussion and to ensure the impact on the village is fully recognised and addressed if permission should be granted.

8. **Conservation Officer** – No objections

9. **Archaeology Officer** - Our records indicate that the site lies in an area of high archaeological potential, situated in the medieval core of Swavesey, 30m from the medieval market place. Archaeological investigations to the west have revealed evidence of Iron Age to medieval settlements remains (including kilns) (Historic Environment Record reference 01772B, MCB16700 and MCB15288). Situated to the north west is designated Castle Hill Earthworks (01772). In addition, the remnants of Swavesey Priory are located to the north east of the site (08897).

We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition such as the model condition 'number 55' contained in DoE Planning Circular 11/95:

"No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority."

This will secure the preservation of the archaeological interest of the area either by record or *in situ* as appropriate.

The model condition also indicates:

Developers will wish to ensure that in drawing up their scheme, the timetable for the investigation is included within the details of the agreed scheme.

A brief for the archaeological work can be obtained from this office upon request.

10. **Trees Officer** – No further details required following a recent consent for the removal of the trees on the site.

11. **Local Highways Authority** - Drawing number: 001 is acceptable to the Local Highway Authority although please note that these works will need to be carried out via a short form section 278 Agreement if/when planning permission has been granted by the Local Planning Authority.

- The access shall be a minimum width of 5m, for a minimum distance of 5m measured from the near edge of the highway boundary.
- Two 2.0 x 2.0 metres pedestrian visibility splays be provided and shown on the drawings.
- Drive way is constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway.
- Drive be constructed using a bound material to prevent debris spreading onto the adopted public highway.
- Traffic management plan
- Informative to the effect that the granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Highway Authority for such works.

Drainage Officer - The information submitted for the above application is acceptable with regard to surface water drainage. I would recommend that the following condition is attached to any approval that is given :

No development shall take place until details of the maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details and management and maintenance plan.

12. **Environment Agency** – The site is identified on indicative flood mapping as FZ1 however access/egress would be through flood zone 2/3 (medium and high risk).

Following the submission of calculations and drawing number 216/0422/01, the Environment Agency raised no objections to the application. They also advised that the application is considered by the Local Authority's emergency planner.

13. **Middle Level Commissioners (IDB)** (comments taken from previous application on the site as no comments have been received) - the site is within its catchment area but that no pre-application discussions occurred. It is concerned at the lack of capacity to receive increased rates of run-off and /or increased treated effluent from the proposal. Flows must be restricted to the existing greenfield rate of run-off.

Advice is given on the use of soakaways, and additional evidence is required from the applicant to prove that a viable scheme can be constructed and maintained. An informative should be included in any consent reminding the applicant of the requirements under the Land Drainage Act.

Representations

14. Two letters have been received from the occupiers of No. 4a and No. 6 Wallmans Lane. These raise concerns in respect of increased traffic on the street, limited

parking, and concerns in regards to accessibility for emergency vehicles.

Site and Surroundings

15. No.19 Wallmans Lane is a detached 1970's house located within a large corner plot to the east of Wallmans Lane. The application site comprises an area of the land associated with the existing dwelling in the north west corner of the site, which fronts Wallmans Lane. The site lies within the village framework and within the conservation area.
16. To the east and south, the site adjoins existing land in the curtilage of the applicant's current property. To the west, on the opposite side of the roadway, is a group of small flats. To the north is the side and rear garden of a dwelling No.10/10a that fronts onto Market Street.

Proposal

17. The full application, received 21 March 2016, proposes the erection of two detached 3-bedroom houses, with associated driveways. The properties will be similar in appearance and will have a ridge height of 7.8m. Materials proposed are buff brick and artificial slate, with softwood painted windows. A new access will be formed to Wallmans Lane, north of the access to the existing dwelling.

Planning Assessment

18. The key issues to consider in the determination of this application relate to the principle of the development, housing density, housing mix and the impacts of the development upon the character and appearance of the area, highway safety, trees and landscaping, heritage assets and neighbour amenity.

Principle of Development

19. The principle of development of this scale is in accordance with policy ST/6 and DP/7 of the Local Development Framework subject to compliance with other policies in the Plan. It would therefore have been acceptable in principle even if the Council did have an up to date 5 year housing land supply.

Sustainable Development

20. The NPPF states that there are 3 dimensions to sustainable development, economic, social and environmental.

Economic Aspects

21. The provision of up to 2 new dwellings will give rise to some employment during the construction phase of the development and would have the potential to result in a small increase in the use of local services and facilities, both of which will be of benefit to the local economy.

Social Aspects

Provision of Housing

22. The development would provide a benefit in helping to meet the current housing shortfall in South Cambridgeshire through the delivery of up to 2 dwellings.

Housing Density

23. The applicant/agent has not confirmed the exact density of housing; however, the sensitive nature of the site within the Conservation Area and surrounded by existing residential units dictates that a lower density of development is both reasonable and necessary. Policy HG/1 and H/7 can be given considerable weight as the development may otherwise compromise local character should an increased density be proposed.

Affordable Housing

24. As the scheme only provides two additional dwellings to the Council's housing stock no affordable housing contributions can be sought in accordance with emerging policy H/9 of the Local Development Framework. This policy has been given due weight for some time now and only triggers a requirement for affordable housing on schemes of three dwellings or more.

Market Housing Mix

25. The development would provide two three bedroom market dwelling types. In accordance with policy H/8 of the emerging Local Plan (of which officers are giving weight) this is considered to be an acceptable provision given the size/nature of the scheme.

Environmental Aspects

Character and Appearance of the Area and Heritage Assets

26. The application site lies within the Conservation Area. There are a number of Listed Buildings to the northern part of Market Street but none are considered to be within the setting of the application site.
27. The conservation area surrounding the application site is dominated by modern development in Wallmans Lane to the south and west. The northern boundary is aligned by two storey properties which face onto Market Street. Beyond the eastern boundary is the garden amenity space for No.19 beyond which is residential and commercial properties. The site itself therefore contributes little to the character and appearance of the wider conservation area.
28. The new dwellings will be on an open piece of garden land, which is set back from the main road and surrounded by built development. Glimpses of the units might be afforded between the properties along Market Street; however, officers consider the units will become a prevailing part of the backdrop of buildings in Wallmans Lane, rather than an overly dominant feature to the Conservation Area.
29. Thus the statutory requirements in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of listed buildings and conservation areas would be met and the proposal would comply with Policies CH/4 and CH/5 of the LDF.

Trees/ Landscaping

30. A tree works application was submitted to the Council in May 2016 to remove a number of trees within the application site. No objections were raised to the loss of the

trees by the Local Planning Authority. The Councils Tree Officer raises no objections to the proposal. The proposal would therefore comply with Policy NE/6 of the LDF that seeks to maintain, enhance, restore or add to biodiversity. A condition will be added to the decision notice to ensure the boundary scheme is implemented in accordance with the approved plans. Details of hard and soft landscaping will need to be submitted as there is no detail on the plans.

Highway Safety and Sustainable Travel

31. Following the submission of a Transport Statement with the requested visibility splays the Local Highways Authority raise no objections to the scheme subject to a set of conditions should the application be approved.
32. The proposed drive will be 4.5m in width and whilst this is below the requirement of the local highways authority, due to access serving only two properties with vehicles moving at a low speeds, officers consider two cars will still be able to pass. As such the condition for a 5m wide drive is not necessary in this instance. All other conditions are considered to be reasonable and will be applied to the application in this instance.
33. Whilst officers appreciate the fact that Wallmans Lane is a small road and can sometimes be difficult for residents to manoeuvre around parked cars, an application for an additional two dwellings is unlikely to make things significantly worse. In addition to this, each house will have on-site car parking for up to two cars and such would meet the minimum requirements of policy TR/2 of the Local Development Framework. For these reasons, the applicant has satisfied the Local Highway Authority in providing a safe access to both the proposed and existing dwellings in accordance with policy DP/3 of the Local Development Framework.

Flood Risk and Drainage

34. The north western corner of the wider site and the main access point to Wallmans Lane from the High Street lies within a Flood Zone 2/3 in accordance with the Environment Agency's Flood Map for Planning. Whilst no built development will be located in these zones, the Environment Agency still requested a Flood Risk Assessment to be undertaken to ensure there would be no impact to future residents.
35. Following the submission of these details, no objections have been raised to the development by the Environment Agency; however, the scheme would need to be considered by the Emergency Planner in the event of a flood. In this instance Wallmans Lane is served by two access roads and in the event of a flood the occupiers of the properties would still have the ability to exit opposite No.18 High Street which is within a Flood Zone 1. As such, officers do not consider there to be any safety concerns in approving this development.
36. The proposal would therefore comply with Policy NE/11 of the LDF that seeks to ensure that the development would not increase the risk of flooding to the site and surrounding area.
37. The application indicates that surface water drainage will be disposed of by a soakaway. The Council's Drainage Officer considers the information submitted is acceptable with regard to surface water but would recommend a maintenance and management condition is attached to any approval that is given.
38. Details of Foul Water Drainage have been submitted with the application which indicated the development will link up to the existing mains sewage system, the

closest chamber being at the front of the application site.

39. The proposal would therefore comply with Policy NE/9 and NE/10 of the LDF that seeks to ensure there is adequate water supply, sewage or land drainage systems available to meet demands of a development. The applicants are also advised to consult with the Internal Drainage Board prior to the commencement of development.

Neighbour Amenity

40. Both dwellings will sit roughly 13-15m from the northern boundary of the site with No.10/No.10a Market Street. Officers consider this to be an acceptable distance to not have any detrimental privacy impacts to the amenity space of these occupiers.
41. The impact of the development itself on neighbours in terms of mass, light and overlooking is considered to be acceptable and would comply with Policy DP/3 of the LDF.

Other Matters

42. The request for an archaeological investigation can be dealt with by a condition.
43. The Parish Council have also raised concerns to the capacity levels at the local school and the inability to take on additional students. On a scheme of this scale the County Council Education department would not require any contributions as it would not be deemed reasonable or necessary for a developer to do so.
44. In accordance with national Planning Policy Guidance, there are specific circumstances where contributions for tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account.
45. These circumstances are that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.
46. In accordance with this advice it is not considered appropriate to request any contributions towards education and health provision from this development.

Conclusion

47. The Local Planning Authority is mindful of the objections and concerns that have been submitted on this application. However, there would be very limited material change to the nature of Wallmans Lane in regards to traffic and would also have a limited impact to the capacity levels at the local schools and doctors' surgery as a result of this development.
48. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that any harm arising from the development does not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF and the development plan so far as it remains relevant to this application.

Recommendation

49. Officers recommend that the Committee approves the application, subject to the following:

Conditions

- (a) 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.)
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans: 572.10, 572.11a, 572.12, 572.13, 572.14, 572.15,
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- (c) Two 2.0 x 2.0 metres pedestrian visibility splays shall be provided within the curtilage of the new dwellings. This area shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high.
(Reason: In the interests of highway safety)
- (d) The proposed drive way should be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway.
(Reason: For the safe and effective operation of the highway)
- (e) The proposed drive be constructed using a bound material to prevent debris spreading onto the adopted public highway.
(Reason: In the interests of highway safety)
- (f) No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Local Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:
 - (i) Movements and control of muck away lorries (all loading and unloading shall be undertaken off the adopted highway)
 - (ii) Contractor parking, for both phases all such parking shall be within the curtilage of the site and not on the street.
 - (iii) Movements and control of all deliveries (all loading and unloading shall be undertaken off the adopted public highway.
 - (iv) Control of dust, mud and debris, in relationship to the functioning of the adopted public highway.
(Reason: In the interests of highway safety)
- (g) The boundary treatment for each dwelling shall be completed in accordance with plan 572.11A before that dwelling is occupied in accordance with the approved details and shall thereafter be retained.
(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
- (h) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees

and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.

(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

- (i) No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted 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.)
- (j) No development shall take place until details of the maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details and management and maintenance (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.)
- (k) No development shall take place on the application site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Developers will need to ensure that in drawing up their scheme, the timetable for the investigation is included within the details of the agreed scheme. (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.)

Informatives

- (a) The granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Highway Authority for such works.
- (b) The applicants are reminded of the requirement to meet legislation under the Land Drainage Act.

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 Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)

- South Cambridgeshire Local Plan Submission 2014
- Planning File References: S/1048/16/FL

Report Author:

Rebecca Ward
Telephone Number:

Senior Planning Officer
01954 713236