

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 February 2017

AUTHOR/S: Head of Development Management

Application Number: S/0487/16/FL

Parish(es): Sawston

Proposal: Proposed Erection of Detached Dwelling.

Site address: Land Adjacent Spring House, Church Lane, Sawston, CB22 3JR

Applicant(s): Mr Brian White

Recommendation: Refusal

Key material considerations: Planning Policy and Principle
Green Belt
Development Framework
Heritage Assets
Access and Highway Safety
Design Considerations
Landscape and Visual Amenity
Neighbour Amenity
Flood Risk & Drainage

Committee Site Visit: 31st January 2017

Departure Application: No

Presenting Officer: William Allwood, Team Leader

Application brought to Committee because: The application has been Called-in by a Ward Member.

Date by which decision due: 03 February 2017 (Extension of Time)

Executive Summary

1. The application seeks full planning permission for the erection of a detached dwelling at Land Adjacent Spring House, Church Lane, Sawston. The original description of the application was for *the erection of a detached dwelling and garage* subsequently the description was changed to that as within the proposal as above.
2. The application site is located outside of the village Development Framework, within the Cambridge Green Belt and within the Historic Gardens of Sawston Hall, which is a Grade 1 Listed Building; the site is also within the Sawston Conservation Area. The site and its wider environs has been the subject to extensive planning history, which will be

expanded upon within this Report. It is recognised that the proposed development would provide an additional dwelling that contributes to land supply within South Cambridgeshire. The application site would be considered suitable for infill development were it not situated within the Green Belt or outside the Development Framework or within the curtilage of a Heritage Asset.

3. The proposed development would not result in any significant harm to the character and appearance of the area nor if suitably screened, would it result in an unacceptable loss of amenity to neighbouring residents. Furthermore, and while it is recognised that the harm to the heritage asset is less than substantial, it is considered that the proposed development would be contrary to Policies DP/7 – Development Frameworks, GB/1 – Development in the Green Belt, CH/1 – Historic Landscapes, and CH/4 – Development within the Curtilage or Setting of a Listed Building of the South Cambridgeshire District Local Development Framework Development Control Policies 2007, and paragraphs 87-89 and 121-141 of the National Planning Policy Framework 2012 (NPPF).
4. It is the opinion that given the above, the Local Planning Authority should **REFUSE** the application. However, should Members be minded to approve the scheme, a schedule of relevant and necessary conditions has been included in **Appendix A** to this Report.

Site and Surroundings

5. The application site forms a plot of land which lies adjacent to the garage and dwelling at Spring House which lies to the west and to the rear of the dwellings at St Mary's Road. The site lies outside of but adjacent to the Sawston Village Framework and within the open countryside, and within the Green Belt and Conservation Area. The site forms part of the Grade II Registered Garden of the Grade I Listed Building at Sawston Hall, and lies within the historic park and garden.

Proposals

6. The planning application relates to the erection of a detached dwelling and the opening of a new vehicular access onto St Marys Road, utilising an existing gate in the post and rail fence to the front of the site. The proposed dwelling would be situated 8.6m from the highway and 20m from the rear elevation of the nearest adjacent dwelling no.2 St Marys Close. The proposed dwelling would be located outside of but very close to the root protection area of the protected trees along the western boundary of the site, and would be constructed from render and painted timber boarding over a brick plinth, with a steeply pitched clay tile roof and would measure a maximum of 6.83m high, 12.5m deep and 11.3m wide including the chimney breast.

Planning History

7. As advised within the *Executive Summary*, the site is subject to an extensive planning history, thus:
 - Planning permission (S/0458/15/FL) Erection of dwelling and detached garage - Refused.
 - Planning Permission (S/2282/14/FL) Erection of dwelling and detached garage - Withdrawn.
 - Planning Permission (S/0174/00/0) Bungalow – Refused.
 - Planning Permission (S/0072/84/O) Erection of One Dwelling and Garage - Refused (Dismissed at Appeal)
 - Planning Permission (S/0385/79/O) Dwelling and garage - Refused (Dismissed

at Appeal).

Planning Policy

The following policies are considered relevant to this application.

National Guidance

National Planning Policy Framework 2012 (NPPF)
National Planning Practice Guidance 2014 (NPPG)

Development Plan Policies

Local Development Framework Development Control Policies 2007:

Policy DP/1: Sustainable Development
Policy DP/2: Design of New Development
Policy DP/3: Development Criteria
Policy DP/4: Infrastructure and New Developments
Policy DP/7: Development Frameworks
Policy GB/1: Development in the Green Belt
Policy GB/2: Mitigating the Impact of Development in the Green Belt
Policy HG/1: Housing Density
Policy SF/10: Outdoor Playspace, Informal Open Space and New Developments
Policy SF/11: Open Space Standards
Policy CH/1: Historic Landscapes
Policy CH/4: Development Within the Curtilage or Setting of a Listed Building
Policy CH/5: Conservation Areas
Policy CH/7: Important Countryside Frontages
Policy NE/1: Energy Efficiency
Policy NE/6: Biodiversity
Policy TR/1: Planning for More Sustainable Travel
Policy TR/2: Car and Cycle Parking Standards

South Cambridgeshire LDF Supplementary Planning Document (SPD):

District Design Guide
Open Space in New Developments
Trees and Development Sites
Landscape in New Developments
Conservation Areas
Listed Buildings

South Cambridgeshire Emerging Local Plan July 2013:

S/2 Objectives of the Local Plan
S/3 Presumption in Favour of Sustainable Development
S/8 Rural Centres
HQ/1 Design Principles
H/7 Housing Density
SC/6 Indoor Community Facilities
SC/7 Outdoor Play Space, Informal Open Space and New Developments
SC/8 Open Space Standards
CC/1 Mitigation and Adaption to Climate Change
NH/4 Biodiversity

NH/8 Mitigating the Impact of Development in and adjoining the Green Belt
NH/13 Important Countryside Frontages
NH/14 Heritage Assets
SC/11 Noise Pollution
T1/2 Planning for Sustainable Travel
T1/3 Parking Provision
T1/8 Infrastructure and New Developments

Consultation

Sawston Parish Council: Do not support as on Greenbelt and Conservation Area. We have also had a couple of residents objecting due to loss of privacy.

Conservation and Design: The site lies within a designated grade II listed park and garden, and contributes to the undeveloped character of the northern part of the site. The loss of this part of the site for residential development is contrary to policy CH/1 Historic Landscapes, and the NPPF which states substantial harm or loss of a park or garden should be exceptional and I therefore object to this application on these grounds.

Historic England: Object as would harm the setting of Sawston Hall and its gardens, as well as that of St Marys Church, and would therefore harm the character of the conservation area. Historic England consider that although the site has been described as a gap site between modern houses, it contributes to the undeveloped character of the northern side of the park and to the sense that the halls parkland survives and that this is important to the experience of Sawston Hall and to that of the church. Historic England feel that the construction of an additional house along this boundary would reduce the sense of a green undeveloped fringe to the park and that while the degree of harm might be modest given the particular significance of the place this harm should be given due weight.

Highways: No written response received (Officers note: The application was discussed with the CCC Highways Officers who raised no objection, however prior to the commencement of development the applicant is required to obtain consent from Cambridgeshire County Council for a dropped kerb to facilitate the proposed access onto Church Lane).

Trees and landscape: Object due to poor quality of and high likelihood of inaccuracy in the tree survey. Require details of piling methods and equipment to be used for the foundations.

Representations

2 St Marys Road: Object as development is located within the Green Belt and Conservation Area, and due to loss of amenity and visual impact, Overlooking No's 4 & 6 St Marys Road and harm to protected trees and the consequent loss of wildlife habitat.

4 St Marys Road: Object due to impact on the Conservation Area, loss of privacy by way of overlooking and highways impact.

14 St Marys Road: Object due to impact on the Conservation Area, overlooking and overbearing on No's 2, 4 and 6 St Marys Road.

16 St Marys Road: Broadly support, but would welcome conditions relating to the

retention of trees, highway access and landscaping.

Address not provided: Object due to impact on the Green Belt and the Conservation Area, harm to trees, overlooking, excessive size and poor design, and highways safety.

Planning Assessment

8. Applications are to be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. The adopted Development Plan comprises the South Cambridgeshire Core Strategy DPD, 2007, Development Control Policies DPD, 2007 and Site Specific Policies DPD.
9. The emerging Local Plan comprises the South Cambridgeshire Local Plan, Proposed Submission Version, July 2013 and associated Policies Map. This plan has not yet been adopted and remains subject to independent examination; therefore very limited weight can be attached to the policies contained therein at this time.
10. The key issues in relation to this application are considered to be Planning Policy and Principle, Housing Land Supply, Green Belt and the Village Development Framework, Heritage Assets, Access and Highway Safety, Design Considerations, Landscape and Visual Amenity, Flood Risk and Drainage.

Planning Policy and Principle

11. The National Planning Policy Framework 2012 (the NPPF) sets out at its heart that there is a presumption in favour of sustainable development, which should be seen as a golden thread running through decision-taking. There are three well established dimensions of sustainable development, economic, social and environmental, which should be sought jointly and simultaneously, and development should be guided to sustainable locations. The NPPF also places great importance on protecting the Green Belt and on restricting development that fails to protect and enhance Heritage Assets and their settings. The issues for consideration are the impact of the proposed development on the Green Belt, its location outside of the village development framework and its impact on the Heritage Assets, in this case, Sawston Hall and its Historic Gardens.

Housing Land Supply

12. The National Planning Policy Framework (2012) (NPPF) requires councils to boost significantly the supply of housing, including by meeting their objectively assessed need for housing and by identifying and maintaining a five-year housing land supply with an additional buffer as set out in paragraph 47.
13. The Council accepts that it cannot currently demonstrate a five year housing land supply in the district as required by the NPPF, having regard to appeal decisions in Waterbeach in 2014, and as confirmed by more recent appeal decisions. The five-year supply as identified in the latest Annual Monitoring Report (December 2016) for South Cambridgeshire is 3.7 years on the basis of the most onerous method of calculation, which is the method identified by the Waterbeach Inspector. This shortfall is based on an objectively assessed housing need of 19,500 homes for the period 2011 to 2031. This is identified in the Strategic Housing Market Assessment 2013 together with the latest update undertaken for the Council in November 2016 as part of the evidence responding to the Local Plan Inspectors' preliminary conclusions. It uses the latest assessment of housing delivery contained in the housing trajectory November 2016. The appropriate method of calculation is a matter before the Local Plan Inspectors and in the interim the Council is following the method preferred by the Waterbeach appeal Inspector.

14. Paragraph 49 of the NPPF states that adopted policies “for the supply of housing” cannot be considered up to date where there is not a five year housing land supply. This includes the rural settlement policies and village framework policy.
15. Further guidance as to which policies should be considered as ‘relevant policies for the supply of housing’ emerged from a recent Court of Appeal decision (Richborough v Cheshire East and Suffolk Coastal DC v Hopkins Homes). The Court defined ‘relevant policies for the supply of housing’ widely so as not to be restricted to ‘merely policies in the Development Plan that provide positively for the delivery of new housing in terms of numbers and distribution or the allocation of sites,’ but also to include, ‘plan policies whose effect is to influence the supply of housing by restricting the locations where new housing may be developed.’ Therefore all policies which have the potential to restrict or affect housing supply may be considered out of date in respect of the NPPF.
16. The development of 1no. dwelling would therefore contribute to the supply of housing within South Cambridgeshire District.

Green Belt and Village Development Framework.

17. The general planning presumption is against new housing development in the Green Belt unless very special circumstances exist that would outweigh the harm to the Green Belt, The Planning Statement submitted by the applicant advances the argument that the application site does not serve the purposes of including land within the green belt and that the application represents limited infilling of a village which is allowed for in Paragraph 89 of the NPPF. While it is accepted that the application site is a gap site which excepting the planning constraints would be a suitable for infill development, and that the site may not serve the purposes of including land within the Green Belt, the fact remains that the site is located within the Green Belt and outside of the Village Development framework and does not therefore represent the limited infilling of a village allowed for by the NPPF.
18. As the applicant has not demonstrated that in this case that there are very special circumstances would outweigh the harm to the Green Belt, the proposed development must be considered inappropriate development within the Green Belt. Therefore the proposed development would be contrary to Policies DP/7 and GB/1 of the Local Development Framework Development Control Policies 2007 and to the provisions of Paragraphs 87-89 of the NPPF.

Heritage Assets

19. The application site is located within the Grade II listed garden of Sawston Hall, which is a Grade I listed building, and within the Sawston Conservation Area. Objections to the proposed development have been raised by Historic England and the Councils Conservation and Design Officer on the grounds that development on this site would result in harm to the heritage assets by way of the loss of a piece of historic parkland that contributes to the sense that the parklands and gardens of Sawston Hall survive.
20. However it is noted that the Hall is not visible from the site and that the adjacent dwelling known as Spring House and its outbuildings were also constructed on land forming part of the historic garden, therefore it is considered that the proposed development would result in less than substantial harm to the heritage assets. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The submitted

application does not identify any public benefits, and thus would be considered contrary to the implementation of Policies CH/1 and CH/4 of the Adopted Local Development Framework Development Control Policies 2007, and Paragraphs 126-141 of the NPPF.

Access and Highway Safety

21. The proposed development would create an additional vehicular access onto Church Lane utilising an existing gate in the fence to the front of the site, the Local Highways Authority has raised no objections to this; however their consent would be required to install a dropped kerb to facilitate the creation of the access. Concerns have been raised regarding the parking of cars on the opposite side of Church Lane resulting in a hazard to motorists exiting the site, however the Highways Authority were not willing to support measures to prevent cars parking on both sides of the road, and while this remains a concern, in the absence of a highways objection, this is not in itself considered to represent sufficient grounds for refusing the application. The application would comply with the Council's adopted parking standards and there is sufficient space within the site for vehicles to enter and leave in a forward gear.
22. The development of this site for an additional dwelling would not therefore prejudice highway safety, nor place additional pressures upon the local highway network. The application is therefore considered to be consistent with the implementation of Policies TR/1 and TR/2 of the South Cambridgeshire District Council LDF Development Control Policies DPD July 2007.

Design Considerations

23. The 1.5 storey structure would have render and timber clad walls, a number of doors and windows with a steeply pitched tile clad roof with an eaves overhang. The building is domestic in appearance, and would not appear out of context in this rural location, mainly due to its siting adjacent to the similarly styled dwelling known as Spring House and the 1970's style houses of St Marys Close.
24. However planning permission should be granted for the proposed development, it is considered necessary to withdraw permitted development rights for extensions and alterations to the building, in order for the Local Planning Authority to retain control of the built form, in the interests of visual amenity locally. The design of the building is compatible with its location and therefore considered to be consistent with the implementation of Policy DP/2 and HG/8 of the South Cambridgeshire District Council LDF Development Control Policies DPD July 2007.

Landscape and Neighbour Amenity

25. The proposed dwelling would be situated on the edge of the root protection area of the mature protected trees forming the western boundary with Spring House, the loss of or harm to these trees would have a severe detrimental impact on the character and appearance of the area and on the conservation area. While it is noted that the Council's Tree and Landscape Officer has objected to the proposed development, these objections are related to potential inaccuracies in the submitted tree surveys, rather than a principal objection to the scheme itself. Therefore should members be minded to approve the scheme, the Tree and Landscape Officer has advised that a condition requiring details of how the foundations are to be constructed is submitted and approved in writing prior to the commencement of development.
26. While it is noted that the proposed dwelling would impact on the residents of nos 2, 4 and 6 St Marys Close, who currently enjoy an outlook onto a piece of open ground to the

rear of their properties and who do not benefit from generous rear gardens. However it is noted that the proposed dwelling would be situated 20m from the rear wall of the nearest dwelling no.2 St Marys Close and this is considered sufficient distance that the proposed dwelling would not appear as an overbearing addition to the street scene. It is further noted that the proposed dwelling does not have any windows in the side elevation facing St Marys Close, and would be positioned such and separated by sufficient distance from the dwellings on St Marys Close so that habitation of the dwelling itself it would not result in an unacceptable loss of amenity for the residents of St Marys Close by way of overlooking or overshadowing.

27. However it is considered that the lack of boundary screening to the rear of No.4 St Marys Road, in conjunction with the intensification of the use of the site that would result from the proposed development would have an adverse impact on the amenity of No.4. Therefore should members be minded to approve the scheme, a condition requiring that a native species hedge not less than 1.5m high when planted be placed along the full length of the eastern boundary prior to the occupation of the dwelling and maintained thereafter at a height of 1.7m is considered necessary to ensure the privacy of the occupants of St Marys Close. It is considered that the impact on the amenity of neighbouring residents would be modest and would result in separation distances between dwellings commonplace for a suburban setting such as St Marys Close, therefore subject to the imposition of relevant conditions, it is considered that the scheme would result in a minor loss of amenity for the residents of the adjacent dwellings and could be considered acceptable.

Flood Risk and Drainage

28. Section 100 of the NPPF seeks to meet the challenge of climate change, flooding and coastal change. Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Moreover, Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by, amongst other things, applying the Sequential Test, and if necessary, the Exception Test.
29. Policy NE/11 of the adopted Local Development Framework Development Control Policies DPD states that in relation to flood risk, applications will be judged against national policy.
30. Policy CC/9 of the emerging Local Plan states that in order to minimise flood risk, development will only be permitted where, amongst other things, the sequential test and exception tests established by the National Planning Policy Framework demonstrate the development is acceptable.
31. The application site is located in Flood Zone 1 and is therefore not at risk from flooding.

Conclusion

32. While the application site may represent a suitable location for infill development, the proposed development would result in less than substantial harm to the heritage assets and to the Sawston Conservation Area, and the proposal is therefore contrary to policy, as identified above. Furthermore the site is located outside of the village framework and within the Cambridge Green Belt, the proposed development is not considered to represent the limited infilling of villages allowed for in paragraph 89 of the NPPF.

Therefore as no very special circumstances for permitting the have been demonstrated it must be considered that the proposal would represent inappropriate development in the green belt and be contrary to Policies DP/7, GB/1, CH/1 and CH4 of the Local Development Framework Development Control Policies 2007, and Paragraphs 87-89 and 121-141 of the NPPF.

Recommendation

33. Due to the site being located within the Green Belt, outside the Village Framework and within a Historic Registered Garden, the limited harm that would result from the proposed scheme notwithstanding, Officers have no option but to recommend refusal for the reasons detailed below. However, should Members be minded to approve the scheme, a schedule of relevant and necessary conditions has been included in **Appendix A** to this Report.

Reasons for Refusal:

- 1) The application site lies outside the Sawston Village Development Framework, within the Cambridge Green Belt and the open countryside. The proposed dwelling by virtue of its setting would be inappropriate development in the Green Belt by definition. The applicant has not demonstrated that in this case that there are very special circumstances would outweigh the harm to the Green Belt; the proposed development must be considered inappropriate development within the Green Belt. Consequently, the proposed development would be contrary to Policies GB/1 of the South Cambridgeshire Local Development Framework, Development Control Policies 2007 and Paragraphs 97-89 of the National Planning Policy Framework 2007.
- 2) The application site lies within the Grade II Registered Historic Park and Garden of the Grade I Listed Sawston Hall, and within the Sawston Conservation Area. The proposed development would by virtue of its siting result in less than substantial harm to the setting of the Registered Park, the Hall, the nearby Church and the Conservation Area, and would therefore be contrary to Policy H/1 of the South Cambridgeshire Local Development Framework, Development Control Policies 2007.
- 3) The proposed development would be located out side of the Village Development Framework and would result in the loss of an important countryside frontage, and would therefore be contrary to Policies DP/7 and CH/7 of the South Cambridgeshire Local Development Framework, Development Control Policies 2007.

Suggested Conditions, if Members are minded to support the scheme.

- (i) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.
Reason: As required by Section 91B of the Town and Country Planning Act 1990.
- (ii) The development hereby permitted shall be carried out in accordance with the following approved plans:

- Tree Survey dated January 2016
- Drawing No: 9192-01 Topographical Survey
- Drawing No: 9192-2 Street Elevation Plan
- Drawing No: 84515.01 – Rev: D Proposed Site Plans and Elevations (Received 19/10/2016).
- Drawing No: 84515.02 – Rev: B Proposed Plans and Elevations (Received 19/10/2016).
- Drawing No: 84515.03 – Rev: B Tree Protection Plan (Received 19/10/2016).

(Reason – For the avoidance of doubt and to allow the Local Planning Authority to retain control of the development in the interests of the character and appearance of the area and the amenity of neighbouring properties)

- (iii) 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.)
- (iv) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Classes A – E of Part 1 of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.
(Reason – In the interests of the visual amenities of the countryside and in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
- (v) No development shall take place until a scheme of hard and soft landscaping to include the planting of a native species hedge to a height of at least 1.5m along the Eastern boundary of the site has been submitted to and approved in writing by the local planning authority. The hedge thus approved shall thereafter be maintained in perpetuity to a height of at least 1.7m unless otherwise approved in writing by the Local Planning Authority.
(Reason – In the interests of the visual amenities of the countryside and in order to protect the amenity of neighbouring dwellings in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
- (vi) No development shall take place until details of all underground works including foundations has been submitted to and approved in writing by the local planning authority, should pile driven foundations be proposed then details of the type and size of all plant to be used along with a detailed plan for the construction shall be included. Thereafter development shall be carried out in accordance with the approved details.
(Reason: In order to ensure the protection of protected trees on and adjacent to the site and in order to comply with Policies: GB/2, CH/1, and CH/4 of the Local Development Framework Development Control Policies 2007, and with the South Cambridgeshire LDF Trees & Development Sites, and Conservation Areas Supplementary Planning Documents.)

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.

- National Planning Policy Framework 2012 (the Framework)
- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- 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

Report Author:

William Allwood

Team Leader

Telephone Number:

01954 713610