
MAIN CASE

Reference No: 16/01364/F3M

Proposal: The construction of 13 dwellings consisting 8 affordable dwellings, including associated external works and parking.

Site Address: Grassed Area Opposite 2 The Shade Soham
Cambridgeshire CB7 5DE

Applicant: East Cambs Trading Co. Ltd T/a Palace Green Homes And Thrift

Case Officer: Andrew Phillips, Senior Planning Officer

Parish: Soham

Ward: Soham North
Ward Councillor/s: Councillor James Palmer
Councillor Carol Sennitt

Date Received: 12 October 2016 **Expiry Date:** 1 May 2017

[R195]

1.0 **RECOMMENDATION**

1.1 Members are requested to grant delegated powers to the Planning Manager to **APPROVE** the application subject to the recommended conditions below and the completion of a S106 Agreement. The conditions can be read in full on the attached Appendix 1.

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 External Materials
- 4 Biodiversity Improvements
- 5 Sustainability
- 6 Surface Water Drainage
- 7 Unexpected Contamination
- 8 Construction Environmental Management Plan
- 9 Soft Landscaping
- 10 Hard Landscaping
- 11 Car Parking Space
- 12 Cycle Storage
- 13 External Lighting

2.0 SUMMARY OF APPLICATION

- 2.1 The proposed application is for the erection of 13 dwellings. This includes 8 affordable dwellings (1 two bed house, 1 three bed house and 6 one bed flats) and 5 market houses (1 two bed house, 1 three bed house and 3 one bed flats). The dwellings front the Shade and Kingfisher Drive; with access from a track to the southwest.
- 2.2 Amendments were sought in relation to improving the ridge heights of the proposal, to better balance the scheme and to increasing parking provision.
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.4 The application has been brought to planning committee because the Council is the landowner and the Council's private developer arm is the applicant.
- 2.5 This application was deferred from January Planning Committee by the Chairman in order to get the correct ownership certificates prior to the application being considered by the Planning Committee.

3.0 PLANNING HISTORY

- 3.1 02/01096/OUT - Residential development Approved

The current application site was designed as public open space for the major residential development to the south, but it is understood when the housing developer went bankrupt the Council took on this land at its own expense.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is currently an area of grassland with a few trees on the site, there is a ditch to the front of the site (adjacent to The Shade). When the Case Officer visited the site it was noted that a couple of cars were using the land as an informal car park, though it is understood that often this land is used for people seeking to sell their cars. The site is technically public open space. To the southwest of the site are a track and a Public Right of Way. To the northwest is a Primary School.

5.0 RESPONSES FROM CONSULTEES

- 5.1 The full responses from consultees are available on the Council's web site.

Soham Town Council – (28 October 2016) It is very supportive of this application particularly where housing will directly benefit Soham residents. It does have concerns in regards to the total number of parking spaces, specifically given the lack of parking in the surrounding area.

(5 December 2016) No changes to number of dwellings. Car parking space provision remains a concern but the committee was assured that this was sufficient.

Local Highways Authority – It has no objection to the proposal. The development benefits from an existing access with the public highway but would not seek to adopt any additional proposed road.

It also states the access road is over footpath 17 and therefore recommends that the Rights of Way Team are consulted.

Environment Agency – Does not wish to comment as it not clear why they have been consulted.

Middle Fen and Mere Internal Drainage Board – The Board has no objections to this application in principle. This is provided that the surface water discharge is limited to the flow referred to in the Flood Risk Assessment and that a discharge consent is obtained from this Board.

Lead Local Flood Authority – It has no objection in principle to the proposed development.

The applicant has demonstrated that surface water can be dealt with on site by using a combination of permeable paving and cellular storage, restricting surface water discharge to 1.1 liters per second. It recommends a surface water drainage condition.

Crime Prevention Design Team (Cambridgeshire Constabulary) – States the area is in a low – medium risk of crime. The main concern is that there have been 61 thefts from motor vehicles. It is recommended that there is good surveillance over the parking spaces, space should be designed between parking spaces and boundaries to prevent cars aiding opportunity to climb into the rear garden and lighting should be designed to meet BS5489:1 2013.

Waste Strategy (ECDC) – States there does not appear to be a specific collection point for any wheeled bins shown on the plans listed. States that ECDC will not enter private land and that RECAP defines the maximum distance a resident should have to a wheeled bin to a collection point is 30m (smooth surface) and flat bins should only have to be moved 10m.

Provides guidance on payment and delivery of bins.

Environmental Health – It recommends a condition to control hours of construction work and for a Construction Environmental Management Plan to be submitted and agreed.

Tree Officer – No objections to proposal as no significant trees are affected and should be acceptable in terms of wider landscape. They recommend a landscaping scheme.

Senior Definitive Map Officer - No Comments Received

CCC Growth & Development - No Comments Received

Minerals And Waste Development Control Team - No Comments Received

Open Spaces & Facilities Manager – No comments received.

Ward Councillors - No Comments Received

- 5.2 Neighbours – 6 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website. In addition a site notice was put up on the 21 October 2016 and a notice put in the local paper on the 27 October 2016.

1 The Shade – The occupants question the ownership of the land and whether the Council is allowed to build on public open space. They also have concerns over access to both the school and farm which is already congested with vehicles and they require access for large farm machinery 24/7.

They also have concern that by providing a footway to the school will bring children closer to farm lorries/machinery.

2 The Shade – Raises concerns in regards to loss of open land, restricting view of traffic movements on Kingfisher estate, adds to the existing parking problem.

Continues to state that it will add to road safety issues and questions the ownership of the land.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM3	Retaining community facilities
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations
Design Guide

Cambridgeshire Flood and Water SPD

6.3 National Planning Policy Framework 2012

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 Principle of Development

7.2 The local planning authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, Local planning Policy GROWTH2 relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.

7.3 The application is just outside of the development framework but is situated between the development framework and the Primary School; the site is therefore visually well within the built confines of the town.

7.4 With very easy access to a Primary School and footpath into the town centre, the site is considered to be sustainable on principle grounds. It is also considered that Soham can easily support an addition of 13 dwellings.

7.5 Affordable Housing

7.6 The proposal is mainly affordable housing (61.5%), which will provide much needed housing for local people who cannot afford their own home at the current time. The inclusion of market housing is accepted both to make the development more financially viable but will also ensure that the development has a full mix of tenures on site, thus making it more socially sustainable.

7.7 The high provision of affordable housing is to the merit of the application. A Section 106 Agreement will need to be secured prior to planning permission being granted.

7.8 Loss of Public Open Space

7.9 The land that this development will be built on is considered to be public open space, its loss is considered to be harmful in principle and must be assessed in accordance with policy COM3 of the Local Plan.

7.10 However, this harm is limited as the public open space is next to two very well used roads. The Shade in particular is a main road into the town centre. The location of the public open space is, therefore, considered to be dangerous to allow people (in particular children) to play on.

7.11 In addition to this the public open space is not visually attractive or has any street furniture on it. This is likely because attracting people to spend recreation time on

this site could exacerbate the concerns in regards to the proximity to the main road.

- 7.12 It is also noted that there is a large drain located on the opposite side of the track to the southwest. While this may give rise to public safety it is unlikely that people would use the recreation ground at times when significant amounts of water would be in the drain.
- 7.13 With the quality of this open space it is not considered to provide benefits in regards to amenity, visual appearance or conservation of the natural environment. A biodiversity enhancement condition can be added to improve the biodiversity on the site.
- 7.14 The loss of the public open space is, therefore, considered to cause minor harm and weighs against the application.
- 7.15 Highways and Parking Provision
- 7.16 The proposal seeks to create a more formalised road from Kingfisher Drive and extend the footpath closer to the school, though does not connect the footpath directly onto school grounds.
- 7.17 There is a Public Right of Way that runs along the southwest boundary of the site. It starts along the footpath before running along the track. This access is shared with a farm compound site.
- 7.18 The Local Highways Authority has not raised any concerns and no comments have been received by the Public Rights of Way Team.
- 7.19 With the road entrance already being a Public Right of Way all vehicles including the farm machinery need to be careful of pedestrians who have priority/right of way.
- 7.20 The developer seeks to improve this situation by increasing the length of footpath to give greater separation of pedestrians and vehicles.
- 7.21 The proposal is not considered to raise any concerns in regards to highway safety.
- 7.22 The proposal is considered to neither help or hinder the school pick up/drop off of the adjacent school. The morning rush hour in particular is generally always the most hectic, as parents drop off children before heading to work.
- 7.23 The proposal seeks to provide 17 parking spaces between the properties (houses get two parking spaces each and flats get one parking space). There are also four visitor spaces. Policy COM8 requires two parking spaces per dwelling and up to one visitor space per four properties. The proposal, therefore, meets the parking requirements for the dwellings, exceeds in terms of the visitor spaces but only provides half of the number of spaces for the one bedroom flats.
- 7.24 The lack of parking for the flats is not considered to be detrimental, as they are all single bedroom units and the number of visitor spaces provides flexibility for the

development for any of its users to park when required. The proposal is considered to broadly accord with the Council's parking standards as required by Policy COM8.

7.25 Visual Amenity

7.26 The Shade has a mixture of single and two storey properties within the surrounding area; while Kingfisher Drive dwellings go from one and a half storey to two and a half storey.

7.27 The proposal runs from two storey (8m ridge height) nearest the Primary School, up to a low two and a half storey dwelling (9m ridge height) before going to a tall two and a half storey (11.5m ridge height) for the flat blocks on The Shade/Kingfisher Drive corner. The use of a mix of scales is considered to be appropriate for this location and reflects the mix of dwelling heights in the local area. The use of two and a half storey will provide a feature building on this corner.

7.28 The proposal is relatively contemporary in approach with a mix of red brick and falzinc cladding (metal cladding of aluminium and zinc). The developer is suggesting the use of clay pan tiles for the roof and grey coloured UPVC windows. Overall the materials are considered to be a good choice but additional details of specifics are required; this can be dealt with by a condition.

7.29 Overall the proposed design is considered to be good as the form is broken up with recesses and projections, as well as having well proportioned fenestration.

7.30 It is considered that the proposal will enhance the built form of the local area.

7.31 More detail is required for both soft and hard landscaping in order to ensure that the car parking area is screened by soft landscaping and that the car park has a high quality block work. This can be dealt with by condition.

7.32 Residential Amenity

7.33 The proposal once built is not considered to raise any concerns in regards to residential amenity, as there are no adjacent residential properties. However, by virtue of the closeness of the Public Right of Way and the school it is considered appropriate to add a Construction Environmental Management Plan condition to ensure the development is built safely and that it will not cause any detrimental disturbance to nearby residents.

7.34 The proposal has been designed in order to prevent overlooking between properties and each house is considered to have adequate garden space. The flats by their nature do not have private amenity space and the residents of these will need to rely on the public open spaces within Soham (for instance the Common). The proposal is considered to comply with the aims of the Design Guide SPD.

7.35 Sustainability

- 7.36 With the size of the development it is expected that the proposal will seek to provide either renewable energy on site or exceed building regulations in regards to insulation. This can be dealt with by a condition.
- 7.37 The developer has made reference that such a condition is not necessary as it is covered under building regulations. However, planning policy both locally and nationally makes it clear that the planning system has a fundamental role to play in promoting and delivering renewable energy infrastructure. The Council's adopted Local Plan (Policy ENV4) makes it clear that all proposals should aim for reduced or zero carbon development. Most developments officers seek to require 10% of predicted energy demands to come from renewable energy, if this is demonstrated too costly than a balanced view between social and environmental sustainability will need to be considered at discharge of condition stage if the application is approved.
- 7.38 It should be remembered that the provision of renewable energy can provide energy to power lights in communal areas such as stairwells and the refuse store.
- 7.39 The condition is, therefore, considered reasonable.
- 7.40 Ecology
- 7.41 The protected species survey by Aurum Ecology states that the proposal is unlikely to have any detrimental impact upon biodiversity, though does recommend that the developer seeks to enhance the biodiversity within the local area. A biodiversity, landscape and external lighting conditions can be added to secure appropriate enhancements.
- 7.42 Flood Risk and Drainage
- 7.43 It is understood that the site and the surrounding area regularly has a problem in regards to surface water flooding. It is considered reasonable in this case to add a condition which requires the developer to improve the situation to ensure that it does not suffer from surface water flooding; the condition will be worded to maintain Greenfield run off rate plus 40%. This should in the short term improve the surface water drainage in the local area and in the long term make the site adaptable to climate change.
- 7.44 Other Material Matters
- 7.45 All the units refuse storage has easy and close access to the public highway, so the proposal is considered to comply with the RECAP Guidance.
- 7.46 The proposal provides several windows that will overlook (provide natural surveillance) over the car park and the developer has sought to ensure that the vast majority of the car parking spaces will not provide ease of access for intruders over the boundary fences.
- 7.47 While landownership is not in itself a planning matter, in this case it appears that the Council has sold the land to East Cambridgeshire Trading CO Ltd shortly before the application was submitted.

- 7.48 The proposal is liable for the Community Infrastructure Levy but the affordable housing can apply not to pay this levy.
- 7.49 Planning Balance
- 7.50 The proposal will build on public open space and provides slightly lower than expected parking spaces. However, the public open space is of little practical use (primarily due to its close proximity to a main road) that is not considered worthy of protection under Policy COM3 and the proposal will lead to a significant increase in affordable housing in the local area.
- 7.51 It is considered that the application on the whole is considered worthy of planning approval, subject to the recommended conditions and a S106 Agreement.
- 8.0 **APPENDICES**
- 8.1 Appendix 1 - Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
16/01364/F3M	Andrew Phillips Room No. 011 The Grange Ely	Andrew Phillips Senior Planning Officer 01353 665555 andrew.phillips@ea stcambs.gov.uk

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 16/01364/F3M Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
PG.731.P02		12th October 2016
PG.731.P03	A	18th November 2016
PG.731.P01	B	15th December 2016

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No above ground construction shall take place on site until details of the external materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 4 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 4 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 5 Prior to the commencement of development, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 5 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement as some of the measures may be below ground level.
- 6 No development shall take place until a scheme to dispose of surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation.

The surface water drainage scheme shall include details to prove that it maintains Greenfield run off plus an additional allowance of 40% to allow for climate change.

- 6 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 7 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 8 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development, construction and delivery etc. The CEMP shall be adhered to at all times during all phases.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 9 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 9 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

- 10 No development shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.
- 10 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 11 Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 11 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 12 Prior to above ground construction works full details of the proposed cycle storage buildings shall be provided to and agreed in writing by the Local Planning Authority. The cycle storage shall be provided prior to first occupation and thereafter retained.
- 12 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 13 No external lights shall be erected within the site (either freestanding or building-mounted) other than those expressly authorised within this application, unless agreed in writing with the Local Planning Authority prior to above ground works commencing.
- 13 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.