

MAIN CASE

Reference No: 19/01721/VARM

Proposal: To vary condition 1 (approved plans) of previously approved 17/01231/FUM for construction of 19 dwellings with associated parking and amenity space and retention of existing offices on site

Site Address: Car Park Hill Side Mill Quarry Lane Swaffham Bulbeck

Applicant: WoollensBrook Swaffham Bulbeck Ltd

Case Officer: Emma Barral, Planning Officer

Parish: Swaffham Bulbeck

Ward: Bottisham
Ward Councillor/s: Charlotte Cane
John Trapp

Date Received: 6 January 2020 **Expiry Date:** 02/09/2020

[V26]

1.0 **RECOMMENDATION**

Members are recommended to approve the application subject to the signing of the s106 agreement and conditions covering the following matters with authority delegated to the Planning Manager and Legal Services Manager to complete the s106 and to issue the planning permission. The recommended planning conditions can be read in full within Appendix 1

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Car park lighting
- 4 Surface water drainage
- 5 Construction times
- 6 Potential contaminated land
- 7 Potential contamination
- 8 Fire hydrants
- 9 Tree protection
- 10 Soft landscaping
- 11 Hard landscaping
- 12 Boundary treatments
- 13 Car parking
- 14 Boundary wall permitted development rights

- 15 Close existing access
- 16 Highway drainage
- 17 Biodiversity protection
- 18 Biodiversity enhancement
- 19 Renewable energy
- 20 Brickwork to be agreed
- 21 Materials agreed
- 22 Office to remain as B1

2.0 SUMMARY OF APPLICATION

- 2.1 The application submitted seeks to vary condition 1 (approved plans) of previously approved 17/01231/FUM for construction of 19 dwellings with associated parking and amenity space and retention of existing offices on site. LPA Ref 17/01231/FUM was approved on the 18th January 2018. The application is made under section 73 of the Town and Country Planning Act 1990 which provides the ability to vary or remove conditions associated with a planning permission.
- 2.2 This S73 application seeks to vary Condition 1 attached to the extant planning permission to amend the approved layout and dwelling types to a scheme of 18 semi-detached residential dwellings.
- 2.3 The Agent's Planning Statement states "Since the previous application was granted planning permission there have been a number of changes on the site which require further amendments to the existing plans to accommodate these. The original red line boundary did not accurately reflect the ownership of land as it appears on the ground. The boundary at the northern end of the site has been amended to show the precise location of the legal ownership between the application site and adjoining residential property at Hillside Cottage. This has resulted in a reduction in site area".
- 2.4 The amended plans relate only to the amended layout, design, dwelling mix and number of dwellinghouses proposed within the application site. The amended layout is to address previous concerns raised by the Highways Authority during the course of the previous application.
- 2.5 The application proposes a total of 4 (out of the 18 proposed dwellinghouses) to be affordable housing units on site (which equates to 21%) with 2 dwellings as affordable rent and 2 dwellings as shared ownership. The Agent has advised that the proposed dwellings are to be constructed using off-site manufacturing technology and the Agent has advised that the manufacturing process for proposed dwellings means that they are unable to be constructed as single detached dwellings and a mix of market and affordable as semi-detached dwellings may be impractical. However, they are proposing an off-site contribution in a financial sum to provide an additional affordable unit.
- 2.6 The application would propose a shortfall of on-site provision for affordable housing against the requirement for 40% affordable housing in the south of the District under policy HOU3 of the Local Plan 2015. Therefore, given this policy departure, the application is to be considered by Members at Planning Committee.

2.7 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.**

3.0 PLANNING HISTORY

17/01231/FUM	Construction of 19 dwellings with associated parking and amenity space and retention of existing offices on site	Approved	17.01.2018
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4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is partially within the Cambridge Green Belt, with the existing office building fully within the Green Belt. The proposed 18 dwellings are all outside of the Green Belt. The land rises to the east of the site, which is where the most mature trees are located.

4.2 The site is located adjacent of the T-Junction of Quarry Lane and Swaffham Heath Road, which is located approximately half way between two sections of the village that are within the village framework. There is a public footpath that comes to the southwest corner of the site.

4.3 There is currently an outbuilding that is in a poor state of repair that is currently used for storage along Swaffham Heath Road.

5.0 RESPONSES FROM CONSULTEES

5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

Parish Council Swaffham Bulbeck Parish - 6 February 2020-

- “There are 12 houses at 2.5 storeys high. This is 9 more houses at this height than in the approved planning application 17/01231/FUM. (The remaining 8 houses designated as 2-bedroom also *appear* in drawings to be the same height.) These will be the first 2.5 storey dwellings built in Swaffham Bulbeck and will be located above the 15m contour. The built village is below the 15m contour and consequently the development will be visible from the conservation area and listed buildings.
- The proposed repetition and uniformity of house design and exterior materials are not in keeping with the rural and local setting which sits above the rest of the village and will highly visible.
- The affordable housing element of the development (22%) is not in line with the Local Plan policy of 30%. The parish council would like the developer to work with Swaffham Bulbeck Community Land Trust (CLT) to provide at least

30% affordable housing which could be allocated to people with a connection to Swaffham Bulbeck. There is significant evidence gathered for the emerging Neighbourhood Plan which demonstrates a need for affordable housing for people with connections to the village.

- Four affordable houses have been located in the revised plan too close to the junction of Heath Road and Quarry Lane. This close proximity to the road is unacceptable to the parish council.
- Insufficient consideration has been given to biodiversity in the application. The parish council request the inclusion of sufficient planting of suitable trees, hedging and other appropriate planting. Nesting boxes, swift bricks in the gable ends and bat boxes should be included.
- Each property should also be fitted solar panels and have a water butt.

For safety reasons, the council strongly objects to direct access from properties on to Heath Road and Quarry Lane”.

Swaffham Bulbeck Parish - 1 April 2020- “I am writing on behalf of Swaffham Bulbeck Parish Council to confirm that they wish to uphold their objections to the above proposal. I have attached a copy of the original objection for your information”.

Lead Local Flood Authority - 5 February 2020- “At present we object to the variation of Condition 1 as not enough information has currently been provided. According to Section 3.25 of the Planning Statement, a Drainage Strategy Plan and Drainage Strategy Report has been submitted as part of the variation of condition application. However, these documents do not appear to have been uploaded to the planning portal. Therefore we are unable to provide comments at this stage”.

Lead Local Flood Authority - 13 February 2020- “At present we object to the variation of Condition 1 for the following reasons:

1. Half drain time

It has been proposed to manage surface water from the site by use of individual plot soakaways and permeable paving. Due to varying infiltration rates across the site, the site has been split into two zones, with soakaways designed to an infiltration rate of 5.8×10^{-5} m/s in Zone 1 and 1.1×10^{-6} m/s in Zone 2.

The proposed soakaways in Zone 2 will have a half drain time of up to 2685 minutes during a 1 in 30 year rainfall event and 5004 minutes during a 1 in 100 year rainfall event plus a 40% allowance for climate change. Infiltration from full to half full should take no more than 24 hours during any rainfall event up to the 1% AEP. Half drain times of more than 24 hours present a risk of infiltration features being unable to manage rainfall during subsequent events.

2. Full infiltration results required

Section 2.9 of the Drainage Strategy Report presents the results of the infiltration testing that was performed as part of the fieldwork investigations that informed the

geo-environmental assessment report. However, full details of the infiltration testing have not been provided and the geo-environmental assessment report has not been submitted as part of this application.

Any infiltration testing should be conducted in line with BRE365 guidance, which provides the following good practice minimum requirements:

1. Minimum of 3 tests undertaken in quick succession at each location/trial pit;
2. Lowest value obtained across the site to be used for calculating the required volume of soakaways;
3. Depth of testing to be representative of drainage proposals (i.e. shallower tests for permeable paving and deeper tests for conventional soakaways).

Full details of the infiltration testing should be provided and the geo-environmental assessment report should be submitted. A plan showing the location of the test pits should also be provided alongside this”.

Lead Local Flood Authority - 30 March 2020- “At present we maintain our objection to this variation of condition application for the following reasons:

1. Half drain time exceeds 24 hours

Whilst an improved infiltration rate has been identified from further testing conducted in February 2020, which allows for a half-drain time of less than 24 hours, the tests have not been performed in line with BRE DG 365 Guidance as only 1-2 tests have been performed per test pit. Furthermore, as lower infiltration rates were obtained from previous testing as part of the MLM Geo-Environmental Assessment in 2018, the lowest rate must be used to design the infiltration system.

When the system has been designed using the lowest infiltration rate achieved, the proposed soakaways in Zone 2 will have a half drain time of up to 2685 minutes during a 1 in 30 year rainfall event and 5004 minutes during a 1 in 100 year rainfall event plus a 40% allowance for climate change. Infiltration from full to half full should take no more than 24 hours (1440 minutes) during any rainfall event up to the 1% AEP. Half drain times of more than 24 hours present a risk of infiltration features being unable to manage rainfall during subsequent events. The system must be designed to prepare for the worst case scenario of high intensity rainfall events occurring one after the other”.

Lead Local Flood Authority - 22 May 2020- “Based on the Letter from Stirling Maynard Consultants (ref: P18147) dated 10 March 2020 this we can remove our objection to the application. The applicant has demonstrated that whilst the half-drain time is in excess of 24 hours, the infiltration devices are of sufficient size that they can accept a subsequent 1 in 30 event within 24 hours”.

Cambridgeshire Fire And Rescue Service - No Comments Received

Design Out Crime Officers - 16 January 2020- “I have viewed the documents in relation to crime, disorder and the fear of crime and I have no comment or objection at this time”.

Economic Development - No Comments Received

Local Highways Authority - 13 February 2020- "The highways authority objects to this application for the following reasons:

1. The proposal does not incorporate adequate facilities to enable a vehicle to turn on the site and so enter the highway in a forward gear, which is considered essential in the interests of highway safety.

The submitted vehicle tracking drawing clearly demonstrates that the turning and parking areas at the front of plots 1 to 6 do not function correctly and would not be suitable for daily use. If permitted this would likely result in vehicles reversing out on to the highway or reversing in to the properties which would mean vehicles stopping and manoeuvring on the highway to the detriment of highways safety".

Local Highways Authority - 15 April 2020- "1, 2 and 3 is basically impractical on a daily basis and 4, 5 and 6 don't work in my opinion".

Local Highways Authority - 29 April 2020- "The amended turning and parking arrangements have not overcome the highways impact and issues raised, as such my objections as previously stated remain".

Local Highways Authority - 12 May 2020- "The parking and manoeuvring indicated on the amended layout plan and tracking sketches appears to show that all vehicles have the ability to exit the site in forward gear. However, such is the limitation of manoeuvring areas available, the ability for all vehicles to exit in forward gear from their respective access point is wholly dependent upon a maximum of two vehicles being parked within the curtilage of each dwelling at any one time and further, each vehicle being parked exactly within the confines of the parking areas as drawn on your plan.

Experience suggests that the limited manoeuvring areas will be used as informal parking spaces for the residents and/or visitors. Notwithstanding that, if the LPA are satisfied that the proposed parking for each plot meets their parking standards (including accommodating visitors) and they feel they can attached an appropriate and reasonable condition to ensure these manoeuvring spaces are free of parking and obstruction and kept clear at all times, to facilitate this arrangement then the LHA could not sustain an objection to the scheme proposed".

Conservation Officer - No Comments Received

ECDC Trees Team - 30 January 2020- "The changes to the layout have not been reflected in a Tree Protection Plan, the TPP submitted to support application 17/01231/FUM needs to be updated to ensure the tree protection requirements are upheld with the changes to the layout. It is thought these changes are minor mainly affecting T2 however this needs to be demonstrated".

ECDC Trees Team - 2 April 2020- "The variation to the approved plans do not affect any of the trees along the eastern boundary identified for retention - No further comments".

Housing Section - 27 January 2020- "The Strategic Housing Team is currently unable to support the above application to vary the approved consent (17/01231/FUM) as this does not accord with Policy HOU3 to deliver 30%

affordable housing on site (application amended to 18 semi-detached dwellings would secure 5 affordable homes)

The Planning Statement makes reference that the new application accords with policy HOU3 but the plan and Design and Access Statement only indicate that four affordable dwellings will be delivered.

I also note that the Planning Statement refers to the tenure of the affordable dwellings to be delivered as 50% rented and 50% intermediate housing. The tenure requirement for East Cambs as defined within the latest SHMA is 77% rented and 23% intermediate housing”.

Housing Section - 15 April 2020- “We would require a commuted sum payment of £142,675 for the loss of one 2 bed affordable dwelling. This is based on the OMV of £275,000 - £ 132,325 (average of two RP offers) = £142,675.

As there should be no benefit in the developer not supplying affordable housing on site, this will be the commuted sum value we will need to secure within the S106, along with four affordable dwellings on site”.

CCC Growth & Development - No Comments Received

Minerals And Waste Development Control Team - No Comments Received

Environmental Health - 13 January 2020- “I have read the Application Form and the Planning Statement which advises that the variation is "to allow for amended layout and unit typologies”.

I have no further comment I wish to make to Claire's previous response” These comments related to construction times and deliveries and that there were no concerns if the offices are in B1 use class.

Waste Strategy (E CDC) - No Comments Received

Strategic Planning - No Comments Received

Technical Officer Access - 22 January 2020- “Firm, level and slip resistant pathway is needed from the accessible parking to the office block and from Quarry Lane on to the site, as no pathway is shown. Good lighting required”.

Ward Councillors - No Comments Received

- 5.2 Neighbours – 24 neighbouring properties were notified and the responses received are summarised below. A site notice was displayed near the site on 27th January 2020 and a press advert was published in the Cambridge Evening News on 13th January 2020. A full copy of the responses are available on the Council’s website.

Hill Cottage- Concerned for the access for plots 15-18 and highway safety.

18 Mill Road- Concerned for the access for plots 15-18 and highway safety.

4 Station Road- Concerns for highways safety and height of dwelling proposed.

1 Station Road (Martin House)- Objection- Impact on views, height of dwellings. Concerns for new access road, concerns for wildlife and tree planting, concerns for the design of the proposed dwellings, concern for affordable housing. Objected again based on amended plans.

34 Quarry Lane- Objection-

- “The buildings are too high and will impact badly on the character of the village and the hillside.
- Numerous exits for cars directly onto Quarry Lane and Heath Road. These will create traffic hazards especially on the bend.
- Off road car parking is extremely limited and will result in on road parking creating yet another hazard on this busy road.
- Gardens are minute, offering limited space for planting to soften the impact of these dwellings.
- I do not believe that this development conforms to the policies of the Local Plan.
- The design of these three floor houses is more suited to a city development than this rural site.
- There is a badger sett near to the site which will be disturbed.
- Access to the field beyond will be compromised.
- This plan does not tie in with the proposed plan for the pony field opposite, which proposes a realignment of the Quarry Lane/Heath Road junction. This work was proposed for safety reasons and is completely ignored in this proposal”.

39 High Street- Objection-

- “The buildings are too high and will impact badly on the character of the village and the hillside.
- There are numerous exits for cars from the houses directly onto Quarry Lane. These will create traffic hazards especially on the bend opposite the listed white cottage.
- Off road car parking for between 36 and 54 vehicles cannot be achieved. (18 for the DeSangosse office and at least 18 for the new houses but will probably be as many as 36 as many owners will have 2 cars. Proposed parking spaces for each house is extremely limited, on road parking will inevitably happen creating yet another hazard on this busy road.
- The "gardens" are minute and it will not be possible to plant trees to soften the visual impact of these near identical prefabricated buildings.
- The design of these three floor houses is more suited to a compact city development than this rural setting.
- It would appear that the right of access to the field behind will be lost”.

48 Commercial End- Objection-

- “Negative effect of the development on the character of the neighbourhood. Swaffham Bulbeck has a green corridor running through the middle of the village, mostly a Conservation Area.
- High density / over-development of the site compared with existing development in the vicinity. It is of higher density than most other developments in the village and very high density for a village fringe development.

- Intrusive urbanisation on the surrounding rural landscape and so creates significant and demonstrable harm to the character and appearance of the area.
- Visually dominates the surrounding area as buildings would be at a higher level and it would interfere with the green corridor flowing down to the Denny. The site dominates the village - it varies from 19 to 21m AOD, whereas the main road in the village centre typically lies between 8 and 10m AOD. The houses are shown as 2 ½ storey so are not low-rise.
- Visual impact of the development on the landscape & adverse effect on the residential amenity of neighbouring owners: The approaches to the village are through open fields.
- Adverse effect on highway safety or the convenience of road users, especially close to the bend on Quarry Lane and the junction with Heath Road, which is a busy rat-run from villages towards Burwell & beyond. Plots 15-18 show 4 houses with 2 car parking places each coming out onto Heath Road between a blind hill and a junction.
- Only 22% is affordable housing, not meeting the target.
- There is insufficient tree planting to soften the development”.

63 Commercial End- Objection- Concerns for the appearance, scale and highway safety.

66 Commercial End- Objection- “The planting scheme because most plants selected are not suited to the site and will grow poorly or not at all, and the unnecessary removal of trees, which will increase soil erosion”.

Hill Cottage- Objection- Concerns for highways safety.

28 Quarry Lane- Objection- To plots 1-6, the accesses and the level of parking.

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
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
EMP 1	Retention of existing employment sites and allocations
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
ENV 12	Listed Buildings
COM 7	Transport impact
COM 8	Parking provision

- 6.2 Supplementary Planning Documents
 - Design Guide
 - Contamination
 - Developer Contributions
 - Cambridgeshire Flood and Water

- 6.3 National Planning Policy Framework 2019
 - 5 Delivering a sufficient supply of homes
 - 9 Promoting sustainable transport
 - 12 Achieving well designed places
 - 14 Meeting the challenge of climate change, flooding and coastal change
 - 15 Conserving and enhancing the natural environment

- 7.0 PLANNING COMMENTS

- 7.1 Principle of development

- 7.2 On 21st April 2020 The Council published its Five Year Land Supply Report which sets out the process for calculating the five year land supply based on the requirements of the revised National Planning Policy Framework (NPPF) published in February 2019. The report concludes that the Council can demonstrate 6.61 years' worth of supply. Consequently, the tilted balance provisions of paragraph 11 do not apply.

- 7.3 The principle of development was established under LPA Ref 17/01231/FUM which was approved on the 18th January 2018. The latest date the development can be commenced is the 18th January 2021. There has been no change in circumstances on site or to the relevant policy considerations. The proposal is considered to be acceptable in principle; all other material matters are covered below.

- 7.4 Green Belt

- 7.5 Policy ENV10 of the East Cambridgeshire Local Plan requires that development permitted adjacent to the Green Belt will ensure there will be no adverse impact on the purposes of Green Belt. Any development on the edges of settlements that are surrounded by the Green Belt must also include high quality landscape and design in order to protect the purposes of the Green Belt. The design and landscape are discussed within this section of the report.

- 7.6 The Town and Country Planning (Consultation) (England) Direction 2009 states that Green Belt development means development which consists of, or includes, inappropriate development on land allocated as Green Belt in an adopted Local Plan and which consists of the provision of a building or buildings where the floor space to be created by the development is 1,000sqm or more or any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

- 7.7 In this case all the dwellings are outside of the Green Belt. The amended scheme is not considered to constitute development that would significantly impact on the openness of the Green Belt.
- 7.8 Visual Amenity
- 7.9 Policy ENV2 states that: “The Council will encourage innovative, creative good modern architectural design that complies with the principles set out below”. The previous application was deemed to comply with the requirements of policy ENV2 of the Local Plan 2015. The proposed dwellings are considered to represent a significantly high level of design quality which retains the form of development as established by the previous application.
- 7.10 The scheme proposes 18 semi-detached residential dwellings at 2 - 2.5 storeys reaching a maximum height of 9.8 metres in height. This slightly taller than those previous approved which reach a maximum height of 8.5 metres including the apartment blocks. The building line along Quarry Lane and Swaffham Heath Road follows the existing street structure to provide a continuous frontage. In relation to the layout amendments that are the subject of the changes to the approved plans, Plots 11 - 14 are pushed forward, emphasising the corner. Parking for these plots is created internally, away from the busy intersection. The scheme includes rotating Plot 7 - 8 and 9 - 10 to face the internal road and frame the entrance to the site which was discussed in details with Officers during the pre-application phase. A buffer of vegetation between Plot 7 - 8 and 9 - 10 and Quarry Lane helps frame the entrance to the site.
- 7.11 In a similar way to the previous approval, a new internal road is created, utilising the existing entrance to site. Parking for the existing commercial building is introduced at the rear of the site. The new internal road serves as access to the commercial building and plots 7 – 14. Amended Drawings received on the 17th June 2020 show two accesses to serve plots 1-6 to allow space for turning and manoeuvring as discussed in the highways section later on in this report. Plots 15-18 have a single access point off Swaffham Heath Road.
- 7.12 The 'front' elevations of Plots 1 - 6 and 11 - 18 face Quarry Lane / Swaffham Heath Road. Plots 7 - 10 turn to face the internal road. The proposed elevations are traditional in character with some contemporary elements. Soldier course detailing wraps around the entire building, broken only by the reconstituted stone lintels above windows and doors. A brick recess occurs between the ground floor and first floor, and between the first floor and roof, wrapping the building above the soldier course.
- 7.13 A side facade has been developed with recessed brick panels and reconstituted stone detailing to match window proportions, this occurs on the Plot 1 elevation facing south and the Plots 7-10 elevations facing Swaffham Heath Road to break up the brick façade facing the public highway.
- 7.14 In relation to materials, the submitted Design and Access statement states that buff brick is used heavily, with red and darker buff brick also used. The darker brick is applied to Plots 7 - 10 to highlight that they have been turned away from the street and to frame the entrance to the internal road. A slate effect roof tile proposes to

reflect local character and gives the roof clean lines and window and door lintels are emphasised through the use of reconstituted stone. Anthracite grey has been chosen as the colour for all window frames, door frames, down pipes etc. on the scheme, helping to create a unified development.

- 7.15 In the same way as the previous consent, the proposal is a good example of contemporary design with changes in form, design flourishes and materials providing visual interest. This creates a very high quality design and is backed up by the material selection. The height difference is noted, however this is not considered to result in an unacceptable degree of harm to the character and appearance of the site and surrounding area together with the other changes proposed. This weighs heavily in favour of the application.
- 7.16 It is considered that the amendments to LPA Ref 17/01231/FUM in relation to layout, design, dwelling mix and number of dwellinghouses will be of a very high quality. Officers believe that the benefits of the design outweigh the concerns outlined through the previous application relating to density and the creation of an urban built frontage.
- 7.17 Residential Amenity
- 7.18 With the siting of the proposed dwellings it is considered that there will be no detrimental impact to residential amenity from the completed dwelling units. The siting of the properties and the design and proposed fenestration pattern ensure no unacceptable overlooking or overbearing impact. The requested construction hours condition is considered reasonable in order to prevent detrimental noise pollution from the construction works. The requested potential contaminated land conditions can also be added.
- 7.19 The Agent has stated in their planning statement that “the repositioning of the parking within the curtilage of the plots would result in larger garden sizes provided to each proposed dwellings and removes the requirement for the retaining walls”. With the amount of dwellings on site, many of the plots have a small amount of private amenity space (approx 40 square metres) while others have larger gardens (for example approx 56 square metres and 100 square metres). The range of garden sizes is considered to be acceptable, as not all occupiers want a large garden and the houses are of varying sizes, but this does weigh slightly against the proposal as a village edge plot is expected to have a good garden size.
- 7.20 The existing office building on site is not expected to create any undue disturbance to the potential future residents due to its B1 use, unexpected noise issues could still be covered under Environmental Health legislation. Any permitted change of use could be restricted by condition.
- 7.21 Historic Environment
- 7.22 The amendments to LPA Ref 17/01231/FUM in relation to the amended layout, design, dwelling mix and number of dwellinghouses are not considered to cause any noticeable harm to the historic quality of the area.

- 7.23 Highways
- 7.24 The previously approved parking ratio of 2 spaces per unit is retained as is the level of parking and servicing for the retained office building. The repositioning of the parking for units 15-18 to the front of the site removes the level of parking to be accessed from the shared access drive which is considered to represent an improvement to the scheme. The access to the office and parking remains in the same position as previously approved.
- 7.25 The amended layout was discussed extensively with County Highways after the submission of the amended plan Drawing ref P18147-SK01 Rev F (dated 10th March 2020) which relates to vehicle tracking. The amended layout, which was agreed with Highways, is demonstrated on the amended plans received on the 17th June 2020 which addresses concerns by including two accesses to serve plots 1-6 to allow space for turning and manoeuvring. Plots 15-18 have a single access point off Swaffham Heath Road.
- 7.26 Parking for the existing office is provided by a new car park of 19 spaces at the rear of the site. This includes four disabled spaces. For the residential development each residential unit has two spaces either accessed off Quarry Lane (Plots 1-6), Swaffham Heath Road (Plots 15-18) and the new access road (Plots 7-14).
- 7.27 In the latest comments from County Highways dated they have commented in the following way:
- 7.28 “The parking and manoeuvring indicated on the amended layout plan and tracking sketches appears to show that all vehicles have the ability to exit the site in forward gear. However, such is the limitation of manoeuvring areas available, the ability for all vehicles to exit in forward gear from their respective access point is wholly dependent upon a maximum of two vehicles being parked within the curtilage of each dwelling at any one time and further, each vehicle being parked exactly within the confines of the parking areas as drawn on your plan.
- 7.29 Experience suggests that the limited manoeuvring areas will be used as informal parking spaces for the residents and/or visitors. Notwithstanding that, if the LPA are satisfied that the proposed parking for each plot meets their parking standards (including accommodating visitors) and they feel they can attached an appropriate and reasonable condition to ensure these manoeuvring spaces are free of parking and obstruction and kept clear at all times, to facilitate this arrangement then the LHA could not sustain an objection to the scheme proposed”.
- 7.30 Therefore, The Local Highways Authority has considered the amendments and considers that it overcomes their objection. Officers are content that two car parking spaces are to be provided per dwellinghouse. For plots 1-6 these are in a tandem format with space for turning in the driveway spaces and it is these plots that has been subject to discussion with County Highways. It is not possible to control resident’s actions long term in relation to turning and using the space for these purposes. However, enough space is considered to be provided following the amended layout and the space provided for turning is considered to be acceptable

for plot 1-6. Permitted development rights relating to erecting gates wall and fences are removed through a planning condition to ensure turning areas are not obstructed on this basis the proposal is considered to be acceptable.

- 7.31 A condition will be added to remove boundary rights in order to ensure gates cannot be erected.
- 7.32 The proposal is considered to comply with policies COM7 and COM8 of the adopted Local Plan 2015.
- 7.33 Ecology
- 7.34 As part of the previous proposal an exclusion area was provided around the badger sett on the boundary of the site. A licence to close the badger sett has since been obtained from Natural England, details of which are submitted with this application. An updated Ecological Impact Assessment has been undertaken to support the amended layout and has been submitted with this application.
- 7.35 The proposal if suitably controlled will have no detrimental impact upon biodiversity in the area and a condition can be added to ensure that the proposal enhances upon biodiversity within the local area; this can be achieved through conditions.
- 7.36 Flood Risk and Drainage
- 7.37 The site is located within Floodzone 1 and the request of the Lead Local Flood Authority to condition surface water is considered to be reasonable. The Local Lead Flood Authority were satisfied with the ability of the previous proposal to control foul and surface water with relevant conditions added to the decision notice. A Drainage Strategy Plan and Drainage Strategy Report have been submitted as part of this application which sets out how the amended layout will adequately dispose of foul and surface water in line with guidance and policy. The proposal will have no detrimental impact upon water flow in the local area.
- 7.38 Affordable Housing and Housing Mix
- 7.39 The total amount of housing on the site has been reduced by a single dwelling from 19 to 18 dwellings. The previous application provided a mix of 8no. two bedroom dwellings, 8no. three bedroom dwellings and 3no. four bedroom dwellings. The current proposed development provides a mix of 6no. two bedroom dwellings and 12no. three bedroom dwellings.
- 7.40 The previous application provided a total of 8 affordable dwellings out of 19 dwellings which equated to 42% as required under policy HOU3 of the Local Plan 2015, which requires at least 40% affordable housing.
- 7.41 Following the withdrawal of the emerging Local Plan a Viability Assessment was published in April 2019 to consider the appropriate level of affordable housing which should be provided in different areas across the District. The report recommended that the appropriate and viable level of affordable housing for the southern part of the district which includes Swaffham Bulbeck should be set at 30%.

- 7.42 The application proposes a total of 4 affordable housing units on site (21%) with 2 dwellings as affordable rent and 2 dwellings as shared ownership. The proposed dwellings, which will be tenure blind, are to be constructed using off-site manufacturing technology and the Agent has advised that the manufacturing process for proposed dwellings means that they are unable to be constructed as single detached dwellings and a mix of market and affordable as semi-detached dwellings may be impractical. However, they are proposing an off-site contribution in a financial sum.
- 7.43 Longhurst Group will be managing the affordable housing units through a section 106 agreement with WoollensBrook. In view of the innovative off-site manufactured product being implemented on the scheme being a new venture for Longhurst Group they would be very reluctant to accept half of a semi-detached dwelling therefore an offsite contribution will be made to ensure that the proposed development provides 30% affordable housing.
- 7.44 The Housing Officer has been consulted and has commented that they “would require a commuted sum payment of £142,675 for the loss of one 2 bed affordable dwelling. This is based on the OMV of £275,000 - £ 132,325 (average of two RP offers) = £142,675. As there should be no benefit in the developer not supplying affordable housing on site, this will be the commuted sum value we will need to secure within the S106, along with four affordable dwellings on site”. Confirmation has been received from the Agent that they are accepting of this advice.
- 7.45 An amended S106 agreement is required relating to a reduced education contribution given that the number of dwellinghouses proposed is being reduced from 19 to 18 and to reflect the proposed number of affordable housing and the proposed off site contribution.
- 7.46 Education Requirement
- 7.47 The s106 for the proposed 19 dwellinghouses under LPA Ref 17/01231/FUM defined the contributions in relation to education. The current application and the revised s106 will need to ensure that contributions relate to the loss of one dwelling on the application site as well the amended affordable housing provision.
- 7.48 Planning Balance
- 7.49 The principle of the development was established under LPA Ref 17/01231/FUM and is therefore considered to be acceptable.
- 7.50 The amended plans relate only to the amended layout, design, dwelling mix and number of dwellinghouses proposed within the application site.
- 7.51 The concerns through the application process relating to the layout of plots 1-6 and their accesses off Quarry Lane have been extensively discussed and resolved with County Highways. The matter of affordable housing provision has been extensively discussed with the Agent and the Housing Officer. The issues relating to drainage have been extensively discussed with the Agent and Lead Local Flood Authority to address concerns. The amendments to the height and layout including the design

solutions on the flank walls of plots 7 and 9 facing Quarry Lane have been well received by Officers.

- 7.52 The application would propose a shortfall of on-site provision for affordable housing against the requirement for 30% affordable housing in the south of the District under policy HOU3 of the Local Plan 2015. However, a Viability Assessment was undertaken in April 2019 to consider the appropriate level of affordable housing which should be provided in different areas across the District. The report recommended that the appropriate and viable level of affordable housing for the southern part of the district which includes Swaffham Bulbeck should be set at 30%.
- 7.53 The application proposes a total of 4 (out of the 18 proposed dwellinghouses) to be affordable housing units on site (which equates to 21%) with 2 dwellings as affordable rent (50%) and 2 dwellings as shared ownership (50%). The Agent has advised that the proposed dwellings are to be constructed using off-site manufacturing technology and the Agent has advised that the manufacturing process for proposed dwellings means that they are unable to be constructed as single detached dwellings and a mix of market and affordable as semi-detached dwellings may be impractical. However, they are proposing an off-site contribution in a financial sum.
- 7.54 The contemporary design provides a strong architectural statement to the local area, which will dramatically change the current character. However, the overall design is considered to enhance the local area.
- 7.55 The application is therefore recommended for approval, subject to the recommended conditions and a revised S106 to secure the off site affordable housing contribution.
- 7.56 COSTS
- 7.57 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 7.58 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 7.59 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 7.60 In this case Members' attention is particularly drawn to the following points:

- No statutory bodies have objected to the proposed variation of condition and the amended layout, design and number of dwellinghouses proposed.
- The principle of development was established under LPA Ref 17/01231/FUM which was approved on the 18th January 2018. The latest date the development can be commenced is the 18th January 2021.

APPENDICES

7.61 Appendix 1 - Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/01721/VARM	Emma Barral Room No. 011	Emma Barral Planning Officer 01353 665555
17/01231/FUM	The Grange Ely	emma.barral@eastc amb.s.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 - 19/01721/VARM Conditions

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

Plan Reference	Version No	Date Received
P18147-SK01	F	10th March 2020
Design & Access Statement	REV A	17th June 2020
AL7643-2001	REV C	17th June 2020
AL7643-2002	REV C	17th June 2020
AN7643-1102	REV E	17th June 2020
AN7643-1100	REV D	17th June 2020
AN7643-1101	REV G	17th June 2020
View 1		17th June 2020
View 2		17th June 2020
View 3		17th June 2020
P18147-SK01	F	10th March 2020
AN7643-1001	B	12th December 2019
AN7643-1110	B	12th December 2019
AN7643-1111	C	12th December 2019
AN7643-1113	C	12th December 2019
AN7643-1112	C	12th December 2019
AN7643-1130	C	12th December 2019
AN7643-1131	B	12th December 2019

- 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 the decision notice for LPA Ref 17/01231/FUM which is the 18th January 2018.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 Prior to first occupation a scheme of car parking lighting shall be submitted to agreed in writing by the Local Planning Authority. Development shall commence in accordance with the approved details.
- 3 Reason: To safeguard the residential amenity of neighbouring occupiers, the character of the area and ensure suitable security, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 4 No development shall take place until a scheme to dispose of surface water (including long term maintenance) has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation of any dwelling.
- 4 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.

- 5 During the construction phase of the development construction work and deliveries to the site shall be restricted to the following times:
- 07:30 - 18:00 each day Monday - Friday
 07:30 - 13:00 on Saturdays and
 None on Sundays or Bank Holidays
- 5 Reason in the interests of protecting the amenities of nearby residents in accordance with the requirements of policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 6 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
- (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 6 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. 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 occupation a scheme of fire hydrants shall be submitted to and approved in writing by the Local Planning Authority. Development shall commence in accordance with the approved details prior to any dwelling being occupied.
- 8 Reasons: In the interests of public safety.
- 9 The tree protection measures as shown on Arboricultural Impact Assessment shall be implemented prior to the commencement of development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 9 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 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.
- 10 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 No above ground construction 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.
- 11 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the first occupation.

- 12 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 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.
- 13 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no fences, gates or walls shall be erected within the curtilage of the dwelling houses or across any parking area for the offices.
- 14 Reason: In the interests of highway safety, in accordance with policies ENV2, COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 15 The existing access(es) shall be permanently and effectively closed and the footway / highway verge shall be reinstated in accordance with drawing number AN7643-1101 Rev G, within 28 days of the bringing into use of the new access.
- 15 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 16 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 16 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 17 Prior to any demolition, development or site clearance, the mitigation measures as detailed in the ecology report dated 18 November 2019 by agb Environmental shall be carried out in accordance with that strategy, or in accordance with any subsequent amendments made with the approval in writing of the Local Planning Authority. A copy of the ecology report mitigation measures shall be provided to all external contractors working on the site by the developer.
- 17 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 18 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.
- 18 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.

- 19 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.
- 19 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015.
- 20 No above ground construction shall take place on site until details of the brickwork 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.
- 20 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 21 The materials to be used in the construction of the external surfaces for the roof, timber walls, rainwater goods and fenestration shall be as specified on the approved drawings. All works shall be carried out in accordance with the approved details.
- 21 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 22 The offices hereby retained shall be used for purposes within Class B1 of the Town and Country Planning (Use Classes) Order 2015 as amended, and for no other purpose or class usually permitted by the order.
- 22 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.