
MAIN CASE

Reference No: 18/00737/FUL

Proposal: Erection of two detached single storey dwellings

Site Address: Land Southeast Of The Bungalow Abbey Lane Swaffham
Bulbeck

Applicant: Ms Nicola Bartram

Case Officer: Richard Fitzjohn, Planning Officer

Parish: Swaffham Bulbeck

Ward: The Swaffhams
Ward Councillor/s: Councillor Allen Alderson

Date Received: 1 June 2018 **Expiry Date:** 3 August 2018

[T75]

1.0 **RECOMMENDATION**

1.1 Members are recommended to REFUSE this application for the following reasons:

1. The proposed dwellings are located within the countryside and, by virtue of their distance from the main settlement of Swaffham Bulbeck and other town/village centres, they are considered to be in an unsustainable location. The proposal does not promote sustainable forms of transport and the future residents of the proposed dwellings will be reliant on motor vehicles in order to access any local services or facilities. The proposal does not meet any of the special circumstances as identified in Paragraph 55 of the National Planning Policy Framework. The proposal fails to comply with the Policies GROWTH 5 and COM7 of the East Cambridgeshire Local Plan 2015, Policies LP1, LP3 and LP17 of the Submitted Local Plan 2017, and Paragraphs 14 and 55 of the National Planning Policy Framework, as it fails to promote sustainable development.
2. The erection of dwellings within this location, which comprises a predominantly open and rural setting, would create an intrusive urbanising impact upon the surrounding rural landscape, eroding the predominantly rural character of the countryside setting and detrimentally impacting views into and out of the village. The proposed development would create significant and demonstrable harm to the character and appearance to the area and is contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan, Policies LP22 and LP28 of the Submitted Local Plan 2017, and Paragraphs 14, 17 and 55-68 of the National Planning Policy Framework.

2.0 SUMMARY OF APPLICATION

- 2.1 Planning permission is being sought for the erection of 2No. detached single-storey dwellings and detached garages. The proposed dwellings are of an identical design to each other and their external surfaces would be finished predominantly with facing brick, soft wood timber cladding and slate roof tiles. Each of the proposed dwellings would individually have a total width of 27.9m and total depth of 23.7m, whilst measuring approximately 4.9m at the ridge and 2.2m at the eaves.
- 2.2 The site would be accessed via an existing vehicular access which serves the adjacent property to the north-west where a replacement dwelling has been constructed under planning permission reference 15/01601/FUL.
- 2.3 This planning application has been submitted following previous refusals of planning permission for 2No. dwellings and detached garages on the same site (planning application refs: 16/01363/FUL and 17/01223/FUL). This planning application has made amendments to the height, scale, layout and appearance of the dwelling for Plot 2 of planning application 17/01223/FUL, although the dwelling for Plot 3 remains the same as that which was proposed on planning application 17/01223/FUL.
- 2.4 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.**
- 2.5 This application has been called-in to Planning Committee by Councillor Rouse so that committee can look at the changes [from the previous applications] that the applicant thinks will now make it acceptable.

3.0 PLANNING HISTORY

3.1

17/01223/FUL	Erection of two detached dwellings	Refused	04.09.2017
16/01363/FUL	Erection of two detached dwellings	Refused	05.05.2017
15/01601/FUL	Demolition of existing bungalow and erection of new detached house and garage	Approved	17.05.2016
15/00561/FUL	Demolition of existing bungalow and erection of new detached house and	Approved	27.10.2015

garage

13/00315/FUL	Demolition of existing bungalow and construction of new dwelling and garage	Approved	11.07.2013
10/00653/FUL	Demolish existing bungalow and replace with new dwelling.	Refused	04.10.2010
10/00142/FUL	Demolish existing bungalow and replace with dwelling	Refused	16.04.2010
15/01601/DISB	To discharge Condition 3 ([Contamination] Materials) Part of 4 (Remedial Method Statement) of decision dated 19.05.2016 for the Demolition of existing bungalow and erection of new detached house and garage.	Discharged	31.07.2017

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is located outside the development envelope of Swaffham Bulbeck, in a predominantly rural location on the corner of the B1102 and Abbey Lane. The site is located adjacent to a dwelling which has been constructed to the north-west (a replacement dwelling approved by planning application 15/01601/FUL). A mature conifer hedge and trees surround the other boundaries of the site, including some trees which are subject to a Tree Preservation Order. The site includes land which was formerly a chalk quarry.

5.0 RESPONSES FROM CONSULTEES

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

5.2 Councillor Rouse, Vice-Chairman of Planning Committee – Requests application is called-in to Planning Committee so that Committee can look at the changes [from the previous applications] that the applicant thinks will now make it acceptable.

5.3 Ward Councillor – No Comments Received.

5.4 Swaffham Bulbeck Parish Council – Please see Parish Council comments below:

“The planning application 18/00737/FUL is the third application for the erection of two detached dwellings on this site. This slightly modified planning application for

two dwellings follows the refusal of the two previous applications on 4th September 2017 application 17/01223/FUL and 5th May 2017 application 16/01363/FUL. The Parish Council strongly objects to the planning application for the following reasons:

1. The application 15/01601/FUL, granting permission on 19th May 2016 for a new detached house and garage on the site of a demolished bungalow, was subject to additional conditions, including point 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any amending, revoking or re-enacting that Order), no structures shall be erected within the former pit which is to be levelled and landscaped and will form part of the curtilage of the dwelling. Reason: To safeguard the character and appearance of the area, in accordance with the policy ENV2 of the East Cambridgeshire Local Plan 2015. The current planning application 18/00737/FUL is on the former pit - which appears to have been levelled - and contravenes the condition above.

2. The new 5 bedroom detached house (16/01601/FUL), on the same site as the current application for two further dwellings, has been on the market for approximately 20 months. This indicates that there is not sufficient demand for houses of this type or size. Its construction intrudes significantly into open countryside and is visible from some distance and many parts of the village. The detailed Landscape and Visual Appraisal July 2017 document concludes that, although the modified plans for two further dwellings on this site have reduced the impact on the landscape by lowering the roof levels, there remains an intrusive visual impact. Further evidence that the site is in open countryside is demonstrated by the fact that the only immediate neighbour consulted as part of this planning process is the new 5 bedroom detached house for sale and owned by the same person applying for planning permission for two further detached dwellings! There are no other immediate neighbours because the site is in open countryside and outside the village settlement.

3. The site is both close to - and visible from - parts of the conservation area, the Grade 1 listed medieval abbey in Abbey Lane and Grade 11 listed houses in Commercial End. Commercial End retains the historical characteristics of the 17th century inland port. The buildings reflect the important industry of that time and include the former Merchants House, granary, malthouse, inns, shops, mill and workers' cottages. The site of this planning application which is outside the current village envelope, outside the village gateway and in open countryside would have a distinctly urbanising impact on this historically important location.

4. No archaeological dig appears to have taken place on the site.

5. Swaffham Bulbeck currently has plans in progress for approximately 80 new houses on three sites within the central area of the village and within village gateways. This contributes significantly to the demands of East Cambs Local Plan 2018. The village already has in excess of 20% of its current housing stock as bungalows and any additional new bungalows required will be included in the new building developments. 80 new houses in the village amounts to an increase of more than 20% of the current housing stock. 40% of new houses will be affordable and remaining market houses. Swaffham Bulbeck Community Land Trust is working closely with developers to create a housing scheme in the centre of the village which demonstrates a natural organic growth of the village. The erection of two

dwellings in open countryside would create an unnecessary urbanisation and intrusion on the surrounding rural landscape and is not required to fulfil housing needs.

6. Development at this site gives poor access to schools, post office and shop, church, play areas and public transport.

7. Section 14 of the application states that the last use of the site was a tip for inert waste and that the land is not contaminated. This is a contradiction - imported made ground was used to infill the pit and should be considered to be a potential source of contamination as it is an unknown material located within a non-natural setting. There is no confirmation that the tip was inert as it was not registered (confirmed within the Groundsure September 2013 report supplied by the applicant) and therefore no written confirmation can be provided to support the suggestion of the material being comprised of inert waste. In addition to this, supporting documents supplied by the applicant include details of Clean Soil Cover Update (Contaminated Land) dated April 2017, clearly acknowledges the potential presence of contaminated land within the site boundary. No supporting evidence has been provided to illustrate how the potential risk to groundwater from contamination will be prevented.

The Planning Statement May 2018 and Landscape and Visual Appraisal report July 2017, which accompany this application, are based in part on out of date and incomplete information.

To grant planning permission for additional houses, which are not required, would fly in the face of: the wishes of the village; East Cambs planning policies; and conditions previously set by East Cambridgeshire District Council. The Parish Council strongly objects to this planning application.”

- 5.5 Local Highways Authority - The access as shown on the plans is as per approved application 16/01601/FUL. No objections. However works has carried out works on the highway verge without permission or consent form the highways authority and the materials used are not to the highway authority's standards. Therefore this is not recognised by the highways authority as an existing access.

Recommended Conditions

- No gates to be erected across the vehicle access
- Access layout as per the approved drawings 01.2 with no unbound material within 5m of the highway
- Parking and turning

- 5.6 CCC Growth & Development (Archaeology) – “Records indicate that the site lies in an area of high archaeological potential, situated immediately south of an extensive cropmark complex of ring ditches and linear features (Cambridgeshire Historic Environment Record reference 06642) and to the south east of Grade I listed Swaffham Bulbeck Priory, a 13th century community of Benedictine nuns (National Heritage List for England reference 1165597, CHER ref 11931). Roman settlement (06654) is located to the north of the Priory and archaeological investigations to west of the proposed development area at Commercial End revealed evidence of

dense late medieval settlement-related activity (ECB4411). In addition, to the south-west is the Swaffham Bulbeck moated site, another Scheduled Ancient Monument (NHLE 1012622, CHER 01130) and a further earthwork evidence of the Shrunk Medieval Settlement (10129). Do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition.”

5.7 Waste Strategy (ECDC) –

- East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances and/or loose gravel/shingle driveways; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).
- Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.
- Each new property requires two bins; this contribution is currently set at £43 per property.
- Payment must be made in advance of bins being delivered; East Cambs District Council Account Number **43135897**, Sort Code **52-41-19**, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to waste@eastcambs.gov.uk detailing the payment amount and the planning reference number.

5.8 Trees Officer – Original comments received 5th July 2018, prior to receipt of an updated arboricultural report - “The Arboricultural report submitted with this application is dated October 2016 and as significant works have been undertaken the site, I require a revised Arboricultural report to consider this proposal.”

Comments received 19th July 2018, following receipt of an updated arboricultural report – “This proposal is for the development of two dwellings at a formal quarry site. In relation to the existing trees at the site an Arboricultural report has been submitted to support the proposal. I consider the information within it to be accurate and I support the information provided.

I have concerns this proposal will have a negative impact upon the landscape character of the area which would be in conflict with guidance within the local plan (ENV1: Landscape and settlement character).

As landscaping issues are major element of my concern, I advise you consider consulting with a landscape consultant to consider my comments and the information within the Landscape Impact Assessment.

If the application is to be approved, the Tree Protection Plan within Appendix 4 of the Arboricultural report dated 18th July 18 will be required to be implemented under condition of planning approval, to ensure the successful retention of trees at the site (Condition TR9A).”

- 5.9 Environmental Health – “This application is similar to the previous application, 17/01223/FUL. I refer you to my previous comments on this of 14th August 2017. The applicant has not supplied any additional information. For example, the Groundsure Property Search report dated 18th November 2015 which has again been submitted describes the old chalk pit as potentially infilled although the pit has been landfilled since then; and although the Clean Soil Cover Update (Contaminated Land) document refers to the requirement for a gas protection membrane in the adjacent property no information is supplied regarding the proposed new dwellings which may be at a greater risk from landfill gas as they would be situated on the landfill itself.”

Also, due to the proposed number of dwellings I would advise that construction times and deliveries during the construction phase are restricted to the following:

- 08:00 – 18:00 each day Monday – Friday
- 08:00 – 13:00 on Saturdays and
- None on Sundays or Bank Holidays

- 5.10 A site notice was displayed near the site and a press advert was published in the Cambridge Evening News, both on 21st June 2018. In addition, 2 neighbouring properties were directly notified by letter. 16 neighbour representations have been received and the responses are summarised below. A full copy of the responses are available on the Council’s website.

11 neighbour representations stating objections/concerns:

- Sited located within the countryside and contrary to Policy.
- Although a local development plan is not currently in force, this has been through two iterations and at no point has this land been included for development.
- Unsustainable location and a long distance from main settlements, shops, facilities and services.
- Not sustainable development:
 - Economic - this is not in the right place: it is too far from the village centre. Therefore, access will most likely be by motor vehicle, so this does not support the transition to a low-carbon future, and does not contribute to reducing pollution.
 - Social - no survey of local housing needs has identified the need for this type of housing this far from the village centre.
 - Environmental: this does not enhance the natural environment (it removes a local wild area thus leading to a net loss of bio-diversity, so does not contribute to conserving and enhancing the natural environment), the local built or historic (see above) environment.

- Does not promote sustainable forms of transport. Future residents will be reliant on motor vehicles.
- Landscape and visual impacts - The proposed development would create significant harm to the character and appearance of the area, create an urbanising impact and erode the rural character of the countryside setting and detrimentally impact views into and out of the village. Development would set a precedent for further development in the surrounding countryside. Contrary to Policies ENV1 and ENV2 and the NPPF. One of the charms of this village is that it has little frontage on the main road. It is an unsuitable site for development as it ignores the long-established form of the village of Swaffham Bulbeck.
- The development has a direct effect on the rural setting of Commercial End as the development is in open countryside.
- Filling the whole of one side of Abbey Lane with houses constitutes 'ribbon development' of the kind now universally deplored by responsible planning authorities.
- The proposed development would create significant harm to wildlife habitat/biodiversity.
- Impact on highway safety - The application fails to provide sufficient details to demonstrate a safe access to the highway network. Required car movements would add to unsustainable volume of traffic on the road.
- Impact on Conservation Area - In spite of the slightly lowered roof lines, the proposed houses would have a detrimental impact on the historically valuable views of Commercial End [a conservation area] from the road.
- Previous reasons for refusal of planning application 16/01363/FUL still stand.
- There is no demand for large expensive houses such as these. A recent survey demonstrated that demand in the village is for affordable houses.
- Swaffham Bulbeck already has many upmarket houses, some of which have been created by joining two adjacent smaller domiciles to create a larger house, thus reducing the stock of smaller houses in the village.
- Residential amenity impacts
- Impacts the rural setting of the Grade 1 listed "The Abbey" on Abbey Lane.
- This is an historically important site with Grade 1 and 11 buildings in close proximity. The Landscape and Visual Appraisal submitted by the applicant in support of the current application concludes that, 'there remains an intrusive visual impact' from this proposed development.
- Contravention of condition on 15/01601/FUL Planning Approval - "no structures shall be erected within the former pit which is to be levelled and landscaped and will form part of the curtilage of the dwelling."
- Potential Site Contamination - The NHBC Standards (Part 4 Foundations, Chapter 4.1 Land Quality) state that "Assessment should be carried out by direct investigation and examination of the ground, supplemented where necessary by results of laboratory testing on samples obtained." In other words, actual physical analysis is required of the base ground under the 3 metres of infill to determine whether or not there is any contamination. Only a desk study has been carried out.
- During restoration of the site, all kinds of material was used to fill the clunch pit and therefore surprise housing can be considered on the site.

- Concerns that the proposed new buildings will be higher than the current hedge and tree line. The hedge line could in future be lowered and make the properties more visible.
- The applicant's Environmental Report makes it clear that the site is on soil with high leaching potential over a major aquifer (Section 6.8). The site is close (1.5km) to the Anglian Water Swaffham Prior bore-hole for extracting potable water. Therefore, the aquifer is vulnerable to operations at the proposed site. Although no records of licensed waste disposal on the site were found (sections 1 to 3 of the Environmental Report), the site has been used unofficially for tipping waste since 1886 (p13, section 1.6). The nature and potential toxicity of waste accumulated on the site before the recent infill, and consequently now buried under the infill, should have been determined with a view to assessing the risk of contaminating the major aquifer when potentially toxic substances are disturbed during any building work. The application contains no reference to any such investigation, therefore conclude that an investigation of this type has not been carried out. Therefore, there is a clear risk that building operations on the site may result in contamination of drinking water. The same objection to the development of this part of the site was clearly and fully set out as one of the reasons for rejecting planning application 16/01363/FUL.
- It makes no sense to build on a site full of decaying rubbish and, according to ECDC's own site inspection, on a site which is contaminated.
- The planning application for the new bungalow was conditional on no more planning applications on the site, as it was deemed to be a replacement for the older bungalow.
- Previous occupiers of the former bungalow on the adjacent land which has been replaced with a replacement dwelling were previously informed of stricter restrictions for a replacement dwelling by the Local Planning Authority. Consider it unbelievable that permission was given for the very imposing replacement dwelling on the adjacent land, and inconceivable that any further development on the site would be permitted.
- The Planning Supporting Statement is incorrect. This application is the third application for two dwellings on this site and not as implied the second. The first application, 16/01363/FUL was turned down by Planning Committee in May 2017 and the second, 17/01223/FUL, was recommended for refusal by a Planning Officer in September 2017.
- The current application is very similar to the last application which was refused. Nearly all the supporting reports and paperwork appear to be the same as submitted in support of the two previous applications which were both refused.

5 neighbour representations in support:

- Consider that this small scale development in Commercial End, which has a varied range of houses, is a good fit for the village and for Abbey Lane.
- As the site is surrounded by trees, it would be very attractive and cause no adverse impact on the village.
- It would help sustain the balance of eclectic housing in Commercial End as opposed to any dense urbanisation which would have a visual impact and be less in keeping with Abbey Lane and the surrounding area.
- The new homes would be unobtrusive, would not spoil the countryside character or dominate the skyline, which is currently dominated by a powerline.

- The ridge heights of the bungalows would be less than 5m, not having a negative impact on the neighbouring property, be visible from the village or block views into the village.
- Ward Councillor supported 2013 application for adjacent replacement dwelling with 5.5m high ridge. The trees and hedgerows, including those with TPO's, have since benefitted from a further 5 years growth. The landscape plan will ensure the privacy of new residents and no visual impact on surroundings.
- The new homes would satisfy the demand for modern, flexible, accessible and more spacious bungalows.
- The new homes would be closer to the shop and the bus stop than many of the existing properties in Commercial End, and equal distance or less to the recently approved 19 new dwellings in Swaffham Bulbeck.
- Hope that ECDC will give permission for two exceptional new homes, and thus end the 8 year debate about what to do with this unsightly blighted chalk pit that has been levelled and available for very sympathetic low density, unobtrusive small development.
- The proposed homes would benefit the area and improve this side of Commercial End.
- There will be no impact on the roads or access which will comply with Highways regulations.
- Pleased that someone is trying to turn the derelict chalk pit into something useful. Land would be put to good use.
- Many individuals in the village have expressed their support for small scale development of this site which has laid derelict and vulnerable for decades.
- Abbey Lane and the application site has previously had issues with fly tipping and it has attracted vandals, whilst being intimidating to walk by/along. Two bungalows would tidy up the lane, help stop antisocial behaviour and hardly be noticed.
- There have been a series of independent thorough field tests and the results were given to the Environmental Agency (EA) and the Council and there was nothing of any significance found to cause concern. Indeed people should be encouraged to note that the consultant's recommendation was to deploy a membrane but to reduce the proposed level of top soil which was deemed unnecessary.
- The appropriate U1 license was requested and verified by the EA a year before the commencement of work and the details were published on a public record accessible on the internet. Records were kept and submitted to the EA and ECDC. It should be noted that the requirement by the EA was to infill with inert material including bricks, glass, gravel, sand, concrete etc.
- The site is not in a conservation area and not even adjacent to a conservation area.
- Comments regarding visual impact into and out of the village are inaccurate and supported by the independent landscape survey and report.
- The people who have raised issues are at a considerable distance on the other side of the large field. The proposed bungalows will have a ridge height of less than 5m and will be naturally screened by a mature row of trees and large hedges some of which are protected by TPOs and those people should not see the bungalows. Even without any building the views stop at the trees as the type of foliage forms a natural screen.

- There are no odours from the site. No weight can be given to this as nobody has ever mentioned this.
- Fly-tipping – shortly after the current owner obtained the site he managed to stop fly tipping, and also paid licensed waste management fees for the removal of asbestos sheets, and copies of the documents are with ECDC.
- Before the infill of the chalk quarry the surface and base and sides were white chalk as evidenced in photographs, with some undergrowth. There was no evidence of any rubbish ever having been buried. The only landfill site on record in Swaffham Bulbeck is around 100m from the new housing estate on Heath Road, grid ref 556000/262300.
- The former bungalow had a cesspool system less than efficient and similar to ones that are still in use around the area, and it should be noted that permission was granted in 2013 to use the quarry floor as part of an eco sewerage and waste water system and no issues were raised by Anglian Water. The proposed new bungalows would have modern individual packaged sewerage treatment plants that exceed government standards.
- Reference to the Nitrate Vulnerability Zone (NVZ) of this site should be taken in context with the vulnerability of the entire area. It just means that as there are agricultural fields adjacent it is recognized that Nitrate fertilizers could be used nearby. Every house in the area is marked as an NVZ <https://www.gov.uk/guidance/nutrient-management-nitrate-vulnerable-zones#find-out-if-your-land-is-in-an-nvz> which is to be anticipated.
- When preparing the site, undergrowth and some self-propagating plants were collected into holding areas in the former quarry and burnt following established guidelines. There is a small remaining pile of undergrowth used as a barrier that has successfully stopped unauthorized access and further fly tipping in an area which is still vulnerable. This part of the site will be afforded further protected if permission is granted.
- Claims that there is no social mix of housing are unfounded. There has always been a variety of housing in Swaffham Bulbeck and this will continue. 19 new homes with a mix of commercial and affordable new homes has just been granted. Therefore, two larger versatile homes help to maintain the variety of homes and will be less obtrusive than higher density two story homes in this area.
- There are no issues with Access. The Access is half way along Abbey Lane where the original access has always been. There are no corners in close proximity, excellent sight lines and splay and joins the lane at a right angle. The former access on the corner of Abbey Lane and B1102 has been formally closed, and this is recognized in the application.
- There are no issues of surface water drainage.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density
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
- COM 7 Transport impact
- COM 8 Parking provision

6.2 Supplementary Planning Documents

- Developer Contributions and Planning Obligations
- Design Guide
- Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated
- Flood and Water

6.3 National Planning Policy Framework 2012

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 11 Conserving and enhancing the natural environment

6.4 Submitted Local Plan 2017

- LP1A presumption in Favour of Sustainable Development
- LP3 The Settlement Hierarchy and the Countryside
- LP16 Infrastructure to Support Growth
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network
- LP22 Achieving Design Excellence
- LP23 Water Efficiency
- LP24 Renewable and Low Carbon Energy Development
- LP25 Managing Water Resources and Flood Risk
- LP26 Pollution and Land Contamination
- LP27 Conserving and Enhancing Heritage Assets
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP30 Conserving and Enhancing Biodiversity and Geodiversity
- LP31 Development in the Countryside

7.0 PLANNING COMMENTS

7.1 The main issues to consider when determining this application relate to the principle of development and the impacts upon character and appearance of the area, contamination risks, ecology and trees, highway safety, residential amenity and archaeology.

7.2 Principle of Development

7.2.1 The application site is located outside of the established development framework. The development of the site for housing would therefore conflict with Policy GROWTH 2 of the East Cambridgeshire Local Plan which seeks to focus new

housing development within defined settlement boundaries. However as the Council cannot currently demonstrate a 5 year supply of housing land, Policy GROWTH 2 cannot be considered up to date in so far as it relates to the supply of housing land. In this situation, the presumption in favour of development set out in the National Planning Policy Framework (NPPF) means that permission for development should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted.

- 7.2.2 The application proposes the erection of 2 new dwellings on the site. Paragraph 55 of the National Planning Policy Framework (NPPF) states that local planning authorities should avoid new isolated homes in the countryside; this proposal also does not meet any of the exceptions detailed in that paragraph. In addition, Paragraph 35 encourages development to protect and exploit opportunities for sustainable transport.
- 7.2.3 This site is located 95 metres in distance from the nearest established development framework located to the north-west, and more than 0.4 miles in distanced from the established development framework for the main settlement of Swaffham Bulbeck where local shops and services are located. The site is considered to be isolated from the main settlement of Swaffham Bulbeck in a very rural location, with the closest local shop and pub located approximately 0.5 miles way from the site access and the closest primary school located 0.7 miles away from the site access. The isolation of the site from local services and facilities would weigh against the social dimension of sustainable development and would not accord with Paragraph 55 of the National Planning Policy Framework regarding the location of rural housing.
- 7.2.4 Although the site is relatively well connected to the main settlement of Swaffham Bulbeck by public footpath, given the distance of the site from the closest services and facilities within the main settlement of Swaffham Bulbeck, the occupiers of the proposed dwellings would be highly reliant on the car to gain access to services and facilities. This reliance on the private car would weigh against the environmental dimension of sustainable development and would not accord with Paragraph 35 of the National Planning Policy Framework. Furthermore, it would be contrary to Local Plan policy COM7 which requires that development is designed to reduce the need to travel, particularly by car, and to promote sustainable forms of transport.
- 7.2.5 For the purposes of assessing the proposal in relation to the presumption in favour of sustainable development, the site is therefore not considered to be in an environmentally or socially sustainable location. The proposal is therefore contrary to policies GROWTH5 and COM7 of the Local Plan and paragraphs 35 and 55 of the NPPF.
- 7.3 Character and appearance of the area
- 7.3.1 Policy ENV1 of the East Cambridgeshire Local Plan 2015 requires new development proposals to demonstrate that their location creates positive, complementary relationships with existing development and protects, conserves, and where possible enhances space between settlements and their wider landscape setting. Furthermore, Policy ENV2 of the East Cambridgeshire Local

Plan 2015 requires all new development proposals to respect the landscape of the surrounding area and ensure the location of buildings relates sympathetically to the surrounding area.

- 7.3.2 The site is located adjacent to 1No. existing residential dwelling which has recently been constructed. This dwelling was approved by planning permission as a replacement dwelling (planning permission reference 15/01601/FUL). Other than this dwelling, the next closest residential property to the site is located approximately 95 metres away, within the established development framework. The area surrounding the application site is predominantly rural in nature, mainly comprising open agricultural fields with a lack of built form. Other than the replacement dwelling which is currently under construction adjacent to the site, the site is isolated from any other built form.
- 7.3.3 The application is supported by a Landscape and Visual Appraisal which considers that the site will generally be perceived as part of the existing village setting and will not constitute development into 'open countryside'. However, this view is not agreed with by the case officer. The site is located directly adjacent to the B1102 which connects Swaffham Bulbeck and Swaffham Prior. The site is prominently visible from this public highway and forms a sensitive and distinctive countryside location, comprising a rural and undeveloped character and appearance which is characteristic of its location between settlements. The existing rural and undeveloped character and appearance of the site provides a positive contribution to the space between the settlements of Swaffham Bulbeck and Swaffham Prior. Despite the current application amending the heights, scale, layout and appearance of the proposed development from those which were refused under planning applications 16/01363/FUL and 17/01223/FUL; by virtue of its location and the lack of urban built form surrounding the site, it is still considered that the addition of residential dwellings in this location would create an intrusive urbanising impact upon the surrounding rural landscape, eroding the predominantly rural character of the countryside setting and detrimentally impacting views into and out of the village.
- 7.3.4 The Council's Trees Officer has stated that the proposed development will have a negative impact upon the landscape character of the area which would be in conflict with guidance within the local plan (ENV1: Landscape and settlement character). These comments support the case officers view regarding the detrimental landscape impact of the proposed development.
- 7.3.5 The submitted Landscape and Visual Appraisal concludes that the landscape effects of the proposed development would be 'slight'. However, this assessment relies on the boundary vegetation being retained and enhanced. The site benefits from screening by trees and hedging around its boundaries, including a tree belt protected by a Tree Preservation Order along the boundary of the site with Abbey Lane. There is also a tree belt protected by a Tree Preservation Order which is located outside of the site, along the front boundary of the neighbouring property, adjacent to the Abbey Lane. This tree belt provides additional screening of the site. However, the majority of trees and hedging surrounding the site are not afforded any form of protection and could be removed at any time. Little weight can therefore be afforded to the screening of the proposed dwellings from the existing trees and hedging, other than those along Abbey Lane which are subject to Tree Preservation Orders. It must be noted that even trees subject to Tree Preservation Orders can be

removed in time due to disease or age and therefore trees are not an acceptable means of making a development acceptable.

7.3.6 It is therefore considered that the erection of residential development in this location would cause significant and demonstrable harm to the rural character and appearance of the area, contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015, Policies LP22 and LP28 of the Submitted Local Plan 2017 and Paragraphs 14, 17 and 56-68 of the NPPF.

7.4 Contamination risks

7.4.1 Whilst considering a previous application on the site, the Local Planning Authority received a report that a significant amount of material was being brought onto the site and was being used to infill the redundant clunch pit. It was the intention of the applicant to use this area as garden land and the previous application made reference to the 'levelling off' of the pit. The Council's Scientific Officer, accompanied by a Planning Enforcement Officer, visited the site and confirmed that a large amount of material had been brought onto the site. It was unclear where this material had come from and whether it contained any potential contaminants. The applicant and his agent were subsequently advised to cease operations on site until further investigations were undertaken by the Council. At that time, concerns were raised by the Scientific Officer that the clunch pit was being infilled with waste, including brick, metal, glass, plastic, polythene, cardboard, wood, timber, concrete, fence posts, polystyrene packaging, foam insulation, tree roots, broken window frames, burned tree branches, empty mastic containers, etc., as well as miscellaneous domestic waste items. He also stated that there was also evidence of burning of waste on site. He was concerned that the waste could pose a risk to human health and the environment and has the potential to generate landfill gas which could present an explosion risk to any building on the site. As there is no basal liner there is a risk of pollution of the underlying chalk aquifer.

7.4.2 Previous applications were supported by a soil report including a Chemtest soil analysis and a full interpretive report. The full interpretive report concluded that the soil represented by the samples from across the application site would be considered a potential risk to human health in the context of the proposed end use, should they remain in situ as part of the development in an area of the site where exposure pathways to end users are active. The report went on to state that remedial measures may be required to break exposure pathways.

7.4.3 In connection with a previously approved planning application for a replacement dwelling on the site (planning permission ref: 15/01601/FUL), the Council commissioned an independent review (by EPS) regarding contamination which covered the current application site. EPS submitted a Technical Appraisal & Remedial Strategy was submitted and the Environment Agency appeared to be satisfied and the additional analysis carried out on behalf of the applicant can be dealt with via a relatively straightforward series of remedial control measures.

7.4.4 The Local Planning Authority has recently considered the information submitted by the applicant in respect of discharging contamination conditions (planning ref: 15/01601/DISB) relating to planning application 15/01601/FUL, which included the following documents:

- Report for Site at Abbey Lane Swaffham Bulbeck Cambridge CB25 0NQ (22nd March 2017)
- Topsoil Analysis Report - Bottisham Village College (21st February 2017)
- Enverity /Chemtest Test Certificate (31st January 2017)
- Soils Report - Andrew Firebrace Partnership Ltd (29th March 2017)

7.4.5 This information was reviewed by EPS, who has carried out the independent contamination review commissioned by the Council, and was considered acceptable. The contamination conditions relating to planning permission 15/01601/FUL have since been discharged in July 2017.

7.4.6 The Council's Scientific Officer has stated that, although the Clean Soil Cover Update (Contaminated Land) document refers to the requirement for a gas protection membrane in the adjacent property, no information is supplied regarding the proposed new dwellings which may be at a greater risk from landfill gas as they would be situated on the landfill itself. However, the contamination information which was discharged by the Local Planning Authority in respect of planning application 15/01601/FUL related to the whole of the current application site. Therefore, the contamination risks from the proposed development could be dealt with by strict planning conditions relating to contamination. This could involve protected pipework, foundations, gas membranes and bringing clean soil on to the site. If Members are minded to approve this application, it is considered reasonable, and in the public interest, to add on standard contaminated land conditions in order to ensure the long term protection of future residents of the proposed dwellings and the public.

7.4.6 Policy ENV9 requires applicants to submit an assessment of the extent of any contamination and possible risks where a site is known to be contaminated or there is reason to suspect contamination. It is considered that through the Local Planning Authority's previous request for an additional contaminated land assessment and the subsequent independent review, that this element of the policy has been adequately addressed. The use of planning conditions would ensure adequate reduction and management of impacts. The Local Planning Authority has also had regard to Paragraphs 109, 120 and 121 National Planning Policy Framework in respect of ensuring that the site is suitable for its new use and preventing new development from being put at unacceptable risk from or adversely affected by pollution.

7.5 Ecology and trees

7.5.1 The site is surrounded by a number of substantial boundary trees, some of which are the subject of Tree Preservation Orders. The arboricultural report originally submitted with this application was dated October 2016 and was therefore considered to be out of date, particularly as significant works have been undertaken within the vicinity of the site since then. However, an updated arboricultural report has since been received by the Local Planning Authority.

The updated arboricultural report relates to existing trees on the site and has been reviewed by the Council's Tree Officer, who considers the report to be accurate and

supports the information within it. The Council's Trees Officer has advised that if the application is to be approved, the Tree Protection Plan within Appendix 4 of the Arboricultural report dated 18th July 18 will be required to be implemented under condition of planning approval, to ensure the successful retention of trees at the site. This view is supported by the case officer.

- 7.5.2 Biodiversity improvements could be achieved through planning conditions.
- 7.5.3 It is therefore considered that the proposed development would accord with Policy ENV7 of the East Cambridgeshire Local Plan and Policy LP30 of the Submitted Local Plan 2017 in respect of its impact upon ecology and trees.
- 7.6 Highway safety and parking
 - 7.6.1 Policy COM8 requires new residential dwellings in non-town centre locations to provide adequate parking provision for 2 cars. The proposal demonstrates that 2 car parking spaces can be accommodated within the site, in accord with Policy COM8 of the Local Plan.
 - 7.6.2 Policy COM7 of the East Cambridgeshire Local Plan 2015 requires new development proposals to provide safe and convenient access to the highway network. The proposed shared use access measures more than 5m in width which would allow 2 vehicles to pass safely, without creating vehicular conflict when entering and exiting the site. In addition, inter-vehicular visibility splay information has been submitted with this application which is considered acceptable. The Local Highways Authority has no objection to this application. The application is therefore considered to be acceptable in respect of highway safety impacts.
 - 7.6.3 Any existing works which have been carried out to the highway verge without highway consent is a matter for the Local Highway Authority to deal with outside of the scope of this planning application.
- 7.7 Residential Amenity
 - 7.7.1 The proposed dwellings would not create any significant detrimental impacts upon residential amenity on any nearby/neighbouring properties due to the significant separation distances between them. In addition, the proposed dwellings would both benefit from generous plot sizes and amenity space for future occupiers. The proposed development is therefore accords with Policy ENV2 of the East Cambridgeshire Local Plan 2015 and Policy LP22 of the Submitted Local Plan 2017 in respect of residential amenity.
- 7.8 Archaeology
 - 7.8.1 Cambridgeshire County Council Archaeology has recommended that a condition be appended to any grant of planning permission requiring an archaeological investigation to be carried out and approved by the Local Planning Authority prior to any development commencing due to the likelihood of archaeological finds. Due to the high potential for archaeological finds, it is considered reasonable that a similar condition should be appended to any grant of planning permission for this planning application.

- 7.9 Other matters
- 7.9.1 Due to the significant distance of the proposed dwellings from the nearest listed buildings and conservation area, the proposed development would not cause any harm to these heritage assets.
- 7.9.2 There are no planning policy requirements for affordable housing and housing mix for a development of this size.
- 7.9.3 Any lack of market demand for the substantially constructed replacement dwelling is not a material planning consideration which can be assessed as part of this application.
- 7.9.4 The application site is located within Flood Zone 1 where the principle of development is considered acceptable in flood risk terms. The application states that foul water would be disposed into the mains sewer and surface water could be dealt with via soakaways. Drainage details could be secured by planning condition.
- 7.9.5 Although planning permission 15/01601/FUL for the adjacent replacement dwelling included a condition removing permitted development rights for additional structures within the former pit, this is not a reason in itself to refuse planning permission as each application must be considered on its own individual merits.
- 7.9.6 The submitted garage plans are incomplete. However, plans showing full details of the garages could be conditioned.
- 8.0 Planning balance
- 8.1 The proposal would provide the following benefits: the provision of an additional 2 residential dwellings to the district's housing stock which would be built to modern, sustainable building standards and the positive contribution to the local and wider economy in the short term through construction work.
- 8.2 However, it is considered that these benefits would be outweighed by the significant and demonstrable harm that would be caused by; the siting of the proposed dwellings in an unsustainable location, the increasing reliance on the private car to gain access to services and facilities and the detrimental urbanising impact upon the surrounding rural landscape.
- 8.3 In conclusion, this proposal is contrary to Policies GROWTH5, ENV1, ENV2 and COM7 of the East Cambridgeshire Local Plan 2015, policies LP1, LP17, LP22 and LP28 of the Submitted Local Plan 2017, and guidance set out within the National Planning Policy Framework.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00737/FUL	Richard Fitzjohn Room No. 011 The Grange	Richard Fitzjohn Planning Officer 01353 665555

17/01223/FUL
16/01363/FUL
15/01601/FUL
15/00561/FUL
13/00315/FUL
10/00653/FUL
10/00142/FUL

Ely

richard.fitzjohn@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>