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**MAIN CASE**

**Reference No:** 14/00017/FUM

**Proposal:** Erection of 16 affordable housing units

**Site Address:** Land To North East Of 5 Back Lane Littleport Cambridgeshire

**Applicant:** A J Lee Developments Ltd

**Case Officer:** Julie Barrow, Senior Planning Officer

**Parish:** Littleport

**Ward:** Littleport East  
Ward Councillor/s: Councillor David Ambrose-Smith  
Councillor Jo Webber

**Date Received:** 6 January 2014      **Expiry Date:** 30 March 2016 (TBC)

[Q208]

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1.0 **RECOMMENDATION**

- 1.1 Members are requested to note the additional work that has been carried out in respect of the condition and capacity of Back Lane and confirm that the final approval to the draft Conditions remains delegated to the Planning Manager in consultation with the Chairman of the Planning Committee.
- 1.2 Members are requested to note that the applicant now owns the section of Back Lane leading to the development site.
- 1.3 Members are requested to consider the under provision of public open space and whether they wish to confirm the resolution to grant planning permission without securing the off-site contribution in lieu.
- 1.4 Members are requested to note that the definition of 'affordable housing' has not yet changed and that the inclusion of an element of Starter Homes within the S106 Agreement would be premature. Any change in legislation could be dealt with as an application to vary the S106 Agreement at a later date.

2.0 **SUMMARY OF APPLICATION**

- 2.1 This application was considered previously by Planning Committee on July 16 2014 and December 03 2014. Copies of the Committee Reports are attached as Appendix 1 and Appendix 2. At the December 2014 Committee, Members considered a proposal for 16 affordable dwellings with access from Back Lane, in

the form of a cul-de-sac. Members resolved to approve the application and that appropriate conditions be delegated to the Planning Manager in consultation with the Chairman of the Planning Committee.

2.2 A number of issues have arisen since the resolution to approve the application in relation to the use and ownership of Back Lane, the amount of public open space being provided and the definition of 'affordable housing'. The application is therefore being presented to Planning Committee again as an update on certain matters and to request that a further resolution be made in connection with the determination of the application.

2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

### 3.0 PLANNING HISTORY

3.1 No relevant planning history.

### 4.0 The Planning Policy Context

4.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
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
HOU 4	Affordable housing exception sites
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 5	Carbon offsetting
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision

4.2 Supplementary Planning Documents

Design Guide

4.3 National Planning Policy Framework 2012

3 Supporting a prosperous rural economy

4 Promoting sustainable transport

## 5.0 PLANNING COMMENTS

5.1 The main issues to report to Members are;

- Condition and capacity of Back Lane
- Ownership of Back Lane
- Public Open Space
- Definition of Affordable Housing

5.2 Condition and capacity of Back Lane

5.2.1 At the 3 December 2015 Planning Committee the Case Officer for the application at the time made a recommendation of refusal based on the objection made by the Local Highway Authority. Back Lane was considered to be substandard in width, with the proposed upgrading unsatisfactory for the increase in traffic generated by 16 new dwellings and the amenity and highway safety of existing, and future users of Back Lane.

5.2.2 Following the resolution to grant planning permission, contrary to the advice of the Local Highway Authority, the Council commissioned an independent Access Infrastructure Review. The Review concluded that the proposed infrastructure, whilst not ideal in pedestrian terms, is reasonably practical and could not be regarded as materially unsafe. The operation of the junction of Quay Hill and Station Road is considered to be satisfactory and safe and the limited level of additional trips generated is unlikely to have an adverse impact on safety in this location. Further information will be required in respect of drainage measures on Back Lane. It is considered that this can be required by way of condition and that levels are favourable in principle to achieve an appropriate drainage arrangement. Further details in relation to the construction specification will also be required and can be secured by condition. A number of planning conditions have been recommended by the consultant and the applicant has confirmed its agreement to these. The draft conditions proposed are attached as Appendix 3.

5.2.3 The findings of the independent consultant have been shared with representatives of the local residents and they have also confirmed their agreement to the measures proposed to improve the condition of the section of Back Lane that leads to the application site.

5.3 Ownership of Back Lane

5.3.1 Since the resolution to approve the application at Planning Committee in December 2014 the applicant has been in negotiations with the Environment Agency in relation to the ownership of Back Lane. The Environment Agency confirmed that it was the registered proprietor of Back Lane and acknowledged that it would therefore need to be a party to the S106 Agreement.

5.3.2 The applicant has recently secured the transfer of the section of Back Lane leading from the Quay Hill/Station Road junction to the application site. The Environment Agency will no longer be required to enter into the S106 Agreement and the change in legal ownership means that the relevant section of Back Lane is now within the control of the applicant. This negates the need for any Grampian style conditions in relation to the works required to Back Lane as detailed at 5.2 above.

## 5.4 Public Open Space

5.4.1. In order to secure the provision of the affordable dwellings the applicant agreed to enter into a S106 Agreement following the resolution to approve the application. During the course of the negotiations and discussions with the applicant and their agent in relation to various matters, including those referred to at 5.2 and 5.3 above, it was brought to the applicant's attention that an off-site financial contribution would be required in respect of an under provision of public open space within the site.

5.4.2 The Council's Developer Contribution SPD states that its preference is to secure on-site provision of new informal open space and play areas, in order to serve the needs of the new community and create an attractive living environment. However, where a site is too small for meaningful provision the Council will instead seek a financial contribution in lieu towards securing provision nearby or upgrading and extending existing provision. The scale of the contribution in lieu will be calculated according to the guidelines set out in the SPD.

5.4.3 The previous committee report (December 2014) highlighted the under provision of public open space, stating at paragraph 6.2:

*"The 650m<sup>2</sup> provision of open space on the north eastern boundary falls short of the guidance figure of 934m<sup>2</sup> requirement as outlined in the Supplementary Planning Guidance on Developer Contributions. Any shortfall could be met by a commuted sum".*

5.4.4 The applicant's agent disputes the fact that an off-site contribution in lieu is required, citing a meeting held with the previous Case Officer in which it was agreed to amend the proposal to 16 units. The applicant states that the location and quantum of public open space was also agreed at the meeting, and that this was subsequently incorporated into the scheme.

5.4.5 The off-site contribution in lieu has been calculated as being £19139 and an assessment of the amount of play provision and public open space within the parish of Littleport indicates that there is a shortfall. This sum would therefore make a significant contribution towards addressing this shortfall. Members are requested to note that the approval of the application without an off-site contribution in lieu would, in the absence of any evidence in relation to viability, set a precedent for similar proposals to under provide for public open space.

## 5.5 Definition of affordable housing

5.5.1 The definition of affordable housing is currently being debated through the Housing and Planning Bill. The Bill contains a provision to widen the definition of 'affordable housing' to include Starter Homes. There is also a provision to allow for regulations to be made that will set out the proportion of Starter Homes required on housing sites. At the time of writing the Bill has not yet received Royal Assent, therefore the definition of 'affordable housing' has not yet changed.

5.5.2 The applicant's agent has suggested that the provision of an element of Starter Homes within this scheme would assist with viability and help the Council meet its

Starter Homes target. The applicant is seeking to secure an element of Starter Homes on the development, which would be set out within the S106 Agreement alongside the tenure of the remainder of the units.

5.5.3 Given that the definition of 'affordable housing' has not yet been changed Officers consider that any agreement to vary the terms of the S106 Agreement is premature. Further amendments could be made to the Bill and should it receive Royal Assent in the coming months, an application could be made to vary the S106 Agreement if it was considered necessary.

5.6 Summary

5.6.1 Members are requested to note the additional work that has been carried out in respect of the condition and capacity of Back Lane and confirm that the final approval to the draft Conditions remains delegated to the Planning Manager in consultation with the Chairman of the Planning Committee.

5.6.2 Members are requested to note that the applicant now owns the section of Back Lane leading to the development site.

5.6.3 Members are requested to consider the under provision of public open space and whether they wish to confirm the resolution to grant planning permission without securing the off-site contribution in lieu.

5.6.4 Members are requested to note that the definition of 'affordable housing' has not yet changed and that the inclusion of an element of Starter Homes within the S106 Agreement would be premature. Any change in legislation could be dealt with as an application to vary the S106 Agreement at a later date.

6.0 APPENDICES

- 6.1 Appendix 1 – Committee Report July 2014
- Appendix 2 – Committee Report December 2014
- Appendix 3 – Draft conditions for works to Back Lane

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
14/00017/FUM	Julie Barrow Room No. 011 The Grange Ely	Julie Barrow Senior Planning Officer 01353 616307 julie.barrow@eastca mbs.gov.uk

National Planning Policy Framework -  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](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>