
MAIN CASE

Reference No: 16/01363/FUL

Proposal: Erection of two detached dwellings

Site Address: The Bungalow Abbey Lane Swaffham Bulbeck CB25 0NQ

Applicant: Ms Nicola Bartram

Case Officer: Richard Fitzjohn, Planning Officer

Parish: Swaffham Bulbeck

Ward: The Swaffhams

Ward Councillor/s: Councillor Allen Alderson

Date Received: 20 October 2016 **Expiry Date:** 10 May 2017

[R274]

1.0 RECOMMENDATION

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

1. The proposed dwellings are located within the countryside and, by virtue of its distance from the main settlement of Swaffham Bulbeck and other town/village centres, is 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 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 the character and appearance to the area and is contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan, and Paragraphs 14, 17 and 55-68 of the National Planning Policy Framework.

3. The application fails to provide inter-vehicular visibility splay information and therefore fails to provide sufficient details to demonstrate a safe access to the highway network, contrary to Policy COM7 of the East Cambridgeshire Local Plan 2015.

2.0 SUMMARY OF APPLICATION

- 2.1 Full planning permission is being sought for the erection of 2 detached dwellings and a detached outbuilding comprising a garage and annex / study. The proposed dwelling to Plot 1 would have a footprint of approximately 160 square metres, in addition to a main ridge height of 7.3m and an eaves height of 5.05m. The proposed garage and annex / study would be single-storey with a footprint of approximately 97 square metres. The proposed dwelling to Plot 2 would have a footprint of approximately 240 square metres, including an attached triple-bay garage. The site would be accessed via an existing vehicular access which serves the adjacent property to the north-west where a replacement dwelling approved by planning application 15/01601/FUL is currently under construction. The external walls and roofs of the development are proposed to be constructed of facing brickwork, weatherboarding and clay pantiles.
- 2.2 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.**
- 2.3 The application has been called in to Planning Committee by Councillor Mike Rouse in view of the lengthy process already been taken with the application and due to concerns over contamination.

3.0 PLANNING HISTORY

3.1

15/01601/DISB	To discharge Condition 3 (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.	Pending consideration	
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

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 is currently under construction 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. The site includes land which was formerly a chalk quarry.

5.0 RESPONSES FROM CONSULTEES

- 5.1 Swaffham Bulbeck Parish Council – The application site must be considered in light of the previous application for development of the site (planning application ref: 15/01601/FUL). The Parish Council believes it is wise and improper that the application be approved for the following reasons:

- (1) An expert opinion contained in the letter of 9th March 2016 from Peter Ord Scientific Officer, Environmental Health advises that the application “must be refused.” (Planning application 15/01601/FUL)
- (2) The fact that a permit to fill was not obtained before the quarry was filled in.
- (3) The unlined nature of the quarry, the question marks raised over the type of fill and possible risk for any nearby boreholes.

By allowing the initial application (planning application nref: 15/01601/FUL), a potentially damaging precedent has been created which may encourage other illegal and inadequate treatment of such sites elsewhere in the district. That damage would be further exacerbated if the current planning application (planning application ref: 16/01363/FUL) were to be approved for the land which is now scheduled as a landscaped garden. Rather than allowing a further change of use, the Parish Council question whether this garden land should be re-classified as contaminated land, as per the Environmental Protection Act 1990: Part 2a Contaminated Land Statutory Guidance.

In addition, the Parish Council believe the development of the former quarry site should be rejected because:

- (1) It would constitute development in the open countryside and make a significant intrusion into the open landscape.
- (2) The site is near both to the conservation area and to the Abbey, an important listed building.
- (3) An archaeological dig should have been undertaken in support of the application.
- (4) In sustainability terms, development at this location would give poor access to support facilities such as schools, shop, post office, public house, church, play areas, recreation ground and public transport.
- (5) The site was considered unsuitable for development in the Parish Council's 2004 village plan and also contradicts the revised plan that is now in draft form.

Unclear whether neighbouring residents have been consulted and urge this is done.

5.2 The Swaffhams Ward Councillor - No Comments Received.

5.3 Ward Councillor Mike Rouse – The application should be called in and decision taken by the committee in view of the lengthy process already been taken with it and concerns over contamination.

5.4 Cambridgeshire County Council Archaeology - Recommend a conditions is 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.

5.5 Local Highways Authority – Request a holding objection for the following reasons:

1. The application is not supported by sufficient highways information to demonstrate that the proposed development would not be prejudicial to the highway safety.

No inter-vehicular visibility splay information has been submitted with this application. The Highway Authority will require that suitable inter-vehicle visibility splays be provided for this development. In this case such splays will have to be 2.4m x 215m. The Highway Authority would be prepared to consider a reduction of these splays in line with the precepts of DMRB if empirical data in the form of a speed and volume count is provided by the applicant.

The application form states that no new or altered vehicle or pedestrian access is required in order to facilitate this development. However the existing single use access will have to be widened to a minimum of 5m in order to accommodate a shared use access and if as indicated on drawing BLOCK PLAN 01.2 there is an approved application and the access layout is the same and approved the requested information as above will still need to be submitted as this is a new application and all and any necessary highways information must be submitted as the stated approved application and access layout might not come forward and the access is not currently constructed.

The internal access road is not to an adoptable standard. Therefore we would not seek to or offer to adopt this as highway and provisions for refuge collects should be made within the designed.

Request amended drawings with the requested information are submitted to the Local Highway Authority prior to determination of the application.

Request an informative notifying the applicant that highway works will require the approval of the Local Highway Authority.

- 5.6 CCC Growth & Development – No comments received.
- 5.7 Trees Officer – A previous application for a single dwelling has been approved at this site. This approval required a discharge of conditions application in relation to the landscaping of the site that forms the proposed development. The landscaping in relation to the previous application was a fundamental element to the previous approval and as yet the landscaping condition has not been discharged. Objects to the application upon the basis that no landscaping proposal has been received regarding the approved development and therefore an accurate assessment of the impact of this development is not possible. Concerns raised that the proposal will have a negative impact upon the landscape character of the area which would be in conflict with Policy ENV1 of the Local Plan. The location is rural in nature and the proposal would impact the space between settlements and the wider landscape setting.
- 5.8 Environmental Health – Section 14 of the application form describes the last use of the site as a waste tip. No further information is supplied. The site was in use as a waste tip until earlier this year. This makes the site an unsuitable location for a sensitive end use such as residential development. Recommends that the application is refused.
- 5.9 Waste Strategy (ECDC) – East Cambs will not enter private property to collect waste or recycling, therefore it would be the responsibility of the Owners/residents to take 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 loose gravel/shingle driveways.

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, 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.

- 5.10 Neighbours - A site notice was displayed and one neighbouring property has been notified. An advert was also placed in the Cambridge Evening News on 3rd November 2016, advertising the application as a departure from planning policy. No representations have been received.

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
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 9	Pollution
ENV 14	Sites of archaeological interest
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

7.0 PLANNING COMMENTS

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

7.2 Principle of development

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.

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.

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.

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.

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

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.

The site is located adjacent to 1No. existing residential dwelling which is currently under construction. This dwelling was approved 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.

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 planning 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. By virtue of its location and the lack of urban built form surrounding the site, it is 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.

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.

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 and Paragraphs 14, 17 and 56-68 of the NPPF.

7.4 Ecology and trees

An Ecology Survey has been submitted as part of the planning application. The survey concludes that the proposed development will have no effect on the habitats of statutory designated sites as these are located more than 2km in distance from the site. The site habitats to be affected by the development are of low ecological value and no rare or protected habitats have been identified within the site. The report makes recommendations in terms of mitigation and enhancement measures to protect and enhance wildlife during and following the construction period, such as nesting bird checks and the provision of bird and bat boxes.

The Council's Tree Officer objects to the application upon the basis that no landscaping proposal has been received regarding the approved development and therefore an accurate assessment of the impact of this development is not possible. Concerns raised that the proposal will have a negative impact upon the landscape

character of the area which would be in conflict with Policy ENV1 of the Local Plan. The location is rural in nature and the proposal would impact the space between settlements and the wider landscape setting. However, the application is supported by an Arboricultural Impact Assessment which confirms that all trees within the site would be retained and protected in accordance with British Standard 5837:2012 during the construction phase.

It is therefore considered that the proposed development would accord with Policy ENV7 of the Local Plan in respect of impact upon ecology and trees.

7.5 Contamination risks

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 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

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.

The application is supported by a soil report prepared by Andrew Firebrace Partnership Limited which includes a Chemtest soil analysis and a full interpretive report prepared by Terragen Environmental Consultants Limited. The full interpretive report concludes 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 goes on to state that remedial measures may be required to break exposure pathways.

The Council's Environmental Health department has been consulted on the application and has stated that the site is an unsuitable location for residential development due to its previous use as a waste tip. For this reason, the Council's Environmental Health department has recommended that the application is refused.

In connection with the previous planning application for a replacement dwelling on the site, the Council commissioned an independent review (by EPS) regarding contamination. A Technical Appraisal & Remedial Strategy was submitted in connection with the previous application (planning permission reference:

15/001601/FUL). With regard to this previous application on the site, 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. The Local Planning Authority are currently considering the information submitted by the applicant in respect of discharging contamination conditions relating to this previous planning application. This information includes 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)

This information has now been reviewed by EPS who are carrying out the independent contamination review commissioned by the Council. From reviewing the response relating to the site from EPS dated 3rd April 2017, it is considered that the contamination risks 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.

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 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.

7.6 Highway safety

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.

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. However, no inter-vehicular visibility splay information has been submitted with this application. The Local Highways Authority has requested a holding objection as the application is not supported by sufficient highways information to demonstrate that the proposed development would not be prejudicial to the highway safety. A copy of this holding objection to the Local Highway Authority was emailed to the agent on 14th November 2016, however an amended plan has not been received which addresses this issue.

It is therefore considered that the application does not provide sufficient details to demonstrate that the proposed development would provide a safe access to the highway network and, for this reason, fails to accord with Policy COM7 of the Local Plan.

7.7 Residential amenity

The proposed dwellings would not create any significant detrimental impacts upon residential amenity. Plots 1 and 2 both provide sufficient amenity space for future occupiers of the proposed dwellings. The proposed development is therefore accords with Policy ENV2 of the Local Plan in respect of residential amenity.

7.8 Archaeology

Cambridgeshire County Council Archaeology recommend a condition is 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. This condition could be appended to any grant of planning permission.

7.9 Planning balance

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.

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. Furthermore, the proposal fails to demonstrate that the proposed development would provide a safe access to the highway network.

In conclusion, this proposal is contrary to Policies GROWTH5, ENV1, ENV2 and COM7 of the East Cambridgeshire Local Plan 2015 and guidance set out within the National Planning Policy Framework.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
16/01363/FUL	Richard Fitzjohn Room No. 011 The Grange	Richard Fitzjohn Planning Officer 01353 665555 richard.fitzjohn@ea
15/01601/DISB	Ely	stcambs.gov.uk
15/01601/FUL		
15/00561/FUL		
13/00315/FUL		
10/00653/FUL		
10/00142/FUL		

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>