
MAIN CASE

Reference No: 16/00849/FUM

Proposal: Proposed development of 10 affordable houses & 3 bungalows (Re-submission of refused application 15/01325/FUM)

Site Address: Land To Rear Of 1 To 7 Sutton Road Witchford
Cambridgeshire

Applicant: A J Lee Developments Ltd

Case Officer: Barbara Greengrass Senior Planning Officer

Parish: Witchford

Ward: Haddenham

Ward Councillor/s: Councillor Steve Cheetham
Councillor Mark Hugo
Councillor Stuart Smith

Date Received: 8 July 2016

Expiry Date: 24 December 2016

[R155]

1.0 **RECOMMENDATION**

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

1. The proposal would represent a cramped, unacceptable form of backland development contrary to policy ENV2 of the East Cambridgeshire Local Plan, the East Cambridgeshire Design Guide SPD and guidance within the National Planning Policy Framework Chapter 7 2012, which requires proposals to make efficient use of land whilst respecting the density and character of the surrounding area and ensure that the location, layout, scale, form and massing of buildings relates sympathetically to the surrounding area.
2. Policy HOU4 requires a site to be well related to a village which offers a range of services and facilities. The site is poorly related to Witchford in terms of distance from the centre of the village where the majority of goods and services are and it is considered that the proposal will therefore not enhance and contribute to the local community. The proposal therefore fails to comply with policy HOU4 of the East Cambridgeshire Local Plan 2015, and the National Planning Policy Framework.

3. Local Plan policy ENV 2 requires development proposals to comply with the RECAP Waste Management design Guide SPD. There has been insufficient allowance made for refuse collections to comply with the RECAP Waste Management Guide and the proposal is contrary to Local Plan policy ENV 2 in this regard.

2.0 **SUMMARY OF APPLICATION**

- 2.1 This full application seeks permission for the construction of 13 affordable dwellings on an exceptions site, in the form of 10 two storey houses and 3 bungalows. The mix provides for 10 two bedroom units and 3 three bedroom units. Access is via an existing agricultural access used as a public byway from Sutton Road. The byway would be widened to 5.5 metres and constructed to adoptable standards with provision of a 2m wide footway.
- 2.2 The dwellings front a cul de sac which runs through the centre of the site with provision of parking to the front and sides. The dwellings have a uniform and modern design comprising three single storey units to the rear of the properties fronting Sutton Road and 5 pairs of identical semi-detached dwellings. The former rise to 5.5m in height and the latter to 8m in height.
- 2.3 The application is accompanied by a Transport Statement and a Flood Risk Assessment.
- 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 brought before Committee at the discretion of the Planning Manager as the Planning Committee refused a previous planning application on the site for the erection of 14 affordable dwellings in the form of two storey houses. The reasons for refusal can be summarised as follows;
 1. Unacceptable form of backland development out of character with the surrounding area contrary to Policy ENV 2 and the Design Guide SPD.
 2. Close proximity to residential properties would be overbearing and the open ditch would be harmful to the residential amenities of the future occupiers contrary to Policy ENV 2 and the Design Guide SPD.
 3. The site is poorly related to the centre of Witchford where the majority of services and facilities are located contrary to Policy HOU 4.
 4. Insufficient allowance made for refuse collection to comply with the RECAP Waste Management Guide contrary to Policy ENV 2.

3.0 **PLANNING HISTORY**

3.1

15/01325/FUM	Proposed development of 14 affordable semi-detached houses (10 x 2-bed and 4 x 3-bed) including improvements to New Road	Refused	12.05.2016
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4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site comprises agricultural land which forms part of a larger field to the south of Sutton Road. The site is bordered to the north by dwellings fronting Sutton Road and by Public Byway along the eastern end of the site.

4.2 The site is relatively flat and is located on the southern edge of Witchford, on land just outside of the settlement boundary.

5.0 RESPONSES FROM CONSULTEES

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

5.2 Waste Strategy (ECDC) – initial comments - despite part of the development now being shown as adopted highway there is no indication of where residents would leave their bins and bags on collection days, this would need to be agreed before any collections would take place.

There are also concerns regarding the distance some residents would be expected to bring bins and bags – the RECAP Waste management design guide states that the maximum distance a resident should have to move a waste container from storage to collection point should be no more than 30 metres. ECDC would not be held responsible for any waste left within the development that is not adopted, or at any designated collection point that was not presented in the correct manner; any bulky or incorrect items would be the responsibility of the residents or any managing agents to remove and dispose of correctly.

Comments on amendments - Since the inception of the contract between ECDC and Veolia waste crews have never entered private land to collect waste and bins regardless of the information provided by the RECAP waste management design guide and this continues to be the case. ECDC waste calendars and the website states 'Where properties are accessed by private tracks or roads, the normal collection point would be where this meets the public highway.'

If the developers require waste collection by the Council then they will need to move the collection points adjacent to the adopted highway or extend the adopted highway into the development.

The other alternative would be to ensure that the unadopted part of the roadway is built to adopted highways standard and for the owners/managing agents to indemnify the Council/Veolia against any damage caused by the collection of waste & recycling on this road'

5.3 Senior Definitive Map Officer – no objection raised

5.4 Cambridgeshire Fire And Rescue Service - No Comments Received

- 5.5 Lead Local Flood Authority – no objection in principle to the proposal but drainage strategy needs updating to use the upper end of 40% for sensitivity analysis to assess the potential flood risk implications both on and off site in the critical duration design rainfall event. Condition recommended.
- 5.6 Environmental Health – recommend conditions for contamination and construction and delivery times.
- 5.7 Housing Section - This planning application is for 2 x 3 bedroom houses, 8 x 2 bedroom houses, 2 x 2 bedroom bungalows and 1 x 3 bedroom bungalow. The affordable housing tenure of each plot is not known but I would expect it to be a mix of affordable rented and shared ownership. Analysis of the Housing Register indicates that there are 25 applicants on the Housing Register with a local connection to Witchford. Of these 5 applicants require a 3 bedroom property, 8 applicants require a 2 bedroom property and 12 applicants require a 1 bedroom property. Therefore the mix of properties proposed does meet housing need. Additionally there is separate demand on the Help to Buy register from applicants seeking shared ownership accommodation. In accordance with policy HOU 3 of the East Cambridgeshire Local Plan a proportion of dwellings should be provided that are suitable or easily adaptable for occupation by the elderly or people with disabilities (Building Regulation M4(2)). Should consent be granted, I would request a s106 Agreement containing the following Affordable Housing provisions:
1. That the dwellings will be Affordable Housing in accordance with the definition contained in NPPF.
 2. That the dwellings will transfer to a provider of social housing approved by the Council, either a Private Registered Provider or an alternative affordable housing provider (including but not limited to a housing trust or company, a community land trust or an almshouses society).
 3. That the Provider will not dispose of any dwelling by outright sale (except any sale to a tenant under statutory provisions)
 4. That these affordable housing conditions shall be binding on successors in title, with exceptions for mortgagees in possession and protected tenants.
 5. That the owner of the affordable housing will enter into a nominations agreement with the Council governing the occupancy of the dwellings.
- 5.8 Cambridge Ramblers Association - No Comments Received
- 5.9 Cambridgeshire Archaeology – recommend archaeological condition.
- 5.10 The Ely Group Of Internal Drainage Board - No Comments Received.
- 5.11 Anglian Water Services Ltd - the sewage system has available capacity for these flows. The proposed method of surface water management does not relate to Anglian water assets so unable to comment.
- 5.12 Parish – object to this application. The development is too far from the centre of the village and village facilities. The Parish Council reiterates its previous statement that the County Council should assess the proposed vehicular access to and from the site at the junction with Sutton Road and along New Road, as well as provision for

vehicle movements within the development site. The Parish Council is concerned about the long term management of surface water drainage at this location.

5.13 Ward Councillors – Councillor Cheetham submitted the following comments;

I have received further planning objections from neighbours of this proposed development following the proposed amendments and I wish to add my support to these objections as follows:

1. The visibility splays at the junction of Main Street at the proposed vehicular access to the development on New Road Byway No7. It should be noted that the highways authority have listed a great number of conditions in relation to this proposed development.
2. The development is too far from the centre of the village. S55 of the National Planning Framework states 'housing should be located where it will enhance or maintain the vitality of rural communities', the location of this development does not comply.
3. The owner of a neighbouring property has raised concerns with the proposed development about possible damage to their property.
4. The positioning of the new dwellings would create a cramped form of development that would be odds with the general form and character of local development, consequently upsetting the existing settlement pattern. Furthermore, the proposal would not provide the neighbouring properties with a high quality environment, but would result in backland development with all its associated problems relating to noise, disturbance, loss of privacy and lack of amenity. The proposal therefore fails to comply with policy ENV2 of the East Cambridgeshire Local Plan 2015, the Design Guide SPD 2012 and the National Planning Policy Framework.
5. The original application of which there have been, minor changes was recommended for outright refusal by Witchford Parish Council as is this application.
6. The ECDC [planning committee refused the previous application for the reason listed below and the reason for refusal listed still apply to this amended development application.
 - a) "The proposal would represent a cramped, unacceptable form of back land development contrary to policy ENV2 of the East Cambridgeshire Local Plan, the East Cambridgeshire Design Guide SPD and guidance within the National Planning Policy Framework Chapter 7 2012, which requires proposals to make efficient use of land whilst respecting the density and character of the surrounding area and ensure that the location, layout, scale, form and massing of buildings relates sympathetically to the surrounding area." The resubmitted plan (although recognising that it has 1 house less) still occupies the same footprint and as such is still a cramped, unacceptable form of back land development.

b) “The proposed dwellings, by reason of their proximity to the existing dwellings along Sutton Road would be overbearing on the gardens and rear elevations of No1 to No7 Sutton Road. The open ditch to the east of the site is poorly positioned in relation to the design of the proposal and would impact on the residential amenity of future occupants, to an unacceptable level. The proposal therefore fails to comply with policy ENV2 of the East Cambridgeshire Local Plan 2015, the Design Guide SPD 2012 and the National Planning Policy Framework.” The ditches are still present on the plan and although the nearest houses to the ditches have been moved through 90°, they are none the less still open ditches that provide a source of stagnant water and insect infestation.

c) “Policy HOU4 requires a site to be well related to a village which offers a range of services and facilities. The site is poorly related to Witchford in terms of distance from the centre of the village where the majority of goods and services are and it is considered that the proposal will therefore not enhance and contribute to the local community. The proposal therefore fails to comply with policy HOU4 of the East Cambridgeshire Local Plan 2015, and the National Planning Policy Framework.” Local Plan policy ENV2 requires development proposals to comply with the RECAP Waste Management Design Guide SPD. There has been insufficient allowance made for refuse collections to comply with the RECAP Waste Management Guide and the proposal is contrary to Local Plan policy ENV2 in this regard.

- 5.14 Councillor Hugo – completely endorses the views of Councillor Cheetham.
- 5.15 Councillor Smith – also supports Councillor Cheetham and Councillor Hugo in their objection to the proposed development.
- 5.16 Local Highways Authority – no objection subject to conditions.
- 5.17 Neighbours – A site notice was posted, an advert was placed in the Cambridge Evening News and 21 neighbouring properties were notified and the 12 responses received summarised below. A full copy of the responses are available on the Council’s website.
 - Outside village envelope
 - Out of keeping with the village
 - Other sites are more suitable
 - Access is not suitable
 - Sets a precedent
 - Previous reasons for refusal have not been overcome
 - The highway boundary encroaches on land not owned by the applicant
 - Visibility cannot be achieved
 - Design not in keeping with the existing development
 - Backland form of development which is out of keeping with the existing linear pattern of development
 - Increased noise and light pollution
 - Greater risk of flooding to existing properties

- The local primary school is full
- Long term maintenance of the surface water drainage
- Affordable homes can be provided on other more suitable sites
- The byway should be left intact
- Vehicles park along Sutton road
- Subsidence
- Additional traffic causing danger to pedestrians
- Impact on the countryside
- The site is a long way from the village facilities
- Loss of residential amenity on neighbouring residents
- The open ditch remains a concern for young children and due to insects
- The waste collection areas are not practical and do not meet the distances for refuse collection
- Concerns about future maintenance of the Suds drainage system
- Safety of pedestrians within the site

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 4	Affordable housing exception sites
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

Design Guide
Developer Contributions and Planning Obligations
Flood and Water

6.3 National Planning Policy Framework 2012

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 10 Meeting the challenge of climate change, flooding and coastal change
- 11 Conserving and enhancing the natural environment

7.0 PLANNING COMMENTS

The main issues to consider in the determination of this application are:

- The principle of development
- Visual impact
- Residential amenity
- Access and highway safety
- Drainage and flood risk

7.1 **Principle of Development**

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

7.3 Policy GROWTH2 of the East Cambridgeshire Local Plan 2016 strictly controls development outside development envelopes. However certain exceptions are allowed under Policy GROWTH2, one of which is affordable housing schemes which are compliant with Policy HOU4.

Policy HOU4 allows for affordable housing exceptions sites and states that schemes may be permitted on sites outside settlement boundaries where the following criteria are met.

-There is an identified local need which cannot be met on available sites within the development envelope (including allocation sites), or sites which are part of community-led development.

-The site is well related to a village which offers a range of services and facilities, and there is good accessibility by foot/cycle to those facilities.

-No significant harm would be caused to the character or setting of the settlement and the surrounding countryside.

-The scale of the scheme is appropriate to the location and to the level of identified local affordable housing need.

-The scheme incorporates a range of dwelling sizes, types and tenures appropriate to the identified local need; and

-The affordable housing provided is made available to people in local housing need at an affordable cost for the life of the property.

- 7.4 These criteria will be addressed where relevant and consideration given to whether the previous reasons for refusal imposed by the Planning Committee have been overcome.
- 7.5 Witchford has no housing allocations in the Local Plan. The Housing Officer states that the analysis of the housing register indicates that there are 25 applicants on the Housing Register with a local connection to Witchford. Of these 5 applicants require a 3 bedroom property and 8 applicants require a 2 bedroom property so the mix of properties proposed does meet an identified local need. Only one other site in Witchford currently has outline planning consent with a reserved matters currently under consideration, for affordable housing provision (38 units), and that permission does not limit occupation to those with a local connection. The Housing Officer is therefore of the opinion that this site will make a valuable contribution to meeting current local housing need, for those with a connection to Witchford. A S106 agreement would be required to ensure the properties are affordable in perpetuity, and secure the nomination rights and tenure.
- 7.6 It is therefore accepted that there is an identified local need which cannot be met within the development envelope and that the mix and size of the provision accords with the requirements of Policy HOU 4.
- 7.7 In terms of criteria 2 of Policy HOU4, a number of comments have been made by local residents in respect of the site being well related to the village. This was also a concern of the Planning Committee when considering the previous application such that one of the reasons for refusal was as follows;
- “Policy HOU4 requires a site to be well related to a village which offers a range of services and facilities. This site is poorly related to Witchford in terms of distance from the centre of the village where the majority of goods and services are and it is considered that the proposal will therefore not enhance and contribute to the local community. The proposal therefore fails to comply with Policy HOU4 of the East Cambridgeshire Local Plan 2015 and the National Planning Policy Framework.”
- 7.8 The site adjoins the edge of the settlement boundary of Witchford at its western end and as Witchford village is somewhat elongated in shape this end of the village is removed somewhat from the main village hub which offers a range of services and facilities including the pub, the primary school, shop and village hall. Although the site is served by a footpath which links to the existing footpath on Sutton Road and is therefore accessible, it is nevertheless somewhat removed from the centre of the village where the main facilities are located. This reason for refusal has not been overcome.
- 8.0 Visual impact**
- 8.1 The visual impact is addressed by criteria 3 of Policy HOU4. Members were previously of the view that the previous development for 14 dwellings would be harmful in terms of visual impact and attached the following reason for refusal;

“The proposal would represent a cramped, unacceptable form of backland development contrary to policy ENV2 of the East Cambridgeshire Local Plan, the East Cambridgeshire Design Guide SPD and guidance within the National Planning Policy Framework Chapter 7 2012, which requires proposals to make efficient use of land whilst respecting the density and character of the surrounding area and ensure that the location, layout, scale, form and massing of buildings relates sympathetically to the surrounding area”.

- 8.2 Although the application has been amended to re-orientate the dwellings, to reduce the numbers by one unit and to provide for three bungalows, this would not make the development any less visually intrusive and would still provide an unacceptable form of backland development out of character with the existing pattern of development in this part of the village, which is predominantly frontage and linear in nature. This reason for refusal has therefore not been overcome.

9.0 Residential amenity

- 9.1 Policy ENV2 of the Local Plan requires development proposals to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that future occupiers enjoy high standards of amenity.
- 9.2 In determining the previous application the Planning Committee were concerned that the two storey dwellings would be overbearing on the residents fronting Sutton Road and that the dwellings were poorly positioned in front of the open ditch to the east of the site. As such the following reason for refusal was included;
- 9.3 “The proposed dwellings, by reason of their proximity to the existing dwellings along Sutton Road would be overbearing on the gardens and rear elevations of No1 to No7 Sutton Road. The open ditch to the east of the site is poorly positioned in relation to the design of the proposal and would impact on the residential amenity of future occupants, to an unacceptable level. The proposal therefore fails to comply with policy ENV2 of the East Cambridgeshire Local Plan 2015, the Design Guide SPD 2012 and the National Planning Policy Framework”.
- 9.4 The layout has been amended to substitute the two storey dwellings behind the properties on Sutton Road to the provision of 3 single storey units. These will be to a height of 5.5 metres set a distance of 9 metres and 5 metres from the site boundary where it adjoins the rear garden boundaries of the dwellings fronting Sutton Road.
- 9.5 It is considered that as the dwellings are single storey, there will not be an overbearing impact on the existing residents to the north. In addition, the layout has been re-designed to re-orientate and move the dwellings away from the open ditch. The layout plan shows provision of visitor parking spaces and garden adjacent to the ditch which is considered acceptable.
- 9.6 The layout indicates that sufficient amenity space, in accordance with the Design Guide SPD, can be provided for the future occupiers of the dwellings. There is also sufficient separation distance between the proposed dwellings on the northern boundary on Sutton Road.

- 9.7 Neighbours continue to raise concerns about loss of residential amenity due to general noise and disturbance and light pollution as the Highway Authority require street lights along the access road if the road is to be adopted.
- 9.8 However the issues relating to the ditch and the overbearing impact of two storey built form near the neighbouring properties are considered to overcome the previous reason for refusal. Noise and light pollution were not previously issues of concern raised by the Planning Committee. It is considered that no significant loss of residential amenity will occur and that this reason for refusal has been overcome.
- 10.0 Access and highway safety**
- 10.1 The County Highway Authority raise no objection to the provision of the upgraded access to a width of 5.5metres with a 2m wide footway and are satisfied that the required visibility can be achieved. Land ownership issues are private matters to be resolved by the applicant. The internal road layout is not to adoptable standards but the road to the turning head will be.
- 11.0 Flood risk and drainage**
- 11.1 The applicant has submitted a Flood Risk Assessment. As was shown on the previous application, the developer proposes a SUDS system which provides for a balancing pond and controlled flow to the south of the site. The Lead Local Flood Authority are satisfied that the attenuation and flow controls proposed would provide an acceptable surface water drainage scheme subject to submission of further details which could be dealt with by planning condition. A S106 agreement would be required to secure the provision of the scheme as the land is outside of the applicant's ownership and is not within the application site boundary.
- 12.0 Other material matters**
- 12.1 The fourth reason for refusal attached to the previous application by Planning Committee related to waste collections as follows;
- 12.2 "Local Plan policy ENV 2 requires development proposals to comply with the RECAP Waste Management design Guide SPD. There has been insufficient allowance made for refuse collections to comply with the RECAP Waste Management Guide and the proposal is contrary to Local Plan policy ENV 2 in this regard."
- 12.3 The applicant has submitted additional information and indicated on a revised plan the position of waste collection points, one within the site adjoining Plot 11 and one near the site entrance, both of which will be managed by the registered social housing provider. The applicant confirms that no homeowner will need to move waste more than 30 metres to a storage area and the collection crew will not have to move waste more than 25 metres. The waste would be collected by the refuse vehicle by reversing into the site entrance.
- 12.4 The updated response from the waste team states that the collection points would need to be adjacent to the adopted highway at the site entrance. This would result

in the residents of Plots 7 – 10 moving their waste in excess of 50 metres. This would therefore not overcome the previous reason for refusal.

- 12.5 In terms of ecology, the site has limited potential to support wildlife as it is agricultural land so there are considered to be no ecology issues. Should permission be granted however a condition would seek to secure biodiversity improvements.
- 12.6 Comments have been made by residents regarding the capacity of Rackham Primary School to accommodate more pupils. County Council have advised on the latest situation regarding school places. They confirm that the school has capacity for 315 pupils. The latest figures are from September 2015 when the pupil role was 312 and they forecast it to remain around the range 300-310 up until 2019/20. Data shows that of the 308 pupils on role in January 2015, 222 lived in the school catchment, the rest were outside of catchment.
- 12.7 County advise that developments in the area are expected to increase the primary aged population to around 280-295. Therefore the school should have capacity to admit all catchment pupils and still have some places for out-catchment options.
- 13.0 Planning balance**
- 13.1 The benefits of this development are the contribution it would make in terms of housing supply within the District as a whole as well as the economic benefits of construction and additional population to support local businesses, together with the much needed provision of affordable homes to meet an identified local need. These benefits attract significant weight in favour of the proposal in the planning balance.
- 13.2 However, it is considered that the significant and demonstrable harm set out above in relation to the location of the development would outweigh any benefits such that planning permission should be refused and that the previous reasons for refusal have not been overcome.
- 14.0 COSTS**
- 14.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 14.2 Unreasonable behaviour can be either procedural i.e. relating to the way a matter has been dealt with or substantive i.e. relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 14.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
16/00849/FUM	Barbara Greengrass Room No. 011	Barbara Greengrass Senior Planning Officer
15/01325/FUM	The Grange Ely	01353 665555 barbara.greengrass @eastcambs.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>