

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

2 April 2014

**AUTHOR/S:** Planning and New Communities Director

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**Application Number:** S/2312/13/FL

**Parish(es):** Swavesey

**Proposal:** Construction of 20 affordable dwellings.

**Site address:** Land to the North, Fen Drayton Road,  
Swavesey

**Applicant(s):** Mr Simon Somerville-large, Laragh House  
Developments Ltd

**Recommendation:** Delegated authority for officers to approve  
subject to completion of a S106 legal  
agreement securing contributions towards  
public open space, community facilities,  
waste receptacles, monitoring and legal  
fees and securing the houses as  
affordable dwellings.

**Key material considerations:** Principle of development; Affordable  
Housing; Design; Flood Risk; Landscape;  
Neighbour amenity; Highway safety and  
parking provision.

**Committee Site Visit:** Yes

**Departure Application:** No

**Presenting Officer:** Andrew Fillmore

**Application brought to Committee because:** Application of local interest

**Date by which decision due:** 5 February 2014

### **Planning History**

1. None

### **Planning Policies**

2. *National*
3. National Planning Policy Framework

4. *South Cambridgeshire LDF Core Strategy DPD, 2007*

ST/6 Group Villages

5. *Adopted Local Development Framework, Development Control Policies*

DP/1 Sustainable Development

DP/2 Design of New Development

DP/3 Development Criteria

DP/4 Infrastructure in New Developments

HG/1 Housing Density

HG/5 Exception Sites for Affordable Housing

SF/10 Outdoor Playspace, Informal Open Space, and New Developments

SF/11 Open Space Standards

NE/1 Energy Efficiency

NE/2 Renewable energy

NE/6 Biodiversity

TR/1 Planning for more Sustainable Travel

TR/2 Car and Cycle Parking Standards

6. *Supplementary Planning Document(s)*

District Design Guide SPD – Adopted March 2010

Trees and Development Sites SPD – Adopted March 2010

Biodiversity SPD – Adopted 2009

Landscape in New Developments SPD – Adopted March 2010

Affordable Housing SPD – Adopted March 2010

## **Consultations**

7. **Swavesey Parish Council** – Recommend approval. The Parish Council is aware of the objections and concerns raised by local residents relating to surface water drainage and flooding and would not wish to see the flood risk increased. The Parish Council would like to see the Environment Agency recommended conditions and informatives included in any permission.

The council would like to request the developers include improvements to the riparian owned ditches.

Concerns are expressed over the future management of the balancing pond, which is essential for the surface water drainage from the site – recommend a condition to this effect.

The Parish Council understands a S106 agreement will be put in place to ensure only those with a direct link to the village would be eligible for housing on the development.

The Parish Council is aware of a strongly expressed need for affordable housing in the village, with 60% of respondents supporting exception sites housing people associated with Swavesey.

The Parish Council also wishes to bring to your attention a further strongly expressed statistic from the 2008 parish plan that 99% of respondents want to retain the rural character of the village.

The Parish Council request the application be put to the District Councils Planning committee.

8. **CCC Highways (Transport Assessment Team)** – No objection subject to securing a revised travel plan and associated works.
9. **Environment Agency** – No objection, recommend conditions and informatives.
10. **Highways Authority** – No objection. Conditions to follow.
11. **Anglian Water** – The foul and surface water capacity is sufficient to accommodate the development, however a condition requiring a surface water drainage strategy is necessary.
12. **SCDC Environmental Health (contamination)** – No objection. Recommend a condition.
13. **SCDC Housing officer** - Support. Whilst this development cannot meet all of the identified need in Swavesey, the development will be able to provide 20 houses for applicants who have a local connection to Swavesey. The tenure and mix of dwellings is correct.
14. **SCDC Ecology Officer** - No objection. The assessment considers the impact upon a number of biodiversity issues; only the impact upon breeding birds and great crested newts has the potential to be significant if unmitigated. Recommend a condition requiring work is undertaken in accordance with the proposed mitigation measures.
15. **SCDC Landscape Officer** – No objection. Suggest the garden for plots 1 and 2 be enlarged and the applicant needs to indicate how the meadow is to be used/maintained. Recommend conditions.
16. **Police Architectural Liaison Officer** – No objection. Recommend a lighting scheme be conditioned

### **Representations**

17. 19 letters of representation have been received from local residents, 14 of which oppose the development, 3 support and 2 offer comments without expressing a view on the acceptability of the proposal.
18. All of the letters of objection express concerns over flooding, with other concerns raised including the impact on wildlife, loss of view, limitations in the schools capacity and the lack of need due to the planned development at Northstowe.
19. The letters of support state there is a need for affordable housing within the village.
20. The two further letters question whether the pond is capable of accommodating surface water run-off and who will be responsible for its maintenance.

### **Planning Comments**

21. The site is located to the north of Fen Drayton Road on the edge of the village of Swavesey and is currently used as grazing land. The site which extends to

approximately 1.3ha benefits from a single vehicular access point and is enclosed by a post and rail fence with vegetation planting to the southern (roadside) boundary.

22. Further agricultural/grazing land can be found to the north, west and south on the opposite side of the public highway, with residential development to the east off Moat Way and Gibraltar Lane.
23. The site lies partly within Flood Risk Zone 2 and is located outside of the village development framework.
24. The application proposal seeks full planning consent for the erection of 20 'affordable' dwellings comprising 4 x 1 bed (rent), 10 x 2 bed (6 rent and 4 shared equity), 5 x 3 bed (3 rent and 2 shared equity) and 1 x 4 bed for rent, along with associated works including access road, open space provision and balancing pond.

### **The principle of development on this site**

25. The NPPF advises that every effort should be made to identify and then meet the housing needs of an area, and respond positively to wider opportunities for growth. Paragraph 49 advises housing applications should be considered in the context of the presumption in favour of sustainable development, with paragraph 50 encouraging the delivery of a wide choice of high quality homes, widening opportunities for homes ownership and the creation of sustainable communities. Moreover paragraph 54 advises LPA's should respond to local circumstances and plan housing development to reflect local need, including through rural exception sites where appropriate.
26. The Development Plan comprises the Core Strategy Development Plan Document adopted January 2007 and Development Control Policies Development Plan adopted January 2007. Development control policy HG/5 allows for exception sites for 100% affordable housing where this meets an identified local housing need on small sites adjoining an existing village and subject to other criteria.
27. The adopted Affordable Housing SPD advises small scale rural exception sites range up to 20 dwellings and should not be greater than the level of local need identified.
28. The Housing Strategy and Development Team support the application advising the housing statistical information leaflet 2012 confirms there are approximately 45 applicants who have a local connection to Swavesey and are on the housing register. As such given the 100% affordable nature and size of the development (20 units), along with its location adjacent and with good access to a 'Group Village' the principle of development is supported subject to taking into account the land use considerations addressed below. All the units will be secured as 'affordable' in perpetuity through a Section 106 legal agreement.

### **Affordable Housing**

29. The following housing mix is proposed; 4 x 1 bed (rent), 10 x 2 bed (6 rent and 4 shared equity), 5 x 3 bed (3 rent and 2 shared equity) and 1 x 4 bed unit for rent which conforms to the 70/30 ratio between rented and shared ownership as detailed in the affordable housing SPD, and more importantly reflects the housing

need breakdown as detailed in the Housing Statistical Information Leaflet 2012. As such the development proposes an appropriate mix and tenure which will meet a local need.

30. The applicant has requested that Council agrees to the inclusion of a Mortgage in Possession (MIP) Clause within the S106 Agreement. This would be similar to that approved under planning reference S/2379/13/FL for 15 affordable dwellings in Orwell.
31. The Housing Association, Jephson, is to provide further information as to why a Mortgage in Possession (MIP) clause is required and Members will be updated at the meeting on this matter.
32. Officers recommend that the S.106 Agreement includes the provision for priority to be given to those with a direct link to the village but that if such persons are not available to take a vacant unit within [4] weeks of a relevant dwelling becoming available then there should be a cascade approach such that priority is then given to those with a direct link within a radius of [5] [10] [15] miles of the village, i.e officers recommend that in order to reduce the any apparent risks of a dwelling being left vacant for an unreasonable period of time the S.106 Agreement should not include provision which restricts occupation to only those with a direct link to the village.

### **Design**

33. The scheme incorporates many key principles of good urban design, including introducing a focal building at the site entrance (units 5 and 6), a well-defined, interesting and active street frontage with the use of varying materials, off-street car parking to the sides of the units and use of a stop feature in the form of a barn like building defining the end of the development.
34. The scheme achieves 13/20 when assessed against the Buildings for Life criteria, scoring highly on the 'Environment and Community' section but less so on the 'Construction' section partly due to a lack of detailed construction information. Overall the design of the scheme is considered of high quality and appropriate to its context.
35. The scheme exceeds the council's standards for the provision of outside private and public open space.

### **Flood Risk**

#### Surface water flooding

36. The surrounding area has been subject to surface water flooding, as is clearly evident in the representations received from local residents. The existing surface water drainage infrastructure amounts to ditches to the north and south of Fen Drayton Road, with these becoming waterlogged during periods of heavy rain due to the infrastructure being unable to deal with these events.
37. The scheme seeks to mitigate flood risk (on the application site) through steering surface water, for events of up to and including a 1:100 event, to an attenuation pond with this then draining in a controlled manner into the existing network. Subject to conditions this would prevent an increase, and actually result in a reduction in surface water run from the development site.

38. These mitigation measures would not however address the existing situation of localised surface water flooding affecting neighbouring properties. However this is not necessary for the development to be acceptable in planning terms and whilst concerns of local residents are understandable the development will not exacerbate the existing problem.
39. In addition to introducing an attenuation pond the developer has proposed to undertake clearance work, on a one off basis, to the ditches on the opposite side of Fen Drayton Road as a gesture of goodwill. These ditches lie outside the application site and this work cannot be secured by condition, nor is this necessary for the development to be acceptable in planning terms. As such no weight is attached to this in the decision making process.

#### Sequential test

40. The majority of the site is located in flood risk zone 2, and whilst this 'more vulnerable' use is appropriate in this flood zone the development is required to be sequentially tested. The application relates to an exceptions site for affordable housing, which by definition is only acceptable when located adjacent to the settlement where the identified need exists. The applicant has demonstrated there are no suitable alternative sites at lower risk of flooding which are 'reasonably' available and as such the development meets the requirements of this test.
41. The Environment Agency raises no objection to the scheme recommending a number of conditions.

#### **Landscape Impact**

42. Swavesey village is a concentrated settlement, with the exceptions of development along Ramper Road and Boxworth End, which is surrounded by open rural fenland landscape. The site is located along a key transport corridor and extends for a considerable distance (circa 200m) outside the defined village framework resulting in a harmful impact on the landscape character. The applicant has attempted to mitigate this through retaining/enhancing the vegetation along the sites boundaries and introducing a barn like building for the end unit (17-20) which provides a 'stop gap' at the village edge. Whilst these measures reduce the impact the development will have on the landscape, the proposal will nevertheless result in an identified harm. This harm is considered 'less than substantial'.
43. The council's landscape officer does not raise any objections to the proposal.

#### **Impact upon the amenity of the occupiers of neighbouring properties**

44. The proposed dwellings are located sufficient distance from the closest residential properties to avoid any material adverse impact through overbearing, shadowing or loss of privacy.

#### **Highway safety and parking provision**

45. CCC Highways raise no objection with appropriate visibility splays achieved, good pedestrian links to the existing footpath network and appropriate parking provision in accordance with adopted standards. Condition a revised Travel Plan is recommended, with further highways related conditions awaited.

## **Other considerations**

### Environmental Impact Assessment

46. The development falls within Schedule 2 part 10(b) [Urban development projects] of the Town and Country Planning (Environmental Impact) 2011 Regulations, and exceeds the threshold as set out in column 2 with the site area exceeding 0.5 hectares. The authority has 'screened' the development and concluded that the characteristics of the development are modest, the site lies outside of a sensitive area, and the characteristics of the potential impact are modest and predominately visual. As such the scheme is not EIA development.

### Ecology

47. The council's ecologist supports the recommendations as set out in the ecology report accompanying the application and recommends the proposed mitigation measures be conditioned.

### Other

48. The Council's Environmental Health (contamination) officer recommends securing submission of a desktop study and site investigation prior to commencement of development through condition.
49. No particular issues are raised with regards to Crime and Disorder, other than the Police Architectural Liaison officer recommending a lighting scheme be conditioned.
50. The applicant has agreed to pay the Council's standard contribution rates for public open space, community facility and refuse infrastructure provision which is to be secured through an appropriate legal agreement.

## **Conclusion**

51. In summary, there is a clearly defined and acute need for affordable housing provision in the local area which this scheme would contribute to addressing through the provision of 20 units of appropriate mix and tenure. Furthermore the application is of high quality design and acceptable in respect of flood risk and transport implications. As such, and on balance, the need for the affordable housing outweighs the identified harm to the landscape character.
52. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be granted in this instance.

## **Recommendation**

53. Delegated authority for officers to approve subject to completion of a S106 legal agreement securing contributions towards public open space, community facilities, waste receptacles, monitoring and legal fees and securing the houses in affordable use in perpetuity and subject to the following conditions –
54. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)

55. The development hereby permitted shall be carried out in accordance with the following approved plans: 'Location Plan' Drawing number '1000', 'Site Layout Roof Plan' Drawing number '11 Rev C', 'Proposed Site Access General Arrangements' Drawing number 'PL04', 'Site Layout Floor Plan' Drawing number '12 Rev B', 'Plot nos: 17-20 House Type 1B2P54 &56H Floor Plans', 'House Type 2B3P79H Plans and Elevations', 'House Type 3B5PH88H Plans and Elevations', 'House Type 4B6P111H &3B5P101H' and 'Site Sections' Drawing number 21 Rev A'

(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

56. Prior to the commencement of above ground works a plan indicating the positions, design, materials and type of boundary treatment to be erected shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment for each dwelling shall be completed before that dwelling is occupied in accordance with the approved details and shall thereafter be retained.

(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

57. Prior to the commencement of above ground works materials to be used in the construction of the external surfaces of the buildings hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

58. No buildings shall be occupied until a Travel Plan for all residents has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in accordance with the approved details.

(Reason - To reduce car dependency and to promote alternative modes of travel in accordance with Policy TR/3 of the adopted Local Development Framework 2007.)

59. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include Details for the construction of the pond and swale to connect overflows from the northern ditch along Fen Drayton Road to the attenuation pond, including calculations for the proposed storage requirements and discharge rates to the adopted sewage system. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority and maintained in accordance with the agreed details in perpetuity.

(Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)



60. Floor levels shall be set no lower than 7.0 meters above Ordnance Datum Newlyn (Reason: To protect the development from flooding in extreme circumstances.)
61. No development approved by this permission shall be commenced until:
- a) The application site has been subject to a detailed desk study and site walkover to be submitted to and approved by the Local Planning Authority.
  - b) Following approval of a), a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority.
  - c) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.
  - d) The works specified in the remediation method statement have been completed, and a validation report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.
  - e) If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this contamination should be agreed in writing by the Local Planning Authority. (Reason (a) - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007).
62. Prior to the commencement of above ground works full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock. (Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
63. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation. (Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
64. Prior to the first use hereby permitted a detailed scheme for the maintenance of the open space shall be submitted to and approved in writing by the Local

Planning Authority. The open space shall thereafter be maintained in accordance with the approved details.

The development hereby permitted shall be undertaken in full accordance with the details as set out in Section E Mitigation and Compensation of ecology report.

65. Prior to commencement of any development, a scheme for the provision and implementation of pollution control of the water environment, including surface water and foul water drainage, shall be submitted and agreed in writing with the Local Planning Authority. The works shall be constructed in full in accordance with the agreed details.

(Reason: To prevent the increased risk of pollution to the water environment and to provide a satisfactory method of drainage.)

## **Background Papers**

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website or elsewhere at which copies can be inspected.

- Nation Planning Policy Framework  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Local Development Framework, Development Control Policies, Adopted July 2007  
<http://www.scamb.gov.uk/content/local-development-framework>
- South Cambridgeshire Local Plan, Proposed Submission July 2013  
<http://www.scamb.gov.uk/localplan>

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