
MAIN CASE

Reference No: 13/01165/OUM

Proposal: Residential development incorporating a new access, strategic landscaping & public open space.

Site Address: Littleport Self Storage The Old Station Goods Yard Station Road Littleport Cambridgeshire

Applicant: Steven Layn (Holdings) Ltd

Case Officer: Andrew Phillips, Senior Planning Officer

Parish: Littleport

Ward: Littleport East

Ward Councillor/s: Councillor David Ambrose-Smith
Councillor Jo Webber

Date Received: 2 January 2014

Expiry Date: 12 March 2018

[S250]

1.0 **RECOMMENDATION**

1.1 Members are recommended to grant delegated approval to the Planning Manager, subject to the conditions below and the completion of a S106 Agreement.

- 1 Approved Plans
- 2 Reserved Matters
- 3 Reserved Matters Time Limit
- 4 Dwelling Limit
- 5 Surface Water Drainage Maintenance
- 6 Surface Water/Foul Water details
- 7 Site Characterisation
- 8 Reporting of unexpected contamination
- 9 Emergency Access
- 10 Noise Mitigation
- 11 Access Construction Details
- 12 Construction Environmental Management Plan
- 13 Ecology Details
- 14 Finished Floor Heights
- 15 Renewable Energy
- 16 Adoptable Standard Roads
- 17 Road Management
- 18 No drainage onto the public highway
- 19 Visibility Splays

2.0 SUMMARY OF APPLICATION

- 2.1 The application was validated on the 2 January 2014 to replace the extant planning permission (07/00486/OUM) in order to extend the time limit for implementation. This outline application benefited from the reserved matters consent of 11/00334/RMM for 39 dwellings.
- 2.2 However, the developer failed to implement the original outline consent in accordance with the approved details that has now made the original outline invalid. With the original outline no longer possible to implement the developer decided to refocus on the renewal of consent, which started in earnest in August 2016.
- 2.3 This renewal of the outline application is considered to be for up to 39 dwellings to link it to the previous applications. The only matter seeking to be confirmed at this stage is the means to access the site, which seeks to provide a new road connection point onto Station Road. With the site being approximately 1.1 hectares, this would give a maximum gross density of 35 dwellings per hectare (14.4 dwellings per acre).
- 2.4 The developer has amended the application between August 2016 and now to revise visibility splays, submit updated studies and for the viability of the site to be duly assessed.
- 2.5 With such a complicated and long history, this report will focus on comments and plans received on or after 3 August 2016. The developer is seeking a new S106 application for the proposal and not to tie this outline to the previous agreed reserved matters consent.
- 2.6 Cllr Joshua Schumann (Chair) confirmed that this application should be considered by the Planning Committee.
- 2.7 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

07/00486/OUM	Residential development incorporating a new access, strategic landscaping & public open space.	Approved	31.07.2008
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11/00334/RMM	Residential development	Approved	23.03.2012
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Relevant applications in the vicinity of the site

16/01729/F3M - Extension and improvements to Littleport Railway Station Car Park was approved 6 March 2017

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located within the village framework and is located near to Floodzones 2 and 3 (though is within Floodzone 1). The site is currently unused and could be described as derelict.

4.2 The railway line is located adjacent to the site (defines eastern boundary) and the River Great Ouse is located on the opposite side of the tracks. There is a ditch that runs along the northwest side of the site. Littleport Train Station is located to the north on the opposite side of the road.

5.0 RESPONSES FROM CONSULTEES

5.1 Littleport Parish Council – (24 February 2014) Raises concerns in regards to the 3 storey apartments that are considered to not be in keeping. The plans lacked details and the quality of the maps were poor.

(31 August 2016) It raises concern over highway access.

(13 December 2016) It states it is not qualified to pass comment on the additional information.

(21 February 2017) No concerns over proposal.

Littleport and Downham Internal Drainage Board – (17 February 2014) Site is just outside of its district. If the water drainage is discharged at greenfield run off rates, it has no objection

(5 September 2016) States that their comments from February 2014 remain the same.

(8 February 2017) Provides some corrections to the information submitted but states its original comments still apply.

Lead Local Flood Authority – (23 August 2016) it is unable to support the application for the following reasons:

- Based on old policy
- Use of public open space for drainage
- Expect to see a drainage sketch at least and preliminary hydraulic calculations

(4 October 2016) It removes its objection and seeks conditions in regards to surface water drainage and its maintenance.

(8 February 2017) No additional comments.

Anglian Water – (27 February 2014) States there are no assets owned by Anglian Water within the development site.

Raises concerns that surface water would overload the sewer system downstream.
Seeks a foul water condition.

Environment Agency – (11 February 2014) Does not consider the Flood Risk Assessment to be acceptable as it relies on out of date information.

The site is located entirely within Flood Zone 1 (low risk).

The Internal Drainage Board should be consulted.

Seeks conditions in regards to remediation strategy to prevent pollution to controlled waters and seeks a scheme of surface water management.

(15 September 2016) It objects to the proposal as the development has not considered all possible pathways of fluvial flooding onto the site.

Proposed development is within Floodzone 1 but needs to provide more information on what would happen if the Ely Ouse was overtopped and a failure of Penstock gate/sluice.

(13 February 2017) It removes its objection but seeks that proposed dwellings are at least 3.9m aOD. It also requests that conditions are added in regards to water voles and water quality.

Network Rail – (14 March 2014) The sites north east access point is owned by Network Rail. The developer will need to require rights from Network Rail in order to deliver the proposal.

The development must ensure any future maintenance can be conducted solely on the applicants land.

During construction a fail safe manner of working must be adopted in order to prevent any mechanical equipment falling within 3m of the nearest rail of the railway line or overhead electrical equipment (including supports).

Any earthwork/excavations within 10m of the railway fence should be submitted to and approved by the Local Planning Authority in consultation with the railway undertaker.

No drainage should be discharged onto the railway.

A 1.8m high trespass fence should be installed by the developer to create a double barrier between the proposal and the railway.

Train numbers/noise can change at any time without notification.

Any landscape must not damage or prevent maintenance of Network Rail property. It gives examples of suitable and unsuitable planting.

(31 August 2016) Requests that previous comments are referred to.

The previous comments state that part of the site is owned by Network Rail and the developer may require permission from itself and strongly advises that the developer contacts them prior to work beginning.

The developer will need to demonstrate that construction and long term maintenance can be done within its own land.

They also provide guidance on noise, drainage, fencing and landscape.

Local Highways Authority – (12 February 2014) The redline needs to be amended to include the visibility splays at the Station Road junction.

The Traffic Assessment is out of date and a new one should be requested.

The drawings submitted show a set back of 4.5m for the visibility splay. However, a 2.4m set back would be acceptable.

The sight lines shown on the submitted drawings of 76m looking north and 90m looking south are now outdated. A lesser sight distance would now be permitted in accordance with current guidance.

If the new estate road is to be adopted, then County Council will need to adopt the visibility splays part of which is controlled by Network Rail.

Seeks updated versions of the conditions that were added to 07/00486/OUM.

(12 February 2014) States again the need that visibility splays need to be re-assessed.

(12 September 2016) It states that the developer does appear to control sufficient land to provide adequate visibility splays. The visibility splays shown on SK07 are incorrect. These visibility splays should be to the back of footway edge with the verge and not the front of the footway/carriageway. This should be amended.

The Transport Assessment is out of date and should be updated.

No internal road layout has been provided and is therefore unable to comment on possible road adoption.

The Highways Authority cannot adopt public open spaces and SuDS should be adopted by public bodies.

The access appears to cross a water course/ditch. The applicant should be informed that any new/alterred structure over a ditch will require consent from the relevant body.

(30 November 2016) Has reviewed the designer's response to its objections and accepts the amended redline/plan and has no objection.

Requests standard Informatives.

(20 February 2018) It confirms that drawings SK07 A – April 2017 (access arrangement) and SK08 – April 2017 (redline plan) are acceptable.

East Cambridgeshire Access Group – (12 February 2014) Refer to comments on planning application 07/00486/OUM. The previous comments were:

“Welcome the provision of Lifetime Homes, which should be conditioned.”

Environmental (Scientific Officer) – (27 August 2014) Requests standard contaminated land conditions.

Environmental Health Officer – (25 February 2014) Requests an up to date noise assessment, which should include mitigation measures.

(23 September 2016) The noise report indicates that in order for internal noise levels to meet governmental guidelines they will need to be closed and occupants make use of acoustically treated trickle vents. Mechanical ventilation may also be required from a planning perspective.

Previously with this site there was information regarding an acoustic barrier. This may assist in reducing noise levels to the rooms on the ground floor but any bedrooms facing that discretion would require adequate mitigation. States that they are unsure if the barrier/fence is part of the current application.

Is seeking conditions.

(30 January 2017) No additional comments.

Housing Services – (13 February 2014) Should outline consent be granted requests a S106 Agreement to secure 30% affordable housing.

(26 May 2017) Is seeking 30% affordable housing on site with a tenure split of 70% rented and 30% shared ownership.

Is seeking a S106 Agreement.

Architectural Liaison Officer – (5 February 2014) In the past two years there have been 14 recorded crimes (the majority cycle and vehicle related). There has also been 26 calls of service over the same period. States it is something that should be considered in terms of layout of any development consisting of housing.

- 5.2 A press notice went out on the 6 February 2014 and a site notice was put up on the same day. 26 neighbours were directly consulted. Neighbours were reconsulted in November 2016.

36 Station Road – Commented in May 2014. Raises concerns in regards to highway safety, flats that would damage the amenity of nearby residential properties, harm to biodiversity (waterfowl) and contamination. Recommends that the site is used as a car park.

39B Station Road – Application has not been approved but works on trees have started. It looks like there might be potential issues in regards to drainage/standing water and access.

45 Station Road – Comments from February 2014 raised concerns over safe highway access, parking at the train station, drainage and ensuring the properties do not dwarf those of existing dwellings.

Concerned about the safety of the new entrance. Questions if there will be three storey properties near the entrance, as this would be overbearing to them. Drainage is a major concern to them but considers housing on this land to be acceptable in principle.

(updated comments) Still very concerned over the access into the site and traffic survey is outdated.

47 Station Road – Provided comments in February 2014. Stated they had no concerns on houses being built on the site but raises concerns in regards to highway safety.

Anglebay, The Moors, Lynn Road, Littleport – Commented in February 2014 and seeks the application to be refused. Raises concerns in regards to unsuitable access, site is more suitable for car parking from the train station, drainage could represent difficulties for sewage disposal and number/style of properties out of keeping with the local area.

Raises concerns in regards to access, over development of the site, refuse/recycle collection and planned changes to the station effecting transport movements.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
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 3	Affordable housing provision
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
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Developer Contributions
Design Guide
Ely Conservation Area
Cambridgeshire Flood and Water
Contaminated Land

- 6.3 National Planning Policy Framework 2012
Chapter 4 – Promoting Sustainable Transport
Chapter 5 – Supporting high quality communications infrastructure
Chapter 6 – Delivering a wide choice of high quality homes
Chapter 7 – Requiring good design
Chapter 8 – Promoting healthy communities
Chapter 10 – Meeting the challenge of climate change, flooding and coastal change
Chapter 11 – Conserving and enhancing the natural environment
Chapter 12 – Conserving and enhancing the historic environment.
- 6.4 Submitted Local Plan 2017
- LP1 A presumption in Favour of Sustainable Development
 - LP2 Level and Distribution of Growth
 - LP3 The Settlement Hierarchy and the Countryside
 - LP4 Green Belt
 - LP16 Infrastructure to Support Growth
 - LP17 Creating a Sustainable, Efficient and Resilient Transport Network
 - LP18 Improving Cycle Provision
 - LP20 Delivering Green Infrastructure, Trees and Woodland
 - LP21 Open Space, Sport and Recreational Facilities
 - LP22 Achieving Design Excellence
 - LP23 Water Efficiency
 - LP24 Renewable and Low Carbon Energy Development
 - LP25 Managing Water Resources and Flood Risk
 - LP26 Pollution and Land Contamination
 - LP27 Conserving and Enhancing Heritage Assets
 - LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
 - LP30 Conserving and Enhancing Biodiversity and Geodiversity
- Littleport 1 Littleport's Local Character and Facilities
Littleport 2 Infrastructure and Community Facilities
Littleport 3 Allocation Sites

7.0 PLANNING COMMENTS

7.1 Principle of Development

- 7.1.1 The National Planning Policy Framework promotes sustainable development and states at Paragraph 49 that new housing applications should be considered in the context of the presumption in favour of sustainable development. The Framework supports the delivery of a wide range of high quality homes. It specifically states at paragraph 14 that local planning authorities should normally approve planning applications for new development in sustainable locations that accord with the development plan or, where the development plan is absent, silent or relevant

policies are out of date, with the policies contained in the Framework; unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicate development should be restricted.

- 7.1.2 The adopted Local Plan aspires to deliver managed and sustainable growth over the plan period to 2036. For the rural areas the Local Plan seeks to deliver new housing in appropriate locations to meet local needs. In doing so, the Plan identifies those rural settlements where some new development within defined settlements will in principle be appropriate. These settlements are the subject of Vision Statements which set out the growth aspirations for each one.
- 7.1.3 The Council is currently preparing a replacement Local Plan covering the period from 2016 to 2036. At a meeting of Full Council held on 5th October 2017, Members considered an updated report on the latest draft of the emerging replacement Local Plan (the 'Proposed Submission Local Plan') accompanied by a Five Year Housing Land Supply Report. This report was agreed by the Council, which has established that East Cambridgeshire District now has a five year housing land supply; currently calculated to be 6.94 years. Consequently, Paragraphs 14 and 49 of the Framework are not engaged and the housing supply policies contained in the Local Plan are no longer considered to be out of date. Paragraph 11 of the Framework makes it clear that the Framework does not change the statutory status of the development plan as the starting point for decision making. The proposed development should therefore be determined in accordance with the development plan unless other material considerations indicate otherwise. The Framework is one such material consideration and should be taken into account. The proposed Local Plan has now been submitted to the Inspectorate.
- 7.1.4 Adopted policy GROWTH 2 and emerging policies LP1 and LP3 all seek to manage new development so that it takes place in sustainable locations. In respect of open market housing, these are considered to be within defined settlements where there is ready access to shops, services and facilities that meet the day to day needs of those communities. Policy GROWTH 2 states that the majority of development will be focused on the market towns of Ely, Soham and Littleport with more limited development taking place in villages which have a defined development envelope, thereby helping to support local services, shops and community needs. It then states that outside of these settlements new development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages.
- 7.2 The site is located within the village framework and is within close proximity to Littleport Train Station. Littleport has a significant amount of facilities and services and for this reason is one of the most sustainable settlements within the district and is where future development is being sought. The site has been allocated under the Submitted Local Plan for approximately 50 dwellings under policy Littleport 3.
- 7.3 It is considered that the proposal is in a sustainable location and for this reason is acceptable in principle. The other material considerations are covered below.
- 7.4 Residential Amenity

- 7.5 The site is located between one of the main roads into Littleport and a major railway line. There is significant concern over noise pollution, which was identified in the original planning application 07/00486/OUM where a condition was added to protect the future dwellings from noise pollution from the railway line.
- 7.6 Since this time noise issues have become increasing acute in the determination of planning applications, with several applications recently being determined at Planning Committee with concerns over the use of mechanical ventilation. The Council has recently successfully defended an appeal in regards to noise pollution and reliance on mechanical ventilation in Witchford (Land North of Field End, Appeal Ref: APP/V0510/W/17/3178635).
- 7.6 This site due to it being narrow and long following the railway line is almost certainly going to require mechanical ventilation in some form. Mechanical ventilation would overcome the noise concern but it is not common or desired with rural living. Policy LP26 of the Submitted Local Plan seeks to prevent the usage of mechanical ventilation in a rural district. With the constraints of the site it is considered reasonable to require mechanical ventilation and details of any vents by condition, as the developer is unlikely to be able to overcome the noise issue by design or reduction in dwelling numbers. The very thin nature of this specific allocated site is considered to be a very exceptional circumstance in order for a reasonable of much needed number of dwellings (with a suitable housing mix) to be provided. It should also be noted that the site is directly opposite a train station, which adds to the sustainability of the site.
- 7.7 In the reserved matters application it should be sought to avoid placing any of the main habitable room windows at 1st floor facing towards the railway line.
- 7.8 Contaminated land conditions and a Construction Environmental Management Plan condition can be added to ensure that the residential amenity of current and future residents is duly protected.
- 7.9 Any reserved matters application will need to consider layout carefully in order to ensure that suitable usable outdoor amenity space is provided, most likely by using the proposed dwellings as a barrier to the noise from the railway as previously proposed under the reserved matters application 11/00334/RMM. It is advised that a condition ensuring that the development is limited to up to 39 dwellings is included in order to ensure that any reserved matters application is a design led scheme.
- 7.10 A proposal of 50 dwellings (as currently allocated in the Submitted Plan) is more likely to provide a scheme of flats (1 to 2 bedrooms) with windows only facing westwards, with hallways and stairways being used to block noise from the railway line. This could create a problem of where the flats are only naturally lit during the afternoon/evening.
- 7.11 The noise from the railway line is of a great concern, as while it can be mitigated against it will likely involve urban techniques (mechanical ventilation). However, due to the constraints of this allocated site it is considered to comply with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP26 of the Submitted Local Plan 2017.

- 7.12 Visual Amenity
- 7.13 The nearby dwellings are a mix of styles but are mostly two storey properties. The proposal is seeking to create a cul-de-sac development by virtue of the site's dimensions. A cul-de-sac design would be a unique feature in this part of Littleport; but a linear line of dwellings facing, but set back from, Station Road is fairly common as can be seen to the northwest. In addition a reserved matters application submitted (11/00334/RMM) was for 39 dwellings in a cul-de-sac arrangement and considered to be acceptable in 2012.
- 7.14 It is expected that on site public open space will be provided but due to the constraints of this site it is likely to be small areas of informal open space only in order to prevent private amenity spaces having to be sacrificed as detailed above, this might limit future landscaping.
- 7.15 It is considered possible that a suitable design for potentially up to 39 dwellings could be achieved on the site that would be appropriate for the character of the area. Keeping the proposal at a maximum of 39 dwellings should prevent the need to raise building heights to fit additional properties in. 50 dwellings (as provisionally allocated in the Submitted Local Plan) would provide a density more akin to a town centre at 45 dwellings per hectare, which could be out of keeping with this edge of settlement location. This would be dealt with under any reserved matters application and any unsuitable design could be refused at this stage.
- 7.16 Highways, Railways and Parking
- 7.17 The Local Highways Authority has removed its objections to the proposal and access to this size development has previously been approved. It is considered that the proposal will have no detrimental impact upon highway safety; subject to suitable conditions in regards to closing the current access, visibility splays, drainage, road quality and ensuring the proposed access is constructed in a timely manner.
- 7.18 National Rail's comments are noted and accepted, the proposal should not have any detrimental impact upon the safe running of the railway, the Construction Environmental Management Plan should consider any potential impacts upon the railway line.
- 7.19 It is considered possible that each dwelling will have access to at least two parking spaces, secure/covered cycle spaces and that space is made available for visitors. It is also expected that a final design will accommodate space for secure cycle storage.
- 7.20 While the site might be preferred for additional parking for the Train Station this is not what has been submitted or proposed under the Submitted Local Plan. Littleport Train Station car park is currently being extended under planning application 16/01729/F3M.
- 7.21 The proposal is considered to comply with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.

- 7.22 Ecology
- 7.23 The Ecology Report October 2016 concludes:
“Due to the overall low value of the site’s habitat resource and the presence of a rail line that forms a barrier between the site and the River Great Ouse County Wildlife Site, no significant direct or indirect adverse impact on the integrity of the CWS as a result of the proposed development is anticipated to occur.”
- 7.24 The Ecology Report makes recommendations that can be duly conditioned if the application is approved. It will be expected at reserved matters that the design/landscape includes biodiversity enhancement measures.
- 7.25 There is no concern in respect of biodiversity over the proposal and the proposal is considered to comply with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and policy LP30 of the Submitted Local Plan 2017.
- 7.26 Flood Risk and Drainage
- 7.27 The site is not within an area of flood risk but is within close proximity to Floodzones 2 and 3. To the east of the site is the River Great Ouse.
- 7.28 The Environment Agency request several conditions (covering water quality, biodiversity and finished floor levels) that can be duly added, though these will need to be reworded to reflect comments made by other professionals.
- 7.29 The Lead Local Flood Authority seeks to add conditions regarding water drainage and management, these could be conditioned to any consent. In regards to long term management this is currently still being discussed as part of the S106 Agreement. The preference is for any SuDS scheme to be adopted by a public body but with public open spaces being potentially small, a public body might not be interested in taking them on. It will be expected that any SuDS scheme maintains Greenfield Run Off rates plus climate change allowance to prevent flooding on site or downstream.
- 7.30 The proposal if suitably conditioned will have no detrimental impact upon flood risk or surface water drainage; in the short term is likely to improve the current situation.
- 7.31 Foul water drainage can also be conditioned to ensure that it is dealt within an appropriate manner that will not lead to water pollution or human health issues.
- 7.32 The proposal is considered to comply with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and policy LP25 of the Submitted Local Plan, subject to conditions.
- 7.33 Affordable Housing
- 7.34 Policy LP6 of the Submitted Local Plan seeks 20% affordable housing in Littleport in order to bring forward affordable units without detrimentally harming viability. This

is the latest policy and is based on the most up to date evidence and is considered to hold more weight than the adopted policy HOU 3. The developer has argued that providing 20% affordable housing would make the scheme unviable and was previously only offering 10%.

- 7.35 The scheme has been independently assessed twice in order to ensure a suitable level of affordable housing was sought. The independent assessor stated on the 14 February 2018 that the development can provide 15-20% affordable housing provision on site. The case officer has stated to the developer that their starting point in the S106 negotiations is 15% provision on the basis of a 70% rented 30% shared ownership. If the developer was seeking a 50/50 split between rented and shared ownership then the starting point of negotiation would be 20% affordable housing provision. The developer has accepted the 15% affordable housing provision and will continue negotiation through the S106 process.
- 7.36 In regards to affordable housing the proposal is considered to comply with Policy LP6 subject to completion of a suitable S106 Agreement and technically through the viability process also complies with policy HOU 3.
- 7.37 Other Material Matters
- 7.38 The proposal is within Littleport where money raised through the Community Infrastructure Levy (CIL) can be used to improve schools, a separate education contribution is not necessary.
- 7.39 The developer will need to provide domestic bins and the cost of this can be secured through the S106 Agreement.
- 7.40 It is expected that at reserved matters stage that the developer will demonstrate how natural surveillance will be designed in to the scheme to reduce the risk of crime.
- 7.41 The reserved matters consent will need to cover the adaptability of the dwellings in the long term in order to cover people of different ages/disabilities in accordance with policy LP6 of the Submitted Local Plan. However, with the adopted policy HOU1 only seeking this on developments above 50 the weight of this requirement at a reserved matters stage is unlikely to be significant.
- 7.42 With the size of the site it is expected that the developer provides onsite renewable energy or additional in built energy saving methods in order to ensure that the dwellings are built above building regulations. This can be secured by way of a condition to ensure the proposal meets with policies ENV4 of the East Cambridgeshire Local Plan 2015 and policy LP24 of the Submitted Local Plan 2017.
- 7.43 Planning Balance
- 7.44 The proposal of up to 39 dwellings is on allocated site (under the Submitted Local Plan 2017 for approximately 50 dwellings) and has previously been approved for 39 dwellings (11/00334/RMM). While 55 dwellings would provide for more dwellings this is likely at the cost of residential amenity.

- 7.45 With the immediately adjacent railway it will be extremely difficult to design a development that does not rely on some form of mechanical ventilation. While this weighs against the application, in this very specific case an allowance will need to be provided in order to allow development on this site.
- 7.46 The proposal will provide a mix of dwellings and a suitable level of affordable dwellings; this will help provide much needed dwellings in the area in a very sustainable location.
- 7.47 It is considered on balance that the merits of the application outweigh the concerns and on this basis the application is recommended for approval subject to the suggested conditions and the completion of a S106 Agreement.

8.0 COSTS

- 8.1 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.
- 8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie 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.
- 8.3 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.
- 8.4 In this case Members' attention is particularly drawn to the following points:
- History of the site (though each application should be considered on its merits at the point of determination).
 - Site allocation under the submitted local plan
 - Noise pollution

9.0 APPENDICES

- 9.1 Appendix 1 – Recommend Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
13/01165/OUM	Andrew Phillips Room No. 011 The Grange	Andrew Phillips Senior Planning Officer

07/00486/OUM

Ely

01353 665555
andrew.phillips@ea
stcambs.gov.uk

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 13/01165/OUM Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
SK07	A	6 April 2017
SK08		6 April 2017

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.
- 2 Reason; The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall be begun before the expiration of 2 years from the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 The proposal is for up to 39 dwellings only.
- 4 Reason: The application has been considered on this basis and to ensure the maximum number is based on a design led approach.
- 5 Details for the long term maintenance arrangements for any parts of the surface water drainage system, which will not be adopted (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of any dwelling. The submitted details should identify runoff sub-catchments, SuDS components control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.
- 5 Reason: To ensure the satisfactory maintenance of unadopted drainage systems in accordance with the requirements of paragraphs 103 and 109 of the National Planning Policy Framework.
- 6 Prior to the commencement of any development, a scheme for the provision and implementation of foul and surface water drainage shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed

in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.

- 6 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and policy LP25 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
 - (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 7 Reason: 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 ENV9 of the East Cambridgeshire Local Plan 2015 and policy LP26 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 8 Reason: 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 ENV9 of the East Cambridgeshire Local Plan 2015 and policy LP26 of the Submitted Local Plan 2017.

- 9 Prior to the commencement of any development, details of the restriction to be imposed on the existing access to allow access for emergency vehicles only, shall be submitted and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details before the occupation of any of the dwellings.
- 9 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and policy LP17 of the Submitted Local Plan 2017.
- 10 A scheme for the mitigation of noise from the adjacent railway line and crossing, designed to protect the residential amenity within dwellings and external recreational areas, shall be submitted for the approval of the Local Planning Authority. The scheme shall include the predicted internal and external noise levels and their subsequent measurement as well as predicted air changes per hour. The details shall include any mechanical ventilation (or other types of intake fans and include operating noise) and passive vents/window details. The approved scheme shall be fully implemented before any of the dwellings are occupied and thereafter maintained in perpetuity.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP26 of the Submitted Local Plan 2017.
- 11 The access shall be constructed in accordance with drawing number SK07 Rev A prior to first occupation.
- 11 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and policy LP17 of the Submitted Local Plan 2017.
- 12 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, potential impacts on the adjacent railway line and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 12 Reason: To safeguard the residential amenity of neighbouring occupiers and general site safety, in accordance with policies ENV2 and COM7 of the East Cambridgeshire Local Plan 2015 and policies LP17 and LP22 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 13 The development shall be carried out in accordance with the recommendations within the Ecology Report Dated October 2016.

- 13 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and policy LP30 of the Submitted Local Plan 2017.
- 14 The finished ground floor heights of all dwellings must be at least 3.9 metres aOD.
- 14 Reason: To reduce the impacts/risk of flooding in extreme circumstances on future occupants, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and policy LP25 of the Submitted Local Plan.
- 15 Prior to or as part of the first reserved matters application, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 15 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and policy LP24 of the Submitted Local Plan 2017.
- 16 The highway shall be built to adoptable standards as defined by Cambridgeshire County Council Housing Estate Road Construction Specification (current at time of commencement of build) before the last dwelling is occupied.
- 16 Reason: To ensure that the highways end appearance is acceptable and to prevent the roads being left in a poor/unstable state, in accordance with policies COM7 and ENV2 of the East Cambridgeshire adopted Local Plan April 2015 and LP17 and LP22 of the Submitted Local Plan 2017.
- 17 No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.
- 17 Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 18 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 18 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015 and LP17, LP22 and LP30 of the Submitted Local Plan 2017.

- 19 Prior to first occupation visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan SK07 Rev A. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 19 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.