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**MAIN CASE**

**Reference No:** 18/00363/OUM

**Proposal:** Outline planning permission with all matters reserved except for access for the erection of up to 125 dwellings including affordable housing, land to be reserved for nursery use (Use Class D1), open space including an extension to the recreation ground, play areas, sustainability drainage features and associated infrastructure including foul sewage pumping station.

**Site Address:** Land Accessed Between 2 And 4 Fordham Road Isleham Cambridgeshire

**Applicant:** Bloor Homes Eastern

**Case Officer:** Andrew Phillips, Senior Planning Officer

**Parish:** Isleham

**Ward:** Isleham  
Ward Councillor/s: Councillor Derrick Beckett

**Date Received:** 19 March 2018      **Expiry Date:** 10 August 2018

[T70]

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1.0 **RECOMMENDATION**

1.1 Members are recommended to delegate approval of this application to the Planning Manager subject to the recommended conditions below that can read in full within Appendix 1 (with any minor changes delegated to the Planning Manager) and the completion of a S106 Agreement:

1. Approved Plans
2. Matters Reserved
3. Implementation Deadline
4. Water Drainage
5. Road Design
6. Road Maintenance
7. Archaeological Works
8. Construction Environmental Management Plan (CEMP)
9. Construction Time/Deliveries
10. Foul Water
11. Unexpected Contamination
12. Fire Hydrants
13. Masterplan details
14. Single Storey Dwelling Provision

- 15. Renewable Energy
- 16. Biodiversity Improvements
- 17. Temporary Amphibian Fencing
- 18. Broadband
- 19. Visibility Splays
- 20. Access Drainage
- 21. Access Details
- 22. Travel Plan
- 23. Phased Development

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application is an outline proposal that seeks detailed consent for access at this stage. If approved the details of appearance, landscape, layout and scale would need to be agreed during a reserved matters application. The proposal seeks consent for up to 125 dwellings, open space, extension to recreational ground, sustainable drainage, a foul water pumping station and land to be reserved for a children's nursery (Use Class D1).
- 2.2 Amendments have been received during the course of the application. The most significant amendment relates to the removal of the traffic calming along Fordham Road following comments from the Local Highways Authority, Case Officer and the Parish Council. This amendment also removed the cycle path.
- 2.3 The application has been brought before Planning Committee due to the Council's Constitution. 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

17/00738/SCREEN	SCREENING OPINION Residential Development	22.05.2017 Environmental Statement not required
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#### Relevant Adjacent/Close by applications

15/00629/OUM Erection of buildings to accommodate up to 4,160 square metres for B1, B2 and B8 uses and associated development on land allocated by Policy ISL6 of the adopted Local Plan, adjacent to Hall Barn Road Industrial Estate is still under consideration.

18/00467/OUT Outline application for residential development for 9 detached dwellings, with all matters reserved except access and scale was approved.

#### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located outside (though adjacent) of the village framework. The Isleham Recreation Ground is located to the east of the site. To the north and west are residential dwellings. To the southwest is the industrial units on Hall Barn Road and to the south is Fordham Road (30 mph speed limit) that this site proposes to connect onto.

#### 5.0 RESPONSES FROM CONSULTEES

5.1 The full responses are available on the Council's web site.

##### Isleham Parish Council – (10 April 2018)

Strongly objects to the proposal on the grounds of:

Size of development is too big for Isleham that would damage both its character and that of nearby villages. In particular:

- Increase of 20% housing stock.
- 200 – 300 additional cars.
- Fundamentally change the character of the recreation field.
- Central Government should take a regional approach into housing need.
- Larger villages/towns would better be able to accommodate this sized development.
- Village infrastructure will not cope and services are very limited.
- No public transport within the village apart for a dial a ride service.
- Significant increase in vehicles would compound the already dangerous local roads and access point including Hall Barn Road Industrial Site, Fordham Road, village of Fordham, Isleham Nature Reserve and Prickwillow Road. It also makes reference to the amount of potholes within the village.
- Utilities over stretched. Regular power cuts, low water pressure and areas having problem with sewage.

Objections/concerns relating to the outline application:

- Developer is wrong to state that there is capacity in the local schools and surgery.
- The increase in car movements will have a noticeable impact to other road users.
- Seeks a roundabout on Fordham Road into the development entrance and raises highway concerns.
- Seeks a speed reduction of 50mph along a stretch of Fordham Road.
- Need to ensure long term maintenance of all proposed roads.
- Seeks 3 parking spaces per dwelling.
- Seeks an access into/next to the land to be gifted to the Parish Council.
- Clarity needed for the access/parking arrangements for the early years facility.
- To prevent parking on the main Fordham Road we ask that a condition be included that the houses adjacent to Fordham Road should be constructed off a 'service road'.

- Seeks highway safety improvements to be made to the road/bridge layout of Fordham Road adjacent to the nature reserve.
- Seeks a legal agreement for the long term maintenance of trees and play areas.

In regards to layout/density:

- Primary need within the village is for small/affordable dwellings. Will be seeking additional numbers of smaller properties within any reserved matters.
- Existing residents should get priority for affordable dwellings.
- The proposed 6 bungalows is completely insufficient.
- To ensure privacy a minimum 5m border is expected around the entire site.
- Proposal should have a maximum height of 2 storey.

Other issues:

- Does not see how it supports growth and innovation (economic), accessible to local facilities/services (social) and enhances natural or historical environment (environmental). For these reasons proposal is not in line with the NPPF.
- Does not believe the developer has accurately reflected the tone of feedback to the site allocation (ISLH4).
- Lack of detail to the proposed number of new dwellings.
- Village is not right location to make shortfall of housing delivery.
- Wants the site slowly built out over 20 years, not 5 years to allow infrastructure to catch up.

(5 June 2018)

It continues to have concern regarding the efficiency and effectiveness of the proposed traffic calming measures. Seeks that a safety audit is secured as part of a S106 Agreement.

Points out there is at least three new developments along this part of Fordham Road; this will lead to at least 300 cars extra trying to access Fordham Road each day.

The proposed measures will result in:

- a significant build of traffic as vehicles enter/exit Fordham Road.
- excessive and unnecessary pollution from stationary vehicles.
- vehicles wishing to access other parts of the village using Hall Barn Road as a rat run.

Youth Football events will add to the traffic problems in the area.

It still seeks a roundabout entrance into the development site.

Seeks the road to be narrowed but is still wide enough for agricultural machinery. Seeks that the future safe access of construction vehicles is secured.

(17 July 2018)

In regards to the amendment received they have objections to the revised access arrangements and the indicative street scenes but has no concerns over the energy statement.

States:

“Re revised access arrangements:

The plans appear to indicate that the previously identified traffic calming methods have been withdrawn. Assuming that this is the case, we deem this retrograde proposal **completely unacceptable!**

This is a significant development of 120 houses and is also located next to two further new developments containing a further 20+ houses. With no public transport this will generate in the region of an additional 300 cars travelling into, out of and through our village.

Recent data from our own MVAS which is positioned immediately outside the entrance to this proposed development indicate that 57% of all vehicles travelling into our village drive in excess of the 30pm speed limit, with 30% of these vehicles travelling between 40 -90mph! We therefore have absolutely no doubts that additional traffic calming measures are required to ensure the safety of our residents.

**We continue to expect an official safety audit as part of a S.106 arrangement to be undertaken to ensure an effective solution to this issue. (see previous objections submitted 5.6.18)**

We would also urge Bloor homes to engage with the developers of the two other sites in this vicinity to find a common solution to this problem

Indicative street scenes:

We know from recent experience that Bloor homes pass over the responsibility for the grounds maintenance of communal land on their developments to external contractors, often without any consultation with residents. This has resulted in an extremely poor quality service with residents continually having to chase up the contractors. We would expect a condition attached to any approval, that Bloor Homes retain responsibility for the maintenance of all such areas.

Footpaths:

The indicative ‘character scenes’ identifies a number of footpaths running through Parish Land. Although we have no objection to the principle of such footpaths their current positioning is not deemed acceptable.”

Local Highways Authority – (23 February 2018) Places a holding objection due to lack of sufficient highways information to demonstrate that the proposed development would not impact highway safety.

The Road Safety Audit has not been completed and as such cannot determine if safe access can be achieved.

(25 May 2018)

States:

“After completion of the Road Safety Audit process the Highways Authority has no further objections in principal to this application

### **Additional Comments**

The inclusion of the Speed Reducing measures along Fordham Road have not been requested by the highways authority to facilitate this development but offered by the developer. It is my opinion that using the planning application process to consult the general public, residents and businesses in the local area is not sufficient to implement these changes on the road network and a further and additional consultation run by the Parish Council and the highways authority should be under taken. The full impact of these changes has not been and cannot be considered within this application as this will require a full feasibility study which is outside of the remit of the planning application process. It should be noted without this additional study that the impacts on the surrounding area e.g. rat running, congestion, noise etc ... cannot be ascertained.

Please note that there is a second application on Fordham Road for a new development site and junction, adjacent to the give way feature proposed within this application. Should both applications be permitted by ECDC then one and / or the other will require alterations to their planning permission and further Road Safety Audits and highways requirements may be required to be completed.

### **Recommended Conditions**

- HW2A – Prior to first occupation the internal roads, footways and cycleways are to be built to a minimum of binder course
- HW11A – Access layout and Highways Works to be constructed and installed as per drawing numbers PL01 Rev C & PL02 Rev D
- HW18A – Visibility splays to be provided at the junction with Fordham Road 2.4m x 43m either side of the junction
- HW22A – No private surface water to be discharged on the public highway”

(17/07/18) States “Amended access Drawing Number PL06 Rev A – shows the far northern “emergency / pedestrian access” as having a priority cycle route to the carriageway. The shown road markings and associated feature e.g. cyclist priority over pedestrians on the footway, is not acceptable also the corresponding worded annotations on the drawing does not match what is shown on this layout? However the location and width of this access point is suitable to serve all three functions. Therefore subject to the highway detail of this not being included in any permissions the planning authority is minded to grant I would have no objections.

The main highway vehicle junction layout is also acceptable as is the removal of the speed reducing features along Fordham Road. These speed reducing features are not required to facilitate this development and as such I have no objections at their removal.

Please include any and all relevant highway comments, informatives and recommended conditions from my previous responses plus the above to any permission that may be granted.”

Transport Assessment Team (County Council) –

Comments that the traffic surveys should not be done during school holidays. Clarification is needed on when the survey was undertaken.

States that the

“application as submitted does not include sufficient information to properly determine the highway impact of the proposed development. Were the above issues addressed the Highway Authority would reconsider the application.

CCC therefore requests that this application not be determined until such time as the additional information above has been submitted and reviewed.”

(9 July 2018)

States:

**“Background**

The document reviewed is the technical note, not dated for an application for 125 dwellings and a 60 place nursesey.

**Technical Note Review**

**Public Transport**

In consultation with the passenger transport team at Cambridgeshire County Council it has been decided not to seek any improvements to the bus infrastructure in Isleham due to the very limited bus service. A development of this size could not fund a new service and would not generate enough passengers to sustain an improved bus service.

**Base Traffic Conditions**

It is noted that there are a number of errors in the dates provided in the original transport assessment to support the application.

TPA have clarified the dates as follows –

ATC’s were installed between 10<sup>th</sup> June to 23<sup>rd</sup> June at the following locations –

- B1104 Mill Street – grid reference: X\_564277, Y\_274207;
- B1104 Pound Lane – grid reference: X\_564214, Y-274549; and
- The Causeway – grid reference: X\_564524, Y\_274392.

The dates for the ATC data in Appendix B has also been labelled wrong.

**Peak Hour Analysis**

The AM and PM peaks have been confirmed as 07.30-08.30 and 17.15-18.15, this is acceptable for use.

### **Travel Demand Generation**

TPA have accepted they cannot provide any evidence to demonstrate that 50% of trips to the nursery will be internalised and have therefore undertaken a sensitivity test which includes all the nursery vehicle trips. This does not result in any capacity issues on the network.

### **Highway Capacity Analysis**

The junction assessments have been checked and the proposed development will not have a severe impact on the highway network.

### **Conclusion**

The Transport Assessment Team does not wish to object to the proposal as submitted.”

NHS England – (10 April 2018) States that “there is one GP practice in the vicinity of the proposed development. The practice does not have sufficient capacity for the additional growth resulting from this development and cumulative development growth in the area.”

Seeks a contribution through the Community Infrastructure Levy (CIL) towards Staploe Medical Centre.

NHS England is not seeking to object to the proposed development.

Natural England – (29 March 2018) No comments to make on this application.

Designing Out Crime Officer (Police) – (4 April 2018) The area is within a low – medium risk of crime.

Supports the outline application but requests further consultation in regards to design, layout and lighting when available.

Requests that the developer complies with Secured by Design principles.

East Cambridgeshire Access Group – (4 April 2018) Welcome the provision of access of site near to the centre of the village for pedestrians and cyclists, which should be clearly labelled with tactile paving.

Looks forward to commenting when the further application(s) are made.

Lead Local Flood Authority – (10 April 2018) Have no objection in principle to the development but seeks a conditions regarding creation and maintenance of the surface water drainage systems.

Environment Agency – (20 April 2018) Application should only be approved if conditions are added to cover contamination, surface water and a landscape management plan.



Middle Fen and Mere Internal Drainage Board – (4 April 2018) Is outside of their district and recommends that the County Council is contacted.

Anglian Water – (24 April 2018) States:

That the “development is in the catchment of Isleham Water Recycling Centre that will have capacity for these flows”.

Seeks a condition regarding a foul water strategy to prevent unacceptable risk downstream.

The Local Planning Authority should seek the views of the Lead Local Flood Authority.

Housing Strategy and Enabling Manager – (5 April 2018) Seeks 30% affordable dwellings.

All new dwellings shall meet Building Regulations Part M (Volume 1), Category 2; unless there are exceptional design reasons why this is not possible.

The latest SHMA recommends 77% rented and 23% intermediate housing.

Provides guidance on S106 Agreement.

Historic England – (3 April 2018) Does not wish to comment but recommends that specialist conservation and archaeological is sought.

Historic Environment Team – (18 April 2018) Highlights the high archaeological potential on site and seeks a pre-commencement condition.

Defence Infrastructure Organisation – (18 April 2018) The MOD does not object to this application but wants to highlight that the development will be affected by noise from RAR Mildenhall and Lakenheath.

Recommends a conditions to ensure that properties meet a certain noise insulation standard with windows closed.

(25 April 2018) Want to ensure that future residents are adequately protected from noise that it will create.

Questions if when the developer’s noise survey was done if they recorded any low flying planes.

The development must consider and protect future residents from air traffic noise (including at night time).

(17 July 2018) States:

“Ultimately it is for the Local Planning Authority to determine the application as they see fit, however, given the distance of the site from RAF Lakenheath and RAF Mildenhall, the evidence presented in the submitted noise report and the proposed

mitigation measures the MoD has no objections to the proposed development subject to conditions to secure the proposed method of construction and noise mitigation for the dwellings as set out in the application documents and subject to an informative worded as follows;

Informative;

The developer and future residents of the dwellings approved by this planning permission are informed that military aircraft operating from both the RAF Lakenheath and RAF Mildenhall sites may be ***seen and*** heard in this area from time to time. It is also important to note that future changes may occur to the flightpaths, aircraft type or level of flight activity from these military sites.”

Environmental Health Technical Officer – (23 April 2018) Accepts the submitted report but does want to ensure that the proposal will not impact the nearby industrial estate in the long term.

Recommends conditions in regards to construction hours and the need for a construction environmental management plan (CEMP).

(13 July 2018) States

“Further to your email to Andrew dated 23rd April 2018 which included my original response, I have looked at the Applicant's Acoustic Consultant's, MLM, latest report.

It had been updated to take into account our comments regarding the extension to the industrial estate on the SW corner of the site and from the MOD regarding developments that fall within the locality of RAF Lakenheath and RAF Mildenhall.

My original response remains valid, the acoustic consultant has suggested facade mitigation and with windows open they confirm that the required noise levels can be achieved.”

Environmental Health Scientific Officer – (11 May 2018)

Accepts the information the developer has submitted in regards to contaminated land and air quality.

Seeks a condition in regards to unexpected contamination to protect future residents.

Waste Strategy (ECDC) – (26 March 2018)

States that the proposal will need to comply with RECAP guidance, ECDC policy for refuse/recycle collection and the cost to provide bins per property.

Tree Officer – (27 April 2018) Raises concerns that the opportunity for additional tree planting appears minimal. While street tree planting is shown is unsure if this will be allowed due to highways authority not adopting trees.

Additionally tree planting is primarily dedicated to boundary planting that does little to suggest the benefits of tree planting.

Recommends that a landscape architects is consulted as they have concerns regarding the inadequate provision of open space in relation to housing density.

Questions the requirement for additional sport facilities at the sacrifice of a high quality landscaped areas; there are no public parks locally.

The minimal amount of open space is primarily occupied with drainage.

(7 June 2018) Please refer to previous comments.

Fire and Rescue Service – (6 June 2018) Seeks a method to ensure fire hydrants are provided.

Provides details of their specifications.

CCC Growth & Development – (17 July 2018) States:

“it is unlikely that it would be advantageous for County to want this land. If the nursery can come forward on a commercial basis then that would be consistent with many nursery settings across the County and an acceptable delivery model.”

Conservation Officer - No Comments Received

Parks and Open Space - No Comments Received

Ward Councillors - No Comments Received

5.2 Neighbours – 148 neighbouring properties were notified and the responses received are summarised below. A site notice was put up on the 27 March 2018 and a notice put in the local paper on the 5 April 2018. A full copy of the responses are available on the Council’s website.

24 Mill Street, Isleham – (9 April 2018) Raises concerns and objections to the proposal on the grounds of:

- Lack of capacity in the local foul water drainage system.
- The school is already at capacity.
- Isleham is a commuter village and the A14/A142 junction at Newmarket is already deemed inadequate at peak times.
- The B1104 through Isleham Village towards Chippenham is already over utilised and under maintained, as well as being known for speeding issues.
- The C road from Isleham to Fordham is already over utilised and under maintained. This road also has speeding issues.
- The Riverside Marina (Suffolk) residents (200+) and visitors already cause significant congestion and wear of the local roads.
- Prickwillow Road, Beck Road (and 4 cross Bridge), Knaves Acre Drove and Temple Road are effectively made up tracks and are poorly maintained.

- Loss of open area. Harm to the visual character of entering Isleham from Fordham.
- The residential development would lead to restrictions being applied to the Hall Barn Road Industrial area.
- Seeks clarity on the end number of dwellings being proposed on the site.

(30 April 2018)

Seeks clarity that the proposal will not in future limit the Hall Barn Road industrial area and what is the total quantum of development on the entire site.

18 Aves Close, Isleham – (11 April 2018) Strong objects to this application.

States that the only two reasons why the Council is intending to approve this unwanted building project is:

- Profits for the developer.
- ECDC building targets as set out by the Government.

Only affordable housing is needed within the village and that the village does not have the infrastructure to cope with this size of development.

Concludes:

“I urge you to be strong, stand up to the people who are demanding that you ruin our village and do the right thing! After all, look at the mess you have made of Soham!”

55 West Street, Isleham – (12 April 2018) Raises concerns/objects to the proposal on the grounds of:

“

- Site is too large for development and will be out of character with the rest of the village.
- Poor road network with dangerous crossroads by the school at Fordham and onto the A142 at the end of East Fen Drove. The route to Soham/Ely via Temple Road, Common Gate Drove and Est Fen Drove is mostly single track and totally unsuitable for the current level of traffic.
- Negative impact on the surrounding properties in terms of overlooking, overshadowing, loss of light, increase in artificial light or glare. There should be a higher proportion of single story dwellings and no 2 ½ or 3 story dwellings.”

Asks about the pumping station and seeks assurance it will not generate noise or odours.

Who will maintain the 5m buffer zone between existing properties and the new development?

Seeks investigation of the circular anomaly identified to the north of the site.

(14 May 2018) Objects to the proposal on the grounds of air quality (extra pollution) and highway safety.

Seeks a gateway arrangement along with permanently installed speed displays in both directions.

67 West Street, Isleham – (15 April 2018) Objects to the proposed development:

#### Highway Safety

- Use of bus service lower than what is predicted by developer.
- Fordham Road does not allow for sustainable travel.
- Seeks the developer to fund a footpath/cycle way along Fordham Road.
- The study of the junctions and car use within the village of Isleham is likely correct in predicting low impact from the development.
- However, the study of the Collins Hill/Mildenhall Road junction in Fordham is very misleading and this is the most popular route out of the village. There can be little confidence in the predictions of future impacts on this junction.
- There is a significant highway safety risk on the Collins Hill junction and knows of 1 fatality in recent years. This is also the junction that the Fordham School is on.
- Developer has ignored the request of ECDC to look at junctions further afield, which are the most impacted by cars out of Isleham (they provide details of specific junctions).
- Another well used exit from Isleham is along East Fen Drove towards the A142 and Soham. This is used to get to Soham and Ely and this route is already dangerous.

#### Natural Environment

- Great Crested Newt survey has missed out their pond and seeks for the Developer's Ecologist to investigate.
- 5m planting buffer area should be 7m in width to allow for tree planting.
- ECDC letter dated 22 May 2017 seeks that the tree belt should be fruit bearing planting, though not forest trees that would be too tall for this location.

#### Housing Mix, layout and character areas

- Proposed housing mix includes far too many larger dwellings.
- The proposed amount of bungalows are too low in order to meet policy and accommodate the villages housing needs and for the character of the area. Seeks that the Council make it clear that it expects at least 10% bungalows at reserved matters stage.
- 2 storey should be the maximum height.
- Proposals do not fit with character of the area and will cause residential amenity concerns.
- Any proposed street lighting should be subdued.

#### Power Line

- Questions how the overhead power line will be dealt with in order to avoid risk to the users of the public open space.

#### Reserved Matters

- Seeks to be kept informed at reserved matters stage.

3 Fordham Road, Isleham – (14 May 2018)

Seeks additional parking for the Beeches and raises concerns in regards to highway safety.

4 Fordham Road, Isleham – (16 April 2018) Strongly objects to this application on the basis of:

- Village infrastructure cannot cope with 300+ new residents.
- The school is overstretched.
- Sewage system will not cope.
- Asks how drainage will work once site built on.
- Seeks more affordable and smaller/starter houses.
- Pavement into Isleham is too narrow.
- Not possible to safely walk towards The Railway Nature Reserve, additional traffic will exacerbate problem.
- Traffic increase on Fordham Road.
- Loss of village.
- Asks why we need so many new homes when so many are empty of up for sale.

5a Fordham Road, Isleham – (13 July 2018) Raises concerns that all speed reduction measures have been moved and wonders what new measures will be put in place. Also raises concerns that car headlights will cause harm to their amenity within their living room during the winter periods.

29b Hall Barn Road, Isleham – (15 April 2018) Is writing to object to the proposal on the grounds of:

- Bloor Homes public consultation was half hearted and did not cover the extent of the development.
- ECDC has to stand up to the greed of the developers in order to protect communities, landscape and the people who live in them.
- Soham has been ruined by new developments and these development have huge parking issues and roadways not fully sized.
- Size of development not in character with the village.
- Large increase in traffic.
- Road network is poor and no suitable sustainable forms of transport exist.
- Village services are not appropriate for such a large scale development.
- Will add to car parking problems.
- Isleham has poor drainage and sewage issues.
- Concern over surface water run off.
- Land was designated for a new primary school, questions school capacity in the area.
- Seeks developer to provide infrastructure.
- Questions the sustainability of the development.
- Will cause overlooking, overshadowing and glare to their property.
- Questions the 5m buffer zone. Who will maintain this?
- Detrimental harm to biodiversity.

- Under provision off bungalows.

49c West Street, Isleham – (17 April 2018)

Strongly objects on the grounds of:

- 20% increase to village size.
- 200-300 additional cars.
- Fundamentally change the nature and functionality of the recreation ground.
- Government should take a more regional view of housing demand.
- Large settlements should take shortfall in housing.
- Lack of services/facilities within the village.
- Local school and surgery at capacity.
- Raises highway safety concerns.
- Developments junction onto Fordham Road should be via a roundabout.
- Reduce speed along a stretch of Fordham Road to 50mph.
- Long term maintenance of developments roads needed.
- 3 parking spaces per dwelling.
- Footpath should not cross the existing playing fields.
- Parking and access for early years facility is not clear.
- Need to prevent parking on Fordham Road.
- Need highway safety improvements on Fordham Road near the Nature Reserve.

6 Docking Lane, Isleham – (15 May 2018)

Does not want to see the kids football grounds being lost.

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 11	Conservation Areas
ENV 12	Listed Buildings
COM 7	Transport impact
COM 8	Parking provision

COM 4            New community facilities

6.2        Supplementary Planning Documents

Design Guide  
Contamination  
Developer Contributions  
Cambridgeshire Flood and Water

6.3        National Planning Policy Framework 2012

- 4    Promoting sustainable transport
- 5    Supporting high quality communications infrastructure
- 6    Delivering a wide choice of high quality homes
- 7    Requiring good design
- 8    Promoting healthy communities
- 10  Meeting the challenge of climate change, flooding and coastal change
- 11  Conserving and enhancing the natural environment
- 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
- LP6        Meeting Local Housing Needs
- LP8        Delivering prosperity and Jobs
- LP16       Infrastructure to Support Growth
- LP17       Creating a Sustainable, Efficient and Resilient Transport Network
- LP18       Improving Cycle Provision
- LP19       Maintaining and Improving Community Facilities
- 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
- Isleham 1    Isleham's Local Character and Facilities
- Isleham 2    Infrastructure and Community Facilities
- Isleham 3    Allocation Sites
- Isleham 4    Site ISL.H4 – Land off Fordham Road

7.0        PLANNING COMMENTS

7.1        Principle of Development



- 7.2 The Council cannot currently demonstrate a robust five year housing supply and therefore the policies within the Local Plan relating to the supply of housing should not be considered up-to-date. In light of this, applications for housing development, such as this one, should be considered in the context of the presumption in favour of sustainable development as set out in paragraph 14 of the National Planning Policy Framework (NPPF).
- 7.3 The key considerations in determining this application are therefore; whether any adverse impacts would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the NPPF taken as a whole, and against the policies within the Local Plan which do not specifically relate to the supply of housing; or, whether any specific policies within the NPPF indicate that the development should be restricted.
- 7.4 The site has been allocated under the Submitted Local Plan 2017 (ISL.H4) for approximately 125 dwellings. It should be noted that the site allocation boundary is bigger than what has been applied for and that additional applications might be submitted. However, any future application would need to be determined upon its own merits.
- 7.5 The site specific policy (ISL.H4) states:
- a. An area of approximately 1.0 - 1.5 ha to be gifted to the Parish Council for the purpose of recreational facilities (such as new football pitch(es)), located adjacent to the existing recreational facilities. Other open space policy requirements are relaxed, except for on-site provision of toddler play areas and informal green spaces/landscaping, unless it is deemed necessary to provide additional open space to mitigate any adverse effects on any designated national or international site;
  - b. Traffic calming along Fordham Road;
  - c. An element of bungalow style development;
  - d. Appropriate landscaping/ buffering throughout the site, and especially adjacent to the Hall Barn Road Industrial Estate;
  - e. An urban design solution which creates a series of character areas, with each area of a significantly different style/layout, so as to create the perception of a natural evolution of the settlement. Ideally, each group will be completed before the next group commences substantial development;
  - f. The indicative dwelling figure of 125 should not be significantly exceeded due to: the need to provide careful landscaping, open space provision, and some low density, bungalow style development; the need to prevent excessive pressure on local facilities and highway network; and in recognition of the relative isolation of Isleham and its relatively poor highway connection and public transport provision;
  - g. Ensure no adverse effect on groundwater (with part of the site falling within the Inner Zone1 Groundwater Source Protection Zone).
- 7.6 With the Council not having a five year land supply and the Submitted Local Plan still going through public examination limited weight should be given to both this plan and any policy with the adopted Local Plan that limits housing development. The application needs to be considered on the basis of a tilted balance in accordance with paragraph 14 of the NPPF.

- 7.7 Sustainability of the Site
- 7.8 The village of Isleham is relatively remote but does benefit from several pubs, a village shop, a primary school, recreation ground and several churches (D1 Use class).
- 7.9 The Submitted Local Plan describes Isleham as:
- “Isleham is a large village located 9 miles south-east of Ely and 6 miles north-east of Newmarket. Isleham has a good range of services, including shops, post office, public houses, churches, primary school, village hall and large recreation ground, but relatively poor highway and public transport infrastructure. Isleham is an attractive village with a large number of listed buildings, including the Benedictine priory and priory church.”
- 7.10 While the village could arguably provide a wide variety of non-residential uses (D1 Use Class), it is not considered possible for the village to adapt to become self-sufficient within the foreseeable future. However, the only settlement that could arguably be self-sufficient, in the reasonable future, in this district is Ely.
- 7.11 The proposal seeks to provide an additional D1 Use Class within the village in the form of gifted land towards providing a children’s nursery. This will help increase the sustainability of the village. The developer will also be required to pay the Community Infrastructure Levy (CIL), which could help provide an upgraded doctors surgery (Staploe Medical Centre) as this infrastructure improvement is listed on the Council’s Regulation 123 list.
- 7.12 The developer is offering 1.18 hectares of land to the Parish Council to be used as part of its recreation ground. In addition the developer is providing 1.27 hectares of land towards open space (informal open space, SuDS and children’s play area); this is considered to comply with part a of ISL.H4. This will need to be secured, including relevant maintenance contributions, as part of the S106.
- 7.13 Concern has been raised that this level of development will damage the village character. While the development is large for the village it is contained within the built form of the village, as there are existing dwellings to the north, west and south. The proposal will, therefore, not lead to the sprawl of the village but would of course lead to more people living in Isleham. Additional growth within a village can help its sustainability as more people can help to keep services operating or encourage new ones to set up.
- 7.14 As mentioned above the Council cannot demonstrate a five year land supply, which means that many of the settlements within the district will need to find additional land for dwellings. A shortfall in dwellings within an area greatly harms social and economic sustainability, as the area cannot provide a home for everyone or a strong local work force. Having to travel long distance between home and work can also lead to environmental damage, if private motorised vehicles are required.
- 7.15 Both the Adopted and Submitted Local Plans focus development on (or around) the more major settlements of Ely, Soham and Littleport. The growth of each settlement has been carefully considered to ensure that development is suitably

spread across the district. The need to provide dwellings for those that work (or want to work) within the area will lead to settlements growing in size.

- 7.16 The developer in its amended (25 June 2018) Energy Statement concludes that the development will provide a 19% improvement in energy efficiency/generation above building regulations. This is a substantial benefit in environmental sustainability (less fossil fuel required) and social sustainability (lower household bills). The application should be conditioned on this basis if approved.
- 7.17 It is considered on balance that the site and potential level of development is sustainable in principle. However, this does not mean that development should be allowed at any cost. The remainder of the report will go through all the material considerations in order to assess if there is any significant and substantial harm.
- 7.18 Highways
- 7.19 Policies COM7 of the Local Plan and LP17 of the Submitted Local Plan seek to ensure a safe and convenient access to the existing highway network. This is an outline application, which is only seeking access to be determined at this stage.
- 7.20 The proposal seeks a T-Junction onto Fordham Road (30 mph speed limit). While the Parish Council and residents in their comments have sought a roundabout, the Local Highways Authority have consistently resisted this as in its professional view it would create an unnecessary highway danger with no justification.
- 7.21 The developer in order to satisfy the wish of the Parish Council sought to slow traffic down along Fordham Road by providing road calming measures. These road calming measures passed a County Council Safety Audit and were deemed to be acceptable. However, the level of road calming measures raised concern that it might just push more traffic to go through the village via Hall Barn Road. While this would not be unacceptable in either planning or highway safety terms the developer decided to remove all the traffic calming measures in order to overcome the concerns raised.
- 7.22 The request for traffic calming measures by means of a contribution via a S106 Agreement as suggest by the Local Highways Authority and sought by the Parish Council is backed up by the Submitted Local Plan 2017 (ISL.H4 point b). However, this provision is not needed to make the development acceptable and is, therefore, not made necessary by this development. It is not for a developer to pay to overcome an existing issue. While it is not recommend to be sought by the Case Officer, members should carefully consider if they believe it is a necessary contribution. The Community Infrastructure Levy Regulations 2010 states:

“Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms
- directly related to the development
- fairly and reasonably related in scale and kind to the development”

- 7.23 The creation of additional dwellings fronting Fordham Road and the provision of a 2m wide footpath will likely provide a strong visual cue to drivers to not break the 30mph speed limit along this stretch of Fordham Road. The current visual cue (excluding the speed sign) is the Isleham village sign located to the east of the application site. The design/built form of streets can help to design out speeding.
- 7.24 The developer submitted a Transport Assessment (March 2018) and an additional letter (9 May 2018) that concludes that the proposal will have little impact on the capacity of the roads or the effects of queuing. The developer provided surveys at the junctions of:
- B1104 Church Street priority junction with B1104 Pound Lane (located in Isleham)
  - B1104 Station Road priority junction with Fordham Road (located in Isleham)
  - B1104 Mill Street (located in Isleham)
  - B1102 Mildenhall Road crossroads junction with Collins Hill and Isleham Road (located in Fordham, adjacent to the primary school).
- 7.25 With the junctions assessed it is considered that the developer has assessed the traffic going towards Fordham and onto A142 and northwards (Prickwillow Road) towards Ely. While it would have been preferable to the Case Officer if the developer had done a wider assessment, this has been proven to be unneeded.
- 7.26 The Transport Team has considered the information that the developer has submitted and concluded that it has no objection to the proposal as it will not have a detrimental impact upon the highway network in regards to capacity or risk to highway users in the surrounding area; nor does it seek contributions/improvements as it cannot justify them.
- 7.27 If the Parish Council (or for residents to make representations to the Parish or County Council) are seeking to upgrade/change existing road junctions it will need to fund these improvements out of its own CIL funding or working in partnership with surrounding Parish Councils to joint fund projects.
- 7.28 It should be noted that the County Council Transport Team have stated that even with the additional dwellings, there would not be enough people to sustain a new bus service. However, the developer is offering both free bus passes for three months (to be controlled through a S106) and a travel plan (to be conditioned).
- 7.29 Advice from the Local Highways Authority and the Transport Team was for the developer to not provide a cycle route along this stretch of Fordham Road, following this the developer reduced the 3m wide footpath/cycle link to 2m wide footpath. The site will need to rely on non-sustainable methods of travel to access a range of services and facilities, this weighs against the application but would have been known when the Council allocated the site and is typical for most rural development sites.
- 7.30 The exact detail and location of the footpath between the development site and the recreation ground can be secured as part of future reserved matters; though it is

likely that a gated entrance into the extended recreation ground and the proposed residential development would make the most sense.

- 7.31 With access seeking to be agreed as part of this outline application, if permission was granted it would mean there will be only one motor vehicular (excluding emergency vehicles) entrance onto Fordham Road. No individual dwelling will be able to access onto/off Fordham Road. The layout design of the proposal, if approved, would need to access all the dwellings from within the site.
- 7.32 The concern of the Local Highways Authority regarding the priority arrangements of the emergency access can be controlled by way of a condition. The other conditions that the Local Highways Authority have requested can also be duly added.
- 7.33 While the developer is suggesting in their submitted plans that the remainder of the site allocation can be accessed via their development, this will be likely over a ransom strip. It is understood that the remainder of the site allocation could have its own access onto Fordham Road, though this would need its own application to assess its merits. It is not considered reasonable in this application to require the developer to provide a road link into the remainder of the site allocation; as this might harm, in this case, the potential design opportunities of the remainder of the site. It is also possible for the remainder of the site to be accessed via other means.
- 7.34 No application can be expected to overcome existing highway problems or maintenance. The development has to demonstrate that it mitigates against its own harm. The developer has successfully done this if the recommended conditions are added to a decision as requested by the Local Highways Authority.
- 7.35 The proposal is in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 7.36 Car and Cycle Parking
- 7.37 The Adopted Local Plan (COM8) seeks two parking spaces per dwelling, with the modest density of the site this should be easy to achieve if a layout reserved matters is submitted. At the current time the Submitted Local Plan 2017 parking policy can only be considered to have the most limited of weight, as the plan is not adopted and this element of the plan has received substantial objection towards it. It is expected that within the reserved matters application details of secure covered cycle storage will be submitted in accordance with policy.
- 7.38 Residential Amenity
- 7.39 The Local Planning Authority is required in both adopted and submitted policy to protect residential amenity to ensure no proposal will have a detrimental impact upon people's (both existing and future residents) home life.
- 7.40 With scale, layout, design and landscaping not being defined at this stage (in addition to a maximum of 125 dwellings) it is not possible to demonstrate that the proposal will definitely have (or have not) a detrimental impact upon residential

amenity of existing neighbours and future residents in regards to loss of light, undue overbearing or loss of privacy. However, it is possible to assess the proposal on its maximum density and the back to back distances the developer is suggesting. Any future reserved matters application would need to demonstrate that a suitable level of residential amenity has been secured.

- 7.41 The developer is expecting the proposed dwellings to take up 4.2 hectares, which would lead to a net density of 30 dwellings per hectare/ 12 dwellings per acre (gross density 18 dwellings per hectare/ 7 dwellings per acre). This is a very modest density that should allow for dwellings to be built in good size flexible plots in accordance with the Design Guide that will allow a reserved matters application to not cause detrimental harm to either existing or future residents.
- 7.42 In addition the developer is providing a 15m distance (drawing number CSA/2946/112) along the northern and western boundaries between the proposed rear wall of the dwellings and existing neighbours fence. While 5m of this will be landscaped, this should not be relied upon in the long term. However, a 15m distance exceeds the minimum standards in the Design Guide by 5m and should again ensure there is no detrimental harm to existing neighbours and the future occupiers residential amenity.
- 7.43 The vast majority of the development is set away from the industrial units along Hall Barn Road including its expansion currently being considered under planning application (16/00629/OUM). The developer has submitted a revised noise report that has been assessed by Environmental Health. The report indicates that the main source of noise is from Fordham Road, though even this has a noise level of 45dB at night time so is unlikely to affect future residents sleep. From the information provided it appears that the existing industrial units provide very little noise towards the development site; if the future industrial units are approved (16/00629/OUM) with no major openings facing the proposed dwellings (to be determined at reserved matters) it is very unlikely that they will cause detrimental noise pollution. The proposed industrial units have already got a suggested condition:
- “Prior to or with the submission of any reserved matters application for B2/B8 use, a noise assessment report shall be submitted to demonstrate the potential impact of activities on any nearby residents and any mitigation measures proposed to ensure noise levels are within government guidelines under BS4142 and BS8233. Mitigation measures shall be agreed in writing with the local planning authority and implemented prior to use and adhered to thereafter.”
- 7.44 It will be at the reserved matters stage (if approved) of both applications to demonstrate that they have taken into account the neighbouring uses. If both schemes are designed sensibly there will be no issue in regards to noise pollution between them.
- 7.45 While military aircraft do fly over the site, this is no different to most of the existing residents in Isleham, including those residents that live immediately to the north, west and south of the site. It is considered unreasonable to place a condition on the dwellings to enforce closed windows with alternative ventilation, as this goes against Policy LP26 of the Submitted Local Plan. An informative would be added to

any consent to warn future buyers about the military aircraft, comments from the MOD concerning this informative have been positive.

- 7.46 The suggested conditions by Environmental Health in regards to the need for conditions for a Construction Environmental Management Plan (CEMP), construction/delivery hours and potential unidentified contamination are all considered reasonable to protect existing/future residents. These conditions are therefore recommended by the Case Officer if the application is to be approved.
- 7.47 The proposal, subject to conditions, is in accordance with policies ENV2, ENV9 of the East Cambridgeshire Local Plan 2015 and LP19, LP22 of the Submitted Local Plan 2017.
- 7.48 Visual Amenity
- 7.49 The developer has provided some indicative sketches (drawing number EA129-PD-905 A) that demonstrates the potential different characters within the development, which would appear to provide a high quality realm, as part of a reserved matters application(s).
- 7.50 The development is providing a mix of single storey to two and a half storey dwellings, which is considered to match the mix of houses along Hall Barn Road, West Street and Fordham Road. With the majority of these existing properties being single to two storey, though there are examples of rooms in the roof space of nearby dwellings. It will be expected that the proposed development if approved will follow this approach, with only key focal buildings being two and a half storey.
- 7.51 While the loss of an open field will cause some harm to the rural character of the area, this harm is considered to be minimal as it does not extend the physical boundaries of the village and does not form a key rural view, as it is surrounded by development.
- 7.52 While there is a potential lack of informal space on site, the developer is providing a substantial amount of recreation ground for the Parish Council. The developer is, therefore, seeking to provide a landscape that is more defined by formal recreation space than informal landscape; this is not harmful to the character of the area that is partially defined by the adjacent recreation ground.
- 7.53 There is some concern that the developer is hoping to provide street trees that will not be adopted by the Local Highways Authority, but is something the Local Planning Authority is promoting in order to make attractive/pleasant streetscenes. This will need to be addressed as part of the reserved matters application.
- 7.54 It is considered that the proposal complies with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 7.55 Housing Mix
- 7.56 The developer is proposing 30% affordable dwellings that will comply with the Submitted Local Plan 2017 (Policy LP6), this would need to be secured via a S106 Agreement. If members wish this could be additionally controlled by ensuring that

local people have first option to these dwellings as part of the S106, which was sought by the local community and the Case Officer has no concerns over this requirement. The suggested mix of 77% rented and 23% shared ownership as requested by the Housing Strategy and Enabling Manager is based on the latest evidence and is therefore supported.

- 7.57 The developer is not wanting housing mix to be defined at this stage, which is not uncommon for an outline application but is suggesting that there will be 22% one/two beds, 32% three beds, 36% four beds and 10% five plus bed dwellings. This would provide a good range of dwellings that would cater for a wide variety of potential future residents.
- 7.58 They are offering that at least 5% of the properties will be bungalows, which would technically meet with the requirements of part c of ISL.H4 that seeks an element of bungalows. This requirement should be conditioned if the application is approved to ensure this level of bungalows will be brought forward. While the Case Officer was seeking approximately 10% bungalows, this is not considered to be reasonable to demand at this stage but will still be sought at reserved matters unless evidence proves this is not appropriate for this area.
- 7.59 With the scheme over 100 dwellings there is a S106 requirement for the developer to provide at least 5% self-build units as required under policy HOU1 of the Adopted Local Plan and LP6 of the Submitted Local Plan.
- 7.60 If this application is approved it will be for the reserved matters to demonstrate how it complies with policy HOU1 of the Adopted Local Plan in regards to its final housing mix. The application is, therefore, acceptable in this regard subject to suitable conditions and S106 wording.
- 7.61 Historic Environment
- 7.62 The Conservation Area is to the west of the site with several listed buildings being located to the north west of the site (non are adjacent).
- 7.63 The developer has submitted a Built Heritage Statement which states:

“The site forms a small part of the extended setting to St Andrew’s Church (Grade 1). Development proposal would result in a minimal visual change to views of the church, in a small part of its extended setting, and views which are exclusive to the development site. The proposals include areas of open space which allow for the retention of current views of the church from these locations, thereby retaining the Site’s contribution to the significance of the church and ensuring it is not harmed by the development proposals.

The site is located adjacent to the Conservation Area but forms a neutral part of its setting whereby it does not positively contribute to its significance. The proposals will bring the existing building line of the village limits closer to the Conservation Area’s western boundary, but this affords the opportunity to create a more aesthetically pleasing built edge and landscaped character in views looking out (west) of the Conservation Area than is currently possible. Consequently, the site



will retain its current neutral role within the setting of the Conservation Area and its significance would not be affected by the proposed development.”

- 7.64 In regards to St Andrews Church (Grade 1) the Case Officer agrees with the report that the only places you will be able to see its tower is from the central and northern parts of the site, with even these views being obscured by existing trees. The elements of the site that would allow views of the tower are private currently but would become public if the development was approved. The impact on this Grade I Listed Building is considered to be neutral to a minor benefit (as it might provide additional public viewpoints).
- 7.65 The impact on the Conservation Area (existing recreation ground) is considered to be minimal in principle but great care would be needed at reserved matters stage to ensure that the proposed dwellings viewable from the recreation ground were of high quality. The impact on the Conservation Area could range from less than substantial harm to moderate benefit depending on the final design. Even if the proposal cause less than substantial harm, the provision of dwellings (including affordable dwellings), public open space and the provision of an early years facility as public benefits would substantially outweigh this harm.
- 7.66 The Case Officer supports the request for a condition to be added to any approval to require a full archaeological assessment on site to ensure that no history is lost or unnecessary damaged by the proposal.
- 7.67 The proposal is considered to comply with policies ENV11, ENV12 of the Adopted Local Plan and Policy LP27 of the Submitted Local Plan, as well as the requirements of the NPPF.
- 7.68 Ecology
- 7.69 The development is supported by several ecological reports that highlight the potential impact, mitigation and enhancement measures required.
- 7.70 There is a pond approximately 200m from the edge of the site that has Great Crested Newts (GCNs) living within it. However, it is agreed with the developer’s specialist that it is unlikely that these GCNs will travel as far as the proposed development but in order to ensure the protection of this protected species a specialist fence should be conditioned to prevent them from being harmed by construction work.
- 7.71 The developer’s ecology team have also assessed that the site has negligible suitability for roosting bats, but nearby trees could support bat roosts. It recommends that street lighting is controlled and that bat boxes are installed facing southwards. This can be controlled via a condition to ensure the development enhances ecology in the area, therefore providing a net gain.
- 7.72 The site has no evidence of badger setts but might be used for foraging opportunities. The developer’s specialist advises that foraging areas for badgers are created and that it is advisable to check the site 3 months prior to start of the development.

- 7.73 In regards to birds it is recommended that the proposal provides species rich hedgerows (and other planting) and that at least 5 house sparrow terraces are installed, 10 integrated bird boxes and 1 kestrel nest box. This can be secured by way of a condition in regards to landscaping and biodiversity improvements.
- 7.74 No rare arable plants were detected on site but it is recommended that some wild grasses are planted, this again can be secured by way of conditions.
- 7.75 The proposal, if suitably conditioned, is in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.
- 7.76 Flood Risk and Drainage
- 7.77 The Environment Agency, Lead Local Flood Authority and Anglian Water are all supportive of the application subject to suitable conditions. With these conditions being considered reasonable and no reason to doubt the expertise of these organisations the proposal is considered to comply with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017.
- 7.78 The comments made from the local population in regards to sewer capacity are therefore unfounded, due to the statement of Anglian Water who will hold the most up to date information. If additional works are required in the future or general maintenance works are needed, this would fall upon Anglian Water to provide at its own expense.
- 7.79 Any major development improves surface water drainage, as its drainage system has to be built above greenfield run off rate (40% climate change, plus allowance for future household extensions). Development, therefore, in the short term provides a substantial benefit to the drainage within the local area, as more water is kept on site than if it was a field. The long maintenance of the SuDS system will need to be controlled via the S106 Agreement where the Local Planning Authority would be expecting it to be maintained by a public body.
- 7.80 Contributions/S106
- 7.81 The developer is offering in the draft S106:
- Affordable Housing
  - Recreation Ground of 1 to 1.5 hectares
  - Bin Provision
  - Informal Open Space
  - A LEAP
  - SUDS
  - Library and Life Long Contribution
  - Provision of Nursery Site
  - Self Build Dwellings
  - Travel Plan Coordinator Contribution

- 7.82 The S106 will still require more work to ensure the maintenance standards are of a high quality, that the recreation ground has no powerlines above (developer will need to pay for them to be buried) and that County Council are not seeking any form of education contribution.
- 7.83 The maintenance of the 5m landscape strip will need to be controlled via the S106 if it is to be offered as public space or alternatively it is given to future residents and they have a minimum of 15m garden with a landscaped section at the rear.
- 7.84 Other Material Matters
- 7.85 Fire hydrants will be conditioned to ensure the proposal does not create unnecessary risk of a fire getting out of control. The proposal also provides a 3m wide pedestrian/emergency access point onto Fordham Road to ensure that emergency services have several means to access the site if needed.
- 7.86 Representation has been made that the only reason the Council is seeking to approve this application is to provide profits to the developer. The neighbour raising this concern has not provided any evidence of this accusation. From a planning point of view the profits of a developer only comes into consideration on this type of development when the developer is seeking to provide less than policy compliant affordable housing. With the developer offering policy compliant affordable housing this accusation holds no weight in the determination of this application.
- 7.87 Planning Balance
- 7.88 The Council is not able to demonstrate a continuous five year land supply. This means that a decision must be based on whether there is any significant and demonstrable harm that outweighs the benefits of the proposal. The lack of a five year land supply has a substantial and detrimental impact upon social and economic sustainability in an area, as there are limited homes for a workforce to occupy.
- 7.89 In terms of delivering a wide choice of high quality homes, there is no reason that the site could not be delivered within the next five year period making a contribution to the District's housing land supply which would be a benefit to which considerable weight should be given.
- 7.90 The benefits of this proposal are that it would provide a substantial amount of housing (including affordable for local people), land for a children's nursery and public open space.
- 7.91 The relevant experts have confirmed that the local roads, sewer system, education facilities, medical facilities can all cope with the development (though some of these require conditions, CIL or S106 Agreement).
- 7.92 It also been demonstrated, subject to conditions, that there will be no harm to drainage, heritage or ecology. The development will provide substantial benefits, at least in the short term and possibly long term, in regards to both drainage and ecology, as well as providing new historical understanding of the village.

7.93 There has been no significant or detrimental harm identified within the report (subject to suitable conditions/S106/CIL) and on this basis the application is recommended for delegated approval.

## 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:

- The Council does not have a five year land supply and the site has been put forward under the Submitted Local Plan as one of the sites the Council has allocated for development.
- It is not for a developer to overcome existing problems, but to mitigate against its own impact.

## 9.0 APPENDICES

9.1 Appendix 1 – Suggested Conditions

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00363/OUM	Andrew Phillips Room No. 011 The Grange	Andrew Phillips Senior Planning Officer
17/00738/SCREEN	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](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 - 18/00363/OUM Conditions

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

Plan Reference	Version No	Date Received
PL06	A	25th June 2018
CSA/2946/109	A	19th March 2018

1 Reason: To define the scope and extent of this permission.

2 Approval of the details of the appearance, landscaping, layout and scale (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 commenced within 2 years of 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 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

The scheme shall be based upon the principles within the agreed Flood Risk Assessment and Drainage Strategy prepared by MLM Consulting Engineers Limited (ref: 618316-MLM-ZZ-XX-RP-C-0001) dated 13/03/2018 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events.
- b) Full results of the proposed drainage systems modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers
- d) Full details of the proposed attenuation and flow control measures
- e) Site Investigation and test results to confirm infiltration rates;
- f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- g) Full details of the maintenance/adoption of the surface water drainage system;

h) Measures taken to prevent pollution of the receiving groundwater and/or surface water;

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG.

- 4 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 LP22 and 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 and the details need to be agreed before construction begins.
- 5 The highway (defined by any road that serves 5 or more dwellings) 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.
- 5 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.
- 6 Prior to first occupation 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).
- 6 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.
- 7 No development shall take place within the site indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 7 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 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 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, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.

- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 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.
- 9 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours 08:00 - 18:00 each day Monday-Friday, 08:00- 13:00 Saturdays and none on Sundays or Bank Holidays/Public Holidays.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 10 No development shall take place until a scheme to dispose of foul has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation of each phase.
- 10 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 LP22 and 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 and the details need to be agreed before construction begins.
- 11 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.
- 11 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 LP26 of the Submitted Local Plan 2017.
- 12 No development shall take place in a phase of the development until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service in that phase has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative shall be installed and completed in accordance with the approved details prior to the occupation of that phase of the development.



- 12 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to permission being granted, however, the information is needed prior to commencement in order to ensure that the necessary infrastructure is able to be provided.
13. The developer will need to demonstrate that in each reserved matters that they have complied with the design principles set out in drawings CSA/2946/111 Rev B, CSA/2946/112 Rev A and CSA/2946/108 Rev H.
- 13 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 14 At least 5% of all the dwellings to be provided on the site shall be provided as bungalows (single storey dwellings). If the development is to be delivered in more than one phase, each reserved matters submission containing residential dwellings shall define the quantum and location of bungalows to be provided in that phase.
- 14 Reason: The application has been submitted on this basis and to accord with policy ISL.H4 of the Submitted Local Plan 2017.
- 15 Each reserved matters submission shall be supported by an updated energy and sustainability strategy for that phase of the development that demonstrates how that phase of the development will provide a 19% increase (as stated in Energy Statement, June 2018) above current building regulation (at the time of determination) by the provision of renewable energy technology and/or 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 LP23 and LP24 of the Submitted Local Plan 2017. This condition is pre-commencement as some of the measures may be below ground level.
- 16 Each reserved matters submission shall be supported by a scheme of biodiversity improvements to reflect the recommendations made within the Practical Ecology Extended Phase 1 Habitat Survey Report v3 dated March 2017, Rare Arable Plant Assessment V1 July 2017 and the Practical Ecology titled eDNA Results dated 11th, July 2017. The biodiversity improvements for that phase of the development shall thereafter be installed in accordance with a programme to be agreed in writing with the Local Planning Authority and thereafter maintained in perpetuity.
- 16 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.

- 17 Prior to any construction works taking place a Temporary Amphibian Fence (as required by the Practical Ecology Ltd technical note titled "eDNA Results" and dated 11th July 2017, (Pages 5 and 12) shall be installed and maintained during all construction phases.
- 17 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017
- 18 Prior to first occupation of any given phase (defined by reserved matters submissions) a scheme of providing broadband for that phase shall be submitted to and agreed in writing with the Local Planning Authority.
- 18 Reason: In order to provide the fastest broadband reasonably possible in the locality to the future occupants (including working from home) in accordance with paragraph 43 of the National Planning Policy Framework, policy LP16 of the Proposed Local Plan and Growth 3 of the East Cambridgeshire Local Plan 2015.
- 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 drawing number PL06 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 COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 20 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.
- 20 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.
- 21 Notwithstanding the approved plan (drawing number PL06 Rev A), details of the emergency access shall be submitted either prior to or included within the first reserved matters submission and shall be agreed in writing by the Local Planning Authority. The approved details shall be installed prior to first occupation.
- 21 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017. This condition is pre-commencement as some of the measures may be below ground level and relates directly to the outline application.
- 22 Prior to the first occupation of the development a Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be implemented in accordance with the programme set out within the approved Travel Plan or any revisions to the Travel Plan that are first agreed in writing by the Local Planning Authority.

- 22 Reason: In the interests of sustainable movement in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 23 Prior to commencement of the development and concurrent with the first application for reserved matters, a phasing plan for the delivery of the development (including any self-build plots) shall be submitted to and approved by the Local Planning Authority.
- 23 Reason: The applicant has requested that the development be undertaken in a phased manner for the purposes of CIL. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.