

**MAIN CASE**

Proposal: Outline application for up to 128 residential dwellings with all matters reserved apart from means for access.

Location: Land North Of Field End Witchford Cambridgeshire

Applicant: Gladman Developments Ltd

Agent: Savills (UK) Ltd

Reference No: 14/00248/OUM

Case Officer: Scott Jackson

Parish: Witchford  
Ward: Haddenham  
Ward Councillor/s: Councillor Gareth Wilson  
Councillor Ian Allen  
Councillor Pauline Wilson

Date Received: 7 March 2014                      Expiry Date:

**[P20]****1.0 EXECUTIVE SUMMARY**

- 1.1 The application seeks outline planning permission for up to 128 residential dwellings on land to the north of Field End in Witchford. Approval is sought for access as part of this application, with all other matters (landscaping, appearance, scale and layout) reserved for subsequent consideration.
- 1.2 The site is located outside the settlement boundary for Witchford and the proposal is therefore a departure from planning policies contained within the East Cambridgeshire Core Strategy, which forms part of the Development Plan for the district.
- 1.3 The application has been called to the Planning Committee by the ward Councillor Pauline Wilson, County Councillor Bill Hunt and Councillor Charles Roberts.
- 1.4 The key consideration in determining this application is whether or not there are sufficient material considerations in favour of the development so as to outweigh the provisions of the development plan, which seek to strictly control development in the countryside. In this respect the following material considerations are relevant:
- Presence of a five year housing land supply;
  - Sustainability and the needs and priorities of Witchford as set out in the Core Strategy and draft Local Plan;
  - Impacts on visual impact and the character of the countryside;

- Impacts on residential amenity;
- Issues of highway safety and accessibility;
- Flood risk and drainage issues;
- Impacts on the historic environment;
- Impacts on ecology and biodiversity

1.5 The Council disagrees with the applicant's assertion that there is a critical shortfall of housing supply within East Cambridgeshire and as such the policies relating to land supply, which include those relating to housing development in the countryside, should be considered to be out-of-date, with the emphasis on determining the application placed on the presumption in favour of development in the national Planning Policy Statement.

1.6 It is considered that the Council's position in relation to housing supply is robust, and that no additional sites, such as the one proposed in this application, would be required to meet the objectively assessed need. The absence of a five year housing supply is therefore not a legitimate material consideration in this case and cannot be used to justify the setting aside of sound planning policies relating to the control of development in the countryside.

1.7 Due to a lack of sufficient information, the local planning authority cannot be satisfied that there would not be adverse effects on archaeological remains, foul water treatment infrastructure, water quality and highway safety.

1.8 The application is therefore recommended for **refusal**.

## **2.0 THE APPLICATION**

2.1 The application seeks outline planning permission for the erection of up to 128 residential units with all matters reserved apart from means of access. The means of access is proposed from an existing field gate access from Field End.

2.2 The Design and Access Statement submitted with the planning application outlines the development and mix of uses proposed. The application site extends to 5.1 hectares, of which 3.82 hectares are proposed for residential development and 128 dwellings at a density of 33 dwellings per hectare. The development would provide a mix of dwellings and house types, providing 30% affordable homes, 0.83 hectares are proposed for informal open space with an equipped play area of 0.06 hectares, a balancing pond extending to 0.06 hectares and a pedestrian access point and paths and cycle ways.

2.3 The application is supported by the following plans and documents:

- Location plan;
- Vehicular access plan;
- Indicative layout plan;
- Assessment of 5 year housing supply (Updated May 2014);
- Design and access statement;
- Planning statement;
- Socio-Economic Impact report;

- Affordable housing statement;
- Travel plan;
- Drainage strategy;
- Flood Risk Assessment and outline drainage strategy;
- Noise assessment;
- Statement of Community Involvement;
- Contamination preliminary risk assessment;
- Landscape and visual impact assessment;
- Ecological assessment;
- Archaeological desk-based assessment;
- Air quality screening report;
- Arboricultural assessment;
- Utilities and infrastructure report;
- Sustainability assessment.

### **3.0 THE APPLICANT'S CASE**

- 3.1 The Applicant's case is set out in the Design and Access Statement and the Planning Statement, which 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/>.
- 3.2 Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, on the application file.

### **4.0 THE SITE AND ITS ENVIRONMENT**

- 4.1 The site comprises undeveloped farmland to the north of Field End and to the west of Common Road. The land is a mix of Grade 2 and 3 agricultural land. The site is bordered to the north by the A142 and by a modern housing estate to the south on Field End, the gardens of the dwellings face towards the site. To the east of the site is the Greenham Business Park and a Depot (containing employment uses) and further agricultural land to the west. The site is located in the countryside and is bordered by a line of trees and hedges at a height of 3m. There are a number of field accesses into the site, including 2 accesses from Field End.
- 4.2 The site is relatively flat and is located on the northern edge of Witchford, on land outside of the settlement boundary. The site area extends to 5.1 hectares and has a deep ditch running close to its south eastern corner, a earth bund 4m in height is located along the boundary with the business park. The western-most field was ploughed at the time of the case officer's site visit.

### **5.0 PLANNING HISTORY**

- 5.1 None relevant

## **6.0 REPLIES TO CONSULTATIONS**

- 6.1 **Ely Cycle Campaign-** We would expect to see separate cycleways, not shared use paths on the final plans, these should have a minimum width of 2.1m and provide direct routes into Witchford and its local facilities. We would expect to see the provision of cycleways along Field End and Common Road. Junction improvements required where Common Road meets the A142 and monies should go towards the provision of a roundabout.
- 6.2 **Sport England-** No comments.
- 6.3 **Councillor Bill Hunt-** This development is clearly outside the village development line and should automatically be refused. It would create an unsustainable load on local infrastructure and local facilities including schools and roads.
- 6.4 **Witchford Parish Council-** Object to the proposed development on the following grounds:
- Outside the village development envelope;
  - Remain supportive of housing development within the village envelope and for affordable housing/mixed on exception sites outside the settlement boundary.
- 6.5 **Anglian Water-** There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. The foul drainage from this development is in the catchment of Witchford Sewage Treatment Works that at present has available capacity for these flows. Development will lead to an unacceptable risk of flooding downstream and mitigation as outlined in the Developer Impact Assessment will be required. Recommend a condition in respect of the submission of a foul water strategy.
- 6.6 **Environment Agency-** Recommend that the application is deferred. Witchford Water Recycling Centre (WRC) has little or no headroom within its current permitted discharge rate. Any increase in flows to the WRC beyond the current level could lead to a breach of the discharge permit and in turn lead to a breach in the Water Framework Directive (WFD) objective of No Deterioration in the receiving watercourse. This site is not allocated for housing and therefore was not included in the Water Cycle Study (WCS). Any issue with permitted capacity at Witchford is therefore likely to be exacerbated by the proposed development. Therefore advise that a decision on the application is deferred until:
- The status of the allocated site has been established;
  - Evidence has been provided to demonstrate that there is sufficient capacity to accommodate the proposed development in Witchford and any additional windfall sites;
  - Evidence has been provided to demonstrate that the increased sewage discharge from Witchford WRC can be achieved within the limits of conventionally applied technology and will not lead to a breach of WFD objectives;
  - It has been established whether phasing controls will be necessary.
- 6.7 **CCC Archaeology-** Recommend condition that further archaeological evaluation to be commissioned and undertaken prior to any planning determination.

- 6.8 **ECDC Access Group-** We look forward to viewing plans when full application is made.
- 6.9 **Police Architectural Liaison Officer-** There has been one recorded crime and no record of anti-social behaviour in this area over the past 12 months. The indicative layout is welcomed, it includes active frontages, defensible space, back to back properties, overlooking of public space and lack of rear parking areas. I would fully support the applicant should they submit a Secure by Design application. No objection and no further comments to make.
- 6.10 **Environmental Health (Noise)-** I agree that once the layout of the reserved matters is submitted further details in respect of noise and mitigation will be required. To ensure future residents of the proposed development are sufficiently protected against road noise, further mitigation is likely to be required. Recommend conditions in respect of a noise assessment, construction management plan and construction times.
- 6.11 **Councillor Pauline Wilson-** These houses are outside of the village envelope and should be refused. Witchford has limited local facilities, some of which are near capacity. The exit onto Common Road and towards the junction with the A142 is extremely busy and cannot cope with additional traffic. Villages can cope with a few additional houses but not with the amount being proposed.
- 6.12 **Environmental Health (Contaminated Land)-** I agree with the findings of the air quality assessment and don't consider it necessary to undertake further work. I agree with the findings of the risk assessment and note that further intrusive works are necessary to establish whether the site is suitable for its end use. Recommend conditions in respect of a contaminated land investigation to be undertaken.
- 6.13 **Littleport and Downham Internal Drainage Board-** This application is outside of the IDB Drainage District but in an area that could drain into it. If surface water is balanced on site and there is no increase in flows to the IDB's system, then no objection. There is an East Cambridgeshire Award ditch to the south of the site, this watercourse flows into the IDB's Catchwater system and there is no residual capacity. The Board would wish to make comments on the detailed design of the surface water drainage for the site.
- 6.14 **Cambridgeshire Fire and Rescue-** Adequate provision be made for fire hydrants, secured by way of planning condition or Section 106 agreement.
- 6.15 **Councillor Charles Roberts-** I agree with the comments made by Councillor Bill Hunt. The proposals very clearly conflict with our local plan and should be refused.
- 6.16 **CCC Highways-** Comments made in relation to the civil engineering aspects of the development. The increase in traffic would incrementally increase risk at the junction of Common Road with the A142, this increase is unlikely to be of a significant magnitude and is not considered to provide justification for objecting. The access to the site is acceptable as proposed, subject to conditions in relation to access specification, drainage measures to address surface water run-off, visibility splays and submission of a traffic management plan.

- 6.17 **CCC Transport Assessment Team-** Further work and areas for clarification are required on the Transport Assessment (TA). The TA needs to ensure that the statements in the document are based on fact rather than assumption such as the speed of traffic on Field End. The TA states that a junction is operating at capacity when the maximum RFC exceeds 1. This is not correct a junction is deemed to be operating at capacity when the RFC of any movement exceeds 0.85. The most recent version of software for calculating traffic impact should be used to ensure the junction assessment results are robust. Given that the TA is dated February 2014 why does the accident data only cover the period to the end of 2012. The period covered by the assessment needs to include the most recent data available, this can be obtained from CCC.
- 6.18 **ECDC Waste Strategy-** Any private roads/lanes should be built to highway standards to allow waste vehicles to collect from the properties. The Council charges for the supply of wheeled bins, two bins per property are required.
- 6.19 **ECDC Forward Planning-** Gladman has submitted evidence as part of the planning application which indicates that East Cambridgeshire District Council does not have a five year supply of housing. This is critical in the context of advice in the NPPF (paragraph 49) which states that *'housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five year supply of deliverable housing sites.'*

The District Council has recently produced an updated housing trajectory (March 2014) which demonstrates that there is an adequate five year supply of housing in East Cambridgeshire. The trajectory was updated at the request of the Planning Inspector appointed to consider the soundness of the draft Local Plan (currently in examination stage). The Inspector queried the estimate delivery rates in North Ely, and indicated that windfall rates for garden land should be excluded from future supply estimates. Following discussion with the Church Commissioners and Endurance Estates, more cautious assumptions have been included for delivery of North Ely – and estimates have been adjusted to exclude garden land. A number of other adjustments were also made in the methodology used to calculate the five year supply, at the request of the Planning Inspector. The latest trajectory and five year supply calculation is therefore considered to provide an up to date and realistic assessment of housing supply in East Cambridgeshire.

Gladman have also queried some of the calculations used to estimate the five year housing supply. One of their objections relates to the use of a 5% buffer. The NPPF indicates that where there is persistent under-delivery of housing, a buffer of 20% rather than 5% should be used. Gladman claim that as recent delivery rates during the recessionary period have been lower than the housing target, that the 20% buffer should be applied. However, advice in the recently published National Planning Policy Guidance document is clear on the matter – *'The assessment of a local delivery record is likely to be more robust if a longer term view is taken, since this is likely to take account of the peaks and troughs of the housing market cycle.'* Between 2001 and 2012 there was a housing oversupply of 23% against the District's housing target.

In conclusion, the revised housing trajectory uses conservative and reasonable estimates to calculate the future supply of housing, and the methodology is considered to be consistent with Government advice in the NPPF and NPPG. The District Council is able to demonstrate a five year supply of deliverable sites against the housing target.

6.20 Neighbouring properties were notified and site notices displayed. 25 letters of objection were received, raising the following issues:

- Construction traffic through the village and onto the junction with the A142;
- Increase in traffic at the junction of Common Road with the A142;
- Increase in traffic and number of people;
- Increased hazard to children and pets;
- The access is preposterous;
- Impact on road safety;
- We should be reducing vehicular traffic, discourage use of cars and increase use of sustainable travel modes;
- Development is proposed off a road with traffic calming in place;
- The traffic statement is flawed;
- Section 106 required for highway improvements;
- Cycle paths should be designed that give priority to cyclists crossing at side roads;
- This village doesn't require any smaller or housing association properties;
- Will this result in the settlement boundary being altered;
- It is better to use infill sites within the village;
- How will the affordable housing be monitored and will provision be made for local people;
- Scale of development is questioned;
- It should only be considered for affordable housing;
- Is there a need for so much affordable housing;
- An ECDC representative has said that the planned housing targets for Witchford are only 60 homes until 2025- will this development over provide;
- Are the thresholds for affordable housing provision still applicable on sites located in the countryside;
- Not an allocated site in the village vision;
- Purely speculative development;
- The settlement boundary is there for a reason;
- This is not sustainable development;
- The development is not in the best interests of Witchford and its population;
- The schools are at capacity;
- Impact on local services, this could be of benefit and to their detriment;
- Insufficient play space within the village;
- Lack of existing facilities within the village;
- Will it result in need for additional community facilities;
- Only benefit is the proposed play area;
- Increase in crime and anti-social behaviour;
- Noise, disruption and mess during construction;
- Loss of view;
- Potential for cramped development;

- Overlooking and loss of privacy;
- Noise from the A142;
- How will run-off be dealt with;
- Existing issue with groundwater;
- Impact on drainage;
- The noise issues are too great to be overcome by mitigation;
- It will excessively enlarge the village;
- Impact on character of the village;
- Demolition of hedgerows and loss of wildlife habitat;
- Out of scale for the size of the settlement;
- Motives of the applicant are questioned;
- The hedge along Field End should be retained;
- The noise assessment is not truly representative of local conditions;
- Better connectivity between the proposed and existing open spaces should be made;
- SUDS proposals are too dismissive of use of swales and above ground storage- thereby allowing biodiversity opportunities.

6.21 1 letter of support was also received.

## **7.0 THE PLANNING POLICY CONTEXT**

7.1 East Cambridgeshire Core Strategy 2009

- CS1 Spatial Strategy
- CS2 Housing
- CS6 Environment
- CS7 Infrastructure
- CS8 Access
- H1 Housing Mix and Type
- H2 Density
- H3 Affordable housing
- S4 Developer contribution
- S6 Transport impact
- S7 Parking provision
- EN1 Landscape and settlement character
- EN2 Design
- EN3 Sustainable construction and energy efficiency
- EN4 Renewable energy
- EN5 Historic conservation
- EN6 Biodiversity and geology
- EN7 Flood risk
- EN8 Pollution

7.2 East Cambridgeshire Local Plan Pre-submission version (February 2013)

- 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 5	carbon offsetting
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 14	Sites of archaeological interest
COM 7	Transport impact
ENV 9	Pollution

- 7.3 Supplementary Planning Documents  
Developer Contributions and Planning Obligations  
Design Guide

## **8.0 CENTRAL GOVERNMENT POLICY**

- 8.1 National Planning Policy Framework 2012
- 1 Building a strong, competitive economy
  - 4 Promoting sustainable transport
  - 6 Delivering a wide choice of high quality homes
  - 7 Requiring good design
  - 10 Meeting the challenge of climate change, flooding and coastal change
  - 11 Conserving and enhancing the natural environment
  - 12 Conserving and enhancing the historic environment

## **9.0 PLANNING COMMENTS**

- 9.1 The main issues in the determination of this planning application are:
- Presence of a five year housing land supply;
  - Sustainability and the needs and priorities of Witchford as set out in the Core Strategy and draft Local Plan;
  - Impacts on visual impact and the character of the countryside;
  - Impacts on residential amenity;
  - Issues of highway safety and accessibility;
  - Flood risk and drainage issues;
  - Impacts on the historic environment;
  - Impacts on ecology and biodiversity

### **Development in the countryside and presence of five year housing supply**

- 9.2 Section 38 (6) of the Planning and Compulsory Purchase Act requires that decisions on planning applications are made in accordance with the Development Plan, unless material considerations indicate otherwise. The statutory Development Plan for the District currently comprises the East Cambridgeshire Core Strategy, 2009 and the Cambridgeshire and Peterborough Minerals and Waste Plan 2012.

- 9.3 The current Core Strategy will be replaced by the East Cambridgeshire Local Plan, which has reached an advanced stage of preparation, having gone through public examination and several stages of public consultation. These emerging policies are a material consideration in determining planning applications and Annex 1 of the National Planning Policy Framework states that the level of weight which can be attached to them will depend on the following:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 9.4 In relation to the post modification housing supply policies there have only been four objections alongside 3 representations in support. In light of this low level of objection and the advanced stage of production, it is considered that these policies can be given weight.
- 9.4 Details of all of the representations received in relation to all the emerging policies can be viewed on the Council's website using the following links:
- <http://www.eastcambs.gov.uk/sites/default/files/SD9%20Summary%20of%20Representations%20on%20the%20pre-submission%20Local%20Plan.pdf>
- [http://www.eastcambs.gov.uk/sites/default/files/Summary%20of%20Reps%20Consultation%20Statement%209June14\\_0.pdf](http://www.eastcambs.gov.uk/sites/default/files/Summary%20of%20Reps%20Consultation%20Statement%209June14_0.pdf)
- 9.5 The application site is located outside the settlement boundary for Witchford, on land designated in the Core Strategy as countryside. Policy CS1 of the Core Strategy states that development in the countryside will be strictly controlled, and restricted to that which is essential to the efficient operation of local agriculture, horticulture, forestry, permitted mineral extraction and outdoor recreation – or to other uses specifically identified in the plan. Policy CS2 states that outside settlement boundaries and allocated sites there will be a strict control over residential development. Exceptions to this policy include affordable housing, sites for gypsies and travellers and agricultural workers dwellings.
- 9.6 The proposed development does not fall within any of the exceptions policies contained within the Core Strategy relating to development in the countryside. It is therefore contrary to the policies within the Development Plan and as such, the application should be refused, unless material considerations indicate otherwise.
- 9.7 The National Planning Policy Framework (NPPF) aims to significantly boost the supply of housing. In order to meet this aim, in paragraph 47 it states that local authorities should identify and update annually a supply of specific, deliverable sites, sufficient to provide five years worth of housing against their housing requirements, plus an

additional buffer of 5%. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

- 9.8 The NPPF goes on to state at paragraph 49 that *“housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing site.”*
- 9.9 The applicant has submitted an assessment of East Cambridgeshire’s 5 year supply (updated report received in May 2014) of housing land which concludes that ECDC does not have a 5 year supply. Indeed, they argue that applying the Sedgefield Methodology, if all large potential windfall sites are included, that ECDC only has a land supply of a maximum of 3.17 years. They consider this to be an optimistic calculation, only assessing in detail some of the large Local Plan Allocations, and suggest that if all sites were assessed in detail the overall supply is likely to be further reduced.
- 9.10 The applicant disagrees with the Local Plan Target of 11,500 dwellings in the Plan period, and this objection was submitted as part of the Examination of the Plan. The applicant also asserts that the Council should be applying a 20% buffer as they consider that there is evidence of persistent under delivery of housing in the district.
- 9.11 The applicant therefore asserts in paragraph 5.5 of the Land Supply Assessment (May 2014) that there is a *“critical shortfall of housing supply within East Cambridgeshire that must be addressed as a matter of urgency if important local and national objectives are to be met.”* This being the case, they argue that the policies relating to land supply, which include those relating to housing development in the countryside, should be considered to be out-of-date, with the emphasis on determining the application placed on the presumption in favour of development in the NPPF.
- 9.12 The Council’s most recently published Assessment of Five Year Housing Land Supply confirms that the district has a five year supply that meets 105.3% of the target (or 5.27 years) using the Sedgefield methodology. The key change in this most recent document is that the estimated supply of dwellings over the Plan period has been increased to provide flexibility and ensure that the housing target can be met. This has largely been achieved by increasing the number of dwellings within the ‘broad locations’ on the edge of Littleport and Soham.
- 9.13 During the Local Plan hearing sessions the Inspector did not indicate any insurmountable soundness problems with the Plan. However, some areas of concern were highlighted, and after the close of the hearing sessions, an Inspector’s note was published setting out these key concerns. These included comments relating to the different sources of housing supply and overall flexibility in delivery. The updated Five Year Housing Supply Assessment, referred to above, was carried out to address these concerns.

- 9.14 In respect of the buffer that should be applied, the Inspector did not query the 5% applied by ECDC at the hearing sessions and the published note does not indicate any concerns relating to the use of a 5% buffer.
- 9.15 In light of the above, the Council considers that its position in relation to housing supply is robust, and that no additional sites, such as the one proposed in this application, would be required to meet the objectively assessed need. The local planning authority therefore considers that the absence of a five year housing supply is not a legitimate material consideration in this case and cannot be used to justify the setting aside of sound planning policies relating to the control of development in the countryside and the locational strategy for new residential development across the district.
- 9.16 At the time of writing this report, the Forward Planning Officers are in the process of putting together the Council's evidence for the resumed hearing scheduled for Monday 23<sup>rd</sup> June. The purpose of this second hearing is to examine the proposed post hearing modifications. Any new comments received from Forward Planning in respect of the housing supply issue will be forwarded to members before Committee.

### **Sustainability**

- 9.17 Paragraph 2.2 of the Planning Statement states that the settlement is in a sustainable location, being approximately 2.2km to the south west of the outskirts of Ely and contains a wide range of services in its own right, including a Primary and Secondary school, post office and convenience store. At paragraph 6.8 it concludes that Witchford benefits from a number of amenities and its relative proximity to Ely means that it is a suitably sustainable location for the proposed level of additional growth.
- 9.18 The draft Local Plan states that Witchford is a large village 1 mile to the west of Ely. Facilities within the village include a shop, post office, 2 churches, village hall, recreation ground, garage and primary school. The village is home to one of 4 village colleges in the district, a district household recycling centre is located on the edge of the village and there are regular bus services to Ely and Cambridge. There are a number of businesses in the village and two business parks in the parish, these include Greenham Park and Sedgeway Business Park, the village is also located in close proximity to Lancaster Way Business Park, this being located in the adjacent Ely parish. No new employment or housing allocation sites are proposed on the edge of Ely, residential development is envisaged as being on suitable 'infill' plots within the village.
- 9.19 Given the relative proximity of Witchford to Ely, the regularity of bus services (in particular to Ely), the proximity to existing employment sites and the local services available within the settlement it is considered that a refusal of this planning application on the grounds of sustainability could not be substantiated.

### **Visual impact and impact on the countryside**

- 9.20 Whilst the current application is only in outline form, any reserved matters application is required to demonstrate how the scale, layout, appearance and landscaping of the site further ensure the development assimilates within the site and does not have an

adverse impact upon the adjacent countryside. Careful consideration would need to be given to the scale and layout of dwellings and the retention of existing and proposed structural landscaping to ensure that an appropriate and high quality development is achieved.

- 9.21 An indicative layout design (illustrative masterplan) has been submitted with the planning application (contained within the Design and Access Statement), this shows the means of access from Field End positioned centrally along the southern boundary of the site. This indicative plan shows that the dwellings will typically be arranged facing towards the estate roads with their rear elevations and gardens facing towards Field End and the A142 (i.e. the northern and southern boundaries). Indicative heights of dwelling are stated as being between 2-2.5 storeys.
- 9.22 The application seeks to demonstrate that the development of the site will not result in any adverse visual impact on the character of the area. The open agricultural character will, inevitably, be lost through the developed and urban feel of a residential development. However the application has demonstrated that there will be opportunities to ensure the balance between providing homes and providing an attractive and green development of a high quality could be delivered through any reserved matters planning application.
- 9.23 A Landscape and Visual Impact Assessment has been submitted with the planning application. This assessment has been undertaken in accordance with Landscape and Visual Impact Assessment (or LVIA) guidance and considers the potential effects of the proposed development upon:
- Individual landscape feature and elements;
  - Landscape character;
  - Visual amenity and the people who view the landscape.

The landscape assessment takes into account 23 differing viewpoints, these are considered to be reflective of key viewpoints across, into and around the site. The assessment concludes that the site has a relatively small zone of visual influence, this is due to existing vegetation and built form. From the north (the A142) views are limited by existing vegetation, further screening is suggested as a means of screening the site. From the east the site is screened by a combination of mature trees and hedges along Common Road and by the buildings within the Greenham Business Park. From the south (Field End) mature trees and hedgerows filter views into the site, views will primarily be available from upper floor windows in residential properties that line the southern boundary of the site. Along the western boundary the existing dwellings along the southern boundary and mature trees/hedges, particularly in the south western corner screen views of the site. Further screening is proposed in the form of open space along the south western and western boundaries of the site. No public rights of way traverse or border the site, therefore wider public views are not available. It is accepted that views of the site may be available from traffic travelling along the A142, however these will be transient views, owing to the fact that the speed limit on this section of public highway is 60mph. This is a 5.1 hectare site, of which 3.82 hectares are proposed to be developed for residential housing, up to a maximum of 128 houses. The erection of up to 128 houses on a site on the northern edge of Witchford will significantly increase the size of the settlement, however the majority of modern housing development in recent years has been concentrated on land to the

north of Main Street, between Main Street and the A142. The geographical scale of the development site is comparable to that of the residential estate that was constructed in the 1990's directly to the south.

- 9.24 It is concluded that the proposed development will not be highly visible from outside of the site, views of the dwellings from the A142 will be of a transient nature, from vehicles travelling at high speeds along the local highway network. It is considered that views of the site will be available, however these will be limited to the upper floor windows and roofs of the dwellings, the existing built form and the existing mature planting, together with proposed structural planting and open space will continue to provide screening and a greened appearance to the site and to the northern edge of the settlement.

### **Residential amenity**

- 9.25 The level of residential amenity which would be enjoyed by both future occupiers of the development and occupiers of existing property close to the site are key planning considerations. The Design and Access Statement states that the proposed density for the application site would be 33 dwellings per hectare for up to 128 dwellings.
- 9.26 It is worth noting that the area to the south of the site consists of modern housing built at a relatively high density. Officers consider that the density outlined and the parameters would enable the proposal to achieve a good quality development, sufficient garden/amenity space and separation distances which would ensure an acceptable level of residential amenity for future occupiers and which would be comparable to the density of existing residential development to the south of the site. It would also sufficient spacing and siting of dwellings to ensure that the required separation distances to existing properties on Field End can be achieved.
- 9.27 The main issues to be considered in relation to residential amenity of the occupiers of nearby property are the loss of light/overshadowing, light pollution, increased noise, vibration and disturbance and loss of privacy/overlooking. Core Strategy policies EN2 and EN8 address these issues, in seeking to ensure light, air quality, noise and water pollution are minimised, in the interest of health and safety, and on the natural environment, and that the reasonable amenity of all occupiers is maintained. These objectives are also reiterated in draft Local Plan policies ENV2 and ENV8. Two areas need to be considered in addressing this subject, the construction phase and the final operational phase of the development. The construction phase will be temporary and the impacts will change as the development progresses and the operational phase of the development will be permanent. As layout, appearance and scale are not being assessed at this stage, the reserved matters applications would need to ensure that the proposed development would create an acceptable level of amenity for future occupants as well as safeguarding the amenity of those that occupy existing properties which adjoin the site, through addressing issues relating to overshadowing and overlooking.
- 9.28 The residents which are adjacent to the proposed development site are those located along Field End, Victoria Green, Granary End, Briars End and Elm Close. The Framework plan submitted with the planning application shows structural landscaping along the southern boundary and the provision of an open space in the south western

corner. The structural landscaping, together with the provision of the public open space will provide some degree of screening and separation from existing properties without resulting in overshadowing or loss of privacy. The site boundary in the south eastern corner retreats a considerable amount from the point at where it meets Field End, this is a distance of approximately 70m and would ensure sufficient safeguarding distance from properties along Field End, Granary End, Briars End and Elm Close.

- 9.29 Another issue for consideration is noise and the potential for loss of residential amenity to both existing and proposed occupiers of dwellings. A noise report has been submitted with the planning application, this report takes into account noise levels at day time and night time periods. It concludes that the dominant noise source will be from road traffic travelling along the A142, whilst some occasional vehicular movements along Field End, particularly during the night time will affect the southernmost area of the site. The results of the noise survey indicate that to achieve the limit of 50dBL in outdoor living areas (patios, gardens etc.) then acoustic mitigation will be required for those areas nearest to, and with a direct line of sight to the A142. Mitigation/attenuation is proposed by way of locating gardens on the screened side of dwellings (i.e. not facing towards the A142) or through the installation of closed boarded fencing. Properties further into the site will be screened by the residential buildings proposed to the north and would therefore be likely to achieve the required acceptable daytime noise levels. Environmental Health are generally in agreement with the findings of the acoustic report, they agree that the final layout of the scheme (to be considered at reserved matters stage) will help to determine noise levels and whether mitigation is required. In addition further mitigation is recommended by way of the following measures:
- Adequate distance between source and noise sensitive building/areas;
  - Screening by barriers, other buildings or non-critical rooms in a building;
  - Good sound insulation.

- 9.30 Environmental Health Officers conclude in their comments that a more detailed noise assessment is required to identify the likely noise impacts, including from the commercial units on the adjacent site and determine the exact nature of mitigation measures to be used, once the construction methods, locations and noise levels of equipment etc. are known. This could be secured by way of planning condition. Environmental Health have recommended conditions in respect of working hours and noise levels, including restriction of plan noise, both during construction and during the operational phase. Additional conditions are recommended in respect of the submission of a construction management plan to deal with noise, dust, lighting and vibration during the construction phase, including timescales, together with a condition restricting construction and delivery times. It is considered that these recommended conditions would ensure that sufficient safeguards are in place to protect existing and proposed residential occupants, particularly during but not specifically limited to the construction period. The use of standard techniques such as housing layouts, the orientation of buildings and the associated open spaces at reserved matters stage could control the effects of road noise on the new dwellings within the site.

### **Highway safety and accessibility**

- 9.31 The means of access is proposed from an existing field gate access located on the northern side of Field End. This will be delivered by way of a simple priority junction

providing access to the wider highway network along Victoria Green and Common Road. No objections have been received from CCC Highways in respect of the means of access, pedestrian or highway safety. The proposed vehicular access affords good visibility in both directions along Field End and is located sufficient distance (70m) from the traffic calming measures already in place along Field End so as to not result in the blocking or obstruction of these measures.

- 9.32 A Framework Travel Plan and Transport Assessment have been submitted with the planning application. The Transport Assessment concludes that the existing key junctions in Witchford and the highway network are operating well within capacity and will continue to do so in 2019 with the development in place. Overall the Transport Assessment concluded that there will be no material traffic impact as a result of the proposals and that capacity at the proposed vehicular access point is not an issue.
- 9.33 Traffic accident records (for the period 2008-2012) show that a total of 23 accidents occurred within Witchford and around the bypass (the A142) and that only 4 of these 23 accidents occurred within the village itself. It is concluded that this number of accidents around the bypass is not inconsistent with a road of this nature and that the development will not have a material impact on road safety. In conclusion the Transport Assessment states that there are no material transport issues (accounting for traffic impacts and road safety) associated with the development.
- 9.34 The Transport Assessment (TA) has been assessed by the CCC Transport Assessment Team and a request for an up to date report, particularly in relation to traffic impact, junction assessment results and road safety has been made. Based on the requirement for additional information it is considered that the Local Planning Authority cannot accurately assess whether the proposed development will result in traffic impact or road safety issues. Accordingly the proposed development is considered contrary to the provisions of policy S6 (Transport Impact) of the Core Strategy and policy COM7 of the Local Plan which states that the Council needs to ensure that road safety is not jeopardised by allowing proposals that would generate levels of traffic beyond the capacity of the surrounding road network.
- 9.35 It is worth noting that pedestrian and cycle way access into the site will be made available at two separate points, these being from the proposed vehicular access and from the public open space in the south western corner. The provision of these access points will allow for greater connectivity with the existing built form in Witchford and will link existing and proposed open spaces together.

### **Flood risk and Drainage**

- 9.36 A Flood risk and drainage strategy and Foul drainage assessment have been submitted with the planning application. This states that the proposed development will connect to the public sewer, this is maintained by Anglian Water. The report concludes that Anglian Water has sufficient time following the grant of planning permission to fully assess the impact of development on its sewerage network and sewage treatment works and to plan and implement any improvement works necessary prior to the connection of the development to the foul sewer. The foul drainage assessment states that it would be inappropriate to prevent this development from proceeding on the grounds of sewerage or sewage treatment capacity or indeed to apply any restrictive



planning condition which conflicts with the clear provisions set out in the Water Industry Act 1991.

- 9.37 ECDC commissioned a Water Cycle Strategy in 2011, this assessed the potential constraints to water supply and wastewater treatment within the district. Table 3.1 of the Draft local plan identifies that upgrades to Witchford Waste Water Treatment Works (WWTW) may be required. It is noted that Anglian Water have commented there is available capacity within the system to accommodate the flows, they identify that the development will lead to an unacceptable risk of flooding downstream and mitigation as outlined in the Developer Impact Assessment will be required, a condition is recommended for the submission of a foul water strategy. Notwithstanding the lack of an objection from Anglian Water, the Environment Agency has commented on the drainage proposals and recommended deferral of the planning application, until such time that additional survey work is undertaken to demonstrate that there is sufficient capacity to accommodate the proposed development and to show that the increased in sewage discharge from Witchford Water Recycling Centre (WRC) can be achieved, and will not lead to a breach of Water Framework Directive objectives. The Environment Agency allude to the fact that this is a non-allocated site for residential development and thus was not considered in the Water Cycle Study which informed the local plan process. Any issue with permitted capacity at Witchford could therefore be exacerbated by the proposed development. Therefore additional information is required to demonstrate whether there is sufficient capacity to accommodate the proposed development in Witchford. This additional survey work has not been undertaken and as such, the Local Planning Authority cannot be satisfied that there would be no adverse impact on drainage capacity or water quality in Witchford, as a result of the proposed development.
- 9.38 The Flood Risk and Outline Drainage Strategy states that the proposed development site is located within Flood Zone 1, at the lowest risk of flooding, therefore it is considered appropriate in terms of the sequential test. A formal evacuation plan for flooding is not considered necessary and it is recommended that ground floor levels for the properties are set above proposed surrounding levels across the development to provide a nominal freeboard to allow overland flow under exceptional circumstances. The clay content of the soils is unsuitable for the use of SuDS and surface water attenuation is proposed by way of underground storage systems and balancing ponds, this is proposed to be at a Greenfield run-off rate. No objections have been raised by the IDB in relation to the surface water disposal arrangement, provided that surface water is balanced on site. The Environment Agency has deferred to make comments on the surface water and flooding matters until such time that the issue relating to foul drainage capacity and water quality is resolved.

### **Historic Environment**

- 9.39 The Landscape and Visual Impact appraisal identifies eight Grade II Listed Buildings within the settlement of Witchford, these are located on Main Street to the south of the site. Due to the distances involved and the existing built form of the village it is considered that the proposed development will not affect the character, appearance or setting of these listed buildings. There are no scheduled ancient monuments within 2 miles of the site and Ely Cathedral is located approximately 3.2 miles to the north west. Given that there is a high density of new residential development (existing) on

the south western and western edge of Ely (i.e. intervening built form) and due to the topography of the Isle of Ely (with the Cathedral located in the centre of the settlement) the proposed residential development, with dwellings at a maximum height of 2.5 storeys is not considered to impact on the character, appearance or setting of Ely Cathedral, nor is it considered to conflict with long-distance views of Ely Cathedral. The Ely Environmental Capacity Study 2001 identifies a key view of the Cathedral when approaching Ely along the A142 from Witchford. The study states that the Cathedral is a significant landmark from a considerable distance, however it is not until close to Witchford Village that it is seen within a discernible landscape context. It is contended that the Cathedral is not dominant in key views until such time that one has travelled beyond the perimeter of the application site (travelling east along the A142 towards Ely), for this reason the proposed development is not considered to conflict with this key view of Ely Cathedral.

- 9.40 An Archaeological desk-based assessment has been submitted with the planning application. This assessment concludes that there are no designated or non-designated heritage assets on the study site, the site has low potential for any archaeological evidence and therefore no archaeological mitigation appears necessary. CCC Archaeology has considered the assessment and the proposals and recommend a condition that further archaeological evaluation to be commissioned and undertaken prior to any planning determination. This additional work cannot be conditioned. This additional survey work has not been undertaken and as such, the Local Planning Authority cannot be satisfied that there would be no adverse impact on the archaeological potential of the site. The application therefore fails to satisfy the requirements of policy EN5 of the East Cambridgeshire Core Strategy 2009, policy EN14 of the draft East Cambridgeshire Local Plan, and with the guidance contained within the NPPF, which states that local planning authorities should recognise that heritage assets are an irreplaceable resource which require conservation in a manner appropriate to their significance.

### **Ecology/Biodiversity**

- 9.41 Objectors have raised concerns over the loss of wildlife habitat and the potential adverse impact on protected species. Policies EN6 and ES6 of the Core Strategy and draft Local Plan respectively, seek to ensure that the impact on wildlife is minimised and that opportunities for biodiversity enhancement are taken. The site is not in close proximity to any designated sites and does not have any designations itself. There is one non-statutory County Wildlife Sites located within approximately 2km of the site, but it is considered that these would not be adversely affected by the proposed development. Given the scale of the proposal and the undeveloped nature of the site, it is appropriate that the impacts on biodiversity and protected species are assessed in line with local and national Planning Policy, and with regard to the Natural England Standing Advice on Protected Species. In this respect, an Ecological Assessment has been submitted with the application, which includes details of an extended phase 1 habitat survey.
- 9.42 The survey indicates the presence of priority habitat hedgerows. However, the majority of these would be retained, with new, native hedgerow planting to mitigate for any losses. Mitigation has also been recommended that would prevent unlikely but possible negative impacts on protected species including nesting birds and foraging

bats. With regards to the more general loss of habitat and impacts on biodiversity, the report suggests a number of possible biodiversity enhancements and it is considered that appropriate provisions for habitat creation and biodiversity features could be achieved on site.

- 9.43 The potential impact on great crested newts is considered within the report and various water bodies around the site were assessed for suitability for great crested newts, this included the ditch that is located in the south eastern corner. The report recommends that there are no records of great crested newt within 1km of the site and only one water body within 500m of the site that is not separated by any barriers of dispersal, this has been assessed as being of average suitability using the Habitat Suitability Index. The report considers it reasonably unlikely that, should this water body support a population of great crested newt, they would traverse the site or utilise it for terrestrial habitat, given the suitability of terrestrial habitat surrounding the water body and between it and the site (woodland, scrub and coarse grasses) the only limited connectivity to the site, and the lack of water bodies beyond the site. The wet ditch on the site is not considered suitable for breeding amphibians. Precautionary measures are outlined to prevent harm to reptiles and amphibians, these would also be applicable to prevent harm to great crested newts.
- 9.44 The trees and existing buildings on site were assessed for bat roost potential. None of the trees present within the site had the potential to support roosting bats. Given the absence of roosting bats and the very low activity levels recorded at the site, the report has advised that precautionary measures, which include the careful use of lighting and street lighting would ensure sufficient mitigation and allow the site to continue to be used by foraging and commuting bats post-development. The correct survey work has been undertaken and appropriate mitigation measures have been proposed, where this is necessary. The local planning authority can therefore be satisfied that there would be no adverse impact on protected species as a result of the development. Landscape features could be retained as part of the development and additional biodiversity features could be incorporated into the design, layout and landscaping. The application therefore satisfies the requirements of policy EN6 of the Core Strategy and with the guidance contained within the NPPF, which states that local planning authorities should aim to conserve and enhance biodiversity.

### **Other issues**

- 9.45 Loss of view is not a material planning issue. The proposal will provide 30% affordable housing, this equates to 39 dwellings, the applicant has committed to this level of affordable housing provision. The proposed development will be CIL liable and payable, this is based on a figure of £90 per m<sup>2</sup> of internal floor space. The Community Infrastructure Levy is a new planning charge, introduced by the Government through the Planning Act 2008 to provide a fair and transparent means for ensuring that development contributes to the cost of the infrastructure it will rely upon, such as schools and roads. The levy applies to most new buildings and charges are based on the size and type of new floor space. A comment has been received in relation to the housing numbers for Witchford quoted by an ECDC representative. This reflects the number of houses anticipated to be delivered in Witchford Parish for the plan period of 2012-2013, this is estimated as a total of 61 new dwellings.

## Summary

- 9.46 The Council disagrees with the applicant's assertion that there is a critical shortfall of housing supply within East Cambridgeshire and as such the policies relating to land supply, which include those relating to housing development in the countryside, should be considered to be out-of-date, with the emphasis on determining the application placed on the presumption in favour of development in the national Planning Policy Statement.
- 9.47 As discussed earlier in this report, the Council considers that its position in relation to housing supply is robust, and that no additional sites, such as the one proposed in this application, would be required to meet the objectively assessed need. The absence of a five year housing supply is therefore not a legitimate material consideration in this case and cannot be used to justify the setting aside of sound planning policies relating to the control of development in the countryside.
- 9.48 Whilst there would be no adverse effects in terms of biodiversity, protected species, landscape and visual amenity and residential amenity, due to a lack of sufficient information, the local planning authority cannot be satisfied that there would not be adverse effects on archaeological remains, foul water treatment infrastructure, water quality and highway safety .

## 10.0 **RECOMMENDATION**

RECOMMENDATION: REFUSAL

- 1 The application site is located outside the development envelope for Witchford, on land designated in the Core Strategy as countryside. The development is therefore contrary to policies CS1 and CS2 of the East Cambridgeshire Core Strategy 2009, which state that development in the countryside will be strictly controlled, and restricted to specific exceptions. The development is also contrary to policy GROWTH2 of the draft Local Plan, which has been attached considerable weight given the advanced stage at which the Plan is in production.

The applicant has argued that in the absence of a five year housing supply the policies relating to land supply, which include those relating to housing development in the countryside, should be considered to be out-of-date. However, the Council considers that its position in relation to five year supply of land for housing is robust, and that no addition sites, such as the one proposed in this application, would be required to meet the objectively assessed need. The local planning authority therefore considers that the absence of a five year housing supply is not a legitimate material consideration in this case and cannot be used to justify the setting aside of sound planning policies relating to the control of development in the countryside and the locational strategy for new residential development across the district.

- 2 Policy EN5 (Historic conservation) states that development proposals at all sites of known or potential archaeological interest will require the submission of an archaeological evaluation/assessment by a suitably qualified person. An archaeological desk based assessment has been submitted with this planning, this concludes at paragraph 6.4 that the assessment has considered the potential for as-yet to be discovered archaeological assets within the site and that the site has low potential for any archaeological evidence. This archaeological desk-based assessment has been assessed and further works (in particular physical information and an archaeological investigation) are considered necessary, these works are recommended to be undertaken prior to the determination of this planning application. This additional survey work has not been undertaken and as such, the Local Planning Authority cannot be satisfied that there would be no adverse impact on the archaeological potential of the site. The application therefore fails to satisfy the requirements of policy EN5 of the East Cambridgeshire Core Strategy 2009, policy EN14 of the draft East Cambridgeshire Local Plan, and with the guidance contained within the NPPF, which states that local planning authorities should recognise that heritage assets are an irreplaceable resource which require conservation in a manner appropriate to their significance.
- 3 This residential development is proposed on a site which is not allocated for housing in the draft East Cambridgeshire Local Plan, therefore this site has not been considered as part of Anglian Water's Asset Management Plan. Subsequently this site has not been included in the Detailed Water Cycle Study (WCS) for East Cambridgeshire. Any issue with permitted capacity at Witchford could therefore be exacerbated by the proposed development. Therefore additional information is required to demonstrate whether there is sufficient drainage capacity to accommodate the proposed development in Witchford. This additional survey work has not been undertaken and as such, the Local Planning Authority cannot be satisfied that there would be no adverse impact on drainage capacity or water quality in Witchford, as a result of the proposed development. The application therefore fails to satisfy the requirements of policy EN8 of the East Cambridgeshire Core Strategy 2009 and policy ENV9 of the draft East Cambridgeshire Local plan which states that proposals will only be permitted where individually, or cumulatively there are no unacceptable impacts on surface and groundwater quality.
- 4 A Traffic Assessment has been submitted with the planning application. This has been assessed and further work is required to ensure that the traffic impact and road safety issues are based on robust and the most up to date information. Based on the requirement for additional information it is considered that the Local Planning Authority cannot accurately assess whether the proposed development will result in traffic impact or road safety issues. Accordingly the proposed development is considered contrary to the provisions of policy S6 (Transport Impact) of the East Cambridgeshire Core Strategy and COM7 of the draft East Cambridgeshire Local Plan which states that the Council needs to ensure that road safety is not jeopardised

by allowing proposals that would generate levels of traffic beyond the capacity of the surrounding road network.

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<b><u>Background Documents</u></b>	<b><u>Location(s)</u></b>	<b><u>Contact Officer(s)</u></b>
The application file	Scott Jackson Room No. 011 The Grange Ely	Scott Jackson Planning Officer 01353 665555 scott.jackson@eastcambs.gov.uk

<http://pa.eastcambs.gov.uk/online-applications/>

East Cambridgeshire Local Plan – post-hearing work and proposed modifications  
<http://www.eastcambs.gov.uk/sites/default/files/d%26t%20ctee%20report%20on%20post%20hearing%20work%2014apr14.pdf>

Core Strategy  
<http://www.eastcambs.gov.uk/local-development-framework/adoption-core-strategy>

Draft Local Plan  
<http://www.eastcambs.gov.uk/local-development-framework/east-cambridgeshire-local-plan>