
MAIN CASE

Reference No: 15/00986/FUM

Proposal: Proposed erection of 25 residential dwellings, public open space and associated landscaping

Site Address: Land Formerly 21 Newmarket Road Stretham Cambridgeshire CB6 3JF

Applicant: Stretham And Wilburton CLT & Laragh House Developments Ltd.

Case Officer: Melissa Reynolds Senior Planner North Ely

Parish: Stretham

Ward: Stretham

Ward Councillor/s: Councillor Bill Hunt
Councillor Charles Roberts

Date Received: 28 August 2015 **Expiry Date:** 29th January 2015
(E.O.T. agreed)

[Q128]

1.0 **RECOMMENDATION**

1.1 Members are requested that approval be delegated to the Planning Manager, following the completion of a s106 and subject to the draft conditions (with any minor revisions to the conditions delegated to the Planning Manager). The full planning conditions can be read in full on the attached Appendix 1.

- 1 Approved Plans
- 2 Time
- 3 Materials
- 4 Construction Environmental Management Plan
- 5 Lighting
- 6 Construction Times
- 7 Construction Deliveries to the Site
- 8 Construction Phase - All Lighting
- 9 Details of Gas Membranes
- 10 Drainage
- 11 Remediation Strategy
- 12 Reporting Unexpected Contamination
- 13 Soft Landscaping Scheme
- 14 Hard Landscaping Scheme

- 15 Landscape Maintenance
- 17 P.D. Removal - Extensions
- 18 P. D. Removal - Windows and Openings
- 19 P.D. Removal - Gates and Fences
- 20 P.D. Removal - Garage Conversions
- 21 P. D. Removal - Highways Gates
- 22 Highways CCC Spec.
- 23 Highway Drainage
- 24 Manoeuvring
- 25 Provision of Access
- 26 Pedestrian visibility splays
- 27 Access drainage
- 28 Street maintenance
- 29 Road construction
- 30 Fire hydrants

2.0 SUMMARY OF APPLICATION

- 2.1 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.2 The application is brought before the Committee at the request of Councillor Derrick Beckett so that it can be dealt with in the interests of public scrutiny, due to the necessary involvement of councillors.
- 2.3 This full planning application, seeks permission to erect 25 dwellings, provide a toddler play space (TOP) and associated landscaping. It would form phase three of a scheme previously approved that is under construction by the applicant on behalf of Stretham and Wilburton C.L.T.
- 2.4 The scheme of 25 dwellings would provide a mix of affordable and market dwellings:
- Affordable dwellings: 8 (32%)
- 4 no. 1 bedroom
4 no. 2 bedrooms
- Market dwellings: 17 (68%)
- 4 no. 2 bedrooms
9 no. 3 bedrooms
4 no. 4 bedrooms
- 2.5 The dwellings' designs reflect those of the approved phases 1 and 2 and are of a modern design using materials that reflect the edge of village / semi-rural location.

2.6 A play area measuring 313m² would be equipped to provide play space for toddlers. This would be sited adjacent to the turning head at Sennitt Way. Informal open space in the form a pedestrian walk, linking to the phase 2 site's wildlife walk, to the north, would provide a further 154m² open space.

3.0 PLANNING HISTORY

3.1

15/00018/VARM	To vary Condition 1 (Revised plans submitted to accommodate minor changes to Phase 1 site layout) of previously approved 14/00013/FUM for New development to include: 35no. new private market housing units, 15no. new affordable CLT owned housing units, new doctor's surgery, 3no. business premises, within CLT owned units and 0.24ha extension to existing cemetery.	Approved	02.04.2015
15/00030/FUL	Re-alignment of permitted access road to Manor Farm Development (14/00013/FUM)	Approved	02.04.2015
14/00013/FUM	New development to include: 35no. New private market housing units, 15no. new affordable CLT owned housing units, new doctor's surgery, 3no. business premises, within CLT owned units and 0.24ha extension to existing cemetery	Approved	04.12.2014
05/00142/DEM	Demolition of property to make way for visibility splays for new T- junction.		02.03.2005
05/00377/OUT	Outline application for the erection of a four bedroomed house and garage (existing property to be demolished - approved under planning permission	Approved	17.05.2005

08/00500/RMA	Reserved matters approval for erection of 1No 4bedroom house & garage.	Approved	07.07.2008
10/00174/FUM	Erection of 5no. one & two bed. flats within the village envelope and the erection of 3no. one bed. flats, 2no. two bed. houses and 4no. three bed. houses under the exceptions policy for affordable housing. Together with associated landscaping, car parking and access arrangements.		01.03.2011

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site, measuring 0.86 ha, is on the south-eastern side of the village of Stretham. It fronts Newmarket Road, off which it is accessed, and lies adjacent to Sennitt Way, a recent development of houses with gardens backing onto the site. To its north is farmland, recently granted planning permission for 50 houses, doctors' surgery and business premises which has recently commenced construction works. West of the site, on the opposite side of Newmarket Road, are allotments. East of the site is land that previously was a landfill site and has been used most recently as a haulage yard. A drainage ditch runs along the south-eastern edge of the site. The site is relatively flat with no notable landscape features.

5.0 RESPONSES FROM CONSULTEE

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

5.2 CCC Growth & Development - No comments received.

5.3 Head of Strategic Planning - No comments received.

5.4 Local Highways Authority – Comments on the initial application: This application is linked to previously approved application ref. 15/00030/FUL. The Highways Authority has agreed in principal to adopt the main spine road of this site. Therefore the layout of this application site should complement the approved design.

The hard landscaped area on Newmarket Road shown on the site layout drawing should be grassed and free from planting (above 0.6m in height and obstruction). Any area that the visibility splays cross, that is not currently under the control of the Highways Authority, must be dedicated to the Highways Authority to ensure these areas are maintained and free from obstruction and at all times.

The private roads shown on the plan do not meet with the Highways Authority standards for adoption. These roads and footways are too narrow and their layout is such that they would not serve as a functional highway. Therefore we would not seek to OR offer to adopt these roads in their current form. In order for CCC to adopt the roads these must be a min of 5.5m with a 0.5m maintenance strip around the entire road.

The footway width adjacent to J.7 to 10.C is not to CCC standards as 1.2m is too narrow for pedestrians to pass each other safely. It would be recommended that this be increased to 1.8 meters wide for the length of the road. If this widening were included within the design CCC would be willing to accept adoption of this area. NOTE: This width should be continued in to the next phase of the development on this side of the road for safe pedestrian passage.

The plans show that culvert headwalls are included in the rear gardens of 5C and the public open space on the main street east of these properties. This culvert is part of phase one and is intended to be adopted by CCC. Therefore, either a wayleave for CCC will be required for both properties OR alternatively a section of 5C and 6Cs rear gardens should be removed in order for maintenance access. NOTE: CCC would be willing to adopt the grassed public area south of 7.J in order to secure the maintenance of the culvert.

Conditions are recommended in relation to:

- Visibility splays;
- Access construction in relation to drainage;
- Maintenance agreement; and
- Surface construction

Lead Local Flood Authority - Sustainable Drainage Systems (SuDS) should not be thought of as individual features, but as an interconnected network of surface water management initiatives.

The SuDS management train begins with land use decisions and prevention measures, followed by interventions at the property scale and street scale (source control), through to considerations for downstream run-off controls within the overall site boundary, and wider initiatives downstream that are designed to manage the overall catchment.

Design and layout should seek to manage and convey surface water above-ground as much as possible, avoiding the use of underground piping. The applicant should consider using source control as this does not currently form part of the submission instead relying solely on a piped surface water drainage network.

The applicant has demonstrated that the volume of surface water can be dealt with utilising the attenuation system provided on the adjacent Manor Farm development. However the design does not incorporate some of the wider benefits SuDS can bring through the use of source control and conveyance measures. Additionally the water quality leaving the site may be less than optimum should only one treatment

stage be in place before discharge to a watercourse. The proposals are therefore not in line with best practice as set out within the CIRIA SuDS Manual (C697).

Comments on the revised scheme are awaited and an update will be provided to Members at the meeting.

5.5 Environmental Health - The Phase I _ II Geo-Environmental Assessment dated 13th August 2015, prepared by EPS, is generally agreed.

Para 2.7 notes the presence of the adjacent landfill site. It would have been useful to have more information about this. The report states that the site was operated by Ely Rural District Council until 1978, although Ely RDC was abolished in 1974. It is understood that the landfill site was formerly a clay pit and the depth of fill is likely to be greater than that indicated in the site conceptual model drawing shown on page 11 of the report. There is also no reference to the area to the south which appears to have had a former industrial use as a depot.

Further testing has been carried out on soil arsenic concentrations to derive a Site Specific Assessment Criteria since the original report was written (6.2.2). This is acceptable. However, the results of the PBET testing have not been included in the report and the applicant should be asked to supply these.

All of the environmental recommendations made in Section 8 of the report are agreed. Although the risk from landfill gas appears to be low, the recommendation to install a low permeability gas membrane as outlined in Appendix N as landfill gas movement can be unpredictable is agreed. It would also be prudent to remove the near surface soil in areas where the asbestos fibres were detected.

Subject to receiving details of the PBET testing for arsenic it is believed that the report is acceptable. A contaminated land condition 4 (unexpected contamination) is recommended to be attached to any grant of planning consent.

Comments on the revised scheme are awaited and an update will be provided to Members at the meeting.

5.6 Waste Strategy (ECDC) - ECDC will not enter private property to collect waste or recycling, therefore, residents would have to take bins to the public highway boundary.

ECDC charges for waste collection receptacles - each new property requires two bins and the contribution is set at £43 per bin.

Comments on the revised scheme are awaited and an update will be provided to Members at the meeting.

5.7 Natural England - No comments but this does not imply there are no impacts on the natural environment but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

5.8 Environment Agency - No objections.

The site is an historic landfill site. ECDC has the Historic Landfill Data.

Infiltration SuDS with bases greater than 2m below ground level, or where there is less than 1.2m between the SuDS base and peak groundwater level, are not acceptable unless all of the criteria of its Groundwater Protection (GP3) are met. They must not be constructed in areas affected by contamination.

Where it accepts that such SuDS are suitable they may require an Environmental Permit. The applicant is advised to contact them.

The developer is responsible for making sure that the development is safe, that the development enhances the natural environment and that any negative impacts from previous uses are addressed. This includes from any land contamination identified prior to or during construction.

All surface water from roofs shall be piped to an approved surface water system using sealed downpipes. Open gullies should not be used.

Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas for less than fifty spaces and hardstanding should be passed through trapped gullies with an overall capacity compatible with the site being drained.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

5.9 The Ely Group of Internal Drainage Board - The site is outside of the Littleport and Downham Internal Drainage Board District.

The site flows into an embanked Award Drain that is maintained by ECDC. It is vital that discharge into this watercourse is restricted so that the drain is not overwhelmed.

The Board's District is at risk if the Drain is allowed to overtop or have its banks breached.

5.10 Cambridgeshire Archaeology - It does not object to this development, and in view of evaluation in the adjacent land plot it has no further archaeological recommendations for this area.

5.11 Senior Definitive Map Officer - No comments received.

5.12 Cambridgeshire Fire and Rescue Service - Should the Planning Authority be minded to approve, the Fire Authority would ask that adequate provision be made for fire hydrants, either through S106 or planning condition.

The cost of the hydrants would be recovered from the developer.

The number and location of Fire Hydrants will be determined following the 'National Guidance Document on the Provision of Water for Fire Fighting', Third Edition, published January 2007.

Access and facilities for the Fire Service should be provided in accordance with Building Regulations.

Cambridgeshire Fire and Rescue has a non-standardised Fire Appliance that would need to be accommodated.

5.13 Anglian Water Services Ltd - ASSETS
Section 1 - Assets Affected

Its records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES
Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Stretham Water Recycling Centre that will have available capacity for these flows.

Section 3 - Foul Sewerage Network

The sewerage system at present has available capacity for these flows via a gravity connection to the public foul sewer. If the developer wishes to connect to its sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. It will then advise them of the most suitable point of connection.

Section 4 - Surface Water Disposal

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, it is unable to provide comments on the suitability of the surface water management.

Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, it would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Section 5 - Trade Effluent

Not applicable.

5.14 Open Spaces (ECDC) - No comments received.

5.15 Housing Section - No comments received.

5.16 Parish - No objections raised. The Council fully supports the application and the benefits it will bring to the Parish and those who will go on to live in the Community

Land Trust houses. Comments on the revised scheme are awaited and an update will be provided to Members at the meeting.

5.17 Ward Councilors - No comments received.

5.18 Technical Officer Access - Signs and Wayfinding - Overall layout, landmark features, sign, types, location, maps and guides, colour contrast, lighting: general and workplace:

Signage to indicate clearly pedestrians and cyclists have priority on shared surfaces.

Footpaths need to be at least 2m wide, firm, level and slip resistant surfaced.

Any provision for cycles should include weather protection.

5.19 Neighbours – Site notice posted, advertisement placed in the Cambridge Evening News and 46 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

The residents in 10 Sennitt Way note that the submitted plans appear to include a brick wall along the side of the drive to no. 10.

The drive is narrow, and they are concerned a brick wall placed along the drive opposite the house may cause issues with getting in and out of vehicles and also make the swing out onto road more difficult.

They notice that the land the other side of the brick wall does not appear to be connected to one of the new properties, therefore request the wall be moved between 0.5m to 1m away from their drive edge.

The inclusion of the wildlife buffer has removed their other concerns and they are grateful to the developer for including it.

5.20 Comments on the revised scheme are awaited and an update will be provided to Members at the meeting.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
GROWTH 6	Community-led development
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision

- HOU 4 Affordable housing exception sites
- ENV 1 Landscape and settlement character
- ENV 2 Design
- ENV 4 Energy efficiency and renewable energy in construction
- ENV 7 Biodiversity and geology
- ENV 8 Flood risk
- ENV 9 Pollution
- COM 7 Transport impact
- COM 8 Parking provision

6.2 Supplementary Planning Documents

Design Guide
Developer Contributions and Planning Obligations

6.3 National Planning Policy Framework 2012

- 3 Supporting a prosperous rural economy
- 4 Promoting sustainable transport
- 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

7.0 PLANNING COMMENTS

7.1 Principle of Development

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

7.1.2 The site is located partly within and partly outside the established development framework of Stretham, in between the existing residential development and the land on which planning permission has been granted for Phases 1 and 2 of this scheme. Its proximity to existing and future development and the services on offer in the settlement of Stretham means that the site is considered to be in an sustainable location. Whilst policy GROWTH 2 of the Local Plan (Locational Strategy) cannot currently be strictly applied to applications for housing, it should be noted that one exception to development outside defined development envelopes is community based development. Such development is subject to policy GROWTH 6 of the Local Plan.

7.2 Housing

7.2.1 The proposal is for a total of 25 dwellings, 8 of which will be affordable units. The affordable provision on the site equates to 32% and in principle, meets the

requirements of policy HOU3. Following pre-application discussions between the Council and the developer, the mix of affordable houses has been amended to four 1 bedroom bungalows and four 2 bedroom houses. The mix and type of dwelling is now considered to meet the local need, based upon individuals listed through the Choice Based Lettings system. As the site should be meeting local need, even applicants listed as 'low priority' would be prioritised over residents from outside the village.

7.2.2 The net density, excluding the access road to the adjoining development, equates to approximately 30dph. This relates well to the adjoining developments and does not present issues in relation to the village edge and countryside beyond.

7.2.3 If the Council was able to demonstrate that it had an adequate supply of land for housing and the application were not being made on behalf of the CLT, policy HOU4 would apply to the proposal. This is on the basis that part of the site is located outside of the development envelope and that it would be viewed as an exception site, i.e. any development should deliver 100% affordable units, with a potential element of affordable housing where there is insufficient grant available. However, the Council must, as part of this application balance the overall benefits of the scheme whilst taking into account the financial viability of the site.

7.2.4 There is no reference within the supporting documentation submitted by the CLT to a proportion of dwellings being built to Lifetimes Homes standard. It is however noted that four 1 bedroom bungalows are proposed and that these units would be considered suitable or easily adaptable for occupation by the elderly or people with disabilities.

7.3 Community Land Trust

7.3.1 Policy GROWTH 6 sets out the considerations to be made when assessing proposals for community-led development within the district. Whilst the application of this policy to the housing elements of the scheme is limited due to the Council's current housing land supply position, the application of the principles in relation to housing set out within the policy assist in assessing the community benefits of a scheme and thus, the sustainability of the proposed development. The following is an assessment of the application against the criteria set out in policy GROWTH 6.

Relationship to village – The site abuts the village edge. Stretham has a modest range of facilities and services. These can be conveniently accessed from the development site and are within a ten minute walking distance. An additional pedestrian route would be opened up to improve permeability, also benefitting existing residential development adjoining the site. It is well-related the village.

Character / setting – The adjoining area of the village is characterised by modern, two-storey, residential development. The proposals to extend up to the approved development and village edge, with a similar scale of development, are considered appropriate. The impact on the village edge will be addressed below.

Scale – The residential development would not be out of scale with the village. The Local Plan estimates 91 dwellings will be built during the plan period. Currently, approximately 35 applicants are registered with the Council as seeking affordable

housing in Stretham. The recently approved scheme would provide 15 affordable houses. The proposal to provide an additional 8 affordable dwellings could go a long way to meeting the currently identified local need. This is covered in more detail, below.

Management – The CLT is a legitimate local community group, meeting the requirement to have genuine local support. The application is accompanied by evidence of its meaningful public engagement.

Long-term community benefits and viability – A report submitted with the application seeks to demonstrate that the scheme is financially viable. This has been assessed in terms of community benefits, which include financial returns that, in the long term, will create opportunities for new local investment. At this time, the CLT has not specified what form this investment might take, however, it will be expected to accord with the CLT's charitable aims.

The inclusion of a relatively high percentage of market housing has been justified by the financial appraisal, which has been independently reviewed on behalf of the Council. Market housing should only be permitted if it is essential to enable the delivery of affordable housing or other community benefits on site. Officers are satisfied, based on independent advice that it has been clearly demonstrated that the inclusion of market dwellings within the proposal is justified. It is also clear that the community benefits would be significantly greater than for an equivalent market site.

7.4 Residential Amenity

- 7.4.1 Policy ENV2 of the Local Plan requires all development proposals to ensure that they do not have a significantly detrimental impact upon the amenity of nearby occupiers and future occupiers of dwellings.
- 7.4.2 A wildlife buffer has been included between the rear of existing dwellings on Sennitt Way and a number of dwellings that will back onto this boundary. This area will not be accessible to the public but will have the benefit of enhancing biodiversity in the area and increasing the back-to-back distance to the existing dwellings on Sennitt Way that have short rear gardens. The plans submitted at the outset of the application included a brick wall alongside the existing driveway serving 10 Sennitt Way. Following concerns raised by the occupiers of that dwelling that the brick wall would impede access, it has been removed from the scheme.
- 7.4.3 The Council's Environmental Health department raised concerns over the positioning of the play area, citing its potential to cause a noise nuisance. The area has now been reconfigured to reduce the likelihood of a noise nuisance occurring in respect of existing dwellings. In addition, amendments have been made to the layout to reduce the potential for overlooking. The size of the plots generally accords with the Council's Design Guide SPD and sufficient amenity space is provided for residents.
- 7.4.4 Within the development rear garden distances and the orientation of dwellings results in guidance standards of window to window distances being met and the privacy of future occupants being acceptable. In order to protect the amenity of

occupiers and ensure that the integrity of the layout and design of the development is maintained, permitted development rights can be removed by condition. On balance it is considered that the scheme complies with policy ENV2 in relation to residential amenity.

7.5 Visual Amenity

7.5.1 It has already been explained that the proposals would be appropriate to the settlement. The site is on the edge of the village and should be treated as a transition from the open, fenland to the village. A landscaping scheme would be required to demonstrate that this relationship has been considered. A landscape management plan would also be required. Hedges interspersed with trees to the edges would be appropriate with low boundary treatments, ideally with some hedging, to the Newmarket Road frontage, as advised by the Cambridgeshire Landscape Guidelines (1991).

7.6 Historic Environment

7.6.1 The site is located some distance from the Stretham Conservation Area and the proposed development would not be viewed in context with the Conservation Area. There is no Listed Buildings nearby that would be affected by the development. The proposal is not therefore considered to have an adverse impact on the historic environment.

7.7 Highway safety

7.7.1 At the time of writing the Local Highways Authority has submitted comments on the proposed development as it was originally submitted to the Council. A number of points had been raised by the LHA, which the applicant has sought to address.

7.7.2 An area of hardstanding at the front of the site, alongside Newmarket Road has now been changed to an adoptable standard verge, with grass and low height planting proposed. The LHA has commented that the roads within the layout do not meet adoptable standards and that in their current form, the LHA would not seek to adopt them. The applicant's agent has confirmed that the roads are to remain private and will not be offered for adoption. They have been designed to accommodate refuse and fire vehicles and the comments made by the Fire Service in this regard have been taken into account.

7.7.3 The LHA noted that the width of the footpath adjacent to plots 7 to 10 is not to adoptable standard and it was recommended that it be widened to 1.8 metres. The applicant's agent has responded that there is a need to provide an adopted strip to the front of plots 7 to 10 and that there is only a 0.5 metre verge adjacent to the plots to the north of the site that are located within Phase 1. The verge arrangements within Phase 1 have already been agreed with the LHA and it would therefore not be possible to tie into other stages if the proposed arrangement were to change.

7.7.4 The LHA also noted that culvert headwalls are included within the rear garden of Plot 5. The culvert is part of Phase 1 and is intended to be adopted by Cambridgeshire County Council. Therefore a wayleave agreement would be

required for maintenance access. The applicant's agent has responded that access for the culvert is predominantly provided from the east for general maintenance and that there is a small section of adoptable verge on both sides of the culvert for access. In these circumstances it may be necessary to access the culvert from the west, and a wayleave is acceptable.

7.7.5 The applicant's agent has also confirmed that the private roads have been designed to be drained by gullies and discharge to the Phase 1 system and that private driveways have been designed to be permeable to match Phase 1.

7.7.6 The revised site layout plan has been made available to the LHA for further comment and an update will be provided at the meeting.

7.7.7 The applicant has had regard to policy COM8 of the Local Plan, which sets out the Council's adopted parking standards. Parking provision across the site is made up of spaces to the front and sides of the dwellings with a number of spaces provided by covered garages. Plots 14 to 17 are served by a rear parking area. Overall two parking spaces per house have been allocated and spaces per 1 bedroom bungalow have been allocated. In addition 4 visitor parking spaces have been included. Garden sheds are proposed for bicycle storage.

7.8 Ecology

7.8.1 A Preliminary Ecological Appraisal has been submitted with the application and provides a scoping assessment of the likely impacts a proposed scheme might have upon notable and/or protected species and habitats. The Appraisal identified reptiles, wolverines and nesting birds as being potential receptors and further survey work was recommended in respect of reptiles and wolverines.

7.8.2 The follow-up reptile survey involved the placement of artificial refuges on the site, which were subsequently checked on a number of occasions. No reptiles were found on the days surveyed even though the ground appeared suitable habitats for such. On this basis, it is considered that works can go ahead, subject to the precautionary measures detailed in the survey being carried out.

7.8.3 A follow-up wolverine survey assessed the site for evidence of wolverine activity in connection with a section of ditch and the likely impact of the proposed culvert. A number of recommendations have been made in respect of works to the bank and the management and enhancement of the area.

7.8.4 Overall the site is not considered to be of significant wildlife value, however opportunities to enhance biodiversity have been explored and where possible have been included in the scheme. This includes the wildlife buffer, which is run along part of the northern boundary of the site. Subject to appropriate conditions, the proposal is in accordance with policy ENV7 of the Local Plan, which seeks to protect the biodiversity and geological value of land and maximise opportunities for the creation and enhancement of natural habitats.

7.9 Flood Risk and Drainage

The Environment Agency and Lead Local Flood Authority (Cambridgeshire County Council) have been consulted on the application and in particular, the drainage strategy submitted. Both bodies have stated that the surface water drainage proposals, while not ideal are acceptable in principle. Although a drainage strategy has been provided the LLFA advises that planning conditions requiring surface water and foul water drainage schemes to be submitted are required.

7.10 Contamination

7.10.1 The Council's Environmental Health Scientific Officer has examined the Environmental Assessment reports submitted with the application. The site is situated adjacent to an historic landfill site and this issue has been addressed in detail in connection with the applications made in respect of the adjoining land and Phases 1 and 2 of the development.

7.10.2 The Scientific Officer noted that further testing has been carried out in respect of soil arsenic concentrations and the applicant's agent has supplied further information in this regard to the Scientific Officer. At the time of writing the Scientific Officer has stated that subject to receiving details of this testing, the submitted Environmental Assessment is acceptable. Although the risk from landfill gas appears to be low, the Council concur with the recommendation to install a low permeability gas membrane.

7.10.3 Any further comments received from the Scientific Officer will be reported to the Committee at the meeting.

7.11 Other Material Matters

7.11.1 Policy ENV4 of the Local Plan requires all proposals for new development to aim for reduced or zero carbon development. Applicants are also required to demonstrate how they have considered maximising all aspects of sustainable design and construction. The Planning Statement submitted by the applicant states that the proposal will be supported by renewable energy measures that will seek to achieve the equivalent of Code for Sustainable Homes Level 4 (now withdrawn). As yet, new technical standards have not been released by the government to replace the Code for Sustainable Homes. A planning condition can however be used to ensure that the applicant submits a detailed energy and water efficiency strategy for the development.

7.11.2 Planning conditions are also recommended in relation to landscaping and to ensure that the tree lined primary street is delivered in accordance with the submitted layout plan. The revised layout ensures protected public or semi-private realm in order to provide a sense of safe routes and to aid overlooking.

7.11.3 In accordance with Policy ENV2 of the Local Plan, the applicant has had regard to the RECAP Waste Management Design Guide. The Council's Waste Strategy team has raised no objections to the proposal and has offered its standing advice in relation to waste collection arrangements and the cost of providing waste receptacles, which will be borne by future residents.

- 7.11.4 The proposal includes the provision of an area of public open space and the applicant has agreed to enter into a S106 agreement in relation to an off-site contribution. The on-site public open space is to be maintained by the CLT so no maintenance sum is required in connection with this. As detailed above, the location of the public open space has been improved and it now relates well to footpath linkages and Sennitt Way. The S106 Agreement will also set out the arrangements for the 8 affordable units.
- 7.11.5 Policy GROWTH 3 of the Local Plan sets out how infrastructure requirements arising from new development are to be met. The development would be liable to contribute towards CIL in relation to the market dwellings
- 7.12 Planning Balance
- 7.12.1 The local planning authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Planning policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.
- 7.12.2 When assessing an application in relation to the presumption in favour of sustainable development, regard should be had to the economic, social and environmental aspects of the proposal. This development involves the construction of 25 residential units, 8 of which are to be affordable and priority is to be given to local people in the allocation of these units. The proposal therefore makes a significant contribution to housing need in the District. This weighs heavily in favour of the proposal in the planning balance.
- 7.12.3 There are significant economic benefits from the construction of the development and the on-going contribution to the local economy from future residents. The applicant has demonstrated that it is necessary to include an element of market housing in order for the scheme to be financially viable. The provision of at least 8 affordable units does however help to make the scheme socially sustainable and the applicant has stated that any long-term financial gains can be reinvested by the CLT into the local area. All of these matters attract significant weight in favour of the proposal.
- 7.12.4 The site is of low biodiversity value and the applicant has demonstrated that the scheme presents an opportunity to enhance the ecological value of the land. The proposal effectively infills an area between the existing built form and Phases 1 and 2 of the CLT development. It will utilise an underused and valued area of land and, subject to appropriate conditions in relation to landscaping, will complement future development and protect the settlement edge. These matters also attract weight in favour of the proposal.
- 7.12.5 Comments are awaited from the LHA in relation to the amendments made to the layout and the response provided by the applicant's agent to the points raised. There is however no suggestion on the part of the LHA that safe and convenient

access to the public highway and Phases 1 and 2 of the development cannot be achieved. No issues in relation to residential amenity, flood risk or contamination are raised that cannot be overcome by conditions. Subject to the completion of the S106 Agreement the proposal complies with the relevant policies within the Local Plan. It is considered that there are no adverse impacts connected to this development that would significantly and demonstrably outweigh the benefits of the scheme.

8 COSTS

- 8.3 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.
- 8.4 Unreasonable behaviour can be either procedural i.e. relating to the way a matter has been dealt with or substantive i.e. relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.5 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.

9 APPENDICES

- 9.1 Draft planning conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
15/00986/FUM	Julie Barrow	Julie Barrow
15/00018/VARM	Room No. 011	Senior Planning Officer
15/00030/FUL	The Grange	01353 665555
14/00013/FUM	Ely	julie.barrow@eastcambs.gov.uk
05/00142/DEM		
05/00377/OUT		
08/00500/RMA		
10/00174/FUM		

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 15/00986/FUM Draft Conditions

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

Plan Reference	Version No	Date Received
3.2 SITE LAYOUT AND USE		17th August 2015
P02	K	11th November 2015
P03	C	11th November 2015
P18	A	11th November 2015
P04 TOPOGRAPHICAL SURVEY		17th August 2015
P11 HOUSE TYPE C		17th August 2015
P12 HOUSE TYPE D		17th August 2015
P13 HOUSE TYPE E		17th August 2015
P14 HOUSE TYPE F/G		17th August 2015
P15 HOUSE TYPE H	A	28th August 2015
P16 HOUSE TYPE I		17th August 2015
P17 HOUSE TYPE J		17th August 2015
P18 HOUSE TYPE L		17th August 2015

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. All development shall be carried out in accordance with the approved details.
- 3 To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 4 Prior to any work commencing on site a Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing with the Local Planning Authority (LPA) regarding mitigation measures for the control of pollution (including noise, dust, and lighting etc) during construction phase. The CEMP shall be adhered to at all times during the construction phase unless otherwise agreed in writing with the LPA.
- 4 To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 5 Prior to the first occupation of the site a lighting report shall be submitted to and agreed in writing with the Local Planning Authority. This shall include, but not be limited to, consideration of the type and specification of lighting to be used, height, location and the effects of the proposed development along with any mitigation. If highway lighting will be up to the highways required standard, this will not need to form part of the assessment.
- 5 To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 6 Construction times shall be limited to 08:00 - 18:00 each day Monday to Friday and 08:00 - 13:00 on Saturdays (none on Sundays or Bank Holidays).
- 6 To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 Deliveries to the site during the construction phase shall be limited to 08:00 - 18:00 each day Monday - Friday and 08:00 - 13:00 on Saturdays unless prior written agreement with the LPA has been given.
- 7 To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 During construction phase all lighting, excluding security lighting, shall be switched off between the hours of 22:00- 06:00.
- 8 To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 9 Prior to the commencement of development details of how the additional ground gas (landfill) monitoring or the precautionary measures to be installed in the proposed buildings on the site, as outlined in the EPS Phase 1 Geo-environmental Assessment Report, dated 6th September 2013, Phase II Enviro Report shall be submitted to and approved in writing by the LPA. All works shall be carried out as agreed.
- 9 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. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 10 No development shall take place until a scheme to dispose of foul and surface has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation
- 10 To ensure a satisfactory method of surface water disposal and to prevent the increased risk of flooding on site and elsewhere. To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF) paragraphs 109, 120 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3), together

with policy ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 11 Prior to commencement of development a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:
- A. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site
 - B. The results of a site investigation based on (A above) and a details risk assessment including a revised CSM
 - C. Based on the risk assessment in (B above) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail long term monitoring and maintenance plans as necessary.
 - D. No occupation of any part of the development hereby permitted shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (C above). The long term monitoring and maintenance plan in (C above) shall be updated and be implemented as approved.

All details shall be carried out as approved.

- 11 Reason: To ensure a satisfactory method of surface water disposal and to prevent the increased risk of flooding on site and elsewhere. To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses, in line with National Planning Policy Framework (NPPF) paragraphs 109, 120 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3), together with policy ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 12 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 in writing to the Local Planning Authority within 24 hours. An investigation and risk assessment must be undertaken 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.
- 12 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.
- 13 No development shall take place until full details of soft landscape works, in accordance with the principles set out in the Landscape Concept Plan (ref. 336-02 A), have been

submitted to and approved in writing by the Local Planning Authority. These details shall include planting plans; a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and an implementation programme. The details shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.

- 13 To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 14 No development shall take place until full details of hard landscape works, in accordance with the principles set out in the Landscape Concept Plan (ref. 336-02 A), have been submitted to and approved in writing by the Local Planning Authority. These shall include full details of:

- Kissing gates
- Paving
- Bollards
- Benches
- Fencing
- Bridge
- Footpaths

The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.

- 14 To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 15 No development shall take place until a scheme for the maintenance of the hard and soft landscaping scheme as shown on drawings 336 - 02A, 334- 01; for a minimum period of 5; years has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the methods for the proposed maintenance regime, a detailed schedule, and details of who will be responsible for its continuing implementation. The soft and hard landscaping shall be maintained and provided in accordance with the agreed scheme.
- 15 To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), the dwellings shall not be extended in any way.
- 17 Reason: In the interests of neighbourliness and to safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, rooflights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in any elevation.
- 18 Reason: In the interests of neighbourliness and to safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), unless approved by this consent, no fences, gates or walls shall be erected within the curtilage of the dwellinghouse in front of any wall of the dwellinghouse which fronts onto a road.
- 19 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), the garages and carports hereby approved shall not be adapted or used as living accommodation.
- 20 Reason: To ensure the continued provision of off-street parking in accordance with the Local Planning Authority's Standards in the interest of highway safety and the amenities of local residents in accordance with policies ENV2 and COM8 of the East Cambridgeshire Local Plan 2015.
- 21 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved accesses.
- 21 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 22 Prior to the commencement of the first use, the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council Construction specification.

- 22 Reason: This condition is pre-commencement in the interests of highway safety and to ensure satisfactory access into the site in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 23 The access shall be constructed with adequate drainage measure to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out as approved.
- 23 Reason: In the interests of highway safety, and to prevent surface water discharging to the highway in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 24 The manoeuvring areas shall be provided as shown on the approved drawings and retained free of obstruction.
- 24 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 25 The principle access shall be provided as shown on the approved drawings and retained free of obstruction.
- 25 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 26 Prior to the commencement of the use hereby permitted visibility splays of 2.0m x 2.0m shall be provided each side of the vehicular access measured from and along the highway boundary. Such splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the highway verge.
- 26 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 27 The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.
- 27 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV8 and COM7 of the East Cambridgeshire Local Plan 2015.
- 28 No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

- 28 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 policies ENV2 and COM7 of the East Cambridgeshire Local Plan 2015.
- 29 Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- 29 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 30 Prior to the commencement of development details of the provision of fire hydrants, or equivalent, for the development shall be submitted to and agreed in writing with the Local Planning Authority in conjunction with the Fire and Rescue Authority.
- The hydrants or equivalent shall be installed and completed in accordance with the approved details prior to the occupation of any part of the phase or in accordance with alternative details of provision approved by the Local Planning Authority.
- 30 Reason: To ensure the appropriate infrastructure is in place to ensure adequate public safety provision in accordance with Policies Growth 3 and ENV2 of the East Cambridgeshire Local Plan (2015).