
MAIN CASE

Reference No: 17/00261/OUM

Proposal: Erection of up to 46 dwellings, together with associated public open space, landscaping, highways and drainage infrastructure works

Site Address: Land South Of Main Street Witchford Cambridgeshire

Applicant: Manor Oak Homes Ltd & Mr & Mrs Eade

Case Officer: Barbara Greengrass, Senior Planning Officer

Parish: Witchford

Ward: Haddenham

Ward Councillor/s: Councillor Steve Cheetham
Councillor Mark Hugo
Councillor Stuart Smith

Date Received: 16 February 2017 **Expiry Date:** 18 May 2017

[R278]

1.0 RECOMMENDATION

1.1 Members are requested that APPROVAL be delegated to the Planning Manager following the completion of a S106 legal agreement and the following draft conditions (with any minor revisions to the conditions delegated to the Planning Manager). The planning conditions can be read in full in the attached Appendix 1.

Conditions;

1. Approved plans
2. Time Limit - OUM
3. Time Limit - OUM
4. Unexpected contamination
5. Archaeological investigation
6. Surface water drainage
7. Construction Environmental Management Plan
8. Construction times.
9. Tree protection
10. Soft landscaping
11. Road construction
12. Road to adoptable standard

13. Energy and sustainability
14. Ecology mitigation
15. Access provision
16. Use of agricultural building
17. Retention of trees/hedges

The S106 will secure the following;

- 30% affordable housing.
- Transfer of the POS areas to the Council and financial contributions for the long term maintenance of these areas.
- Transfer of the attenuation basin to the Council together with financial contributions for the long term maintenance of the area.
- Contribution for wheelie bins.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline planning permission for residential development of the site with up to 46 dwellings together with public open space, landscaping, highways and drainage infrastructure. All matters are reserved apart from means of access. The proposal is to provide for a central access point onto Main Street.
- 2.2 The application is accompanied by an indicative layout plan illustrating how the 46 dwellings could be accommodated on the site with the provision of 3098 sq m (0.3ha), of public open space and drainage attenuation basin. The applicant proposes to retain the existing agricultural shed to the north east corner of the site outlined in blue.
- 2.3 The application is accompanied by a design and access statement, Travel Plan, Preliminary Ecology appraisal, Tree Schedule, Flood Risk Assessment, Archaeological Assessment, Landscape and visual impact assessment and Contaminated land report.
- 2.4 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.**
- 2.5 The application has been called to Planning Committee by Councillor Cheetham as he objects to the residential development of the site for the reasons set out in full in his comments.

3.0 PLANNING HISTORY

17/00153/SCREEN	SCREENING OPINION - proposed development of 46 dwellings	EIA not required	07.02.2017
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4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is located at the western edge of the settlement on the southern side of Main Street, just adjoining the settlement boundary and between two parts of the defined settlement boundary for Witchford. It is bounded along the eastern boundary by the residential properties in Barton Close and West End Close and to the south by open countryside, with residential properties to the west.
- 4.2 The application site comprises three partly overgrown pastoral fields enclosed by established mixed native hedgerows and vegetation. The eastern and western boundaries are made up of a combination of timber fencing and vegetation structure forming the boundary.
- 4.3 The northern site boundary is defined by an established mixed native hedgerow with occasional mature hedgerow trees which line Main Street. Three of the mature hedgerow trees which line the northern site boundary are the subject of a Tree Preservation Order (TPO), and will be protected and retained as part of the application. Existing residential development located outside of the defined development envelope for Witchford is located to the north and west of the application site, accessed off Main Street. The western site boundary is made up of a mixture of overgrown native hedgerow and timber fencing which defines the back garden of an existing residential dwelling off Main Street. The southern site boundary is defined by a mature overgrown native hedgerow, with arable farmland located beyond. The boundary vegetation lining the southern site boundary affords a strong degree of visual and physical containment to the application site.

5.0 RESPONSES FROM CONSULTEES

- 5.1 Responses were received from the following consultees summarised below. The full responses are available on the Council's web site.
- 5.2 **Technical Officer Access** – the footpath should extend to all properties, turning places are restricted, protection required around the attenuation basin.
- 5.3 **Designing out Crime** – This area is of low vulnerability to crime. The indicative layout is acceptable regarding crime and the fear of crime. Security and crime prevention has been considered by the applicant.
- 5.4 **Anglian Water** – The surface water connection proposed will be acceptable to Anglian Water at a discharge rate of 5L/sec. It is the applicants responsibility to provide evidence to confirm that all alternative methods of surface water disposal have been explored and these will be required before a surface water connection can be agreed.
- 5.5 **Historic Environment Team** - Our records indicate that the site lies in an area of archaeological potential. To the north east archeological investigations in 2014 revealed evidence of an Iron Age cremation and inhumation cemetery, as well as further evidence of Iron Age occupation in the vicinity (Historic

Environment Record reference ECB4252). In addition, to the west is evidence of Roman, Saxon, medieval and post-medieval occupation (05610, CB15655, 05797, MCB16775). In view of the archaeological character of the area and its proximity to the fen edge it is thought that archaeological remains may be present within the bounds of the application site. We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured by condition.

5.6 The Ely Group Of Internal Drainage Board – Outside of the Littleport and Downham District.

5.7 Parish – object for the following reasons:

1. The application site is outside the development envelope set by East Cambridgeshire District Council in 2015 and in the East Cambridgeshire District Council Further Draft Local Plan.

2. This application site was included in the “Call for Sites Report” dated May 2016. In its response (“Form F – Parish Council Views on a Suggested Site”) Witchford Neighbourhood Plan Committee, objected to this site’s inclusion for housing allocation and scored it with a low ranking.

3. In light of the objection referred to above, East Cambridgeshire District has not included the site in the East Cambridgeshire District Council Further Draft Local Plan.

4. The application site does not meet the Exception Site criteria set out in the East Cambridgeshire District Council Further Draft Local Plan in that it would cause harm to the character of the settlement.

5. Witchford Parish Council’s Traffic Management Committee acknowledges that there is a requirement for more housing throughout the East Cambridgeshire and that Witchford should take its ‘fair share’. Under the Further Draft Local Plan Witchford has been allocated 348 additional houses, representing a >30% growth in housing numbers. Witchford Parish Council’s Traffic Management Committee’s view is that to grant planning approval for this application would lead to Witchford taking more than its ‘fair share’ with adverse impacts on village amenities and infrastructure which would demonstrably outweigh the benefits of the proposed development. The Further Draft Local Plan does not provide for additional education provision in Witchford, where the existing primary school in particular is at capacity.

6. The East Cambridgeshire District Council Further Draft Local Plan has been through two public consultations and according to the published timetable will be subject to a third round of public consultation in ‘Spring 2017’ and will be submitted to the Secretary of State in ‘Summer 2017’ with a view to adoption in ‘Spring 2018’. The Further Draft Local Plan will clearly be significantly complete by 18th May 2017 which is the determination deadline for this planning application.

Witchford Parish Council's Traffic Management Committee does not therefore agree with the statement at page 5 of the Further Draft Local Plan that *'the weight given to this Further Draft Local Plan is likely to be limited'*.

7. Witchford Parish Council's Traffic Management Committee refers to the 'East Cambridgeshire Five Year Land Supply Report 1 April 2017 to 31 March 2022' published January 2017 which concludes:

6.2 *On the basis of the above, the Council can demonstrate 5.59 years supply of deliverable housing, thereby providing a surplus of 451 dwellings over the five year housing requirement.*

6.3. *However, as at January 2017, approximately 25% of this supply relies on new allocations identified in the emerging Local Plan. Those sites have not been subject to consultation. As such, if this supply is removed, the Council believes at the present time (January 2017) it cannot fully demonstrate a five year supply of land.* 6.4. *By around Spring 2017, a revised Five Year Land Supply Report will be published, and at which point emerging sites in the new Local Plan, which do not have any outstanding substantial objections will be relied upon for demonstrating a five year land supply, and the **Council therefore expects to be able to demonstrate a five year supply of housing land at that point in time.** [emphasis added].* In light of the expectation set out at paragraph.

6.4 of the Five Year Land Supply Report, Witchford Parish Council's Traffic Management Committee expects East Cambridgeshire District Council to refuse speculative planning applications on land outside of the settlement development envelope as shown in the Further Draft Local Plan.

8. Consequently, and taking into account paragraphs 1 – 7 above, Witchford Parish Council's Traffic Management Committee expects East Cambridgeshire District Council to refuse this application and to defend its refusal at any appeal on the grounds that there is an adequate Five Year Housing Supply in the Further Draft Local Plan, that the proposed development site is unsuitable (because of its rural character in this specific location Ref NPPF paragraph 109 '*protecting and enhancing valued landscapes*') and the impact on the existing settlement infrastructure is adverse (because of the cumulative effect on village education and transport infrastructure of additional residents over and above the housing allocations in the Further Draft Local Plan – ref NPPF paragraph 70 '*ensure an integrated approach to considering the location of housing, economic uses and community facilities and services*' and paragraph 72 '*ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities*').

The East Cambridgeshire District Council Further Draft Local Plan should be given due weight as significantly complete (see 7. above). The Committee refers to paragraph 216 of the NPPF which states: 216.

From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- *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. The Planning Statement submitted by the applicant states at para.2.24 that there has been engagement with Witchford Parish Council. This is not strictly true and cannot be relied on by the applicant. A presentation was made to the Parish Council and Villagers at which it was made clear to the applicant that it was not to be considered by the applicant or referred to as any form of consultation and that the Parish Council reserved the right to comment when and if a planning application was forthcoming.

10. In response to the planning application documents as reviewed by the Witchford Parish Council Traffic Management Committee, the Committee objects to these on the following grounds:- there is inadequate information about surface water drainage management and the District Council should require the applicant to submit a suitable drainage solution before determining this application-there are concerns about overlooking existing neighbouring properties-there is inadequate provision of public open space on the development site-the site layout should be revised to ensure permeability to the existing adjacent developments of West End and Barton Close.

- 5.8 **Local Highways Authority** – No objection in principle. No travel plan is required but welcome packs could offer free bus travel. Visibility splays are acceptable for a 30mph road. The indicative layout shown is not to adoptable standards.
- 5.9 **Lead Local Flood Authority** – no objection in principle. The current proposal is to discharge surface water at 5l/s, however we stress that this is the maximum allowable discharge to the Anglian Water system and we expect the applicant to explore options to reduce the discharge rate to the calculated greenfield runoff rates. We recommend conditions are imposed requiring details of the surface water drainage scheme and the long term maintenance of the scheme. The FRA states that the area allocated for an attenuation basin will also be used as public open space (POS). As this is an online basin and is likely to be regularly wet then it is not advisable to allocate this area for POS.
- 5.10 **Senior Trees Officer** - There are protected Ash trees upon the boundary of the site with the main highway. There is boundary vegetation throughout the site and internally. The indicative plans suggest the major elements of vegetation can be retained with the development. Please be aware my comments are subject to my professional limitations and I recommend you consider consulting with a landscape architect for a full assessment of these and future plans. I do not object to this application as the major elements of the vegetation appear to be retained although I have concerns this proposal will have a negative impact upon the landscape character of the area which would be in conflict with guidance within the local plan (ENV1: Landscape and settlement character) I would like to ensure no damage is caused to the trees during development with a condition identifying no development shall take place until a scheme for the protection during construction of the trees on the site, in accordance with *BS 5837:2012 - Trees in relation to design, demolition and construction - Recommendations*, has been submitted to and approved in

writing by the Local Planning Authority (Condition TR2A). If the application is to be approved, I recommend a full Landscaping Scheme with associated Landscaping Maintenance Schedule to be submitted under condition of planning approval.

- 5.11 **Environmental Health** – recommend a condition relating to construction and delivery times and a Construction Environmental Management Plan. In addition due to the proposed sensitive end use of the site (residential) the standard contaminated land condition (unexpected contamination) is attached to any grant of permission.
- 5.12 **Waste Strategy (ECDC)** – ECDC cannot enter private property to collect waste. The development must comply with RECAP. The indicative plan shows that approx 25 of the 46 dwellings would be required to bring waste to the highway for collection leading to obstruction. Two litter bins and one dog waste bin are required.
- 5.13 **Senior Housing Strategy & Enabling Officer** – no comments received.
- 5.14 **Cambridgeshire County Council Education** - no comments received
- 5.15 **Ward Councillors** – Cllr Cheetham – I support the objections made by the Parish. I formally object to the application for the reason detailed below, please note that should a recommendation for approval be forthcoming I intend to ‘call this application in’ for discussion by the planning committee. The grounds for objection are as follows:
- “1. This application site was included in the “Call for Sites Report” dated May 2016. In its response (“Form F – Parish Council Views on a Suggested Site”) Witchford Neighbourhood Plan Committee, comprising Parish Councillors and Villagers, objected to this site’s inclusion for housing allocation and scored it with a low ranking.
2. The application site does not meet the Exception Site criteria set out in the East Cambridgeshire District Council Further Draft Local Plan in that it would cause harm to the character of the settlement. I would refer you to the statement by planning officer Barbara Greengrass in her letter dated 28th October 2016 to Savills that *‘this site is outside the defined settlement boundary of Witchford, although on the edge. I advised that in terms of principle I had concerns regarding the loss of this parcel of open land due to the contribution it currently makes to the character of the surrounding countryside as I consider that development of this land could harm the wider open views of the countryside’*.
3. The East Cambridgeshire District Council Further Draft Local Plan has been through two public consultations and according to the published timetable will be subject to a third round of public consultation in ‘Spring 2017’ and will be submitted to the Secretary of State in ‘Summer 2017’ with a view to adoption in ‘Spring 2018’. The Further Draft Local Plan will clearly be significantly complete by 18th May 2017 which is the determination deadline for this planning application and therefore *weight should be given to this Further Draft Local Plan’*.
4. The proposed development site is unsuitable (because of its rural character in this specific location Ref NPPF paragraph 109 ‘*protecting and enhancing valued landscapes*’) and the impact on the existing settlement infrastructure is adverse.
5. The East Cambridgeshire District Council Further Draft Local Plan should be given due weight as it is significantly complete and I would refer to paragraph 216 of the NPPF which states: *216. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

- *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).*

6. The Planning Statement submitted by the applicant states at para.2.24 that there has been engagement with Witchford Parish Council. This is not strictly true and cannot be relied on by the applicant. A presentation was made to the Parish Council and Villagers at which it was made clear to the applicant that it was not to be considered by the applicant or referred to as any form of consultation and that the Parish Council reserved the right to comment when and if a planning application was forthcoming.

7. There is also inadequate information about surface water drainage management and the District Council should require the applicant to submit a suitable drainage solution before determining this application. 8. Residential Amenity - there are concerns about overlooking existing neighbouring properties.”

5.16 **Neighbours** – 23 neighbouring properties were notified, site notice posted and an advert placed in the Cambridgeshire Evening News. The 6 responses received are summarised below. A full copy of the responses are available on the Council’s website.

- Will the POS be green space or play park
- Boundary treatments
- Capacity of the village for more growth as lack of amenities
- The site has already been rejected by ECDC in the call for sites in the local plan review process
- The site was also rejected by the Parish. To grant permission would not accord with the governments Localism agenda.
- The primary school needs expanding
- The advise impacts of the proposal would significantly and demonstrably outweigh the benefits.
- No capacity in the doctors or schools
- Extra traffic
- Loss of open views altering the character of the village
- Overlooking
- Retention of the hedges on the site
- Object to the height of robust planting
- Damage by tree roots
- Loss of habitat

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
HOU 1	Housing mix

HOU 2	Housing density
HOU 3	Affordable housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Design Guide
Developer Contributions and Planning Obligations
Contaminated Land
Cambridgeshire Flood and Water

6.3 National Planning Policy Framework 2012

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 8 Promoting healthy communities
- 10 Meeting the challenge of climate change, flooding and coastal change
- 11 Conserving and enhancing the natural environment

7.0 **PLANNING COMMENTS**

The main issues to consider in determining this application are:

- The principle of development
- Visual impact
- Housing mix and affordable housing
- Layout and public open space
- Access and highway safety
- Residential amenity
- Flood risk and drainage
- Ecology and archaeology

7.1 **Principle of Development**

7.2 Policy GROWTH2 requires that development be permitted only within defined development envelopes provided and restricted in terms of dwellings to affordable housing exception schemes and dwellings essential for rural workers. However, 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 contained within both Policy GROWTH 5 of the Local Plan and paragraph 14 of 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.

- 7.3 The site lies outside of the defined settlement boundary of Witchford although it does adjoin the settlement boundary along the length of its eastern boundary and further west lies an amalgamation of dwellings which are encased in a further settlement boundary. Witchford is identified within the East Cambridgeshire Local Plan 2015 as being a large village situated 1 mile west of Ely. The village has a good range of services and recreation facilities together with a primary school and secondary school and benefits from a regular bus service to Ely and Cambridge.
- 7.4 Given the site's proximity to the established settlement boundary, the level of goods and services on offer in Witchford, the existence of a primary and secondary school and its connectivity to Ely and Cambridge, it is considered that the site is in a sustainable location. In accordance with the NPPF planning permission should therefore be granted unless any adverse effects of so doing, would significantly and demonstrably outweigh the benefits of the development. The other material planning considerations will be assessed in turn in the remainder of this report.
- 7.5 This application for up to 46 dwellings would add to the District's housing stock and make a significant contribution towards the shortfall in housing land supply with the provision of any additional dwellings attracting significant weight in the planning balance. The scheme will also include the provision of 30% affordable housing. A benefit of this development would therefore be the contribution it would make in terms of housing supply within the District as a whole as well as the economic benefits of construction and additional population to support local businesses.
- 7.6 It is noted and as has been identified by the Ward Councillor and the Parish Council, that this site was proposed for housing development in the first call for sites exercise alongside the preliminary draft local plan in Feb/March 2016. The site was rejected by the Council and not taken forward into the further draft local plan Jan/Feb 2017. The reason for rejection was the development of the site would result in the loss of open views of the countryside and that there were other more suitable sites available elsewhere in the village. In determining this planning application a different test is applied to that which is applied when assessing a sites suitability for inclusion within the local plan. The test to be applied is that of the presumption in favour of sustainable development as set out above in paragraph 7.3. As the residential development of this site is considered to be sustainable the proposal should only be refused planning permission if it can be demonstrated that there is significant and demonstrable harm as a result of this development.

7.7 Visual impact

- 7.8 In light of the above, this development proposal must be assessed in terms of any significant and demonstrable harm to the character and appearance of the area both in terms of the impact on the village setting itself and the wider countryside.
- 7.9 Although the application is in outline with all matters reserved apart from access, the visual impact of the development of up to 46 dwellings must be assessed in

principle. The applicant has submitted an indicative masterplan demonstrating how up to 46 dwellings may be accommodated on the site together with a number of parameter plans indicating key design considerations.

- 7.10 The layout shows in broad terms, the dwellings set back from Main Street with the retention of the protected trees, with open space and attenuation pond along the site frontage at a density of 29 dwellings per hectare. It also shows the integration of existing hedgerows within the development and the proposed open space with key vistas.
- 7.11 The site sits directly adjacent to existing residential development on three sides, and has a stronger relationship with the adjacent housing development to the north, east and north west than with the wider Fenland landscape to the south of Witchford. The site is well enclosed to the south with the existing field boundaries creating a high level of separation from the wider landscape, and as such the urbanising influences including the presence of Main Street and residential built form, create a village fringe character to the site. It is considered that the presence of the existing urban edge immediately to the north, east and north west reduces the susceptibility of the site to change resulting from residential development.
- 7.12 The established vegetation structure along the southern site boundary creates a robust external edge to the site and forms a defensible boundary between the settlement fringe and the wider rural setting of the Fens to the south. It is therefore considered that the site has capacity to successfully accommodate sensitively designed residential development. The retention and reinforcement of the southern boundary follows the existing southern extents of the village edge and residential development to the east. This ensures the proposals tie in with the current village development limits and can be readily incorporated within the localised and wider landscape setting. It is therefore considered that the development would not cause significant and demonstrable harm to the wider countryside setting of the village.
- 7.13 The proposals have sought to maintain and enhance the well established structural landscape to the boundaries in order to maintain the amenity of the surroundings, and to ensure that the proposals can be integrated in to the setting without harm. The key mature trees along the site's northern boundary, which are the subject of a TPO, will be retained as part of the proposals. Internal field boundaries will largely be retained where possible, however it is acknowledged that a limited extent of internal hedgerow and hedgerow lining the northern site boundary will be removed in order to facilitate proposed roads and access points.
- 7.14 The proposals seek to form a landscape strategy to provide structure to the proposed residential development and tie in with the surrounding existing vegetation along the boundaries and wider green infrastructure within the setting. This green strategy will not only contribute to the sustainability of the site, but also assists in creating a high quality development which sits well within its landscaped context.
- 7.15 The proposals will therefore not give rise to any significant or demonstrable harm to the landscape character, nor would it result in significant harm in terms of its impact on the character of this part of Main Street as housing development would not appear out of context, particularly given the low density proposed and the retention of much of the existing vegetation to adopt a landscape led approach.

These features ensure that the proposals can be accommodated within this context without detriment to the quality and character of the local environment.

- 7.16 In addition, it is considered that the scale and form of development would be informed by and sympathetic to the location and protect the settlement edge in accordance with Local Plan Policies ENV1 and ENV2.
- 7.17 In terms of density of the development, in accordance with Policy HOU 2, the appropriate density of a scheme is judged on a site-by-site basis and takes account of the existing character of the locality and the settlement and housing densities within the surrounding area. This has to be balanced with the need to make efficient use of land and the need to accommodate other uses such as public open space. The scheme as proposed provides a density of 29 dwellings per hectare, based on a developable site area of 1.58 hectares. The gross density is 23 dph based on the total site area of 1.97 hectares. This compares with the density of the adjacent development to the east of the site at a density of 24 dwellings per hectare. It is considered that the scheme will make efficient use of the land and that the housing density proposed will not have an adverse effect on the existing character of the locality. The proposal therefore complies with Policy HOU2 in this regard.

7.18 Housing mix and affordable housing

- 7.19 In accordance with Policy HOU1 housing developments of 10 or more dwellings are expected to provide an appropriate mix of dwelling types and sizes that contribute to current and future housing needs. An indicative housing mix has been provided showing 42 houses and 4 x 1 bedroom apartments. The dwelling range consists of 2,3,4 and 5 bedroom houses, with 30% affordable units giving a total of 14 affordable units. The applicant has provided a breakdown of dwellings sizes for both the market and affordable homes but this is not for consideration at outline stage and the mix may change to meet the demand at the time of the reserved matters application. The indicative mix proposed consists of 48% of 3 and 4 bedroom dwellings and 20% of 1 and 2 bedroom dwellings. The applicant has therefore demonstrated that a mix of housing can be accommodated on the site and will need to demonstrate compliance with Policy HOU1 at reserved matters stage.
- 7.20 The level of affordable housing provision accords with Policy HOU3 of the Local Plan and the precise mix and tenure of the affordable units will need to be agreed at reserved matters stage with the Council's Housing & Enabling Officer based on identified need but this will need to be secured by S106 legal agreement should permission be granted.

7.21 Layout and public open space

- 7.22 The application does not seek to determine the layout at this stage and as detailed above, an indicative layout has been submitted in conjunction with a number of parameter plans in order to demonstrate that up to 46 dwellings can be satisfactorily accommodated on the site, whilst providing for open space, drainage attenuation and retention of the protected trees and the important hedgerows both within the site and on the site boundaries.

7.23 In terms of connectivity the applicant has advised upon request that it is not possible to provide pedestrian access between the site and the cul de sac on Barton close, as there is a strip of land which is not within the applicants control.

7.24 The total amount of open space excluding the SUDS attenuation basin measures 3098 sq m and accords with the SPD in this indicative layout. The final layout will need to accord with the level of provision required by the Developer Contributions SPD and this level of provision will be secured by the S106 agreement attached to any planning permission granted. The precise location of the public open space will also be secured at reserved matters stage as the plans provided are purely indicative. The applicant has been advised and accepted that the attenuation basin cannot be included within the open space calculations for the site as the Lead Local Flood Authority have advised against this as this area will be regularly wet. In addition the long term maintenance arrangements for the open space will form part of the S106 legal agreement.

7.25 Access and highway safety

7.26 The new access provision not only safeguards the existing front boundary hedge and protected trees but in so doing provides acceptable visibility splays such that the County Highway Authority have raised no objections on the impact of the new access or on the wider transport network.

7.27 The indicative layout does not show provision of the internal roads to adoptable standards. However as this is only indicative the proposal cannot be rejected on this basis and the reserved matters application would need to address this, together with provision of parking spaces to comply with Policy COM8 of the Local Plan.

7.28 Residential amenity

7.29 Policy ENV2 requires development proposals to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that future occupiers will enjoy a satisfactory level of amenity.

7.30 As the application is in outline this cannot be fully assessed. However, it is considered that a scheme could be satisfactorily designed to facilitate this and the final layout would need to comply with Design Guide SPD. The proposal could therefore satisfy the requirements of Policy ENV 2 at reserved matters stage.

7.31 The site adjoins an agricultural shed currently in low key use. It is considered however that the use of this shed could intensify in the future with the potential for introduction of livestock. Given the close proximity of future residents it is considered appropriate to attach a condition to any planning permission to prevent the future use of the building for the keeping of livestock.

7.32 Flood risk and drainage

7.33 The proposed dwellings will connect to the mains sewer and Anglian water have confirmed there is available capacity. Surface water will discharge to the mains surface water network with on site attenuation in the form of a wet basin which will restrict the surface water discharge to 5l/sec. The Lead Local Flood Authority is supportive of the use of permeable paving on the site as, in addition to controlling the rate of surface water leaving the site, it also provides water quality treatment. The applicant will be expected to explore the options to reduce the discharge rate to the calculated Greenfield runoff rate. Conditions will be attached as recommended by the Lead Local Flood Authority to secure the exact scheme and the long term maintenance will be dealt with by S106 agreement as a financial contribution will be required for maintenance.

7.34 Ecology and archaeology

7.35 None of the eight habitats recorded at the site are considered rare or important. Most of the eight habitats present are considered to be unlikely to support animal species. There are some examples of valuable habitat such as hedge and scrub. Development of the site could potentially lead to the loss of or damage to part of a bat commuting corridor and therefore fragmentation of bat foraging habitat, if the hedgerows are significantly affected or removed. A gap in vegetation as small as 10m can interrupt a bat commuting corridor. Therefore this vegetation should be retained and protected as far as possible, particularly the southern boundary hedge adjacent to open countryside.

7.36 Any lighting incorporated into the scheme should be down lighting, to ensure no adverse impact on ecology.

7.37 Loss of hedges can also lead to loss of bird nesting habitat and since all in-use bird nests and their contents are protected from damage, any removal should be undertaken outside of the bird nesting period.

7.38 No evidence or potential for reptiles or amphibians was found during the survey, these could potentially be present on site. Mitigation is therefore recommended. Overall biodiversity of the site would benefit from considerate design of the proposed development. The green infrastructure of the landscape can be protected by retaining linear features such as hedgerows and ditches on site and nearby. This can help prevent fragmentation of habitats in the landscape facilitating dispersal and foraging. Conditions will be imposed to secure the advised mitigation measures in the ecology report.

7.39 The Historic Environment team have reviewed the Archaeological assessment and advise that the site lies in an area of archaeological potential. In view of the archaeological character of the area and its proximity to the fen edge it is thought that archaeological remains may be present within the bounds of the application site. It is recommended that an archaeological conditions be imposed.

7.40 Other material matters

- 7.41 A Contaminated land report has been submitted. The Council's Scientific Officer has reviewed the report and agrees with its findings. Due to the proposed sensitive end use it is recommended that the standard unexpected contaminated land condition is imposed.
- 7.42 The East Cambridgeshire Waste Strategy Team has commented on the application. It suggests that all of the internal road should be adopted to avoid the need for any communal collection points. Based on the indicative layout a number of plots would need to present their waste bins to a collection point at the end of the adopted road. As this layout is not being determined at this stage these matters will need to be addressed at reserved matters submission for compliance with the RECAP Waste Management Design Guide.
- 7.43 Cambridgeshire County Council Education has been consulted and has confirmed that it would not usually seek contributions towards education provision on schemes of this size. It did not make any comment on the capacity of the local school, which is currently undergoing a programme of expansion. The development will be subject to the Community Infrastructure Levy and it is considered that a specific contribution towards education provision could not be required.
- 7.44 Policy ENV 4 requires all proposals for new development to aim for reduced or zero carbon development in accordance with the zero carbon hierarchy. Applicants are required to demonstrate how they have considered maximising all aspects of sustainable design and construction. This has not been submitted as part of the planning application so will be required by condition.

7.45 Planning Balance

- 7.46 As stated above the proposal will add up to 46 dwellings to the council's housing stock. This attracts significant weight in favour of the proposal in the planning balance. There are also economic benefits from construction and the future occupiers of the scheme that attract weight in favour of the proposal. As detailed in this report, the site is considered to be in a sustainable location and is an acceptable extension to the built form of the village. Subject to suitable conditions matters in relation to highway safety, drainage, archaeology, flood risk and ecology are all satisfactorily addressed. On balance therefore this development is recommended for approval as there are no adverse effects of the development which would significantly and demonstrably outweigh the benefits.

8.0 COSTS

- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.

- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 8.4 In this case Members' attention is particularly drawn to the following points:
- There are no objections to the proposal from statutory consultees.
 - The application is for outline permission with only access to be considered at this stage.

9.0 **APPENDICES**

- 9.1 Appendix 1 – Draft conditions.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/00261/OUM	Barbara Greengrass Room No. 011 The Grange	Barbara Greengrass Senior Planning Officer
17/00153/SCREEN	Ely	01353 665555 barbara.greengrass @eastcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 17/00261/OUM Conditions

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

Plan Reference	Version No	Date Received
A_1618 EX100		16th February 2017
A_1618 PL100	A	16th February 2017
5591 FE TL 01	Landscape	16th February 2017
5591 FE TCP 01	Landscape	16th February 2017
WASTE MANAGEMENT PLAN		17th February 2017
SERVICES APPRAISAL		17th February 2017
FLOOD RISK ASSESSMENT		23rd February 2017
ARCHEALOGY REPORT		17th February 2017
ECOLOGICAL ASSESSMENT		17th February 2017
TREE SCHEDULE		17th February 2017
TRANSPORT ASSESSMENT		17th February 2017

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.
- 2 Reason; The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 4 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.

- 5 No demolition/development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:

- the statement of significance and research objectives;
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-excavation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material. ***This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.***

Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme.

- 5 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 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.
- 6 No development shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

The scheme shall be based upon *the principles within the agreed Flood Risk Assessment (FRA) prepared by JPP Consulting (ref: R-FRA-U8504PM-01-A) dated January 2017* and shall also include:

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

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

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

- 6 Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development in accordance with policies ENV 2 and ENV 8 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.
- 7 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for the control of pollution (including, but not limited to noise, dust and lighting) during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, location of staff facilities, generators and compounds, spoil heaps parking areas and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 7 Reason: 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.
- 8 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 08:00 to 18:00 each day Monday-Friday, 08:00 to 13:00 on Saturdays and none on Sundays, Bank or Public Holidays.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire.
- 9 No development shall take place until a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 9 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement in

order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.

- 10 In pursuance of Condition 2, the landscaping scheme shall provide details of species, siting, planting distances and programme of planting to include all boundary treatments. Planting and boundary treatments are to be carried out during the first planting season following occupation of the dwelling on that Plot and shall thereafter be maintained in accordance with the approved scheme. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 10 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling 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.
- 11 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 12 The highway shall be built to adoptable standards as defined by Cambridgeshire County Council Housing Estate Road Construction Specification (current at time of commencement of build) before the last dwelling is occupied.
- 12 Reason: To ensure that the highways end appearance is acceptable and to prevent the roads being left in a poor/unstable state, in accordance with policies COM7 and ENV2 of the East Cambridgeshire adopted Local Plan April 2015.
- 13 Prior to the commencement of development or as part of the reserved matters, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 13 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement as some of the measures may be below ground level.
- 14 The development shall be carried out in accordance with the mitigation and enhancement proposals contained within Section 5 of the Preliminary Ecology Appraisal dated August 2016.
- 14 Reason: To protect species and sites of nature conservation, in accordance with Policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.

- 15 The vehicular access onto Main Road shall be constructed strictly in accordance with the details shown on Drawing No. U8504PM-E01-A in Appendix F of the Travel Plan. The access shall have visibility splays of 2.4 metres by 43 metres.
- 15 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 16 The agricultural building situated within the blue land shall not be used for the accommodation of livestock.
- 16 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 17 Except as detailed on the approved plans at reserved matters stage, no trees shall be pruned or removed/felled and no hedges shall be removed without the prior written approval of the Local Planning Authority.
- 17 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.