
MAIN CASE

Reference No: 16/01019/RMM

Proposal: Reserved matters in relation to 15/01100/VARM of previously approved 14/00248/OUM for 128 residential dwellings with all matters reserved apart from access

**Appearance - Plans, Elevations and Materials Pallet
Landscape - Detailed Planting Plan and Maintenance Plan
Layout - Layout Plan
Scale - Plans and Elevations**

Site Address: Land North Of Field End Witchford Cambridgeshire

Applicant: Bovis Homes Ltd

Case Officer: Andrew Phillips, Senior Planning Officer

Parish: Witchford

Ward: Haddenham

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

Date Received: 8 August 2016

Expiry Date:
14 April 2017

[R252]

1.0 **RECOMMENDATION**

1.1 Members are requested to approve this application, subject to the recommended conditions:

1. Approved Plans
2. Mechanical Ventilation
3. Earth Bund
4. Materials
5. Soft Landscaping
6. Hard Landscaping
7. Boundary Treatment
8. Biodiversity boundary treatment
- 9 Electrical Substation Design

1.0 SUMMARY OF APPLICATION

- 1.1 The original outline (14/00248/OUM) was refused by the Local Planning Authority on the 7 August 2014 on the grounds of adverse effects in terms of noise and air pollution from the adjacent A142, insufficient archaeological information, harm to highway safety and a lack of educational provision. This application was successfully appealed and given consent by the independent Inspector on the 23 June 2015. This outline consent gave detailed approval for the access. The developer then varied this approval to update the sustainability condition in line with more recent policy (see planning reference 15/01100/VARM).
- 1.2 This proposal seeks reserved matters (excluding access) consent for 128 dwellings, public open space and relevant infrastructure. The proposed dwellings have a design similar to those found in the late 1800s and 1920/30s.
- 1.3 The proposed housing mix is:
Market housing
- 14 two bed dwellings
 - 24 three bed dwellings
 - 26 Four bed dwellings
 - 26 Five bed dwellings
- Affordable housing :
- 20 two bed dwellings
 - 12 three bed dwellings
 - 6 four bed dwellings
- 1.4 The application has been amended in order to gain a earth bund along the A142, ensuring the roads are adoptable, to improve the internal design and to ensure a suitable amount of public open space. The Council's Environmental Health Officer, as well as the Case Officer, have been providing guidance on internal noise standards combined with ensuring that residents are able to get fresh air into their houses. The Noise Report has had to be amended several times during the consideration of this application.
- 1.5 The application's time frame to come from submission (August 2016) to Planning Committee (April 2017) is because of the Local Planning Authority seeking to work with the developer. The developer has often provided incorrect or conflicting information during this process that has delayed proceedings.
- 1.6 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.**
- 1.7 The application has been brought to Planning Committee as the Planning Manager and Case Officer believe the history and size of the development means it should be publically discussed/determined. Cllr Cheetham also wishes for the application to be determined at Planning Committee.

3.0 PLANNING HISTORY

3.1

15/01100/VARM	Variation of condition No7. (Sustainable homes) of previously approved 14/00248/OUM for 128 residential dwellings with all matters reserved apart from means for access	Approved	26.01.2016
14/00248/OUM	Outline application for up to 128 residential dwellings with all matters reserved apart from means for access.	Refused (allowed at appeal)	07.08.2014
16/01137/FUL	Extending existing bell mouth and access road from Field End to adjoin residential Outline approved site for 128 dwellings	Approved	28.11.2016

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is an open field between Field End to the south and the A142 to the north. To the east of the site are industrial units that form part of the 'Greys of Ely' business. Beyond these industrial units is Common Road, which is the very likely route that construction vehicles would take if reserved matters approval was given and the relevant condition discharged.
- 4.2 An awarded drain, maintained by the Council, runs along the southern boundary. A mixture of hedges and trees define the boundaries of the site.
- 4.3 Many of the village services are located to the south of the site but the village college is located to the east. These are all within a short distance that can be reached by foot.

5.0 RESPONSES FROM CONSULTEES

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

Witchford Parish Council – (31 August 2016) It objects to the proposal. Overall, it considers the proposal to be unsustainable and insufficiently thought through. It is requesting that the application is determined by Planning Committee.

There objects fall within the following criteria:

- Future management of the site
- Drainage (foul and surface water)
- Open space and connectivity

- Quality of life for residents of the new dwellings (pollution from A142)
- Housing allocation (seeks a percentage of bungalows)
- Traffic impacts on Witchford.
- Other matters raised include - No detail on street lighting, gap between development site and Field End, lack of consultation with the Parish Council, adequate bin provision needs to be shown and village services in particular the provision of GP services to meet the extra demand from this development.

(8 September 2016) States it has concerns over the permeable paving and future maintenance of it. It does not believe this is an efficient or sustainable drainage solution on its own.

(12 September 2016) Seeks to ensure that the development provides footpath links to adjacent open spaces or to neighbouring paths.

(7 October 2016) It draws to the Case Officer's attention to precedents in Witchford for public paths running adjacent the A142, including the safeways next to the road, which are used by walkers and horse riders, and in addition to this the public footpath running parallel with the A142 around the northern side of Cathedral View Park. The Cathedral View Park is quite narrow but this is not believed to cause any problems to users. It, therefore, does not agree that a footpath along the northern boundary of this development site would be too narrow or noisy as clearly existing similar paths do not present any of these problems. It requests such a footpath is provided in the Field End development.

(6 January 2017) It objects to the application, in regards to air and noise pollution.

In regards to air quality it states the submitted report is fundamentally flawed and requests that measurements are undertaken on the site and believes the Air Quality Standards Regulations 2010 is being misrepresented.

In regards to noise the submitted report is also fundamentally flawed. The noise measurement periods were too short to be considered representative or meaningful.

There are significant seasonal variations of traffic conditions on the A142. Noise measurements should preferably for a continuous period of one year and for a minimum of one month to be considered as scientifically robust representations of average on site traffic noise.

The Parish Council continue to point out that the report requires windows to properties need to remain shut in order that noise will not cause sleep disturbance.

Notes that dwellings along the northern boundary have been moved further north towards the road.

It requests that the District Consults the Public Health Team at County Council to review the health effects of the development.

It seeks that a green way is provided along the northern boundary of the site. It also seeks footpaths along the public drain and connection in the south west corner of the site to link to the neighbouring public open space.

It is also disappointed at the small size of the proposed dwellings on this site.

The Parish Council is concerned that allocated parking is too far from the some of the properties, which are likely to have more than two vehicles, that will encourage people to park on roads/footpaths.

It also requests that the Planning Authority checks that the proposal complies with the relevant regulations in regards to waste collection.

Queries how the developer will prevent un-authorized access to the electrical sub - station.

Asks why some of the plans were missing from the public website.

(16 February 2017) It appears as if the proposed fencing would be on the inside of the boundaries of the affected properties making it impossible to guarantee that the fencing would be maintained or replaced if damaged in future. The suggested fencing would be a significant visual intrusion and is not in keeping with the rural context of the site. It believes a landscaped soil bank is the most suitable option, providing acoustic mitigation that is low maintenance and in keeping with the location.

Sport England – (17 August 2016) States that the proposed development is not considered to fall either within our statutory remit or no non-statutory remit.

Senior Housing Strategy & Enabling Officer – (19 August 2016) Is content that the mix of affordable properties is appropriate and pleases that the applicant has increased the number of 2 bedroom properties. Would prefer the rented housing and shared ownership housing not to be provided as attached dwellings but presumably this could not be accommodated within the design.

(20 December 2016) Seeks 38 affordable units on site and that the precise mix in terms of tenure and house sizes of affordable dwellings will be determined by local circumstances. However, in accordance with the Developer Contributions SPD the Council's preferred tenure is 70% social rented and 30% intermediate.

Is seeking a S106 Agreement to control the affordable housing.

(15 March 2017) The proposed affordable housing mix as suggested by the developer is considered to be acceptable in terms of property types and tenure mix.

Local Highways Authority - (12 September 2016) Commenting on drawing number BOVI150912 SL.01. With the current proposed layout the Highways Authority would not be able to adopt the estate roads, as they do not meet with the current Highways specification.

Any and all trees proposed to be planted with the highway must be adopted by either East Cambridgeshire District Council or the Parish Council. It refuses to adopt any trees at the current time. All trees within 5m of the adopted highway must be planted with a tree pit to its standards.

The number of visitor parking spaces is too high within the public highway and is unable to accept this. It would be willing to accept a small amount of visitor parking spaces within the highway where it is to serve safely public amenities.

In regards to drainage it states that land controlled by private management companies is not regarded by the Highway Authority as being acceptable to discharge its surface water into, as future maintenance cannot be guaranteed. Seeks to ensure that the Lead Local Flood Authority are consulted.

Provides further guidance on the proposed design to ensure that it is both safe and adoptable.

East Cambridgeshire Access Group – (24 August 2016) States all properties should have at least one step free entrance.

Trees Officer – (1 September 2016) Approves of the planting scheme in relation to the open spaces.

The planting within the residential area of the development appears appropriate in terms of species selection. However, has concerns in relation to the volume of space allocated for tree planting within the street scene, most of which are in private properties. This planting has a high potential to conflict with neighbouring hard landscaping features in the long term due to insufficient future rooting space.

Advises that the layout is revised that include provision of dedicated planting spaces for public adoption. This assists long term retention of trees within the street scene by ensuring trees are retained within the landscape solely for public amenity. Would prefer to see fewer well provisioned planting locations that are likely to ensure successful tree establishment.

(26 January 2017) Formally objects to the proposal.

Has been informed that by the Case Officer that adoption of street trees within this development cannot be offered to East Cambridgeshire District Council or Parish Council because of the outline S106 Agreement.

Must highlight that if trees are not to be provisioned within the street scene then feels that they must object and raise concern.

Trees within the highway offer a range of practical as well as aesthetic benefits including reducing driving speeds and illegal parking restriction.

Exhaust pollution reduction is an additional benefit and is referenced with air quality impact of the development within ENV9 (Pollution).

Importantly for a scheme that includes SuDS trees offer affective flood mitigation control as they reduce rapid run off by holding rain water within the canopy.

The removal of trees from the street scene would be in direct conflict with ENV1 of the local plan and grounds for refusal of this proposal. Considers this proposal will have a negative impact upon the landscape character of the area, as considers trees are an essential element of the character of the landscape.

Environment Agency – The Environment Agency (EA) has discussed the matter with the Lead Local Flood Authority (LLFA) and it has been agreed that the LLFA will take lead on matters regarding surface water flood risk and drainage.

All other conditions and Informatives made in their letter on the 29 July 2014 still apply.

However, since those comments Anglian Water has carried out a flow audit and have reassessed the measured Dry Weather Flow being treated at Witchford STW/WRC. Recent data provided to the EA by Anglian Water suggests that there is now even more available capacity and there is likely to be sufficient capacity to accept foul flows from this proposed development. It is important that Anglian Water are consulted.

Anglian Water Services Ltd - No Comments Received

Lead Local Flood Authority – (1 September 2016) Objects to the proposal as insufficient information has been submitted to assess the proposal. It, therefore, requires the developer to provide additional information.

(20 December 2016) Seeks additional information from the developer regarding its water calculations and the risk of draining into a culvert (incase it becomes blocked).

Littleport and Downham Internal Drainage Board – (5 September 2016) The Board welcomes the use of on-site balancing for this site, but has concerns with the proposed discharge rate. The outfall for the site discharge into the adjacent East Cambs Awarded Ditch. This watercourse flows into the Board's Catchwater system, which does not have any residual capacity.

The design run-off for agricultural land within the Board's District is 1.1 litres per second per hectare and would wish to see this rate used for this development.

Open Spaces & Facilities Manager – (22 August 2016) States that they must retain access to maintain our awarded ditch which runs along the back of the properties on Field End, their only access is from the field side when the application is. They require at least 3m access strip.

(8 September 2016) Seeks to retain a 5m access to the Awarded Drain for the full length of the development.

Cambridgeshire Archaeology – (2 September 2016) Has no comment to make on this reserved matters application, as an archaeological condition is already on 15/01100/VARM.

Environmental Health - (26 September 2016) States that in regards to the noise from the adjacent commercial site is pleased the consultants have taken measures to ensure the current bund (which is being removed) did not influence their measurements.

Carries on to state that the noise appears to be primarily due to the road noise and not necessarily the commercial activity.

Following conversation with the Case Officer it was considered that from a planning aspect acoustically treated trickle vents would not be sufficient to meet residential amenity as trickle vents are unlikely to meet ventilation. Advises more detail is required with regard to the type of system being installed to demonstrate that residents will have sufficient air flow without needing to open their windows and being exposed to noise.

It is important that any trickle vents are also acoustically treated to the necessary standard. If mechanical ventilation is proposed details of associated noise levels should be submitted to ensure that it is not too noisy.

(16 March 2017) States that the submitted bund plan and noise report appear to be the same as informally sent to them by Bovis on the 23 February 2017.

States that a 2.7m fence or bund is acceptable.

Notes that Bovis intend to install a fan system into affected properties to bring air in from quiet side of the property, to ensure sufficient ventilation is provided with closed windows. It is important to be aware of noise creation from any installed mechanical ventilation.

Is unsure why plots 65-75, 88 and 98-100 are excluded from glazing and ventilation requirements. Seeks confirmation on why this is the case.

Seeks agreed details to be conditioned to ensure they are in place prior to occupation, including glazing and acoustic treatment of trickle vents.

With the use of the bund, glazing and ventilation provided to minimise the reliance on opening windows, it is agreed that the required noise levels both internally and externally can be achieved and does not believe they can raise issues with regards to this aspect.

As long as the required mitigation is agreed and installed noise levels for future residents should be acceptable.

Does not consider it to be required that windows are fixed shut if these are needed for fire escapes. They have gained confirmation that if there are alternative means of ventilation these would be taken into account should any complaints be received regarding the commercial activities.

(20 March 2017) Provides updated comments following new information from the developer. In regard to internal noise levels they note Mr Finch's letter of the 13 March 2017 that Bovis Homes intend to install fan systems, as well as additional ventilation additional glazing requirements shall be carried out for plots 57-101. This has been confirmed within Mr Hendry's email of the 17 March 2017 and any condition should be in accordance with this rather than appendix B of the noise report regarding this aspect.

The closest properties to the road (therefore not screened by other properties) would need to meet internal noise levels of 30dB (LAeq) at night with the windows open, without the requirements for additional ventilation. Considers the distance calculation to be reasonable at 65m.

Environmental Health (Scientific Officer) - States they have read the Air Quality Assessment (dated November 2016) and accepts its findings.

Waste Strategy (ECDC) – (17 August 2016) States that several properties will be expected to move their bins to collection points that exceed 20 metres advised in the RECAP Waste Management Design Guide and will likely lead to a large number of properties leaving their bins at the front of the dwelling.

East Cambridgeshire District Council will not enter onto private property to collect waste or recycling

It also provides general advice on purchasing bins.

Cambridgeshire Fire and Rescue Service - It seeks that fire hydrants are secured by of S106 Agreement or condition.

County Council Archaeology - (2 September 2016) Archaeological condition remains in place until the programme has been completed.

Ely Cycle Campaign - No Comments Received

NHS Cambridgeshire - No Comments Received

Cambridgeshire County Council Education - No Comments Received

Ward Councillors – (6 September 2016) Cllr Cheetham forwarded the draft Parish Council comments and confirms he wishes to call the application in.

(6 January 2016) Supports the Parish Council's comments, particularly in regards to noise and air quality.

- 5.2 Neighbours – 90 neighbouring properties were notified and the responses received are summarised below. A site notice was put on the 1 September 2016 and a notice put in the press on the 25 August 2016. A full copy of the responses are available on the Council's website.

3 Granary End, Witchford – Remains concerned about two matters:

- The loss of an area of land that was designed by the County Council to provide a green space between the village of Witchford and the A142.
- The proximity of the development to the A142 new residents will be exposed to excessive and disturbing levels of day and night pollution and diesel particulate pollution.

9 Granary End, Witchford – Occupant raises concern in regards to noise and vibrations for the new residents from the A142. Raises concerns in regards to new traffic on Field End. Where will the extra amenities for the development be and has impact on foul and surface water been considered.

33 Granary End, Witchford – The occupant states that there should be no access allowed from Field End. All vehicular access to this development, including for future residents should be off the A142 as Highways insist that this is not a busy road. There also appears to be access to adjacent field that does not have planning permission yet. There are no increased amenities in village and no consideration given to the effect on existing villagers.

37 Linden Way, Haddenham – Objects to the development as the village doubled in size with the previous development at Victoria Green, completely changing the fabric of the village community. Approval would create a precedent meaning it would be more difficult to resist similar developments in other villages. In addition to this it would place greater burden on village services in the area (schools and doctor surgeries) and would increase the traffic on the A142.

3 Great Mill View, Haddenham – States they objected to the original application and all of my previous objections made to the Council which turned down the application and to the Planning Inspectorate that passed the application.

Given the current status of the site they will comment on two issues:

- Road safety at the junction of Common Road with the A142.
- Health impacts on residents of the site arising due to the proximity of homes to the A142, including air quality, noise and vibration.

In regards to road safety concludes that he urges the District Council to consider very carefully the road safety issues arising from the site and to request the County Council to provide a current opinion based upon a properly undertaken Traffic Impact Assessment.

Believes it is essential that the District Council revisits its stance on Air Quality in the light of growing national and international data. The District Council should work in conjunction with the Public Health Directorate of the County Council to ensure that on-site baseline measurements are made of the current levels of NOx, PM10 and PM2.5 prior to any planning permission being granted, that clear plans are in place to ensure that the requirements of the Air Quality Standards Regulations 2010 can be met on the site before planning permission is granted and that arrangements are in place for the funding of on-going monitoring of public health on the site.

States that the WA Noise Assessment does not demonstrate beyond reasonable doubt that the noise issues at this site can be overcome effectively by mitigation. Mitigation which requires people to keep their windows closed at night and live permanently with air conditioning/filtering and all its concomitant maintenance and health problems cannot be regarded as effective or compliant with current guidance. Any development at this site is likely to create a considerable health and social cost to the community in the future, which is not sustainable.

Concludes that the proposal does not comply with the environmental requirements of the National Planning Policy Framework.

(updated comments on the 21 September 2016, passed on by Cllr Cheetham)

Provides additional information to explain the impacts on vehicle pollution on people's health, including potential Alzheimers. States that the Inspector's decision was flawed as it was viewed that particulates was the responsibility of the National Government and not a planning issue.

31 Field End, Witchford – At present their neighbours and their rear gardens have vegetation that is of a vital food source for birds during the winter months. Seeks for this planting to remain.

38 Field End, Witchford - States that following the letter dated 3 February 2017 and raises concerns in regards of noise from the A142, as well as allowing properties to cool in summer months. Asks if pollution issues with regard to proximity to the road have been considered.

27 Ward Way – Does not feel that more housing in Witchford is a good idea. They chose the village last year and chose the house because the area is quiet and offers great views.

More traffic will lead to greater traffic concerns on Main Street.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
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
Cambridgeshire Flood and Water
Design Guide
- 6.3 National Planning Policy Framework 2012
- 7.0 PLANNING COMMENTS
- 7.1 Principle of Development
- 7.2 The Independent Planning Inspectorate approved the outline application (14/00248/OUM) on the 23 June 2015. This overturned the Local Planning Authorities decision to refuse the application on the grounds of noise and air pollution, lack of archaeological investigation, the impact of the development on highway safety and the adverse effects on local education.
- 7.3 The Inspector also concluded that the Local Planning Authority did not have a five year land supply. However, in the determination of the reserved matters application the consideration of a five year land supply is not considered to be relevant as the principle of dwellings on this site has already been approved.
- 7.4 The outline planning application varied within 15/01100/VARM sets the parameters of this reserved matters, only those matters that are conditioned or form part of a reserved matter can be considered.
- 7.5 Air Quality
- 7.6 The Planning Inspector stated that in "respect to traffic generated pollutants, the AQA concludes that concentrations of PM10 predicted to occur in 2020 do not approach or exceed the relevant air quality objective at any point across the A142 or the development." The Inspector goes on to state that "for NO2 is likely to be approached or exceeded in locations close to the A142. That said, the report goes on to state that provided the development facades are more than 20m from the A142 central reservation (a matter that can be dealt with as part of the Council's considerations of any reserved matters submissions in respect of layout) then there are no air quality grounds of refusal". This led to the Inspector concluding that, like the Local Planning Authority, the proposal in regards to air quality would have no material harm to the health of future occupants.
- 7.7 The Inspector did not seek to condition that a buffer zone of 20m had to be complied with, which in the Case Officer's professional view weakens the requirement on the developer; as it makes the buffer more guidance and less of a requirement. However, the rear facades of the properties are approximately 28m from the central reservation. The development therefore complies with the outline requirement and going against this requirement would be unreasonable to the developer.
- 7.8 The developer provided an additional Air Quality Assessment (November 2016) that concluded that the proposal was "acceptable in terms of the potential air quality impacts across the development". This conclusion was accepted by the Council's Environmental Health Officer.

- 7.9 It is, therefore, considered that the developer has fully complied with the requirement set by the outline application.
- 7.10 Noise
- 7.11 The Inspector concludes in regards to noise that "the relationship of the proposed development to the A142 would not be particularly remarkable either in terms of the proximity of the development to the road or in terms of the traffic levels on the A142. Whilst I accept that the noise assessment work undertaken to date does indicate a need for certain mitigation measures to be incorporated into the design and/or remarkable or unusual. Consequently it seems to me that in terms of noise and vibration, and subject to appropriate mitigation measures secured by means of the Council's suggested condition, the living condition of future occupiers would be acceptable".
- 7.12 The Inspector is considered to be slightly vague in regards to mitigation measures incorporated into the design; as this could relate to boundary treatment, design of buildings or internal measures such as mechanical ventilation. It is likely that the Inspector was allowing options at the reserved matters stage, without being prescriptive, as long as the proposal complied with the noise levels stated by the Council's Environmental Health Team.
- 7.13 The Case Officer, along with the Environmental Health Officer, have worked hard with the developer to incorporate suitable mitigation measures. This starts with the earth bund along the A142 (plots 57 - 87) that measures 2.7m high, the developer is also providing small sections of 2.7m acoustic fence to protect the corner plots (Plots 57, 88-89) from both the road noise and the commercial activities to the east of the site.
- 7.14 The earth bund and acoustic fencing is considered to provide an effective means of blocking out the noise from the road and commercial activities. However, with the adjacent dwellings being reliant on having closed windows a condition will need to be added to ensure that suitable fresh air can be brought into the house via mechanical ventilation; this is in addition to the acoustically treated passive vents. While these windows will not be conditioned to remain closed, it must be expected that people will not want to open their windows due to the noise levels being above that recommended by Environmental Health (specifically during the night time hours).
- 7.15 The developer has provided adequate information to demonstrate the passive vents and specific glazing will ensure plots 57 – 101 will not suffer from detrimental noise pollution but with this information coming in on different documents a condition will need to be added to ensure that the details are enforceable by the Local Planning Authority.
- 7.16 The developer has demonstrated (drawing Acoustic Information, drawing number ACL.01 Rev A) that to avoid acoustically treated passive vents and/or mechanically ventilation a large amount of the site would not be usable. This further gives weight that the developer has provided the most suitable/workable scheme based on the requirements set at the outline stage.

- 7.17 The proposal is considered to be acceptable in regards to noise pollution to future residents of the development.
- 7.18 Residential Amenity
- 7.19 In regards to the other aspects of residential amenity of the proposed dwellings the back to back distances are above minimum standards, as are the garden sizes. The developer has submitted an additional plan (NGL.01 Rev A) to demonstrate that even following the creation of the bund all the private gardens adjacent to the A142 are at least 50sqm and comply with the Council's Design Guide. Due to the distance between the proposed dwellings (specifically plots 1 - 12) and the existing dwellings on Field End there is not considered to be any long term detrimental impact upon existing residents' residential amenity.
- 7.20 The above concerns in regards to noise and air pollution have been fully considered and the principles of these were set at the outline stage. So while these will have some impact upon residential amenity it is not considered to be a reasonable reason for refusal.
- 7.21 Conditions are included within the outline consent to minimise disturbance due to construction to both existing and future occupants.
- 7.22 Housing Mix
- 7.23 The proposal is seeking a market housing mix of:
- 14 two bed dwellings
 - 24 three bed dwellings
 - 26 Four bed dwellings
 - 26 Five bed dwellings (House Type I was stated as a four bed, but the additional study is considered to be a bedroom).
- 7.24 The market mix is clearly weighted in favour of larger properties.
- 7.25 The proposal is seeking an affordable mix of :
- 20 two bed dwellings
 - 12 three bed dwellings
 - 6 four bed dwellings
- 7.26 The 38 affordable dwellings means the proposal is providing 29.7% affordable housing on site, which is considered to comply with the outline application. The affordable focuses on smaller properties and makes the overall housing mix on the site weighted in favour of two and three bedroom dwellings. The affordable housing mix is considered to be acceptable by the Council's Housing Officer. The housing mix is considered to be acceptable in a rural village, where one bedroom dwellings are less likely desired. The case officer and developer have discussed the housing mix during pre-application and application stages to ensure a reasonable mix for an edge of village site.

- 7.27 While it would have been preferred if a few single storey dwellings could have been included it is accepted with the need for housing numbers, public open space, drainage and maintenance strips it would be very difficult to provide these. The lack of single storey dwellings is not considered to be a reasonable refusal reason in this case.
- 7.28 It is noted that all the affordable housing meets lifetime home standards, which weighs in favour of the application.
- 7.29 Public Open Space
- 7.30 The long term maintenance of all public open spaces is defined within the outline application that requires the developer to seek a management company to maintain these spaces.
- 7.31 The developer is required to provide approximately 0.94 hectares of public open space for this size and mix of housing development. It is seeking to provide 0.956 hectares of public open space. While the developer exceeds the basic standard, it should be noted that some of the public open space is a green walk way only and would not be suitable for other types of recreation. A couple of the developers considered public open spaces, will provide a visual break in the built form but are too small to be of practical use.
- 7.32 The western public open space will include a Local Equipped Area of Play (LEAP). In addition to this children's play equipment the open space also has informal areas of play and landscaping.
- 7.33 The eastern open space is not being designed as a dry pond as indicated in the submitted drainage documents, as it appears that an underground system will be employed.
- 7.34 However, the developer has requested (on the 21 March 2017) that landscaping is conditioned because it wants to ensure that the Sustainable Drainage Features can be incorporated around the landscaping. While this is disappointing that the developer has failed to provide a suitable landscape scheme at this reserved matters it is possible to condition this detail in line with the principles of the scheme submitted as part of the application.
- 7.35 Visual Amenity
- 7.36 The proposed density is approximately 26 dwellings per hectare (gross) and approximately 32 dwellings per hectare (net). This is approximately 13 dwellings per acre (net). The proposal is, therefore, considered to be of a density typical of a sub-urban edge.
- 7.37 The Case Officer has worked with the developer to provide a variety of properties on site and to ensure that the dwellings on corners are dual fronted to prove visual interest on both sides. The overall design style is 1900 - 1930s, with the market dwellings being more of the inter-war period and the affordable housing more late Victorian in appearance. There are some exceptions to this with some of the largest dwellings having a more pre-1900 style, but the overall theme is defined by

the fact that affordable housing is based on smaller house designs and the market housing on the whole being larger in size to accommodate additional bedrooms.

- 7.38 The developer is suggesting using three bricks that range from light buff (Surrey Cream Multi), to a mix of buff and dark colours (Ivanhoe Cream) to red (Surrey Red Multi); this choice of bricks will provide suitable visual interest on a site of this size. In addition to this the developer will be using an off white render (Ivory). The use of only two roof materials (slate grey roof tile and a red pantile) is considered to be limited and it is considered to be disappointing that the developer has not provided a clay tile or welsh slate roof to some of its key mark buildings in order to provide greater variations in the roof materials. However, on the whole the material pallet is considered to be acceptable. It should be noted with support that the material pallet is tenure blind.
- 7.39 Amendments have been made to break up large swathes of parking spaces and using dwellings to obscure parking where possible, for instance plots 79-84.
- 7.40 While few trees are within the public highway, the developer is seeking to provide some trees within parking areas to break these up. In addition to this the main public open spaces will need to have significant amounts of trees within them to help balance out the lack of trees along the public highway and this will be secured by condition.
- 7.41 The earth bund along the northern edge will ensure that even if the trees along the A142 are lost in the long term, a semi-natural barrier will remain along this boundary.
- 7.42 It is considered that on the whole the design of the development is considered to be acceptable.
- 7.43 Highways
- 7.44 The outline approval set the number of dwellings and the amount of traffic on local roads and for this reason traffic movements is not being considered as part of this reserved matters. The number of vehicles using the local road network is, therefore, immaterial in the determination of this application.
- 7.45 There is a conflict between the Local Highways Authority and the Council's Tree Officer. The Local Highways Authority while it will adopt tree pits will not adopt trees within the public highway at the current time. With the Outline S106 Agreement requiring that all public open space goes to a private management company, it is not possible for a public body to adopt the trees. The Local Planning Authority should not seek to make roads unadoptable, as this will lead to significant expenses being moved onto the future occupants and will make the site more socially unsustainable.
- 7.46 It should be noted that the Council's private management company arm is in discussion in becoming the management body but this is not material for the determination of this application.

- 7.47 In regards to water drainage the Case Officer has been speaking to both East Cambridgeshire Ltd and the Local Highways Authority, as this particular private management company is underwritten by the District Council and should overcome the concerns of the Highway Authority over long term management of surface water drainage. The roads can be adopted even if the water is managed by a typical private company but the Local Highway Authority will require draconian measures on the individual householders to ensure that the surface water strategy remains in perpetuity.
- 7.48 The developer is unable to provide pedestrian access to the public open space on Orton Drive, as the site is not adjacent to this public open space and 27 Field End is in between. An access to this off site public open space would need to have been agreed at the outline stage, through a S106 Agreement with the relevant land owners.
- 7.49 The developer is providing footpaths throughout the development to provide both formal links to adjacent pedestrian links and informal walks around the site.
- 7.50 The developer is also providing two vehicular links onto the site, the main entrance onto Field End and an emergency access onto the A142. The access onto Field End gained consent under the outline application and planning application reference 16/01137/FUL. The emergency access will only be required if an emergency service could not gain access via Field End.
- 7.51 Parking
- 7.52 The developer is providing at least two parking spaces per dwelling and some of the larger plots have access to three or four parking spaces. A few plots have got access to way above this, for instance plots 6 and 8 that each have eight parking spaces. The parking is split between tandem parking and frontage parking spaces, which is normal for a development of this size and density. It is noted that the provision of only 6 visitor spaces is limited but this is again due to the fact that the Highways Authority will not adopt roads that have significant amounts of visitor spaces.
- 7.53 All the parking spaces are either on plot or immediately adjacent to the dwelling it serves and no rear parking courtyards are proposed in this scheme. It is considered that the amount of parking and its location will mean that future residents will not be required to park on the road on a regular basis. While more visitor spaces or not tandem parking would be preferable, this would likely mean the reduction in either garden sizes or public open space.
- 7.54 With the vast majority of the dwellings having a garage space in addition to at least two off road parking spaces, it is not considered necessary in this case to add a cycle storage condition. This is because cycles can be stored in the garage when necessary. In addition to this with the high level of on plot parking it is not considered to be reasonable or required to state that the garages must remain as parking spaces.
- 7.55 The proposal is considered to have an acceptable amount of parking.

- 7.56 Ecology
- 7.57 The proposed landscaping plans indicate that the developer is providing some bird/bat boxes the amount is fairly limited. It is noted that bird/bat boxes are not the only way to enhance biodiversity on site and the additional landscaping, plus ensuring wild grass areas on the site will remain will provide a range of biodiversity habitats.
- 7.58 The only element of the outline ecological appraisal the developer has not sought to accommodate are holes in the garden boundaries to allow amphibians and hedgehogs to travel through the gardens; this can be dealt with by condition.
- 7.59 Flood Risk and Drainage
- 7.60 The maintenance strip along the southern boundary of the site along the Awarded Drain measures 3 - 5m in width. This complies with the advice of the Open Spaces & Facilities Manager whose original comments indicated that a 3m width would be acceptable, but a 5m width would be preferred.
- 7.61 The waste (foul) water is dealt with by condition 11 in the outline application that was required by the Inspector. However, this condition seeks to ensure water drainage is dealt with in a sustainable manner. With this being a condition it is expected that all details can be agreed on site and that no off site works will be required (not a Grampian condition or S106 requirement). It is considered possible for the developer to discharge this condition at a later stage.
- 7.62 The developer has not been able to provide a comprehensive surface water drainage plan that accords with the previously submitted landscape plans. A condition can be added requiring a full drainage scheme to be submitted that compliments the agreed landscaping scheme. This may involve the developer having to provide rainwater harvesting tanks to the dwellings (cannot plant trees on or near underground tanks).
- 7.63 It is considered that the proposal will have no detrimental impact upon surface water drainage so long as the applicable condition is duly added to any approval.
- 7.64 Other Material Matters
- 7.65 The RECAP Waste Management Design Guide allows a maximum of 30m for residents to move bins and bags to the collection point and not 20m as the Waste Strategy Team has stated. The RECAP guidance also requires the Council's refuse/recycle collection to travel up to a maximum of 25m from collection point to vehicle. The comments of the Waste Strategy Team on the 17 August 2016 is considered to be flawed in their approach and does not comply with approved planning policy. The vast majority of dwellings comply with the RECAP guidance and the few plots that do not quite meet this standard is not considered to be a reasonable approach to refuse the application.
- 7.66 The security of the electrical sub-station is not considered to be of specific relevance to the determination of this application, it is presumed that it will have a suitable lock and safety warnings to ensure it does not pose a potential risk to

public health. However, details of the final design of the sub-station are missing but this can be conditioned.

- 7.67 It is not possible or reasonable to add a condition requiring fire hydrants or requiring this through a new S106, the Fire Service should have requested this at the outline stage. It is now the Fire Service's responsibility to liaise with the developer to ensure that suitable fire hydrants are provided, this may now need to be at its own expense as this is not a cost the developer has signed up to.
- 7.68 The impacts upon village services and infrastructure was considered at the outline stage and suitable contributions to the local school was required. The developer still has to pay the Community Infrastructure Levy and this will provide money both to the Parish Council and the infrastructure improvements listed on the Council's 123 list (that include health facilities). The details of infrastructure improvements is, therefore, not a material consideration for this reserved matters application.
- 7.69 Planning Balance
- 7.70 The principles of this development were considered at the outline stage and should not be reconsidered at this reserved matters stage.
- 7.71 The developer has demonstrated that they can comply with the requirements set by the Inspectorate regarding both noise and air quality. Conditions will be required in regards to ensure noise pollution is suitably mitigated against. The overall residential amenity of the proposed dwellings is as high as reasonably possible, due to the constraints of the outline application.
- 7.72 Those elements reserved are considered to be acceptable and for this reason it is requested that the Planning Committee approve the application subject to the recommended conditions.

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:

- Air Quality was considered at the Outline stage.
- Traffic generation is not material in the determination of this reserved matters application, as it was considered at the outline stage.

9.0 APPENDICES

9.1 Appendix1 – Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
16/01019/RMM	Andrew Phillips Room No. 011 The Grange	Andrew Phillips Senior Planning Officer
15/01100/VARM	Ely	01353 665555 andrew.phillips@ea stcambs.gov.uk
14/00248/OUM and appeal APP/V0510/W/14/2224671		

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 - 16/01019/RMM Conditions

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

Plan Reference	Version No	Date Received
WTCH-IRN		28th November 2016
HT.D-OPT5.P	B	12th December 2016
HT.D-OPT5.E	B	12th December 2016
HT.D-OPT1.PE	B	12th December 2016
HT.D-OPT2.E	B	12th December 2016
HT.D-OPT3.PE	B	12th December 2016
HT.D-OPT4.E	B	12th December 2016
HT.D-OPT4.P	B	12th December 2016
HT.F.PE	B	12th December 2016
HT.G-OPT1.P	B	12th December 2016
HT.G.OPT1.E	B	12th December 2016
HT.G-OPT2.P	B	12th December 2016
HT.G-OPT2.E	B	12th December 2016
HT.G-OPT3.P	A	12th December 2016
HT.G-OPT3.E	A	12th December 2016
HT.H.P	B	12th December 2016
HT.H-OPT4.E	A	12th December 2016
HT.H-OPT3.E	B	12th December 2016
HT.H-OPT2.E	B	12th December 2016
HT.H-OPT1.E	B	12th December 2016
HT.J-OPT1.P	B	12th December 2016
HT.J-OPT1.E	B	12th December 2016
HT.M(LTH).P	A	12th December 2016
HT.M(LTH)-OPT2.E	A	12th December 2016
BOVI150912 SL.01	D	8th March 2017
BOVI150912 RL.01	D	8th March 2017
BOVI150912 NGL.01	A	8th March 2017
BOVI150912 OSL.01	D	8th March 2017
BOVI150912 CSL.01	D	8th March 2017
BOVI150912 DML.01	E	8th March 2017
BOVI150912 BML.01	D	8th March 2017
BOVI150912 AHL.01	D	8th March 2017
WTCH-580/2	A	8th March 2017
GAR.01	A	31st October 2016
GAR.02	A	31st October 2016
GAR.03	A	31st October 2016
HT.A.P		31st October 2016
HT.A-OPT1.E		31st October 2016
HT.A-OPT2.E		31st October 2016
HT.B.P		31st October 2016
HT.B-OPT1.E		31st October 2016
HT.B-OPT2.E		31st October 2016
HT.C.E	A	31st October 2016
HT.C.P	A	31st October 2016
HT.I.P	A	31st October 2016
HT.I-OPT1.E	A	31st October 2016
HT.I-OPT2.E	A	31st October 2016
HT.I-OPT3.E		31st October 2016
HT.I-OPT3.P		31st October 2016

HT.J-OPT2.E	A	31st October 2016
HT.J-OPT2.P	A	31st October 2016
HT.K-OPT1.E	A	31st October 2016
HT.K-OPT1.P	A	31st October 2016
HT.K-OPT2.E		31st October 2016
HT.K-OPT2.P		31st October 2016
HT.L(LTH).P	A	31st October 2016
HT.L(LTH)-OPT1.E	A	31st October 2016
HT.L(LTH)-OPT2.E	A	31st October 2016
HT.M(LTH)-OPT1.E		31st October 2016
P22-23.P		31st October 2016
HT.N(LTH)-OPT1.E		31st October 2016
HT.N(LTH)-OPT2.E		31st October 2016
HT.D-OPT2.P	B	12th December 2016
HT.A.P		12th December 2016
HT.A-OPT2.E		12th December 2016
HT.A-OPT1.E		12th December 2016

- 1 Reason: To define the scope and extent of this permission.
- 2 Prior to the occupation of plots 57 - 95 and plots 100 - 101 details of any Mechanical ventilation or other types of intake fans shall be submitted to and approved in writing by the Local Planning Authority. The details submitted will need to include both predicted air changes per hour and operating noise details. Development shall be carried out in accordance with the approved details and thereafter maintained in perpetuity.
- 2 Reason: To ensure the development meets with a high standard of residential for future occupants in accordance with Policies ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015.
3. Prior to the occupation of plots 57 -88 the approved earth bund (drawing number WTCH-580/2 Rev A) shall be completed and thereafter maintained in perpetuity.
- 3 Reason: To ensure the development meets with a high standard of residential for future occupants in accordance with Policies ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015.
- 4 Prior to above ground works on plots 57 – 101 details of passive vents and window details shall be submitted and agreed in writing by the Local Planning Authority.
- 4 Reason: To ensure the development meets with a high standard of residential for future occupants in accordance with Policies ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015.
- 5 The materials to be used in the constructed of the external surfaces shall be as specified on drawing number DML.01 Rev E. All works shall commence in accordance with the approved details.
- 5 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan.

- 6 No development shall commence until a full schedule of all soft landscape works (based broadly in accordance with JBA 16/116 Landscape Master Plan for Plots and POS - SK01 Rev H) shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It 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 end of the first planting season following occupation of the development. 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.
- 6 Reason: 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 this should have been agreed as part of the reserved matters application but the developer has requested that the Local Planning Authority condition this detail.
- 7 No development shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. 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.
- 7 Reason: 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.
8. The boundary treatments hereby permitted shall be constructed in accordance with the details specified on drawing number BML.01 Rev D. The boundary treatments shall be in situ and completed prior to the first occupation of the dwelling they serve. All works shall be carried out in accordance with the approved details and retained thereafter.
- 8 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 9 All residential boundary treatments shall include at least one hole of at least 13cm x 13cm, which shall be in situ prior to first occupation of the dwelling that boundary treatment serves.
- 9 Reason: To ensure the proposal complies with Ecological Appraisal (dated February 2014) as required within the outline application and in accordance with policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 10 Prior to any above ground work, design details of the electrical substation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to first use.

- 10 Reason: Details were not submitted as part of this reserved matters application and are required to ensure proposal is of an acceptable appearance in accordance with Policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 No development shall take place until a scheme to dispose of surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to first occupation.
- 11 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. This condition is prior to commencement as these details need to be agreed before construction begins.