
MAIN CASE

Reference No: 16/01136/OUM

Proposal: Outline planning permission for demolition of existing dilapidated farm buildings and erection of up to 55 residential dwellings (including 30% affordable housing), introduction of structural planting and landscaping, informal public open space, surface water attenuation and associated ancillary works. All matters to be reserved.

Site Address: Land North Of 22 Marroway Lane, Witchford, Cambridgeshire

Applicant: Gladman Developments 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: 29 March 2017 **Expiry Date:** 4 August 2017

[S38]

1.0 **RECOMMENDATION**

1.1 Members are recommended to refuse the application on the following grounds:

1. The proposal for up to 55 dwellings, along with sufficient space for required infrastructure, landscaping and open space, would lead to an overdevelopment of the site by seeking to provide dwellings in area (approximately the northern 1/3 of the site) where noise levels are so high that to achieve suitable internal living standards closed windows and mechanical ventilation would be required. The developer, therefore, has failed to demonstrate how a potential scheme of 55 dwellings could be provided on site without causing detrimental harm to future occupiers living conditions and residential amenity or sufficient boundary treatments could be accommodated to ensure they reflect the visual rural character of the site. The proposal fails to comply with policies ENV1, ENV2 and ENV9 of the East Cambridgeshire Local Plan Adopted April 2015.
2. The submitted Transport Assessment dated August 2016 is based on old traffic surveys that are unlikely to reflect the current situation within Witchford or consider the approved growth within the village. The proposal, therefore, has

failed to consider the impacts upon the road network in the surrounding area. The proposal does not comply with Policy COM7 of the East Cambridgeshire Local Plan Adopted April 2015 and Paragraph 32 of the National Planning Policy Framework.

2.0 SUMMARY OF APPLICATION

- 2.1 The proposal seeks outline approval of up to 55 dwellings (30% affordable) with access through the adjacent development (15/01100/VARM) onto Field End. While the outline application is seeking all matters to be reserved, the road entrance to planning application 15/01100/VARM has already been approved under planning reference 16/01137/FUL, although the internal road layout has not been approved. The proposal also includes public open space, drainage and other associated infrastructure.
- 2.2 The application has been brought to planning committee due to Council's scheme of delegation and at the request of Cllr Cheetham.
- 2.3 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.**
- 2.4 It was recommended to the developer to extend the timeframe of the application until December 2017 in order to allow detailed amendments, consider any appeals on the adjacent Reserved Matters application and to provide time to negotiate any potential S106. The application was to be taken to June Planning Committee but the developer wanted an additional month to submit the amended noise report and associated noise barrier drawings (26 May 2017), in order to overcome the first reason for refusal. The developer also confirmed on the 19 June 2017 that it will enter into S106 Legal Agreement to secure the necessary education infrastructure improvements (subject to compliance with CIL regulations), as well as the proposal being compliant on affordable housing and open space provision. The developer also submitted revised transport information on the 19 June 2017 but these were not accepted, as it was submitted too late for meaningful consultation to take place prior to Planning Committee.

3.0 PLANNING HISTORY

3.1

15/01255/FUM	Use of land for the keeping horses, the erection of a stable block with hard standing, fencing, vehicular access and access track.	Approved	14.01.2016
14/00248/OUM	Outline application for up to 128 residential dwellings with all matters reserved	Allowed at Appeal	07.08.2014

apart from means for access.

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
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16/01019/RMM	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.	Refused	10.04.2017
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Appearance - Plans, elevations and materials
pallet
Landscape - Detailed Planting Plan and Maintenance Plan
Layout - Layout Plan
Scale - Plans and Elevations

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The main section of the site is located between Granta Close/Orton Drove public open space (to the south) and the A142 (to the north). The western boundary is the Public Right of Way that links onto Marroway Lane and to the east is the boundary with the outline consent (which the access runs through) of 15/01100/VARM. A mixture of trees and other vegetation are located on all the boundaries, though the biggest gaps are along the northern boundary.

4.2 An awarded drain maintained by East Cambridgeshire District Council runs along the southern boundary, this is piped on the western edge of the site.

5.0 RESPONSES FROM CONSULTEES

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

Witchford Parish Council – (20 April 2017) It objects to this proposal on the following grounds:

- Noise. The occupants of the houses will be severely compromised by the noise levels of the A142 and the proposed mitigation is not acceptable.
- Air Quality. There is no consideration of the effects of pm2.5 particles in the applicant's submission. The District Council has a responsibility for ensuring that new developments are safe and do not expose residents to unacceptable risks to their health.
- Traffic Generation. The impact on the village of the cars associated with the additional houses will to the cumulative strain on village roads. The proposed earth bund is not acceptable and will in time encroach onto adjacent property. Requests a green corridor into the adjacent development of 16/01019/RMM.
- The drain along the southern boundary requires a 5m wide maintenance grass strip with a useable footpath included.
- Requests that the SuDS pond is moved so that the south east corner of this site can be used for public open space.
- Access is through a refused application of 16/01019/RMM.
- Proposal is an overdevelopment of the site.
- Planning statement is inaccurate when it states there is an hourly bus service through the village and that there are three shops in the village.
- Raises concerns that it has been asked to comment on details matters within the application without an indicative site layout being provided.

(14 June 2017) It objects to the proposal on the following grounds:

- Detrimental noise pollution to residents from the A142 and reliance on mechanical ventilation is unacceptable.
- The refused application (16.01019/RMM) on the adjacent site.
- Additional development in Sutton and Mepal that will lead to greater traffic on the A142.
- Maintenance of Awarded Drain does not appear to have a 5m wide maintenance strip.
- No consideration of pm2.5 particles (air pollution) and believes the developer has not proven that the proposal will not have an unacceptable impact upon risks to health.
- The proposal will add to the cumulative strain on village roads.
- It requests a green corridor is provided along the full length of the northern side of the site.
- Sustainable Drainage Systems should work in practice.
- It requests that the SuDS pond is relocated so that the south east corner of the site can be used for public open space linking it the adjacent open spaces.
- The vehicular access for this site is via a refused application and considers this application to be premature.
- Proposal is overdevelopment of the site.
- Planning Statement is inaccurate in stating that there is an hourly bus service through Witchford and that there are three shops in the village.

Local Highways Authority – (16 May 2017) It states that “should be noted that we would not permit the use of Marroway Lane as a vehicle access to this development. Neither the junction or Main Street is laid out to a suitable

standard that will allow its intensification of use. I note that red line boundary and shown exits on to Field End is that of approved application 16/01137/FUL. Should this be proposed for the vehicle access within the reserved matter application this would be acceptable.

The highways extent of Marrowway Lane stops adjacent to number 20. Both Byway 6 & 8 run up Marrowway Lane and past the development site as such I would recommend that the CCC RoW are consulted prior to the determination of this application.”

Transport Assessment Team – (17 May 2017) It comments that the traffic survey data from 2013 undertaken for the adjacent site is too old and is therefore unacceptable for use. It only accept data that is a maximum of 3 years old.

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

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

Cambridgeshire Archaeology – (3 April 2017) The application is supported by an out of date Archaeological Desk Bases Assessment that only discusses the adjacent land covered by planning application 14/00248/OUM.

Points out that there is highly likely that significant archaeological artifacts are on site and recommends that a condition is added.

Design Out Crime Officers – (6 April 2017) Considers that the area is at a low vulnerability to crime and that the developer has considered crime prevention.

Housing Section – (12 April 2017) States that the local plan requires at least 30% affordable housing, with a preferred tenure split of 70% rented and 30% intermediate.

In accordance with policy HOU3 a proportion of the proposed dwellings should be suitable or easily adaptable for occupation by the elderly or people with disabilities.

If approved requests a S106 Agreement to control the affordable housing.

Environmental Health (Scientific) – (19 April 2017) Provided preliminary comments stating that the air quality report uses DEFRA background data for the relevant grid squares rather than measured data. The Indoor Air Quality Management (IAQM) guidance allows for this.

Agrees the approach undertaken by Wardell Armstrong and considers the report to be acceptable to them.

(17 May 2017) The Phase 1 Preliminary Risk Assessment report is accepted, which recommends a Phase 2 site investigation. It is recommended that contaminated land conditions are added.

The Air Quality Assessment reported is accepted and confirms that the proposed development will not lead to an unacceptable risk from air pollution or a breach of air quality objectives.

Environmental Health – (9 May 2017) States:

“Due to the proximity of the A142 to this site I have concerns regarding the noise levels.

Section 5.2.2 of the noise report finds that the outdoor living area on the northern part of the development would exceed the recommended guideline noise levels *‘even with the construction of 3m high close boarded fencing’* and therefore the consultants are recommending that gardens are designed to be located on the southern side of these dwellings so they are screened by the buildings. There would also be a requirement for short extensive barriers located between buildings to form an unbroken barrier. For proposed properties in the south western part of the site with direct line of sight to the A142 the recommendation is for 3m high fencing or a combination of bunding and fencing to the same height. These recommendations may change depending on the final design. (Properties to the south east with direct line of sight would require the same mitigation, however they have not been mentioned in depth as housing is proposed on adjacent land and it is considered by the consultants that if development proceeds these properties would be screened).

With regard to internal living room noise levels (ground floor) section 5.3.6 confirms that if residents in the northern and south western parts of the development would wish to open windows, recommended guidelines would be breached, meaning windows would have to remain closed.

With regard to bedroom noise levels section 5.4.4 states: *‘However, with windows open, the attenuation provided by the façade will be approximately 15dB(A). This would allow the recommended internal noise limit to be exceeded in bedrooms across the majority of the site. Acoustic ventilation would therefore need to be installed’*. It should be noted that the report goes on to clarify that dwellings further into the site would be protected and screened to sufficient levels to achieve 30dB(A) internally, but my reading of this is that it would be with standard double glazing and windows closed.

The report concludes in section 6 that acoustic ventilation would be required in some living rooms and bedrooms located nearest to and with direct line of sight to the A142, unless these noise sensitive rooms were located on the quiet side of the proposed properties. It appears likely that some form of acoustic ventilation will be required across the majority of the site and the consultants have specified that this can be confirmed on a plot by plot basis when the detailed design layout is available.

I agree that we usually will allow mitigation to be proposed at the reserved matters stage, however from the information within the noise report I consider a significant number of properties are likely to require mitigation in order to ensure internal noise guidelines can be met. Whilst these may be achieved by utilising a clever layout and design to negate the requirement for mitigation (such as consideration of distance, orientation of buildings, locating additional windows on quieter facades and screening of sensitive rooms/areas by non sensitive ones) I am aware that from a residential amenity point of view the LPA are unlikely to consider closed windows to be acceptable in this rural location. This needs to be considered and we would require details to be submitted. I am happy to discuss this further with you regarding when this should be requested (i.e if appropriate for reserved matters stage) and the possible wording of any condition.

From our point of view if the applicants consider windows need to remain closed for internal noise guidelines to be met there will be a need for an alternative ventilation system which can achieve air changes comparable to an open window. It is unlikely that trickle vents will achieve this. The occupants of all habitable rooms will require a suitable ventilation system which achieves 2 - 4 Air Changes per Hour.

With regard to other areas of concern:

Due to the proximity of current residents to the site I would advise that construction times and deliveries during the construction and demolition phase are restricted to the following:

08:00 – 18:00 each day Monday – Friday
08:00 – 13:00 on Saturdays and
None on Sundays, Bank Holidays or public holidays

I would also advise that prior to any work commencing on site a Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing with the Local Planning Authority (LPA) regarding mitigation measures for the control of pollution (including, but not limited to noise, dust and lighting etc) during the construction phase. The CEMP shall be adhered to at all times during the construction phase, unless otherwise agreed in writing with the Local Planning Authority (LPA).”

(20 June 2017) The Environmental Health Officer states:

“I can confirm I have read the updated acoustic report 002 by Wardell Armstrong entitled ‘*Gladman Developments Ltd, Land to the East of Marroway Lane, Witchford, Noise Assessment Report*’ dated May 2017.

I note in Section 3.1.3 monitoring location 1 has moved closer to the A142 (from 10m in the August 2016 report to 5m in the May 2017 report). The date for the monitoring has remained the same (January 2016) so clarification of this is required.

Section 5.2.2 recommends siting properties at a distance of 20m – I called the noise consultant Lucy Elmer yesterday and she clarified that this is based upon calculations utilising the May 2017 distances (so monitoring results at 5m from the

road rather than 10m). Ms Elmer stated she will send me an e-mail to clarify the discrepancy in the distances.

Section 6.1.8 of the August 2016 report found that enhanced glazing would be required, or alternatively a set back distance of 35m with standard double glazing would be sufficient to meet internal noise guidelines with windows closed. Section 6.1.8 of the May 2017 report finds this distance to be 20m. I am unable to comment on this until I receive the information regarding the reasoning for increased distances of the monitoring locations.

As this is an outline planning application I can confirm that there are mitigation measures that can be taken to protect residential amenity and therefore the principal of the proposed land use is potentially acceptable, however the number of properties will depend on what mitigation measures are acceptable from a planning point of view with regard to both visual and residential amenity. The most appropriate mitigation would be a well thought out design to ensure noise sensitive rooms are located on quiet facades, or have access to windows on quiet facades etc.

For clarification my previous comments are still relevant (dated 09/05/2017).”

Littleport and Downham Internal Drainage Board – (18 April 2017) States that the site is outside of the Littleport and Downham Internal Drainage District but within an area that drains into it. The Board wishes to be consulted in surface water disposal from the site at the detailed design stage.

Parks and Open Space – (18 April 2017) Access to East Cambridgeshire District Council Awarded Watercourse will need to be kept for the entire length of the development, this will need to include access onto the site with a 5 metre access point with a 5 metre wide maintenance strip for de-silting and vegetation control.

Lead Local Flood Authority – (21 April 2017) It has no objection to this development as the applicant has demonstrated that surface water can be dealt with on site using permeable paving and an attenuation basin.

It requests conditions in regards to surface water drainage and maintenance.

Environment Agency – (24 April 2017) It has reviewed the drainage report and makes the following comments:

- No water quality or wastewater problems anticipated providing that improvements/upgrades to the foul sewage as identified in the submitted details are implemented prior to first occupation.
- All surface water from shall be piped direct to an approved surface water system.
- Only clean surface water shall be discharged to any soakaway or surface water sewer.
- Surface water from roads and impermeable parking areas shall be discharged via trapped gullies.
- Site operators should ensure that there is no possibility of contaminated water polluting surface or underground waters.

Anglian Water – (4 May 2017) It states that there is no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

The foul drainage from this development is in the catchment of Witchford Water Recycling Centre that has capacity for these flows.

It requests a condition relating to compliance with the agreed drainage strategy.

It also seeks a condition in regards to a pre-commencement foul water drainage strategy scheme.

Cambridgeshire Fire and Rescue Service – (26 April 2017) The Fire Authority requests that adequate provision be made for fire hydrants, which may be way of S106 Agreement or condition.

Asset Information Definitive Map Team – (21 April 2017) Points out that there is a Permissive Path Agreement between the landowner and Cambridgeshire County Council. States that as a result of this development, the landowner will be required to serve 3 months notice to the County Council of their intention to close the path to the public.

Does not have any objections to the outline planning application.

Cambridge Ramblers Association - No Comments Received

East Cambridgeshire Access Group – (19 April 2017) No layout plans and not sufficient for them to comment on. When more detailed plans come through, they welcome an opportunity to make comments.

Cambridgeshire County Council Education – (8 May 2017) Is seeking £313,854 for Early Years need, £492, 340 for Primary need and £345, 338 for Secondary need and £3990.96 towards libraries.

Trees Officer – (10 May 2017) States that the most significant trees are along the eastern boundary of the site and include a number of multi-stemmed Ash Trees.

No objection to the principle of development within this location as the impact upon existing trees can be accommodated and strongly advises that any final layout seeks to maximise the retention of the most significant boundary vegetation. This will require sufficient space between buildings and the trees to be viable.

Advises that sufficient consideration is given to effective shelterbelt planting along the boundary with A142.

Tree protection and landscaping conditions should be added to any approval.

Cambridgeshire and Peterborough Campaign to Protect Rural England – (24 April 2017) It objects to the above application as the:

- Development is outside of the village framework

- Agrees with policy 3 of the Local Plan in that development should be focused in the larger settlements of Ely, Littleport and Soham.
- Loss of good agricultural land
- Near a major road and has concerns residents will suffer from air and noise pollution.
- A substantial tree belt is unlikely to protect residents from air or noise pollution.
- Will further erode the green space between housing and the A142.
- Hopes the Council will determine the application on its own merits.

Ward Councillors – (Cllr Steve Cheetham, 24 April 2017) Objects to the development on the grounds of:

- Air Quality as there is no consideration of the effects of pm2.5 particles in the applicants submission.
- Noise as the residents of the proposal will be severely compromised by the noise levels of A142. The proposed mitigation of small window apertures, forced air ventilation and closed windows is not acceptable. The proposed earth bank along the north side is not adequate.
- Traffic generation as the proposal will add to the cumulative strain on village roads. Seeks a green link into the area defined by planning application 16/01019/RMM and with this and believes its premature to determine this following the refusal of the road layout under planning reference 16/01019/RMM.

Considers the application to be an over development of the site.

Calls the application into Planning Committee on the basis of their concerns and the comments made by Witchford Parish Council.

(15 June 2017) Fully support the objects raised by the Parish Council and as a Ward Councillor specifically objects in relation to:

- Air and noise pollution
- Impact on residential amenity
- Over development of the site

Wishes to ensure this application is determined by Committee if officers are minded to approve.

(Cllr Mark Hugo, 15 June 2017) Agrees completely with Cllr Cheetham and his and Witchford Parish Council's objections.

5.2 Neighbours – 85 neighbouring properties were notified and the responses received are summarised below. A site notice was put up on the 7 April 2017 and a notice put in the press on the 13 April 2017. A full copy of the responses are available on the Council's website.

36 Field End – (7 April 2017) States that they ticked all reasons for objection to show what a farce the process is. They state there is no democracy involved given that Central Government will overrule any decisions made locally. The local plan is just a means of pretending that locals have a say in what is going on. This

overdevelopment will decimate quality of life, cause chaos with public services and damage infrastructure.

29 Orton Drive – (12 April 2017) No objections to proposed development but has concerns over the increased volume of traffic and pressure on local amenities and the potential loss of village identity through cumulative development.

33 Granary End – In regards to the noise level assessment asks if it is truly independent, where are the calibration certificates leaving and returning to their storage area and were the observation times really appropriate.

In regards to Air Quality Assessment the present doubts of nitrogen oxide pollution have not been taken into account.

13 Marroway Lane – Writes to confirm they are in support of the comments made by Witchford Parish Council.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

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
HOU1	Housing Mix
HOU2	Housing Density
HOU3	Affordable housing provision
COM 7	Transport impact
COM 8	Parking provision
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

6.2 Supplementary Planning Documents Developer Contributions Design Guide Cambridgeshire Flood and Water Contamination

6.3 National Planning Policy Framework 2012

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 Principle of Development

7.2 The Council is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Plan policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits. It should be noted that all other local plan policies and relevant material considerations remain relevant and form part of the planning balance for this application

7.3 This site has been put forward in the emerging Local Plan (WFD.H2) for approximately 50 dwellings. With this emerging Local Plan being in the early stages very limited weight should be added to it, as this policy could be significantly changed before the end of the year.

7.4 The location of the proposal is considered to be sustainable, as it is possible for future residents to get to the village services (including a Primary and Secondary School) on foot.

7.5 The proposal is considered to be acceptable in regards to principle.

7.6 Residential Amenity

7.7 The Local Planning Authority refused the adjacent reserved matters application (16/01019/RMM) on the following ground:

“The application by virtue of its layout will lead to an unacceptable residential amenity for future residents of the development; due to air and noise pollution (taking into account the soon to be completed Ely Bypass) as the developer is seeking to overdevelop the site by placing too many dwellings near the A142, which would require mechanical ventilation and filtration due to their positioning.

The proposed mechanical ventilation and filtration system, with windows needing to remain closed to achieve the noise levels defined with condition 12 of the outline consent (15/01100/VARM) will create an oppressive internal living environment for the occupiers, harmful to their living conditions. The bunding is considered to be unacceptable because of the steepness of the slope design and the maintenance issues of maintaining this bund design.

The application therefore does not comply with policies ENV2 and ENV9 of the East Cambridgeshire Local Plan Adopted April 2015, as it will lead to detrimental harm to residential amenity.”

7.8 The indicative layout within the submitted Design and Access Statement shows that to fit 55 dwellings on the site a large proportion of the dwellings would need to back onto the A142. All of these dwellings would be in the area of where it would not be possible to have habitable 1st floor windows facing northwards or the requirement

of mechanical ventilation in order to allow ventilation when windows should remain closed. It also appears that insufficient space has been provided to allow for a natural sloping bund (3m height) to be built along the northern boundary.

- 7.9 With additional 1/3 of the site being difficult to build dwellings on due to noise and suitable landscaping; it is considered likely that only around 30 dwellings could be accommodated on the site. While it is noted that the application is for up to 55 dwellings that would allow for a smaller scheme to come forward at reserved matters stage, it is still considered that this number is so far out to be workable at later stages and this has been raised with the applicant. The proposed amendments (26 May 2017) continue to show very limited land being given to the bund or acoustic fence, thus the amended proposal is still seeking for dwellings to be placed relatively near to the A142.
- 7.10 The scheme provides unreasonable constraints on future occupants who are seeking to live in a rural district and would require high boundaries along the northern edge or a very steep bund. The bund would not count as public open space provision, as the noise levels would be too high for this space to be enjoyed by residents.
- 7.11 The proposal is, therefore, considered to be overdevelopment of the site as it would require urban mitigation techniques in the rural countryside. These mitigation measures are not required where there is a proportionally large amount of deliverable space (for instance 46 dwellings recently approved under 17/00261/OUM on Main Street Witchford) and a smaller scheme could be accommodated on this site.
- 7.12 The Environmental Health Scientific Officer has raised no concerns in regards to air quality, with no professional concern in regards to potential traffic pollution to the environment it would be unreasonable to refuse the application on these grounds.
- 7.13 The conditions requested by Environmental Health in regards to construction times and provision of a Construction Environmental Management Plan can be added as conditions if the application was approved.
- 7.14 The proposal is, therefore, considered to have a significant and detrimental impact to future residents in regards to noise pollution and living conditions due to an oppressive internal living arrangement.
- 7.15 Visual Amenity
- 7.16 The proposal seeks to develop a field that is located between the edge of the built form of Witchford and the A142. The A142 is considered to be a defining boundary to the village and the loss of this relatively minor green space is not considered to be detrimental to the character of the village, though it would be expected that any proposal provides suitable public open space and appropriate landscaping.
- 7.17 The existing dwellings in this area of Witchford are modern properties but are not of any specific architectural merit. The nearest properties to the site on Marroway Lane are single storey; Granta Close is also dominated by single storey properties while Orton Drive and Field End are predominantly two storey. It is considered that

if reserved matter scheme came forward a mix of single to two storey properties should be proposed to be in keeping with the local area.

- 7.18 The provision of single storey properties would add to the land take of these individual properties and again make it harder to achieve 55 dwellings on site.
- 7.19 In regards to design, there is no concern that suitably designed properties could be achieved on this site.
- 7.20 It is considered possible to propose a scheme that protects the vast majority of existing trees, as well as adding additional planting along the northern boundary as part of the landscape reserved matters. The placement of the public open space in the southeast corner will allow for a much larger public open space to be created with the existing open space to the south and potential open space to the east; the creation of a village pond could well add to the aesthetic of the area.
- 7.21 There are no concerns over the impact of the proposal over the visual appearance of the local area. However, it would need to be demonstrated that a suitable landscaped buffer along the northern edge could be provided for the reasons given above.
- 7.22 Highway Safety and Parking Provision
- 7.23 The Local Highways Authority is in support of an access onto Field End and this view is supported by officers. Officers also support the view that any future road access onto Marroway Lane would likely result in significant risks to users of the public highway.
- 7.24 The developer is showing on their submitted plan (7054-L-02 H) that vehicular access will be via Field End, with pedestrian/cycle access also being sought to Orton Drove and Marroway Lane. These additional pedestrian/cycle links are supported as it connects the development into the wider network (through Marroway Lane Public Right of Way and Orton Drove Public Open Space) that will make the site very permeable. This permeability will benefit both existing and future residents by creating safe formal routes.
- 7.25 A Construction Environmental Management Plan (CEMP) will be required to ensure that construction traffic/activities do not pose unnecessary risk to users of the public highway.
- 7.26 However, the developer has relied upon traffic surveys undertaken in 2013 (19 November 2013) and used out of date software (TEMPRO version 6.2 used, rather than version 7.2). The developer has, therefore, failed to provide adequate information on the potential impacts upon the highway network. While 55 dwellings is not that large of a development in itself, the amount of development (for instance 15/01100/VARM and 17/00261/OUM) in Witchford combined will have a significant effect on the local road network. This is considered to be a reason for refusal.
- 7.27 It is considered that suitable parking provision (including spaces for visitors) could be provided at the reserved matters stage.

- 7.28 Ecology
- 7.29 The Ecological Appraisal submitted is dated August 2016 but the survey work was carried out in December 2015. The report while now becoming slightly dated is still considered to be valid for consideration as part of this application. It concludes that the proposal will unlikely have any detrimental impact upon local biodiversity and seeks usual ecological enhancements that can be secured by way of conditions.
- 7.30 The proposal is considered to be acceptable in regards to biodiversity.
- 7.31 Flood Risk and Drainage
- 7.32 The developer has submitted a Flood Risk Assessment and Outline Drainage Strategy (August 2016). The comments of the Lead Local Flood Authority are noted and accepted that it would be possible to appropriately drain this site, without posing a surface water flood risk to existing or proposed residents. This would need to be conditioned in order to ensure a detailed scheme was worked up at the reserved matters stage if approval was granted.
- 7.33 A condition would also be required to ensure that a 5 metre maintenance strip is provided along the awarded drainage ditch at the reserved matters stage (if approved). This 5 metre maintenance strip is only required where the ditch is not piped. This again adds to the pressure on land requirements and makes it more difficult to achieve 55 dwellings on site.
- 7.34 It is considered that subject to suitable conditions that there is no concern over flooding/drainage.
- 7.35 Impact upon village services and contributions
- 7.36 It is noted that in the developer's submission they have submitted a letter from Haddenham Surgery, which confirms it is unable to take on any more patients due to problems in recruiting doctors. The ability to hire doctors is not a material matter under planning legislation, as planning controls space and not hiring. The Community Infrastructure Levy (CIL) covers Health Facilities and a S106 cannot be used to pay staff wages.
- 7.37 With the site being unallocated and the only education contributions under CIL being for Littleport, money could be secured for the local schools. However, the contribution request from County of approximately £1.1 million seems to be on the high side for 55 dwellings. Further negotiation would be required in regards to this contribution to ensure that it only mitigates the impacts of this development.
- 7.38 A contribution of 30% affordable housing is compliant with policy and if the application was to be approved this would be secured as part of a S106 Agreement.
- 7.39 The proposal subject to the completion of a satisfactory S106 and the developer paying the CIL contribution would not have a detrimental effect on village services/facilities.

- 7.40 If Members were minded to approve or if an appeal was submitted a S106 would need to be signed prior to a positive determination.
- 7.41 Other Material Matters
- 7.42 Conditions in relation to archaeology and fire hydrants could be secured by way of conditions.
- 7.43 If the application was approved a condition could be added to secure suitable on site renewable energy in order for the proposal to comply with policy ENV4.
- 7.44 Planning Balance
- 7.45 It is considered that the provision of up to 55 dwellings is going to provide unrealistic expectations when a reserved matters application is submitted. In addition to this the developer has failed to demonstrate how it could provide 55 dwellings (or close to it) while ensuring residential amenity is preserved and the provision of a natural bund.
- 7.46 With the developer's failure to demonstrate how residential amenity would be protected without the requirement of closed windows and mechanical ventilation it is considered that the proposal is reliant on poor levels of residential amenity that is not required in a rural authority. This harm is considered to demonstrably outweigh the provision of 55 dwellings.
- 7.47 In addition to this, the developer has submitted out of date information in regards to traffic generation. It is the developer's responsibility to submit relevant information and the failure to provide this weighs significantly against the application.

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 point:
- Air Quality

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
16/01136/OUM	Andrew Phillips Room No. 011 The Grange Ely	Andrew Phillips Senior Planning Officer 01353 665555 andrew.phillips@ea stcambs.gov.uk
15/01255/FUM		
14/00248/OUM		
15/01100/VARM		
16/01019/RMM		

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>