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**MAIN CASE**

**Reference No:** 18/00782/RMM

**Proposal:** Reserved matters for 128 dwellings.

**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 June 2018

**Expiry Date:** 7 September 2018

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1.0 **RECOMMENDATION**

1.1 Members are recommended to grant delegated approval to the Planning Manager for this application subject to the completion of a S106 and the following conditions with any minor changes delegated to the Planning Manager in consultation with the Chair of Planning Committee (which can be read in full within Appendix 1):

- 1 Approved Plans
- 2 Time Limit - OUT/OUM/RMA/RMM
- 3 External lighting
- 4 Brickwork details
- 5 Tree Protection
- 6 Windows to be fixed shut (plots 49 – 50)
- 7 Renewable energy
- 8 Balancing pond upgrade
- 9 Landscaping approved plans
- 10 Substation
- 11 Ecology (holes in fences)
- 12 Highway construction to binder course
- 13 Highway built to adoptable standards
- 14 Highway drainage

## 2.0 SUMMARY OF APPLICATION

- 2.1 The relevant outline application for this proposal is 15/01100/VARM that covered the principles of development and the access. This proposal seeks reserved matters permission for 128 dwellings (90 market houses and 38 affordable houses), as well as roads and public open space/buffer area along the northern boundary. The application has been amended in order to overcome concerns relating primarily to surface water flooding, design of dwellings, road safety and noise pollution.
- 2.2 The proposal has been brought to Planning Committee as the previous application was refused by members and the recommendation on this application is to approve.
- 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.**

## 3.0 PLANNING HISTORY

### 3.1

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
	Appearance - Plans, elevations and materials pallet Landscape - Detailed Planting Plan and Maintenance Plan Layout - Layout Plan Scale - Plans and Elevations		
18/00786/FUL	Engineering works to increase the capacity of the existing attenuation pond in order to drain the adjoining site for 128 dwellings along with the associated infrastructure including headwalls, inlets, outlets and pipe runs.	Still being determined	

18/00778/OUM	Outline planning application for demolition of dilapidated farm buildings and erection of up to 40 dwellings, ancillary infrastructure (including noise mitigating barrier) public open space, SuDs drainage with all matters reserved.	Still being determined	
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

#### 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 is 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 – (5 July 2018) It is very concerned that the sewerage pipe that is intended to run under the existing award drain is constructed to ensure no risk of contamination to surface water drainage.

It seeks a metaled cycle way is provided along the whole of the southern edge of the site and disagrees with the safety arguments to not providing this.

It has concerns on the ongoing maintenance costs of fencing along the noise bund and seeks to ensure the management company will look after this.

It is still very concerned that the layout of the site still includes housing north of the developer's own line and all dwellings should be located south of this line.

The development is not providing any SuDS on this site and these should be sought to the benefit of both residents and biodiversity.

Easy and inviting access needs to be made to connect the site to the public open space at Field End/Orton Drove.

Ample street lighting should be provided but should not glare into people's properties.

Design of dwellings should be in keeping with the local area with no three storey buildings, no excessively large dormer windows and bungalows should be provided.

Sufficient fire hydrants should be supplied within the development.

Seeks construction traffic accessing the site from the A142 rather than from Field End.

(21 August 2018) States

"The Parish Council notes that no account has been taken of its concerns contained in its previous response dated 5th July 2018. It remains very concerned that there remains a potential to contaminate the drain from the sewage system. The Parish Council again requests that the design proposal is thoroughly assessed to ensure public safety.

The Parish Council again draws attention to its objective of providing a through cycle route around the north of Witchford from Marroway Lane to Witchford Village College. The Parish Council therefore requests that a metalled cycleway is provided along the award drain maintenance strip running along the whole of the south of the site (as previously requested). At a meeting with the Parish Council on 16th May 2018 Bovis Homes indicated their agreement to provide this cycleway. The Parish Council considers the cycleway provided by the developer along the northern open space to be of no particular advantage as it does not contribute towards the Parish Council's through cycleway objective, whereas a cycleway provided along the public drain maintenance strip would. The Parish Council notes that the proposed cycleway links cyclists onto the A142 and considers this an unsafe proposal bringing cyclists into direct conflict with motor vehicles travelling at speed.

The Parish Council remains very concerned that the layout of the site continues to include housing within the developer's own 60metre offset building line to the detriment of the residents of 21 dwellings (18 of which are affordable housing). Furthermore 3 of the affected dwellings face a gap in the bund and so presumably will suffer from higher levels of noise pollution.

The Parish Council notes that there remains no provision for SUDS within the site. It considers that there should be SWALES, balancing ponds and attenuation throughout the site, to the benefit of both residents and biodiversity.

The Parish Council notes that cycleway access has been provided at the south-west corner of the site but considers this should be more direct instead of being hidden away, thus making it less likely to be used.

The Parish Council notes that some mitigation of noise pollution has been proposed, however it remains concerned that mechanical ventilation is proposed for some of the dwellings and considers this proposal as unacceptable.

The Parish Council notes that the Highways Authority has proposed that all construction traffic accesses the site via Field End. It considers this detrimental to the amenity of the existing residents of dwellings adjacent to the site and again requests that construction traffic accesses the site from an existing access off the A142. This could be achieved by the temporary installation of traffic control measures.

The Parish Council does not feel that the cycle route along part of the northern section of the site has any useful purpose as it doesn't appear to connect to any cycling infrastructure outside the site.”

Environmental Health – (12 July 2018) Raises concern over plots 15, 49, 50, 73 – 76 in regards to potential levels of noise pollution.

Design Out Crime Officer (Police) – (20 June 2018) Considers the area to be at low vulnerability to the risk of crime at present.

States that the layout appears to be very acceptable that provides high levels of natural surveillance.

Permeability on the whole has been limited to essential areas/routes only.

However, is not happy with footpaths to the rear of the dwellings but the risk has been reduced with security gates as near to the front building line as possible.

Seeks to see external lighting when possible.

If correct products were used the scheme should meet Secured by Design accreditation.

Lead Local Flood Authority – (29 June 2018) Is unable to support the application at present as the discharge rate for the site has been set too high and would result in an increase in flows during lower return periods.

(20 August 2018) – States:

“The applicant’s drainage consultant has clarified the method used to calculate runoff rates and attenuation storage and we are now satisfied with what is proposed.”

Anglian Water – (28 June 2018) Developer has not adequately assessed the impact of surface water drainage that might result in increased risk of flooding in the public surface network.

(22 August 2018) states:

“Our Engineer requested a condition on the basis that infiltration logs have yet to be provided in accordance with the Building Regulations, Part H and the proposed discharge rate exceeding the calculated Greenfield rate for a development of 5.1HA.

We can also confirm that we have yet to receive a S104 or S106 application for this development and no further consultation with the developer has taken place at this time.”

Littleport and Downham Internal Drainage Board – (27 June 2018) Surface water will discharge into an East Cambs Award Ditch, which outflows into the Board’s Catchwater system. This Catchwater is at full capacity and cannot accept any increase in flows.

The Lead Local Flood Authority must approve of the drainage scheme and the long term maintenance of the scheme must be secured.

Environment Agency – (05 July 2018) States:

“Thank you for referring the above application which was received on 18th June 2018. We have reviewed the information provided and have no objection to the proposed development but wish to make the following comments.

**Wastewater Advice to Planning Authority**

The latest measured flow data we have received from Anglian Water suggests that the foul flows through Witchford WRC (Water Recycling Centre) are approximately 80-85% of the maximum permitted by the current discharge permit.

Our estimate (not confirmed by Anglian Water) is that there may be sufficient capacity to accommodate in the region of 280 new domestic properties before a breach of permit conditions, and a resultant threat of deterioration of river quality occurs. Any deterioration would be in breach of Water Framework Directive obligations.

There is currently capacity at Witchford WRC to accommodate some additional foul flows from new development, and this application, in isolation, may not be a cause of concern. We are aware, however, that foul drainage from other new development sites is also expected to connect into Witchford WRC, and the full quantum of development proposed for all sites in combination cannot be accommodated within the current discharge permit.

A Water Cycle Study (WCS) has recently been completed that assesses the potential impact of the full quantum of growth proposed. The WCS demonstrated that development can be serviced alongside others in the vicinity without causing a breach of environmental legislation provided that the current discharge permit is amended to tighten the effluent quality permit limits in line with the increase in discharge flow. It also suggests that upgrades to the WRC will likely be required. “

It also recommends:

“we recommend that the applicant give further consideration to construction waste

that would be generated on site and the municipal waste arising's associated with the operational phase.

We recommend that the applicant give consideration to the waste hierarchy and the promotion of waste prevention measures, opportunities for waste minimisation, reuse and recycling should be realised at the earliest stage.”

(20 August 2018) It states:

“With regard to foul water drainage and surface water drainage, we support proposals within sections 6 & 7 of the Flood Risk Assessment & Drainage Strategy by Barter Hill, May 2018.

In the event of the applicant proposing not to connect foul water drainage to the main sewer, we would wish to be reconsulted.”

Waste Strategy – (18 June 2018) Refuse collection points for units 15, 16, 43 to 49, 83 to 89 and 91 to 95 are not directly adjacent to the public highway and therefore not acceptable to the waste team. These need to be moved so they are directly adjacent the adopted highway.

In all locations where bin store is provided any improper use within the store is the responsibility of the residents/managing agent to correct.

Seeks confirmation that the roadway for units 1 to 16 will be fully adopted to the suitable standard.

Local Highways Authority – (3 July 2018) The junction and access from Field End was granted planning permission under a previous application and therefore does not provide comments on this aspect.

The numerous blocked paved areas are not to County Council standards and do not form a holistic speed reduction scheme or help in pedestrian permeability.

Some access points and vehicle crossovers do not have pedestrian visibility splays and/or they appear to have trees planted within the splays.

Should the noise bund adjacent to the A142 be planted within 5m of the highway, root protection and where applicable tree pits must be used and a maintenance strategy will be required in order to prevent damage to the highway.

It does not adopt trees within the highway but if permitted must be adopted by the Local Authority. It does accept tree pits to facilitate these features, if they positioned correctly.

It only accepts visitor parking spaces where they serve a highways function.

It cannot adopt SuDS but these must be adopted by a public body for it to be able to adopt the roads.

(17 August 2018) States:

“After a review of amended layout shown on drawing 1807/P/10.02 Rev C I have no objections in principal to this application

### **Additional highways comments**

Highways Surface Water drainage – Should Anglian water adopt the sites surface water drainage system, and allowing the highways authority to connect to this, it would be possible for us to adopt the internal roads.

Highways materials and construction details must be as per CCC Housing Estate Road Construction Specification April 2018. We will not be able to adopt none standard materials OR roads not constructed to our standards OR accept constructions that are not within line of the aforementioned document e.g. tree pits, carriageway, kerbs etc...

### **Recommended Conditions**

HW2A – Prior to occupation the roads and footways will be constructed to at least binder course level

HW3A – The highway shall be built to CCC Housing Estate Road Construction Specification

HW22A – no private surface water shall be discharged on to the adopted highway

HW23A – No development shall commence until details of the proposed future maintenance are submitted to the Local Authority

### **Informatives**

*No construction or permeant access other than the emergency access on to the A142 will be permitted.”*

Tree Officer – (19 July 2018) Raises concerns that the current proposal is likely to lead to the loss of the protected ash trees along the western boundary in the long term. This is due to the long term pressure to remove these trees caused by placing car parking and gardens near them.

However, does not formally object as supports the Arboricultural reports conclusion that these trees have a limit to their useful life expectancy and will be retained as part of this scheme.

Suggests a Landscape Architect is consulted on this proposal but does make the following points:

- A wider buffer adjacent the A142 represents an improvement since the last application.
- A wider buffer is in keeping with the landscape schemes through the West of Ely that should be emulated.
- A retaining wall is not consistent with the rural landscape and potentially visually intrusive.
- With no street trees, the trees along the road will be maintained by private residents that raises viability concerns.



- All the public open space is placed in the buffer zone.
- High specification planting schemes will be essential if the features trees proposed are to be successful.

(21 August 2018) States:

“Having looked at the information I can confirm that these plans are of a high standard in terms of information and specification details regarding the planting scheme.

I do advise you consider consulting with a qualified landscape consultant for a full assessment.

Considering the constraints of the site and agreed layout, I consider the design of the scheme acceptable in terms of tree selection and position.”

Housing Strategy & Enabling Manager - (22 August 2018) States:

“The proposed mix of affordable house-types is

20 x 2 bedroom properties

15 x 3 bedroom properties

3 x 4 bedroom properties

Analysis of the East Cambs Housing Register indicates that these properties will be in demand.”

Ward Councillors - No Comments Received

Parks and Open Space - No Comments Received

5.2 Neighbours – 30 neighbouring properties were notified, a site notice put up on the 2 July 2018 and a notice put in the press on the 28 June 2018. The responses received are summarised below. A full copy of the responses are available on the Council’s website.

33 Granary End – (2 July 2018) Occupant raises the following comments:

- Bovis and the Gladman site are connected with a tight bend close to dwellings.
- Construction traffic will impact Field End.
- Will Bovis agree to Gladman connecting through their site.
- Will refuse vehicles be able to get into the Gladman site.
- The A142 has been resurfaced which will affect the road noise levels.

(10 August 2018) States:

“We have no objections to the new layout particularly as the access from the proposed Marroway Lane site appears to have been deleted from the present layout drawing. This should enhance the living conditions for those living on the Bovis site.”

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

6.2 Supplementary Planning Documents

Design Code

Cambridgeshire Flood and Water

6.3 National Planning Policy Framework 2018

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving & enhancing the historic environment

6.4 Submitted Local Plan 2017

LP1	A presumption in Favour of Sustainable Development
LP2	Level and Distribution of Growth
LP3	The Settlement Hierarchy and the Countryside
LP6	Meeting Local Housing Needs
LP8	Delivering prosperity and Jobs
LP16	Infrastructure to Support Growth
LP17	Creating a Sustainable, Efficient and Resilient Transport Network
LP18	Improving Cycle Provision
LP20	Delivering Green Infrastructure, Trees and Woodland
LP21	Open Space, Sport and Recreational Facilities

LP22	Achieving Design Excellence
LP23	Water Efficiency
LP24	Renewable and Low Carbon Energy Development
LP25	Managing Water Resources and Flood Risk
LP26	Pollution and Land Contamination
LP27	Conserving and Enhancing Heritage Assets
LP28	Landscape, Treescape and Built Environment Character, including Cathedral Views
LP30	Conserving and Enhancing Biodiversity and Geodiversity
LP31	Development in the Countryside
Witchford 1	Proposals in Witchford
Witchford 2	Infrastructure and Community Facilities
Witchford 3	Allocated Sites
Witchford 4	Land north of Field End

## 7.0 PLANNING COMMENTS

### 7.1 Principle of Development

7.2 The proposal is a reserved matters application. The principle of development has already been established by the outline consent and this application therefore is acceptable in principle.

7.3 This application seeks permission for appearance, landscaping, layout and scale.

### 7.4 Housing Mix

7.5 Policy HOU1 of the Adopted Local Plan seeks (as a guide) between 3 – 5% 1 bedroom properties, 13 – 23% two bedroom properties, 22 – 39% three bedroom properties, 26 – 47% four bedroom properties and 7 – 14% five bedroom properties.

7.6 The proposed market housing mix is:

- 17 two bedroom dwellings
- 36 three bedroom dwellings
- 22 four bedroom dwellings
- 15 five bedroom dwellings

7.7 The proposed affordable housing mix is:

- 20 two bedroom flats
- 15 three bedroom dwellings
- 3 four bedroom dwellings

7.8 The proposed housing mix is considered to be suitable to cater for a wide variety of people. It is supported that the mix of housing is weighted towards 2 and 3 bedroom dwellings rather than 4 and 5 bedroom properties. While some one bedroom dwellings or bungalows would have been preferred in order to provide some starter homes/greater social mix this is not considered to detrimentally harm the social sustainability of the site.

- 7.9 Self build plots were not required as part of the outline permission and it would be unreasonable to require them on this reserved matters application.
- 7.10 The proposal is considered to comply with policy HOU1 of the adopted Local Plan and LP6 of the Submitted Local Plan.
- 7.11 Residential Amenity
- 7.12 The developer has carefully designed a layout that takes fully into consideration the impact of the A142. The maisonettes that are within the area that will be detrimentally impacted by road noise have been designed with windows that also face onto quieter elevations, thus giving the possibility to naturally ventilate the habitable rooms. While some of these windows will face directly onto a brick wall, they are secondary windows needed for ventilation purposes not for outlook. The developers design, therefore, overcomes noise pollution through design without causing detrimental overbearing. This is the merit of the proposal.
- 7.13 It is understood from the Environmental Health experts that properties 49 and 50 could be detrimentally affected from noise pollution from the adjacent industrial estate to the east of the site. The rear windows will need to be fixed shut in order to prevent future complaints against the businesses; while the developer has provided side windows (one facing the A142) to allow daytime natural ventilation it is very likely that these units will require alternative forms of ventilation for these back bedrooms. The Local Planning Authority has a responsibility to not put unreasonable burdens on existing businesses.
- 7.14 The fact that so few properties will require alternative/mechanical ventilation demonstrates how carefully the developer has designed their scheme in order to provide suitable living standards in regards to noise pollution from the A142 and the business park located to the east of the site.
- 7.15 The design of the development also meets back to back distances as defined by the Council's Design Guide SPD, though it is noted that some plots only just meet the requirements of 10m back wall to rear boundary line and 20m back to back distance. This element of the proposal is considered to be acceptable.
- 7.16 The proposed side windows will overlook driveways that add to the overall security of the site without causing detrimental loss of privacy.
- 7.17 The proposed garden sizes for the houses are considered to be of a good size and the proposed maisonettes have easy access to public open space. The proposal is considered to comply with the principles set out in the Design Guide SPD.
- 7.18 The potential access to the Gladman site to the west past units 125 – 128 is not considered to cause detrimental harm to these units, as they are no closer to the potential road than for instance plots 123 – 124 are to the currently proposed road layout. It is not uncommon for dwellings to be situated very close to the edge of the public highway.

- 7.19 The proposal by virtue of its layout will not cause any detrimental harm to existing residents, as it has placed rear gardens and a 5m wide maintenance strip (plus ditch) between proposed dwellings and existing dwellings on Field End.
- 7.20 The proposal is considered to comply with the Design Guide SPD, policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017
- 7.21 Visual Impact/Public Open Space
- 7.22 The NPPF requires:
- “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”
- 7.23 Large scale house builders often struggle to provide varied high quality developments that either take on fully the local character or enhance upon it, due to their limited number of house types where only materials and fenestration are generally updated. However, it is noted that the developer in this circumstance has updated its designs to follow advice provided by the Case Officer that has overcome many concerns raised to the quality of the design. The changes the developer has provided includes reducing the size of dormers, provided more suitable window style/proportions and improving porch details. These changes have made the development acceptable in design terms.
- 7.24 The developer is providing 2 and 2 ½ storey dwellings which are considered to be acceptable, though it should be noted the development to the south of Field End is predominantly 2 storey with no 2 ½ storey buildings seen by the Case Officer. This is one of the reasons it was important to ensure the dormers proposed in the roofs were relatively small as mentioned above to ensure the development is more in keeping.
- 7.25 The developer is only providing three wall materials (two bricks and one render) and only a single roof material. While this adds to the uniformity of the site it reduces the visual interest of the development. On the other side the developer is showing interesting brickwork on many of its house types that will add to the visual interest and quality of the proposal. The precise details of this brickwork will be conditioned to ensure it is not reduced once construction begins, this will need to include bond types in particular on focal buildings that will enhance the traditional design the developer is striving for.
- 7.26 The developer has sought to avoid tandem parking, but this has left large areas relying on private landscaping in order to prevent the streetscene being defined by

parked vehicles. With the landscaping only controlled for five years, it is likely that many streets in the future will be defined by sub-standard urban design as residents slowly remove trees. It is noted that at the time the developer was designing its proposal the Local Highways Authority were not adopting street trees. The developer, therefore, had little option in where to place street trees. It would be unreasonable to refuse the design when the developer has sought to work with the constraints at the time of submission and at the time they made their amendments. While the developer could redesign its layout, this is considered to cause an unreasonable delay in the determination of this application. If the developer wanted to provide street trees later it could submit a new application at a later date.

- 7.27 The developer is providing the vast majority of its open space along the northern boundary, with some of this being potentially lost in the future to allow access into the Gladman site to the west. This space can be clearly used by the public, as it provides both space for play and an attractive walking route.
- 7.28 The second public open space the developer is providing is in the southwest corner that seeks to provide an attractive entrance into the neighbouring Gladman application site and to provide a long term link into Orton Drive Public Open Space. This is counted as public open space, as it seeks to expand both the existing public open space at Orton Drive and the potential open space on the Gladman site.
- 7.29 The third public open space is along the southeast corner and this is considered to struggle to be considered to be public open space, as it is unlikely people will use it for recreational purposes. It is noted that with limited opportunities for street planting, this will provide an attractive edge to the balancing pond. However, it is extremely unlikely that this space will be used for recreation.
- 7.30 The developer then suggested that the maintenance strip for the awarded ditch could be used as public open space. However, with this space not being overlooked this would require reconsultation with the police and might require substantial amount of artificial lighting to ensure safety that might cause harm to nearby existing/future residents.
- 7.31 On this basis the developer will need to vary its outline application S106, as it does not provide the required amount of public open space for its housing mix. While a reduction in public open space is acceptable (though weighs against the application), the developer will need to provide a contribution to upgrade public open space(s) elsewhere within the village.
- 7.32 The required amount of public open space is 9, 239 sqm and the developer is only providing 8, 411 sqm of usable public open space with an additional 921 sqm of landscaped area along the southeast boundary.
- 7.33 The submitted landscape details are considered to be of a high quality, as confirmed by the Council's Tree Officer, given the constraints of the site and should positively contribute to the overall character of the area.
- 7.34 The Inspectorate on the appeal on the previous reserved matters (16/01019/RMM) accepted a boundary treatment of 2.7m in height adjacent to the boundary with the A142 and stated:

“From my site visit I saw that the bund itself would be largely screened from the A142 by the existing landscaping but would be visible from within the development. Whilst I accept that there is no guarantee that the highway landscaping would remain, it would nevertheless provide a suitable level of screening for the acoustic bund together with the landscape coverage on the bund itself.

In addition to the above, I acknowledge that the bund would also be partially visible from within the appeal site. However, whilst I have already concluded that it would contribute to unsatisfactory living conditions to the future occupants of the dwellings adjacent to the A142 it would not result in significant harm to the character and appearance of the area.”

- 7.35 The concern raised in relation to living conditions was due to the rear gardens abutting the bund. This proposal has been designed to ensure no rear gardens are adjacent to the fencing.
- 7.36 The developer in this application is proposing a 3.2m barrier (made up of a gabion wall and an acoustic fence). While this is unusual for this rural district, it is not considered to be detrimentally harmful as it is set behind landscape that will help it to blend in and it is not much taller than what the Inspectorate were considering acceptable on the previous reserved matters appeal. If a gentle bund was provided of the same height, more public open space would be lost on the site to provide this feature.
- 7.37 There is no detail of the electric substation that might be built, but this can be covered by a suitable condition to ensure that it is in keeping with the area.
- 7.38 The proposal is considered to be in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.
- 7.39 Historic Environment
- 7.40 The proposal is not considered to have any detrimental impact upon the historic environment, as the site is not located near listed buildings, conservation areas and the archaeological investigation has been covered in the outline permission.
- 7.41 The proposal is considered to comply with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 of the Submitted Local Plan 2017.
- 7.42 Highways
- 7.43 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.
- 7.44 It is noted that the Parish Council wants construction vehicles to enter onto the A142, which raises significant concerns over highway safety. The creation of a temporary access onto a 60mph road would require major road calming/control measures in order to reduce speed significantly in order to prevent a substantial

risk to life. It must be noted that the Local Highways Authority would not accept a road junction on the A142, which would make any condition unenforceable.

- 7.45 How the proposal will be constructed is covered under the Construction Environmental Management Plan condition on the outline consent (condition 13 on 15/01100/VARM), which the developer will need to discharge.
- 7.46 Condition 18 under the outline consent (15/01100/VARM) required the developer to provide full details of the road layout. At this stage the developer has not confirmed that the roads/footpaths will be built to at least binder course, that it will be constructed to County Council standards and that residential water will not drain onto the highway; this can all be controlled via suitable conditions at this stage in order to provide clarity. The requested condition by the Local Highways Authority regarding maintenance of the roads is considered unreasonable, as this potentially involves a substantial cost and should have been sought at the outline stage.
- 7.47 It is noted that the amendments the developer has made has overcome the concerns of the Local Highways Authority. The new layout from a highway safety point of view is considered to be acceptable and complies with COM7 of the adopted Local Plan and policies LP17 and LP22 of the submitted Local Plan.
- 7.48 Footpath/Cycle link connections
- 7.49 It is noted that the developer has provided two cycle links onto the A142 along the northern boundary that adds to the long term accessibility of the site if future cycle links are ever provided along this stretch of the A142. The developer is also showing a cycle/footpath connection in the southwest corner of the site that will provide long term accessibility to the Orton Drive Public Open Space.
- 7.50 The 5m ditch access strip along the southern boundary is for maintenance purposes only and opening up to the general public would create an area that is not overlooked and could lead to safety concerns, which is why the space has been gated either end. With the roads being designed to limit speeds to 20mph, it will be relatively safe for cyclists to cycle along the roads provided.
- 7.51 If the adjacent development to the west is approved and developed this would provide pedestrian and cycle access from Field End to Marroway Lane via the two developments that would greatly benefit the permeability of the local area for non-motorised transport. This complies with COM7 of the adopted Local Plan and policies LP17 and LP22 of the submitted Local Plan.
- 7.52 Parking Provision
- 7.53 It should be noted that the parking requirements under the Submitted Local Plan hold very little weight due to the fact the plan is still being considered by the Inspectorate and the number of objections in regards to the Council's emerging parking standards. Policy COM8 of the Adopted Local Plan is considered to be the most relevant policy in regards to parking provision on this site.



- 7.54 The significant majority of the dwellings have two parking spaces, with some plots exceeding this due to longer driveways and garages that may or may not be used for parking.
- 7.55 The maisonette blocks (two bedroom units) only have 1 parking space per dwelling, though do provide between 2 – 3 visitor spaces (with primarily 2 visitor spaces provided, this is 1 space per two units). This weighs against the application, as the rural nature of the village means it very likely that two parking spaces will be required in accordance with parking standards.
- 7.56 The developer has been limited with the number of parking spaces it can provide, as the Local Highways Authority only seeks to adopt a minimal amount of visitor spaces due to these spaces not serving a public highway function. The developer is providing 16 visitor spaces (1 space per 8 properties) along roads designed for adoption. The adopted Local Plan requires 1 space per 4 properties, so the proposal will not meet with this requirement. A balance has to be made in ensuring sufficient visitor spaces and ensuring that the roads are built to an adoptable standard, the Case Officer is of the view that the developer has met this balancing act and for this reason the under provision of visitor parking spaces does not weigh against the proposal.
- 7.57 Ecology
- 7.58 The requirements of biodiversity improvements are covered under condition 8 of planning application 15/01100/VARM.
- 7.59 A condition will be required to ensure that all boundary treatments have holes that will allow for hedgehogs to be able to travel through the development, as required by the outline application.
- 7.60 Flood Risk and Drainage
- 7.61 The requirements of surface water drainage is covered under condition 10 of planning application 15/01100/VARM and this will require discharging outside of this application.
- 7.62 While the final details will need to be discharged on the outline consent it is important to ensure that the water drainage details would practically work, especially when the only SuDS feature proposed is off site (see planning application 18/00786/FUL). In addition with the management of 18/00786/FUL covered by a private management company, the S106 on the outline will need to be varied or a new S106 required for the balancing pond application, before it would be possible to discharge this condition as future residents on this site would need to contribute towards the balancing ponds maintenance. To further tie this development to the adjacent balancing pond improvements, a pre-occupation condition should also be added on this proposal to link the two developments together.
- 7.63 The adjacent balancing pond (18/00786/FUL) is awaiting an ecology report and will need to be determined at a later date. While it is likely that the proposal will be acceptable, this cannot be guaranteed at this stage. However, if the balancing

pond turned out to be unworkable then surface water can be dealt with in other sustainable measures; for instance rainwater harvesting tanks for each dwelling to hold water on plot.

- 7.64 The developer is seeking to provide underground surface water sewer system under the public highway in order to hold a substantial amount of water on site, as well as upgrading the adjacent balancing pond to meet the greenfield run off rate requirements. With the Lead Local Flood Authority signing this off, this is considered to be an acceptable way forward. Anglian Water have raised no objections but is seeking more information that can be secured in the outline condition in regards to surface water drainage.
- 7.65 It is considered that the proposal subject to S106 and conditions will comply with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017.
- 7.66 If Anglian Water in the end refuse to adopt the surface water system under the public highway, the Local Highways Authority will refuse to adopt the roads. However, all indications at present are that there are ongoing discussions between Anglian Water and the developer to adopt the surface water sewer system.
- 7.67 Other Material Matters
- 7.68 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 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 reason to refuse the application.
- 7.69 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.
- 7.70 Planning Balance
- 7.71 The principles of this development were considered at the outline stage and should not be reconsidered at this reserved matters stage.
- 7.72 In order to deal with the significant noise issue of the A142, the fact that the Local Highways Authority was (until recently) refusing to adopt street trees, the need to place a substantial amount of public space along the northern boundary, the developers contractual requirement to allow Gladman access onto Field End, the desire of the Submitted Local Plan to avoid tandem parking and the developer still seeking to provide 128 dwellings has led to an acceptable design but one defined more by constraints than opportunities.

- 7.73 With the need to provide a substantial amount of housing in the district in sustainable locations will nearly always lead to a fine balancing act between the positives and the negatives of a proposal being carefully weighed. If this was a full application a much lower density scheme would have been sought but this is a reserved matters application where many principles have already been agreed.
- 7.74 The positives of the proposal is considered that the layout, design and landscaping are all acceptable and most importantly have overcome the significant noise concerns previously raised by significantly reducing the need for mechanical/alternative ventilation as the previous application proposed.
- 7.75 The main negatives are that due to pushing the housing as far south as possible on the site, has led to SuDS being located off site (though adjacent to the site) and that a large area of the developer's public open space is unlikely to be used for recreation.
- 7.76 The positives of the application are considered to just outweigh the negatives in this application.
- 7.77 The application is, therefore, recommended by officers for delegated approval subject to the recommended conditions and the completion of a S106 Agreement.
- 7.78 While this application is recommended for approval; this is on balance, in order to provide much needed housing and that the developer has worked hard to overcome the constraints of the site.

## 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:
- The appeal decision on 16/01019/RMM
  - No objections from statutory consultees

9.0 APPENDICES

9.1 Appendix 1 – Recommended Conditions

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00782/RMM	Andrew Phillips Room No. 011 The Grange	Andrew Phillips Senior Planning Officer
16/01019/RMM	Ely	01353 665555
18/00786/FUL		andrew.phillips@ea
18/00778/OUM		stcambs.gov.uk
15/01100/VARM		

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](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 - 18/00782/RMM Conditions

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

Plan Reference	Version No	Date Received
1807/P/30.12		8th June 2018
1807/P/20.26		8th June 2018
1807/P/50.01		8th June 2018
1807/P/10.02	C	6th August 2018
1807/P/20.212	A	2nd August 2018
1807/P/20.211	A	2nd August 2018
1807/P/20.62	A	2nd August 2018
1807/P/20.61	A	2nd August 2018
1807/P/20.52	A	2nd August 2018
1807/P/20.51	A	2nd August 2018
1807/P/20.32	A	2nd August 2018
1807/P/20.31	A	2nd August 2018
1807/P/20.12	B	2nd August 2018
1807/P/20.11	B	2nd August 2018
1807/P/20.02	A	2nd August 2018
1807/P/20.01	A	2nd August 2018
18-069-06		3rd August 2018
6467-C-SK04	P2	3rd August 2018
1807/P/20.222		6th August 2018
1807/P/20.221		6th August 2018
1807/P/20.92	A	6th August 2018
1807/P/20.91	A	6th August 2018
1807/9/20.202	B	6th August 2018
1807/9/20.201	B	6th August 2018
1807/P/30.11	A Plots 39-42	20th June 2018
1807/P/30.21	A Plots 125-128	20th June 2018
1807/P/30.23	Plots 125-128	20th June 2018
1807/P/30.33	Plots 51-54	20th June 2018
1807/P/30.03	Plots 32-35 & 68-71	20th June 2018
1807/P/30.13	Plots 39-42	20th June 2018
1807/P/20.25		8th June 2018
1807/P/20.41		8th June 2018
1807/P/20.42		8th June 2018
1807/P/20.63		8th June 2018
1807/P/20.71		8th June 2018
1807/P/20.72		8th June 2018
1807/P/20.82		8th June 2018
1807/P/20.83		8th June 2018
1807/P/20.101		8th June 2018
1807/P/20.102		8th June 2018
1807/P/20.103		8th June 2018
1807/P/30.01		8th June 2018
1807/P/30.02		8th June 2018
1807/P/30.22		8th June 2018
1807/P/30.31		8th June 2018

1807/P/30.32		8th June 2018
1807/P/50.02		8th June 2018
1807/P/50/03		8th June 2018
1807/P/50.04		8th June 2018
1807/P/50.05		8th June 2018
1807/P/50.06		8th June 2018
1807/P/50.07		8th June 2018
1807/P/10.05	Rev C	6 <sup>th</sup> August 2018
1807/P/10.03	Rev C	6 <sup>th</sup> August 2018
1807/P/10.06	Rev D	17 <sup>th</sup> August 2018
1807/P/10.04	Rev C	6 <sup>th</sup> August 2018
6467-C-Sk03	P3	10th August 2018
6467-C-SK01	P3	10th August 2018
6467-C-SK02	P2	10th August 2018
1807/P/10.08	Rev B	2 <sup>nd</sup> August 2018

- 1 Reason: To define the scope and extent of this permission.
  
- 2 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
  
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
  
- 3 No above ground construction shall commence until details of external lighting have been submitted to and agreed in writing with the Local Planning Authority. The lighting details shall be in situ and operational in accordance with the approved details prior to the first occupation.
  
- 3 Reason: To safeguard the residential amenity and protect against crime, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
  
- 4 No above ground construction shall commence until details of all brickwork (including bond) and mortar types have been submitted to and agreed in writing with the Local Planning Authority. The agreed brickwork/mortar details shall be in situ in accordance with the approved details prior to the first occupation of each relevant dwelling.
  
- 4 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
  
- 5 The tree protection measures as shown on JBA 18/069 TP01 Rev B shall be implemented prior to the commencement of development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services

are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

- 5 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.
- 6 The rear 1st floor windows to plots 49-50 shall be fixed shut in perpetuity.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 7 The development shall comply with 'On site renewable energy technology and energy efficiency measures' dated 26<sup>th</sup> July 2016.
- 7 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and LP23 and LP24 of the Submitted Local Plan 2017.
- 8 Prior to the occupation of any dwelling the approved works under planning application 18/00786/FUL for the increase in capacity of the balancing pond shall be completed and operational.
- 8 Reason: To reduce the impacts/risk of flooding in extreme circumstances on future occupants, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017. This is a Grampian Condition as the work is on the adjacent land.

**Please note condition 8 requires the above application (18/00786/FUL) to be permitted and any change dependant on that application will be reflected by this condition.**

- 9 All landscaping works (drawings JBA 18/969-01 Rev D, JBA 18/069-02 Rev B, JBA 18/069 – 03 B, JBA 18/069-04 Rev B, JBA 18/069-05 Rev C shall be carried out in accordance with the approved details . The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. 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.
- 9 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.

- 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 and Policy LP 22 of the Submitted Local Plan 2017.
- 11 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.
- 11 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 and LP22, LP28 and LP30 of the Submitted Local Plan 2017.
- 12 Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved on drawing number 6467-C-SK03 Rev P3 in writing by the Local Planning Authority.
- 12 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 13 The highway shall be built to adoptable standards as defined by Cambridgeshire County Council Housing Estate Road Construction Specification (current at time of commencement of build) before the last dwelling is occupied.
- 13 Reason: To ensure that the highways end appearance is acceptable and to prevent the roads being left in a poor/unstable state, in accordance with policies COM7 and ENV2 of the East Cambridgeshire adopted Local Plan April 2015 and LP17 and LP22 of the Submitted Local Plan 2017.
- 14 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the highway and retained in perpetuity.
- 14 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015 and LP17, LP22 and LP30 of the Submitted Local Plan 2017.