

MAIN CASE

Reference No: 18/00778/OUM

Proposal: 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.

Site Address: Land North Of 22 Marroway Lane Witchford Cambridgeshire

Applicant: Gladman Developments

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
[T84]

RECOMMENDATION

1.1 Members are recommended to delegate approval of this application to the Planning Manager subject to the recommended conditions below that can read in full within Appendix 1 (with any minor changes delegated to the Planning Manager) and the completion of a S106 Agreement:

- 1 Approved Plans
- 2 Outline Permission
- 3 Time Limit - OUT/OUM/RMA/RMM
- 4 Sustainable development -General Outline
- 5 Biodiversity Improvements
- 6 Archaeological Investigation
- 7 Fire Hydrants
- 8 Construction Environmental Management Plan (CEMP)
- 9 Construction times/deliveries
- 10 Surface water drainage scheme
- 11 Potential Contamination Investigation
- 12 Unexpected contamination
- 13 Noise mitigation
- 14 Travel Plan
- 15 Footpath link
- 16 Foul Water

2.0 SUMMARY OF APPLICATION

- 2.1 The proposal is an outline application with all matters reserved for up to 40 dwellings, though the details submitted demonstrate that an access onto Field End is desired. The previous application (16/01136/OUM), which will be heard at an appeal hearing on 18 September 2018, was for up to 55 dwellings.
- 2.2 The application is brought before Planning Committee, as the previous application was determined (refused) by members and this application is recommended for approval.
- 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.eastcamb.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
- | | | | |
|--------------|---|------------------------|------------|
| 16/01136/OUM | 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. | Refused (at appeal) | 07.07.2017 |
| 18/00782/RMM | Reserved matters for 128 dwellings. | Still being determined | |

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 Marrowway 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.

5.0 RESPONSES FROM CONSULTEES

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

Witchford Parish Council – (11 July 2018) It does not object but seeks amendments to make it acceptable.

East Cambridgeshire District Council must ensure best practice is maintained in regards to noise and air pollution (including housing design).

Questions if road traffic increase on the A142 is accurate and why does air pollution forecast only go to 2023?

It questions why the noise assessment was not measured during the hours of 9:30 – 14:00?

Planning conditions will need to make it clear who is responsible for the future maintenance of the noise mitigation measures.

It supports the line of the proposed footpath/cycle link shown connecting the south west corner.

It seeks to retain the permissive path along the southern edge of the site.

It objects to any proposal to elevate the site on the following grounds:

- Overlooking and adversely affecting existing neighbours.
- Detrimental impact on noise mitigation measures.
- Detrimental impact of increased lorry movements.

Requests that this is dealt with by condition.

Cambridgeshire Fire and Rescue Service – (13 July 2018) Seeks a condition or S106 to provide fire hydrants.

Transport Assessment Team – (29 June 2018) It does not object subject that prior to first occupation a footway connection is provided from the site to the existing footway between Granta Close and Field End, as well as a condition to require Residential Welcome Pack (including six one day travel vouchers for relevant local public transport).

East Cambridgeshire Access Group – (27 June 2018) Seeks

“A firm, level and slip resistant path would be required through the woodland/bund area.”

Seeks to comment when more information is provided.

Campaign to Protect Rural England – (9 July 2018) It objects to the proposal on the grounds of:

- Outside of the village envelope.
- Seeks to maintain the green wedge between village and by-pass.
- Development should be focused in Ely, Littleport and Soham.
- Loss of good agricultural land.
- Concern that the proposed dwellings will suffer from air pollution caused by vehicles along the A142. The UK Government has been prosecuted three times for failing to control air pollution nationally and highlights recent reports into this matter.

- Noise report is out of date, as the road is now topped with 'chip and tar' and is therefore concerned with noise pollution from the road.
- Does not believe the reduction from up to 55 to up to 40 will overcome the issues of air and noise pollution.
- Application should be assessed on its own merits, despite approval of 128 dwellings being approved adjacent to the site.

Crime Prevention Design Team (Estates) – (28 June 2018) The Police Force considers this area to be at low vulnerability to the risk of crime.

Will seek to comment on the reserved matters application in order to provide a full assessment and is happy to discuss the proposal with the developer.

Littleport and Downham Internal Drainage Board – (28 June 2018) States:

“Surface water from this site will discharge into East Cambs District Council Award Ditch, which outfalls into the Board’s Catchwater system. This Catchwater is at full capacity and cannot accept any increase in flows.”

With SuDS on site it has no objection as long as it is approved by the Lead Local Flood Authority. In addition long term maintenance must be secured.

Lead Local Flood Authority – (11 July 2018) It objects to the proposal as the developer has not demonstrated greenfield run off and 5 liters per second is double the allowed drainage rate.

(25 July 2018) Since previous response it has been in discussion with the developer and confirms that have no objection in principle in regards to the report 'Flood Risk Assessment and Outline Drainage Strategy, Ref: FRA 15 1109, The LK consult Ltd Dated May 2018.

It requests a surface water drainage condition

Cambridgeshire Archaeology (Historic Environment Team) – (4 July 2018) Provides detailed explanation that the area is in area of high archaeological potential and requests a recommencement condition.

Cambridgeshire County Council Growth and Development – (13 July 2018) Comments that the education system in the area is at capacity or very near capacity. Seeks £204,350 towards Early Years, £653,920 towards Primary, £246, 670 towards Secondary and £2,892 towards Libraries.

(15 August 2018) County states it cannot justify Early Years or Primary, but is still seeking Secondary and libraries.

Tree Officer – (19 July 2018) Does not formally object as the protected trees have a limit to their useful life expectancy. Support is based upon securing a successful landscaping provision to mitigate the impact upon existing trees.

Recommends a Landscape Architect is consulted but makes the following points:

- A wider buffer between proposed houses and A142 represent an improvement from the previous proposal.

- A wider buffer is in keeping with the landscape schemes through West of Ely, which should be emulated.
- Indicative layout offers minimal provision of space adjacent to Ash Trees (TPO) and may prove unsuccessful.
- Minimal opportunity for viable open space within the residential areas of the development.

Waste Strategy (ECDC) – (22 June 2018) East Cambs will not enter private property to collect waste/recycling and it is for residents to bring these to the public highway. Proposal should be designed in accordance with RECAP Waste Management Design Guide.

Provides standard information on the provision of bins.

Environmental Health – (24 July 2018) States:

- That the Planning Inspectorate on the adjacent site agreed that windows should not have to be closed to achieve reasonable internal noise levels.
- To overcome the Inspector's concern the developer has moved the dwellings always from the A142 to form a greater buffer zone and providing a 3.1m high bund/fence.
- With the resurfacing of the road the developer may want the acoustic consultant to re check the noise measurements.
- Daytime noise levels internally and externally are just acceptable. With 8 properties on the borderline of acceptability.
- These 8 properties will not meet the night time noise requirements and not comply with the result of the adjacent appeal. These properties will either need alternative ventilation or design changes made.
- Seeks a condition requiring a Construction Environmental Management Plan.

(16 August 2018) The developer has confirmed that they made an error in their report. Further states:

“Therefore, the correct interpretation that the acoustic consultant has now confirmed is that there will be no bedrooms on the facades where noise levels exceed 45dB LAeq or 60 dB LA max,f.

This removes my concern as my response was exactly that and the extension of the buffer zone and re-orientation of the 8 dwellings affected will not now be required.

The other point I raised is with regard to re-assessing the noise from the A142 due to the recent application of surface dressing, a resident's anecdotal evidence was that noise had increased. The acoustic consultant has indicated that they are willing to do this.”

Parks and Open Space - No comments received on this application but has been in discussion about the footpath to connect to the Orton Drove Public Open Space as part of the appeal application.

Asset Information Definitive Map Team - No Comments Received

Cambridge Ramblers Association - No Comments Received

Anglian Water Services Ltd - No Comments Received

5.2 Neighbours – 85 neighbouring properties were notified and the responses received are summarised below. A notice was put in the local paper on the 28 June 2018 and a site notice put up on the 2 July 2018. A full copy of the responses are available on the Council's website.

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

- With Bovis and Gladman sites the traffic onto Field End will be significantly increased.
- Where the two sites connect looks a tight bend next to Bovis houses.
- Construction traffic to the two sites impact on Field End.
- Will refuse vehicles be able to get into the Gladman site.
- The new surface on the A142 has increased noise level since the developer's noise survey.

39 Granta Close – (11 July 2018) Raises concerns over:

- Overlooking of their property.
- Seeks to ensure the drain is kept open.
- Footpath along the drain should remain.
- Seeks additional trees to the rear of their property.
- Loss of biodiversity on the site.
- Highway safety will be impacted on A142 and proposal will add to congestion.
- Value of their property.
- Services/facilities will not be able to cope with additional growth.
- Bus service has been cut back.

27 Orton Drive – (13 July 2018) Raises concerns in regards to:

- Their property is already detrimentally affected by road noise, it is perceived the noise levels for the new dwellings will be overwhelming.
- Surface water on the site seems inadequate.
- Seeks more landscaping on the site to provide protection from noise and surface water flooding.

17 Marroway Lane – (13 July 2018) Marroway Lane is virtually a cul-de-sac and cannot support any more traffic.

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

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

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

6.3 National Planning Policy Framework 2018

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 10 Supporting high quality communications
- 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
LP4	Green Belt
LP6	Meeting Local Housing Needs
LP16	Infrastructure to Support Growth
LP17	Creating a Sustainable, Efficient and Resilient Transport Network
LP18	Improving Cycle Provision
LP19	Maintaining and Improving Community Facilities
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

7.0 PLANNING COMMENTS

7.1 Principle of Development

7.2 The Council cannot currently demonstrate a robust five year housing supply and therefore the policies within the Local Plan relating to the supply of housing should not be considered up-to-date. In light of this, applications for housing development, such as this one, should be considered in the context of the presumption in favour of sustainable development as set out in paragraph 11 of the National Planning Policy Framework (NPPF).

7.3 The key considerations in determining this application are therefore; whether any adverse impacts would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the NPPF taken as a whole, and against the policies within the Local Plan which do not specifically relate to the supply of housing; or, whether any specific policies within the NPPF indicate that the development should be restricted.

7.4 With the Council not having a five year land supply and the Submitted Local Plan still going through public examination limited weight should be given to both this plan and any policy with the adopted Local Plan that limits housing development. The application needs to be considered on the basis of a tilted balance in accordance with paragraph 11 of the NPPF. It is not considered that the site is a 'protected area or asset of particular importance' as defined by NPPF Para 11 di.

7.5 With the Council having very little brownfield, the vast majority of development is needing to be located on the edges of settlements. It is also considered better to be building on greenfield sites at this stage rather than reducing the Greenbelt in order to build closer to Cambridge. The small loss of agricultural land is not considered to be detrimental, it is unlikely that this size of land will be used due to modern agricultural practices.

7.6 Witchford is described in the Submitted Local Plan 2017 as:

“7.47.1 Witchford is a large village located one mile west of the City of Ely, neighbouring the Lancaster Way Business Park (the district’s flagship Enterprise Zone) and benefits from good connectivity, being located close to both the A10 and A142. Witchford is therefore well-placed to access wider employment, education, retail, services and facilities.

7.47.2 The village itself offers a good range of services, including a shop with post office, churches, village hall and primary and secondary schools. Within the village there are a number of significant areas of open space, including common land. Pedestrian and cycle routes provide links to Ely, Lancaster Way Business Park, and neighbouring villages and the countryside.

7.47.3 Witchford is therefore suitably placed to accommodate significant growth.”

7.7 The site is allocated for residential development under the Submitted Local Plan
“Witchford4: Site WFD.H1 - Land north of Field End

The following special considerations and requirements apply to site WFD.H1:

- a. Development of a residential scheme, providing up to 128 dwellings for the whole site;
- b. Establishment of a significant landscape and noise buffer along the northern boundary of the site, adjoining the A142 (see LP26);
- c. Pedestrian and cycle access should be provided to the Public Right of Way north of Marroway Lane;
- d. Vehicular access to Marroway Lane will not be permitted;
- e. If the consented scheme 14/00248/OUM is implemented, utilising the full allowance of 128 dwellings, the area outside of that consented area will then be treated as falling within 'the countryside', and policies of this plan applied accordingly. The development envelope boundary has purposely been drawn to enforce this requirement."

7.8 The site is located on the edge of the village with easy access to all services and facilities that the village provides, as well as having relatively easy access into Ely. The site is, therefore, considered to be sustainable in principle. While the outline on the adjacent site (originally approved 14/00248/OUM) is currently using all 128 dwellings, village framework lines hold very limited weight while the Council is not able to demonstrate a five year housing supply. With the site being allocated for development it adds weight that the site is sustainable in principle. The application is, therefore, considered to be acceptable in principle.

7.9 The remainder of the material considerations are detailed below.

7.10 Residential Amenity

7.11 The Inspector on the adjacent scheme (16/01019/RMM) stated:

"The proposed development includes an acoustic bund which would be in the region of 2.7 metres tall and would be formed using a Tensar Earth Retaining System as the sides of the bund would be angled at 70 degrees. There would also be 2.7 metres high acoustic fences to plots 57, 88 and 89.

The proposed bund would be located in the region of nine metres away from the rear of several of the proposed dwellings which back onto the A142. The plans indicate that the land levels of the rear gardens would be raised so that the noise bund would be in the region of 2.2 metres above the ground level on the side of the proposed dwellings. Notwithstanding that, given the height and steepness of the structure, and the relative size of some of the garden areas, it would be a dominant feature when viewed from the ground floor of the proposed dwellings which back onto the bund and when the future occupiers utilise their rear garden areas. To my mind, this would result in an unacceptably dominant structure and would contribute to a poor standard of living conditions for the future occupiers of the development.

It is noted that the acoustic bund was as a result of discussions between the Appellant and the Council during the course of the consideration of the application, with the original proposal being a 2.7 metre high acoustic fence. The Appellant has indicated that they would be happy to revert back to this fence as an alternative to the bund. Whilst I consider that the fence would be a significant improvement over the appearance of the bund, given the relatively small garden depths the acoustic fence would still be a significant structure which would be dominant to the future occupants

of the proposed dwellings. I am also unclear how the regarding of the land for the rear gardens would be affected by this change in the proposal.

It is clear that without any mitigation, the occupants of the properties would be subjected to unacceptable levels of noise. The Planning Practice Guidance (PPG) states at paragraph: 008 Reference ID: 30-008-20140306 that 'for noise sensitive developments mitigation measures can include avoiding noisy locations; designing the development to reduce the impact of noise from the local environment; including noise barriers; and, optimising the sound insulation provided by the building envelope. Care should be taken when considering mitigation to ensure the envisaged measures do not make for an unsatisfactory development'.

The Council have acknowledged that the mitigation put forward by the Appellant provides a technical solution to the issue of noise and I have no reason to disagree.

Whilst the noise bund would provide mitigation to the outdoor amenity areas and the ground floor of the properties, the Appellants evidence indicates that the noise bund would not deflect noise at the first floor level of the affected properties as the 'deflected noise' line is shown as being below the eaves level of the properties. To that end, the mitigation required to achieve the required internal noise level for the first floor accommodation is reliant on the noise reduction properties of the buildings themselves and the acoustic glazing.

The mitigation put forward by the Appellant also relies on the first floor windows being closed throughout the night. In order to achieve ventilation in the bedrooms facing the A142, it is proposed that there is a ventilation system which would draw air from a non-noise sensitive elevation through an intake fan.

Notwithstanding this technical solution put forward, I share the Council's concerns that the future occupiers of the development would be unable to open the rear windows without being subjected to excessive noise especially during night-time hours. Whilst ventilation would be possible by drawing air from the non-noise sensitive elevations, to my mind, this would not provide a suitable standard of living accommodation and would provide an unsatisfactory form of development.

In respect of the on-going maintenance of such ventilation, the Appellant has stated that this would be done by the future occupier of each property, in a similar fashion to any standard bathroom or kitchen ventilation system. Whilst I accept this would be the case, such kitchen and bathroom ventilation systems are not essential to providing an acceptable living environment as it is usual that such rooms also have the facility to open windows to ventilate the room naturally."

The Inspector concludes with:

"in this case, I consider that the harm which would result from the unsuitable living conditions of the future occupants of the dwellings significantly and demonstrably outweighs the benefits of allowing the scheme."

- 7.12 The Case Officer in the previous application for this site believed that around 30 dwellings could fit on site without needing either a barrier that will be detrimentally to the rural character or requiring a substantial amount of homes to require alternative ventilation. It is noted that the developer has clarified their report to state that there will be no properties in their layout that will be affected detrimentally by road noise that the

Council's Environmental Health Officer has agreed with. The correction in the developer's work does raise some concern over the quality of the report and the reserved matters will need to demonstrate that future residents will not be detrimentally affected. The change in material may well have changed road level noise and it is positive that the developer is relooking at this, but the road surface could be changed back to tarmac in the foreseeable future. The change in road material does not raise significant noise concerns.

- 7.13 With the proposal being up to 40, it would be expected that a developer at reserved matters will seek to achieve close to this number. While this would likely mean that some properties would need to be designed with 1st floor habitable windows facing southwards (away from A142) or be designed with alternative ventilation, the number of these properties is considered to be low enough to prevent the scheme from being detrimentally harmful to residential amenity.
- 7.14 The developer would in its reserved matters (if application is approved) need to show that it first sought to reduce the number of dwellings, then sought to design out bedrooms facing the A142 and only then relied on alternative ventilation. This may well reduce the number of dwellings that are achievable on site. Unlike the previous scheme on site the difference between asked for numbers and deliverable numbers are now much closer; the developer is no longer seeking to provide a scheme that is overly dense at the expense of residential amenity.
- 7.15 A proposal for 40 dwellings would have a gross density of 17 dwellings per hectare (7 dwellings per acre). This is a fairly low density, which will allow public open space and ensure that proposed dwellings are set suitably away from existing and future residents in order to prevent detrimental harm to residential amenity. The density is also suitable for an edge of village site.
- 7.16 Paragraph 180 of the NPPF states:
- 7.17 "Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life"
- 7.18 The paragraph that relates to density in the NPPF (para 123) states:
"as long as the resulting scheme would provide acceptable living standards".
- 7.19 It is considered that the proposal provides a balance between optimising the land without leading to detrimental living standards for future residents.
- 7.20 It is considered reasonable to add conditions in regards to the need for a Construction Environmental Management Plan (CEMP), to ensure that no contamination is on site and to ensure construction work takes place during sociable hours. A condition requiring fire hydrants should also be added to minimise the risk to life in the future.

- 7.21 To ensure that a suitable noise mitigation measure is brought forward, these details will need to be agreed as part of the first reserved matters submission; this can be achieved by way of a condition.
- 7.22 On balance the proposal is considered to comply with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017. The proposal might not be considered to fully comply with policy LP26 of the Submitted Local Plan and the requirements of the NPPF, this weighs slightly against the application.
- 7.23 Visual Impact
- 7.24 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.
- 7.25 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 a reserved matter scheme came forward a mix of single to two storey properties should be proposed to be in keeping with the local area.
- 7.26 The provision of single storey properties would add to the land take of these individual properties and might make it harder to achieve 40 dwellings on site.
- 7.27 In regards to design, there is no concern that suitably designed properties could be achieved on this site.
- 7.28 The developer is suggesting that the main public open space will be along the northern boundary (that will include shallow swales and a 10m landscape buffer) with a balancing pond in the southeast corner adjacent to the public open space on Orton Drive. The dwellings would be placed in approximately the southern half of the site. It should be noted that these details are only indicative and would not form part of an approval. The reserved matters application(s) would need to demonstrate a suitable design.
- 7.29 It is considered possible to propose a scheme that protects the vast majority of existing trees (though likely to add to the long term pressure on the Tree Preservation Order trees along the eastern boundary), as well as adding additional planting along the northern boundary as part of the landscape reserved matters. The placement of a proportion of public open space/Sustainable Drainage System (SuDS) in the southeast corner will allow for a much larger 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.
- 7.30 The proposal is still likely to retain a green buffer with the A142 but will be reduced in size by approximately two thirds. While this does create some harm to the rural edge, it is not considered to be detrimental and is certainly outweighed by the need for additional housing within the district.

- 7.31 This green buffer will allow a suitable 3.1m barrier (likely involving a fence) behind planting, which will prevent detrimental harm to this rural edge. With the fence being needed for residential amenity it is likely that the long term maintenance of this will be the responsibility of the residents/private management company, as it would be an unreasonable burden on the public purse if given to a public body as it does serve the wider public. It should be noted that the Inspector on the adjacent site (16/01019/RMM) for a similar height barrier stated:
- “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. In this respect, I consider that this is not a determinative factor.”
- 7.32 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 and that existing trees are given space to survive in the long term where reasonably possible.
- 7.33 The proposal is considered to comply with policies ENV1 and ENV2 of the Adopted Local Plan 2015 and policies LP22 and LP28 of the Submitted Local Plan 2017.
- 7.34 Historic Environment
- 7.35 With the site not being located near the Conservation Area or Listed Buildings, the only likely historical impact will be on archaeology. This can be mitigated against via a pre-commencement condition to ensure a suitable investigation is undertaken in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 of the Submitted Local Plan 2017.
- 7.36 Highways
- 7.37 The developer is not seeking access to be agreed at this stage. While the developer could technically seek a highway access onto Marroway Lane, this would very likely be refused as it would unlikely be able to cope with additional traffic from 40 dwellings. However, it is expected a footpath/cycle link to Marroway Lane would be provided, which could also form an emergency vehicle entrance to the site. A condition/S106 will be required in order to provide a footpath connection in the southeast corner to the path that runs through the Orton Drive public open space.
- 7.38 It is expected that a highway access will be via the Bovis development (18/00782/RMM) that will allow this site to access onto Field End. No objection has been raised by this by the Local Highways Authority. With the access already designed for a 128 dwellings, it is understood why an additional 40 is unlikely to put the access under undue pressure.
- 7.39 The requirements of a Travel Plan can be secured by way of a condition to ensure that the sustainable transport is promoted on site.
- 7.40 With the low density of the scheme it is considered possible to achieve two parking spaces per dwelling and space for secure covered storage of cycles. It is also expected that visitor spaces will be able to be accommodated on site in accordance with policy.

- 7.41 RECAP Guidance allows for waste/recycle collectors to enter private land in order to collect bins. The proposed design will, therefore, not be required to provide collection points for bins on the adopted road if private shared driveways/roads are required as long as it still meets with RECAP Guidance.
- 7.42 The proposal is considered to comply with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 7.43 Ecology
- 7.44 The Ecology Report submitted by the developer (dated May 2018) has stated that the proposal will not have any detrimental impact on protected species. The report suggests biodiversity should be enhanced by:
- Soft landscaping that is primarily native species.
 - Sustainable drainage systems designed to hold water all year round.
 - Meadow planting.
 - Planting fruit trees.
 - Bird and bat boxes
 - Holes in the fence suitable for hedgehogs
- 7.45 It is considered that the proposal will have minimal impact on existing biodiversity on the site and the proposed enhancement measures could be secured via conditions and at the reserved matters stage. The proposal is considered to be in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.
- 7.46 Flood Risk and Drainage
- 7.47 The Lead Local Flood Authority stated on 25 July 2018 that the drainage proposal of the developer is acceptable in principle. With no final layout being proposed, the final drainage strategy will be secured at reserved matters stage and via a specifically worded condition.
- 7.48 The maintenance of the drainage strategy will need to be within the S106 Agreement, with priority being given to it being adopted by a public body. The design of the proposal will also need to allow maintenance of the awarded ditch that defines the southern boundary of the site.
- 7.49 The proposal is considered to be in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017.
- 7.50 Housing Mix
- 7.51 With the application being outline with all matters reserved, the overall housing mix would need to be agreed at a reserved matters stage if approval was given to this outline. However, it is noted that the developer is providing policy compliant 30% affordable housing and this will need to be secured as part of a S106 Agreement.
- 7.52 Other Material Matters

- 7.53 In regards to education it is accepted that the County Council was not justified in asking for contributions for early years or primary provision. In regards to secondary school provision negotiation will need to be had over the final sum. It is accepted that technically the developer is paying for education provision within CIL; while Littleport, Ely and Littleport catchment areas are being reworked.
- 7.54 However, it should be noted that when the appeal proposal for up to 55 dwellings was being sought County Council was not seeking any education contributions (due to CIL wording/requirements at the time).
- 7.55 Planning Balance
- 7.56 The Local Planning Authority is unable to demonstrate a continuous five year land supply and on this basis must determine applications in regards to paragraph 11 of the NPPF.
- 7.57 The benefits of this proposal is that it will provide up to 40 dwellings (including 30% affordable housing). The provision of public open space and SuDS is considered to be neutral, as in the long term this will mitigate against the development's own impact.
- 7.58 It is noted that the site was allocated for dwellings in the Submitted Plan (though this applications currently exceeds the suggested number by 40 units) that demonstrates that the site is in a sustainable location. This weighs in favour of the application.
- 7.59 It is noted that some dwellings might need to be designed taking road noise into account. This weighs slightly against approval being given for up to 40, but is not detrimental in its own right. It is still the Case Officers opinion that if more than 40 units were sought then on balance it would be recommended for refusal, due to seeking too many houses in areas where alternative ventilation would very likely be required.
- 7.60 It is considered that the proposal on balance is acceptable for up to 40 dwellings, subject to the recommended conditions and the completion of a S106 Agreement.
- 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 Inspectorate on the adjacent site agreed with the Council in regards to noise pollution and that alternative ventilation creates a poor level of residential amenity. However, there was no concern over air pollution and that an acoustic fence behind landscaping was an acceptable design solution in theory.
- The Council is not currently able to demonstrate a continuous five year housing supply.
- No statutory consultees have objected.

9.0 APPENDICES

9.1 Appendix 1 – Recommended Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00778/OUM	Andrew Phillips Room No. 011 The Grange	Andrew Phillips Senior Planning Officer
16/01136/OUM 18/00782/RMM	Ely	01353 665555 andrew.phillips@ea stcamb.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

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

Plan Reference	Version No	Date Received
7054-L-01	F	8 June 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the layout, scale, appearance, access and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.
- 2 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 Prior to or as part of the first reserved matters application, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 4 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. This condition is pre-commencement as some of the measures may be below ground level.
- 5 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 5 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.
- 6 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

- 6 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 No development shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.
- 7 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to permission being granted, however, the information is needed prior to commencement in order to ensure that the necessary infrastructure is able to be provided.
- 8 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 8 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. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 9 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours 08:00 - 18:00 each day Monday-Friday, 08:00- 13:00 Saturdays and none on Sundays or Bank Holidays/Public Holidays.
- 9 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.
- 10 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

The scheme shall be based upon the principles within the agreed Flood Risk Assessment and Outline Drainage Strategy, Ref: FRA 15 1108 prepared by The LK consult Ltd dated May 2018 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events
- b) Full results of the proposed drainage system modelling in the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;

- c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers
- d) Full details of the proposed attenuation and flow control measures
- e) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- f) Full details of the maintenance/adoption of the surface water drainage system;
- g) Measures taken to prevent pollution of the receiving groundwater and/or surface water;

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

- 10 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 11 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
 - (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).
 This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 11 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.

- 12 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017.
- 13 With the first reserved matters application a scheme for the mitigation of noise shall be submitted to and approved in writing by the local planning authority. The scheme of mitigation shall ensure that noise levels do not exceed the noise criteria based on the current figures by the World Health Organisation Community Noise Guidelines Values/BS8233 as below:
- i. Living/dwellings rooms in daytime: 35dB LAeq, 16 hours;
 - ii. Outdoor living areas in daytime: 50dB LAeq, 16 hours;
 - iii. Inside bedrooms at night-time: 30dB LAeq, 8 hours (45dB LAmax).
- The development shall be carried out in accordance with the approved scheme and no dwellings shall be occupied prior to its implementation and shall be retained as agreed thereafter.
- 13 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.
- 14 Prior to first occupation of the development, the Developer shall be responsible for the provision and implementation of a Residential Welcome Pack for sustainable transport to be agreed in writing by the Local Planning Authority. This Residential Welcome Pack shall include six one day travel vouchers for use with the relevant local public transport operator. Such Pack to be provided to the first occupiers of each new residential unit on the development site.
- 14 Reason: In the interests of sustainable transport, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 15 As part of the first reserved matters application, details of the internal footpath network, including the provision of a footpath connection to the southern boundary of the site adjacent to the existing area of public open space off Orton Drive, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme prior to first occupation.
- 15 Reason: In the interests of sustainable transport, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 16 No development shall take place until a scheme to dispose of foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation.
- 16 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work

prior to consent being granted and the details need to be agreed before construction begins.

