
MAIN CASE

Reference No:	18/01435/OUM		
Proposal:	Proposal for up to 41 new homes to include 12 new affordable dwellings, 250sqm commercial units (Class B1a office, Class D1 community uses), accessible bungalows, over 55's bungalows and public open spaces with public footpaths/cycle ways.		
Site Address:	Site East Of Clare House Stables Stetchworth Road Dullingham Suffolk		
Applicant:	White Crown Stables Limited		
Case Officer:	Andrew Phillips, Planning Team Leader		
Parish:	Dullingham		
Ward:	Dullingham Villages Ward Councillor/s: Councillors: Alan Sharp and Amy Starkey		
Date Received:	12 October 2018	Expiry Date:	5 September 2019

[U45]

1.0 RECOMMENDATION

1.1 Members are recommended to approve the application subject to the signing of the S106 Agreement and the following draft conditions with authority delegated to the Planning Manager and Legal Services Manager to complete the S106 and to issue the planning permission. The recommended planning conditions can be read in full within Appendix 1.

1. Approved Plans
2. Reserved Matters Details
3. Timeframe
4. Ecology Mitigation and Enhancement
5. Construction Environmental Management Plan (CEMP)
6. Tree Protection Measures
7. Surface Water Drainage
8. Highways Built to Adoptable Standards
9. Highway Drainage
10. Highway Maintenance
11. Vehicular/Pedestrian Construction
12. Travel Plan
13. Archaeological Investigation

- 14. Fire Hydrants
- 15. Contamination Risk Assessment
- 16. Unexpected Contamination
- 17. B1/D1 Use Class
- 18. B1/D1 Times of Use
- 19. Heritage Statements per Reserved Matters
- 20. Broadband
- 21. Foul Water
- 22. Water Management during Construction
- 23. Energy Efficiency/Renewable Energy
- 24. Over 55 Bungalows
- 25. Construction/Delivery Times

2.0 SUMMARY OF APPLICATION

- 2.1 The application has been called in to Committee by the local District Councillor (Cllr Chris Morris) prior to the District Council Elections 2019, due to the concerns raised by the Parish Council.
- 2.2 The proposal is an outline application for up to 41 dwellings, with public open space and associated infrastructure; in addition to this the developer is proposing a B1 and D1 use space. The only detail that is seeking to be agreed at this stage is the access onto Stetchworth Road; all other matters are reserved. The application has been amended several times and additional information provided to overcome concerns in regards to:
- Impact upon biodiversity.
 - Loss of paddock land.
 - Highway Safety
 - Drainage
 - Impact upon heritage assets
 - Impact upon the visual character of the area
- 2.3 A draft S106 has been provided and submitted, though this is still being negotiated between the Local Planning Authority and the developer. The negotiation of this S106 is without prejudice to the final decision of the Local Planning Authority. The S106 will need to secure affordable housing, open space/drainage (including maintenance) and education.
- 2.4 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- ## 3.0 PLANNING HISTORY
- 3.1 No history on site.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located outside of the village framework on a slope that rises to the north. The site is currently used as paddock/grazing land. To the south of the site is the public highway and a drainage ditch. Residential cul-de-sacs are located to the southeast and the existing stables are located to the west of the site. A primary school (Kettlefields) is located to the northeast and a Grade I Listed Church (St Marys) is located to the south.
- 4.2 Public Right of Way (PRoW) is located through the middle of the site running in a north/south direction and connects to a footpath on the higher part of the slope that runs past the primary school.
- 4.3 The site measures 5.6 hectares/13.8 acres in size.

5.0 RESPONSES FROM CONSULTEES

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

Dullingham Parish Council – (5 November 2018) It states it has concerns and the application should be amended, conditions applied and/or outright refused.

Provides a detailed document that should be read in full by members.

The Summary of its comments states:

“The development would dominate the rest of the village both in scale and visual impact. It represents an increase of approximately 15% in a rural village with no beneficial gains and is contrary to the current and emerging local plan.

The indicative site layout makes clear that this is part of an intended scheme to develop a much greater area with the destruction of a stud farm or training establishment that the owners have chosen not to promote.

The proposal would have an adverse impact on the character and setting of the village and would in effect destroy what is recognised as a village that has retained its distinctiveness mainly as a result of planning controls that have proved their worth.

The parish council and residents are not opposed to suitable development in scale or location as has been demonstrated by support for appropriate applications. There are a number of brownfield sites and some areas where infill is possible but this application meets none of these tests.

For reference we have included a review of the local plans as they stand and this clearly reflects local opinion that this scheme and its potential expansion bring no benefit and would destroy a village and community that continues to grow slowly and in a sustainable manner and that is why this application should be REFUSED.”

(17 December 2018) The Parish Council seeks outright refusal to this application based on its previous concerns and makes the following additional points.

The proposal would harm the village and community, as well as having a negative impact on the area as a whole.

Continues to state:

“The number of villages that have remained unspoiled by unnecessary and harmful development is rapidly reducing with the associated negative impact on the rural and open nature of the countryside”.

The Parish Council believes the site will not be affordable for normal rural income levels and housing will be used for commuters.

Does not believe the Flood Risk Assessment and Surface Water Strategy to be correct. Nearby streets have experienced surface water flooding.

Had a meeting with Anglian Water in January to discuss the foul water drainage. It is believed the sewer system is not built to accommodate the current village population.

(14 March 2019, Woods Hardwick Planning Consultant on behalf of the Parish) –

Makes the following points:

- States that the benefits of the proposal do not outweigh the harm.
- Proposal is not allocated or supported for housing under policy GROWTH 2 of the Adopted Local Plan.
- It would lead to a disproportionate increase (15%) in the size of the village.
- The facilities of the village are limited and the train station is one and a half miles away from the site and there are not regular services.
- Infrequent bus service to Newmarket and Cambridge.
- Does not comply with paragraph 103 of the NPPF, as site does not benefit from sustainable transport.
- Proposal does not provide sufficient affordable housing and does not provide a suitable housing mix in line with the Adopted Local Plan.
- The proposal would lead to the loss of stables that have not been proven to be unneeded and for this reason does not comply with policy EMP6 of the Adopted Local Plan.
- Site does not relate well to the existing development envelope and will appear as a contained estate.
- Will lead to a cramped form of development.
- Additional landscape needed.
- Proposed SuDS feature needs better consideration in order to ensure a good design.
- The withdrawn Local Plan showed an alternative development site. Now the site has been withdrawn, will make this proposal more isolated.
- Paragraph 98 in the NPPF seeks to preserve and enhance public rights of way and the proposal will adversely affected.
- Is in an areas of proven flood risk.
- Insufficient capacity in the foul water drainage system.
- Unacceptable impact on biodiversity.
- Unacceptable impact on rural narrow roads that go through the village.

(18 July 2019, Woods Hardwick Planning Consultant on behalf of the Parish)

States:

“The loss of existing equine development to other uses should therefore be accompanied by robust evidence to demonstrate that an existing site is no longer viable. The submitted information is not considered to sufficiently demonstrate the site is no longer viable for equine use, as such the proposal fails to comply with Policy EMP6 of the East Cambridgeshire Local Plan (ECLP) therefore it should be refused.”

The remainder of the letter provides detailed questioning of the developer’s Horse Racing Industry Impact Assessment June 2019 and can be read in full either on the Council’s website or in Appendix 2.

Cllr Morris – (19 December 2018) Seeks to call this application into Planning Committee on the reasons put forward by the Parish Council.

Cllr Starkey – (10 July 2019) States that they are aware of the concerns of the Newmarket Horsemen’s Group and the application of policy EMP6.

Is very concerned about this matter and believes it raises significant issues beyond just this application and seeks the application to be determined by Planning Committee.

Newmarket Town Council – (4 December 2018) No comments in either support or objection to this proposal.

The Wildlife Trust – (27 November 2018) States “I do not believe that it would be good practice to condition further surveys”.

The preliminary ecological appraisal identifies that the site has moderate potential to support great crested newts, reptiles, hazel dormouse and hedgehogs. The site also has a high potential for roosting birds. Continues by stating it is essential that the recommended surveys are undertaken prior to determination (at the right time of year) and if not possible, the application should be refused.

(6 December 2018) States:

“I have spoken to agb Environmental Limited, regarding their proposed approach to dealing with ecological matters in this case. While their proposal is unusual, it would be possible to take this approach if it delivered a “gold standard” approach to biodiversity net gain on this site that achieved both a net gain in habitats and avoided or fully mitigated any potential impacts on protected species that may be found on site.

The approach would require submission as part of the current application, of a detailed landscape and ecology strategy, including detailed plans showing which habitats will be created and where they will be located. The locations for the habitats and landscaping should be “set in stone”, and will provide the framework within which any built development could occur, and would likely require a

significant reduction in the net developable area compared with the current outline proposals.”

The Wildlife Trust Ecologist continues to explain in detail what the developer is required to do.

(15 February 2019) States he has reviewed the revised Biodiversity Strategy Report dated 8 February 2019 and the revised master plan Rev D. The proposal has the potential to lead to a net gain in biodiversity and provides sufficient space for any mitigation.

Recommends conditions to cover:

- Surveys to be undertaken at the right time of year.
- Biodiversity is protected as part of the Construction Environmental Management Plan.
- The suggested enhancement measures are put in place.
- All landscape should be protected for 25 years.
- The meadow and orchard are provided early on in the development.

Natural England – (30 October 2018) It has no comments to make on this application but this should not be taken that there are no impacts on the natural environment.

(28 November 2018) It states it has provided Standard Advice.

(6 February 2019) No comments to make on this application and standing advice should be considered. It directs people to consider the standing advice on: <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>

Council's Tree Consultant– (22 November 2018) A Landscape Visual Impact Assessment (LVIA) is needed before this application can be determined. States the reason for this is:

“At the local level due to the site’s prominent situation, its rural character, its openness to the wider landscape and the presence of a much used public footpath along the edge of the site, the effect of the proposed development could be significantly adverse. The character of the site is distinctly pastoral in character and is representative of the surrounding landscape of gently rolling hills, an extension of the Chalklands running north from the Chiltern Hills. It forms part of the open countryside and offers expansive views of the wider landscape. The surrounding dwellings and small housing cul-de-sacs interspersed with boundary hedges and vegetation are not dominant in the landscape. The area’s elevated location with gently rising ground accessible from Public Rights of Way connective to the village. The footpath along the edge of the site, proceeding north from the Stetchworth Road, provides important recreational value and allows users to experience a degree of tranquillity when walking through the site. Following development footpath users would experience a profound change, as they would walk through a housing development rather than open countryside.

I object to the proposal as it adversely undermines the future and amenity value of the group of trees mixed conifer and deciduous group of trees (E/3/84).

Reasons

The belt of trees along the site frontage to Stetchworth Road is covered by a Tree Preservation Order. These trees contribute significantly to the character and appearance of the Stetchworth Road by being in a prominent position. Sufficient consideration has not been given to the constraints placed on the new access road by these protected trees. At least three prominent boundary trees will be removed to facilitate the construction of the new access and the retained trees adjacent to the access will be adversely affected due to loss of companion shelter.”

(10 December 2018) Notes amendment and states previous comments still apply.

Tree Officer - (14 February 2019) States that the soft landscaping scheme is well thought out with a good range of native species.

Seeks a condition in relation to tree protection in line with the Arboriculture Impact Assessment.

(21 March 2019) No additional comments.

Environment Agency – (31 October 2018) The Environment Agency (EA) objects to the granting of permission as the Flood Risk Assessment does not adequately assess the risk of flooding or comply with the National Planning Policy Framework.

(18 December 2018) Notes that the amendment has used a sequential approach for the illustrative site layout it considers that detailed modelling of the ordinary watercourse is not required in this case.

The EA is able to withdraw its objection, but the layout needs to be controlled to ensure the commercial units are put in the area at risk of flooding.

(26 February 2019) It has no objection to the illustrative layout, but seeks that the commercial units have a minimum ground level of 83.4mAOD, as indicated in flood risk document.

(19 March 2019) Recommends a revised condition to minimise flood risk.

(5 April 2019) Acknowledges reports of sewage capacity and supports Anglian Water’s request for a condition.

Lead Local Flood Authority – (8 November 2018) The Lead Local Flood Authority (LLFA) objects to this application as a site specific flood risk assessment and should include a surface water drainage strategy. The drainage scheme needs to meet the requirements of sustainable drainage system.

The LLFA provides additional details of what must be included in the surface water drainage system.

(9 January 2019) LLFA has reviewed the Flood Risk Assessment Dated 29 November 2018 and the Surface Water Drainage Scheme Dated November 2018 and has no objection in principle to this development.

LLFA recommends that a pre-commencement condition be added in regards to surface water drainage.

The developer is informed that the scheme should be modelled on a 40% climate change allowance.

(12 February 2019) From the evidence submitted it is evident that Stetchworth Road suffers from flooding from the watercourse that runs along the road. It now requests a holding objection, until further information can be provided. There may be need for work further downstream if the ditch requires clearance.

(27 February 2019) LLFA remains opposed to this proposal.

(20 March 2019) Response to consultation sent out on the 27 February 2019 and have reviewed documents:

- Flood Risk Assessment, agb Environmental Ltd, ref: P3182.2.3, Dated 29 November 2018
- Surface Water Drainage Strategy, 7 Engineering Consultancy Ltd, Ref; 07128 Rev 0, Dated November 2018
- LLFA Response, agb Environmental Ltd, Dated: 20 February 2019

Based on these documents the LLFA removes its objection.

It states: "The above documents demonstrate that surface water from the proposed development can be managed through the use of partial infiltration through permeable paving on the private access roads, drives and parking areas. Any surface water above the 90m contour will enter a pond on site to add an extra stage of treatment and slow the flow before entering a swale system which conveys surface water to the outfall in the watercourse to the south of the site at a rate of 6.4l/s, equivalent to the greenfield QBar rate."

LLFA recommends a pre-commencement condition.

Anglian Water – (14 November 2018) States that it has assets in the local area and would like an informative added to any decision notice.

The Wastewater Treatment Centre at Dullingham has capacity for this development.

The developer will need to demonstrate that it will not have an unacceptable flooding impact downstream.

Surface water should be dealt with via SuDS with connection the public sewer as the last option.

Anglian Water recommends conditions in regards to foul and surface water drainage.

(3 December 2018) Anglian Water has no concern over the network capacity; the foul water model for Dullingham was updated in 2017 and is considered up to date.

Confirms that Dullingham Water Recycle Centre has sufficient capacity to deal with the flows arising from the proposed development.

Anglian Water does not have many customer complaints in relation to flooding in the area and many of the issues have been from blockages.

(19 March 2019) States that the proposal is in the catchment of Dullingham Water Recycling Centre that has capacity for this proposal.

Is aware of local concerns regarding sewer capacity. It states:

“We can confirm that during normal conditions the system has enough capacity to cope with the foul flows. However, we do recognise that during storm events there have been some overflows, these were reported in June 2016 and December 2017. This is likely to be caused by unknown surface water connections made directly into the foul network.”

Repeats that a condition in regards to foul water is needed but confirms that the sewer network can cope with the development.

In regards to surface water the Lead Local Flood Authority should be consulted and its comments considered.

Local Highways Authority – (5 November 2018) No objection in principle to this application but the access needs to be amended to meet County Council Standards (2m footpaths and 5.5m road width).

The inter-vehicle visibility splays are correct for the speed of the road and as far as can be determined entirely within the public highway.

Provides advice on layout if a reserved matters application is submitted in the future.

(3 January 2019) Requests the redline be altered to include the shown visibility splays to ensure all the developers relevant land is included.

The amendments to the junction arrangement are acceptable.

(15 February 2019) No objections to this proposal and the visibility splays are entirely within the highway.

It recommends conditions in regards to:

- Ensuring roads and footpaths are built to at least binder course.
- New junction with Stetchworth Road as per drawing 188/001 Rev D.
- No private water to drain onto highway.
- Future maintenance of the proposed roads.

(1 April 2019) No additional comments.

Transport Assessment Team - (7 November 2018) Accepts the baseline traffic conditions and the accident data information.

The Team notes that bus service is limited and that train service is about once every two hours to Cambridge or Newmarket; it is also aware of the parking problems at the station car park.

Considers the proposal will lead to 3 additional vehicles every 5 minutes and that this will have minimal impact on the surrounding highway network.

Notes that the existing access will be upgraded to a new priority junction and this needs to be agreed with by the Highways Development Management who provide separate comments.

Condition is needed to deal with Construction Transport Management and to ensure provision of Travel Packs.

The footpath between White Crown Stables and Bakehouse Hill has an insufficient width and where possible this should be widened to 2m. It recommends a condition to ensure this is brought forward.

Subject to these conditions it is considered the traffic impacts will be mitigated.

(9 January 2019) States "I can confirm the proposed widening of the public footpath arrangement is acceptable".

Asset Information Definitive Map Officer – (9 November 2018) Requires £8,000 to cover the additional usage and damage from the development to upgrade the footpath (Public Footpath No.3).

Seeks a condition to cover how the estate roads and Public Rights of Way will interact.

Provides recommended condition to secure protection to the footpaths and any work to them. An informative is requested to highlight other legislation and laws in regards to Public Rights of Way.

(15 February 2019) No additional comments to make.

East Cambridgeshire Access Group – (31 October 2018) Welcomes the development and look forwards to seeing detailed plans.

Ramblers Newmarket and District Group – (23 October 2018) If care is taken the public footpaths should not adversely be affected.

Pleased to note that a number of green areas and pathways are included, which should encourage usage.

(28 February 2019) Previous views remain.

Housing Strategy and Enabling Manager – (24 October 2018) States adopted policy requires 40% affordable housing but emerging policy only seeks 30% but on a 77/23% split between rented and shared ownership.

Provides details on what needs to be included in the S106.

(11 March 2019) Policy seeks 40% affordable housing the south of district and is seeking 77% rented and 23% shared ownership in line with the latest SHMA. Continues to state:

“Based on the latest housing needs evidence from East Cambridgeshire’s Housing Register, combined with evidence from the SHMA the Strategic Housing Team will be seeking an affordable housing mix of one to four bedroom homes. I appreciate that detailed discussions will take place at Reserved Matters stage, but I note that the latest illustrative Masterplan shows that predominately the affordable homes will be delivered as two bedroom dwellings, which doesn’t accord with the latest housing needs data.”

CCC Growth & Development – (5 November 2018) Is not seeking contributions for Early Years or Primary, as Kettlefields Primary School has free space.

The proposed development will lead to an increase of 11 secondary school age students and seeks £256,663 towards Bottisham Village College.

Not seeking any contributions towards Libraries or Lifelong learning.

Strategic Waste is covered by Community Infrastructure Levy (CIL).

Waste Strategy (EADC) – (19 October 2018) East Cambridgeshire District Council will not enter private land but expects developers to comply with RECAP Waste Management Design Guide.

Provides comments on the indicative layout regarding bin drag distances and turning heads in order for the proposal to meet the guidance contained within RECAP and how far refuse lorries could enter the site.

Provides details on the cost of providing bins and how to purchase them.

Historic Environment Team – (22 October 2018) There is a lot of archaeological potential in the area but there has been no excavation history. It recommends a pre-commencement condition.

(20 February 2019) Please refer to previous comments.

Historic England – (5 December 2018) Does not wish to comment but recommends specialist conservation and heritage advice is sought.

(5 February 2019) Provides same previous comments.

Conservation Officer – (23 January 2019) The revised heritage statement was satisfactory, though the scale of the development should be limited to two storeys to ensure the tower of the local church is protected from the public footpath.

Design Out Crime Officers (Police) –The site is at a low risk of crime but recommends as the scheme progresses that lighting, boundary treatment and other security measures are provided.

It will support the developer in discussing Secured by Design.

(7 February 2019) No further comments.

Cambridgeshire Fire and Rescue Service – (7 January 2019) Recommends fire hydrants condition.

Environmental Health – (22 October 2018) Recommends standard contamination conditions, a Construction Environmental Management Plan should be added and would seek to control when construction work can take place.

Notes that in the indicative layout it has shown the over 55 bungalows close to the commercial and therefore expects the potential noise to be very low.

(31 January 2019) No additional comments to add.

Parks and Open Space - No Comments Received

Economic Development - No Comments Received

NHS England - No Comments Received

5.2 Neighbours – 125 neighbouring properties were notified and the responses received are summarised below. In addition several press adverts were undertaken the latest being on the 31 January 2019 and the latest site notice put up on the 6 December 2018. 203 objection letters at the time of writing (25 July 2019) have been received, though many properties have written in several times to maintain their objection throughout the amendments. A full copy of the responses are available on the Council's website with a summary provided below:

Use of the Site

- The site is currently for equine use.
- Newmarket and its surrounds has historically been an essential horse breeding and training area providing employment and generating wealth for both the country and the county and a change of use of this land would contribute to the erosion of this valuable national expertise.
- The site was previously a stud farm and therefore the proposals undermine the original and intended purpose of the land.

Planning Policy

- The proposed development is contrary to the Local Plan 2015.
- The risk of further development in surrounding fields.

- The Local Plan supports retaining equestrian uses.
- The proposals is outside of the village envelope.
- The provision of new dwellings in the village already exceeds the Local Plan targets.
- Dullingham is an unsustainable location for residential development.
- Dullingham has already contributed significantly to the housing requirements above the targets identified in the Local Plan 2015.
- The majority of the site is not infill development.
- The development would encourage urban sprawl.
- Any such large scale development would be contrary to the letter and spirit of the Parish Plan.

Character, Appearance, Conservation Area

- The proposal is disproportionate to the scale and heritage of the village of Dullingham.
- The proposals would set a precedence for more similar land to be used for residential purposes.
- The proposals are not in keeping with the rural village which has a strong equestrian presence.
- Harm to rural views.
- The proposed development would result in a 13% increase in dwellings to the village.
- Urbanisation of Dullingham and Stetchworth and loss of their distinctive identities.
- Three storey dwellings on the top of a hill on the edge of the Conservation Area would be damaging.
- The size and scale of anything other than modest brownfield site infill is unacceptable.
- Result in harm to the overall setting and character of Dullingham Village and surrounding open countryside.
- The proposed layout is not suitable.
- The proposal has shown no consideration for the village.
- There are too many dwellings for the size of the village.
- Loss of trees.
- Would block public views of St Mary's Church.

Infrastructure and Highways

- Strain and pressure to village infrastructure along Stetchworth Road and Station Road.
- Strain on train station car park due to an influx of additional traffic.
- Highway safety concerns onto Station Road due to narrow footpaths.
- The Transport Assessment is incorrect/misleading relating to frequency of trains, car park capacity, walking distances, train capacity and number of trains stopping at Dullingham.
- Within the Transport Statement, it is stated that as part of the assessment of travel flows that data was collected between the hours of 7:00-10:00 and 16:00 and 19:00 on Wednesday 26th September. This does therefore not take into account school traffic from Kettlefield Primary School as this school closes at 15:25. Peak traffic flows have therefore not been assessed.

- The Traffic Impact Assessment appears to give little consideration to Stetchworth High Street which already experiences congestion during peak times as a result of the Old Schoolhouse Day Nursery, to which no reference is made.
- The length of time to walk to the station is not 20 minutes, but closer to 40 minutes. People unlikely to walk to train station.
- Limited cycle storage at train station.
- There is no lighting on the route to the station from Eagle Lane.
- Trains are already oversubscribed and full meaning passengers have to rely on cars as there are no other public transport alternatives.
- Cars parking near train station will cause highway danger.
- Increased traffic would cause highway safety concerns.
- 41 dwellings will have at least 82 additional cars.
- The proposed access to the site adjacent to Clare House Stables is partially obscured because of the bend in the road which affects visibility.
- There is only a minimal bus service to and from Dullingham; residents rely on cars.
- The junction at Kings Head public house is a dangerous one, the number of accidents quotes is incorrect.
- Old Maid's corner has a single file section which provides poor visibility to see both cars and cyclists.
- The key traffic issues relate to traffic coming from Stetchworth Road pulling out onto the B1061, there is a restricted view due to the pub.
- The proposed access is not suitable for the number of dwellings.
- Parking is an issue on Station Road and needs attention.
- The provision of cycle paths on the site would lead to nowhere.
- The junction of Stetchworth Road and Brinkley Road has poor visibility.
- Pedestrian pavements are narrow, dangerously so in front of Clare Farm.

Flooding, Watercourse and Drainage

- The southern boundary of the site is located in Flood Zone 2 and 3.
- The submitted FRA is not appropriate and there is an objection from the Environment Agency.
- Impact to the watercourse that runs parallel to Stetchworth Road in term of ecology and drainage matters.
- The foul water drains that serve Dullingham and Stetchworth are known to be working at full capacity and on occasion are over their designed capacity.
- Lack of demand for large dwellings in Dullingham.
- Water pressure is poor in the area.
- Stetchworth Road is liable to flooding especially on Stetchworth Road and Station Road.
- The flood risk report suggests that there has been no episodes of flooding close to the proposed development, however objectors have expressed that there was at least two occasions where the road has been impassable and boats have been used along Stetchworth Road.
- There is a ditch that goes along the proposed development down the footpath and it is not suitable to take the extra drainage. The ditch that runs along the back of the houses at Algar Drive and Kettlefield Lane can't handle extra drainage which might result in flooding.

- Stetchworth Road floods from Bakehouse Hill to the Crossroads which includes access to the proposed development.
- The sewerage system has insufficient capacity to meet current requirements, is subject to overflows of untreated sewage into a watercourse and residential properties and there are no plans or undertaking by Anglian Water to address this issue.

Sustainability

- No facilities for the village are proposed and the development will result in no economic benefits (i.e. local shops).
- There are limited facilities/services in Dullingham.

Education

- Pressure on local schools. Kettlefield Primary School has no plans to expand and is at capacity, along with Bottisham and Linton.
- Kettlefields School is oversubscribed by the existing population in Dullingham and Stetchworth, the two communities it serves.
- Facilities such as the hall, toilets and kitchen are fully stretched and temporary classrooms are already being used.
- Secondary schools of Bottisham and Linton are at full capacity.

Ecology

- In a rural community such as Dullingham, wildlife is anticipated and not expected to be subject to reporting to CPERC or other bodies. Hedgehogs and badgers are frequently seen in gardens.

Neighbour Amenity

- The proposed development would have a detrimental impact on the residential amenity of nearby occupiers.
- The proposed dwellings will affect the privacy of adjacent properties.

Other Points

- BT cannot supply enough broadband width at peak times
- The plan covers part of the land owned by another developers and there is a risk that further development proposals will come forward should this application be approved.
- This is only the first phase of what could be massive development within the village.
- There is no employment opportunities as a result of the proposed development.
- The application is only for outline consent and therefore there are no guarantees that it will be built like the plans show.
- The proposal will increase the size of Dullingham by 10%.
- The demand for housing is a concern as in a much smaller development of 10 dwellings only 6 have sold since coming to the market 18 months ago.
- Residential development would be better close to the train station.
- Development should be located closer to Cambridge.
- Concerns for construction phases due to noise, disruption to traffic, impact to Listed Buildings and Conservation Area.

- The surrounding rural areas provide physical, mental and emotional enjoyment and well-being.
- The community facilities proposed provide no real benefit, there is already Ellesmere Centre, Taylor Hall and a community shop.
- The proposed affordable units are at the end of the development and in a field that crosses a well-used historic public footpath.
- The nearest medical practice is at Newmarket.
- Concerns for the location of the Affordable Housing in a cluster to the rear of the proposed development.
- Lack of community engagement by the developer.
- Applicant is not a constituent.

In response to the developer's submitted 'Horse Racing Industry Impact Assessment, dated June 2019'

Its previous concerns are included above, but concluded that Policy EMP6 is an important policy when determine this scheme and that it continues to benefit from full weight, irrespective of the five year land supply. Any judgement on the merits of the case application must include an assessment against EMP6.

The Newmarket Horseman's Group make the following points:

- Leaving of land vacant should not mean that policy EMP6 is not applicable.
- No alternative use has been granted on site and therefore remains an equine site.
- Policy seeks to consider first the developments impact on the operational use of the existing site and then that it does not threaten the long term viability of the industry as a whole.
- The land that will be built on will no longer be available to the horse racing industry.
- The policy does not indicate that sub-division of an existing facility would be acceptable, yet the statement considers using the remainder of the site.
- Statement does not include any market information to demonstrate the demand for the remainder of the paddocks and stables.
- The satellite imagery is inadequate to demonstrate the developer's case and shows a distinct lack of understanding for the training/thoroughbred horses. The area around a training area is as important as the land that the horses occupy. This will adversely impact on its appeal to an operator.
- Further residential development could hinder the continued use of the remaining equine land.
- It is important to understand the cumulative impact of the loss of sites such as this one and that is missing in the developer's statement.
- Concludes - It seeks active marketing as equine land to prevent deliberate mothballing of sites to circumvent policy EMP6. This should also be done for the remainder of the site to prove this would remain an active site. It remains the developer's responsibility to demonstrate that it complies with EMP6 and the decision maker to assess and apply this policy.

Others have raised the following points:

- Developer has chosen not to allow the site to be used.

- The site has not been used since around 2008, by choice of the owner not through lack of need.
- The site has been decreasingly used for grazing.
- The equine industry is made up of sites of very different sizes.
- Smaller sites struggle to work efficiently.
- There is a lack of sites already.
- Equine industry is of great importance in the area.
- Could lead to the future loss of the entire Clare House stables and paddock.
- Need to consider the future impact of when land availability will not meet demands through growth.

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
EMP3	New employment development in the countryside
EMP6	Development affecting the horse racing industry
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 11	Conservation Areas
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 4	New community facilities
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 2019

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 6 Building a strong competitive economy

- 7 Ensuring the vitality of town centres
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 10 Supporting high quality communications
- 11 Making effective use of land
- 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 Planning Policy Guidance

Housing for older and disabled people (26 June 2019)

7.0 PLANNING COMMENTS

7.1 **Principle of Development**

7.2 Following the Council's decision to withdraw its Submitted Local Plan at a Full Council meeting on 21st February 2019, some or all of those draft allocation sites that were proposed within the now withdrawn Local Plan might not be able to be relied upon as continuing to contribute to the supply. A Five Year Land Supply (Published June 2019) concluded that the Council five year supply of land has reduced slightly to 3.7 years of housing supply.

7.3 In addition any policy that restricts housing has to be carefully judged on the grounds of tilted balance covered by paragraph 11 in the NPPF that states:
 "Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole."

7.4 Under point i. the protected areas or assets are habitat sites, SSSIs, Green Belt, Local Green Space, Area of Outstanding Natural Beauty, National Park, Heritage Coats, irreplaceable habitats, designated heritage assets and areas at risk of flooding/coastal change.

7.5 Policy EMP6 (Development affecting the horse racing industry) is of great relevance and states:

Any development which is likely to have an adverse impact on the operational use of an existing site within the horse racing industry, or which would threaten the long term viability of the horse racing industry as a whole, will not be permitted.

- 7.6 Policy EMP 6 in itself has full weight as it is not a housing policy and while the NPPF does not make specific reference to the equine industry the policy is considered to comply with Chapter 6 of the NPPF, which seeks to support a prosperous rural economy. However, applying it absolutely will leave large areas of the district unable to support the required levels of housing growth. The decision maker should only refuse an application if it would have an adverse impact on the horse racing industry or the long term viability of the stud/horse facility.
- 7.7 In making a decision, it is considered that minimum weight should be given to the fact that changing land from paddock to agricultural does not constitute development (Town and Country Planning Act 1990, para 55 2e) and therefore is outside of the control of any Local Planning Authority. The ability to automatically change equestrian land to agricultural land is only granted minimal weight, as while this would allow land to no longer count as equestrian the District still needs to maintain the ability for sufficient equestrian land to support the horse racing industry.
- 7.8 While many of the GROWTH policies in the Adopted Local Plan seek to maintain village boundaries GROWTH 5 makes it clear that the fundamental aim of any development is to meet the requirements of sustainable development in social, economic and environmental impacts. This policy is fully in line with the NPPF that requires developments to be approved unless there is significant demonstrable harm or where land is specifically protected within the NPPF. Under Chapter 6 of the NPPF there is no specific mention of the need to protect equine business, though it is clear it seeks to protect land based rural businesses. The level of harm to the equine industry is discussed in greater detail below.
- 7.9 A court decision Suffolk Coastal District Council and Hopkins Homes Limited and Secretary of State for Communities and Local Government, Richborough Estates Partnership LLP and Cheshire East Borough Council and Secretary of State for Communities and Local Government [2016] EWCA Civ 168 (Appendix 2) states in paragraph 33:
- "Our interpretation of the policy does not confine the concept of "policies for the supply of housing" merely to policies in the development plan that provide positively for the delivery of new housing in terms of numbers and distribution or the allocation of sites. It recognizes that the concept extends to plan policies whose effect is to influence the supply of housing land by restricting the locations where new housing may be developed - including, for example, policies for the Green Belt, policies for the general protection of the countryside, policies for conserving the landscape of Areas of Outstanding Natural Beauty and National Parks, policies for the conservation of wildlife or cultural heritage, and various policies whose purpose is to protect the local environment in one way or another by preventing or limiting development. It reflects the reality that policies may serve to form the supply of housing land either by creating it or by constraining it - the policies of both kinds make the supply what it is."*
- 7.10 A further Court Case judgement in May 2017 Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richardborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) [2017] UKSC 37 (Appendix 3) provided greater

clarification/correction and stated a council that could not demonstrate a five year land supply must be careful in how it applies its environmental and amenity policies. In short a wider view of the development plan has to be taken when coming to a determination, but a narrow view on what is a housing policy. This is specifically covered in paragraphs 83 and 84 that state:

“If a planning authority that was in default of the requirement of a five years supply were to continue to apply its environmental and amenity policies with full rigour, the objective of the Framework could be frustrated. The purpose of paragraph 49 is to indicate a way in which the lack of a five-year’s supply of sites can be put right. It is reasonable for the guidance to suggest that in such cases the development plan policies for the supply of housing, however recent they may be, should not be considered as being up to date.

If the policies for the supply of housing are not to be considered as being up to date, they retain their statutory force, but the focus shifts to other material considerations. That is the point at which the wider view of the development plan policies has to be taken.”

- 7.11 While policy EMP6 does not prevent or limit housing it’s designed to protect the economic sustainability of primarily the settlements around Newmarket; the benefits of much needed housing against the importance of protection of equine land have to be carefully considered. However, a clear breach of policy EMP6 should lead the decision maker to recommend refusal for the proposal. The economic impact of the proposal is covered in greater detail below.
- 7.12 It is clear that the lack of a five year land supply does not prevent areas that are specifically protected by the NPPF from maintaining their full protection; for instance heritage having full weight in any determination. These specifically mentioned protected areas are considered to overrule the court case mentioned above, as the NPPF has since been revised. However, there is no specific policy in the NPPF that specifically protects equine land in relation to lack of five year housing supply, though it does promote the protection/growth of the rural economy.
- 7.13 Paragraph 59 of the NPPF seeks to ensure that there is sufficient and a variety of land that can come forward. It is noted that Dullingham, Stetchworth and Woodditton do not have any site allocations; though this does not mean that these villages have not experienced growth. In those settlements to the direct south of Newmarket only the village of Cheveley has been allocated residential development of 20 dwellings in the Adopted Local Plan. Bottisham is just to the south of Newmarket and allocated 50 dwellings in the Adopted Local Plan. It should be accepted that in the now withdrawn Local Plan, Dullingham did have one allocation for 15 dwellings adjacent to this site. However, it does show that there is a lack of available sites within the south of district for suitable housing schemes to be brought forward; combined with the five year land supply (3.7 years of housing supply) and people in these areas (or seeking to live here) are likely to find it difficult to find a home to suit their needs.
- 7.14 A lack of supply within an area will likely push house prices higher due to the great demand for houses in Cambridgeshire (specifically near Cambridge), which leads to harm to the social sustainability of an area; it also means those seeking to work

in agriculture/equine are almost certainly priced out of the market. The lack of housing in an area is also likely to diminish the economic potential of an area, due to companies not being able to find a steady workforce or market to sell to.

- 7.15 Members will need to weigh the benefits of providing housing in Dullingham in order to help these villages maintain community facilities (in accordance with para 78 of the NPPF) as well as providing homes for those who want to live within the village against the change of character to the village. Each application must be determined on its own merits and while the district has more sustainable locations (primarily Ely, Soham and Littleport); residential growth in other relatively sustainable locations must be considered in order to maintain a continuous five year land supply.
- 7.16 In terms of sustainability in regards to transport the train station in Dullingham is about 30 minute walk from the site. There are services to Cambridge and London; though only the 07:20 train (one change in Cambridge) would get you into London early and two trains to Cambridge (07:20 and 08:00) before 09:00. There are also trains into Newmarket, generally one every two hours. While the station's rail service has limited times to get to main settlements and is a distance from the site; it is a service that most of the district does not have (only the parishes of Littleport, Kennett and Ely currently have train stations). This has been given minor to moderate weight in the decision making process in regards to sustainable transport.
- 7.17 The site is located adjacent to the village framework and in close proximity to the Kettlefields Primary School. The village is within easy driveable distance to Newmarket, which provides a significantly greater amount of facilities/services. It is considered the site location for dwellings is a sustainable location for a rural authority. The potential amount of dwellings and the impacts of these dwellings will be covered in greater detail below. Paragraph 78 in the NPPF states that services in one village can support people in another; the lack of all required services in Dullingham (for instance Secondary School) is for this reason not substantially harmful to the sustainability of the development as it is expected in a rural district for each village to support each other.
- 7.18 The proposal is seeking to provide 250 sqm of B1 and/or D1 uses. These uses are shown indicatively adjacent to the Stetchworth Road, which would be a logical location for these uses to the benefit of the wider community (as well as locating more vulnerable users outside of Flood Zones 2 and 3).
- 7.19 The location of the B1 use is closely related to the settlement framework, there are no other locations considered to be suitable and it would be easily be accessed by foot/cycle. The proposal is considered to comply with EMP3 as it is a relatively small scale development and there are not other suitable sites within the settlement, though the visual impact and highway elements of this policy is considered below. On the same basis the D1 use class is considered to comply with policy COM4 that seeks to provide community facilities in close proximity to the community while ensuring there is no material harm to character of the area, residential amenity and does not lead to additional traffic. However, it is considered reasonable to condition that the proposed floorspace is a maximum, to ensure the proposed units can suitably fit within the site.

- 7.20 The proposal taken, as a whole, is considered to be acceptable in principle, as the site is in a relatively sustainable location and will provide much needed housing within the District. The proposal still needs to be determined on whether the detrimental impacts significantly outweigh the benefits of this application, this includes but not limited to the impact to the equine industry.
- 7.21 Housing Mix and provision of affordable housing mix**
- 7.22 The housing mix is only taken as indicative as this is an outline with all matters reserved except access.
- 7.23 The developer has suggested a mix of:
- Market – six 2 bedroom bungalows for over 55s
six 3 bedroom bungalows
nine 4 bedroom dwellings
four 5 bedroom dwellings
 - Affordable – eight 2 bedroom dwellings
eight 3 bedroom dwellings
- 7.24 Policy HOU1 in the Adopted Local Plan seeks single bedroom dwellings, but it could be argued that single bedroom properties are less desired within smaller villages. It is also noted the developer is not suggesting 2 bedroom properties for the open market, which would be expected in this location. However, the concerns in regards to visual impact may give greater need to provide single and two bedroom properties in order to keep building heights low. Notwithstanding this, if a reserved matters application was submitted it would be expected a greater proportion of the market properties to be smaller properties or additional justification provided for the housing mix.
- 7.25 The proposal is seeking to provide a large proportion of the dwellings to be bungalows and half of these to be for the over 55s; this exceeds the requirements of Policy HOU1 as this is normally only required for schemes of over 50 dwellings. To ensure at least six bungalows for over 55s come forward in the first reserved matters application a condition is recommended. Chapter 5 of the NPPF highlights the importance of providing for an aging population (this element will be covered in greater detail below). The specific provision of dwellings for the over 55s is to the benefit of the application.
- 7.26 Policy HOU3 requires affordable housing in Dullingham to be at least 40%; while this proposal is only providing 30%. However, in the Submitted and now withdrawn Local Plan the percentage of affordable dwellings required was 30%. Since the submission of the application in October 2018, a draft S106 has been written and submitted. Following the withdrawal of the Local Plan an independent report (Viability Assessment Information, Report V2, April 2019) has been produced for East Cambridgeshire District Council has been written stating:

“The interim positions intended for use by ECDC are within the parameters of our findings and recommendations, as explained in this report, at a suggested 20% AH requirement for Littleport and Soham; 30% AH elsewhere in the District. These positions therefore represent reductions in some key respects from the currently adopted 30% (north) and 40% (south) AH policies.”

7.27 On this basis it would be unreasonable to require a higher level of affordable housing on this proposal. The development is offering 77% rented and 23% shared ownership, which is a benefit to the application but the suitable level of affordable housing is currently being reviewed.

7.28 The proposal is considered to in principle comply with policies HOU1 and HOU3, though the final mix would only be defined at a reserved matters stage.

7.29 Economic Sustainability of the Horse Racing Industry

7.30 It is accepted that the horse racing industry is of great importance around Newmarket, as much of the economy is based on this trade. Policy EMP6 clearly states that any development that adversely harms the horse racing industry should not be permitted. While an argument could be brought forward around the dangers of relying on a single goods trade (shoes in Northampton, Sheffield steel or cars in Luton) around one settlement; it is acknowledged and accepted that the horse racing industry (HRI) is of great importance within the District and is supported in adopted policy.

7.31 The proposal would lead to the loss of approximately 1/3 of the paddock land of Clare House Stables. This will likely reduce the economic potential for the stables and will reduce the maximum amount of horses that the stable business is likely to be able to keep. However, the proposal is not seeking the loss of the stables or the majority of the paddock land and an existing access still remains to the site albeit blocked for security measures at present. An additional access could be provided within the reserved matters, but this is considered to be desirable and not essential.

7.32 The applicant has provided a report ‘Horse Racing Industry Impact Assessment’ dated June 2019 that states: on page 5 paras 2.6- 2.7:

“The tenants confirmed that since possession in 2014, no part of the site had been used for training horses, any other HRI related use or any other commercial purpose; the stables and land have solely been for their private use. The tenants understood that prior to 2014, the site had been vacant for several years (likely at least since it was purchased by the current owner in 2008). This was supported by the fact that the buildings on the site were in a state of disrepair upon the tenants’ possession in 2014, with the agreement that the tenants would improve the site.

This is reinforced by a Freedom of Information response from East Cambridgeshire Council in respect of empty properties dated 31st July 2013 which lists White Crown Stables as empty since 20th March 2008.”

- 7.33 The aerial photos within the assessment show that in 2008 the application site was not used for intensive training, though was still being used in relation to the stables and by 2010 there is no evidence of intensive use. However, the lack of intensive use does not change the fact that the authorised use of the land is for equine that could be either for commercial or private use.
- 7.34 The report continues to point out that the remainder of the stables and paddock land could still be used in relation to the equine industry ranging from (but not promoted for) equine hospital to the stables still being able to run at 80% efficiency with 22 out of 28 stables occupied in order to meet the 0.4 – 0.6 hectares of land as recommended by the British Horse Society and this is broadly in line with the stable capacity. The proposal would still allow the stables to have space to look after horses and/or provide a training facility. It is the view of the Case Officer that reducing the area of land around stables can limit the number of people/businesses that could be interested in the equine unit. It is also noted that both the Newmarket Horseman's Group and the applicant agree that the equine industry is made up of sites of different sizes.
- 7.35 The report goes on to state on page 21 para 4.24:
- “In fact, given the industry has grown during a period in which the application site was not in HRI use; it is difficult – in fact impossible – to conclude that the loss of even a part of the Clare House Stables site (noting that the dwellings, stabled and over 10ha of land in total would be retained) would threaten the long term viability of the HRI as a whole. This makes sense in part because at no point while it was in HRI use was the site at Clare House Stables hosting a facility which was fundamentally central to the racing industry, e.g. an equine hospital, bloodstock auctioneer, racecourse, racing school (without which the cluster could have theoretically unravelled).”
- 7.36 It is considered that the harm to existing paddock/stables of Clare House Stables is minor – moderate, as there would be some limitation of what the stables can cater for with the reduced paddock land. However, it is considered that sufficient land (approx. 10 hectares or 25 acres) would remain to ensure the remainder of the site could form a productive site within the equine industry. It is noted that a smaller equine yard (18/00790/FUL, Equine Livery Yard, Temporary Dwelling and New Access on Brinkley Road Dullingham) that measured 1.9 hectares and was independently assessed as being a viable equine business. This proposal is not considered to lead to an adverse impact upon the stables it would be unreasonable to refuse it on the grounds of policy EMP6, as the remainder of the site could still be put into practical use and benefit to the quine industry.
- 7.37 The proposal cannot be demonstrated as threatening the long term viability of the horse racing industry and for this reason it again would be unreasonable to refuse the application on the grounds of policy EMP6, as the horse industry around Newmarket has continued to strongly grow without the need of these stables.
- 7.38 The applicant has stated in their report (page 18-19) that since 2008/2009 the number of horse sales has increased by about 1000 horses (that has increased the value by approximately £170 million) and that only Australia/USA provide more world ranked horses than Newmarket.

- 7.39 The Case Officer believes this demonstrates that Newmarket's horse racing industry does not need the application site to succeed, it also demonstrates why careful consideration must be given to the protection of the horse racing trade in Newmarket.
- 7.40 While each application must be determined on its own merits if stables/paddocks continued to be built on then the cumulative impact would clearly need to be considered.
- 7.41 The District benefits from large amounts of Grade I/II agricultural land and around Newmarket, in particular, large areas of paddock land. It is, therefore, likely that new development will always reduce either agricultural or paddock land within the district. With little infill space or brownfield land to provide the much needed housing in the district it is considered the minor harm to the equine industry is balanced by the need for housing. The provision of new business (B1) on site is a benefit but is not specifically required to be brought forward quickly in order to gain support.
- 7.42 Whilst there will be some economic benefit from construction work, it must be balanced, as the harm to the horse racing industry is long term while construction trade is short term. The long term benefits of housing and level of harm to the horse racing industry is of fundamental importance when assessing the merits of the application.
- 7.43 The proposal, therefore, will cause minor-moderate harm to the equine industry. While there is some conflict with Policy EMP6 the proposal is not considered to threaten the long term viability of the horse racing industry based on the amount of land proposed and given the lack of use of the land in recent years. In addition the local racing industry has still grown in recent years and the site is not considered of fundamental importance to the equine industry. In addition the remaining stables and grazing land could still be productively in the equine industry. The public benefit in providing much needed housing (including affordable houses) is considered to neutralise this level of harm to the existing stable/equine use.
- 7.44 Proposed B1 and D1 Use Class
- 7.45 Policy EMP3 allows B1, B2 and B8 uses within or in close proximity to the village framework where there is a lack of suitable buildings/sites within the village, it will not cause harm to the character of the area, will not result in harm to residential amenity, will not result in significant increase in traffic and is accessible by foot/cycle. Policy COM4 allows for new community facilities within village settlements where possible, subject that it is accessible by foot/cycle, will not have adverse impact on traffic, will not harm character of the area or residential amenity and that the greatest amount of use of the community facility has been designed in.
- 7.46 It is considered that the provision of Light Industry (B1) and Non-residential Institution (D1) would provide much needed opportunity in the local area for small business and/or community facilities. While generally these use classes are suitable for residential areas, it is considered reasonable and necessary to recommend a condition restricting hours of use in order to avoid unsociable hours

of use. It is considered that the proposal does comply with policy EMP3 and COM4 of the Adopted Local Plan.

7.47 Residential Amenity

7.48 Policy ENV2 seeks to ensure there is no significant detrimental effect on the residential amenity of nearby dwellings and that new dwellings offer a high standard of amenity.

7.49 The proposal is for up to 41 dwellings though scale is not being considered as part of this outline consent. A scheme could be designed to ensure there is no significant loss of privacy, light or causing undue overbearing to any existing or proposed residential property. It is also expected that garden sizes would comply with the Design Code SPD. Suitable care would be needed as part of a reserved matters application in order to ensure properties on higher levels of the hill slope do not cause harm to residential properties on lower levels; in these cases back to back distances for two storey to two storey would be expected to exceed the distances suggested in the Design Code SPD (which are a recommended minimum). The proposed ecology mitigation, drainage and open space details could further protect residential amenity of existing residents by creating a buffer.

7.50 Policy ENV9 seeks to ensure that all development minimise pollution and that a full assessment can be undertaken on potential contaminated land, including how to make the land suitable for the intended end use.

7.51 While the chance of land contamination is low on a rural paddock site, it is still considered reasonable to recommend contamination conditions to any approval in order to ensure existing and future residents are protected.

7.52 With the quiet nature of the village it is likely that construction works would have a noticeable impact; while it is not possible to prevent disturbance from a construction site it is considered reasonable and necessary to recommend construction hour limits and the need for a Construction Environmental Management Plan (CEMP) conditions onto any approval. With the proposal being on a hill and the size of the proposal, a CEMP will also need to ensure that water run off during on construction does not unduly impact neighbours and that the public footpaths are protected.

7.53 It is considered subject to conditions the proposal would comply with policies ENV2 and ENV9 of the Adopted Local Plan 2015.

7.54 Visual Amenity

7.55 The proposal needs to comply with policies ENV1 and ENV2, which seek to ensure the character of the area is protected and the final design is acceptable. Weight must also be afforded to Chapter 11 of the NPPF when considering the principle of additional dwellings on part of the site. Within Chapter 11, paragraph 123 of the NPPF states that, where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. When considering the

effective use of land in line with the NPPF, it is important to note that each planning application and site must be assessed on its own individual merits.

- 7.56 The gross density of the site (for 41 dwellings) is 7.3 dwellings per hectare or 3 dwellings per acre. This density is considered to be very low and is appropriate for a village edge location. However, it should be noted that the amount of ecological enhancement and offered land for the primary school lowers the density of the site substantially.
- 7.57 The character of the site is primarily used for equine grazing, though at the time of the site visit it was noted sheep grazing on the most northern section of the site. The site is located on a hill with the ridge of the hill to the north of the site. With a footpath running through the site in a north/south direction and a footpath at the top of the hill running in an east/west direction, the site is publically visible from most angles from the public realm. The village church is viewable from the public footpath to the north of the site and provides an important connection between the countryside and the village. It is noted that the local character of the area is equally defined by modern residential cul-de-sacs of Bakehouse Hill, Taylors Field, Algar Drive, Spooners Close and Kettlefields; all these residential developments would cut into the countryside at the time of construction. In addition these residential streets form a backward 'L' shape; the proposed development seeks to square off this corner of this village and on this basis is considered to preserve the character of the area, subject to the final design.
- 7.58 It is considered that the proposed development would have an urbanising impact, though will maintain large spaces of public open space. These public open spaces would allow green fingers to remain within the development and connect to the public footpaths; this would help ensure that a village edge feel is maintained.
- 7.59 The existing countryside is likely to be of substantial value to the local people, who have chosen to live there, even though the vast majority of it is not publically accessible. However, seeing development is not in itself fundamentally harmful and can lead to the visual enhancement of an area; in addition to this the countryside is not protected as an Area of Natural Beauty, Green Belt or other protected space.
- 7.60 The applicant has submitted a Landscape and Visual Impact Appraisal (dated January 2019) (LVIA) in early February to fully assess the impacts of the proposal on the local landscape. The report's overall conclusion that the proposal will be relatively contained and will fit in well with the existing cul-de-sacs to the south and east of the site. However, the potential harm to the character is largely based on ensuring that the footpath running north/south is not too enclosed, existing landscape is maintained and that the size (primarily height) of the proposed dwellings is strictly controlled if a reserved matters application was submitted. This conclusion is supported by the Case Officer and any reserved matters application will need to take the conclusions of the LVIA into consideration as part of the design process, as well as other material considerations, to ensure a high quality design which preserved or enhances upon the local architecture.
- 7.61 It is expected that if a reserved matters application was submitted that the house types would be of a high quality that reflect the best architectural examples within

the local area, as well as using high quality materials, in order to provide an enhancement to the character of area that is adjacent to the Conservation Area.

7.62 With careful design it is considered that the proposal would meet policies ENV1 and ENV2 of the Adopted Local Plan 2015 and the Design Guide SPD.

7.63 Historic Environment

7.64 Policy ENV11 (Conservation Areas) and Policy ENV12 (Listed Buildings) seek to ensure that areas/buildings of historical or architectural interest and their setting are protected. The NPPF does allow harm to historical assets/places, subject that the public benefit clearly outweighs the harm.

7.65 The proposal is adjacent to the Conservation Area and the Grade I Listed Building of St Mary Church located to the southwest of the site. In a village setting the view of the church tower is considered to be of significant importance and this tower can be seen from the public right of way located to the north of the site.

7.66 If tall buildings are placed along the northern edge of the proposed site the harm to the setting of the listed building from this footpath is likely to be less than substantial to substantial. However, if proposed ridge heights were reduced the harm to the setting of the church is likely to be the lowest level of less than substantial harm. However, this is only an outline application and the layout, scale and appearance are not being determined at this stage. It will require careful design to ensure less than substantial harm within a reserved matters application. The views from the public right of way running through the site in a north/south direction has limited views towards the Church, due to the amount of landscaping, though this could change over time.

7.67 The public benefits of housing, business and community space and affordable homes would outweigh the harm subject to the view of the church tower from the PRoW to the north is maintained; any reserved matters application will need to be carefully designed and supported by a Heritage Statement to demonstrate that there was less than substantial harm.

7.68 Clarehall Farmhouse is a Grade II Listed Building but is separated from the site by the existing stable buildings; the impact on the setting of this listed building is considered to be very minor and the benefit of the proposal (as highlighted above) will clearly outweigh any impact on this listed building.

7.69 With the site being located adjacent to a conservation area, it will be necessary to secure a high quality design and materials at reserved matters stage if this application was approved. It is also expected that the affordable housing should be tenure blind.

7.70 The proposal is considered to comply with policies ENV11 and ENV12 of the adopted Local Plan 2015 and the requirements of the NPPF.

7.71 In order to ensure the proposal meets with the requirements of policy ENV14 that seeks to protect archaeology; it is necessary to place a pre-commencement

condition in regards to archaeological investigation to ensure no historical artefacts are damaged or lost by the proposal.

7.72 Highways and Parking

7.73 Policy COM7 seeks to ensure suitable and safe entrance onto the public highway, preventing detrimental impact on the highway network as well promoting non-motorised methods of transport. Policy COM8 seeks to ensure suitable levels of parking.

7.74 The Local Highways Authority and its Transport Team has stated that it has no objection to the proposal as amended. The level of increase in traffic from this proposal on the wider network is considered to be minimal and the provided visibility splays (drawing number 1888/004 Rev B) are acceptable; the requested conditions are recommended to secure these requirements.

7.75 The proposal is near the primary school and weight should be given to it being relatively easy to walk to the school.

7.76 It would be expected in any reserved matters application that the proposal provides at least two parking spaces per dwelling plus sufficient visitor spaces. In addition each dwelling should include space for secure cycle storage. With the overall size of the site and the relatively low number of dwellings this could be easily accommodated.

7.77 It is considered subject to conditions that the proposal is acceptable and complied with policies COM7 and COM8.

7.78 Ecology

7.79 Policy ENV7 requires all developments to first protect species on site, then to provide adequate mitigation measures and finally to enhance biodiversity within the area.

7.80 It is normal practice to undertake detailed biodiversity surveys prior to submitting an application, which should be done at the relevant time(s) of the year. This is so the impact on local biodiversity can be fully assessed and suitable mitigation and enhancement measures are put into place. This means it is necessary to undertake all fundamental surveys prior to determination and then condition protection/enhancement measures.

7.81 In this application, the applicant has not undertaken the standard surveys. The original submitted document concluded (Preliminary Ecological Appraisal, 9 October 2018) the proposal would have minimal impact and provided a list of habitat creation in its suggested enhancements section. The appraisal also recommended carrying out the necessary surveys to investigate amphibians, reptiles, bats and dormouse. While this would normally lead to a recommendation of refusal, as no application should lead to detrimental harm to biodiversity, in this case the developer is seeking to undertake a different method. This alternative approach requires the developer to put in a 'gold standard' scheme; in affect presume all potential protected species are on site and then

protect/mitigate/enhance on this basis. This requires a far greater level of mitigation and enhancement than might have been needed if all the relevant surveys were done upfront. It is also fundamental to allow species to safely transverse the site.

- 7.82 The Biodiversity Strategy Report (8 February 2019) concludes “we have demonstrated that land at White Crown Stables can be developed whilst producing biodiversity gains and a positive impact for protected species”. It also adds that further surveys are needed to meet legal requirements but the proposal is able to accommodate suitable habitats. This report has been written on a ‘best case scenario’ basis, which translates that it is presumed that species are on or adjacent to the site; for instance that nine nearby ponds are presumed to have low to medium sized populations of great crested newts.
- 7.83 It is of fundamental importance that the mitigation measures and enhanced measures suggested in the report are carried out; in addition to this the indicative landscape plans (001 – 004 February 2019) will need to influence the final design if a reserved matters application is submitted. These drawings show areas of open water, swales, range of trees, grassland, scrub and an orchard. These features should ensure both ecological improvements but help animals transverse the site safely. It also recommends a range of bird and bat boxes, bee boxes, log piles and grass/compost heaps. All of these would need to be included in any final scheme.
- 7.84 It is the view of the Wildlife Trust that the proposal has the potential to lead to net gain in biodiversity and provides sufficient space for mitigation; though seeks conditions to ensure no harm does come to protected species.
- 7.85 It is considered that the proposal will meet the requirements of ENV7 of the adopted Local Plan 2015, subject to the recommended conditions that are considered fundamental to the support of this application. Without these conditions the application would not comply with the requirements of Policy ENV7 of the Local Plan or Natural England standing advice.
- 7.86 Flood Risk and Drainage**
- 7.87 Both Policy ENV8 and the principle of Sustainable Drainage Systems (SuDS) seek to ensure that all developments contribute to reducing flood risk.
- 7.88 The site is located on a slope which naturally drains to the south where it enters a ditch that runs alongside Stetchworth Road. It is presumed that many of the modern developments for instance Bakehouse Hill and Taylors Field are unlikely to have sustainable drainage systems and have likely substantially increased the risk of flooding in the local area. However, current development needs to demonstrate it maintains greenfield run off rate plus make allowance for climate change. New development, therefore, in the short term reduces the risk of flooding in the local area and in the long term will not make the chance of flooding any greater.
- 7.89 The latest documents submitted by the applicant have been accepted by the Lead Local Flood Authority, subject to a recommendation condition being appended to the decision. The drainage details recommended are provision of a pond, permeable paving in certain areas of the site, swales and attenuation tanks in order

to ensure the surface water is managed. The final design of the scheme will need to accommodate ensuring appropriate levels of permeable paving against the desire to have the roads adopted by the Local Highways Authority, as it does not adopt permeable roads. However, with the size of the site and the low density there is no reason to believe a suitable design could not be brought forward. It is, therefore, accepted that the proposal would have suitable drainage measures that will in the short term reduce the risk of flooding to locals and in the long term not make the risk of flooding any greater.

7.90 The indicative site layout shows that it is possible to keep the proposed development outside of the area at risk of flooding (Floodzone 2 and 3), as well as ensuring the more vulnerable users (dwellings) are kept on the higher levels.

7.91 The proposal is considered to meet the requirements of policy ENV8 and the Cambridgeshire Flood and Water SPD, subject to the recommended condition to ensure that the first reserved matters application includes suitable drainage details.

7.92 Infrastructure and S106

7.93 Anglian Water have confirmed that it has capacity in its sewer network to accommodate the development's foul water and to treat it. It is considered reasonable to recommend a condition in regards to foul water to ensure appropriate connection.

7.94 There is significant disagreement between the local population over Anglian Water's view. The local residents believe there is not capacity within the sewer network to cope with existing dwellings, let alone new development. A Local Planning Authority cannot get involved in maintenance issues, but has a requirement to ensure there is capacity in relevant infrastructure. With Anglian Water confirming there is capacity in the network it would be unreasonable to require the developer to pay a contribution to improve the sewer network. If there is not capacity in the wider network, it will be for Anglian Water to provide the necessary infrastructure improvements under its own responsibilities and legislation.

7.95 Cambridgeshire County Council has requested the following education contributions:

- No contribution needed for early year, as there are 23 spaces available at Kettlefields and the development would only produce 13 spaces.
- No contribution needed for primary schools, as Kettlefields Primary School has 46 spare spaces and the development would only produce the need for 17 child spaces.
- Seeks a contribution of £256,663 to accommodate 11 secondary spaces at Bottisham Village College that is expected to already be over capacity by 2021/22 even with planned extensions.
- No demand to improve Libraries and Lifelong Learning from this proposal as there is no need to increase capacity from this proposal.

7.96 The developer is offering:

- Land offered for an extension to Kettlesfield Primary School.

- £256,663 (plus indexation) for Secondary School contributions.
- 7.97 The developer and County Council are in agreement over the level of contribution needed for secondary school provision. On this basis, there is no reason to consider that the level of contribution is unreasonable.
- 7.98 The Department for Education has produced a report ‘Securing developer contributions for education, April 2019’ that states:
- “You may wish to safeguard additional land when new schools with development sites are being planned, to allow for anticipated future expansion or the reconfiguration of schools to create a single site. ‘Future proofing’ can sometimes be achieved informally through a site layout that places open space adjacent to a school site. Where justified by forecast need for school places, additional can be designated specifically for education use and made available for purchase by the local authority with an agreed timescale, after which the land by be developed for other uses.”
- 7.99 The County Council are not seeking the land or a financial contribution for primary education, therefore it would be unreasonable to add any material weight on the development providing land for the primary school. However, as the land forms part of the permission the County Council could purchase it in the future, but this would need to be at market value.
- 7.100 A condition is recommended in regards to broadband, to ensure the highest possible speed internet is provided for the development; this may benefit the wider parish but is required to ensure the development has necessary infrastructure for today’s requirements. This is a requirement under Chapter 10 of the NPPF and Policy GROWTH3 of the Local Plan.
- 7.101 The S106 will also need to include long term management of public open space and water management. In addition the S106 will also need to secure the provision of affordable housing.
- 7.102 The developer is required to pay the Community Infrastructure Levy (CIL), this money can be used to pay for those items on the Council’s Regulation 123 list, including:
- Littleport Schools
 - District Leisure Centre
 - Soham Railway Station
 - Ely Southern Bypass
 - Health Facilities Serving North Ely Development
 - A142/Witchford Road Roundabout
 - Childrens Centre Serving North Ely Development
 - North Ely Country Park
 - Staploe Medical Centre
 - Ely Commuter Car Park
 - Wicken-Soham-Ely Cycle Path
 - Witchford Household Recycling Centre

- Burwell Parish Council Recreation Ground Improvement Project
 - Ely Museum Redevelopment
 - The Mill Project- Soham
 - Sutton GP Surgery Extension
 - Stretham GP Surgery
- 7.103 In addition the Parish would receive 15% of any CIL money collected from the development to seek to improve any infrastructure issue.
- 7.104 Other Material Matters
- 7.105 Concerns raised by neighbours that the applicant is not a local constituent and that this might lead to future development within the village are not material planning considerations. All planning applications are judged on their individual merits.
- 7.106 Members are reminded that no developer should be expected to overcome existing problems, but should ensure that the development mitigates against its own harm.
- 7.107 Planning Balance
- 7.108 The proposal is considered to be acceptable in principle, as the Council cannot demonstrate a five year land supply and it complies with the requirements of paragraph 11 in the NPPF.
- 7.109 The proposal is not considered to be detrimental to the existing stables/equine use of the local or wider area and while there is some harm it is considered to only be minor-moderate. It is considered that the benefits of the development would outweigh this harm and on this basis it would be unreasonable to refuse the application on the grounds of policy EMP6.
- 7.110 The proposal has been confirmed by County Council that it will not be detrimental to highway safety or traffic capacity, subject to suitable conditions that are recommended.
- 7.111 Anglian Water have confirmed there is sufficient drainage capacity in the network. However, local residents are concerned in relation to capacity. It would be unreasonable to refuse or place additional burdens on the applicant. Anglian Water still have to comply with legislation and policy that relates to them and on this basis needs to ensure public sewers are suitably maintained.
- 7.112 The benefits of the proposal would outweigh less than substantial harm to the heritage assets (specifically the views of the Grade 1 village church, subject that the view of the tower is maintained from the PRoW to the north). Archaeology can be preserved through the recommended condition that requires suitable investigation.
- 7.113 The proposal subject to suitable drainage measures and mitigation/enhancement to ecology will lead to the area becoming more environmentally sustainable.

- 7.114 The creation of additional housing (including affordable and over 55 provision), provision of office space, indoor and outdoor community space will lead to an economic and social sustainable improvement in the local area.
- 7.115 It is considered that the proposal is acceptable, subject to the recommended conditions and the completion of a S106. With the S106 still being drafted it is recommended that members grant the Planning Manager and Legal Services Manager delegated powers to determine the application following completion of the S106 and to allow for any minor changes to the recommended conditions.

8.0 COSTS

- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 8.4 In this case Members' attention is particularly drawn to the following points:
 - The lack of a five year land supply.
 - No objections from statutory bodies.

9.0 APPENDICES

- 9.1 Appendix 1 – Suggested Conditions
- 9.2 Appendix 2 – Dullingham Parish Council comments received on the 18 July 2019

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/01435/OUM	Andrew Phillips Room No. 011 The Grange Ely	Andrew Phillips Planning Team Leader 01353 665555 andrew.phillips@ea stcambs.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.eastcamb.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 18/01435/OUM Conditions

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

Plan Reference	Version No	Date Received
1888/005	A	29th January 2019
1888/004	B	23rd January 2019

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 2 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 The first reserved matters application shall include the mitigation and enhancement measures contained within Biodiversity Strategy Report (8 February 2019) within the layout and landscaping of the site. The developer will also need to demonstrate how the landscaping measures in drawing numbers 001 – 004 (dated February 2019) have been duly considered in the proposed layout/landscape. Development shall be carried out in accordance with the approved details.
- 4 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 5 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 protection of biodiversity (in line with Biodiversity Strategy Report 8 February 2019) 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.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers to protect biodiversity and to ensure safe vehicular movements, in accordance with policies ENV1, ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 6 The tree protection measures as shown in appendix 5 and 6 of the Arboricultural Impact Assessment (9 October 2018) 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.
- 6 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.
- 7 Prior to or with the first reserved matters a surface water drainage scheme for the site, based on sustainable drainage principles, shall be 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 Surface Water Drainage Strategy prepared by 7 Engineering Consultancy Ltd (Rev 01 February 2019) dated November 2018 and shall also include:

- a) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- b) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
- c) Full details of the proposed attenuation and flow control measures;
- d) Site Investigation and test results to confirm infiltration rates;
- 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.

- 7 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. 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.
- 8 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.

- 8 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.
- 9 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 9 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015.
- 10 No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
- 10 Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 11 The vehicular access and footpaths (as shown on drawing number 1888/04 Rev B) shall be constructed prior to first occupation.
- 11 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 12 Prior to the first occupation of the development a Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be implemented in accordance with the programme set out within the approved Travel Plan or any revisions to the Travel Plan that are first agreed in writing by the Local Planning Authority.
- 12 Reason: In the interests of sustainable movement in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 13 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.
- 13 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 14 No above ground construction 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 or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.
- 14 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.
- 15 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.

- 15 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. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 16 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.
- 16 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.

- 17 The amount of B1(a) and/or D1 Use space shall not exceed 250 square metres. The first reserved matters application shall at least identify the land that these buildings and associated parking shall be sited upon either in a master plan or as part of the reserved matters details sought for approval.
- 17 Reason: The application has been assessed and determined on this basis; as well as to ensure the proposal complies with policies ENV2, EMP3 and COM4 of the East Cambridgeshire Local Plan 2015 in regards to ensure an appropriate level of provision and that it can be suitable accommodated on site.
- 18 The B1(a) and D1 uses hereby permitted shall take place only between the hours of 08:00 – 23:00 Friday to Saturday and 08:00 – 22:00 on Sundays - Thursdays, Bank Holidays and Public Holidays.
- 18 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 19 Each reserved matters shall be supported by a Heritage Statement that provides a professional analysis of the proposal on the setting of the Grade I Listed Church (St Marys) from the Public Rights of Way that run through and to the north of the site.
- 19 Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the Listed Building and its setting in accordance with policy ENV12 of the East Cambridgeshire Local Plan 2015.
- 20 Prior to first occupation of any given phase (defined by reserved matters submissions) a scheme of providing broadband shall be submitted to and agreed in writing with the Local Planning Authority. The approved details shall be fully implemented prior to first occupation in accordance with an agreed in writing phasing programme with the Local Planning Authority.
- 20 Reason: In order to provide superfast broadband to the future occupants (including working from home) in accordance with paragraph 112 of the National Planning Policy Framework and Growth 3 of the East Cambridgeshire Local Plan 2015.
- 21 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.
- 21 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. 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.
- 22 No development shall commence until details of a construction surface water management plan detailing how surface water and storm water will be managed on the site during construction (including timeframe of implementation) is submitted to and

agreed in writing by the local planning authority. The construction surface water management plan shall be implemented and thereafter managed and maintained in accordance with the approved plan.

- 22 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. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 23 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.
- 23 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015.
- 24 As part of the first reserved matters application the provision and details of the over 55's bungalows (4 – 6 dwellings) shall be provided. The development shall be completed in accordance with the approved details.
- 24 Reason: The application has been submitted and determined on this basis, as well as to ensure the proposal complies with HOU 1 of the East Cambridgeshire Local Plan 2015.
- 25 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30 - 18:00 each day Monday-Friday, 07:30 - 13:00 Saturdays and none on Sundays, Public Holidays or Bank Holidays.
- 25 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.