
MAIN CASE

Reference No: 19/00966/OUM

Proposal: Construction of up to 70 dwellings, together with associated public open space, landscaping, highways and drainage infrastructure works

Site Address: Land Between 27 And 39 Sutton Road Witchford
Cambridgeshire

Applicant: Manor Oak Homes Ltd And Mr & Mrs Eade

Case Officer: Barbara Greengrass, Planning Team Leader

Parish: Witchford

Ward: Stretham
Ward Councillor/s: Bill Hunt
Lisa Stubbs

Date Received: 19 July 2019 **Expiry Date:** 13 November 2019

[U106]

1.0 RECOMMENDATION

1.1 Members are recommended to REFUSE planning permission for the following reasons

1. The application site is located on undeveloped land at the eastern edge of the village of Witchford, which currently makes a positive contribution to the setting of the village and as an important gateway to the village. Due to the existing landscape features and topography, the site will be clearly visible. The proposal will further elongate the built form of the settlement, towards the A142, urbanising the edge of the village, which currently has a rural settlement fringe character. The area in the vicinity of the site forms a rural transitional zone between the main built up part of the settlement to the countryside beyond. The proposed development of this site would result in significant and demonstrable harm to the setting of the village in this gateway location, and the character and appearance of the countryside, contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and the National Planning Policy Framework, which states that the planning system should contribute to protecting and enhancing the natural and built environment and recognising the intrinsic character and beauty of the countryside.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline planning permission for up to 70 dwellings together with public open space, landscaping, highways and drainage infrastructure. All matters are reserved apart from means of access. The proposal is to provide for a central access point onto Sutton Road.
- 2.2 The application is accompanied by an indicative layout plan illustrating how the 70 dwellings could be accommodated on the site of 3.22 ha (7.9 acres) at a density of 22 dwellings per hectare (8.8 per acre), with public open space and drainage attenuation pond basin and foul water pumping station. The applicant proposes to retain the existing boundary vegetation apart from the loss to provide the new access.
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.4 This application has been brought to Committee in line with the Council's Constitution.

3.0 PLANNING HISTORY

- 3.1 No relevant planning history.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is located at the western edge of the settlement , close to the junction with the A142 and on the southern side of Sutton Road leading onto Main Street, and abuts the settlement boundary along its north east corner, with residential development situated to north east corner of the site fronting Sutton Road and fields to the east, south and western boundaries. Further west adjoining the site is the frontage development of Briery Farm (39 Sutton Road). A new dwelling is currently under construction within the garden of 39 Sutton Road immediately adjacent the site. On the opposite side of the road to the north of the site are two new bungalows which are nearing completion.
- 4.2 There is existing hedgerow along the northern section of the site fronting onto Sutton Road, although its height allows views into the site. In addition there are existing hedgerows located along the length of the southern and western boundaries of the site. The eastern boundary comprises of part hedgerow and part post and wire agricultural style fencing.
- 4.3 The site itself is an open field.

5.0 RESPONSES FROM CONSULTEES

5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

Technical Officer Access - 9 August 2019

Pathways should be firm level and slip resistant. We welcome footpaths throughout the site.

Good lighting throughout the site.

Cambridgeshire Fire And Rescue Service - 2 August 2019

With regard to the above application, should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition.

CCC Growth & Development - No Comments Received

Lead Local Flood Authority - 8 August 2019

Lead Local Flood Authority (LLFA) have no objection in principle to the proposed development subject to a condition requiring full details of the surface water drainage scheme.

ECDC Trees Team - 26 September 2019

If this application is approved a high quality soft landscaping scheme will be essential for the proposed development to assimilate into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. It will be essential that species native to this locality are used in order to support wildlife indigenous to this area.

Please be aware my comments are subject to my professional limitations and I recommend you consider to consulting with a landscape architect for a full assessment of these and future plans.

Environmental Health - Technical - 29 July 2019

I would advise that construction times and deliveries during the construction phase are restricted to the following:

07:30 - 18:00 each day Monday - Friday
07:30 - 13:00 on Saturdays and
None on Sundays or Bank Holidays

I would also advise that prior to any work commencing on site a Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing with the Local Planning Authority (LPA).

If it is necessary to undertake ground piling I would request that a method statement be produced and agreed in writing with the Local Planning Authority (LPA) before work takes place.

Noise Impact Assessment dated 28/06/19.

The report has demonstrated that outdoor amenity spaces are able to meet acceptable levels. This is reliant on the current layout of the site where gardens are placed behind dwellings and so if the layout is to change this may impact upon external sound levels.

With regard to internal sound levels the report states that strategic placement of living rooms and bedrooms will be required for a minority of the dwellings in order to rely upon an open window to gain ventilation.

The report has demonstrated that some dwellings to the north of the site (closest to the A142) will not be able to achieve internal sound levels with an openable window on the façade facing the A-road. It is assumed that windows will be placed on an alternative façade (not facing the A142) but I will need to confirm this at a later stage during any subsequent applications where floor plans have been submitted.

To summarise, I don't have any immediate concerns to raise at this time with regard to noise but happy to discuss this further if required.

Housing Section - 12 August 2019

The Strategic Housing Team supports the above application in principle, as it will meet Policy HOU 3 of East Cambridgeshire Local Plan 2015 (as amended) to deliver 30% affordable housing on site. (Up to 70 dwellings will secure up to 21 affordable dwellings)

Waste Strategy (ECDC) - 23 August 2019

No objections.

NHS England - No Comments Received

Anglian Water Services Ltd - 22 August 2019

The foul drainage from this development is in the catchment of Witchford Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows.

The Ely Group Of Internal Drainage Board - 31 July 2019

The site is outside of the Littleport and Downham Internal Drainage District.

Environment Agency - 8 August 2019

We have no objection to the proposed development. Comments made regarding the capacity of the Witchford WRC. It is clear there is currently capacity but all sites in combination may not be able to be accommodated within the current discharge permit. Anglian Water should be consulted regarding the current WRC capacity and any requirement for new sewage infrastructure.

Design Out Crime Officers - 5 August 2019

There is a section within the Design and Access statement headed crime prevention (Secured by Design - SBD) stating that the design has been based around SBD

principles. Some measures have obviously been considered. Comments given for consideration as the application progresses.

Cambridgeshire Archaeology - 31 July 2019

Our records indicate that this site lies in an area of strong archaeological potential. Within the application area is extensive relict ridge and furrow medieval cultivation earthworks (Cambridgeshire Historic Environment Record reference MCB24249). Archaeological investigations to the east of the application area identified two possible Roman trackways (ECB5152) and Iron Age to Roman settlement preserved beneath relict ridge and furrow medieval cultivation earthworks (ECB5438). Further archaeological investigations in the vicinity include an archaeological evaluation to the north-east of the site conducted in 2014, which revealed evidence of an Iron Age cremation and inhumation cemetery, as well as further evidence of Iron Age occupation in the vicinity (ECB4252). More recent investigations identified 26 cremations and 5 inhumations in the cemetery, which was set on the north side of a palaeochannel, amongst a field system (OAE in prep). In addition, to the west is evidence of Roman, Saxon, medieval and post-medieval occupation (05610, CB15655, 05797, MCB16775).

PLEASE NOTE: We have already provided pre-application advice to the applicant in relation to this scheme, at which time we advised that the archaeological interest of this site could most appropriately be secured by condition of planning permission. The document labelled 'Archaeological Evaluation Report' which is uploaded to the planning portal in support of this application is not an evaluation report, it is the brief for the recommended programme of archaeological works which was commissioned by the applicant and issued by this office on 3rd May 2019. To date, no archaeological works have been implemented within the redline area indicated.

We therefore do not object to development from proceeding in this location subject to a programme of archaeological investigation secured by condition,

Cambridgeshire County Council Education - 13 August 2019

Early Years need: A project to expand Rackham Primary School, with Early Years provision has been identified (at a cost of between £38,931 and £40,840 per pupil place), however, this would require the acquisition of additional land from a proposed development site in order to be built. 21 children are anticipated from this development.

Primary need: A project to expand Rackham Primary School has been identified (at a cost of between £38,931 and £40,840 per pupil place), however, this would require the acquisition of additional land from an adjacent proposed development site in order to be built. 28 pupils are anticipated from this development.

Secondary need: On this basis, there is a need to add more secondary places in this area. A project to add 150 places to increase the school by a form of entry at a cost of £23,875 per pupil place. 18 pupils are anticipated from this development.

Parish - 15 August 2019

Witchford Parish Council objects to the above planning application on the following grounds:

i) This site is outside the village development envelope as shown in the East Cambridgeshire Local Plan 2015 and in the emerging Witchford Neighbourhood Plan. The Witchford Neighbourhood Plan has completed its Regulation 14 consultation and is now being finalised for submission to the District Council for examination. The Witchford Neighbourhood Plan should therefore be given substantial weight in accordance with paragraph 48 of the NPPF (February 2019) and in accordance with Paragraph 007 of Neighbourhood Planning Guidance 9th May 2019 <https://www.gov.uk/guidance/neighbourhood-planning--2> which states 'an emerging neighbourhood plan is likely to be a material consideration in many cases'.

ii) The housing allocation number for Witchford provided by ECDC for the period 2018-2031 is 252 dwellings, and the emerging Witchford Neighbourhood Plan allocates 334 houses during this period. Housing provision in Witchford is therefore already well in excess of its allocated number with the village projected to grow by over 33%; the proposed additional 70 dwellings are therefore not needed. While the applicant states that there is a housing shortfall in the East Cambridgeshire area, Witchford Parish Council contends that Witchford is already contributing significantly to meeting that shortfall.

iii) The Witchford Landscape Character Assessment (LCA) which forms part of the emerging Witchford Neighbourhood Plan, but which also stands alone (adopted by Witchford Parish Council 2nd January 2019), notes the importance of the rural characteristics of Sutton Road, of the visual sensitivity of the land south of the urban edge when viewed from the wider landscape, and the opportunity to create a strong western gateway into Witchford using structural planting and open space.

The guidance for this area of the village in the LCA is:

- Create new strong gateway to settlement through the planting of new street trees and creation of open space/community orchard and retain views outwards to the north and south avoiding the extension of development closer to the A142 along Sutton Road.
- Any new development to the south of Sutton Road and along New Road (track) should be a) kept back from the break in slope b) be accompanied by overlapping lines of planting/hedgerow restoration to limit visual impacts from the wider landscape to the south and create an appropriate soft edge, c) be no more than 2 storeys high and d) use materials which have low reflective qualities.
- Retain open 'gaps' between development which are either visually connected to the wider landscape or reinforce perceptions of a loose low density character typical of the western part of the village.
- Seek opportunities to create new orchards on the edge of the settlement.

The LCA also refers to key views looking both into and out from the village at the western end of Sutton Road and note that this is a key area of landscape extending into the village.

The Parish Council considers that the proposed development does not comply with the guidance in the LCA for this area of the village, does not protect key views and is not in keeping with the rural characteristics of Sutton Road.

iv) The Parish Council is aware from long-standing reports from residents that this area of Witchford is subject to ongoing problems with flooding and surface water issues. The Parish Council notes that on the ECDC Planning Portal there is a representation from the Lead Flood Authority dated 8th August 2019 raising concerns and requesting a detailed condition is placed on any planning permission to meet its concerns. The Parish Council is concerned about the impact of the development on off-site flooding issues to the east, which have been reported to Cambridgeshire County Council and are still ongoing.

v) The Parish Council is concerned about the capacity of the existing sewerage infrastructure to cope with increased housing development and notes that this has also been raised by the Environment Agency in its response dated 8th August 2019 shown on the ECDC Planning Portal.

vi) The Parish Council considers this location to be too far from the centre of Witchford, particularly from the schools. Given that the proposed dwellings are likely to be family homes, the Parish Council is concerned that the distance of the site from village schools will result in additional traffic at peak times, along Sutton Road and Main Street, which is already a unsustainably busy route as evidenced by AVC data shown in the attached document Appendix 1 (*Witchford Parish Council application for funding from Cambridgeshire County Council for traffic management works on Main Street 2018*).

The Parish Council notes that the planning application does not include any proposals for infrastructure to encourage sustainable transport options. The footway from Sutton Road into the village centre is inadequate at less than one meter wide. The bus stop along Sutton Road has no covered waiting facilities or seating, and the bus service is only 2-hourly through the day with no Sunday service.

The Parish Council does not consider the development to be sustainable in terms of transport.

vii) The Parish Council is concerned about the road safety implications of having the vehicular entrance to such a large housing development so close to a major road junction (Sutton Road/A142).

viii) The Parish Council is concerned about the effect of this development on the social infrastructure of Witchford and the local area, particularly health services.

Overall, the Parish Council considers that the adverse impacts of this proposed development significantly and demonstrably outweigh any benefits (NPPF February 2019 paragraph 11 d) ii)), and that therefore the presumption in favour of development does not apply in this case.

Ward Councillors - No Comments Received

County Councillor – 22 September 2019

I am making this representation in my role as county councillor for the county division that includes Witchford.

I would not normally intrude in planning matters outside my district council ward, leaving this to the relevant district councillors. However, the district councillors for Witchford are the chair and vice chair of the Planning Committee, and appear to have advised residents that they will not be excusing themselves from determining this application in order to represent the views of their constituents. I have therefore been approached by several local residents asking me to represent them as their only other principal authority elected representative.

I would also like to provisionally request the opportunity to speak to the Planning Committee when it meets to determine this application. I say *provisionally* because I am aware that the five-minute combined speaking limit for representations to committee is very restrictive, and I would not want to prevent the committee from being addressed by the well-informed and capable residents who will no doubt wish to address the committee on this application. When reaching its decision, the Planning Committee will obviously need to consider the National Planning Policy Framework (NPPF) and the council's current (2015) Local Plan. Witchford is currently in the latter stages of developing its Neighbourhood Plan though this has not yet reached referendum stage let alone been formally made.

(1) Non-conformity with planning policy

(a) Development envelope

The district council's current Local Plan (2015), and the parish's emerging Neighbourhood Plan both place the application site outside the village's development boundary. The longstanding failure of the district to meet its land supply targets means that this is no longer a sufficient reason to refuse a planning application, but it may be considered alongside other factors.

(b) Housing requirement

The housing requirement for Witchford which the district council has stipulated for the purposes of the village's emerging Neighbourhood Plan is an additional 252 dwellings over the plan period (2018-2031). Proposals are already in place to exceed this requirement, with 330 homes allocated in Witchford in the village's emerging Neighbourhood Plan.

(2) Unsustainability of the proposed development

(a) Character of the area This pastureland site is part of the important rural edge to the village, and the application would represent significant urbanisation, impacting negatively on the key rural views and the nature of the rural landscape with its historic ridge and furrow features. The upward slope of the site will give prominence to the proposed two-storey dwellings which will look down on the homes of existing residents. This is likely to lead to loss of light, loss of privacy, and overlooking, as well as an increase in noise and air pollution.

(b) Flood risk

The nature of the site and its soil puts the site itself at high risk of flooding from surface water, and development here will adversely affect the ability of existing neighbours to protect their properties from the effects of water run-off.

(c) Highways and transport

Traffic speeds in this part of the village are high and the road is busy, not least due to rapidly increasing traffic on the A142 and the use of the village as a rat-run. The proposed installation of two new bus stops will do nothing to mitigate this, as the bus service is so poor and infrequent. The poor quality of local public transport leaves residents of East Cambridgeshire among the most reliant in the county on the private motor car. This application alone—even without the additional 330 dwellings already proposed in the emerging Neighbourhood Plan—would lead to a large increase in the number of vehicles using this stretch of road. Siting large developments on rural edges without adequate public transport or connection to health, retail and other amenities is unsustainable and unlikely to contribute positively to the increasingly urgent decarbonisation agenda.

(d) Environmental sustainability

This application would negatively affect the biodiversity of the site, and includes no serious attempts to integrate sustainable features such as renewable energy or rainwater recycling into the development.

Conclusion

In conclusion, I would request that the Planning Committee refuse this application for the above reasons.

Manor Oak made it clear in a recent presentation to Witchford Parish Council that their interest in progressing this application is not long-term: their aim is to achieve planning approval and enjoy the resulting uplift in land value. It is the residents of Witchford who will have to live with the consequences of a misconceived and unsustainable application if the district council makes the wrong decision.

Environmental Health - Scientific - 29 August 2019

I have read the Desk Study Report dated 24 /4/2019 prepared by Geo-Environmental and accept the findings. The report recommends that a Phase II investigation is carried out. I recommend that standard contaminated land conditions are attached to any grant of approval due to the proposed sensitive end use (residential).

Local Highways Authority - 23 September 2019

The highways authority has no objections in principal to this application.

The junction with Station road is laid out to the Highways Authority standards with the required visibility splays being entirely within the highway.

The widening of the footway fronting the site to 2m to join with the existing footway is acceptable.

The application is for access only therefore I have not commented on the internal layout.

Conditions recommended.

Local Highways Transport Team

12 August 2019

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

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

21 August 2019

Based on the updated Transport Statement - No objection subject to the following;

1. Prior to first occupation of the development, the applicant should deliver the installation of a bus shelter at the westbound bus stop on Sutton Road 180m from the site. Details of the shelter to be approved by the Local Highway Authority, and works to be carried out by the applicant as part of S278.
2. S106 payment for maintenance of a bus stop shelter of £7,000 to be installed at the westbound bus stop on Sutton Road
3. Prior to first occupation, the applicant shall construct a 2 metre wide footway from the site access continuing east to join with the existing footway outside property 27 Sutton Road. Details to be submitted to and approved in writing by the Local Planning Authority.

5.2 **Neighbours** – A site notice was posted and advert placed in the Cambridge Evening News. 32 neighbouring properties were notified and 13 responses received. The responses received are summarised below. A full copy of the responses are available on the Council's website.

- Witchford Landscape Appraisal indicates that Sutton Road should be protected from further development as it is a gateway, with important views both in to and out of the village.
- The Design and Access Statement details claims of the applicants sustainable credentials but have not demonstrated any of their claims – no examples of sustainable energy sources, no suitable building materials, no facilities for incorporating sustainable transport and no sustainable links with the village centre (which is 1 mile away). It is clear the applicant does not take sustainability seriously.
- Village infrastructure is already over-subscribed, the school and college have more student applications than spaces.
- The main entry/exit roads to the village suffer significant tail-backs at peak times.
- The bus services are poor during the week, and non-existent on Sundays
- No local surgeries or shops meaning most villagers have to visit Ely for basic needs.
- Footpath in Sutton Road is narrow, no cycle-way to the village centre and no west-bound bus shelter.
- Land classified as a high-risk for flooding
- No consideration for recycling packaging
- No thought for reducing the environmental impact of heavy plant on the site
- No mention of carbon offset against the huge environmental impact the scheme will generate
- The applicant have ignored paragraph 15 of the NPPF that states proposals should 'enhance valued landscapes and recognise the intrinsic character and beauty of the countryside'. The application will create an urban sprawl at the western gateway of the village obliterating views of the countryside.
- Paragraph 108 states that plans should "promote sustainable transport modes", the applicant have ignored this.
- The proposal is contrary to GROWTH 2 of the Local Plan 2015 as it is outside of the development envelope.

- The proposal is contrary to ENV1 of the Local Plan 2015 as it is incongruous. The scale and form would be out of place and it would not enhance the edge of settlement.
- The emerging Witchford Neighbourhood Plan aims to “value and protect the rural character and community spirit of Witchford”. It is clear that such an obtrusive proposal at the very edge of the village will destroy the rural ambience, and create an incongruous urban sprawl which goes against the most fundamental principles of the emerging neighbourhood plan.
- The land that forms the application site has been identified within the Witchford Neighbourhood Plan as to be protected. The designations that are to be protected are supported by evidence included in the National Character Areas Profiles. It has been noted that Witchford falls within National Character Area 46 The Fens. Which has been described as “a distinctive, historic and human influenced wetland landscape which formerly constituted the largest wetland area in England. The area is notable for its large-scale, flat, open landscape with extensive vistas to level horizons. The level, open topography shapes the impression of huge skies which convey a strong sense of place, tranquillity and inspiration”.
- In the period 2018-2031, ECDC require Witchford to build 252 new dwellings (or 19.4 dwellings per annum). The 2019 Neighbourhood Plan allocates 3 sites which have the benefit of planning consent totalling 330 homes. Witchford has therefore already exceeded its obligations to ECDC for housing up until 2031.
- The applicant has stated in their Design and Access Statement that “local residents have influenced the scheme” despite the views of residents being ignored and no feedback or reasoning had been offered
- The applicants fail to mention any design principles from the ECDC Supplementary Planning Document despite saying that the “Design and Access Statement will demonstrate how the proposed masterplan has responded to various design principles contained within this guide”.
- The elevation of the application site rises to the South by approximately 3 metres. This is important as the western entry to the village and the rising elevation adds to the sense of rural landscape and sets the scene of a rural community as people enter the village. The importance of this particular feature is referred to a number of times in the neighbourhood plan and is an important aspect that should be maintained.
- Loss of rural amenity.
- Putting over 70 buildings onto a field with a rising elevation, at the entrance to a village which currently only has 7 houses next to it, is completely out of keeping. No amount of landscaping can hide this much concrete in such a prominent position.
- Proposing to add chimney stacks means potentially additional emissions with the plume flow directly affecting existing dwellings due to the prevailing south-west wind.
- Junction is already overloaded without the addition of 140 vehicles.
- No provision mentioned to charge electric vehicles at each house.
- The current landscape consists of a rural loose arrangement of dwellings.
- The construction of a residential estate on land that is currently undeveloped would alter the appearance of the site, and thus, the proposed development does nothing to “protect and enhance valued landscaped and recognising the intrinsic character and beauty of the countryside” or “protect and enhance the

green infrastructure, open spaces and valued views of Witchford” (extracted from the Witchford Neighbourhood Plan 2019).

- Loss of light
- Loss of privacy and overlooking
- Noise and disturbance

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Design Guide
Developer Contributions and Planning Obligations
Contaminated Land
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
8 Promoting healthy and safe communities
9 Promoting sustainable transport
11 Making effective use of land
12 Achieving well designed places
14 Meeting the challenge of climate change, flooding and coastal change
15 Conserving and enhancing the natural environment

6.4 Planning Practice Guidance

6.5 Submission Version Witchford Neighbourhood Plan 2019 – 2031. – now submitted to the Council for independent examination.

Policy WNP SS1 – A spatial strategy for Witchford
Policy WNP LC 1 – Landscape and settlement character

7.0 PLANNING COMMENTS

7.1 The main issues to consider in determining this application are:

- The principle of development
- Visual impact
- Residential amenity
- Access and highway safety
- Flood risk and drainage
- Ecology and archaeology

7.2 Principle of Development

7.3 The starting point for consideration of this application is the development plan, the adopted East Cambridgeshire Local Plan 2015.

7.4 It is acknowledged that Witchford Parish Council is preparing a Neighbourhood Plan (NP) which is at regulation 16 “plan proposal” consultation stage. Given its stages in preparation, it is considered that the emerging NP can be afforded only very limited weight, given previous appeal decisions and the advice within the NPPF at paragraph 48. This sets out the weight to be afforded to emerging plans. This states that the more advanced the plan is in its preparation, the greater the weight that may be given to it. Also the extent to which there are unresolved objections and the degree of consistency with the NPPF. As we are mid-consultation, it is too early to know the scale and degree of objections, that will be raised in response to the draft policies. Nor do we have the benefit of the Examiners views and recommendations. As such the Plan is considered to be still at the early stages of preparation, hence the limited weight to be applied to it. The Landscape Appraisal Final Report December 2018, prepared to accompany and inform the NP, has been prepared by a Chartered Landscape Architect and is considered to have significant weight in the determination of this application

7.5 Policy GROWTH2 of the Local Plan, requires that development be permitted only within defined development envelopes and outside of those envelopes, should be restricted to affordable housing exception schemes and dwellings essential for rural workers. However, the local planning authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Plan policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development contained within both Policy GROWTH 5 of the Local Plan and paragraph 11 of the National Planning Policy Framework (NPPF). This means, unless policies of the NPPF specifically restrict the development, that development

proposals should be approved unless any adverse effects of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. There is a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the three objectives of sustainable development as being, economic, social and environmental.

- 7.6 In economic terms the development would make a short term contribution to the economy of the area by creating jobs in construction. In the longer term residents would contribute to the local economy, including supporting some local businesses in surrounding settlements.
- 7.7 As far as the social role is concerned, the dwellings would be provided close to the settlement boundary near to where there are other dwellings, built to sustainable standards and adding to housing supply. The dwellings would be connected to the rest of the village and so would not be isolated. The Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Whilst there has been numerous permissions for housing in Witchford in recent years, with a number of applications still pending, this growth is commensurate with the size of the settlement. Witchford is identified within the Local Plan as a large village, with a good range of services and recreation facilities together with a primary and secondary school and benefits from a regular bus service which runs to Ely and Cambridge. Socially, the provision of additional dwellings would enhance the vitality of Witchford, through an increased number of residents with the potential to spend money locally. Given the site's proximity to the established settlement boundary, the level of goods and services on offer in Witchford, the existence of a primary and secondary school and its connectivity to Ely and Cambridge, it is considered that the site is in a sustainable location, in terms of the Districts locational strategy. In accordance with the NPPF planning permission should therefore be granted unless any adverse effects of doing so, would significantly and demonstrably outweigh the benefits of the development.
- 7.8 This application for up to 70 dwellings would add to the District's housing stock and make a significant contribution towards the shortfall in housing land supply with the provision of any additional dwellings attracting significant weight in the planning balance. The scheme will also include the provision of 30% affordable housing. A benefit of this development would therefore be the contribution it would make in terms of housing supply within the District as a whole.
- 7.9 Together the economic and social benefits of new housing would weigh in favour of this development.
- 7.10 However, the NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are the economic, social and environmental objectives.
- 7.11 The environmental dimension of sustainable development is therefore, also an important factor, part of which is the effects of the development on the character and appearance of the area, which will be assessed in this report, together with all other material planning considerations. In accordance with the NPPF, planning

permission should only be granted for sustainable development unless any adverse effects of doing so, would significantly and demonstrably outweigh the benefits of the development. This report will show that it is questionable whether this development is in fact a sustainable form of development due to the impact on the environmental dimension of sustainable development.

8.0 Visual impact

- 8.1 In light of the above, this development proposal must be assessed in terms of any significant and demonstrable harm to the character and appearance of the area both in terms of the impact on the village setting itself and the wider countryside.
- 8.2 Although the application is in outline with all matters reserved apart from access, the visual impact of the development of potentially 70 dwellings equal to a potential density of 22 dwellings per hectare (gross), (8.8 per acre), must be assessed in principle. This means that if one were to discount the site areas which are to remain undeveloped, the density on the developable area would be higher. The applicant has submitted an illustrative site plan which shows how the site could be developed, with the dwellings fronting Sutton Road together with an attenuation pond, with open space provision to the rear of the site and landscaped buffers along the southern and western boundaries.
- 8.3 Policy ENV1 specifies that development should be informed by, be sympathetic to and respect the capacity of the distinctive character areas defined in the Cambridgeshire Landscape Guidelines. Positive and complimentary relationships are sought so that it will protect, conserve and where possible enhance amongst other matters the settlement edge, space between settlements and their wider landscape setting, key views into and out of settlements, the unspoilt nature and tranquillity of the area and public amenity and access. This development would not enhance the settlement edge. It would instead, detract from the rural and undeveloped character of this approach to the village. Similarly Policy ENV2 of the Local Plan seeks to ensure that new development relates well to the context of its surroundings and respects density, urban and village character and the landscape of the surrounding area, including important views into and out of settlements.
- 8.4 The NPPF also states that the planning system should contribute to protecting and enhancing the natural and built environment and recognise the intrinsic character and beauty of the countryside.
- 8.5 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA). The analysis concludes that the change resulting from the proposal;

“is not readily perceived from the adjacent rural Fenland landscape and the key characteristics of the localised and wider landscape setting are unaltered.....the proposal seek to follow the current southern built up edge to Witchford.....It is considered the proposal will not give rise to any significant adverse effects in terms of landscape character, nor would it result in significant harm in terms of its impact on the landscape character of the area” (para 6.3).

It further states “the site is visually well contained due to the low lying and level topography and established vegetation structure...views are limited to areas directly adjacent to the site...with some glimpsed views available from the south” (para 6.4).

8.6 For the reasons set out below this assessment of the landscape impact of this proposal is disputed. The site sits directly adjacent to existing frontage residential development, but provides for development in depth which is not characteristic of this part of the streetscene of Sutton Road, which forms the entrance to the village. Existing development along this approach to the village is characterised by frontage development with a feeling of spaciousness. It has a rural settlement fringe character. Development in depth is not characteristic of this part of the settlement. It is acknowledged that further east there is some development in depth but this is in keeping with the settlement fabric further east which is more built up.

8.7 Also of relevance, is the independent Landscape Appraisal carried out on behalf of Witchford Parish Council, to inform the emerging Neighbourhood Plan.

8.8 This detailed analysis, specifically identifies the site as within the Witchford Southern Slopes character area. This forms the south facing slopes of the Witchford fen island. The site is also identified as an important gateway into the village and for the contribution it makes in extending the landscape into the village.

8.9 The assessment states that

“Sutton Road retains a rural character with grass verges and hedgerows and with a notable concentration of street trees and vegetation in property boundaries and behind properties e.g. north of Needham's Farm. This gives rise to perceptions of a lower density of development than further east and settlement fringe character. The construction of the A142 and associated junction with Sutton Road, coupled with recent housing on the edge of the settlement, has influenced the western gateway into the settlement which is currently weakly defined.

Beyond the settlement edge to the south the land forms a plateau of elevated land which then drops gently towards the fen beyond the 10m contour. Where more recent housing development has occurred behind Main Street close to the 10m contour (Ward Way), it is more visible from land to the south, appearing on the skyline. However, for the most part development is set back on these slopes and is not visible from the wider countryside to the south. However new housing development in this vicinity may give rise to a more visually evident urban edge”.

8.10 *The following landscape sensitivities are identified:*

- *Land beyond Witchford to the west performs an important physical and visual separation from the village of Wentworth.*
- *Rural characteristics of Sutton Road.*
- *Visual sensitivity of the land south of the urban edge when viewed from the wider landscape.*
- *Rural loose arrangement of dwellings, open agricultural land penetrating the urban area, with views out.*
- *At the western edge of the village dwellings have a loose arrangement and are set back from the A142 junction.”*

- 8.11 And with regard to future guidance for development the Assessment recognises the importance of this site in allowing for views into the countryside from the built form of the village. It states that care should be taken to ensure new development does not result in the loss of gaps between built form or loss of key views from Sutton Road to the south. It also states that views should be retained outwards into the countryside and the extension of built form closer to the A142 should be avoided. Any new development south of Sutton Road should avoid the ridge line and retain open gaps to retain visual connection to the wider landscape and reinforce the low density character of the western end of the village.
- 8.12 It is clear therefore, that this development is not supported by this independent Landscape Appraisal. Significant weight is attached to this independent appraisal and to the fact that the proposal is contrary to Policies ENV 1 and 2 of the adopted Local plan and the NPPF, for the reasons set out below. Notwithstanding the very limited weight to be applied to the NP, the relevant emerging policies are Policies WNP SS1 and WNP LC 1, both of which, this development would be in conflict with.
- 8.13 Although the site is bounded by a hedge along its frontage, it is nevertheless very open, as views into the site are possible over the hedge and from the A142, on approaching the site. The site is not low lying with level topography, as stated within the applicant's LVIA, but rather, the site gently rises such that the hedgerow to the rear of the site frames the skyline. This means that housing on this site would be highly prominent and due to the rise in the landform would be highly prominent against the skyline.
- 8.14 The site relates visually to the large expanse of open land on this western approach to Witchford village and sits within a primarily open landscape that provides a transition to the countryside beyond. The existing settlement edge currently provides a natural and feathered edge to the settlement enabled by the unobtrusive and low level nature of the recent built form. The site however provides for a valuable appreciation of the countryside beyond the settlement, and although long distant views are not possible the subtle rise in landform means that the land leads to an appreciation of the open expanse of land beyond the skyline and hedge to the rear of the site.
- 8.15 The land relates more to the surrounding countryside than to the linear built form of this part of the village and the provision of a large residential development, in depth, in this location would be visually incongruous, prominent and intrusive in this open location and would not provide for a natural extension to the linear built form of this part of the village.
- 8.16 In addition it would have the effect of protruding built form further south, beyond any other built form within the main core of the village further east, and on the sensitive approach to Witchford village. The development would therefore cause significant and demonstrable harm to this edge of settlement location contrary to Policy ENV 1. This development would not enhance the settlement edge. It would instead, detract from the rural and undeveloped character of this approach to the village. Similarly Policy ENV2 of the Local Plan seeks to ensure that new development relates well to the context of its surroundings and respects density, urban and village character and the

landscape of the surrounding area, including important views into and out of settlements. The proposal therefore fails to comply with Policy ENV 2.

- 8.17 The development of this site for housing would create a hard built and urbanising edge to the village with a development form out of keeping with the surroundings even if hedgerows were to be retained and additional planting and open space provided. The applicant is of the view that the development could be assimilated into the surroundings by the existing hedgerows around the site. However the development will be highly visible from the A142 and on approaching the village and from the Public Byway south east of the site as the dwellings sit on a ridge and would still be prominent beyond the hedge on the skyline. In any event, it is considered that unacceptable development cannot be made acceptable by planting.
- 8.18 The proposed development of this site would result in significant and demonstrable harm to the setting of the village in this gateway location and the character and appearance of the countryside. The weight of the adverse environmental impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

9.0 Residential amenity

- 9.1 Policy ENV2 of the Local Plan seeks to protect the residential amenity which would be enjoyed by both future occupiers of the development and occupiers of existing properties close to the site. There are a number of residential properties within close proximity fronting Sutton Road.
- 9.2 The change from an undeveloped piece of agricultural land to a residential development will clearly have an impact on the outlook and setting of these properties and they will be likely to experience an increase in activity from the occupants of that development. However, the plan which was submitted with the application is only indicative and details of scale, appearance and siting would be dealt with at reserved matters stage. Should this plan form part of the reserved matters, it is likely that overlooking would occur to the properties fronting Sutton Road. However, it is considered that this could be adequately mitigated with an alternative layout, to protect residential amenity with the use of soft landscaping, separation distances with existing properties and the height of the proposed dwellings, in line with the requirements of the Design Guide.
- 9.3 It is considered that an acceptable development could be designed at reserved matters stage to ensure that there were no adverse impacts on the residential amenity of adjoining residents or future occupiers of the site by paying particular attention to the garden sizes, overlooking, overshadowing, and buildings being overbearing. It is considered that there would be an increase in noise and disturbance due to increased traffic, however, the vicinity of the site is already impacted by road traffic noise from the A142 so it is not considered that this will cause a significant adverse effect on residential amenity.
- 9.4 Due to the location not far away from the A142, the applicant has submitted a Noise Impact Assessment. This concludes that acceptable external and internal noise levels can be achieved, so long as the detailed layout of rooms ensures that habitable rooms are not located on the noise sensitive facades. This would affect eight of the frontage

properties and the Environmental Health Officer considers that this is achievable, whilst allowing for a partially open window.

10.0 Access and highway safety

- 10.1 The new access is situated in the middle of the site and its creation would involve culverting the frontage ditch and removal of a section of frontage hedge.
- 10.2 In addition, the indicative layout shows that sufficient parking could be provided for each plot in accordance with Policy COM 8 of the Local Plan although this would have to be subject to a detailed assessment at reserved matters stage.
- 10.3 The application is accompanied by a Transport Statement which concludes that the development can be accommodated without significant impact upon the existing highway network. A Travel Plan has also been produced which seeks to reduce the dependency of residents on single occupancy car journeys through the encouragement of sustainable forms of transport, walking and cycling.
- 10.4 The detailed design of the access is acceptable to the County Highway Authority and the Transport Team also accept the findings of the Transport Statement subject to some mitigation measures as follows;
1. Prior to first occupation of the development, the applicant should deliver the installation of a bus shelter at the westbound bus stop on Sutton Road 180m from the site. Details of the shelter to be approved by the Local Highway Authority, and works to be carried out by the applicant as part of S278.
 - 2.S106 payment for maintenance of a bus stop shelter of £7,000 to be installed at the westbound bus stop on Sutton Road.
 3. Prior to first occupation, the applicant shall construct a 2 metre wide footway from the site access continuing east to join with the existing footway outside property 27 Sutton Road. Details to be submitted to and approved in writing by the Local Planning Authority.
- 10.5 If permission were to be granted, these matters would need to be secured by S106 legal agreement and planning condition. Subject to this the proposal complies with the requirements of Policy ENV2 and COM 7 of the Local Plan.

11.0 Flood risk and drainage

- 11.1 Foul water drainage – A pumping station is proposed which will feed into the mains sewers. Anglian Water have confirmed that there will be available capacity for these flows. Residents have raised concerns regarding the comments made by the Environment Agency about the capacity of Witchford Waste Recycling Centre. They state that this application on its own is not a cause for concern but raise concerns that the full quantum of developments in Witchford may not be able to be accommodated within the current discharge permit. However, Anglian Water have been consulted on this planning application and are satisfied that an upgrade of the WRC is not required as part of this development. In any event, AW has a legal duty to accept foul water flows and work with developers to ensure any upgrades are in place.

- 11.2 Surface water drainage – the Flood Risk Assessment demonstrates that the development will not lead to greater risks of flooding either on or off site. The Lead Local Flood Authority are content that the scheme proposed is acceptable, comprising a swale and attenuation pond, with controlled outfall to the ditch to the north of the site. The Lead Local Flood Authority have advised that the Environment Agency data highlighted by residents, and raised within the FRA, is strategic modelling whereas the FRA is very site specific and has dealt with water levels in extreme events.
- 11.3 The proposal is considered to comply with Policy ENV 8 of the Local Plan 2015 and the Cambridgeshire Flood and Water SPD.

12.0 Ecology and archaeology

- 12.1 The application is accompanied by a preliminary ecology appraisal. This concludes that the overall habitats present within the internal areas support species-poor improved grassland habitats, which are unlikely to support any raised ecological value nor support significant populations. Nonetheless, it recommends a precautionary approach is taken to any initial ground disturbance in order to ensure that any risk to faunal species is considered and avoid any potential offences. There is no evidence to suggest there are any over-riding ecological constraints to the current proposals. Biodiversity improvements to the site could be secured by planning condition. The proposal therefore accords with Policy ENV 7.
- 12.2 The Historic Environment team are satisfied that an archaeological investigation can be dealt with by way of condition.

13.0 Other Material Matters

- 13.1 The applicant has agreed to provide 30% affordable housing in accordance with Policy HOU 3 of the Local Plan.
- 13.2 CCC education have requested education contributions for early years and primary provision to mitigate the impacts of this development. However, this would require the acquisition of additional land from a proposed development site in order to be built. Contributions are also sought for secondary provision to extend the school. If permission were to be granted these contributions would be sought from the applicant and secured by S106 agreement.
- 13.3 Policy ENV 4 requires all new development to aim for reduced or zero carbon in accordance with the zero carbon hierarchy. The detailed design of the scheme is a reserved matter and as such the detail of energy efficiency measures will be dealt with at reserved matters stage. However to ensure this is complied with a condition would be attached to any outline permission granted.

14.0 Planning balance

- 14.1 Whilst the proposed housing would contribute towards the housing shortfall in the District, as well as 30% affordable housing, it is considered that it does not represent a sustainable form of development, as it would create a prominent,

urbanising and visually intrusive development causing significant and demonstrable harm to the character of the countryside and this edge of settlement location.

- 14.2 The benefits of the proposal, in economic terms the development would make a short term contribution to the economy of the area by creating jobs in construction. In the longer term residents would contribute to the local economy, including supporting some local businesses in surrounding settlements
- 14.3 As far as the social role is concerned, the dwellings would be provided close to the settlement boundary near to where there are other dwellings, built to sustainable standards adding to housing supply.
- 14.4 On balance therefore this application is recommended for refusal as the benefits of the development are outweighed by the significant and demonstrable harm, caused by the creation of a prominent urbanising and visually intrusive development causing significant and demonstrable harm to the character of the countryside and the edge of settlement location by further elongating the built form of the settlement, into an important gateway to Witchford. The loss of this site to development would also have a detrimental impact on the character of the area by the loss of a space which allows the landscape to extend into the village.

15.0 COSTS

- 15.1 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.
- 15.2 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.
- 15.3 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.
- 15.4 In this case members' attention is particularly drawn to the following points:
- The significant and demonstrable harm to the character and appearance of the countryside and the village setting.

Background Documents

Location

Contact Officer(s)

19/00966/OUM

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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.s.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>