
MAIN CASE

Reference No: 15/01491/FUM

Proposal: Hybrid Planning Application - Full Application for the Erection of 120 Residential Dwellings and Associated Access, Parking and Open Space; Outline Application for the Erection of 6 Self-Build Dwellings.

Site Address: Land West Of The Cherry Tree Public House, Cherrytree Lane, Soham, Cambridgeshire

Applicant: Hopkins Homes Limited

Case Officer: Barbara Greengrass, Senior Planning Officer

Parish: Soham

Ward: Soham South

Ward Councillor/s: Councillor Hamish Ross
Councillor Ian Bovingdon
Councillor Dan Schumann

Date Received: 21 December 2015 **Expiry Date:** 30 September 2016

[R75]

1.0 **RECOMMENDATION**

1.1 Members are requested to delegate APPROVAL of this hybrid application to the Planning Manager, following the completion of a S106 legal agreement and the following draft conditions (with any minor revisions to the conditions delegated to the Planning Manager). The planning conditions can be read in full in the attached Appendix 1.

The S106 agreement will secure the following;

- Affordable housing.
- Transfer of the land for the cemetery extension to the Parish Council.
- Provision of six serviced self build plots.
- Transfer of the public open space areas to the Council and financial contributions for the long term maintenance of these areas.
- Financial contributions to the Council for the long term maintenance of the on site SuDS system.
- Financial contribution to the Middle Fen & Mere IDB for the long term maintenance of the hedgerow on the southern and western boundaries.
- Contribution for wheelie bins.

Conditions;

- 1 Approved plans
- 2 Approval of reserved matters
- 3 Time Limit Outline
- 4 Design Code
- 5 Construction Environmental Management Plan
- 6 Construction times
- 7 Boundary treatment
- 8 Surface water drainage
- 9 Hedgerow protection
- 10 Parking provision
- 11 Self build plots
- 12 Time Limit Full
- 13 Archaeological investigation
- 14 Construction Environmental Management Plan
- 15 Visibility splays
- 16 Traffic Management Plan
- 17 Construction times
- 18 Tree Protection measures
- 19 Soft landscaping
- 20 Landscape maintenance
- 21 Hard landscape works
- 22 Boundary treatments
- 23 Unexpected contamination
- 24 Surface water drainage
- 25 Run –off restriction
- 26 Maintenance of drainage
- 27 Foul water drainage
- 28 Fire hydrants
- 29 Ecology mitigation

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks permission on a site of 4.8 hectares, for the erection of 126 dwellings of which 6 (5%) will be self build plots and 38 (30%) will be affordable housing. The application is submitted as a “hybrid” application with the proposals for the 120 open market and affordable dwellings being submitted as a full application and the application for the 6 self build dwellings made in outline only, with all matters of detail left as reserved matters.

A new vehicular and pedestrian access into the site is proposed from Fordham Road to the east, providing linkages northwards into the town centre and south and eastwards to the Regal Lane employment area. New pedestrian and emergency vehicular access routes are proposed from the proposed development onto Cherrytree Lane to the south.

New areas of public open space are proposed throughout the development along with an area reserved for an extension to the existing Cemetery to the north, which together total in excess of 0.8ha in area.

The 38 affordable dwellings comprise the following mix;

Rented tenure

5 x 1 bed houses
6 x 2 bed flats
8 x 2 bed houses
3 x 3 bed houses
4 x 4 bed units

Intermediate tenure

8 x 2 bed houses
4 x 3 bed houses

The 82 market dwellings comprise the following mix;

2 x 1 bed units
17 x 2 bed units
51 x 3 bed units
12 x 4 bed units

The application is accompanied by a design and access statement, Transport assessment, Ecology survey, Geotechnical survey, Landscape and visual impact assessment, Sustainability statement, Tree survey, Flood risk assessment, Geophysical survey, a Site Investigation Report and self build design code.

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.**

The application was called to Planning Committee by Cllr Josh Schumann.

3.0 PLANNING HISTORY

3.1

15/01569/SCREEN	SCREENING OPINION 126	EIA not	21.12.2015
	Residential Dwellings, Open	required	
	Space and Cemetery		

4.0 THE SITE AND ITS ENVIRONMENT

4.1

The site is located within Soham Town at its southern end and is west of Fordham Road and north of the Cherry Tree Pub. It is presently open land previously used for agriculture and is bounded to the south and west by public rights of way. The byway to the south is bounded by a substantial hedge with trees as is the western boundary giving the site a sense of enclosure from its surroundings.

4.2 The site is 4.8 hectares in size

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.

5.1.1 **Natural England** - No objection with conditions recommended relating to the details of the on-site green infrastructure and identification of measures to enhance connectivity to alternative open space and mitigation and enhancement measures. Construction management plan to prevent disruption of water flows and pollution through the construction phase.

5.1.2 **Senior Definitive Map Officer** – No objection subject to condition requiring any damage to the Public Rights of Way being repaired.

5.1.3 **Cambridgeshire Fire And Rescue Service** – requests the provision of fire hydrants on site.

5.1.4 **Local Highways Authority** – Following initial concerns expressed with various element of the layout the developer has amended the layout to address these. Various concerns were also expressed about the acceptability of the Transport assessment. Amendments together with a Transport Assessment Addendum have been submitted and confirmation is awaited from the Transport Assessment Team that this is now acceptable. An updated consultation response will be reported to Committee but the highway engineer has advised he is now satisfied with the layout subject to conditions.

5.1.5 **County Transport Assessment Team** – Following numerous amendments and addendum I have reviewed the revised Transport Assessment and on the whole the points raised in my original review have been adequately addressed. The Transport Assessment includes a number of Junction assessments but there is no assessment of these in the main text of the document to aid reading by third parties but the junction assessments are agreed and show that the proposed development does not have a severe cumulative residual impact on the local road network and therefore I am in a position to remove the holding objection on this site subject to suitable conditions being secured.

5.1.6 **Lead Local Flood Authority** – Objection to the original submission of drainage details and requested further information. This information has now been prepared in consultation with the IDB and the Lead Local Flood Authority and an Addendum to the Flood Risk Assessment has been submitted. They have now advised that they are satisfied with the drainage scheme proposed subject to conditions relating to foul and surface water drainage.

5.1.7 **Minerals and Waste Development Control Team** - No Comments Received

5.1.8 **Senior Trees Officer** – Concerns regarding the southern boundary. Who will be responsible for the future management of the vegetation making up the boundary of the development and the lane adjacent to the site?

I feel many of the properties adjacent the Southern boundary will perceive a nuisance from the boundary vegetation as the aspect will cause overshadowing, how is this to be addressed?

What boundary treatment for the properties on the Southern boundary is to be implemented and is this sufficient or desirable to the landscape?

Outside of those concerns I have no objection to the development.

I have studied the information within the Arboricultural Report with the application and can assert the findings of the report.

The report recommends a number of minor works to the current vegetation at the site therefore I have no objections. If the application is to be approved the Tree Protection Plan within drawing 5070-D will need to be implemented under condition.

I consider the current layout to have sufficient open space provision however we will require a full and detailed landscaping scheme and landscaping maintenance schedule to be provided under condition if approved.

5.1.9 **Environmental Health (Scientific Officer)** - agree with the findings of the contaminated report that the site is low risk. However as this is a sensitive end use recommend condition regarding unexpected contamination.

5.1.10 **Housing Section** - there is significantly greater demand for 2 bedroom houses than 3 bedroom houses. The scheme was amended to incorporate the mix required by the Housing Section

5.1.11 **Waste Strategy (ECDC)** - East Cambs will not enter private property to collect waste or recycling, a large number of locations indicated in Document 005 Refuse Collection Points (see no's below) fail to take this into account and therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over distances greater than 30 metres and/or loose gravel/shingle driveways.

- Based on the above unit no's: 3, 7, 8, 9, 12 to 19, 29 to 35, 36 to 39, 45, 46, 92, 93, 106, 124 to 126 do not meet the current collection requirements.
- If the developers can confirm that the private roads are built to highways standard and will indemnify East Cambs against any damage claims then there may be the option to enter these private driveways if the turning circles are suitable and vehicle parking is not obstructive.
- Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-enforced in the Local Government Act's of 1972, 2000, and 2003, as well as the Localism Act of 2011.
- Each new property requires two bins; this contribution is currently set at £43 per property.

- Bulk bins for units 86 to 91 will be provided for recycling, these are charged at £300 each; also due to the current waste collection service specification we do not provide bulk bins for general waste for flats so residents would need to store black sacks in the bin store until the correct collection day

5.1.12 **Anglian Water Services Ltd** – No objection subject to a condition requiring submission of a foul water drainage strategy for approval before development commences.

5.1.13 **Cambridge Ramblers Association** - No Comments Received

Technical Officer Access – Areas of concerns relating to parking, transport links ramps, thresholds, corridors, and other general access issues.

Cambridgeshire Archaeology - The site is located in a landscape of high archaeological potential on the south eastern edge of the historic town of Soham. A cemetery of Saxon date is known to the immediate north (HER 07027) and archaeological investigations undertaken in advance of the development of the former allotment site to the north revealed extensive evidence for prehistoric and Roman settlement (HER ECB3847). The site has been subject to an archaeological evaluation, the results of which indicate that significant evidence for prehistoric and Roman activity survive in the area (HER ECB4586). These important archaeological remains would be severely damaged or destroyed by the proposed development.

We would not object to the proposed development, but would recommend that the site should be subject to a programme of archaeological investigation and recommend that this work should be commissioned and undertaken at the expense of the developer. This programme of work can be secured through the inclusion of a negative condition such as the model condition 'number 55' contained in DoE Planning Circular 11/95:

No development shall take place within the area indicated until the applicant 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.

5.1.14 **The Ely Group Of Internal Drainage Board** – The Board initially objected to the scheme as it disagreed with the findings of the Flood Risk Assessment. An Addendum to the Flood Risk Assessment has been submitted. The Board are now happy with the principles of the FRA. Surface water discharge has been limited to the Boards Greenfield requirements.

In principle the Board would be happy to take on the responsibility for the long term maintenance of the open watercourse into which the site run-off will discharge. The trees on Cherrytree Lane are situated between the track and the watercourse. It would only be possible to maintain the watercourse from the development side. The site layout would need to accommodate this access requirement if the Board were to take on the maintenance responsibilities. We would need a minimum of 4 metres to allow access.

The Board would also consider taking on responsibility for maintaining the existing hedgerow which runs alongside the ditch. This would require payment of a commuted sum.

- 5.1.15 **Environment Agency** - the development in isolation would not cause a problem however foul drainage from the full quantum of development proposed for Soham is unlikely to be accommodated within the current discharge permit. The Planning Authority should assess whether granting permission for this site will prejudice other development in the area. Conditions are recommended regarding the foul water strategy.
- 5.1.16 **Cambridgeshire Police** – No fundamental concerns regarding crime prevention and fear of crime but would like to see active surveillance from ground floor windows abutting parking courts. Fences ought to be 1200mm high. Communal parking facilities must be lit to the relevant British Standard level and designed to prevent glare and light pollution.
- 5.1.17 **Crime Prevention Design Adviser (CPDA)** - No Comments Received
- 5.1.18 **Cambs Wildlife Trust** – satisfied with the level of survey work and with the recommendations for ecological mitigation and enhancement included in the ecology report. This should be secured.
- 5.1.19 **Environmental Health (Technical Officer)** – recommends conditions restricting construction times and deliveries during construction and a Construction Environmental Management Plan. The Cherry Tree pub and industrial estate may be sources of noise pollution, however no noise complaints have been received in the past. Fencing should be incorporated at the properties nearest to the pub to alleviate noise from the car park.
- 5.1.20 **Parish** – Noted with thanks the land allocation for the cemetery extension and asked that ownership be conveyed to the Town Council. Commented that the original layout would allow for funeral traffic to enter the cemetery from the development site. Concerns about capacity in the foul water network and the discharges to the ditch. The application does not address ownership and liabilities for the ditch. Maintenance needs to be addressed. Subsequent comments made expressed the view that the mixture of houses was good.
- 5.1.21 **Ward Councillors** – Cllr Daniel Schumann supports the application going to Committee and supports approval. Cllr Hamish Ross supports the application going before Committee because of the size of the development.
- 5.2 Neighbours – 134 neighbouring properties were notified and 6 responses received. The main issues raised are summarised below. A site notice was posted and an advertisement placed in the Cambridge Evening News. A full copy of the responses is available on the Council's website.
- No more dwellings are required and this site should be used as cemetery land.
 - The land allocated to the cemetery is not enough with an ever growing population.

- Schools are already at full capacity and drop off and pick up times are dangerous.
- It takes 3 weeks to get a doctors appointment.
- At peak times Fordham Road has very heavy traffic.
- Impacts on drainage as the ditches are full.
- There are three other housing sites off Fordham Road and new school places will be needed.
- Affordable houses are needed for the people of Soham.
- Hopkins don't comply with their conditions and they should finish the site at Lark Place first.
- Impact of the parking area on residential amenity due to noise and disturbance.
- Provision of a footpath along property boundary.
- Increased traffic on Cherrytree Lane.
- Surface water and drainage, raw sewage is pumped into the ditch.
- The sewage plant is not able to cope with capacity.
- Enhancement not clear on Cherrytree Lane.
- Dwellings are sited too far forward at site frontage.

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
COM 7	Transport impact
COM 8	Parking provision
SOH 7	Housing allocation, land adj to the cemetery

6.2 Supplementary Planning Documents

Design Guide
Developer Contributions and Planning Obligations

6.3 National Planning Policy Framework 2012

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 11 Conserving and enhancing the natural environment

7.0 PLANNING COMMENTS

The main issues to consider in the determination of this application are:

- The principle of development
- Visual impact
- Access, highway safety and impact
- Housing mix and layout
- Public open space
- Residential amenity
- Flood risk and drainage
- Ecology and biodiversity

7.1 Principle of Development

7.1.1 The site is located within the settlement boundary of Soham and has been identified within Policy SOH 7 of the East Cambridgeshire Local plan as a housing allocation for development of approximately 115 dwellings. The principle of residential development on this site is therefore acceptable.

7.1.2 The site is located within the established development framework of Soham, within close proximity to the range of services and facilities available within the settlement. For the purposes of assessing the proposal in relation to the presumption in favour of sustainable development, the location of the site within the settlement boundary means that the site is considered to be in a sustainable location.

7.1.3 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 Planning policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.

7.1.4 The benefits of this application are considered to be: the provision of up to 126 additional dwellings including 6 self build plots, built to modern, sustainable building standards and the positive contribution to the local and wider economy in the short term through construction work and future occupiers of the dwellings.

7.2 Visual impact.

7.2.1 The application is accompanied by a landscape and visual impact assessment. The landscape around this part of the town provides a good level of enclosure and tranquillity. As the landscape is flat, mature vegetation limits the visibility of the site to views from the immediate locality and is only glimpsed from the wider landscape.

The dwellings will be visible from Fordham Road but will not appear out of keeping with the mix of development types in the vicinity and the existence of a new housing development to the north east.

- 7.2.2 Views of the site from the local footpath network to the south and west will be possible but will vary due to the layering of landscape structure around the site and glimpsed views are available along some routes. Views of the proposed development would be softened over time by additional structural planting along the site boundaries to retain the green edge to the development site along its southern and western boundaries.
- 7.2.3 The proposal sits against existing residential development to the north east of the site and the cemetery to the north and in this respect will not look out of character. The proposed density, of 26 dwellings per hectare (10.6/acre), with provision of open spaces, the land for the cemetery extension and the spacious self build plots allows for a development which does not appear overdeveloped in the context of its surroundings.
- 7.2.4 The applicant proposes to transfer an area of land of 0.8 ha to the Town Council for use as an extension to the existing cemetery. This will provide an open buffer to the north. In addition the layout shows retention and enhancement of the existing green buffer bordering Cherrytree Lane to the south and along the public right of way to the west of the site. Details of the enhanced buffer treatment and the planting for the whole estate will be a condition of any planning approval.
- 7.2.5 It is considered that the robust and defendable edge allows the new housing to be integrated into the townscape setting with limited adverse effects on visual amenity. There will be an appropriate transition between the wider countryside setting and the town. The development of this site for 126 dwellings can be achieved without causing significant harm to the character and appearance of the area and as such complies with Policies ENV 1 and ENV 2 of the Local Plan.
- 7.3 Access and impact on highway safety and the transport network
- 7.3.1 Access to the site is from Fordham Road, which will form the main estate road for the development in the form of a circular loop with provision of private drives and courtyards. This feeder road will provide the main route for vehicles, cycles and pedestrians. An emergency access will be provided to the south of the site onto Cherrytree Lane. Measures to prevent this access from being used for everyday access will be installed. This access will however serve as a pedestrian and cycle link for residents of the new development and two additional pedestrian/cycle links are proposed further west.
- 7.3.2 The access arrangements have been examined by the County Highway Authority and are considered to be adequate in regard to their width, layout and visibility and conditions are suggested to include the submission of a traffic management plan, for the construction stage. The access location in regard to accessibility and permeability have also been assessed and deemed acceptable by the County Council Transport Planning team. The Transport Statement has been substantially amended since its original submission to overcome various concerns raised by the Transport Planning team. The team has been re-consulted on the amended and are

now satisfied that the proposed development does not have a severe cumulative residual impact on the local road network.

7.3.3 The layout indicates that two car parking spaces per dwelling will be provided and on the site overall a total of 14 visitors spaces have been provided. The developer states that the layout provides for an average of in excess of two off-road parking spaces for each dwelling. The developer has been encouraged to limit the use of tandem parking and rear parking courts which have no natural surveillance. Much of the parking provision is in tandem, however following some re-design the Highway Authority is satisfied that the spaces are usable.

7.3.4 Based on the consultation response it is considered that the layout demonstrates a safe and accessible environment has been created, allowing sufficient parking, manoeuvring and visitors parking provision. The proposal also provides for a network of routes for pedestrians and cyclists and safeguards access to the adjoining footpaths. The Architectural Liaison Officer for the Crime Prevention design team has recommended appropriate lighting in parking courtyards and low privacy fencing to rear gardens abutting parking courtyards. However, most of the parking courtyards do have natural surveillance. The proposal therefore complies with Policies COM 7 and COM 8.

7.4 Housing mix and layout

7.4.1 The application proposes 126 dwellings, 38 of which are affordable housing. This equates to 30% and accords with Policy HOU 3 and SOH 7, in relation to the level of provision. The precise mix of tenure and size has been amended to include more 2 bed units, to better reflect the current need for dwellings on the Housing Register and as advised by the Senior Housing Strategy and Enabling Officer.

The amount and mix of affordable housing will be secured by way of a S106 legal agreement.

7.4.2 The mix of market housing is as follows, 7 one bed units, 39 two bed units, 58 three bed units and 16 four bed units. This mix considered to be acceptable for this location and although the total number is slightly higher than that proposed within Policy SOH 7, it accords with the housing mix specified within Policy HOU 1 of the Local Plan, both of which also require provision of a minimum of 5% of self build properties. The self build properties are proposed along the northern boundary of the site, adjoining the cemetery and as this is a hybrid application, the details of the plots can be considered as reserved matters, and their provision secured by inclusion in the S106 agreement.

7.4.3 The proposal also makes provision for a proportion of dwellings that are suitable or easily adaptable for occupation by the elderly or people with disabilities in accordance with Policy HOU 1. Provision has been made for 9 bungalows along the northern boundary of the site, which will also safeguard the residential amenities of the adjoining occupiers and the affordable rented homes are also built to Lifetime Homes standards. This amounts to a total of 35 homes.

Given all of the above the housing mix is considered acceptable and accords with Policy.

7.4.4 The obvious desire to retain as much of the existing landscape features surrounding the site, together with the creation of pedestrian linkages onto Cherrytree Lane, both advocated by Policy SOH 7, have formed key parameters which have dictated the layout concept, as has the need for the cemetery extension. In addition, the desire to ensure existing amenities of residents to the north are retained has also formed a key factor on the layout masterplan.

7.4.5 The scheme as a whole provides an interesting mix of dwelling types including single storey, 1.5 storey, 2 storey, 2.5 storey and 3 storey which are sited to give variety and an interesting streetscape, with two main areas of public open space in the middle of the site and a smaller green space to the south west corner. The entrance is characterised by frontage two storey dwellings which complement the existing streetscene. The developers have incorporated an interesting feature dwelling at the entrance to the site with boundary feature walls, providing a gateway feature to the site entrance. Beyond the site entrance the street is fronted by bungalows on the northern side and two storey dwellings which then open into and front an open space with the addition of a three storey element fronting the open space to add character. In the middle of the site, again there is a mixture of two and three storey dwellings and another feature house fronting the main open space and giving a sense of place to the development, with footpath linkages to the public footpath. The main spine road then provides a circular route with frontage development incorporating two storey dwellings and flats. This area accommodates the majority of the affordable homes on the site. The designs incorporate a range of materials to add variety, but include red and buff brick with various colours of render, some use of weatherboarding and a mix of black and red pantiles and slate.

7.5 Public open space

The amount of public open space provision at 0.8 ha accords with the requirements within Policy SOH 7. These will be used to provide both a Local Area of Play and a Local Equipped Area of Play area within the centre of the site, with a smaller area to the south west corner of the site. These areas will be landscaped in accordance with a scheme to be agreed by condition and will include a scheme for the whole estate including supplementary planting along the southern boundary with Cherrytree Lane. These open space areas will be provided and transferred to the Council by way of a S106 agreement for future maintenance with the payment of a commuted sum. The southern boundary hedge will be maintained and enhanced in association with the drainage ditch most likely by a private management company, although the developer has indicated that the IDB may be willing to take on the long term maintenance of the ditch. This can be secured by planning condition.

7.6 Residential amenity

7.6.1 The residents impacted by this development are to the north of the site. The developer has carefully considered the impact on the residential amenities of these residents by choosing to site the single storey dwellings along the northern boundary of the site. The layout therefore protects the privacy of these residents. Concerns have been expressed regarding the siting of a parking area and footpath along the northern boundary but the applicant has amended the plan to remove the footpath and a fence will be erected to safeguard amenity. Suitable separation

distances and boundary treatments are proposed to ensure the residential amenity of the adjoining residents are not unduly compromised. It is considered that the proposal accords with Policy ENV 2 in this regard.

7.6.2 The layout has been assessed and it is considered that it provides a satisfactory level of amenity for the future residents of the dwellings, in relation to plot sizes and design/positioning of dwellings.

7.6.3 The residential amenity of future occupiers has also been assessed. The garden sizes accord with the Design Guide SPD as do the distances between houses. It is considered that the residential amenity of the future occupiers will be safeguarded in terms of any overlooking or noise disturbance.

7.7 Flood Risk and Drainage

7.7.1 The IDB and the Lead Local Flood Authority originally objected to the proposal as the existing drainage regime had not been fully understood and insufficient calculations had been provided.

7.7.2 The drainage strategy for the site has been revised to make use of soakaways where possible and elsewhere by positive outfall to the IDB catchment watercourse by discharging into the ditch which runs along the southern edge of the site. It is also proposed to add up to 792m² of open storage within the site in the form of new ponds attached to the existing ditch and to widen the existing ditch on the western boundary of the site. In order to reduce the ditch flow rate it is proposed to introduce a hydrobrake at the point of discharge from the site. Extensive jetting and investigation work have been carried out to trace the existing pipework running from Fordham Road to the ditch. These pipes will be replaced by 600mm pipes.

7.7.3 In terms of the foul water drainage the developer is contributing towards off site Anglian Water improvements part of which is to provide 99m³ of Anglian Water overflow storage at the Fordham Road pumping station, which will allow the existing overflow to the ditch to be removed.

7.7.4 The Lead Local Flood Authority and the IDB have advised they are now happy with the proposed scheme. A consultation response is awaited from Anglian Water. These will be reported at Committee.

7.7.5 Concerns have been expressed by Officers regarding the provision of the marginal wetland areas on the public open space as it is unclear whether these areas will actually provide usable public open space if they are waterlogged. Following discussions with the Lead Local Flood Authority it is considered that the 1 in 2 year flood areas should be excluded from the POS. The developer has agreed to pay a commuted sum towards off site provision to make up for the shortfall.

7.8 Ecology and biodiversity

7.8.1 An ecology survey was submitted with the application. This recommends that all the hedgerows on the site are retained where possible and enhanced within the development layout, particularly the section of hedgerow in the south western corner of the site, as it is identified as important under the Hedgerow Regulation

1997. Planting of a diverse mix of native plants will enhance biodiversity and can be conditioned. Various mitigation measures are recommended including provision of bat and nest boxes amongst other things. The report concludes that with the mitigation and enhancement measures proposed in the report, there will be no predicted significant adverse impacts from the proposed development upon identified ecological receptors in line with relevant wildlife legislation and planning policy. Furthermore, enhancements to biodiversity will be achieved through the enhancement measures which can be secured by condition, in accordance with the NPPF and Policy ENV 7 of the Local Plan.

- 7.8.2 Further assessment work was undertaken by the developer to ascertain the impact of the development on the nearby Soham Wet Horse Fen SSSI, situated to the east of the A142, some 540m away from the development site. The report undertook an assessment of the accessibility to new and alternative open space and the report concludes that there is some public access to the SSSI and increased visitors could result in increased adverse effects such as vegetation trampling and dog fouling. However due to the distance from the site to the SSSI, its inaccessibility by road and the availability of extensive alternative green space closer to the site, there will be no significant adverse effects from the proposed development. This conclusion is supported by Natural England due to the presence of alternative open space at East Fen and Qua Fen commons. They have recommended conditions requiring the developer to identify measures to enhance connectivity to alternative open space, notably South Horse Fen Common, and details of on- site green infrastructure provision to make it multi-functional and sufficiently attractive on a regular basis. These requirements have been incorporated within the proposed conditions.
- 7.9 Other Material Matters
- 7.9.1 The developer has submitted an archaeological report and the Senior Archaeologist has recommended that a programme of archaeological investigation is commissioned and undertaken before development takes place.
- 7.9.2 The developer has also submitted a sustainability statement which details key measures to be incorporated in the development to accord with the requirements of Policy ENV 4 of the Local Plan. The homes and overall development will be environmentally assessed in accordance with the principles of The Code for Sustainable Homes. Key measures include, reducing energy efficiency of buildings, water conservation and management, sustainable construction and materials and waste recycling.
- 7.9.3 The Waste Strategy team have raised concerns about a number of plots not meeting current collection guidelines. The developer has no planning requirement to provide bin collection points adjacent to the public highway, though the vast majority of plots do meet the RECAP guidance (contained within Policy ENV 2). The guidance allows developers to provide bin store/collection points away from the public highway providing the private roads are built to adoptable standard.
- 7.9.4 A S106 agreement is required to secure the transfer of land to the Town Council for the cemetery expansion, the provision of the affordable housing and self build plots, the provision and transfer of open space with a commuted sum for maintenance, a

commuted sum for the maintenance of the on site SuDS system and a financial contribution to the IDB for the long term maintenance of the hedgerow.

7.10 Planning Balance

The benefits of the development are the contribution it would make in terms of housing supply as well as the economic benefits of construction and additional population to support local businesses, the provision of affordable housing and land for an extension to the cemetery. These weigh significantly in favour of the proposal.

On balance it is considered that there will be no adverse impacts that would weigh against the proposal and it is therefore recommended for approval.

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 i.e. relating to the way a matter has been dealt with or substantive i.e. 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:
- This is an allocated site for housing development within the settlement boundary of Soham.

9.0 APPENDICES

9.1 Draft conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
15/01491/FUM	Barbara Greengrass Room No. 011 The Grange	Barbara Greengrass Senior Planning Officer
15/01569/SCREEN	Ely	01353 616240 barbara.greengrass

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 15/01491/FUM Conditions

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

Plan Reference	Version No	Date Received
037		7th December 2015
038		7th December 2015
039		7th December 2015
040		7th December 2015
041		7th December 2015
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109 GARAGE 3	7th December 2015
110 GARAGE 4	7th December 2015
111 GARAGE 5	7th December 2015
112 GARAGE 6	7th December 2015
113 SUB STATION	7th December 2015
114 PUMING STATION ENCL	7th December 2015
115 BINS & CYCLE STORAGE	7th December 2015
300 EXTERNAL WORKS	7th December 2015
5070-D	7th December 2015

16017EA-01 TOPOGRAPHICAL 1 OF 4		7th December 2015
16017EA-02 TOPOGRAPHICAL 2 OF 4		7th December 2015
16017EA-03 TOPOGRAPHICAL 3 OF 4		7th December 2015
16017EA-04 TOPOGRAPHICAL 4 OF 4		7th December 2015
065	B	21st June 2016
064	B	21st June 2016
005 REFUSE COLLECTION LAYOUT	B	21st June 2016
004 ROOF AND BRICK FINISH	B	21st June 2016
003 PLANNING LAYOUT	D	22nd June 2016
ECOLOGY REPORT		28th January 2016
107 GARAGE	A	24th March 2016
108 GARAGE	A	24th March 2016
013	A	24th March 2016
014	A	24th March 2016
017	A	24th March 2016
018	A	24th March 2016
022	A	24th March 2016
023	A	24th March 2016
FLOOD RISK ASSESSMENT		4th August 2016
VISUAL IMPACT ASSESSMENT		7th April 2016
ADDENDUM TO FRA		14th June 2016
IP 15 036 04 SK002	existing drainage	14th June 2016
IP 15 036 04 SK001	Reb Surface water	14th June 2016
TRANS ASSESS ADDEN		14th June 2016
IP 15 036 04 SK003	sections of pos	4th August 2016
LANDSCAPE AND VISUAL IMPACT		7th April 2016
SUSTAINABILITY STATEMENT		7th December 2015
ECOLOGICAL SURVEY		7th December 2015
SELF BUILD DESIGN		7th December 2015
SITE INVESTIGATION REPORT		7th December 2015
TREE SURVEY		17th November 2015
GEOPHYSICAL SURVEY		7th December 2015
FLOOD RISK ASSESSMENT		1st December 2015
FLOOD RISK ADDENDUM		12th February 2016
TRANS. ASSESS.		1st August 2016
004	D	8th August 2016
003	E	8th August 2016
002	E	8th August 2016
006	Areas Plan	8th August 2016

1 Reason: To define the scope and extent of this permission.

2 OUTLINE PLANNING PERMISSION FOR ERECTION OF 6 SELF BUILD DWELLINGS

Approval of the details of the access, 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 3 years of the date of this permission.

2 Reason; The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.

- 3 The development of each individual plot, to which this permission relates shown on drawing number 003 Rev D dated June 2016, shall be begun no later than the expiration of two years from the final approval of the reserved matters for that individual plot, or in the case of different dates of approval of the reserved matters on each plot, the final approval of the last such matter to be approved.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 The details to be submitted at reserved matters stage for the self build plots shall follow the principles on the submitted layout plan drawing number 003 Rev D dated 22 June 2016 and the Self Build Design Code dated December 2016.
- 4 Reason: To ensure the satisfactory appearance of the development in keeping with the surroundings in accordance with Policies ENV1 and ENV2 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 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, unless otherwise agreed in writing with the Local Planning Authority.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 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 Construction times and deliveries, for the self build dwellings shall be limited to the following hours: 08:00 to 18:00 each day Monday-Friday, 08:00 to 14:00 Saturdays and none on Sundays or Bank Holidays.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 In pursuance of Condition 2, the landscaping for each plot shall provide details of species, siting, planting distances and programme of planting, to include all boundary treatments. Planting and boundary treatments are to be carried out on each plot during the first planting season following occupation of the dwelling on that plot and shall thereafter be maintained in accordance with the approved scheme. Any tree or shrub planted as part of the scheme which is removed or severely damaged or is found to be dying or diseased within five years of planting, shall be replaced within the next planting season with a tree or shrub of similar size and species.
- 7 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 Prior to commencement of development of any self build plot, details of the surface water drainage for that plot, based on the approved Flood Risk Assessment (FRA) dated December 2015 and FRA Addendum dated 12 February 2016, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the occupation of each individual dwelling.

- 8 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 is detailed as one of the model conditions.
- 9 The hedgerow along the northern boundary identified within the Tree Survey dated 17 November 2015 shall be retained and protected in accordance with the report recommendations. The protective measures contained within the report shall be implemented prior to the commencement of any development, site works or clearance and shall be retained and maintained 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.
- 9 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. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 10 Prior to first occupation of each dwelling sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 10 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 11 The self build dwellings hereby approved will be developed as single plots as shown on the drawings submitted and specified in condition 1 and shall be completed in phases.
- 11 Reason: The self build plots will be developed individually, in a phased manner for the purposes of CIL.
- 12 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 12 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 13 FULL PLANNING PERMISSION FOR THE ERECTION OF 120 DWELLINGS AND ASSOCIATED ACCESS, PARKING AND OPEN SPACE

No development shall begin until the applicant 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. The archaeological work shall be carried out in accordance with the approved details.
- 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 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to

at all times during all phases, unless otherwise agreed in writing with the Local Planning Authority.

- 14 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 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.
- 15 Prior to first occupation of any dwelling inter-vehicle visibility splays of 2.4m x 43m in both shall be provided at the junction of the new access with Fordham Road. These splays shall be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 15 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 16 No demolition or construction works shall commence on site until a traffic management plan has been agreed in writing with the Planning Authority. The principle areas of concern that should be addressed are:
 - i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)
 - ii. Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street.
 - iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)
 - iv. Control of dust, mud and debris, in relationship to the operation of the adopted public highway
- 16 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 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.
- 17 Construction times and deliveries, shall be limited to the following hours: 08:00 to 18:00 each day Monday-Friday, 08:00 to 14:00 Saturdays and none on Sundays or Bank Holidays
- 17 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 18 The tree protection measures as shown on drawing 5070-D of the Tree Survey dated 17 November 2015, shall be implemented prior to the commencement of development, site works or clearance, in accordance with the approved details, and shall be retained and maintained 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.
- 18 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 19 No development shall commence until a full schedule of all soft landscape works has been submitted to and approved in writing by the Local Planning Authority, to include hedgerow enhancement planting. The scheme shall evidence how consideration has been given to Natural England's Accessible Natural Greenspace Guidance in developing the layout and design of on-

site green infrastructure, in particular to make it multi-functional. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details in line with an agreed planting timetable, compliant with the phasing of the development. If within a period of ten years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 19 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 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.
- 20 Within 1 month of the first occupation of the development, a scheme for the maintenance of the hard and soft landscaping for a minimum period of ten years shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
- i) methods for the proposed maintenance regime;
 - ii) detailed schedule;
 - iii) details of who will be responsible for the continuing implementation.
 - iv) details of how the boundary hedgerow along the southern and western boundary will be maintained longterm.
- 20 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 21 No development shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: play equipment, street furniture and signage to ensure people are attracted to alternative open space. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.
- 21 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 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.
- 22 The boundary treatments hereby permitted shall be constructed in accordance with the details specified on the external works drawing number 002-D dated 22 June 2016. The boundary treatments shall be in situ and completed prior to the first occupation of the dwelling to which it relates. All works shall be carried out in accordance with the approved details.
- 22 Reason: To safeguard the character and appearance of the area and residential amenity, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 23 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 in writing to the Local Planning Authority within 24 hours. An investigation and risk assessment must be undertaken 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.

- 23 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.
- 24 No development shall take place until a detailed surface water drainage scheme for the site, based on the agreed Addendum to Flood Risk Assessment (ref:IP15-036-04) dated 12 February 2016 has been submitted to and approved in writing by the Local Planning Authority. the scheme shall be implemented in accordance with the approved details before the development is completed.
- 24 Reason: To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement as it would be unreasonable to require the applicant to undertake this work prior to consent being granted.
- 25 The scheme shall include a restriction in run-off and surface water storage on site as outlined in the Addendum to Flood Risk Assessment (ref IP15-036-04) dated 12 february 2016.
- 25 Reason: To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity.
- 26 No development shall take place until details for the long term maintenance arrangements for any parts of the surface water drainage system (including all SuDS features) has been submitted to and approved in writing by the Local Planning Authority. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.
- 26 Reason: To ensure the satisfactory maintenance of unadopted drainage systems in accordance with the requirements of paragraphs 103 and 109 of the National Planning Policy Framework. This condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 27 No development shall take place until a scheme for the disposal of foul water has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of any dwelling on the site.
- 27 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV7 and ENV8 of the East Cambridgeshire Local Plan 2015. This condition is prior to commencement and these details need to be agreed before construction begins.
- 28 No development shall take place until details of the position and number of fire hydrants required has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details, including any phasing arrangements.
- 28 Reason: To ensure the appropriate infrastructure is in place to ensure adequate public safety in accordance with Policies Growth 3 and ENV 2 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.

- 29 The development shall be carried out in accordance with the mitigation and enhancement proposals contained within the Phase 2 ecological Survey and Assessment report, Final revision A, dated 3 December 2015.
- 29 Reason: to protect species and sites of nature conservation, in accordance with Policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.