
MAIN CASE

Reference No: 18/00820/OUM

Proposal: Outline planning application for up to 116 dwellings with noise barriers, public open space, landscaping, sustainable drainage system (SuDs) and vehicular access points from Common Road and Manor Road. All matters reserved except for means of main vehicular access.

Site Address: Land Parcel South Of A142 Common Road Witchford
Cambridgeshire

Applicant: Gladman Developments

Case Officer: Andrew Phillips, Planning Team Leader

Parish: Witchford

Ward: Haddenham
Ward Councillor/s: Councillor Steve Cheetham
Councillor Mark Hugo
Councillor Stuart Smith

Date Received: 14 June 2018 **Expiry Date:** 30 November 2018
[T123]

1.0 RECOMMENDATION

- 1.1** Members are recommended to delegate approval of this application to the Planning Manager subject to the recommended conditions below that can read in full within Appendix 1 (with any minor changes delegated to the Planning Manager) and the completion of a S106 Agreement:
1. Approved Plans
 2. Reserved Matters
 3. Time Limit
 4. Archaeological Investigation
 5. Cycle Links
 6. Adoptable Highway
 7. Highway Drainage
 8. Highway Management
 9. Surface Water Drainage
 10. Fire Hydrants
 11. Construction Environmental Management Plan (CEMP)
 12. Unexpected Contamination
 13. Noise Barrier Landscape Scheme
 14. Residents Welcome Pack (Sustainable Transport)
 15. Sustainable Strategy
 16. Biodiversity Improvements

- 17. Foul Water Drainage
- 18. Bus Stop Upgrade
- 19. Ecological Mitigation
- 20. Broadband

2.0 SUMMARY OF APPLICATION

- 2.1 The proposal seeks outline consent with only details of access seeking to be agreed for the erection of up to 116 dwellings alongside associated landscape, public open space and infrastructure works. Appearance, landscaping, layout and scale would need to be agreed at a reserved matters stage.
- 2.2 The red line is divided into two; the first is located adjacent the A142 and is to provide a 3.1m noise barrier only; the second is located between Common Road and Manor Road and is where the dwellings, public open space, landscape and relevant infrastructure is located.
- 2.3 The developer has provided additional information in regards to education and highway impact during the application process.
- 2.4 The site measures 5.78 hectares/14.3 acres (gross density is 20 dwellings per hectare); this equates 8 dwellings per acre.
- 2.5 The application has been brought to Planning Committee, due to the size of the proposal and the Council's scheme of delegation.
- 2.6 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.
Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.

3.0 PLANNING HISTORY

- 3.1

17/01575/OUM	Outline planning application for up to 120 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access points from Common Road and Manor Road. All matters reserved except for means of main vehicular access.	Still being considered
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4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 To the north of the site is the A142, Common Road defines the western boundary and Manor Road defining the southern and eastern boundaries.

- 4.2 There are residential properties and agricultural buildings in the southwest corner of the site. Witchford Village College is located to the east of the site on the opposite side of the road. There is a copse located to the northwest and adjacent to the site and allotments are located to the northeast of the site.
- 4.3 The site is currently an agricultural field.

5.0 RESPONSES FROM CONSULTEES

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

Witchford Parish Council – (11 July 2018) It does not object to this proposal but has concerns about the layout of the central spine road through the site. It hopes it will be designed to allow school buses to use this route. Seeks that the position of the eastern access from the spine road onto Manor Road should be directly opposite the bus bay at the college and there should be a scheme to reduce road speeds in this area.

It seeks the western exit point to be further south to encourage use of the cycle path from Field End.

The Parish supports the proposal that a cycle route along the southern side of the site should be designed for all season weather.

It requests that a raised table is placed on Manor Road at the proposed footpath/cycleway access point on the south side of the development.

Asks who will maintain the ditch adjacent Manor Road?

Design Out Crime Officers (Police) – (27 June 2018) Seeks the developer to comply with Secured by Design principles and would like to be consulted at a reserved matters stage.

Cambridgeshire Archaeology – (2 July 2018) Highlights the high probability of archaeology on the site and seeks a pre-commencement condition.

Transport Assessment Team – (18 July 2018) Seeks a contribution of £109,200 towards A142/Witchford Road/Lancaster Way Roundabout in order to mitigate the impact of the development on this roundabout that is currently operating beyond capacity.

Raises an objection on the basis that the Accident Data is out of date.

(16 August 2018) Confirms there is no accident cluster sites that have been identified.

States "The Highway Authority does not wish to object to the application subject to the following:

- The applicant is requested to make a proportionate contribution of £109,200 towards mitigation to increase the capacity of the A142/Witchford Road/Lancaster Way roundabout. This would be through a S106.
- Prior to first occupation of the development the applicant should upgrade the bus stops south of Church View to include the provision of raised kerbs at the Eastbound Stop (bus stop with existing shelter); and raised kerbs, timetable,

and bus cage at the Westbound Stop. Details to be approved by CCC, and works to be carried out by the applicant as part of S278.

- Prior to first occupation of development, the developer shall be responsible for the provision and implementation of a Residential Travel Plan to be agreed in writing with the Local Planning Authority. The Travel Plan shall include the provision of a Travel Plan Co-ordinator, acceptable baseline and targets. The plan is to be monitored annually, with all measures revised to ensure targets are met.”

(17 October 2018) Confirms that it does not seek a financial contribution for the bus stop improvements and instead seeks a Grampian pre-commencement condition.

East Cambridgeshire Access Group – (11 July 2018) Supports pedestrian and cycle access onto Manor Road but does not see the need for a vehicular access.

Lead Local Flood Authority – (12 July 2018) It has reviewed the flood risk assessment by Enzygo Environmental Consultants and based on this has no objections.

It demonstrates that surface water can be managed through SuDS features and water discharge rate is 1.1 litres per second per impermeable hectare.

Recommends a pre-commencement condition.

Cambridgeshire Fire and Rescue Service – (13 July 2018) Seeks fire hydrants to be provided.

Cambridgeshire County Council Education – (13 July 2018) Seeks contributions for Early Years, Primary School, Secondary School and library services.

(16 August 2018) Confirms they cannot justify contribution towards Early Years and Primary places.

Housing Strategy and Enabling Officer – (11 July 2018) Seeks 30% affordable contribution in line with emerging policy. 77% should be rented properties and 23% shared ownership; with all of the properties meeting Building Regulations Part M (Volume 1) Category 2.

Provides guidance on S106 Agreements.

Waste Strategy (ECDC) – (25 June 2018) Seeks to get confirmation from the developer that all bins/bags will be brought to the adopted highway.

No collection vehicle should have to reverse to a collection point.

It will seek dog/litter bins on the public open spaces.

Provides guidance on provision/cost of bins.

Environmental Health (Scientific Officer) – (27 July 2018) States “I have read the Draft Phase 1 Geo-Environmental Report prepared by Enzygo dated May 2017 and accept the findings. The report finds the site to be at low risk from contamination but recommends a Phase II intrusive investigation to confirm ground conditions. I recommend that a condition requiring further site investigation, etc is not required.

However, I recommend that standard contamination land condition 4 (unexpected contamination) is attached to any grant of permission due to the proposed sensitive end use (residential).

I have read the Air Quality Assessment prepared by Wardell Armstrong dated June 2018. The figures for daily traffic flow data used in the model appear to be much lower than figures recorded by Cambridgeshire County Council in November 2016. However, I accept the findings that the impacts on air quality are likely to be negligible subject to the adoption of mitigation measures during the construction phase.

Environmental Health – (24 July 2018) 9 properties are likely to require alternative ventilation due to road noise even with a 3.1 high acoustic barrier. The details and location of these dwellings would need careful consideration.

A Construction Environmental Management Plan should be added.

Tree Officer - (26 July 2018) States “No objection to these proposal as the trees and vegetation potentially affected are of limited landscape value in reference to the wider landscape. Additionally the site offers opportunity to provide mitigation for any tree removals with a full landscaping scheme.

I recommend you consider consulting with a landscape architect for a full assessment...

There are a number of landscaping issues to be addressed including:

- Provision of street trees and open spaces.
- Boundary vegetation composition and allocation.
- Composition and design of the shelterbelt to the North of the site in relation to A142.”

Ward Councillors - No Comments Received

Asset Information Definitive Map Team - No Comments Received

Conservation Officer - No Comments Received

Parks and Open Space - No Comments Received

Anglian Water Services Ltd - No Comments Received

The Ely Group Of Internal Drainage Board - No Comments Received

Cambridge Ramblers Association - No Comments Received

5.2 Neighbours – 21 neighbouring properties were notified and the responses received are summarised below. A site notice was put on the 2 July 2018 and a notice put in the press on the 12 July 2017. A full copy of the responses are available on the Council’s website.

Morris Education Trust – (12 July 2018) Site is directly opposite the College and asks that the following is considered:

- Buses and other vehicles require sufficient space to turn safely.
- Increase in traffic will be a safeguarding issue.
- Manor Road is narrow and has issues with parked vehicles.
- The College is at capacity and additional funding is needed.

44 Manor Close – (16 July 2018) Raises concerns over:

- Significant change to landscape.
- Might lead to overlooking of their property.
- Lack of information on future plots of dwellings.
- Impact on school traffic.
- Impact on Manor Road.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
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 14	Sites of archaeological interest
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Design Guide
Cambridgeshire Flood and Water
Developer Contributions
Contamination

6.3 National Planning Policy Framework 2018

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 10 Supporting high quality communications
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

16 Conserving & enhancing the historic environment

6.4 Submitted Local Plan 2018

Witchford 1	Proposals in Witchford
Witchford 2	Infrastructure and Community Facilities
Witchford 3	Allocation Sites
Witchford 5	Site WFD.H2 - Land at Common Road
LP1	A presumption in Favour of Sustainable Development
LP2	Level and Distribution of Growth
LP6	Meeting Local Housing Needs
LP16	Infrastructure to Support Growth
LP17	Creating a Sustainable, Efficient and Resilient Transport Network
LP18	Improving Cycle Provision
LP19	Maintaining and Improving Community Facilities
LP20	Delivering Green Infrastructure, Trees and Woodland
LP21	Open Space, Sport and Recreational Facilities
LP22	Achieving Design Excellence
LP23	Water Efficiency
LP24	Renewable and Low Carbon Energy Development
LP25	Managing Water Resources and Flood Risk
LP26	Pollution and Land Contamination
LP27	Conserving and Enhancing Heritage Assets
LP28	Landscape, Treescape and Built Environment Character, including Cathedral Views
LP30	Conserving and Enhancing Biodiversity and Geodiversity

7.0 PLANNING COMMENTS

7.1 Principle of Development

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

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

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

- 7.5 With the Council having very little brownfield, the vast majority of development is needing to be located on the edges of settlements. It is also considered better to be building on greenfield sites at this stage rather than reducing the Greenbelt in order to build closer to Cambridge. The small loss of agricultural land is not considered to be detrimental, it is unlikely that this size of land will be used due to modern agricultural practices.
- 7.6 Witchford is described in the Submitted Local Plan 2018 as:
- “7.47.1 Witchford is a large village located one mile west of the City of Ely, neighbouring the Lancaster Way Business Park (the district’s flagship Enterprise Zone) and benefits from good connectivity, being located close to both the A10 and A142. Witchford is therefore well-placed to access wider employment, education, retail, services and facilities.
- 7.47.2 The village itself offers a good range of services, including a shop with post office, churches, village hall and primary and secondary schools. Within the village there are a number of significant areas of open space, including common land. Pedestrian and cycle routes provide links to Ely, Lancaster Way Business Park, and neighbouring villages and the countryside.
- 7.47.3 Witchford is therefore suitably placed to accommodate significant growth.”
- 7.7 The site has been allocated for approximately 120 dwellings under policy Witchford 5, subject to significant landscape and noise buffer along the northern boundary, no impact on the safety/operation on the Village College and provide clear pedestrian/cycle routes to village facilities/centre.
- 7.8 With the site being allocated for development it adds weight that the site is sustainable in principle. The application is, therefore, considered to be acceptable in principle.
- 7.9 The remainder of the material considerations are detailed below.
- 7.10 Residential Amenity
- 7.11 The main source of noise pollution on the site comes from traffic using the A142. There is probably substantial noise from school children playing, but with this happening during sociable hours it is not considered to be a significant problem to overcome. The main concern in regards to noise is ensuring that people can sleep during the night time hours and can relax in their home/garden outside of typical work hours.
- 7.12 The Inspector on a nearby scheme (16/01019/RMM) stated:
- “The proposed development includes an acoustic bund which would be in the region of 2.7 metres tall and would be formed using a Tensar Earth Retaining System as the sides of the bund would be angled at 70 degrees. There would also be 2.7 metres high acoustic fences to plots 57, 88 and 89.
- The proposed bund would be located in the region of nine metres away from the rear of several of the proposed dwellings which back onto the A142. The plans indicate that the land levels of the rear gardens would be raised so that the noise bund would be in the region of 2.2 metres above the ground level on the side of the proposed dwellings. Notwithstanding that, given the height and steepness of the structure, and

the relative size of some of the garden areas, it would be a dominant feature when viewed from the ground floor of the proposed dwellings which back onto the bund and when the future occupiers utilise their rear garden areas. To my mind, this would result in an unacceptably dominant structure and would contribute to a poor standard of living conditions for the future occupiers of the development.

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

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

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

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

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

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

In respect of the on-going maintenance of such ventilation, the Appellant has stated that this would be done by the future occupier of each property, in a similar fashion to any standard bathroom or kitchen ventilation system. Whilst I accept this would be the case, such kitchen and bathroom ventilation systems are not essential to providing an

acceptable living environment as it is usual that such rooms also have the facility to open windows to ventilate the room naturally.”

The Inspector concludes with:

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

- 7.13 Paragraph 180 of the NPPF states:
- 7.14 “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life”
- 7.15 The paragraph that relates to density in the NPPF (para 123) states:
“as long as the resulting scheme would provide acceptable living standards”.
- 7.16 The developer is proposing a 3.1m noise barrier along the northern boundary (set adjacent to the A142) and along the eastern boundary; both bunds are separated from the proposed dwellings, one by an agricultural field and the second by indicative public open space that will prevent the barriers causing any harm to residential amenity. However, with the developer’s indicative layout this could still lead to 9 properties requiring either alternative ventilation or being smartly designed (no habitable windows on noisy elevations). With the proposal being up to 116, it would not be unreasonable at a reserved matters stage to expect only 107 properties if needed to overcome alternative ventilation. If the developer was requesting a higher number of dwellings, this would likely make it very difficult to overcome the noise issue as well assuring a good design/layout.
- 7.17 It is considered that the proposal provides a balance between optimising the land without leading to detrimental living standards for future residents; though the total final number of dwellings on the site may not be as high at 116 properties. To ensure that a suitable noise mitigation measure is brought forward prior to first occupation a condition will be needed.
- 7.18 It is expected that any reserved matters will be able to ensure suitable private amenity space, as defined with the Design Guide SPD.
- 7.19 It is considered reasonable to add conditions in regards to the need for a Construction Environmental Management Plan (CEMP), to ensure that no contamination is on site and to ensure construction work takes place during sociable hours. It will be expected that deliveries are arranged to avoid conflict with the start and end of the school day. While neighbouring properties are not usually consulted on discharge of conditions in this case it is recommended that the Witchford Village College is consulted.
- 7.20 A condition requiring fire hydrants should also be added to minimise the risk to life in the future.

- 7.21 The Environmental Health Officers comments in regards to air quality are noted and accepted, the proposal should not put people at risk of unacceptable air pollution.
- 7.22 On balance the proposal is considered to comply with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017. The proposal might not be considered to fully comply with policy LP26 of the Submitted Local Plan and the requirements of the NPPF due to the need for nine properties potentially requiring either alternative ventilation or being smartly designed, this weighs slightly against the application.
- 7.23 Visual Impact
- 7.24 The proposal seeks to develop a field that is located between the edge of the built form of Witchford and the A142. The A142 is considered to be a defining boundary to the village but the loss of the agricultural fields will cause some harm to the rural edge of the village. However, this harm is both expected when the site was allocated for housing and required in order to provide suitable housing provision for people needing to live within the district. The harm is, therefore, clearly outweighed by the public benefit.
- 7.25 The indicative landscaping of the noise barrier is considered to be of a high quality and follows the pattern of trees within the local area (copse of trees with some sparse planting). The earth bund, specifically along the A142 reflects what the Local Planning Authority has sought on edge of settlement developments in that it provides a gentle sloped bund where landscape can establish. With the landscape details being indicative more information (specific tree planting) is required but this can be sought as part of the first reserved matters application via a condition if this proposal is approved.
- 7.26 Mid 20th Century 'Council Housing' style housing defines the character of the area for Manor Road with later 20th Century housing defining Common Road. There is no reason that a developer would not be able to provide a suitable design that either enhances or preserves the character of the area.
- 7.27 The developer is indicating the majority of the public open space will be along the northern portion of the site that will help blend the built form into the rural countryside. It should be noted that these details are only indicative and would not form part of an approval. The reserved matters application(s) would need to demonstrate a suitable design.
- 7.28 The proposal is considered to comply with policies ENV1 and ENV2 of the Adopted Local Plan 2015 and policies LP22 and LP28 of the Submitted Local Plan 2018.
- 7.29 Highways
- 7.30 The proposal seeks to provide two vehicular access points; one onto Common Road and one onto Manor Road. It is indicated a circular cycle/pedestrian route will be placed around the proposed residential development.
- 7.31 It is known that there is a significant problem of commuter traffic on the A142 and that people use Main Street as a bypass to avoid queuing at the Lancaster Way roundabout. It is also known that the Witchford Road/A10 roundabout is not able to

accommodate the existing planned growth, let alone additional growth. Cambridgeshire County Council has commissioned a report in order to both detail and find a solution to the problem on these roundabouts and a draft report has been created.

- 7.32 The developments at North Ely, Lancaster Way and LIT2 are providing contributions/improvements towards the Witchford/A10 roundabout.
- 7.33 The developer is offering approximately £109,200 towards improving the Lancaster Way/A142/Witchford Road roundabout and this has been agreed with County Council as mitigating against the harm it will cause on the traffic flow on the A142.
- 7.34 The request for conditions in regards to promoting sustainable transport (Welcome Packs and bus stop upgrades) can be added as conditions to help encourage new residents to use the local bus service as well ensuring that the local infrastructure can cope with additional pressure.
- 7.35 The proposal will not be able to overcome the substantial deficient in investment into the highway network but will be able to ensure that it will not worsen the situation.
- 7.36 The developer is providing a 5.5m wide entrances to the site with 2m wide footpaths. While these footpaths are wide enough for general public use, they are not suitable for a main school route (3m wide footpath required). However, the developer is indicating a circular walk/cycle route and this could double as a safe route for school children as school entrance/leave times are always in daylight hours.
- 7.37 The road has not been designed to allow two busses to pass easily. However, this is not considered to be necessary by either the School or County Council. If required the proposal would allow a circular route for the school buses to take, which would help overcome where people are parking on street.
- 7.38 Witchford Parish Council requested the creation of a junction directly opposite the School entrance. However, this would create a highway danger and this is not what is proposed by the developer and the Highways Authority do not accept cross junctions.
- 7.39 It would not be practical for the developer to provide an access directly opposite Field End as it is outside of their site and would also very likely be objected to by the Local Highways Authority. The proposed access onto Common Road has been designed to ensure highways safety.
- 7.40 The Highways Authority have sought additional traffic calming measures adjacent the school as the developer is proposing two raised tables on Manor Road in front of the school.
- 7.41 If a reserved matters application is submitted, placing the visitor parking nearest to the School maybe of some merit in order to help accommodate any children being dropped off by car.
- 7.42 With the relative low density of the scheme it is considered possible to achieve two parking spaces per dwelling and space for secure covered storage of cycles. It is also expected that visitor spaces will be able to be accommodated on site in accordance with policy.

- 7.43 RECAP Guidance allows for waste/recycle collectors to enter private land in order to collect bins. The proposed design will, therefore, not be required to provide collection points for bins on the adopted road if private shared driveways/roads are required as long as it still meets with RECAP Guidance.
- 7.44 The proposal is considered to comply with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 7.45 Ecology
- 7.46 The Ecological Impact Assessment June 2018 has made recommendations in order to mitigate against the building of the proposal and seeks enhancements. It recommends that the enhancements should include wildlife friendly plants, SuDS, bat and bird boxes. These can be secured via conditions.
- 7.47 It is considered that the proposal will have minimal impact on existing biodiversity subject to mitigation measures on the site and proposed enhancement measures could be secured via conditions and at the reserved matters stage. The proposal is considered to be in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2018.
- 7.48 Flood Risk and Drainage
- 7.49 The ditch along the northern boundary (between the residential element and northern noise barrier) is maintained by the District Council; while the ditch along the southern boundary (next to Manor Road) is a private ditch maintained by the landowner.
- 7.50 The Lead Local Flood Authority stated on 12 July 2018 that the drainage proposal of the developer is acceptable in principle. With no final layout being proposed, the final drainage strategy will be secured at reserved matters stage and via a specifically worded condition.
- 7.51 The maintenance of the drainage strategy will need to be within the S106 Agreement, with priority being given to it being adopted by a public body. The design of the proposal will also need to allow maintenance of the awarded ditch that defines the southern boundary of the site.
- 7.52 The proposal is considered to be in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2018
- 7.53 Housing Mix
- 7.54 With the application being outline with all matters reserved, the overall housing mix would need to be agreed at a reserved matters stage if approval was given to this outline. However, it is noted that the developer is providing policy compliant 30% affordable housing (though negotiation on tenure split is ongoing) and this will need to be secured as part of a S106 Agreement.
- 7.55 Other Material Matters

- 7.56 In regards to education it is accepted that the County Council was not justified in asking for contributions for early years or primary provision. In regards to secondary school provision negotiation will need to be had over the final sum. It is accepted that technically the developer is paying for education provision within CIL; while Witchford, Ely and Littleport catchment areas are being reworked.
- 7.57 An archaeological investigation is considered reasonable and can be secured via a condition.
- 7.58 With the size of the development a condition should be added to ensure the highest reasonable broadband speed is provided, in order to help facilitate both modern living and potential to work from home.
- 7.59 With the large size of the scheme it is considered reasonable to require energy improvements above building standards to ensure the proposal meets with the requirements of sustainable development in accordance with policies ENV4 of the East Cambridgeshire Local Plan 2015 and LP23 and LP24 of the Submitted Local Plan 2018.
- 7.60 Planning Balance
- 7.61 The Local Planning Authority is unable to demonstrate a continuous five year land supply and on this basis must determine applications in regards to paragraph 11 of the NPPF.
- 7.62 The benefits of this proposal is that it will provide up to 116 dwellings (including 30% affordable housing). The provision of public open space and SuDS is considered to be neutral, as in the long term this will mitigate against the development's own impact.
- 7.63 It is noted that the site was allocated for dwellings in the Submitted Plan that demonstrates that the site is in a sustainable location. This weighs in favour of the application.
- 7.64 It is noted that some dwellings might need to be designed taking road noise into account. This weighs slightly against approval being given for up to 116, but is not detrimental in its own right. It is still the Case Officers opinion that if more than 116 units were sought then on balance it would be recommended for refusal, due to seeking too many houses in areas where alternative ventilation would very likely be required.
- 7.65 It is considered that the proposal on balance is acceptable for up to 116 dwellings, subject to the recommended conditions and the completion of a S106 Agreement
- 8.0 COSTS
- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local

planning authority has been able to provide evidence to justify a refusal reason or a condition.

8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

8.4 In this case members' attention is particularly drawn to the following points:

- Site is allocated in the Submitted Local Plan and the Council cannot demonstrate a 5 year land supply.
- No objection from any statutory consultee, subject to suitable mitigation.
- No concern over air pollution

9.0 APPENDICES

9.1 Appendix 1 – Suggested Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00820/OUM	Andrew Phillips Room No. 011 The Grange	Andrew Phillips Planning Team Leader
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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.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 18/00820/OUM Conditions

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

Plan Reference	Version No	Date Received
4746 - 52 -03	F	14th June 2018
Landscape/Visual Impact Assessment		14th June 2018
CSA/3295/126 B	B	14th June 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.
- 2 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 4 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 5 The first reserved matters application shall provide full details of a cycle link running between Common Road and Manor Road across the site. The proposed cycle link(s) shall be constructed prior to occupation or in accordance with a timeframe agreed in writing with the Local Planning Authority.
- 5 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 6 The highway shall be built to adoptable standards as defined by Cambridgeshire County Council Housing Estate Road Construction Specification (current at time of commencement of build) before the last dwelling is occupied.

- 6 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 7 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 7 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015 and LP17, LP22 and LP30 of the Submitted Local Plan 2018.
- 8 No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
- 8 Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction.
- 9 No development shall begin until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before first occupation.

The scheme shall be based upon the principles within the agreed Flood Risk Assessment prepared by Enzygo Environmental Consultants (ref: SHF.1132.102.HY.R.002.A) dated June 2018 and shall also include:

- a) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers
- b) Full details of the proposed attenuation and flow control measures with priority given to the use of SuDS
- c) Temporary storage facilities if the development is to be phased
- d) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- e) Full details of the maintenance/adoption of the surface water drainage system;
- f) Measures taken to prevent pollution of the receiving groundwater and/or surface water;
- g) A timetable for implementation

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

- 9 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work

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

- 10 No development shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.
- 10 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to permission being granted, however, the information is needed prior to commencement in order to ensure that the necessary infrastructure is able to be provided.
- 11 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.
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 12 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2018.
- 13 As part of the first reserved matters a detailed landscape scheme based on drawing number CSA/3259/125 shall be submitted to and agreed in writing with the Local Planning Authority. The hard landscaping and earthworks shall be constructed prior to first occupation and soft landscape works within the first planting season prior to first occupation on within an agreed timeframe with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and

size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 13 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 and LP22 of the Submitted Local Plan 2018.
- 14 Prior to first occupation of the development, the Developer shall be responsible for the provision and implementation of a Residential Welcome Pack for sustainable transport to be agreed in writing by the Local Planning Authority. This Residential Welcome Pack shall include six one day travel vouchers for use with the relevant local public transport operator. Such Pack to be provided to the first occupiers of each new residential unit on the development site.
- 14 Reason: In the interests of sustainable transport, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 15 Prior to or as part of the first reserved matters application, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 15 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and LP23 and LP24 of the Submitted Local Plan 2017. This condition is pre-commencement as some of the measures may be below ground level.
- 16 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 16 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2018.
- 17 No development shall take place until a scheme to dispose of foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation.
- 17 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 18 Prior to first occupation of the development the applicant shall provide a scheme to upgrade the bus stops south of Church View (on Main Street) to include the provision of raised kerbs at the Eastbound Stop (bus stop with existing shelter); and raised kerbs, timetable, and bus cage at the Westbound Stop. The agreed scheme shall be completed prior to first occupation.

- 18 Reason: In the interests of sustainable transport, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018. This is a Grampian Condition, as the bus stops are on the public highway.
- 19 The development shall be carried out in accordance with all the mitigation measures stated in the Ecological Impact Assessment (June 2018).
- 19 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2018.
- 20 Prior to first occupation of any given phase (defined by reserved matters submissions) a scheme for the provision of broadband shall be submitted to and agreed in writing with the Local Planning Authority. Development shall commence in accordance with the agreed details prior to first occupation.
- 20 Reason: In order to provide superfast broadband to the future occupants (including working from home) in accordance with Chapter 10 of the National Planning Policy Framework, policy LP16 of the Submitted Local Plan 2018 and Growth 3 of the East Cambridgeshire Local Plan 2015.
- 21 All highway improvements as stated on drawing number 4746-52-03 F shall be completed prior to first occupation.
- 21 Reason: In the interests of safe and sustainable transport, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018. This is a Grampian Condition, as it includes work within the public highway.

