AGENDA ITEM NO 5

1.0 EXECUTIVE SUMMARY

1.1 This is an outline planning application with all matters reserved except for access with appearance, scale, layout and landscaping to be considered at the reserved matters. Planning permission is sought for a residential development (up to 500 units), a perimeter road, a local centre, enterprise park, school, POS and allotments on land to the south-west of 98-138 Station Road, Kennett a 40ha site comprising arable farmland.

1.2 The application site has not been allocated within the adopted Local Plan and as such has been advertised as a departure from the development plan. However, at the heart of the NPPF is a presumption in favour of sustainable development. As the Council do not currently have a five year housing land supply then this is a material planning consideration which carries significant weight. The application is therefore referred to Committee in accordance with the Council’s Constitution, as it is over 50 dwellings.

1.3 The application is accompanied by an Environmental Statement. In the Scoping Opinion issued in March 2018, it was requested that the ES include a full examination of likely cumulative effect of the proposal on all principle topic areas. The cumulative
effects of all permitted and planned development (including development at scoping stage) and should include sites outside the District of East Cambridgeshire.

1.4 The ES has considered the baseline position and the impacts of the proposal on the category areas requested in the Scoping Opinion and the mitigation measures have been assessed as well as the facts and judgements on which the conclusions are based. The Council is content with the contents of the ES and it is recommended that the mitigation measures proposed can be secured by either a s106 Agreement or a recommended planning condition.

1.5 The development would meet an identified need for new housing within the District, while contributing a mix of housing, including affordable, employment, a local centre, public open space, greenways and education, while providing pedestrian and cycle connections both through the site and to existing development. As set out in the technical reports, which accompany the application and assessed in Section 9 of this report, it is not considered there will be any adverse impacts which would outweigh the benefits of the proposal.

1.6 For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6) The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

7) This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.

2.0 RECOMMENDATION

2.1 Members are recommended to:

(a) resolve that:
(01) The requirements of Regulation 18 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 are satisfied by reason of the Environmental Statement.

(02) That it be recorded that, in making the decision on the application, the Committee has taken into account the environmental information comprising the Environmental Statement that this information meets the requirements of Regulation 18 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017.

(b) Grant planning permission subject to:

(i) The satisfactory completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 to contain the following:

1) Phasing plans
2) Affordable Housing
3) Education (Primary School)
4) POS/Green Infrastructure/maintenance contribution
5) Delivery and management/or transfer of SUDS
6) Provision of community facilities
7) Travel Plan Co-ordinator
8) Fully serviced self-build plots
9) Enhancements to PROW s
10) Enhancements towards SANG
11) Delivery of Perimeter Road

(ii) Members are recommended to approve the application subject to the signing of the S106 Agreement and the recommended draft conditions, attached at Appendix 1, and Delegate to the Planning Manager and Legal Services Manager authority to make minor amendments to the planning conditions (where appropriate) and complete the S106.

(c) Recommend to Full Council that the CIL Regulation 123 List is amended to reflect the proposed allocations as set out in paragraph number 11.323-11.330 of this report.

(d) In the event that Members resolve to grant planning permission for the development then this would be subject to its referral to the Secretary of State, as required by The Town and Country Planning (Consultation)(England) Direction 2009.

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Appendix 1 Conditions
Appendix 2 Phasing Plan
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3.0 ABBREVIATIONS

AMR - Annual Monitoring Report
BREEAM - Building Research Establishment Environmental Assessment Methodology
CCC - Cambridgeshire County Council
CEMP - Construction Environmental Management Plan
CIL - Community Infrastructure Levy
CWT - County Wildlife Trust
DAS - Design and Access Statement
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Definition</th>
</tr>
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<tbody>
<tr>
<td>ES</td>
<td>Environmental Statement</td>
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<tr>
<td>EIA</td>
<td>Environmental Impact Assessment</td>
</tr>
<tr>
<td>EH</td>
<td>English Heritage</td>
</tr>
<tr>
<td>5YLS</td>
<td>5 Year Land Supply</td>
</tr>
<tr>
<td>FE</td>
<td>Forms of Entry (re primary school)</td>
</tr>
<tr>
<td>FRA</td>
<td>Flood Risk Assessment</td>
</tr>
<tr>
<td>FTE</td>
<td>Full Time Equivalent</td>
</tr>
<tr>
<td>GEA</td>
<td>Gross External Area</td>
</tr>
<tr>
<td>HCA</td>
<td>Homes and Communities Agency</td>
</tr>
<tr>
<td>HMP</td>
<td>Heritage Management Plan</td>
</tr>
<tr>
<td>IDB</td>
<td>Internal Drainage Board</td>
</tr>
<tr>
<td>JOP</td>
<td>Junior outdoor play space</td>
</tr>
<tr>
<td>KCLT</td>
<td>Kennett Community Land Trust</td>
</tr>
<tr>
<td>NPPF</td>
<td>National Planning Policy Framework</td>
</tr>
<tr>
<td>NMU</td>
<td>Non-Motorised Users</td>
</tr>
<tr>
<td>NTS</td>
<td>Non technical summary</td>
</tr>
<tr>
<td>POS</td>
<td>Public Open Space</td>
</tr>
<tr>
<td>PRoW</td>
<td>Public Rights of Way</td>
</tr>
<tr>
<td>PV</td>
<td>Photovoltaic Panels</td>
</tr>
<tr>
<td>RECAP</td>
<td>Recycling in Cambridgeshire &amp; Peterborough</td>
</tr>
<tr>
<td>ROWIP</td>
<td>Rights of Way Improvement Plan</td>
</tr>
<tr>
<td>SAM</td>
<td>Scheduled Ancient Monument</td>
</tr>
<tr>
<td>SANG</td>
<td>Suitable Alternative Natural Greenspace</td>
</tr>
<tr>
<td>SUDS</td>
<td>Sustainable Urban Drainage System</td>
</tr>
<tr>
<td>SPD</td>
<td>Supplementary Planning Document</td>
</tr>
<tr>
<td>SSSSI</td>
<td>Site of Special Scientific Interest</td>
</tr>
</tbody>
</table>
4.0 THE APPLICATION

4.1 The proposal comprises an outline planning application considering access, with the Reserved Matters of appearance, landscaping, layout and scale to the considered at a later stage. The application site measures approximately 40 hectares (99 acres) of Grade 2 and 3a Agricultural land.

4.2 The application was received on 4th June 2018 and the initial consultation began on 15th June 2018. The application is supported by a full suite of documents comprising:

- Environmental Statement
- Non-Technical Summary
- Contamination Land Study
- Viability Report (produced for the purposes of policy Growth6)
- Utilities Report
- Residential Travel Plan
- Transport Assessment
- Statement of Community Involvement
- Rail Network Capacity Study
- Planning Statement
- Noise Assessment
- Landscape & Visual Impact Assessment
- Health Impact Assessment
- Flood Risk Assessment and Drainage Strategy
- Air Quality Assessment
- Arboricultural Impact Assessment
- Archaeological Evaluation Report
- Contaminated Lane Investigation
- Design & Access Statement
- Design Code
- Preliminary Ecological Appraisal
- EIA Scoping Opinion
- EIA Scoping Report
- Energy & Sustainability Strategy Report
- Heritage Impact Assessment

4.3 Since submission of the outline application, amendments were made to the Transport Assessment and the extent of the buffer zone to the Howe Hill Tumulus Scheduled Monument resulting in revisions to drawings and the Design and Access Statement.
(DAS), Design Code and Heritage Impact Assessment. These amendments were received on 18th February 2019 and a full consultation exercise conducted which expired on 21st March 2019.

4.4 The principal changes to the illustrative masterplan are:

- Repositioning of several access roads into the site from Station Road and Dane Hill Road
- Increased landscaped buffer zone to Howe Hill Tumulus
- Increased width to ‘Tumulus Meadows’ linear park
- Revised traffic calming suggestions along Station Road
- Amended alignment of the proposed perimeter road and intermediate junctions
- Revisions to indicative layout of residential areas at ‘Mulberry Park’ and ‘Perry Green/Chequers Green’
- Revised location of proposed skatepark
- ‘Wetland edge’ and footpaths alongside perimeter road

4.5 The application proposes a garden village extension to Kennett comprising the following components:

- Up to 500 dwellings 5% of which would be self-build
- 30% affordable housing; the accommodation mix and tenure to be agreed at the reserved matters stage;
- Local Centre
- Village Square
- Commercial zone
- Primary School
- Public Open Space
- New Perimeter road and associated off-site highway works;

4.6 This application has been submitted by East Cambs Trading Company, for a community-led housing development supported by the Kennett Community Land Trust (KCLT). The Kennett Garden Village scheme would be the fifth and largest community-led development in East Cambridgeshire.

4.7 The proposed maximum amount of development is set out in the table below:

<table>
<thead>
<tr>
<th>Land Use (Use Class)</th>
<th>Maximum Floorspace Gross internal floorspace (sqm)</th>
<th>Maximum Building Height From existing ground level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential (C3) Up to 500 units</td>
<td>52,200</td>
<td>Up to 2.5 storeys (up to 11-12m ridge height)</td>
</tr>
<tr>
<td>Residential Institutions (C2)</td>
<td>4,899</td>
<td>Up to 2.5 storeys (up to 12.5m ridge height)</td>
</tr>
<tr>
<td>Primary School (D1)</td>
<td>2,790</td>
<td>Up to 2 storeys (up to 12.5m ridge height)</td>
</tr>
<tr>
<td>Mixed Use Area comprising:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The proposed green infrastructure is set out in the table below:

<table>
<thead>
<tr>
<th>Green Infrastructure Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Village Green</td>
</tr>
<tr>
<td>Public Open Space</td>
</tr>
<tr>
<td>Ormamental Pond</td>
</tr>
<tr>
<td>Swale</td>
</tr>
<tr>
<td>Attenuation ponds (SUDS)</td>
</tr>
<tr>
<td>Toddler Outdoor Playing Space (TOPS)</td>
</tr>
<tr>
<td>Junior Outdoor Playing Space (JOPS)</td>
</tr>
<tr>
<td>Youth Outdoor Playing Space (YOPS)</td>
</tr>
<tr>
<td>Allotments/community Orchard</td>
</tr>
<tr>
<td>Doorstep Greens</td>
</tr>
<tr>
<td>Scheduled Ancient Monument buffer</td>
</tr>
</tbody>
</table>

The accompanying ES and DA includes indicative phasing arrangements for the delivery of homes and supporting infrastructure. The phasing plan is included in Appendix 2. This suggests that phasing may be as follows:

**Phase 1 (2019 – 2024)** – includes a total of 240 homes and includes the following infrastructure:

- The main principal road creates access through the Development and provides the main entrance;
- The southern part of the primary street with allocation of a proposed bus stop;
- The local centre which includes; the CLT office, pub, restaurant, café, health care building, food store and apartments;
- Custom build area;
- Primary school;
• The Village Green with a children’s play area and doorstep green (including play areas);
• Community orchards;
• Herbal walk and allotments; and
• Sustainable drainage ponds.

Phase 2 (2022 – 2025) – includes a total of 107 homes and includes the following infrastructure:

• The care home/sheltered housing facilities;
• Mid-section of the primary street;
• Doorstep green (including play areas and community orchards);
• Commercial area which includes office, general industry, storage and distribution;
• Children day care; and
• Train station car park.

Phase 3 (2024 – 2027) – includes a total of 84 homes and includes the following infrastructure:

• Northern part of the Primary Street;
• Doorstep green (including play areas and community orchards);
• Tumulus Meadows with a children’s play area;
• Allocation of a proposed bus stop; and
• Sustainable drainage ponds.

Phase 4 (2026 – 2028) – includes a total of 69 homes and includes the following infrastructure:

• Northern part of the Primary Street;
• Doorstep green (including play area sand community orchards); and
• Sustainable drainage ponds.

4.10 The site is located adjacent to Kennett Railway Station and good connectivity exists to other parts of the district and beyond. Officers consider that the application achieves an appropriate balance of heritage and natural environments, residential and mixed tenure, community facilities and services as well as employment uses. The proposal would create social cohesion and a sustainable garden village extension of Kennett.

4.11 The application is being considered by committee in accordance with the Council’s Constitution, as it is over 50 dwellings.

4.12 In dealing with this planning application and in reaching a recommendation set out in this report, proper consideration has been given to the duty imposed on the Council under the Equality Act 2010 to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by that Act; to advance equality of opportunity and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are a person’s age, sex, gender assignment, sexual
orientation, disability, marriage or civil partnership, pregnancy or maternity, race, religion or belief.

4.13 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.

5.0 APPLICANTS CASE

5.1 Kennett Garden Village is a community-led development established by the Kennett Community Land Trust (KCLT) a Community Benefit Society with Charitable objectives in November 2016. A programme of pre-application community engagement and community-led planning exercises was undertaken between October 2016 and February 2018 to engage with the KCLT, local residents and a variety of stakeholders in the preparation of plans that form the basis of the planning application. There have been local objections to the application which the applicants have sought to address through a number of iterations of the scheme prior to its final submission. Further amendments have also been made as dealt with in the report, however, the application has still received a degree of negative attention.

5.2 The 40ha site was put forward under ‘A Call for Sites’ exercise which was held as part of the Preliminary Draft Local Plan consultation. This emerging local plan has now been withdrawn.

5.3 The applicant has identified a number of benefits which they consider are material to the consideration of the proposed development and which would outweigh conflicts with up to date development plan policy. of the table below identifies the community benefit of the scheme, amounting to in excess of £140m:

5.4 Community Benefits Table

| Community Infrastructure | Village centre buildings (healthcare eg GP surgery, pharmacy, and/or dentist, food store, café )  
Village School  
Affordable and market housing for local people  
Mains drainage and good broadband services  
Dedicated play facilities for children and young people |
|-------------------------|-----------------------------------------------|
| Local Economy | 760 full time equivalent permanent jobs  
400 jobs created by new employment uses within the development itself |
### 6.0 THE SITE AND ITS ENVIRONMENT

#### 6.1

The application site comprises an irregular shaped area of arable land measuring 40 hectares (99 acres) which falls within a similar character area of open large scale geometric arable farmland.

#### 6.2

The site abuts Dane Hill Road to the north with Station Road abutting its eastern boundary which is bounded by a mature hedgerow. To the south of the site is an industrial estate and beyond this is Kennett Railway Station. The A14 runs in parallel...
with the railway line also to the south. Open farmland abuts its western edge. Kennett Village comprises sporadic groups of housing along the Station Road boundary.

6.3 There are no buildings on the site which is relatively flat, with a fall of approximately 4m from east to west. The Howe Hill Tumulus Scheduled Ancient Monument (SAM) is located to the north of the site and this mound is screened by trees which are growing on and around the SAM.

6.4 The settlements of Kentford lies 500m to the south-east of the site with Red Lodge 2k to the north-east and Newmarket 6km to the south-west of the site.

6.5 The site lies within Flood Zone 1.

7.0 PLANNING HISTORY

7.1 No previous development management planning history

8.0 REPLIES TO CONSULTATION

The application and amendments thereto have been referred to the following consultees and comments are summarised below. The full responses are available on the Council's web site.

8.1 Quality Review Panel
The Panel considered this proposal on 3rd September 2018 and were enthusiastic about the general proposals. They had a number of observations and recommendations which are summarised below:

- Review housing densities going forward and consider whether they should be higher in certain character areas;
- Keep working with the local community;
- CLT allocation policy will be important;
- Viability of local centre will be important in creating a vital and viable village core;
- Open up school playing fields for better access without fences;
- Skate park/teenage facilities should not be out of sight but properly overlooked;
- Illogicality of ‘B’ road to by-pass should be revisited with highways authority and its’ raw and bare edge needs further consideration; examine the possibility of swept junctions instead of roundabouts;
- Roads should be a place (street) not just a vehicle route;
- Climate issues should be set out in the main text of the Design Code, not just in an appendix and contain clear commitments and standards to be achieved;
- Discuss code testing with SCDC who have useful experience of this.

**INTERNAL**

8.2 Cambridgeshire CC Asset Information Definitive Map Team

**Second Consultation - 3rd April 2019**

Refer to email received from Suffolk County Council which request consideration is given to connecting the cul de sac footpath as well as retaining the attractive riverside walk area.
Would draw attention to general principles (set out in letter dated March 2019)

**First Consultation - 20th March 2019**

The CC broadly welcomes the outline proposals to create good pedestrian and cycle links as parts of the development are in accordance with the Council’s Rights of Way Improvement Plan (ROWIP). However lack of provision for all non-motorised users including equestrians. More information would be needed.

In the spirit of promoting public health and wellbeing benefits the CC urge the importance of providing good soft-user infrastructure is in place before residents and community facilities. Enhancements to PROWs, both new and existing, should be delivered both within Cambs and into Suffolk.
Request improvements to the PROW network.

To note Public Footpath 3 Kennett and Public Footpath 2 Kennett run adjacent to the application site. Whilst the Definitive Map Team has no objection to this proposal, the applicant should be aware of the presence of the Public Byway, its legal alignment and width which may differ from what is available on the ground.
The Byway must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors’ vehicles must not be parked on it.

8.3 Cambridgeshire CC Design Out Crime Officers

**Second consultation** – previous comments still apply

**First Consultation** –

Whilst an illustrative masterplan, it appears to be an acceptable layout in terms of Prime Prevention and Community Safety which would provide high levels of natural surveillance from neighbour’s properties with most of the homes facing each other and overlooking open spaces. Pedestrian and vehicle routes are aligned together and well overlooked Permeability has been limited to essential areas and vehicle parking to be within curtilage. Houses appear to have protected rear gardens which reduces risk and vulnerability. On the whole this scheme very much lends itself to Secured by Design.

8.4 Cambridgeshire CC - Local Highways Authority

**Transport Assessment Team**

**Second consultation** - Object in part as no agreement has been reached on a contribution towards an enhanced bus service.

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

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

**Highway Development Team**

The CCC highway development management team have no objections in principle to this application.

However, have the following points to make:

The access points to this development underwent a Road Safety Audit (RSA) Stage 1 completed by CCC at the expense of the applicant. Prior to construction of the roundabouts, footways / shared use areas & cycleways and access points, on the highway, a Road Safety Audit Stage 2 will be required to be completed by CCC at the expense of the applicant, as part of the S278 highways works agreement

There are no other measures or features proposed on the highway, other than shown on the latest access drawings, and none are required or requested by the highways authority. Any such other agreements or approvals or requests for any such features or measures e.g. speed calming is done at the request of the planning authority
The highways authority has agreed in principle to adopt the new bypass / perimeter road subject to it meeting the CCC construction specifications, speed limit requirements and having the correct inter-vehicle visibility splays at the junctions for the speed of road. The proposed road layout and visibility splays along this road have been designed to 50mph which currently does not meet with the CCC standards, for a road in a rural location with no active frontage, this being 60mph. The adoption of this road will therefore rely on the planning authority being able to secure enough active frontage in the reserved matters application stage so that it qualifies for a reduction in the speed limit (from 60mph to 50mph) in line with CCC requirements.

A Traffic Regulation Order (TRO) will be required to reduce this aforementioned speed limit. The TRO process requires a public consultation and therefore the outcome of this is cannot be pre-determined and should not be relied upon to secure planning permission. The required TRO process should be included in the S106 agreement.

The proposed junction / roundabout improvement works at the border with Suffolk are partially on CCC highways network. There is a small section of works required on the CCC side which was included in the CCC RSA and to which we have no objection to. Please note CCC are not responsible for the checking and / or approval of any of the works on Suffolk CCC network.

8.5 CCC Growth & Development

First Consultation: 5th July 2018

Comments relating to:

Education

Supports the provision of on-site 1 form entry Primary School to be transferred to the CC. Nursery provision outside of the early year’s requirements to be provided elsewhere on the development or locally and would be brought forward on a commercial basis. Secondary school impacts to be provided by CIL.

Public Health impacts

These have been adequately assessed in the Health Impact Assessment (HIA) as the potential positive and/or negative health impacts of the development on planned new communities. However, the applicant has not suggested actions/mitigations to minimise any potential negative health impacts and maximise potential positive health impacts. This can be addressed through the CEMP and at reserved matters.

The CCC has also commented on construction, Housing, Active Travel and connectivity, access to public services and infrastructure, open and green spaces, healthy foods, community safety, equality and social cohesion, employment and economy as well as climate change.

In summary, the HIA is a good assessment of the potential health impacts with only a few minor omissions. The main area for concern is the location of the Skate Park.
and allotments with the resulting need to cross the main perimeter road which could bring pedestrians in conflict with moving vehicles, particularly younger people accessing the skate park.

In addition, the HIA would benefit from the inclusion of a table of proposed mitigation measures along with the level of commitment to deliver these measures.

8.6 Archaeology

**Second Consultation:**
The amendments do not affect the advice previously issued by this department.

**First Consultation**

No objection subject to condition.

8.7 Cambridgeshire CC - Lead Local Flood Authority

**Second Consultation:**

No objection subject to appropriate condition.

**First Consultation – 27/06/2018**

Objects to the scheme on the basis that no infiltration tests have been carried out.

8.8 Libraries and Lifelong Learning

As users of the library will be Cambridgeshire residents and some Suffolk residents it is recommended that all cross-border options such as existing Shared Partnership in the East (SPINE) be utilised.

8.9 Planning Minerals and Waste

No objection subject to condition

8.10 East Cambridgeshire Access Group

Shared surfaces are more dangerous, so we would require pathways throughout the site. Step free access to all properties required. Good general lighting throughout the site. Would be pleased to make further comments when more detailed plans have been submitted.

8.11 ECDC Senior Trees Officer

No objection subject to condition

8.12 ECDC Conservation Officer

No objection
The application is opposite NHLE Ref 1126359 School House & School, a Grade II listed 1865 primary school located at the junction of Station Road with Church Lane. This is a T-plan building with schoolroom to the west and the original teacher’s house attached as a crosswing to the east, facing Church Lane.

The building faces due south, across the site, but this is in large part an incidental relationship: it was not in the nature of Victorian schools to command an outlook, and indeed their windows were often positioned to exclude views (and hence distractions). The site is further contained by a strong boundary hedge and tree planting, especially around the junction of Station Road and Church Lane. It is therefore considered that the school’s setting influence is very localised, as would be expected of a building of its type and status. Although developing previously agricultural land to the west inevitably will alter the school’s broader context, this can only be construed as a very minor harm, and arguably other changes, such as its own modern extensions, have had a more direct impact on its significance.

8.13 ECDC Environmental Health

No objection

Second consultation 22.02.19

No further issues to raise. The district has skateparks which are closer to residential properties than this one. No objection subject to conditions.

First Consultation

Noise

Note the location of the proposed Skate park. It would be useful to know what sort of distance this will be so that it can be established if the nearest properties are likely to be affected by any noise issues. No further points to add to previous response and conditions proposed.

27.7.18 Agree with findings of Phases 1 and 2 Contamination Assessments which state very low risk from land contamination. Recommend further soil and groundwater testing via a remediation strategy condition.

EH also accepts findings of Air Quality Assessment.

8.14 ECDC Strategic Planning

No Comments Received

8.15 ECDC Housing Section

No objection

Subject to the satisfactory completion of a S106 Agreement.
Second consultation: Following announcements that the East Cambridgeshire’s emerging Local Plan has been withdrawn, the above application should now seek delivery of 40% affordable housing on site in line with Policy HOU3

8.16 ECDC Parks And Open Space
No Comments Received

8.17 ECDC Waste Strategy
No Comments Received

External

8.18 Anglian Water Services Ltd
No objection

AW has assets either close to or crossing the site and therefore the site layout would need to take these into account. In terms of wastewater treatment there is available capacity in the catchment of Newmarket Water Recycling Centre. The foul sewerage network is also able to cope with demand. Surface water disposal is not within AW remit. An application to discharge trade effluent must be made to AW and must have been obtained before any discharge of trade effluent can be made to the public sewer.

8.19 Cambridgeshire Fire And Rescue Service
No objection

Subject to the satisfactory completion of a S106 Agreement.

8.20 Cambs Wildlife Trust
No objection

19.7.18
Supports the findings of the Ecological Reports. Welcome the integration of green infrastructure and the aspirations to support wildlife habitats.

Unlikely to address all of the potential ecological impacts from the new settlement ie increase in recreational pressures including dog walking on nearby protected nature conservation sites such as Red Lodge SSSI.

The amount of green space would not adequately meet the needs for the 25-30% of new residents that are likely to own dogs.

Support Natural England request for the preparation of a green infrastructure strategy. This strategy would need to include a number of complementary measures including provision of a Suitable Alternative Natural Greenspace (SANG) promotion of walking routes of different lengths, information on nearby protected sites and how
to use/not use them, as well as the provision of the planned high quality greenspaces within the development itself. Based on 2.4 people per dwelling this development would result in an increased population of 1200 and a requirement for 9.6ha of SANG.

Phased delivery of the green infrastructure within the development may mean that is would not be functional for ten years.

There is a 4.4km circular route, mainly on PROWs to the north of the development that could be promoted as a longer dog walking route. This may need to be enhanced to make it more attractive and accessible.

The quality of the 11ha of green spaces may not fulfil the function of a SANG due to their type.

There is a potential site at Halfmoon Plantation Pit CWS which may help address the cumulative impacts of significant recent and new development on Red Lodge SSSI and potentially Breckland SSSI.

8.21 Civil Aviation Authority

No Comments Received

8.22 C P R E

Objects

Second Consultation – 21st March 2019

Consider the amendments do not reduce any of the concerns raised in their letter of 2nd August 2018. Refer to the withdrawal of the SLP.

First Consultation: 21st February 2019

Not identified in the 2015 Local Plan
Overwhelming development for small village
Both Kennett and Moulton Parish Councils have objected;
Wrong location for 150 affordable houses;
Infrastructure
Utilities
Public transport availability
Capacity of local roads
Emergency service access
Significant loss of grade 2 agricultural land
Countryside and landscape
Education

Second consultation

8.23 CLG - Planning Casework Unit

No comments to make on the environmental statement.
8.24 Defence Infrastructure Organisation Safeguarding (Wind Turbine)

No Comments Received

8.25 Environment Agency

No objection

Subject to conditions.

Second consultation: no further comments to make.

8.26 Historic England

Second consultation: 20th March 2019

HE notes that the buffer to the scheduled monument has now been enlarged and widened which is an improvement and is welcomed. However, as is acknowledged within the HIA, the proposals do give rise to a degree of harm both to the significance of the listed building and the scheduled monument. This harm will need to be weighed against the public benefits of the proposal by the decision maker in accordance with paragraph 196 of the NPPF. Further advice in relation to the HIA is set out below.

Recommend that a cautious approach is taken with the application in light of the withdrawal of the emerging Plan. There is no development plan allocation in relation to this site. Therefore the harm to the designated heritage assets need to be weighed against the public benefits of the proposal in accordance with para 11d of the NPPF (footnote7).

The Adopted Local Plan 2015 also includes policy ENV12 in relation to listed buildings and policy ENV14 in relation to scheduled monuments. The proposals are contrary to Policy ENV12, given that they would harm the wider setting of the listed building. With regard to policy ENV14, the proposals would harm the setting of the scheduled monument, although this harm would be less than substantial harm.

Historic England continues to have concerns in relation to the site. In respect of the Development Plan, since the withdrawal of the emerging Local Plan, the site is not allocated for development in the adopted Local Plan and indeed is outside the development envelope. To that end, the proposal is contrary to the Development Plan. The proposal will cause harm to the significance of Howe Hill Barrow scheduled monument and the grade II listed school house.

Notwithstanding this, should the Council be minded to approve the application, whilst an HIA has been undertaken which is welcomed, the HIA does not actually make recommendations to inform the masterplan. Instead, the HIA simply endorses the masterplan. We suggest that the HIA is amended to actually provide recommendations in relation to the extent of development and the masterplanning of the site. This should then inform the masterplan for the site and any improvements to the proposed mitigation.
Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

**First Consultation - 3.7.18**

The proposed development would represent considerable change to the present landscape context of these heritage assets, particularly Howe Hill Barrow. We consider that the development has the potential to cause a level of harm to the significance of these assets owing to the wide ranging and irrevocable change to their surrounding landscape context and setting.

Particular consideration should be undertaken to ensure that any proposals for the site are designed to minimise any adverse impact on the setting of the barrow. Measures to achieve this might include the incorporation of the monument into public open space, and the securing of appropriate management.

We have previously advised that the buffer zone around the scheduled monument should be larger in order to afford it greater protection. Translating this into master-planning we advised that the green corridor should be widened substantially in order to preserve the barrow’s setting. We suggested that this could be achieved by locating the village green and public open space to the north-west corner of the allocation so that the barrow could form part of the communal open space with a greater concentration of housing towards the eastern side of the allocation in proximity to the station. Even if this were not possible, we would still expect to see a substantial widening of the buffer and green corridor to better protect the setting of the scheduled monument. We note that there has been no change to the proposals since our earlier advice and EIA scoping opinion. It continues to be our view that the buffer… Irrespective of the harm to significance, however, as you are aware, at the Regulation 19 consultation on the emerging East Cambridgeshire Local Plan, Historic England made representations that the site allocation KEN.M1 and Policy Kennett 4 were unsound, owing to insufficient protection to the heritage asset.

8.27 **Highways England**

**Second Consultation**

Highways England has withdrawn their holding objection and has reviewed the transport assessment for this development and agrees that the impacts of the proposals are limited to the A11/B1085 Junction and in particular the north bound off slip. Highways England’s concerns have been to the risk of safety issues arising from potentially traffic queuing back onto the A11 trunk road. The modelling provided by the applicant’s consultants show that queuing back from the B1085 becomes close to the maximum extent of the slip road between 2026 and 2031. However given that the developer is proposing sustainable transport measures, including maximising access to the nearby railway station and that there will be a monitored and enforceable travel plan, Highways England does not intend to offer any objection to the proposals.

**First Consultation**

03.08.18 – recommend that planning permission not be granted for a specified period.
18.09.18 Issue of Direction coming into force on 23\textsuperscript{rd} February 2018.
14.11.18 recommend that planning permission not be granted for a specified period.
28.02.19 recommend that planning permission not be determined before 4\textsuperscript{th} April 2019.

8.28 Internal Drainage Board

This development is not within an IDB District, and is quite a distance from the boundary. Therefore, the Board has no comments to make.

8.29 National Air Traffic Services Ltd –

No objection

\textit{Second consultation}
\textit{No objection}

8.30 National Grid

No Comments Received

8.31 The National Trust

No Comments Received

8.32 Natural England

No objection

\textit{Second Consultation:}
The proposed amendments are unlikely to have significantly different impacts on the natural environment.

\textit{First Consultation:}
Subject to appropriate mitigation being secured.

8.33 Network Rail

Holding objection

Until such time that the developer provides more information on the design of the proposed new car park at Kennett Station.

Any further comments can be reported to Committee.

8.34 NHS England

No Comments Received

8.35 Newmarket Town Council
Objects

Considerable reservations regarding the impact the development would have on the already overstretched Newmarket services and highway safety including horse walks, and that further comment be reserved until the site allocation was adopted in the Local Plan.

8.36 Ramblers Association South

Second consultation – 12th March 2019

Raising similar issues to previous concerns that links to other communities may be useful. Concerns that KGV would become a closed community accessible only by car.

First Consultation

Should your authority be minded to approve the proposal, consideration must be given to offsite facilities and, in particular, improvements to the local rights of way network. The new residents will surely, (however well the Garden Village is provided with green areas and internal paths), wish to explore the surrounding countryside on foot. Whilst Kennett is not well provided with rights of way, having just three public footpaths within its boundaries, it is fortunate that these are all conveniently placed for rather limited use by the new residents. Footpath no 2, reached via Church Lane, leads to the Church, a likely 'first target', beyond which is footpath no.1, unfortunately, terminating at Dane Hill Road close to the River Kennett, sadly with no riverside path in either direction. Footpath no 3, commencing over the road from Howe Hill, and with no off road link to footpath no 2, follows a meandering route, resulting from quarrying and subsequent landfill exercises but, having entered Chippenham parish as Chippenham footpath no 9 gives the opportunity to visit that village and, indeed, Red Lodge, from which a return might be made via the byway known as The Carrops, literally following the county boundary. There would appear to be little scope for the creation of walking routes to the west of the site, and the dream of a semi-riverside footpath, linking Kennett and Kentford churches, would seem to be an 'ask too far', as it would involve crossing both the railway and the A14.

As indicated earlier, the existing rights of way network is very limited and the opportunity should be taken to explore how the situation might be improved, with funding from the Garden Village project.

8.37 Suffolk County Council, Highways

9th April 2019: Considers there are no reasons to recommend refusal of this application for highway reasons provided that the conditions and obligations below are provided to mitigate the impacts of the development and are discharged in full.

SCC has commented on the following aspects of the scheme:

- Committed development;
- Transport Modelling;
• Sustainability;
• Junction Assessments;
• Impacts on Horse Racing Industry;
• PROW;
• Conditions regarding Off-site Highway improvements;
• S106 Obligations

8.38 Suffolk County Council, Infrastructure responsibilities

31.7.2018

The County Council will need to be a party to any sealed S106 Agreement if it includes obligations with are its responsibility as service provider. The potential impacts of this development are as follows:

1. Education – on the basis that this development will make a full proportionate contribution towards primary school places, Suffolk County Council has no objection. It is understood that any required secondary school places are provided with contributions from CIL receipts.
2. Early education provision is to be made on site as part of the re-located primary school. SCC would expect that timely mitigation be provided in Cambridgeshire as there is no capacity to accept additional children in the adjacent part of Suffolk.
3. Play Space provision shall be provided.
4. Transport – Cumulative and cross boundary impacts on the highway network require detailed consideration particularly with the planned/permitted growth in Forest Heath.
5. Libraries – It is noted that residents of this development are likely to borrow books from Suffolk libraries. Whilst a mobile library stop to serve this development is planned impacts on the Suffolk network can be mitigated via a contribution towards new stock. Each dwelling can be expected to generate the need for 2.8 items per annum. This gives a cost per dwelling of 2.8 items x £5.66 = £16 per dwelling (£8,000 in total).
6. Waste ECCD and CCC will give due consideration to waste management.
7. Accessible and Adaptable Housing. Encouragement of housing that can be adapted to meet changing accessibility needs.
8. Sustainable Drainage – to be dealt with by CCC.
9. Fire and Rescue - to be dealt with by CCC
10. High Speed Broadband – recommends all development is equipped with HSB.
11. Legal Costs – SCC will require an undertaking for the reimbursement of its own legal costs, whether or not the matter proceeds to completion.

8.39 Sport England

No objection

Sport England would support CIL money being used to improve or enhance existing facilities in the catchment area to help absorb the additional demand generated by this proposal.

8.40 Suffolk Preservation Society
Response restricted to impact on Suffolk in terms of highways and be strategically planned.

8.41 Forest Heath & St Edmundsbury Councils

*Second Consultation: 3rd April 2019.*

Nothing further to add other than there weren’t any obvious opportunities for improvements to the network within Suffolk, but that this improvement would give Kennett Garden Village residents improved access to the network within Suffolk.

*First Consultation – 20th September 2018*

Have responded in relation to matters relevant to their infrastructure responsibilities as follows:

- Air quality;
- Land contamination
- Energy and Sustainability
- Noise
- Recreational pressure on Breckland SPA
- Other Ecology issues
- Transport and Traffic
- Socio economic
- Sustainability

8.42 UK Power Networks

No Comments Received

**Parish Councils**

8.43 Kennett Parish

Objects

*First Consultation – undated*

Site too large for the current village to absorb (330% increase) and would become a suburb of the Garden Village thus losing its identity. This level of growth is disproportionate and unreasonable.

The B1085 carries excessive traffic due to no link road between the A11 and A14. The proposal would bring another 2000 movements a day.

Impact on residential amenity due to loss of light, privacy, overlooking, noise and disturbance. The application does not go far enough in looking at the wider impacts of noise and disturbance. The volume of increased traffic is not mitigated.
Impact on nature conservation and trees and loss of natural countryside. Whilst introducing green infrastructure does not compensate for permanent loss of open countryside.

Impact on character of the area – a small village should not be expected to increase by 300%.

Impact on highways safety and parking – Village is treated as a rat run by HGV. The scheme makes a limited attempt at improving the situation but will not reduce the volume of traffic. Congestion by the Bell PH junction.

The development does not conform to policies Growth 2, Growth 4, COM5 of the Local Plan.

8.44 Chippenham Parish Council

Objects

Whilst the development does not directly affect Chippenham there is concern that the volume of housing will cause traffic congestion and put further stain on the surrounding roads and junctions. The PC would like to see significant planning put in place to address these issues before the application is granted permission.

8.45 Herringswell Parish Council

Objects:

- The application is unsustainable
- This is a greenfield site;
- Impact on transport Network

8.46 Kentford Parish Council

No Comments Received

8.47 Moulton Parish Council

Objects

The continued use of the B1085 as a through route between the A11 and A14 as it is unsustainable for any significant increase in traffic numbers. The Bell at the junction of Kennett Road faces serious congestion at peak hours. The western end of the proposed site is the obvious place to build a new link road.

Insufficient S106 monies for the road from the development. This point is accepted for a development of 500 but this site is 97.5 ha and is therefore likely to expand to 2000 houses. The provision of a major infrastructure improvement could attract money from the LEPs and other major development in the area ie Red Lodge and Kentford and we therefore urge you to reject this application until the delivery of a link road can be guaranteed.
8.48  **Mildenhall Parish Council**
No Comments Received

8.49  **Red Lodge Parish Council**
No comments to make

8.50  **Ward Councillor**
No Comments Received

**Statutory Publicity**

8.51  A number of site notices were displayed around the site boundary on 18th June 2018. The application was also advertised in the Cambridge Evening News on 28th June 2018.

**Neighbours**

8.52  216 neighbouring properties were notified initially on 18th and 21st June 2018 of the application and again on 21st February 2019 of revisions to the setting of the SAM and to the highway layout which were identified within the replies received from technical consultees to the scheme.

**2nd Consultation**
A petition in the form of 145 identical letters + 3 other letters were received objecting to the proposal.

**1st Consultation**
71 letters of representation were received opposing the scheme.
11 letters of representation in support of the scheme.

8.53  The responses received opposing and in support of the scheme are summarised below. Full copy of the responses are available on the Council’s website.

**Objections**

**Residential Amenity**

- Noise sensitive
- Pollution issues (air quality)
- General disturbance;
- Loss of privacy;
- Overbearing:

**Visual Amenity**
• Out of scale with existing village
• New settlement
• Disingenuous to call it a garden village
• Affects streetscene

**Highway Safety, access and transport**

• A11/A14 link road required
• Weight restriction on Herringswell Road
• Increase in traffic
• Dangerous roads
• Parking by school creates a one-way system
• Public safety
• B1085 notorious for serious accidents
• Mini roundabout at the Bell Inn will be ineffective;
• Traffic standstill at the junction with the railway bridge and A11
• Only addressing the symptoms not the cause
• No negotiation with adjacent objecting LA and LHAs including Suffolk have been completed;
• Position of secondary access in front of home preventing us to park outside our house and raising concerns with light pollution;
• The proposal does not address the associated transport implications beyond its boundary;
• No mitigation on volume of traffic only flow;

**Historic Environment**

• New school will lead to closure of historic building

**Natural Environment**

• Loss of wildlife;
• Loss of countryside;
• Landscape impact;
• Impact on trees

**Policy**

• Conflicts with Govt White Paper which states green sites are to be protected also local need;
• Prematurity of Submitted Local Plan
• Reclassified from a small village to a medium village due to primary school. Facilities score over population score; the population of Kennett is well below the criteria;
• Limited infill as advised by Local Plan not quadrupling in size
• Inconsistent approach adopted by ECDC in deciding the settlement hierarchy;
• Not in conformity with the NPPF or adopted Local Plan;
• Communities not engaged contrary to policy;
• The Inspector requested a professional and comprehensive study of the impact of this development on the traffic network;
• Removal of LP5 of the withdrawn Local Plan 2018

Other

• 156 objections to the Local Plan more than doubles the voting members that support the development;
• Loss of community spirit;
• Does not reflect views of the community;
• Impact on horse racing industry;
• Existing access not suitable for additional construction traffic. This is not shown on the applicants’ documentation
• Unsustainable
• Only 20% of residents support proposal
• Trains to London limited;
• Conflict of interest as this is an arm of ECDC. Interest on loan to finance this development is placing pressure on ECDC to grant planning permission.
• CLT is not representative of Kennett Village
• Parish Council misinformed of proposal which would prevent 1000s more houses being built in Kennett;
• Undeliverable infrastructure;
• Villagers feel ignored by ECDC and the CLT

Supporting the scheme

• Existing school site is constrained and proposal provides a wonderful opportunity to move to a better site;
• Will address current housing shortage;
• Education in modern facilities
• Will provide affordable homes for local people;
• Care Home
• New shops and leisure centre
• Diverts traffic away from Station
• Better parking facilities at the Station
• Access to employment opportunities (400 jobs)
• Transform a ribbon village along the B1085 with no centre or focal point into a vibrant community with enviable green areas and facilities;

9.0 THE PLANNING POLICY CONTEXT

East Cambridgeshire Local Plan 2015

9.1 The following Key policies are relevant to this application:
**GROWTH 1** - Levels of housing, employment and retail growth - Establishes the level of growth for housing, employment and retail growth the Council will seek to facilitate over the Plan period.

**GROWTH 2** - Locational strategy - Sets out the Council’s proposed broad overall strategy for the distribution of growth across the district and identifies Ely for the majority of growth. More limited development will take place in villages which have a defined development envelope, thereby helping to support local services, shops and community needs. Outside defined development envelopes, development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages. Development will be restricted to a number of categories and may be permitted as an exception, providing no adverse impact on the character of the countryside and that other Local Plan policies are satisfied.

The categories of relevance to this proposal are:
- Community-based development (see Policy GROWTH 6) which may include uses such as affordable housing, small business units and renewable energy schemes;
- Residential care homes (Policy HOU 6 refers)
- Small scale employment (Policy EMP3 refers)
- Enabling development associated with heritage assets;
- Outdoor recreation and leisure facilities (Policies COM 4 and COM 5)

**GROWTH 3** - Infrastructure requirements - Summarises key infrastructure requirements likely to be needed over the Plan period to support the level of growth envisaged. Contributions required in accordance with the Council’s adopted community Infrastructure Levy Charging Schedule and secured via planning conditions or obligations in line with the Developer Contributions SPD.

**GROWTH 4** - Delivery of growth - Outlines how the identified growth will be delivered within the district and specifically identifies North Ely.

**GROWTH 5** - Presumption in favour of sustainable development - New growth in the district needs to be ‘sustainable’ and protect and enhance the natural and built environment.

**GROWTH 6** - Community-led development – Generally supportive of community-led development involving affordable housing, small business units, renewable energy generation and other appropriate uses. Non-housing elements of schemes will be assessed against other relevant Local Plan policies.

**HOU 1** - Housing mix - Sets out that a housing mix is required to contribute to current and future housing needs, including a proportion of suitable or easily adaptable for occupation of elderly people and a minimum of 5% self build properties.

**HOU 2** - Housing density - Sets out the criteria for achieving an appropriate density, judged on a site by site basis.
**HOU 3** - Affordable housing provision - Outlines the appropriate provision of affordable housing, which equates to 40% in the south of the district, dependant on viability considerations.

**HOU 6** - Residential care accommodation - States that care homes should be located within settlements offering a range of services and social facilities, with design and scale appropriate to its setting, and have no adverse impact on residential amenity or character of the area. Outside settlement boundaries locations should be close to a range of services and facilities; have good access by foot/cycle; not cause harm to the surrounding countryside and there must be a justified need which cannot be met within the built up area.

**EMP 3** - New employment development in the countryside – New development for small scale businesses (B1, B2, and B8 uses) will be permitted on small sites closely related to the built framework of a settlement.

**EMP6** - Development affecting the horse racing industry – Any development which is likely to have an adverse impact on the operational use of an existing site within the horse racing industry, or which would threaten the long term viability of the horse racing industry as a whole, will not be permitted.

**ENV1** - Landscape and settlement character - New development should protect, conserve and enhance while being sensitive to the character areas defined in the Cambridgeshire Landscape Guidelines.

**ENV2** - Design - Sets out the criteria for new development - proposals to ensure designed to a high quality, enhancing and complementing local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs, reinforcing local context while preserving, enhancing or enriching the character, appearance and quality of an area. Seeks to protect residential amenity.

**ENV 4** - Energy efficiency and renewable energy in construction – New development should aim for reduced or zero carbon development. Dwellings required to achieve Code for Sustainable Homes Level 4 and non domestic of 1000m2 or more required to meet BREEAM Very Good standard or equivalent.

**ENV7** - Biodiversity and geology - Development proposals should protect biodiversity and geological value of land, provide appropriate mitigation measures, reinstatement or replacement and/or compensatory work, while maximising opportunities for creation, restoration, enhancement and connection of natural habitats.

**ENV 8** – Flood risk – All development should contribute to an overall flood risk reduction. Development should preferably be located in Flood Zone 1 and due to the size of the site a Flood Risk Assessment will be required. Surface water drainage arrangements must be accommodated within the site and issues of ownership and maintenance addressed. The use of Sustainable Drainage Systems will be required unless soil conditions and/or engineering feasibility dictate otherwise.
ENV9 – Pollution - Proposals should minimise all emissions and other forms of pollution, including light and noise and ensure no deterioration in air and water quality.

ENV12 – Listed Buildings - Development should protect, conserve and enhance the historic environment.

ENV14 – Sites of archaeological interest - Sets out the criteria for development proposals at or affecting sites of know or potential archaeological interest.

COM 1 – Location of retail and town centre uses - Sets out a range of criteria to ensure that viability and vitality of the city centre is maintained and for the provision of small-scale localised facilities outside town centres.

COM 4 – New community facilities - Sets out the requirements for new or improved community facilities.

COM 5 – Strategic Green infrastructure – sets out the requirements for new and improved strategic green infrastructure.

COM 7 – Transport impact - Outlines how development should be designed to reduce the need to travel, particularly by car, and should promote sustainable forms of transport.

COM 8 – Parking provision - Adequate levels of car and cycle parking should be provided in accordance with the Council’s parking standards.

Part 2: Village Visions Kennett – Outside of the development envelope, housing will not normally be permitted – unless there are exceptional circumstances, such as essential dwellings for rural workers, or affordable housing. Housing schemes outside the development envelope will be assessed against Policy GROWTH 2 and other Local Plan policies as appropriate.

Supplementary Planning Documents and Guidance

9.2 Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated.

9.3 Developer Contributions and Planning Obligations SPD- was adopted in May 2013 and aims to provide developers, agents and applicants with:

- An overview of the District Council’s approach to securing mitigation through Planning conditions, planning obligations (Section 106 agreements) and CIL
- Clarification on the relationship between planning obligations and CIL.
- Guidance on the type and nature of planning obligations that may be sought, and the basis for the charges.
9.4 *Community-Led Development* - The SPD sets out East Cambridgeshire District Council’s approach to community-led development proposals. It is aimed at local communities, Parish Councils and landowners, and seeks to provide people with a better understanding of how planning applications for community-led development proposals may be assessed by the Council.

9.5 *East Cambridgeshire Design Guide 2012* - The guide sets out the requirements and aspirations for development within East Cambridgeshire.

9.6 *Flood and Water* – has been prepared by Cambridgeshire County Council in partnership with Cambridge, East Cambridgeshire, Fenland, Huntingdonshire and South Cambridgeshire District/City Councils, the Environment Agency, Anglian Water, and the Internal Drainage Boards.

9.7 *Sports Facilities and Play Areas Assessment (2005)*

9.8 *Interim Five Year Housing Land Report November 2018* – sets out the Council’s position in calculating the five year land supply based on the requirements of the revised NPPF and associated NPPG as updated in September 2018.

**National Planning Policy Framework 2019**

9.9 The National Planning Policy Framework (NPPF) was published in February 2019. It sets out to rationalise national policy guidance and how the government’s planning policies are expected to be applied. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11). However, this does not change the status of the development plan as the starting point for decision making. Planning law requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

9.10 The Framework is a material consideration in planning decisions and the following sections are of relevance to this proposal:

*Chapter 2 - Achieving sustainable Development*

9.11 Paragraph 11 of the NPPF sets out that for the decision maker “Plans and decisions should apply a presumption in favour of sustainable development”. For the decision taker, this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date 7, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed 6; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote:
6 The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

7 This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.

Chapter 3 – Plan Making
At para 15 the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.

Chapter 4 - Decision-making
9.12 At paragraph 38 of the Framework, there is advice that local planning authorities should approach decision taking in a positive and creative way. The Framework encourages an engagement with “applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

9.13 Paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Chapter 5 - Delivering a sufficient supply of homes
9.14 Paragraph 64 requires that for major development involving provision of housing, ‘planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.'
9.15 Paragraph 72 states the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities. Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way.

Chapter 6 - Building a strong, competitive economy

9.16 Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

Chapter 8 - Promoting healthy and safe communities

9.17 Paragraph 91 of the Framework encourages planning policies and decisions to achieve ‘healthy, inclusive and safe places’. These places should promote social interaction, be safe and accessible and enable and support healthy lifestyles.

9.18 Paragraph 92a) builds on this point further, requiring local planning authorities to ‘plan positively for the provision and use of shared spaces, community facilities and other local services, to enhance the sustainability of communities and residential environments’.

9.19 Paragraph 92d/e) continues that local planning authorities should ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community and that an integrated approach is used when considering the location of housing, economic uses and community facilities and services.

9.20 Paragraph 94 states that a sufficient choice of school places should be available to meet the needs of existing and new communities.

9.21 Paragraph 96 states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.

Chapter 9 - Promoting sustainable transport

9.22 Paragraph 103 requires that the planning system actively manages patterns of growth and ensures that significant development should be focused on locations, which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
9.23 Paragraph 109 advises that the development should only be refused on highway grounds if there are unacceptable impacts on highway safety, or the residual cumulative impacts on the road network would be severe.

9.24 Paragraph 110 continues that development should give priority first to pedestrian and cycle movements, and second, to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use. Additionally such development should also create safe and secure places.

9.25 Paragraph 111 requires all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Chapter 12 – Achieving well-designed places

9.26 Paragraphs 124 to 127 deal with the matter of, and positively promotes design, requiring proposed development to function well, and to add to the overall quality of the area, not just for the short term but over the lifetime of the development. Such development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and it should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation.

9.27 The said paragraph sets out further parameters in respect of design and states that new development should establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. Development should optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks, and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

9.28 It is a fact that design is a matter which falls to be considered throughout the evolution of proposed development, in particular applicants are encouraged to work closely with those affected by their proposals so that designs can evolve to take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot (paragraph 128).

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

9.29 Paragraph 148 requires the planning system to support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
Chapter 15 – Conserving and enhancing the natural environment

9.30 Paragraph 170 b) requires that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

9.31 Para 177 states that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.

9.32 Paragraph 178 a) requires planning decisions to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

Chapter 16 – Conserving and enhancing the historic environment

9.33 Paragraph 189 requires that “Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”.

9.34 Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 197 continues; “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

9.35 The Statutory requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 66(1), which provides as follows:

In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (relates to listed buildings, and which requires that where development would affect a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses).
Alongside the NPPF, Planning Practice Guidance (PPG) provides further information on planning policy and decision making.

**ENVIRONMENTAL IMPACT ASSESSMENT**

10.1 Regulation 18 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 requires that the Environmental Statement contains a description of the development; a description of the likely significant effects of the proposed development on the environment; a description of any features of the proposed development, or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment; a description of the reasonable alternatives studied by the development, a non-technical summary and any additional information specified in Schedule 4 relevant to the specific characteristics of that particular development or type of development to the environmental features likely to be significantly affected. The new EIA Regulations apply to all new EIA development coming forward, unless a scoping opinion request, or on ES has been submitted before 16th May 2017.

10.2 The proposal constitutes development subject to an Environmental Impact Assessment. As this legislation forms European Law, the Government has published EU Exit statutory instruments which amend various pieces of legislation, relevant to planning, in preparation for when the UK leaves the EU. The existing strict protections afforded to sites, habitats and species, including wild birds remain unchanged. There will therefore be no need to re-examine any decisions made before the EU exit as a result of these changes.

10.3 The application has been accompanied by an Environmental Statement (ES) which has assessed the environmental effect of the proposal, both individually and cumulatively. In particular, the ES takes into account a number of developments within the West Suffolk area, namely the creation of a 20-box racehorse training establishment as well as erection of up to 63 dwellings (DC/14/0585/OUT); the emerging mixed use allocation on site K1(a)-Land west of Herringswell Road in the Forest Heath District Council Site Allocation Local Plan Preferred Options 2016; and, the emerging residential allocation on site K1(b) – Land to the rear of The Kentford, for 34 dwellings, in the Forest Heath District Council Site Allocation Local Plan Preferred Options 2016 (this site was also subject to an earlier outline approval DC/14/2203/OUT).

10.4 The Council cannot grant planning permission for any development which is required to be subject to EIA unless it has first taken the environmental information into consideration. The environmental information means the ES, and any representations made by any statutory consultee bodies and any representations made by any other person about the environmental effects of the proposed development.

10.5 As agreed in the scoping exercise, the ES covers issues including land use; transport; ecology; archaeology; historic heritage; noise, air quality; climate change and socio-economics. No significant adverse effects were anticipated, indeed many positive effects were considered to arise from the proposals, but mitigation measures have been proposed to address any issues of concern. Officers agree that the technical
issues raised by the ES have been addressed, and the mitigation measures assessed and can be secured either by planning condition or s106 Agreement.

10.6 The relevant regulations are the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, (the Regulations). Prior to submitting the application, the applicant concluded that Environmental Impact Assessment (EIA) was required and accordingly submitted an Environmental Statement (ES) with the application pursuant to the Regulations. The application is therefore EIA development.

10.7 In such situations, the Regulations require submission of an ES to assess the ‘likely significant environmental effects’ of the proposed development. In terms of the effects of the scheme it must identify, predict and assess the significance of the likely environmental effects both during construction and operation, provide mitigation and management measures. It must also identify the residual effects after assumed mitigation as well as the cumulative effects of such a scheme in relation to other ‘committed’ development in the area and should include sites outside the District of East Cambridgeshire.

EIA Scoping Opinion

10.8 A formal Scoping Opinion under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (Ref: 18/00186/SCOPE) was issued. Whilst legislation has now been amended and amendments included into The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, urban housing extensions of 5 ha or more would still be classified as EIA development. The amendments to the legislation will therefore not affect the application site which is approximately 40ha.

10.9 The original ES, together with a Non-technical Summary (NTS) was submitted in June 2018, with the original application.

10.10 The ES is organised around the following topics/heads:

**Introduction**
- Background
- EIA Screening and Scoping
- Availability of the Environmental Statement
- Structure of the ES
- EIA Objectives
- Consultation
- Assessment Criteria
- Cumulative Effects

**Baseline Environmental Conditions**
- Background
- Agricultural land classification
- Air quality
- Archaeology and cultural heritage
- Ecology and nature conservation
- Ground conditions (including minerals appraisal)
- Landscape and visual amenity
Noise and vibration  
Socio-economics  
Traffic and transport  
Water quality, hydrology and flood

10.11 The findings of the ES and relevant representations are addressed in Section 11 of this report, as an integral part of considering the merits of the proposal. The assumed/recommended mitigation outlined in the ES as revised is recommended to be secured, where necessary, by way of a planning condition or planning obligation.

11.0 PLANNING COMMENTS

11.1 The following section provides, under different headings, more detail of the proposals; the relevant policies to be considered; what the SPD requires; what the environmental impacts are considered to be; consultee comments; and then draws these issues together to provide planning comment on how the proposals conform to these elements, and/or what mitigating elements, or changes have been made to address concerns raised, and their acceptability or otherwise.

11.2 The key issues are considered to be:

- The principle;
- Land Uses and Affordable Housing;
- Proposed Parameter Plans;
- Transport;
- Residential Amenity/Air Quality/Noise;
- Visual Amenity and Landscape Impact;
- Ecology and Green Infrastructure;
- Drainage and Flood Risk;
- Archaeological and Cultural Heritage;
- Future Proofing and Environmental Sustainability;
- Technical Issues;
- Deliverability and Viability
- Other Issues

1. **Principle**

11.3 The starting point is whether the development proposed complies with the Development Plan considered as a whole. Legislation specifically requires the decision maker must have regard to the development plan and other material considerations and that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and (Section 38(6) of the Planning and Compulsory Purchase Act 2004. The Development Plan against which the application falls to be considered is the East Cambridgeshire Local Plan 2015. The application site has not been allocated within the adopted Local Plan 2015.
Paragraph 2 of the National Planning Policy Framework, states that the Framework must be taken into account as a material consideration in planning decisions and that decisions must also reflect international obligations and statutory requirements. Paragraph 12 of the NPPF advises that:

‘12 The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.’

The NPPF provides a sequence of steps for decision making in paragraph 11. Proposals which accord with the development plan are to be approved without delay, but the Framework also deals with situations where the policies which are most important for determining the application are out of date, an example of such a situation being where the Authority cannot demonstrate a five year supply of deliverable housing sites, calculated in accordance with the Government’s methodology. Whether or not policies are the most important for the decision, whether the development plan is out of date and whether or not there is a 5 year supply of housing land are matters of planning judgement, having regard to relevant Government guidance. NPPF stresses the importance of up to date development plans in numerous places, but states at paragraph 213 that “…..existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

The Council’s most recently published Five Year Housing Land Supply Report (November 2018) calculates a 3.94 years supply of housing land. Such a figure includes a small allowance for supply on sites proposed for allocation in the then emerging Local Plan. However, following the Council’s decision to withdraw its Submitted Local Plan at a Full Council meeting on 21st February 2019, some or all of those draft allocation sites that were proposed within the now withdrawn Local Plan might not be able to be relied upon as continuing to contribute to the supply. Similarly, but in the opposite direction, recent new permissions since November 2018 may not be reflected in the November 2018 published figure of 3.94 years supply. Whilst a new Five Year Land Supply Report is not likely to be published until summer 2019 (in order to update the base year from 2018/19 to 2019/20), the Council’s position at present is that the supply of housing land remains between 3 and 5 years.

Moreover, the Council will also need to apply a 20% buffer in line with the Government’s recently published Housing Delivery Test. As such, Policies relating to the supply of housing cannot therefore be considered up to date. Policy GROWTH 2 of the adopted Local Plan 2015 deals with the locational strategy with housing being centred in Ely, Littleport and Soham. This policy also restricts housing to within
specific growth areas with a number of exception criteria which allow development outside the development envelope in order to protect the countryside and the setting of towns and villages. However, worthy of note and of relevance to this application, are a number of the exception criteria, notably community based development; residential care homes; small-scale employment development, and enabling development associated with heritage assets.

11.8 That said, in view of the Council’s position on its 5YLS, all planning applications for housing within the district should now be considered on the basis of the presumption in favour of development meaning that permission should be granted 'unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the National Planning Policy] Framework taken as a whole'.

11.9 In addition, any policy relating to housing has to be carefully applied on the grounds of the tilted balancing exercise as set out above; in this case Policy EMP6 (Development affecting the horse racing industry) would specifically apply. Policy EMP6 does not operate to prohibit housing but rather it includes economic sustainability as one element of protecting the economic sustainability of primarily the settlements around Newmarket. The economic impact of the proposal is covered in greater detail within the following sections of the report. However, in the application currently being considered, the site is arable farmland forming part of a larger agricultural holding and as such is unlikely to have an adverse impact on the operational use of an existing site within the horse racing industry.

11.10 This is partially explained in a court decision in 2015 (Case Numbers: C1/2015/0583 and C1/2015/0894) where the Inspector considered that:

"the concept extends to plan policies whose effect is to influence the supply of housing land by restricting the locations where new housing may be developed - including, for example, policies for the Green Belt, policies for the general protection of the countryside, policies for conserving the landscape of Areas of Outstanding Natural Beauty and National Parks, policies for the conservation of wildlife or cultural heritage, and various policies whose purpose is to protect the local environment in one way or another by preventing or limiting development. It reflects the reality that policies may serve to form the supply of housing land either by creating it or by constraining it - the policies of both kinds make the supply what it is"

11.11 A further Court Case judgement in May 2017 (before Lord Neuberger, President) provided greater clarification and stated that a council that could not demonstrate a five year land supply must be careful in how it applies its environmental and amenity policies. In short a wider view of the development plan has to be taken when coming to a determination.

11.12 It must be noted and accepted that the lack of a five year land supply does not prevent areas specifically protected by the NPPF and statute; for instance heritage having full weight in any determination. However, there is no specific policy in the NPPF that
specifically protects equine land in relation to the lack of five year housing supply and whilst located close to Newmarket, it should be noted that the application is agricultural land and not equine land.

11.13 Another material consideration is that the main demand for housing in the south of the district is being caused by the economic growth centred in Cambridge. With the Cambridge Green Belt surrounding Cambridge and Cambridge already having substantial housing growth along it edges; the next logical locations for growth would be around the satellite settlements for example around Newmarket.

11.14 Paragraph 59 of the NPPF seeks to ensure that there is a sufficient quantity and variety of land that can come forward. It is noted that Kennett, Chippenham and Snailwell do not have any site allocations; though this does not mean that these villages have not experienced growth. However, it does show that villages in the south of the district are not providing sufficient numbers of housing, in line with other settlements in the District in terms of allocations, to help meet the five year land requirement and people in these areas (or seeking to live here) are likely to find it difficult to find a home to suit their needs.

11.15 In terms of delivery, the adopted Local Plan has designated growth areas around Ely, Littleport and Soham which are located to the north of the district. The application would assist in meeting this need.

11.16 Of pertinence to this application are a number of planning appeals within the district in the past six months where the Planning Inspector has allowed the appeal irrespective of the additional pressure that the development would place on infrastructure, services and facilities essential to the future proofing of towns and villages within the district. Members are reminded of the Fordham appeal by Gladmans APP/V0510/17/3186785 at Land off Mildenhall Road, Fordham, Cambridgeshire where the Planning Inspector allowed 100 houses; APP/V0510/W/18/3195976 at land off Garden Close, Sutton (53 houses), and APP/V0510/W/18/3206908: Land South of Blackberry Lane, Soham (168 dwellings). The proposal under consideration brings with it infrastructure, services and facilities which comply with sustainability credentials recommended by national policy. Moreover, with the Emerging Local Plan withdrawn, there is inevitably going to be a period of continuing lack of 5 yr supply and members are invited to make this decision now to assist with housing delivery numbers.

11.17 Policy GROWTH 6 of the adopted Local Plan supports community-led development provided a number of criteria can be met. One of which is that the scheme was initiated by, and is being led by a legitimate local community group such as a Parish Council or Community Land Trust and that the scheme has general community support, with evidence of meaningful public engagement. It is acknowledged that there have been many objections to the proposal and these have been assessed comprehensively within the report to committee. However, the Kennett Community Land Trust (KCLT) is still in support of the scheme and this should be acknowledged. It has been established through the financial appraisal that in order to deliver much needed affordable housing and other community benefits, in the form of the perimeter road, the primary school, public open space, health facilities including elderly care, that a degree of market housing would be required to enable the development of the
sustainable garden village. The financial appraisal has been examined by an Independent Consultant and verified as such. It is therefore considered that the community benefits of the scheme are significantly greater than would be delivered on an equivalent open market site and as such the scheme would comply with Policy GROWTH 6 of the adopted Local Plan 2015.

11.18 The KCLT would have a long term stewardship role owning and managing homes, community facilities and land for both existing and future generations of the Kennett Garden Village. Extensive consultation exercises were carried out with the community and stakeholders on the proposed garden village extension of Kennett, a village which provides infrastructure, services and facilities to meet the needs of existing generations without compromising the ability of future generations to meet their own needs. It is still considered that the proposal meets the requirements of Policy GROWTH 6 of the adopted Local Plan.

11.19 It is acknowledged that the scheme would impact on heritage, landscape character, ecology, biodiversity, residential amenity, transport and highways which have been assessed within the report. However, in view of the lack of a 5 year land supply, and that ad hoc development is not delivering the infrastructure required, then this scheme would make a significant contribution to the Council’s five year housing land supply and under delivery of affordable housing. Moreover, there are major benefits associated with a development of this size which would be evidenced outside of the site in the form of major highway and station improvements which would benefit many of the existing residents in Kennett and Kentford.

11.20 This application has been considered on its own merits having regard to both national and local planning policies as well as the other material considerations. The economic, social and environmental benefits of the scheme have been comprehensively assessed within the foregoing sections of the report and on balance the proposal is considered to comply with the aims and objectives of both national and local planning policies which seek to secure development that improves the economic, social and environmental conditions in the area. The proposal is supported in principle.

2. Land Uses and Affordable Housing

11.21 The application site comprises 40 ha of Grade 2 and Grade 3(b) Best and Most Versatile (BMV) agricultural land used for arable farming purposes.

11.22 The findings of the ES state that the construction of the development would result in the permanent loss of BMV land. This is considered to be a direct significant impact of the development. It is not possible to mitigate direct loss of agricultural land in the same location and to the same extent. The second direct effect has been identified on soil, if it was handled inappropriately.

11.23 Para 170 of the NPPF requires decisions to contribute to and enhance the natural and local environment by among other things, b) recognising the intrinsic character and beauty of the countryside, including the economic and other benefits of the best and most versatile agricultural land; e) preventing new development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable
levels of soil, air, water or noise pollution or land instability, and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate.

11.24 In considering the loss of BMV agricultural land it is acknowledged that this land cannot be replaced. However, East Cambridgeshire is a predominantly rural district benefitting in a high proportion of BMV agricultural land. The loss of BMV agricultural land, as a reason for refusal, has never been supported before at appeal. Successive decisions have informed the Council that, as all land within the district benefits from Grade 1, 2 and 3a BMV agricultural land use classification, nothing would ever get built.

11.25 Turning to the second impact on soil, the ES has put forward a number of mitigation measures which would be required to be applied on soils at the site in respect of recording, handling, storing and replacement in accordance with good practice. The Council’s Environmental Health Department has agreed with the findings of both Phase 1 Contamination Assessment and the Phase 2 Geo-environmental Assessment Report and considers that these practices can be covered by a number of ground contamination and remediation strategies which can be imposed by condition.

11.26 Whilst the loss of this area of BMV agricultural land might theoretically be regarded as a significant negative impact, officers’ assessment is that this loss attracts only ‘limited’ weight in view of the abundance of BMV agricultural land within the District.

11.27 The land use implications also relate to the effects of the development on the local population. The socio-economic chapter of the ES considers all socio-economic effects of the proposed development, including population and age structure, housing, employment and local business, education, health, leisure and recreation and retail.

11.28 Baseline conditions have taken into account, using the following sources, population and age, demographics data obtained from Cambridgeshire County Council 2011 census as well as the local plan evidence briefs on housing, employment/local business, education, health, leisure and recreation and retail topics. The ES estimates that the population of Kennett would increase by 1,150 as a result of the proposal. The 2011 Census has predicted that Kennett and Kentford are likely to experience an ageing population, with East Cambridgeshire characterised by larger detached dwellings rather than flats or terraced housing.

11.29 The development would deliver up to 500 new homes (30% of which will be affordable housing) in a variety and mix of housing types and tenures; 400 employment opportunities would also be created with approximately 64 jobs created within the school, and an area of specialist housing for the older generation complete with healthcare buildings, pharmacy or GP surgery.

11.30 The ES considers there would be many positive effects in terms of economic growth, with a larger labour market and spending power as well as access to leisure and community facilities which would improve health and quality of life. As such taking account of the mitigation measures built into the design of the development, the residual effect is considered to be ‘Moderate to Major Positive’.
11.31 The proposal would introduce a number of differing character areas and these are set out in the Parameters plan (appendix 3). The development framework breaks down the proposed land used as follows:

- Village Core;
- Residential Character Areas;
- Landscape Character Areas;
- Enterprise Park

**Village Core**

11.32 The village centre is the primary element of this character area providing a focus for existing and new residents to meet their everyday needs. Key public buildings would face on to the village square which would include a market cross feature, fountain, podium or piece of public art which will be designed as a focal point of the village for the community to meet up or gather. The Village Green would abut this area to the east.

11.33 Whilst this application is an indicative design of what uses would be incorporated into the reserved matters applications it provides an idea of the range of community benefits and uses to meet local demand ie CLT offices; primary school with playing fields; village square; village green; pub/restaurant and garden; café/takeaway; health care; shared parking area; food store with car park; small apartment blocks; communal garden.

11.34 A number of the uses proposed in the Village Core are main town centre uses and as such the sequential test as set out in the NPPF (paras 86 to 88) requires the Town Centre First Approach should be adopted.

11.35 In undertaking the sequential test there is a requirement for the applicant promoting development in a non-town centre location to be flexible in their approach to reviewing alternative sequentially preferred sites. This means that issues such as format and scale of development should be flexibly considered and the potential of the proposed development to be fitted onto a smaller more central site must be assessed. Much of this evidence can be found in the local plan evidence briefs on employment/local business, leisure and recreation and retail topics.

11.36 Case law [Dundee; North Lincs; et al] and Secretary of State decisions [Rushden Lakes etc] have clarified the extent of flexibility required when assessing the suitability of alternative sites and this has established that disaggregating a proposed development into its component land use parts in order to fit these components onto an array of more centrally located sites is not what the Sequential Test requires. The sequential test is to be undertaken as a 'real world' examination of sites that are capable of accommodating what the developer is proposing and not some artificial or theoretical examination.
The very nature of a local centre in this instance is to serve the needs of a particular and individual local market and is designed to serve a customer base in line with the operators' business models and “locational specific” requirements. As such it would not detract from the vitality and vibrancy of the town centre in Newmarket and would be in accordance with policy COM1 of the Local Plan, which supportslocalised facilities in villages and neighbourhoods outside town centre.

To the west of the Village Core is an area of specialist housing for older residents within easy walking distance of essential services ie nursing home, sheltered accommodation (ranging from individual bungalows and apartments with access to communal facilities), communal building; independent living apartments, independent living bungalows, garden for residents, which would provide residents with an opportunity for residents to access additional levels of care within the same areas ‘as their needs change over time’.

Residential land use

The Government seeks support to significantly boost the supply of housing and that sufficient amount and variety of land comes forward where it is needed and that the needs of groups with specific housing requirements are addressed. (Para 59 of the NPPF refers).

Policies HOU1 and HOU2 of the adopted Local Plan seek a mix of housing and density criteria is required to contribute to current and future housing needs, including easily adapted housing for the ageing population and a minimum of 5% self build properties.

The application proposes up to 500 dwellings (30% of which would be affordable housing), which in view of the Council’s position on its housing land supply would make a significant contribution to housing and specifically and importantly affordable housing within the district.

To meet the requirement to demonstrate a five year supply of deliverable housing land, the Council would be required to provide 6,224 dwellings. It is estimated, based on evidence, the Council is capable of delivering 4,909 dwellings within the five year period. This supply falls short of the updated five year requirement, which is 6,224 dwellings, leaving a deficit of 1,315 dwellings. Expressed in years, this dwelling supply is now 3-5 years supply of housing land. The NPPF seeks the delivery of a wide choice of high quality homes.

According to the information submitted there is no reason that the site could not be delivered within the next ten years making a contribution to the District’s housing land supply which would be a benefit to which considerable weight should be given.

The housing provision would fall within a number of residential and mixed residential character areas, namely: Village Core, Pippin Green, Chequers Green, Mulberry Park and Perry Green.

Pippin Green
11.45 This neighbourhood is located within the south-eastern part of the site abutting Station Road to the east, the enterprise park to the south with the village green abutting its northern boundary and the village core on the north-western boundary. The perimeter road would run along the southern boundary of Pippin Green.

11.46 This character area would have a density range of 30-35 dph and provide a mix of detached, semi-detached and terraced dwellings as well as a few small apartments. This area would also provide self-build housing. The street pattern would be relatively formal with a central community garden complete with toddler play area, green gym adult exercise equipment, community garden and apple orchard.

*Chequers Green*

11.47 This neighbourhood lies to the north-west of the site abutting Tumulus Meadows to the north, the Village Core to the south-east with the perimeter road and open countryside along its western boundary.

11.48 This character area would have a lower density range of between 25-30 dph and more detached dwellings and fewer terraces making it more rural in character. Again within the central area there would be an open space with toddler play, open kick about space and adult gym.

*Mulberry Park*

11.49 Forms the northern gateway into the site and is the lowest density residential neighbourhood with less than 20dph. Its character is the most rural in nature with an informal street pattern and generous landscaping including Tumulus Meadows which runs along its southern edge.

11.50 The primary street runs through the middle of Mulberry Park where there is a rectangular shaped area of public open space with toddler play area, open kick about space, green adult gym and mixed orchard with mulberry trees.

*Perry Green*

11.51 Comprises a semi-circular area of semi-detached and detached homes with a density range of 20-25 dph.

11.52 Its north-eastern boundary forms an important interface with Station Road. The treatment of the SAM is also an important consideration where dwellings would face on to Tumulus Meadows located to the north-east.

*Design*

11.53 The proposal underwent a design review by the Quality Review Panel in September 2018. One of the criticisms of the scheme concerned the density of housing which the Panel considered should be higher.

11.54 Policy ENV2 of the adopted Local Plan requires that all new development should be designed to a high quality, enhancing and complementing local distinctiveness and public amenity by relating well to existing features.
11.55 Para 124 of the NPPF requires proposed development to function well and to add to the overall quality of the area over the lifetime of a development.

11.56 Bearing in mind that this is an outline application with only access being considered, then the matters of layout, scale, landscaping and appearance are to be considered at the reserved matters stage.

11.57 However, the site is of a size to accommodate the development and provide an acceptable degree of amenity in the form of garden size, sunlight/daylight penetration as well as privacy for future residents such that it is capable of complying with the East Cambridgeshire Design Guide Standards. It is therefore not possible to make detailed assessments relating to the design and appearance but these can be considered fully at a later date.

11.58 An amended Design Code (February 2019) has been submitted with the application. This document builds on the Garden Village Principles of Ebenezer Howard embedded within the ‘three magnets’ philosophy of combining town and country into one holistic vision. The development would be subject to a Design Code which would be imposed by condition and would present an opportunity to enhance the character of the garden village. Topic areas covered by the Design Code include land use, green infrastructure, street design, frontage character, built form character areas, residential sustainability guidelines and architectural and urban design principles. Further consideration would be had at the reserved matters stage when its compliance with the East Cambridgeshire Design Guide would be assessed.

11.59 On the basis of the assessment it is therefore considered that the proposal could be designed such as to form a coherent and cohesive extension to the village without any significant detriment to the existing character or identity of the wider village in accordance with ENV 1 of the adopted Local Plan and the NPPF’s advice on good design. The impacts of the development on the village character would be localised in the context of the streetscene and the immediate locality of the site such that it is considered this factor should be attributed considerable positive weight in the planning balance.

**Affordable Housing**

11.60 During 2016 and 2017, ECDC undertook a review of its Local Plan. Following Full Council’s approval in October 2017, the draft Local Plan was subject to its final round of consultation and, in February 2018, was submitted to the Secretary of State for independent examination. However, in February 2019 ECDC decided to withdraw the draft Local Plan from examination. The effect of this is that the draft Local Plan, including its draft planning policies, no longer holds status for the purpose of decision-making. To inform this review of the Local Plan, ECDC commissioned a Viability Assessment. The Viability Assessment Report was duly published in October 2017. Reflecting the findings of the Viability Assessment, the draft Local Plan sought to reduce the affordable housing requirement in some areas, from the levels set by the Local Plan 2015 (policy HOU 3).
11.61 Following withdrawal of the draft Local Plan, ECDC is concerned that its adopted policies do not reflect the latest information on development viability across the district. To inform and support the interim operation of development management policies, ECDC has therefore issued the ‘Viability Assessment Information – Interim Policy Support’ document, which draws on the research undertaken for the Viability Assessment Report (2017).

11.62 The viability assessment provided sensitivity testing for a range of development typologies, assessing the effects of various policy requirements at differing rates, including affordable housing.

11.63 In summary, for Ely and the north of the district (excluding Littleport and Soham), the Interim Policy Support document considers the current Local Plan affordable housing requirement (30%) to remain appropriate. For Littleport and Soham, the Interim Policy Support document identifies weaker results, suggesting a need for a reduction to the affordable housing requirement and recommending an affordable housing target of 20%.

11.64 In the south of the district, which includes the application site at Kennett, the viability assessment typically identified stronger, relative to other parts of the district, but noted that land values are especially variable, and development viability is vulnerable to falls in sales values. The Interim Policy Support therefore recommends a policy target nearer to or at 30% affordable housing in the south of the district, which it considers to be more appropriate than the current 40% target set by the Local Plan 2015.

11.65 The findings of the Viability Assessment Information – Interim Policy Support document suggest that the affordable housing targets set out in policy HOU3 are not wholly up-to-date. As such, it may not be appropriate to apply full ‘weight’ to these policy requirements during the decision-making process.

11.66 The KCLT would take the lead role in the long-term management of the proportion of the affordable homes. The allocations would be made on the basis of:

- Affordability
- Connection to Kennett ie residence, born or close family connections with Kennett, living in a neighbouring parish;
- children attending Kennett School;
- employed in Kennett, self-employed within Kennett, or
- key workers including NHS, teachers etc.

11.67 The Council’s AH Officer has suggested that, 77% of homes should be affordable rented. However, the applicants would prefer a higher proportion of affordable home ownership products within the scheme. Bearing in mind recent changes introduced with the NPPF, the final percentage of affordable dwellings tenure and mix will be determined at the reserved matters stage.

11.68 However, an indicative mix has been provided:

- 48% 1 bed
- 30% 2 bed
- 16% 3 bed
- 6% 4 bed

11.69 The scheme would provide 30% affordable housing, and would make a worthwhile contribution towards the supply of deliverable land and that the development would assist towards meeting the area’s affordable housing needs. Both these factors are considered to be benefits of significant positive weight in the overall planning balance.

School

11.70 GROWTH3 of the East Cambridgeshire Local Plan supports new educational facilities to serve the needs of new development within the district as set out in Policy GROWTH 1. Whilst this policy relates to housing supply it is directed at focussing the majority of new development in the Ely, Soham and Littleport areas and therefore appropriate infrastructure commensurate with the level of housing growth would be expected within these towns. However, as indicated in the preceding sections of the report housing within the growth areas are not being delivered in a timely fashion.

11.71 Para 94 of the NPPF requires LPAs to take a proactive, positive and collaborative approach to development that will widen choice in education and ensure that a sufficient choice of school places is available to meet the needs of existing and new communities.

11.72 The proposal would provide a 1 form entry primary school (210 child places) with 2 early years’ classes on approximately 2.3 ha of land which will be constructed by the County Council during the first phase of development. CCC supports the provision of the school and Suffolk County Council have raised no objection to this approach. It has been suggested within the documentation that use of the school facilities would be available to the community out of hours.

11.73 The existing school would still be operational until the new primary school came on stream when it could be used as alternative community facility.

11.74 The addition of a primary school would provide a social benefit to existing and future communities and as such complies with Policy GROWTH 3 of the adopted Local Plan and is afforded significant weight in the overall planning balance.

11.75 In terms of Secondary school funding this would be funded by CIL. Sport England would support CIL money being used to improve or enhance existing facilities in the catchment area to help absorb the additional demand generated by this proposal.

Employment

11.76 The Government is committed to securing and supporting sustainable economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
11.77 The proposal also includes an Enterprise Park which is located in the southern part of the site and abuts an existing industrial estate.

11.78 Again, whilst indicative only, the Enterprise Park will provide flexible accommodation for office, general industrial and storage uses (B1, B2 and B8) as well as a childrens’ day care facility (amount of floorspace to be confirmed at reserved matters stage) - serving residents of the village and the wider community. The amount of accommodation proposed comprising:

<table>
<thead>
<tr>
<th>Use Class</th>
<th>Gross internal floorspace (sqm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1 (offices)</td>
<td>2,969</td>
</tr>
<tr>
<td>B2 (general industrial)</td>
<td>2,977</td>
</tr>
<tr>
<td>B8 (Storage and Distribution)</td>
<td>1,762</td>
</tr>
</tbody>
</table>

11.79 In the parameters plan (4) all commercial buildings would be limited to two storeys in height up to a ridge height of 12m in keeping with the adjacent industrial estate.

11.80 Policy EMP 3 of the adopted Local Plan supports new development for small scale businesses which will be permitted on small sites closely related to the built framework of a settlement. This policy complies with the aims and objectives of the NPPF which requires local authorities to help create the conditions in which businesses can invest, expand and adapt. Moreover, significant weight should be placed on the need to support economic growth and productivity and wider opportunities for development.

11.81 The location of the Enterprise Park adjacent to an existing industrial estate is within walking distance of Kennett Railway Station and the Kennett Garden Village. The Enterprise Park combined with the mix of uses represented within the village core would provide a diverse range and opportunity of jobs.

11.82 The development would create up to 400 jobs, 64 of which would be created within the community/social employment type (school, care home and healthcare buildings) and approximately 324 jobs within the commercial employment type. The matters of local employment benefits have been raised in a number of the letters of support of the scheme.

11.83 During the construction phase, it is estimated that 208 full time jobs in addition to permanent jobs would be created within the employment/commercial uses on the project site.

11.84 It is considered there would be economic benefits in terms of the construction of the development itself and the resultant increase in population contributing to the local economy. In addition the provision of the Enterprise Park, the Local Centre with its mix of uses, and the community buildings on site would also provide employment opportunities for the lifetime of the development.

11.85 It is therefore considered the scheme complies with the aims and objectives of the Government’s growth agenda which is reflected in Policy EMP 3 of the adopted Local
Plan and that the economic benefits of the scheme should be afforded significant positive weight in the overall planning balance.

Green Infrastructure

11.86 Policy COM 5 of the adopted Local Plan states that the Council would support proposals for new and improved strategic green infrastructure provided amongst other criteria that they are consistent with the objectives of the Cambridgeshire Green Infrastructure Strategy 2011. The strategy can be used to help achieve four objectives, namely

- To reverse the decline in biodiversity;
- To mitigate and adapt to climate change;
- To promote sustainable growth and economic development;
- To support healthy living and wellbeing.

11.87 The following landscape character areas are proposed and provide an indicative view of the green infrastructure strategy to be promoted. As landscaping forms a reserved matter, a more comprehensive account of these areas would need to be provided, however, these are:

\[ i \] **Herbal Walk**

This element would provide a link from the Village Centre to the wetland edge through a variety of herb beds.

\[ ii \] **Tumulus Meadows**

This area would be an open grassland area forming the setting to the Howe Hill SAM.

\[ iii \] **Woodland Edge**

The creation of a woodland habitat along the north-western edge of the site.

\[ iv \] **Wetland Edge**

This area characterises the southern edge of the site and will comprise attenuation basins and swales to create a wetland grassland habitat.

11.88 Each character area has its own doorstep green within the residential parcels as well as the Village Green. The scheme would also benefit from a green corridor around the perimeter of the site. It is considered that the green infrastructure proposed would achieve the objectives of the Cambridgeshire Green Infrastructure Strategy.

11.89 The Cambridgeshire Wildlife Trust has on the whole been supportive of the amount and nature of the green infrastructure proposed, however, has also commented that this may not adequately meet the needs of the 25-30% of new residents that are likely to own dogs. Both Natural England and the CWT would support the provision of a
SANG which can promote walking routes of different length and information on nearby protected sites and how to use/not to use them. They have promoted a nearby 4.4km circular route mainly on PROWS to the north of the development which could prove attractive for longer walks and the applicants have agreed to provide a s106 contribution towards the enhancement of PROWs within the district.

11.90 It is considered that the scheme would deliver an acceptable amount of public open space in accordance with Policy COM5 of the adopted Local Plan 2015.

Play Areas

11.91 The Council’s Sports Facilities and Play Areas Assessment (2005), states that it would make sense wherever possible to locate all three categories (junior, youth and toddler) within 15 minutes’ walk (1,000m) of all new homes and that wherever possible all three categories should be situated at the same location.

11.92 The proposal has adopted an Open Space Strategy comprising:

6 toddler outdoor playing space (TOPS)
2 Junior Outdoor Playing space (JOPS)
1 Youth Outdoor Playing Space (YOPS)

11.93 The outdoor playspace would be in locations accessed by pedestrian and cycle routes and depending on the type of play facility would be within 25 minutes’ walk of all new homes.

11.94 Officers consider that the provision of play areas are adequate and accept the broad locations, however, details of precise location, size, equipment, and landscaping would be subject to planning condition and determined at Reserved Matters stage.

Allotments

11.95 The Garden City principles endorsed the use of land for local food production which is another concept of sustainable communities. An allotment area has been set aside for residents who wish to grow their own food as well as a community orchard which is to be located to the south of the site adjacent to the Enterprise Park. Again this concept contributes to the health and wellbeing of communities with access to open space and exercise and accords with both local and national policy.

Health

11.96 The National Planning Policy Framework 2019 (NPPF) recognises that planning should ‘take account of the health status and needs of the local population including expected future changes, and any information about relevant barriers to improving health and well-being.’

11.97 In terms of health impacts, the project will provide an on-site care home, as well as an extra care facility and a number of community and commercial units that could be occupied by a pharmacy or GP surgery. These facilities would be well-suited to meeting the demands of the District’s ageing population. Moreover, the site would provide a variety of open spaces with many of the doorstep greens benefitting from
green gyms. The application would also facilitate the enhancement of PROW and good connections with the neighbouring SANG.

11.98 The HIA identifies that the construction of the proposed development could cause disturbance and/or stress on residents living in close proximity to the site through increased vehicle movements, noise levels and potential dust/fumes. In addition, site safety will be a key consideration as well as potential impacts on key construction workers, although these matters would be addressed by Health and Safety legislation and the provision of a Construction Method Statement which can be secured by condition.

11.99 Mitigation to address these potential impacts would typically include a limitation on hours of working and the adjustment of vehicle movements to operational hours such as 8:30am – 17:30pm to limit the potential impact on surrounding properties.

11.100 Ensuring site security will also be important during the construction process to ensure only persons with the adequate experience and key construction workers are allowed access to areas that may pose a risk to the public.

11.101 CCC considers the HIA has adequately assessed the positive and negative health impacts of the development on planned communities with mitigation addressed through the CEMP and other conditions.

11.102 The proposed development would make a positive contribution to the health and wellbeing of not only existing residents of Kennett, but the new residents of the development which complies with the NPPF. This factor is also afforded considerable positive weight in the overall planning balance.

3. **Parameter Plans**

11.103 A number of Parameter Plans have been submitted which set out parameters for the following:

- Red Line Boundary – PP 1
- Land Use - PP2
- Density - PP3
- Building Heights PP4
- Open space Strategy PP5
- Access and Movement -PP6

*Parameter Plan 1*

11.104 Outlines the application site delineated with a red line. The blue line denotes land owned by the applicant.

11.105 *Parameter Plan 2 ‘Land Use’* – by showing the distribution of the major land uses including residential, local centre, primary school, mixed use, village square, commercial area, care home/sheltered housing, village green, public open space,
Parameter Plan 3 ‘Density’ outlines the mixed use density up to 30dph, residential density up to 20dph, residential density up to 25 dph, residential density up to 30dph, residential density up to 35 dph and residential density up to 40 dph.

Parameter Plan 4 ‘Building Heights’ outlines the height of development with the Primary school up to 2 storeys (12.5m to ridge), residential up to 2 storeys (11m to ridge), residential up to 2.5 storeys (up to 12m ridge height), Mixed use and care home/sheltered housing up to 2.5 storeys (up to 12.5m ridge height) and commercial up to 2 storeys (up to 12m ridge height).

Parameter Plan 5 ‘Open Space Strategy’ indicating the location of the Village Green, POS, Village Square, Ornamental pond, swale, attenuation ponds, TOPS, JOPS, YOPS, allotments/community orchards, doorstep greens and SAM.

Parameter Plan 6 ‘Access and Movement Plan’ indicating proposed perimeter road junctions, shared foot/cycle routes, perimeter road, primary street, perimeter road access point, primary street vehicular access point, indicative access to commercial area, indicative access to station car park, existing bus stop and proposed bus stops as well as indicative access points to residential parcels.

The key parameters are summarised in Appendix 3. The Parameter Plans submitted address all of the topics outlined above and would generally provide for an acceptable framework for future development. Substantive issues are discussed elsewhere within the planning comments section of this report.

4. Traffic and Transport

It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved. Para 109 of the NPPF requires that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy COM7 of the Local Plan also requires development to be designed in order to reduce the need to travel, particularly by car, and to promote sustainable forms of transport appropriate to its particular location.

The transport chapter of the ES considers the potential effect of the proposed development on traffic and transport. In accordance with guidance, the impact of the development on the transport network has been considered through assessing the impact on:

- severance,
- driver delay,
- pedestrian amenity and delay,
- cyclist amenity and delay,
- fear and intimation
- accidents and safety.

11.114 The Transport Assessment (MLM Group – 24th May 2018) submitted with the application has assessed the local highway network for the years 2026 and 2031. An additional growth factor has been applied to predict traffic which accounts for general committed development in the area.

11.115 Baseline conditions have been assessed through considering the traffic flows as well as committed development flows in and around the Kennett area. The assessment has focussed on two specific highway links on the B1085 Dane Hill Road and Station Road where the level of traffic generated during some of the development's construction phases will be sufficient to require an assessment of effects and their significance.

**Existing Site Conditions**

11.116 Part Two of the adopted Local Plan lists Kennett as a small village located approximately 2.5 miles north-east of Newmarket. The village is made up of two main areas. One around the Station and The Bell Public House and the other around the school and church. There is some linear development between the two, mainly lying east of the B1085, but with substantial open frontages that contribute to the character of the village. The A14 crosses between the two areas, with the railway line running parallel to the road. Kennett Station has the advantage of being on the main Cambridge-Ipswich railway line. The village also benefits from a regular bus service running 6 days per week. The village benefits from a number of facilities, including a primary school, pub, playing field and church. The village immediately adjoins the village of Kentford, which lies within Suffolk, and this village has a shop/post office and services. The village can therefore be considered as locationally sustainable.

11.117 As set out in Part Two of the adopted Local Plan Village Visions, residents of Kennett have indicated a desire for improvements to infrastructure and facilities in the village. In terms of road safety, residents requested road safety reviews in the form of reducing the speed limit along the B1085 to 20mph around the school area, and 30mph elsewhere within the village and a traffic calming scheme. They also want more footpaths and cycle routes, including the provision of a safe footpath access to the playing field from the school and improved footpaths around the river area.

11.118 A major priority for the Council has been to reduce speed and the volume of traffic on the B1085 and reduce the speed limit within the village to improve the safety of residents. The B1085 is a designated HGV route providing a conduit for a high volume of traffic accessing either the A11 or the A14 and as such there is a high proportion of HGVs using Dane Hill Road and Station Road to access the strategic highway routes. In particular the location of the Station overbridge, which is a single lane carriageway width controlled by traffic signals, is a major restriction due to its position outside of the site boundary. During discussions with Highways England it has been stated that the highway network in the surrounding area is not as yet operating at full capacity and this takes into consideration the operational phase of the development.
It is therefore unlikely that a strategic solution would come forward. As a consequence, the B1085 would still be used as a link between the two A-roads and receive a high proportion of HGV movement.

11.119 The issues of highway and pedestrian safety as well as dangerous roads is a recurring theme expressed in the letters of objection to the proposal. It is acknowledged that post development residents are concerned regarding the volume of traffic travelling on the B1085.

11.120 The indicative Master Plan accompanying the application as well as a number of perimeter plans identify the housing areas and the road layouts within the site and the TA identified a number of junctions within the surrounding highway network which may be affected by the proposed commercial and residential uses. When reviewing the proposal in September 2018, the Design Review Panel had criticised the 'over-engineered' nature of the perimeter questioning the need for it. However, the applicants during successive discussions with the KCLT were keen that the design of the perimeter road remains to attract users off of the B1085 and divert traffic away from Station Road. Further traffic calming measures would be proposed to Station Road to slow the speed traffic thus making it an unattractive option. The Highway Authority have not objected to this.

11.121 The Transport Assessment submitted with the application has been the focus of numerous discussions with both Cambridgeshire Highways Authority and Highways England. A stage 1 Safety Audit has been carried out and a number of amendments made to the proposed outline highway designs as a consequence. Consideration has also been given to responses received from other consultation responses. As a result a number of revisions have been made.

11.122 A Transport Technical Response Note dated 29th November 2018 has set out a number of amendments to the scheme and which have been re-consulted on.

11.123 The following amendments have been made, namely:

- The southern section of the perimeter road has been realigned for a 70kph design speed which has resulted in a flatter reverse curve;
- The teenage play space located on the south side of this southern section has been relocated back within the development to remove young people crossing the new perimeter road carriageway in this area. The pedestrian refuge crossing island at the Village Centre right turn lane access junction has therefore been converted to a simple non-pedestrianised traffic island.
- The southern perimeter road roundabout has been relocated slightly to the north-west with additional features to improve approach and driver see-through issues.
- The secondary access junction on Dane Hill Road has been relocated approximately 30m further east and the southern-most secondary access on Station Road relocated approximately 90m north.

Existing access to the site
11.124 The existing access into the site is gained from Dane Hill Farm as the site has no direct vehicle field accesses from Station Road or Dane Hill Road. This access will be retained as it is and will not serve the site both during the construction and operational phases. Therefore with appropriate mitigation measures as set out within this report there would be no impact on the residents on Dane Hill Farm.

11.125 The site has no public rights of way with a footpath on the eastern side of Station Road which links the existing settlement of Kennett and Kentford.

11.126 There is a National Cycle Route (51) which runs approximately 3.4km to the south of the site. This route passes through Oxfordshire, Buckinghamshire, Bedfordshire, Cambridgeshire, Suffolk and Essex with a mixture of on and off road cycling available.

Proposed access points to serve the proposal

11.127 It is proposed to create three separate accesses into the site, one serving the perimeter road at the northern part of the site with an entrance on to Dane Hill Road with another to the south of the site by the existing commercial site in Station Road. There will be a primary street entrance also to the north of the site which serves the estate road network. A number of objections have been received concerning light pollution from headlamp glare and compromise with other vehicular entrances. The road layout has been improved so that existing entrances would not be impeded and light pollution would not affect residential amenity.

Proposed on-site road, footpath, cycle and bridleway provision

11.128 Apart from the construction of the perimeter road, the indicative road layout benefits from a primary street which has been designed for 20mph which runs from north to south of the site connecting to the perimeter road, the village centre and Dane Hill Road. A series of secondary streets provide east-west routes from Station Road to the primary street and perimeter road, connecting the residential parcels within the new development. The permeable street network is then completed through a series of shared surface internal tertiary streets and edge street which encourage slow movement of cars and give priority to pedestrian and cyclists. There are also a number of shared foot/cycle routes.

11.129 The Ramblers Association have raised no objection to the scheme but have requested that consideration be given to offsite facilities, in particular, improvements to the local rights of way network. This view has also been endorsed by the County Council Public Rights of Way Officer who has made a number of suggestions to enhance links to Red Lodge and the CWS located to the east of the site.

Public Transport

11.130 In terms of public transport there are timetabled bus stops located on Station Road adjacent to the railway station and at Church Lane and these are served by bus routes 16/16A on an hourly service to/from Newmarket-Mildenhall-Bury St Edmunds. The No 11 bus route operates between Kentford/Cambridge and Bury St Edmunds. The applicants have been in dialogue with Stephensons of Essex with a view to diverting
the bus route through the new development who have no objection in principle subject to appropriate design and infrastructure. The County Council are seeking assurances that a bus route would be established prior to the granting of planning permission with a bus service provider. However, this has not been possible and as such the Transport Assessment Team have raised objections.

11.131 Regard has been given to the 'in principle' agreement between the applicant and the operator. Market forces will determine whether a route will be delivered. Through the masterplan the scheme has been designed to accommodate a route and the applicant, through the S106 Agreement, will provide a contribution of £60,000 for the provision of bus stop infrastructure.

11.132 In referring to Manual for Streets (2007) and walkable neighbourhoods a range of facilities are desirable to be within 10 minute (800m) walk. There are existing bus stops at Church Lane and the Station and therefore most parts of the development would be within a walkable area. It is therefore reasonable to assume that the bus route could be diverted once the development is occupied. However, market forces are outside the remit of planning control. The applicants have agreed to set aside a contribution towards public transport.

11.133 In terms of possible improvements to the Kennett Station, whilst this does not form part of the current planning application, the applicant has had initial discussions with Network Rail. Further work on the existing layout of the informal parking area would see possible resurfacing and white-lining to provide a drop off/pick up area; additional motorcycle and cycle parking bays together with a 3m footpath/cycleway into the Station forecourt that will tie into the proposed cycle/footway improvements to Station Road. It is also proposed to carry out improvements to the existing bus stops adjacent to the Station which currently have no bus stop infrastructure. For the purposes of this application the S106 agreement will secure the submission of a scheme (agreed between the relevant parties) prior to the commencement of the relevant phase.

Travel Plan

11.134 A Framework Workplace Travel Plan has been submitted with the application and this has identified the methods and measures that could be implemented to influence travel behaviour with the objective to reduce single occupancy car trips.

11.135 The applicants consider that the site is in a location that could readily support a sustainable development with alternative means of transport easily accessible and not dependent upon the private car. The current service frequency and quality of public transport facilities is poor but there is room for improvement in the frequency of both buses and trains. These would likely improve as a result of the development and increases users of the facilities.

11.136 The objectives of the Travel Plan would seek to minimise the number of car based trips and by undertaking improvements to bus stops and the station forecourt, increase the number of trips made to and from the site by sustainable transport modes and as a result increase its connectivity to the surrounding area. This TP would also include a communication strategy to increase awareness of the horse-crossings in Newmarket.
11.137 The Travel Plan would be managed by a Travel Plan Co-ordinator (TPC) who would have overall responsibility for the management of the Travel Plan.

Likely changes in traffic

11.138 In accordance with CCC requirements, traffic flows have been produced from the 2016 base year, a full development occupancy year of 2026 and a future year scenario of 2031. The TA has only factored the 2016 and 2026 flows. The table below indicates the annual average daily traffic flows (AADT) for the highway links in the area:

<table>
<thead>
<tr>
<th>Road</th>
<th>2016(Base)</th>
<th>2026 (Base)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dane Hill Road (north side)</td>
<td>4,632</td>
<td>5,462</td>
</tr>
<tr>
<td>Station Road</td>
<td>4,134</td>
<td>4,874</td>
</tr>
<tr>
<td>Dane Hill Road (N/E of site)</td>
<td>998</td>
<td>1,176</td>
</tr>
<tr>
<td>Turnpike Road</td>
<td>3,236</td>
<td>3,816</td>
</tr>
<tr>
<td>B1085 to Chippenham</td>
<td>3,587</td>
<td>4,229</td>
</tr>
<tr>
<td>B1506 Bury Road</td>
<td>7,305</td>
<td>8,613</td>
</tr>
<tr>
<td>B1085 Moulton Road</td>
<td>2,603</td>
<td>3,069</td>
</tr>
<tr>
<td>A11 (south of A11/B1085 interchange)</td>
<td>34,240</td>
<td>40,372</td>
</tr>
<tr>
<td>A14 (south of site)</td>
<td>37,214</td>
<td>43,879</td>
</tr>
</tbody>
</table>

11.139 The likely changes in traffic have been assessed using data obtained from the Department of Transport as well as manual and Automatic Traffic Counter (ATC) traffic surveys. The coverage included the A11, the A14 and a number of local B roads, junctions and roundabouts.

11.140 The existing highway network was visited and ATCs installed for one week on the B1085 Dane Hill Road adjacent to the northern boundary of the site and on the B1085 Station Road to the south of the overbridge.

11.141 The following flows of traffic were recorded during this period:

**Dane Hill Road**

In terms of existing peak hour traffic conditions the surveys indicated that the 2-way flows for Dane Hill Road in the weekday AM peak hour of 08:00-09:00hrs are about 335 with 556 vehicular movements in the PM peak hour of 17:00-18:00hrs. 85th with percentile speeds of approximately 56mph. This is less than the speed limit of this section of highway.

**Station Road**

Two-way flow characteristics of traffic on the south of the overbridge on the B1085 were recorded at approximately 465 and 485 vehicular movements weekday AM & PM peak hours respectively.

**Red Lodge and Dane Hill Road A11 interchanges**
These were relatively free-flowing junctions which have spare capacity. During the peak hours traffic flows adjacent to the site are free-flowing except for occasional queuing adjacent to Kennett Primary School.

On site observations on the highways surrounding the Site during the weekday AM peak period observed that traffic flows relatively freely with minimal queuing at the B1085/A11 interchange and the B1085 junctions with Dane Hill Road (U) and Church Lane.

In addition the build-out traffic calming feature and the signalised single lane railway overbridge further south interrupts the flows but queuing/delay is kept to a minimum.

The main queuing issue near to the Site is at the Bell Inn Crossroads to the north along station Road. This junction has relatively small kerb radii and is constrained by the adjacent Bell Inn PH and Lanwades building. Traffic congestion is exacerbated by HGVs turning at this junction which require all of the available carriageway width to turn.

Any traffic calming measures along Dane Hill Road, Station Road and Dane Hill Road towards A11 interchange & Station Road south towards Kentford would form part of a separate TRO as this cannot be controlled as part of the planning application currently under consideration.

It is acknowledged that whilst Kennett is served by a railway station, the current pressure on the surrounding highway network is a direct result of the volume of HGV movements along the B1085 which has not been designed for such heavy usage. Congestion is therefore exacerbated by the design of a number of existing junctions that cannot accommodate the volume and nature of vehicles presently using the highway network. However, Highways England do not consider that the highway network has reached capacity and this includes this proposal and other committed schemes within the area. A strategic solution has therefore not been provided. The construction of a perimeter road would relieve much of the pressure on parts of Dane Hill Road and Station Road. The off-site highway works would also improve a number of key junctions which in turn would alleviate congestion. Further modifications to Kennett Station parking layout to provide drop off and pick up facilities would encourage greater usage in the facilities. Furthermore a bus service diverted through the estate would contribute towards a greater usage of public transport.

**Personal Injury**

11.142 In terms of personal injury accident data between 2012 and 2017 show there have been two accidents recorded on the B1085 Dane Hill Road (one fatal and one serious) and one on the B1085 Station Road Link (slight severity). Two accidents have been recorded at the Bell Inn Crossroads junction (one serious and one slight). Analysis of the overall accident data indicates that the local highway network would not in itself appear to be a precipitating cause of the accidents. The proposal is considered unlikely to have a detrimental impact on the accident rate in the area.

**Likely significant effects during construction**
**Construction Traffic**

11.143 As a large proportion of the construction traffic is anticipated to be HGVs, residential areas are to be avoided during the construction period. Additional effects during construction include noise and vibration from vehicles, exhaust emissions from lorries and plant and traffic.

11.144 The following mitigation is proposed:

- HGV routing agreement;
- Hours of operation restricted;
- Parking of construction vehicles and plant, as well as storage of materials to be away from the north-eastern boundary

**Severance**

11.145 This concerns difficulty experienced in crossing a heavily trafficked road. The A11/B1085 junctions and signalised railway overbridge and the Bell Inn Crossroad were assessed within the TA for both 2016 and 2026 scenarios and operate comfortably within capacity for the weekday peak hours. The Bell Inn Crossroad is sensitive to opposing large vehicles passing through it and causing congestion during the peak hours and this could be exacerbated by additional construction vehicles. However, as the quantum of construction traffic during these peak periods from and to the south will be minimised to alleviate the impact on driver delay and is considered to have a ‘minor’ impact. Therefore a ‘negligible adverse’ effect on driver delay is determined for Dane Hill Road and a ‘Minor Adverse’ effect for Station Road.

**Pedestrian Delay**

11.146 A ‘negligible adverse’ effect has been determined on pedestrian delay for both Dane Hill Road and Station Road and this is due to the presence of only one footway along the eastern site of Station Road and no dedicated pedestrian crossing at the station.

**Pedestrian Amenity**

11.147 A ‘Negligible adverse’ effect on pedestrian amenity is determined for both Dane Hill Road and Station Road as the tentative threshold for judging the significance of change in amenity would be where the traffic flow is doubled. The construction traffic accessing the site from one direction would not be doubled.

**Fear and Intimidation**

11.148 A ‘Minor Adverse’ effect significance has been determined for this category in the acknowledgement that as these routes are advisory local lorry routes, they already carry a reasonable level of HGV traffic.
Accidents and Safety

11.149 As mentioned previously (Personal Injury) section above, the accident rate on both Dane Hill and Station Road is low and therefore there is a ‘Negligible Adverse’ effect on accidents and safety.

Completed Development

11.150 The ES has considered that with respect to the operational period, the assessment criteria of a 30% increase in flows has been used for the roads. This takes into account the annual average daily traffic flows for 2026 base flows and the 2026 base development flows.

11.151 Dane Hill Road to the north-west of the site would likely experience an increase of 167%. The next highest increase highway link is the B1085 to Chippenham which would experience a 20.8% increase.

11.152 In terms of mitigation, the perimeter road would effectively provide a by-pass for the main settlement of Kennett with all through traffic now transferring to the new route. The existing section of the B1085 would be designed to slow the speed of traffic by incorporating speed cushions, chicanes and speed tables and this would attract all traffic to use the perimeter road. This road would also have three intermediate junctions; two right turn lanes serving the proposed commercial area and the village centre and a roundabout junction providing another access into the main residential area. This would disperse traffic either travelling north or south of the main Kennett village which would effectively bypass the housing and improve the living environment of those residents.

11.153 The proposal would enable a comprehensive re-setting of the speed limits along the B1085 from the A11 interchange down to the existing Bell In junction in Kentford.

11.154 Upon completion of the development a number of highway improvements would have been implemented. These are:

- new foot/cycle way on western side of Station Road from site to the railway station;
- improvements to existing rail station car park including pedestrian crossing phase incorporated into existing railway over bridge signals;
- new traffic islands and central hatching on Station Road from A14 over bridge to Bell Inn Junction for proposed 30mph speed limit;
- new mini-roundabout junction at the existing Bell Inn crossroads junction; and
- Kennett part-time signals at A11 northbound off-slip T-junction with B1085.

11.155 The above improvements would be secured by a s106 Agreement.

Off-site Highway impacts
11.156 Junction capacity assessments carried out for existing junctions within the study area predict capacity issues at the A11/B1085 off-slip junction, the Bell Inn Crossroads and the slip lane junctions of the A11/A14 Junction 38. For the A11/B1085 off-slip T-Junction the future year ‘with Development’ capacity assessments predict that this junction may experience queuing at this junction back along the A11 slip lane.

11.157 Consideration has been given to implementing part time traffic signals at this junction but Highways England have stated that as long as the queuing does not extend beyond the physical nosing of the off-slip lane there will be no need to implement these part time signals. However, the applicants have proposed a trigger level of 450 dwellings occupied for monitoring the queuing on the junction and this will determine if part-time signals are required at this junction.

11.158 This junction would be monitored up to when the Development is fully occupied to check if this junction exhibits the queuing predicted and whether the signals need implementing.

11.159 The Bell Inn Crossroads, is a constrained junction that experiences problems with HGVs, the capacity assessments predict capacity issues with and without the Development. The mini-roundabout proposals for this junction will remove the majority of these turning issues and bring the junction back within capacity.

11.160 Junction capacity assessments of the A14 off-slip to A11 and the A11 on-slip to the A14 at Junction 38 of the A14 for the 2031 with and without Development scenarios demonstrate that the current merge and diverge highway layouts will be a departure from standard. Therefore the Development should not be responsible for bringing these layout formats back within standard especially considering the relative small scale of the Development and its traffic generation compared to the total A14 and A11 flows.

11.161 A separate Technical Note has been produced relating to the potential cumulative impact of traffic growth associated with Kennett Garden Village and other developments on the operation of A14 Junction 37 and its approaches – particularly for pedestrians and cyclists. It concluded that the proposed development of Kennett Garden Village would not have a significant impact on the operational capacity or safety of the A14 Junction 37 and its associated approaches.

11.162 Capacity assessments carried out for the proposed junctions associated with the Perimeter Road demonstrate that these junctions can easily accommodate the predicted number of vehicular trips attracted to the Development along with through traffic.

*The A11/B1085 off-slip T-Junction*

11.163 The results of the junction capacity tests indicate that the T-Junction is predicted to operate comfortably within design capacity with minimal queuing. In initial talks with Highways England a consideration had been given to implementing part time traffic signals at this junction (for the weekday PM peak only) as the 2031 year with development scenario is predicted to exceed Highways England’s threshold of queuing at this junction extending beyond the physical nosing of the A11 off-slip give way. With the development predicted to be complete by 2026 this threshold is not
expected to be exceeded then, only by the addition of increased background traffic growth from 2026 to 2031.

**A14 Junction 37 with A142**

11.164 A review of this junction has been undertaken in terms of the impact that the Kennett GV development has on it. West Suffolk District Council has queried the potential cumulative impact of traffic growth associated with Kennett Garden Village and other developments on the operation of this A14 Junction. A separate Technical Note has been produced for this which presents a comparison of weekday peak hour traffic flows at the junction in 2026 - with and without the proposed development of Kennett Garden Village and analysis of the associated increase in traffic flow. The following conclusions have been made:

- Analysis of accident data over a 5 year period does not suggest that there are any existing issues associated with pedestrian and cycle safety at the junction or its approaches. The junction is a major grade-separated interchange with a lack of pedestrian and cycle facilities and an associated lack of demand.
- The proposed development is predicted to result in a very small percentage increase of 2% to 3% on the A14 and 2% on the A142.
- Merge / Diverge analysis of the westbound off-slip and eastbound on-slip shows that the proposed development of Kennett Garden Village is predicted to result in a negligible increase in traffic flows through the junction.

11.165 Based on the analysis presented in the separate Technical Note it is concluded that the proposed development of Kennett Garden Village would not have a significant impact on the operational capacity or safety of the A14 Junction 37 and its associated approaches. This has also been confirmed by Highways England.

**Committed developments**

11.166 The TA has considered committed/cumulative developments supplied by West Suffolk, Forest Heath and East Cambridgeshire District Councils. The total number of developments considered was 34. It should be noted that a large proportion of these developments listed were for allocations only and no such transport supporting documents are available which would need to be produced if these applications were ever taken forward to a planning application. None of the sites put forward by West Suffolk had transport supporting documentation with predicted vehicle movements through the junctions that were assessed as part of the TA and therefore there was no need to remodel the junctions.

11.167 It is considered that when these allocations come forward this information would need to be provided and assessed on a site by site basis. Bearing in mind Highways England have considered the impact of both this application and other committed developments and that there is sufficient capacity, then on balance the information as submitted is satisfactory and the impacts on the highway network are considered acceptable.
Parking

11.168 Policy COM8 sets out parking provision outside of town centres and requires 2 spaces per dwelling plus up to 1 visitor parking space per 4 units. Cycle parking should also be provided at 1 space per dwelling.

11.169 Whilst these matters would be further assessed at the reserved matters stage, the site is of a size sufficient to accommodate parking safely on site. This factor is therefore afforded neutral weight.

Other Matters

Impact on Horse racing industry

11.170 A number of concerns have been identified in both the letters of representation and by Suffolk County Council of the importance of the Horse Racing Industry in and around Newmarket. Suffolk County Council considers that while the volumes of vehicles from the development will be a small proportion of those using the network there will be an impact particularly on road safety at horse crossings. The crossings between the site and Newmarket are in areas where there are no limits on traffic speed. Therefore it is considered appropriate that the development contributes to additional safety features at a number of crossings.

11.171 The proposed predicted development’s traffic flows towards the centre of Newmarket are considered minimal the applicants have agreed to provide a contribution, under a separate agreement with them, which will be made towards the improvement programme of equestrian crossings. This would provide flexibility and allow the Jockey Club to reassign the funding to certain crossing facility improvements in line with their future operations. This will also provide consideration towards mitigating the residual cumulative impacts of the development and the emerging local plans.

Conclusion on movement

11.172 The NPPF includes a core principle on the need to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations that can be made sustainable. It requires all developments that would generate significant levels of movement to be supported by a Transport Assessment and says that development should only be prevented or refused on transport grounds where the residual cumulative impact of development are severe.

11.173 The proposal has undergone a number of rigorous consultation exercises and a Road Safety Audit. Both Highways England and the Local Highways Authority have undertaken a comprehensive analysis of the Development and consider the proposal meets with highway access design objectives and sustainable values. The access points to this development underwent a Road Safety Audit (RSA) Stage 1 completed by CCC at the expense of the applicant. Prior to construction of the roundabouts, footways / shared use areas & cycleways and access points, on the highway, a Road Safety Audit
Safety Audit Stage 2 would be required to be completed by CCC at the expense of the applicant, as part of the S278 highways works agreement

11.174 The highways authority has agreed in principle to adopt the new bypass / perimeter road subject to it meeting the CCC construction specifications, speed limit requirements and having the correct inter-vehicle visibility splays at the junctions for the speed of road. The proposed road layout and visibility splays along this road have been designed to 50mph which currently does not meet with the CCC standards, for a road in a rural location with no active frontage, this being 60mph. The adoption of this road will therefore rely on the planning authority being able to secure enough active frontage in the reserved matters application stage so that it qualifies for a reduction in the speed limit (from 60mph to 50mph) in line with CCC requirements.

11.175 A Traffic Regulation Order (TRO) would also be required to reduce this aforementioned speed limit. The TRO process requires a public consultation and therefore the outcome of this cannot be pre-determined and should not be relied upon to secure planning permission.

11.176 The proposed junction / roundabout improvement works at the border with Suffolk are partially on CCC highways network. There is a small section of works required on the CCC side which was included in the CCC RSA and to which the LHA have no objection to.

11.177 On balance, and in line with advice from the National Planning Policy Framework, it is considered, by providing appropriate mitigation measures, the impacts are not considered injurious enough, sufficient to refuse the scheme on highway and access grounds.

11.178 The proposal would provide Kennett with a village centre which will integrate both existing and future developments into a cohesive village. The site is also in close proximity to Kennett Railway Station which provides a regular service to Cambridge, London and Ipswich and which is likely to give rise to improvements both to the frequency of trains and to infrastructure both on and off the railway site. Following discussions with the current bus service provider, there is no reason to suggest that the existing bus service cannot be diverted through the estate and the design of the street layouts accommodate this.

11.179 Whilst transport has been identified by a number of commentators as a major issue to be addressed, the proposal would provide a range of mitigation measures which can be achieved through design and offsite highway works.

11.180 To conclude, it is considered that whilst the proposal would have a significant detrimental highway impact on parts of Station Road as well as other parts of the surrounding highway network, areas within the locality of Dane Hill Road and the northern section of Station Road would see an improvement in the volume of traffic which would be greatly reduced, especially the volume of HGV traffic. The southern end of Kennett village however would experience a heavier volume of traffic which is considered significant. The scheme has been considered acceptable by Cambridgeshire County Council and Suffolk County Council Highway Authorities as the proposed mitigation via Travel Plan and PT investment / traffic calming would
reduce any impacts to less than severe and therefore meet the requirements of the test as set out in Para 11 of the NPPF. Also, there would be other parts of the existing village which would see a reduction in traffic. Putting all these factors together, impacts are not ‘severe’ and are acceptable.

11.181 On balance, the proposal complies with Policies COM 7 and 8 of the adopted Local Plan and the aims and objectives of the NPPF.

5. Residential Amenity/Air quality/noise

11.182 The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Policy ENV2 of the Local Plan requires development to respect the residential amenity of existing and future occupiers. The main issues to be considered under this section of the report is the impact and standard of residential amenity of both existing and future occupiers of the site.

11.183 The Design and Access Statement states that there would be a number of character areas each benefitting from densities of between 20-35 dph. Officers consider that the density outlined and the parameters would enable the proposal to achieve a good quality development, sufficient garden/amenity space and separation distances which would ensure an acceptable level of residential amenity for future occupiers. Recommended conditions relating to construction management, noise and lighting would also help ensure this. As layout, appearance and scale are not being assessed at this stage, the reserved matters applications would need to ensure that the proposed development would create an acceptable level of amenity for future occupants as well as safeguarding the amenity of those that occupy existing properties which adjoin the site.

11.184 In terms of the residential amenity of existing occupiers of nearby properties is concerned, it is considered that there would be impacts both during the construction and operational phases of the development.

11.185 Concerns have been identified in the letters of representation objecting to the scheme regarding loss of light/overshadowing, light pollution, increased noise, vibration and disturbance and loss of privacy/overlooking.

11.186 Para 127 f) of the NPPF recommends that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

11.187 The ES has evaluated the impact on residential both in the construction and operational phases of development. In seeking to ensure light, air quality, noise and water pollution are minimised, in the interest of health and safety, and on the natural environment, and that the reasonable amenity of all occupiers is maintained.

11.188 The construction phase will be temporary and the impacts will change as the development progresses and the operational phase of the development will be permanent. This is an outline application, therefore any details of the proposed layout
are only indicative so issues of overshadowing and the loss of privacy for adjacent residents and future occupiers will be addressed at the reserved matters stage, when the final design of the development will be considered.

11.189 The residents which are adjacent to the proposed development site are those located in Station Road. Parameter Plan 4 which is the Green Infrastructure Plan and is a document submitted for approval, shows that these properties will be separated from the proposed development by the existing B1085 and through the retention and enhancement of existing vegetation, which will greatly reduce any overshadowing or loss of privacy, for existing residents. Loss of privacy and overshadowing are therefore not considered to require further consideration.

11.190 The following paragraphs address the issue of light, air and noise pollution.

**Lighting**

11.191 At present the site is not lit, with the closest street lighting being situated along Station Road and Dane Hill Road. The proposed permanent lighting on the development would be similar to those residential developments situated adjacent to the site. However, there will be an initial impact on residents and ecology where street lighting and adjacent properties do not already exist.

11.192 During construction of the project the ES states that floodlighting will be employed during the construction phases of the development and all lighting would be switched off after working hours.

11.193 The Council’s Environmental Health Officers raised no concerns to the information submitted in relation to the proposed lighting, subject to the requested planning conditions being imposed for the submission of a lighting scheme and for a Construction Environmental Management Plan (CEMP) which will address lighting. The planning conditions proposed will require details of the lighting to ensure that the impact is acceptable both in view of residential amenity and biodiversity.

**Air quality**

11.194 An Air Quality Impact Assessment [MLM Group] forms part of the ES and provides an AQA to identify the air quality effects of the development on local air quality and the potential exposure of future receptors at the development to pollution concentrations of Nitrogen dioxide (NO₂) and particulate matter (PM₁₀).

11.195 There are residential dwellings within 350m of the boundary of the site and within 50m of the route likely to be used by construction vehicles. There are no ecological receptors within 50m of the site boundary.

11.196 It is considered that during the construction phases, the air quality would be a key significant effect in particular relating to dust particles. The applicants have represented a *worst case scenario* in which the site is considered to have a dust emission class of ‘Large’.
During the operational phase it has been predicted that the development would cause a slight increase in NO2 concentrations at a number of the modelled receptor locations. That said, some of the receptor locations in Kennett would have ‘slight beneficial’ impact descriptors due to the new perimeter road which would divert some traffic away from Dane Hill Road and Station Road.

The following mitigation measures are proposed:

**Developing and implementing a Dust Management Plan (DMP)**

The TA has considered a number of committed development in the vicinity of the development. Traffic generated by these developments has been added along with background traffic growth to 2026 base flows to provide the ‘without the development scenario’. Whereas the ‘with development scenario’ includes the traffic generated by the development, as well as all the committed developments in the local area.

Air quality at receptor locations has been assessed in terms of the impact both during construction and operational phases. During construction phase once mitigation measures were implemented the residual impacts are considered to be ‘negligible’ and during operational phases the residual impacts were considered to be ‘not significant’.

The Environmental Health Officer accepts the findings that following the implementation of mitigation measures the air quality impacts during construction phase should not be significant and that no mitigation measures are necessary during the operational phase.

**Noise and vibration**

The British Standard Code of Practice provides information on the design of buildings that have internal acoustic environments appropriate to their functions. It deals with the control of noise from outside the building, noise from plant and services within it and room acoustics for non-critical situations.

The noise and vibration chapter of the ES considers noise and vibration levels generated by construction and operational activities that have the potential to impact upon local receptors. However, the magnitude of the potential impact would depend upon a number of variables. The ES has presented an appropriate methodology to predict and assess noise and vibration levels.

A baseline noise survey was carried out at the site in June 2016 and noise measurements were taken as baseline conditions at a number of positions surrounding the site in order to measure road traffic noise at nearby roads (Dane Hill Road, Station Road and the A14) as well as measuring agricultural processing activities to the south east of the site.

**Construction Noise**

During the construction phase, three potential effects were identified:
- The effects of noise from construction works and road traffic;
- Construction phases upon new dwellings within the development;
- Construction of the main internal road.

11.206 The noise assessment has predicted the impacts of Phase 1 upon the closest existing receptors on Station Road as a *worst case scenario* and the impact of further construction phases upon new dwellings within the proposed development. The Assessments identifies that compliance with the threshold value of 70 dB(A) is predicted during site preparation, site implementation works and construction of the main internal road with ‘no significant adverse impact’ expected.

11.207 The construction noise levels on existing dwellings in Station Road during site preparation are predicted to be 60 L$_{Aeq,T}$ and on future dwellings within the development 65 L$_{Aeq,T}$.

*Construction Vibration*

11.208 In terms of vibration during the construction phase the most vibration activities would be undertaken in the foundation construction, with the residents on Station Road anticipated to be most likely affected by these activities.

*Construction Mitigation*

- Use of continuous flight auger piling, at locations where noise-sensitive receptors are within 20m
- Using 'silenced' plant and equipment;
- switching off engines where vehicles are standing for a significant period of time;
- fitting of acoustic enclosures to suppress noisy equipment;
- operating plant at low speeds;
- temporary screening or enclosures for static noisy plant
- plant certification to meet EC Directive standards, and
- awareness training of all contractors.
- low speed idling;
- electrically driven equipment;
- maintenance of plant and equipment;

*Operational effects*

11.209 During the operational phase of the development again three potential effects were identified, namely:

- Noise impact on residential amenity;
- Road traffic noise from the new dwellings;
- Railway vibration on the development once it was operational.

11.210 During the operational phase it was considered traffic noise would likely increase as a direct result of the development. The predicted change in traffic flows as assessed on the basis of gross traffic flows and mitigation through the Transport Plan as a direct
result of the proposed development represents a negligible adverse impact on the major of road network in the area.

11.211 Traffic noise predictions have been undertaken and these consider the relative change in noise level as a result of the development. It is considered that existing development in Dane Hill and Station Road would experience a Minor to Major beneficial effect. Road traffic noise along the B1085 Turnpike Road, the B1085 to Chippenham, Bury Road, Moulton Road as well as the A11 south of the B1085 interchange would experience a negligible adverse effect.

11.212 In terms of future residential amenity, only small areas to the south-east of the site may experience ‘adverse effect’ levels. Certain recommendations have been made with regard to layout of housing, detailed acoustic design of buildings as well as glazing and ventilation strategy. However, further consideration would be given at the reserved matters stage.

11.213 A number of mitigation measures have been proposed, which are:

- Best practice means for control of construction noise;
- An appropriate masterplan layout;
- Ventilation strategy;
- External building fabric acoustic performance
- Implementation of a CEMP.

11.214 The ES has concluded that once the built form of the development is considered, the effect on the majority of the site will be ‘negligible to minor adverse’ during construction and operation due to increased traffic flows on local roads and temporary noise effects during construction.

11.215 No concerns have been identified by the Council’s technical consultees and therefore there is considered to be no material harm to the amenity of both existing and future occupiers of the site.

11.216 No activity was audible or likely to be audible within the site boundary, arising within the quarry/mineral extraction site or Wildtrack Leisure Facility. The presence of high levels of road traffic noise arising from vehicles using the A11 and A14 is sufficient to render such sources inaudible at the separation distances present in this case.

11.217 Although it is evident that the proposed development would change the nature of views from the properties in the vicinity of the site, the preservation of private views such as these are not a material planning consideration.

11.218 Overall, it is considered that the proposal would have an acceptable impact on residential amenities in accordance with Policy ENV2 of the adopted Local Plan and the NPPF. This factor is attributed neutral weight in the planning balance.

6. **Visual Amenity and Landscape Impact**
11.219 The application site falls within two National Character Areas (NCAs), as set out by Natural England, with most of the site falling within East Anglian Chalk (NCA 87). Kennett Village falls within the Breck National Character Area (NCA 85).

11.220 The NPPF requires that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural and, and of trees and woodland. Para 170 b) refers.

11.221 Policy ENV1 seeks new development to protect, conserve and enhance while being sensitive to the character areas defined in the Cambridgeshire Landscape Guidelines.

11.222 The application has been accompanied by a Landscape and Visual Impact Assessment and has identified three landscape character areas. Namely, i) open large scale geometric arable farmland (LCA1); ii) enclosure landscape of stud farms and stables (LCA2), and, iii) smaller scale irregular and enclosed riverine landscape along the Kennett River (LCA3). The application site lies within LCA1.

11.223 The site is a large and open in character agricultural land parcel which has not been divided into small land parcels by enclosure of trees, hedges and ponds. It is still in use for arable farming.

11.224 In considering the visual impact on the landscape Policy ENV1 of the Local Plan requires new development to provide a complementary relationship with existing development, and conserve, preserve and where possible enhance the distinctive and traditional landscapes, and key views in and out of settlements. Policy ENV2 of the Local Plan requires that new development should ensure its location, layout, form, scale, massing and materials are sympathetic to the surrounding area.

11.225 Chapter 12 of the NPPF is concerned with achieving well-designed places and states that local planning authorities are required to take design into consideration and should give great weight to outstanding or innovative designs which help to raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings (para 130 refers).

11.226 The application site is located within the Landscape Character Area known as the Chalk Hills which extend between Cambridge and Newmarket (Cambridgeshire Landscape Design Guidelines). Clearly, the local landscape would alter from one of an open landscape of arable fields to a large contemporary residential community.

11.227 A Landscape and Visual Impact Assessment (MLM Consulting Engineers Ltd) has been submitted with the application and this document has assessed the landscape and visual effects of the proposal. The landscape is considered to be of Medium Sensitivity to development. The impact of the development has been assessed in the ES from 16 individual viewpoints around the site and graded in terms of the sensitivity of the receptor from high to low.

11.228 The assessment has established that the visual effects of the development would be ‘low to medium’ reaching ‘medium to high’ around the setting of the SAM.
The proposal to change the existing agricultural fields that make up the site to an area of urban development would, in officers’ view result in a major adverse landscape character impact on the area of the site itself. The localised visual effects of the proposed development would also be major adverse. The visual receptors that currently look out over the application site look out over an area of existing open countryside. If the proposed development were to be permitted, those views would be permanently changed to views of the proposed dwellings and associated planting. The contrast between the current ‘baseline’ and the post development scenario would be assessed as being of major adverse effect for most of these localised receptors. However, it is accepted that these are fairly localised receptors and therefore the development would be ‘localised’ to the area of the site and its immediate surroundings. The site is generally visually contained (particularly by existing built development to the east and south) and as such, the landscape and visual impacts of the proposed development although adverse and permanent, will be largely restricted to the immediate locality. As a consequence, the effect on the overall landscape and visual amenities would not be sufficiently significant to resist the proposed development on landscape and visual grounds.

It is considered that no landscape features would be lost as a result of the development, except a small amount of hedging on the perimeter of the site to facilitate the accesses.

Notwithstanding this, the development would alter the character of the application site from one of open farmland to a garden village. As a consequence Kennett Village would expand from a small village (KEN1 of the adopted Local Plan) into a large village.

Mitigation measures are proposed as follows:

- Good construction management
- Management of the hedge height bordering Station Road to a winter cut height of 2m;
- Advance planting along the cycleway/pedestrian corridor which runs alongside Station Road as part of Phase 1A;
- Strengthening existing landscaping and implementing garden vegetation and green corridor as well as level change with the site.

The ES concludes that the above mitigation should reduce the effect on the visual amenity of both residents and visitors from ‘Neutral’ to ‘Moderate Adverse’ due to the changes in site character and temporary visual impacts to some receptors. Clearly the view from some properties in Dane Hill Road and Station Road would be affected both during and after construction of the site, as rights to a view are not a material consideration then this carries limited weight.

It is considered that the proposed development would extend the village into open countryside but that the site is fairly well contained being bounded on the eastern boundary by existing development. Views of the development and its impact on the wider countryside would be curtailed to the west and south by the existing A11 and A14. Views across open countryside to the west would be seen against the backdrop
of the existing built development comprising the village such that it is not considered
it would appear overly intrusive. Given the degree of physical containment provided
by the existing development surrounding the site, it is considered the proposal would
not appear as a significant obtrusion into the open countryside.

11.235 In terms of the scheme’s compliance with the NPPF there is a requirement that
decisions should contribute to and enhance the natural and local environment by
recognising the intrinsic character and beauty of the countryside, and the wider
benefits from natural capital and ecosystem services and Policy ENV1 of the adopted
Local Plan also requires development to protect, conserve and enhance the natural
environment. It is considered the proposal would have an impact on the natural
environment compromising the site itself and its immediate environs, which is
contrary to both national and local policies. However, in view of the fact that the
impact upon the wider landscape would be limited this impact should be afforded
moderate negative weight in the planning balance.

7. **Ecology and Green Infrastructure**

Ecology and nature conservation

11.236 The Preliminary Ecological Appraisal (PEA) has been undertaken in accordance with
the key principles of the NPPF and Govt Circular 05/06. A desk study has been
carried out to identify the nature conservation designations of protected sites and
legally protected species recorded within a 2km radius. As part of the PEA a number
of surveys have also been undertaken (Phase 1 Habitat Survey, Breeding bird and
protected species scoping survey).

11.237 The ES lists 11 statutory and non-statutory designated conservation sites identified
within the 2km search radius of the site.

11.238 The application site comprises a number of habitat types, namely:

- Arable field
- Tall ruderal
- Species poor hedgerow
- Dense scrub
- Scattered trees
- Bare ground
- Semi natural broadleaved woodland
- Standing water

11.239 The results of the Protected Species Scoping survey are recorded below:

*Plants*

No rare plants were recorded on site.

*Standing Water/Amphibians*
An area of standing water was observed off-site adjacent to the north-west corner of the application site.

It was considered there was a likelihood that the water would attract Great Crested Newts (GCNs) however in view of the development site being an arable field it would be unsuitable terrestrial habitat for GCNs. A GCN analysis of DNA in pond water was undertaken with the results coming back as negative to the presence of GCNs.

In view of the nature of the hedgerows which borders the site boundary, it was also considered that there was potential for amphibians to use these corridors for commuting purposes however, in the absence of ditches or standing water again it would be an unsuitable breeding habitat for amphibians.

**Invertebrates**

A Cinnabar moth was recorded on site. The tall ruderal, hedgerow and scrub habitats could also provide habitats for invertebrate species. However, in view of the agricultural use of the site it was considered unlikely to support any rare invertebrates.

**Reptiles**

No reptiles were recorded within the survey area.

**Birds**

The following birds were recorded on site:

- Blackbird
- Crow
- Goldfinch
- Great black-backed gull
- Green Woodpecker
- House Martin (amber listed)
- Jackdaw
- Long-tailed Tit
- Magpie
- Pheasant
- Song Thrush (priority species and red listed)
- Starling (red listed)
- Swallow
- Whitethroat
- Woodpigeon
- Wren

**Mammals**

Evidence of mammals using the site was recorded across the bare ground through animal tracks. Those identified included:
- Brown hare
- Reeve’s muntjac
- Roe deer
- Badger (unconfirmed)

Thirteen brown hares were observed within the western section of the application site. A Roe-deer was also seen as was a fox.

**Bats**

A Bat Transect Survey was carried out the results of which indicate that bats use the site for commuting and foraging. Trees located around the perimeter of the application site may also provide roosting opportunities.

During the construction of phase, 4 the following potential effects have been identified:

- Damage or destruction of active nests of common bird species;
- Damage or destruction of active nests of farmland bird species or killing or injury of chicks during construction would be considered significant;
- Loss of bat commuting and foraging habitats either through loss or lighting.

**11.240 Mitigation proposed during construction:**

- Clearance works would be undertaking outside of the bird nesting season
- Bird friendly pesticide regimes and creation of skylark plots;
- Creation of seed and invertebrate foraging habitat;
- As part of the landscape strategy foraging habitat and linear habitat features would provide enhancement and new roosting opportunities;
- Turn off site illumination outside of working hours;

**11.241 Mitigation proposed during operation:**

- Bat sensitive lighting;
- Landscape habitat features (reserved matters)

**11.242 The ES concludes that with the mitigation measures proposed the development would have a neutral to minor beneficial effect on ecology.**

**11.243 Natural England have raised no objection to the proposal subject to appropriate mitigation, through the implementation and long-term management of a Green Infrastructure Strategy for the site, being secured through planning conditions. As such NE is satisfied that the proposed development is unlikely to have any adverse impact on designated sites including the Red Lodge Heath SSSI.**

**11.244 The Wildlife Trust welcomes the integration of green infrastructure and the aspirations to support wildlife habitats. They have welcomed a contribution towards a SANG which is currently being promoted on the former Kennett Quarry Site. The Half Moon Plantation Pit is a potential site which could fulfil this function and is opposite the**
application site and likely to be completed with 4-5 years. This could be agreed by a contribution within the S106 Agreement.

11.245 The scheme would not affect any European sites and no Habitats Regs Licence would be required.

11.246 The environmental assessment information provided is considered to be sufficient in order to assess likely significant effects arising from the development. Bearing in mind the history of the site as agricultural farm land, the application provides an opportunity to create a habitat rich in biodiversity.

11.247 Whilst there would be some temporary impacts, the vast majority of these can be managed out, and the mid to long term effects of the scheme will be more biodiverse compared to the monocrop agricultural use presently occurring on the site. It is considered the applicant has demonstrated that the scheme would not detrimentally impact on the ecology and biodiversity of the site that a number of conditions are recommended to secure biodiversity enhancement to create a net gain as part of the development. The proposal is considered to comply with the aims and objectives of the NPPF and Policy ENV7 of the adopted Local Plan. This factor is afforded neutral weight in the planning balance.

8. **Drainage and Flood Risk**

11.248 Policy ENV8 of the adopted Local Plan requires all development to contribute to an overall flood risk reduction. Surface water drainage arrangements must be accommodated within the site and issues of ownership and maintenance addressed. The use of SUDS is required.

11.249 Para 163 of the NPPF requires that in determining any planning application local planning authorities should ensure that flood risk is not increased elsewhere.

11.250 According to the Flood Risk Assessment submitted with the application, the application site lies within Flood Zone 1 according to the Gov.uk flood map for planning and is classified as having a low risk of flooding. Therefore all land uses are appropriate in Flood Zone 1. The closest main river is the Lea Book/River Kennett which is located 800m north-west of the site. According to the water Framework Directive it is considered that surface water has a low sensitivity with regard to water quality and as the site is also situated over a Principle Aquifer and lies partially within a groundwater Source Protection Zone therefore it is considered the groundwater would also have a ‘high sensitivity’ to water quality.

**Surface Water**

11.251 The ES makes an assessment of the effects on surface water, groundwater, flood risk and drainage, water resources and infrastructure and considers and assesses the receptors that have the potential to be significantly affected during the construction and operation of the development. These are surface water quality and groundwater quality which are likely to be affected.
11.252 It is considered that the operation of construction vehicles and general construction activities may give rise to potential for surface water runoff to become contaminated with hydrocarbons, silt or other material and enter surface water courses or the ground.

11.253 The following mitigation measures have therefore been proposed:

- Construction vehicles maintained to reduce the risk of hydrocarbon contamination;
- Implementation of sustainable drainage systems;

11.254 During operation of the development the key potential effects would be the control of surface water runoff rates and volumes, the potential contamination of groundwater from routine site runoff and increased mains water and foul drainage demands. The following mitigation measures are also proposed.

- Incorporation of water-saving devices;
- Sewerage infrastructure improvements;
- Compliance with drainage strategies governing water quality and surface water runoff;

11.255 It is considered that overall with the recommended mitigation measures in place the potential effects are ‘Negligible’.

11.256 The existing site is 100% greenfield and therefore the development would result in an increased impermeable area as a result of hardstanding. As such there would be an increase in surface water runoff elsewhere. The proposed surface water drainage strategy would convey runoff via a number of swales and piped systems into infiltration basis located in areas of public open space. The ES states that these sustainable drainage features would have been sized to accommodate the 1% annual exceedance probability (AEP) rainfall event inclusive of a 40% allowance for climate change and a half drain time of 1440 minutes. With these mitigation measures the residual effect is considered to be ‘negligible’.

11.257 The Environment Agency and the Local Lead Flood Authority have agreed with the findings of the ES and associated documents and have raised no objection subject to the imposition of a number of conditions.

11.258 In terms of water demand, there would be an increase as a result of the development when compared to the existing agricultural use of the site. Anglian Water has confirmed that there is currently insufficient capacity within the local water services infrastructure to serve the demand of the proposed site and therefore off-site reinforcement will be required. However that they expect water supply to be served from existing sources and would not require new abstraction licences. The effects of increased water demand is considered to be ‘medium’.

11.259 Mitigation in the form of appropriate water-saving devices, with building designed to maximise water efficiency via rainwater and greywater harvesting, as well as retrofitting equipment and the use of water butts where appropriate. As a result it is considered that the residual effects would be ‘negligible’ to ‘minor adverse’.
Foul Water

11.260 The applicants have stated in the ES, that as expected, the demand would significantly increase due to the development comprising predominantly residential use. The effect significance is considered to be ‘Minor to Moderate Adverse’. As part of the mitigation proposed a foul pumping station (adj to the commercial area) and associated infrastructure improvements would be dealt with at the reserved matters stage. Again AW confirms that there is capacity to treat foul drainage from the site at the neighbouring Newmarket Water Recycling Centre subject to the discharge trade effluent application. With these mitigation measures in place the residual effect would be negligible.

11.261 The cumulative effects of development have been assessed on water resources and foul drainage provision which are managed at regional level and need to be offset by sustainable design and water efficiency measures where necessary.

11.262 It is considered that appropriate planning conditions can be imposed to ensure an acceptable scheme is agreed for the development which would not have an adverse impact on the existing and proposed water environment and complies with national and local policy. This matter is therefore afforded neutral weight in the planning balance.

9. Archaeology and Cultural heritage

11.263 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act says that in considering whether to grant planning permission for development which affects a listed building or its setting, the authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

11.264 Paragraph 194 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Policy ENV12 of the adopted Local Plan 2015 require new development that affect the setting of a Listed Building only to be permitted where they would preserve or enhance those elements that make a positive contribution to or better reveal the significance of the heritage asset, nor materially harm the immediate or wider setting of the Listed Building.

11.265 Policy ENV14 of the adopted Local Plan sets out the criteria for development proposals at or affecting sites of known or potential archaeological interest.

11.266 The application site contains the Howe Hill Barrow (SAM). To the north-east is a Grade II Listed School House and a Grade II* Listed Church. The Kennett End Crossroads lies to the south of the site within the medieval roadside settlement of Kennett.
An Archaeological Viewshed Survey [Nov 2017 - Oxford Archaeology East (OA East)] was submitted as part of the planning application which focused on existing views to and from the Scheduled Howe Hill barrow (DCB231; SAM 27169), and specifically, its visibility within the proposed development envelope. Wider views of the landscape to and from the barrow were also considered, particularly those along a ‘view corridor’ to be maintained as part of the proposed development.

The heritage and archaeology chapter of the ES considers the potential impact of the development on the cultural heritage which is informed by an archaeological evaluation of the site comprising aerial photographs, geophysical survey and a programme of trial trenching.

The site is located in an area of high archaeological potential. The nationally important Bronze Age Barrow monument Howe Hill (Scheduled Monument Number 1015011) is located within the application site and further undesignated barrow monuments are recorded in the vicinity. These are considered to have high sensitivity. The site has been subject to an archaeological evaluation (HER ECB), the results of which indicate that the barrows were located within a largely open landscape. A substantial landscape boundary is likely to be contemporary with the barrows. Sparse activity of Iron Age date was also identified.

The site of the SAM is wholly within the application site located within the north-eastern corner of the site. In its current setting it cannot be seen or accessed by members of the public and therefore its significance both locally and nationally within its positioning with the wider historical landscape setting has not been promoted.

In the original masterplan Historic England had concerns regarding the landscape treatment within the environs of the SAM. Further issues had been identified with regard to the policies within the Submitted Local Plan 2018, however, as this document has been withdrawn, no further reference to these is appropriate.

The indicative layout has since been amended resulting in the creation of a large expanse of undeveloped public open space identified within the application as ‘Tumulus Meadows’ which provides a view corridor to the SAM and historic landscape beyond the site. Clearly, the opening up of this area to members of the public would provide an opportunity to understand the origins of the Howe Hill monument and its context within the wider historical landscape. As part of the experience, interpretation boards can be erected to provide information on the heritage asset.

HE have responded noting that the buffer to the SAM has now been enlarged and widened which is a welcomed improvement. HE have also stated that within the HIA the proposals do give rise to a degree of harm both to the significance of the listed building and the SAM. This harm will need to be weighed against the public benefits of the proposal by the decision maker in accordance with para 196 of the NPPF.

The Environmental Statement includes proposals to mitigate the development impact on heritage assets of archaeological interest through a programme of excavation, recording and publication of the results. The County Archaeologist confirms agreement to this approach and recommends that this is secured by condition of planning permission.
11.275 Effects during construction include direct impacts on the South Field which is a remnant of the open medieval field landscape. This will result in a ‘permanent slight adverse effect’ continuing into the operational phase of development. The construction of the development is also considered to have a ‘temporary moderate adverse effect’ on the setting of the barrow.

11.276 Due to the limited Archaeological potential in the application, any remains would be excavated prior to construction during a programme of detached excavation and recording proportionate to their significance.

11.277 The construction of the Kennett End mini roundabout would have a permanent Moderate/large adverse effect upon any archaeological remains within the site. This impact could be reduced to Neutral by a Watching Brief carried out under a WSI.

11.278 During the operational phase there will be a ‘permanent moderate adverse impact’ on the Howe Hill barrow due to the partial loss of its open rural setting. This would be partially mitigated by the improved access to the barrow and the creation of a green corridor which would maintain the visual link through to the Chippenham barrow group.

11.279 The construction of the development would introduce extensive built form and construction activity into the wider setting of the Chippenham barrow group. The embedded mitigation measures will help to reduce this impact by maintaining the visual connection between the barrow cemetery and the barrow at Howe Hill. Following the implementation of this mitigation the construction of the Development is considered to have a Temporary Slight Adverse effect upon the barrow group and the operation is considered to have a ‘permanent slight adverse effect’

11.280 It is considered that overall there would be a ‘Moderate Adverse effect’ upon the setting of the Howe Hill barrow within the site and its environs.

11.281 Mitigation is proposed in the form of:

- protective measures during construction to protect the barrow and its setting
- improve access creating a surround green buffer space
- programme of archaeological monitoring and investigation to excavate any possible Iron Age remains

11.282 The construction of the Kennett End Crossroads mini roundabout would have a ‘Temporary Slight Adverse’ effect upon the setting of the Grade II Listed Buildings (The Bell and Lanwades House) which lie immediately adjacent to the crossroad and a Neutral or Temporary Minor Adverse effect on the Grade II listed Kennett End Farmhouse which is situated 100m to the east of the crossroad.

11.283 During operation, the proposed mini roundabout would have a Permanent Minor Adverse effect upon the setting of the Grade II listed Buildings, The Bell and Lanwades House and a neutral effect upon Kennett End Farmhouse.

11.284 The Council's Conservation Officer has raised no objection to the proposal and its impact on the setting of the old school building which is Grade II Listed which is a
Victorian building facing due south across the site. As the site is contained by a strong boundary hedge and tree planting it is considered that the school’s setting is very localised. Whilst the development of agricultural land to the west would inevitably alter the school’s broader context it is construed to be as very minor harm.

11.285 There would be a ‘neutral effect’ on the Grade II* Listed Church both during construction and operational phases of the development. It is considered there would be a ‘Neutral or Minor Adverse’ effect upon the remaining cultural heritage assets within the environs of the site.

11.286 The proposal would alter the setting of the designated heritage assets both within the site and within the environs of the site and this has been assessed comprehensively within the reports submitted with the application. In terms of the impact on the Howe Hill barrow and its wider setting within the Chippenham barrow group, it is considered that the landscape treatment proposed around the setting of the SAM would provide a landscape buffer of public open space which can be appropriately landscaped. As such this measure would reduce the harm to its setting and also raise awareness of the historical significance of the site and as such the public benefits of the scheme, notably, housing 30% of which would be affordable, local centre, health and community buildings, perimeter road, school as well as public open space, which would outweigh the harm as set out in para 196 of the NPPF.

11.287 The Listed Church, School and crossroads have also been comprehensively assessed and the degree of harm is considered to be less than substantial in terms of the NPPF and within the lower end of the spectrum of harm. As such, caselaw makes it clear that s66 of the Act requires consideration importance and weight to be afforded to that harm. The NPPF and Policies ENV12 and ENV14 emphasise that the conservation of archaeological interest is a material consideration in the planning process. In terms of the NPPF, the harm to listed buildings and the SAM, being less than substantial, should be weighed against the public benefits of the proposal including where appropriate, securing their optimum viable use. As noted above, the proposals for the SAM include opening it up to more public viewpoints and the provision of interpretation for the public, both of which are public benefits.

10. **Technical Issues**

Ground conditions (including minerals appraisal)

11.288 Policy ENV 9 of the adopted Local Plan requires that proposals should minimise all emissions and other forms of pollution, including light and noise and ensure no deterioration in air, land or water quality.

11.289 The application site comprises an arable land use in continuous farm use with no previous development. However, whilst the majority of the site is described as greenfield land parts have been used previously for potentially contaminative activities including infilled pits; and storage of fuel and agrochemicals in above ground storage tanks. The site also lies adjacent to areas with potentially contaminative activities including a railway, sewage works and a depot with fuel storage tanks. This is therefore considered to be of a high sensitivity and could present potential pollutant contaminant linkages to controlled waters. The site is also 80m south of Kennett Phase 2 A landfill operating under the Environmental Permitting Regulations and

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licensed to accept inert waste material. The Environment Agency has raised no objection provided that a detailed risk assessment including a revised conceptual site model and remediation strategy is provided.

11.290 A Phase 1 Contamination Assessment and Phase 2 Geo-environmental Assessment have been carried out. The nature of the impact has been assessed in the ES as having four potential effect on ground conditions:

i) Services maintenance staff coming into contact with contaminated soils;
ii) Future site users coming into contact with soils;
iii) Offsite human inhaling, ingesting or coming into contact with contaminated soils;
iv) Plastic potable water supply pies coming into contact with contaminated soils and drinking water quality becoming affected.

11.291 After evaluating the impacts, it is considered that there is a ‘Moderate Adverse’ effect on the development. By way of mitigation, the effects would be negligible due to surfacing of buildings, clean covers over soils and hard standing or vegetation which would reduce the potential for dust generation during the operational phase of the development. Mitigation measures during both construction and operational phases would also be informed by input from both the Environment Agency and Environmental Health Department of the Council who have raised no objection in principle to the proposal.

11.292 It is considered that the risks have been assessed as ‘Negligible’ and as such the proposal complies with Policy ENV 9 of the adopted Local Plan. This matter is afforded neutral weight in the planning balance.

Waste and Minerals

11.293 The County Council has raised no objection to the proposal subject to appropriate conditions being imposed on the consent regarding the submission of a Detailed Waste Management and Minimisation Plan. The indicative phasing of the development indicates that the areas affected by the consultation areas are likely to commence 2022. It also falls within the sand and gravel Minerals Safeguarding Area as depicted on map 28 and 63 of the Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals Plan 2012.

11.294 The Environmental Statement (ES) addresses the topic of minerals as the northern part of the proposed site falls within Minerals Consultation Area M9J Kennett and Waste Consultation Area W8BB Kennett Landfill. The MWPA is satisfied that this meets the requirements of Policy CS26 of the Core Strategy.

11.295 The proposed phasing of the development is shown on page 125 of the Design and Access Statement. This indicates that the site will be developed from the south, moving northwards. Phase 3 and phase 4, which are closest to the landfill are planned for between 2024-27 and 2026-28 respectively. It is currently expected that the area of Kennett Landfill closest to Dane Hill Road will be worked and restored by the end of 2021. Consequently, it is unlikely that the proposed development will prejudice the identified waste management operations. However, if an extension of time is sought for works at the landfill site, this will need to be considered further. The applicant have
been advised by the County Council to check the current position in respect to the landfill site, and if necessary to address this matter when it comes to the detailed planning application stage.

11.296 In terms of Waste Minimisation, Re-use, and Resource Recovery the Core Strategy seeks to encourage waste minimisation, re-use and resource recovery by requiring, inter alia, waste management audits and strategies to be prepared and implemented for all developments over the value of £300,000 and the submission of RECAP Waste Management Design Guide Toolkit Assessment. The topic of waste management is addressed within the Environmental Statement where it is stated that further information on waste management will be provided as part of the detailed design. A condition would therefore be imposed.

11.297 It is considered that the proposal would satisfactorily deal with waste and mineral safeguarding in compliance with the Waste and Minerals Core Strategy and Policy ENV9 of the adopted Local Plan. This matter is afforded neutral weight in the planning balance.

11. Future Proofing and Sustainability

11.298 A Stage 1 Sustainability Report has been submitted with this application and this document provides a summary of the work to obtain the electricity requirements of the site, and to investigate the network power capacity in the area. The intention is for this to be a working document, which will be updated as the design develops, and as and when more accurate methods to determine the energy consumption of the development are developed. The report uses an area weighted load analysis calculation method for the different space usage types for the development.

11.299 The loads have been calculated and have been laid out in the various usages for the development bringing data together in summary and totals the loads up to provide a site wide electrical load for the development and allows for the application of Diversity to the development, so that not all the power will be used at the same time. This is set at 80% to allow for a worst-case scenario.

11.300 One of the aims of the design process will be to implement design decisions that mean a revised down 5.3MW Energy consumption figure. At the same time the Energy Strategy will be concentrating on how the gap between the local network energy availability and the energy consumption of the development through innovative, energy and carbon efficient design can be bridged.

Climate change

11.301 Chapter 14 of the NPPF requires the planning system to support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources.

11.302 Policy ENV4 of the adopted Local Plan requires that all new development should aim for reduced or zero carbon development in accordance with the zero carbon hierarchy.
of: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practical.

11.303 The ES has considered the likely significant environmental effects associated with carbon emissions, energy usage and renewable energy options for the Development.

11.304 During the construction phase of the Development, activities such as manufacture/embodied CO2, materials transport, plant use and workforce commuting have all been identified as the major contribution to CO2 and NOx emissions. Responsible sourcing will be undertaken as part of the sustainable design and construction guidance from the local authorities.

11.305 The emissions associated with the post construction and occupancy stages will be greater than those associated with the construction phase and will be emitted over a much longer time span. Emissions generated during the operational phase of the Development include those associated with occupation (heating, hot water, electrical appliances) and transport emissions. The assessment has also considered the potential effect of rising temperatures as a result of climate change and how this has the potential to cause impacts on the wellbeing of future occupants of the dwellings. Therefore, it is proposed that the Development includes mitigation measures such as passive and mechanical ventilation, minimising internal heat generation through energy efficient design and reducing the amount of heat entering a building in summer through shading, albedo, fenestration, insulation and green roofs and walls.

11.306 The impact of the development on climate change and provided the development meets the requirement of BREEAM ratings; responsibly sources materials and sustainable construction practices as well as providing alternative sources of energy such as renewable technologies the residual effect would be negligible with all significant impacts having been mitigated.

11.307 It is recommended that an appropriate condition also ensures that the proposal meets the requirements of the current policy in relation to climate change.

11.308 The provision of fire hydrants on the site has been requested by Cambridgeshire Fire Services. It is proposed that this issue be addressed by the imposition of a planning condition requiring details of provision and implementation.

11.309 All new development would be expected to aim for reduced or zero carbon development in accordance with the zero carbon hierarchy Policy ENV4 refers. As such this factor is afforded neutral weight in the planning balance.

Economic Sustainability of the Horse Racing Industry

11.310 The horse racing industry is of great importance around Newmarket, as much of the economy is based on this trade. Policy EMP6 makes it clear that any development that harms the horse racing trade should not be permitted.

11.311 The proposal would not lead to a loss of land which would contribute to the economic sustainability of Newmarket as the existing use of the land is for arable farming of crops. Whilst this land is BMV agricultural land and will be lost as a direct result of
the development, it is considered that as the district comprises of predominantly BMV agricultural land then on balance the harm is acceptable in view of the need for housing within the district.

11.312 It is however recognised the importance of the Horse Racing Industry in and around Newmarket. Within comments received from technical consultees and letters of representation, it is considered that there would be an impact particularly on road safety at horse crossings within the Newmarket area due to the additional amount of traffic generated by the development.

11.313 It is considered that awareness of this aspect can be included in the Travel Plan and a contribution secured by way of a separate agreement.

12. Deliverability and Viability

11.314 A number of commentators, and in particular local residents have expressed the concern that infrastructure must be provided in line with the delivery of housing to ensure the development has the required provision when the site is occupied.

11.315 As a result of the Council being unable to demonstrate a 5YLS the delivery of housing is a key issue facing the district Whilst this has been a particular issue on large scale development sites in the district, it is considered that this development could be delivered on time and this is emphasised in the Phasing Strategy which demonstrates the development could be delivered within the next ten years.

11.316 The applicant has demonstrated a track record of delivery as set out in the table below.

<table>
<thead>
<tr>
<th>Site</th>
<th>No. of units</th>
<th>Planning Permission Date</th>
<th>Start on Site Date</th>
<th>Build Completion Date</th>
<th>Duration of Build</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ely, King’s Row</td>
<td>11</td>
<td>February 2017</td>
<td>June 2017</td>
<td>December 2018</td>
<td>19 months</td>
</tr>
<tr>
<td>Soham, The Shade</td>
<td>13</td>
<td>April 2017</td>
<td>September 2017</td>
<td>August 2018</td>
<td>12 months</td>
</tr>
<tr>
<td>Haddenham, West End Gardens</td>
<td>54</td>
<td>July 2018</td>
<td>Projected Summer 2019</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

11.317 A Phasing Plan for Kennett Garden Village has been prepared and appears in Appendix 2 of the Report. The projected start on site for Phase 1 is 2021. In light of these contentions delivery cannot be assumed. This is the case for many developments. Members should have in mind inevitable uncertainties on delivery and viability. Any assessment of benefits must have regard to these uncertainties.

Section 106
11.318 The NPPF makes clear that to ensure viability, the costs of any requirements likely to be applied to development, such as affordable housing, standards, infrastructure contributions or other requirements should, be taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

11.319 Discussions between the applicant and the infrastructure providers has reached a satisfactory conclusion and the scope of financial contributions required to mitigate identified adverse effects and make the proposal acceptable have been informed by the viability of the proposed scheme. The applicants have submitted a draft S106 Agreement and the Council has employed a viability consultant to assist in these matters, to advise on the viability of the proposed development and the spread of necessary measures/financial contributions which would be reasonable and ensure viability.

11.320 Should Members be minded to grant outline permission for the application, this would be subject to, amongst other things approval of the Heads of Terms of a s106 agreement to secure the necessary on and off site infrastructure provision (taking account of CIL) and that these negotiations should be completed within 3 months of the date of this Planning Committee.

11.321 The draft s106 Agreement includes:

- The provision of 30% affordable housing;
- The delivery and management or transfer of the proposed on-site POS (including allotments, play facilities and equipment and landscaping) in accordance with a Green Infrastructure and Open Space Management Strategy;
- A financial contribution towards the maintenance of the POS;
- The delivery and management or transfer of the SUDS;
- A financial contribution towards the maintenance of the SUDS;
- Provision of a primary school;
- The provision of specific community facilities;
- The delivery of specific off-site highways improvements or financial contribution towards the delivery of Station Road/Moulton Road (Bell Inn) junction improvements and pedestrian crossing and further traffic calming to Station Road, Dane Hill Road and Church Lane;
- The provision and funding for a Travel Plan Co-ordinator;
- Delivery of the perimeter road between Station Road and Dane Hill Road;
- Fully serviced Self-Build Plots
- Contribution towards enhancement of PROW
- Contribution towards SANG

Implementation

11.322 Key areas of implementation work will include working to ensure satisfactory phasing and infrastructure provision, ensuring design quality through development of design coding proposal, and close monitoring of the development as building work
progresses. All ensured through the imposition of conditions and S106 as part of the outline and any subsequent reserved matters

**Community Infrastructure Levy**

11.323 Members will see that it is recommended that a number of infrastructure items/contributions that were requested by the various consultees are proposed to be funded by CIL receipts generated from this development. This proposal follows the governance arrangements approved by Council on 16 July 2015 (Agenda Item 12).

11.324 Prior to the first receipt of CIL arising from this development, the following infrastructure will need to be added to the Council’s CIL Regulation 123 List:

11.325 Secondary Education and SEND- At present it is proposed that the beneficiary of the secondary education allocation will be Soham Village College. It is proposed that the allocation to be included on the Regulation 123 list will only serve to mitigate the impact arising from this development and the amount sought for inclusion reflects this position. Such an allocation does not prevent the Council from seeking contributions (through Section 106) on other developments that would be required to make a contribution to Soham Village College.

11.326 Libraries- Suffolk County Council and Cambridgeshire County Council are seeking a contribution towards Shared Partnership in the East (SPINE). The partnership allows both library services to be used where Cambridgeshire residents can borrow Suffolk books and vice versa. In addition, a new mobile stop to serve this development is required. It is proposed that the allocation to be included on the Regulation 123 list will only serve to mitigate the impact arising from this development and the amount sought for inclusion reflects this position. Such an allocation does not prevent the Council from seeking contributions (through Section 106) on other developments that would be required to make a contribution towards libraries.

11.327 Traffic Calming- The applicant has proposed various measures for traffic calming. Once schemes have been formalised these will need to be added to the Regulation 123 list.

11.328 B1056 Crossroads- The applicant has proposed a solution to the B1056 Crossroads. This scheme will need to be added to the Regulation 123 list.

11.329 Village Green- The applicant has proposed including a village green within the proposed development. This scheme will need to be added to the Regulation 123 list.

11.330 The estimated CIL receipts arising from this development are set out in Table 1 (below). It is proposed that CIL receipts from the development will be specifically allocated to fund infrastructure necessary to mitigate the impact of this development and as such it is proposed that there will be a ‘separate’ Regulation 123 list to provide for this infrastructure.
<table>
<thead>
<tr>
<th></th>
<th>Allocation</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secondary and SEND (serving this development)</td>
<td>£2,757,000</td>
<td>50.13%</td>
</tr>
<tr>
<td>Libraries (serving this development)</td>
<td>£44,150</td>
<td>0.80%</td>
</tr>
<tr>
<td>Meaningful Proportion</td>
<td>£825,000</td>
<td>15%</td>
</tr>
<tr>
<td>Admin</td>
<td>£275,000</td>
<td>5%</td>
</tr>
<tr>
<td>Traffic Calming (serving this development)</td>
<td>£225,000</td>
<td>4.09%</td>
</tr>
<tr>
<td>B1056 Crossroads</td>
<td>£220,000</td>
<td>4%</td>
</tr>
<tr>
<td>Village Green (serving this development)</td>
<td>£860,000</td>
<td>15.64%</td>
</tr>
<tr>
<td>Other (any other project on the Regulation 123 list)</td>
<td>£293,850</td>
<td>5.34%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>£5,500,000</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

13. **Other Matters**

11.331 A number of matters have been raised in the letters of representation, namely:

*Prematurity*

In February 2019 Council formally made a decision to withdraw the emerging Local Plan from examination. The effect of this is that the emerging Local Plan, including its draft planning policies, no longer holds status for the purpose of decision-making. Moreover, the Inspectors’ comments during the Examination in Public on the emerging Local Plan are no longer relevant to the consideration of this planning application.

*Conflict of Interest*

It is common practice for a Local Planning Authority to determine planning applications where the Local Authority is the applicant. The same principle applies in this instance. Members of the Planning Committee are not directors of the Council’s trading company and as such no conflict of interest arise.

*Conflicts with Government White Paper*

11.332 The presumption in favour of sustainable development as set out in the NPPF is a material consideration in the determination of this application and is set out within each section of the report.

Submitted Local Plan 2018

11.333 The emerging local plan was withdrawn by Council. Therefore the policies within this document are no longer relevant to this application.

Matters considered not to be material to the planning process
11.334 Villagers feel ignored by the ECDC and the CLT. All consultation responses received has been addressed throughout this report.

11.335 Parish Council mis-informed. This report can only deal with matters that are material considerations.

12.0 PLANNING BALANCE

12.1 The application has been considered in the light of the Development Plan and the NPPF and NPPG.

12.2 It is considered that the development would make a contribution towards the District’s housing land supply which, in the context of the Council currently being unable to demonstrate a five years’ supply is a benefit to which significant positive weight should be afforded. The provision of 500 houses of which 30% would be affordable housing is afforded significant weight.

12.3 In terms of economic benefits of the scheme, the development would create up to 400 jobs, 64 of which would be created within the community/social employment type and approximately 324 within the commercial employment sector. During construction of the development approximately 208 full time jobs would be created to which significant positive weight should be afforded.

12.4 The proposed development of POS as well as community buildings would make a positive contribution to the health and wellbeing of not only existing residents of Kennett, but the new residents of the development which complies with the NPPF. This factor is also afforded considerable positive weight in the overall planning balance.

12.5 With regard to transport and highways, the proposal would have a significant detrimental impact on Kennett and the surrounding highway network, however, this should be tempered to moderate in view of the number and nature of mitigation measures proposed.

12.6 In terms of impact on landscape character it is considered the proposal would have an impact on visual receptors within the immediate environs but that the impact on the wider landscape character would be limited and afforded moderate negative weight in the planning balance.

12.7 With regard to Archaeology and Cultural heritage as the proposal would result in significant public benefits the degree of harm can be afforded limited negative weight.

12.8 Overall, it is considered that the proposal would have an acceptable impact on residential amenities, flooding and drainage ecology and biodiversity, ground contamination, pollution, waste and minerals and climate change subject to appropriate mitigation being applied. These factor are attributed neutral weight in the planning balance.
13.0 CONCLUSIONS

13.1 In line with Policy GROWTH 6 of the adopted Local Plan 2015, the Council is supportive of community-led development. The application has demonstrated through the submission of a financial appraisal that in order to enable the delivery of affordable housing and other community benefits it would need to provide open market housing. The proposal has been comprehensively assessed and it is considered that the community benefits of the scheme are significantly greater than would be delivered on an equivalent open market site.

13.2 The application constitutes a departure from the development plan therefore as it stands does not accord with the development plan and has been advertised as a departure. At the heart of the NPPF is a presumption in favour of sustainable development. The Council does not have a 5 YLS and all planning applications for housing within the district should now be considered on the basis of the NPPF’s presumption in favour of development.

13.3 The application is accompanied by an Environmental Statement, the findings of which address all of the issues requested in the Scoping Opinion and does not raise any significant adverse issues. It is recommended that mitigation measures assessed as part of this application can be secured by either a s106 Agreement or recommended planning conditions.

13.4 The application site is a 40ha agricultural field in Kennett to the north-east of Newmarket. The village benefits from an existing railway line and station, primary school, SAM and sports field. The report carefully considers the potential issues of conflict including heritage, the environment, drainage, transport, residential and landscape character. The existing landscape and visual context of the site has been a major influence in the design of the proposal to ensure negative impacts are minimised and the scheme delivers environmental enhancements. Officers consider that the proposal would broadly support own needs as well as those needs of existing residents and would not have an adverse impact on the existing services and facilities of Kennett, whilst creating an exemplary development.

13.5 The scale of the development would not be out of character with the surrounding development and the proposed use would contribute to the sustainable communities plan.

13.6 The development would enhance the appearance of the area providing significant new areas of attractive public realm, assisting in connecting the site to its surrounds and improving permeability with the adjoining areas.

13.7 The public open space would contribute to the health and wellbeing of the new and existing communities as well as bringing historic assets to the attention of new generations adding a unique setting to the SAM and contributing to the local distinctiveness and character and cultural heritage of the area. The impact of the proposed development on the Heritage assets has been considered, and the advice of the Consultees is that the development proposal should be assessed by the decision maker and weighed against the public benefits. In this instance it is considered that there will be significant public benefits associated with the
development that outweigh the harm to the asset. In this case the public benefits of the scheme comprise 500 dwellings, 30% of which will be affordable housing, highway improvements, community facilities, public open space and a local centre.

13.8 However, it will need to be assured that the proposed development, in particular the residential element, meets a high level of sustainability and conditions would ensure the buildings would meet current standards in respect of energy efficient building requirements. Where additional environmental features could be provided to increase the net benefit, this should be designed so that their additional impact, for example, in visibility or distracting appearance can be assessed. In this instance the Design Code, should identify the nature and use of quality materials and finishes and the details of the public realm works.

13.9 Having weighed all the above factors into the overall planning balance and having regard to the NPPF as a whole, along with all relevant policies of the Development Plan it is considered that the proposal represents sustainable development and that the benefits of the scheme significantly and demonstrably outweigh the harm.

13.10 On the basis of the foregoing the development is consistent with Policies GROWTH 1, GROWTH 2, GROWTH 3, GROWTH 5, GROWTH 6, HOU1, HOU2, HOU3, HOU6, EMP3, EMP6, ENV1, ENV2, ENV4, ENV7, ENV8, ENV9, ENV12, ENV14, COM1, COM4, COM5, COM7 and COM8 of the adopted Local Plan.

14.0 COSTS

14.1 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.

14.2 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.

14.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration or come to a different conclusion 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 and, these must be a material planning consideration, for going against an officer recommendation very carefully.

APPENDICES

1. CONDITIONS
2. PHASING PLAN
3. PERIMETER PLAN 1 - APPLICATION SITE
4. PERIMETER PLAN 2 - LAND USE
5. PARAMETER PLAN 3 - DENSITY
6. PARAMETER PLAN 4 - BUILDING HEIGHTS
7. PARAMETER PLAN 5 - OPEN SPACE STRATEGY
8. PARAMETER PLAN 6 - ACCESS AND MOVEMENT PLAN

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<tr>
<td>18/00752/ESO</td>
<td>Anne James</td>
<td>Anne James</td>
</tr>
<tr>
<td>18/00186/SCOPE</td>
<td>Room No. 011</td>
<td>Planning Consultant</td>
</tr>
<tr>
<td></td>
<td>The Grange</td>
<td>01353 665555</td>
</tr>
<tr>
<td></td>
<td>Ely</td>
<td><a href="mailto:anne.james@eastcamb.gove.uk">anne.james@eastcamb.gove.uk</a></td>
</tr>
</tbody>
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National Planning Policy Framework -

East Cambridgeshire Local Plan 2015 -