



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE
Telephone: 01353 665555

MEETING: **PLANNING COMMITTEE**

TIME: 2:00pm

DATE: Wednesday, 24th April 2019

VENUE: **Etheldreda Room, Ely Cathedral Conference Centre, Palace
Green, Ely, CB7 4EW**

ENQUIRIES REGARDING THIS AGENDA: Janis Murfet

DIRECT DIAL: (01353) 665555 EMAIL: Janis.murfet@eastcambs.gov.uk

Conservative Members	Liberal Democrat Members	Independent Members:
Cllr Joshua Schumann (Chairman) Cllr Mike Rouse (Vice- Chairman) Cllr Christine Ambrose Smith Cllr David Chaplin Cllr Paul Cox Cllr Lavinia Edwards Cllr Mark Goldsack Cllr Bill Hunt Cllr Stuart Smith	Cllr Sue Austen (Spokes)	Cllr Derrick Beckett
Substitute Members Cllr Elaine Griffin-Singh Cllr Neil Hitchin Cllr Lisa Stubbs	Substitute Members Cllr Christine Whelan	Substitute Members -
Lead Officers: Jo Brooks, Director, Operations Rebecca Saunt, Planning Manager		
Quorum: 5 Members		

PLANNING COMMITTEE TO MEET IN RECEPTION AT THE GRANGE AT 9.15am
(Please note site visit timings are approximate)

A G E N D A

1. Apologies and Substitutions

[oral]

2. **Declarations of Interest**
To receive declarations of interest from Members for any Items on the Agenda in accordance with the Members Code of Conduct **[oral]**

3. **Minutes**
To receive and confirm as a correct record the Minutes of the Planning Committee meeting held on 3rd April 2019 **[to follow]**

4. **Chairman's Announcements** **[oral]**

5. **18/00752/ESO**
Sustainable 'Garden Village' extension to Kennett – residential-led development with associated employment and community uses (including care home and/or sheltered housing) and a new primary school with a pre-school (nursery) facilities, supporting infrastructure and open space/landscaping.

Land Southwest of 98 to 138 Station Road, Kennett

Applicant: East Cambs Trading Company Ltd

Site Visit: 9.40am

6. **19/00155/FUL**
Application for the construction and operation of a 49.9MW battery storage facility, fencing, landscape planting and site access on land adjacent to the operational Burwell 400kV substation.

Site South East of Burwell Main Sub-Station, Weirs Drove, Burwell

Applicant: Mr Martin Cole

Site Visit: 10.50am

7. **19/00213/OUT**
Removal of existing structures and erection of a dwelling and associated garage.

Mill Hill, Little Downham, CB6 2DU

Applicant: Cambuild Limited

Site Visit: 12.25pm

8. **19/00237/FUL**

Resubmission for one bed dwelling – retrospective (previously approved as gym/store under 16/00089/FUL – refused 05.11.18)

3 Nunns Way, Sutton, CB6 2PH

Applicant: Mr Stuart Nunn

Site Visit: 11.55am

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3.	<p>Reports are attached for each agenda item unless marked "oral".</p>
4.	<p>If required all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: translate@eastcambbs.gov.uk</p>
5.	<p>If the Committee wishes to exclude the public and press from the meeting a resolution in the following terms will need to be passed:</p> <p>"That the press and public be excluded during the consideration of the remaining items no. X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item there would be disclosure to them of exempt information of Categories X Part I Schedule 12A to the Local Government Act 1972 (as Amended)."</p>

MAIN CASE

Reference No: 18/00752/ESO

Proposal: Sustainable 'Garden Village' extension to Kennett - residential-led development with associated employment and community uses (including care home and/or sheltered housing) and a new primary school with a pre-school (nursery) facilities, supporting infrastructure and open space/landscaping.

Site Address: Land Southwest of 98 To 138 Station Road Kennett Suffolk

Applicant: East Cambs Trading Company Ltd

Case Officer: Anne James, Planning Consultant

Parish: Kennett

Ward: Fordham Villages

Ward Councillor/s: Councillor Joshua Schumann
Councillor Julia Huffer

Date Received: 6 June 2018 **Expiry Date:** 26th April 2019

[T249]

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, Kennet 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-date⁷, 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 proposed⁶; 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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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

ES	-	Environmental Statement
EIA	-	Environmental Impact Assessment
EH	-	English Heritage
5YLS	-	5 Year Land Supply
FE	-	Forms of Entry (re primary school)
FRA	-	Flood Risk Assessment
FTE	-	Full Time Equivalent
GEA	-	Gross External Area
HCA	-	Homes and Communities Agency
HMP	-	Heritage Management Plan
IDB	-	Internal Drainage Board
JOP	-	Junior outdoor play space
KCLT	-	Kennett Community Land Trust
NPPF	-	National Planning Policy Framework
NMU	-	Non-Motorised Users
NTS	-	Non technical summary
POS	-	Public Open Space
PRoW	-	Public Rights of Way
PV	-	Photovoltaic Panels
RECAP	-	Recycling in Cambridgeshire & Peterborough
ROWIP	-	Rights of Way Improvement Plan
SAM	-	Scheduled Ancient Monument
SANG	-	Suitable Alternative Natural Greenspace
SUDS	-	Sustainable Urban Drainage System
SPD	-	Supplementary Planning Document
SSSI	-	Site of Special Scientific Interest

SABs	-	Sustainable Urban Drainage Approval Bodies
TA	-	Transport Assessment
TOP	-	Toddler outdoor play space
YOP	-	Youth outdoor play space

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 be 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:

Land Use (Use Class)	Maximum Floorspace Gross internal floorspace (sqm)	Maximum Building Height From existing ground level
Residential (C3) Up to 500 units	52,200	Up to 2.5 storeys (up to 11-12m ridge height)
Residential Institutions (C2)	4,899	Up to 2.5 storeys (up to 12.5m ridge height)
Primary School (D1)	2,790	Up to 2 storeys (up to 12.5m ridge height)
Mixed Use Area comprising:		

Retail (A1)	326	Up to 2.5 storeys (up to 12.5m ridge height)
Restaurants/Cafes (A3)	137	Up to 2.5 storeys (up to 12.5m ridge height)
Drinking Establishments (A4)	758	Up to 2.5 storeys (up to 12.5m ridge height)
Health Care Building (D1)	466	Up to 2.5 storeys (up to 12.5 ridge height)
Commercial Area comprising:		
Office (B1a)	2,969	Up to 2 storeys (up to 12m ridge height)
General Industrial (B2)	2,977	Up to 2 storeys (up to 12m ridge height)
Storage or Distribution (B8)	1,762	Up to 2 storeys (up to 12m ridge height)
Perimeter Road	30m for perimeter road and primary street	
Junction modifications to Station Road		

4.8 The proposed green infrastructure is set out in the table below:

Green Infrastructure Type
Village Green
Public Open Space
Ornamental Pond
Swale
Attenuation ponds(SUDS)
Toddler Outdoor Playing Space (TOPS)
Junior Outdoor Playing Space (JOPS)
Youth Outdoor Playing Space (YOPS)
Allotments/community Orchard
Doorstep Greens
Scheduled Ancient Monument buffer

4.9 The accompanying ES and DAS 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 and 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.eastcambbs.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

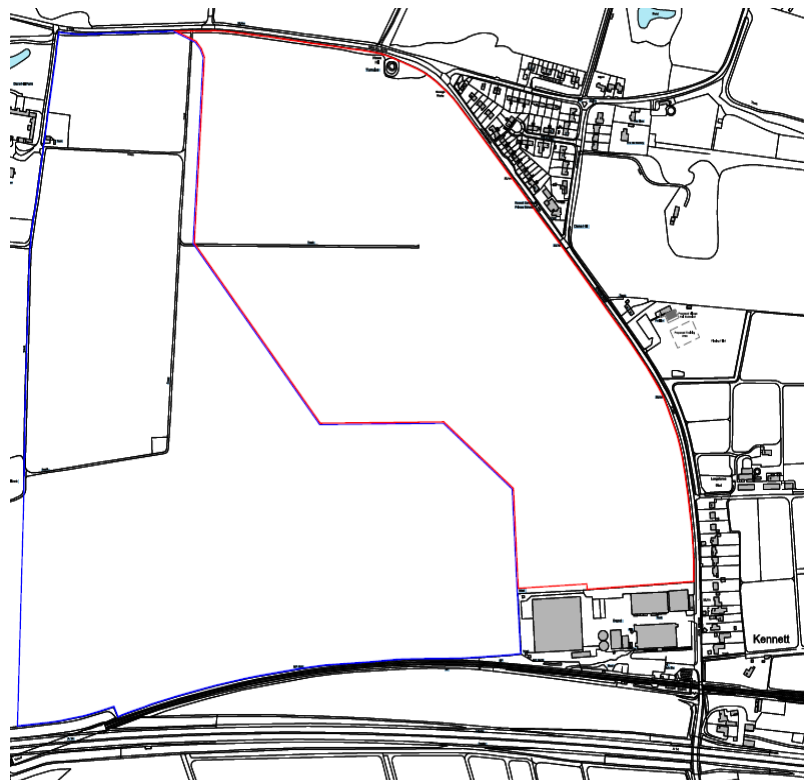
Green Infrastructure	<p>12.5 ha (30.8 acres) of greenspace (including playgrounds, footpaths and cycle tracks to be gifted to the CLT for all Kennett residents to enjoy in perpetuity</p> <p>Enhancement of and access to a scheduled ancient monument (Howe Hill)</p> <p>Dedicated green space (play areas, woodland, open space and a 1.5 acre village green)</p>
Transport Infrastructure	<p>A perimeter road to take HGV and other traffic away from Station Road, the school and the playing field</p> <p>A comprehensive solution to congestion at the Bell Inn crossroads</p> <p>An upgraded train service between Kennett, Cambridge and Ipswich from December 2019</p>
Community Infrastructure Payments via S106 Agreement/CIL/Condition	<p>Affordable Housing</p> <p>Education (Primary)</p> <p>Education (Secondary)</p> <p>Libraries and Lifelong Learning</p> <p>Green Infrastructure</p> <p>SUDS</p> <p>Fire Hydrants</p> <p>Public Open Space</p> <p>Waste</p> <p>Enhancements to offsite PROW</p> <p>Off-site highway improvements</p> <p>Travel Plan co-ordinator</p> <p>Bus infrastructure contribution</p> <p>Perimeter Road between Station and Dane Hill Road</p> <p>Waste Water Treatment Works</p>

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 CONSULTATIONS**

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 Crime 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 it 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 23rd 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 4th 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

Second consultation
No objection

8.30 National Grid

No Comments Received

8.31 The National Trust

No Comments Received

8.32 Natural England

No objection

Second Consultation:

The proposed amendments are unlikely to have significantly different impacts on the natural environment.

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 strain 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 known 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).

9.36 Alongside the NPPF, Planning Practice Guidance (PPG) provides further information on planning policy and decision making.

10.0 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 an 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/headings:

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.

- 11.4 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.'
- 11.5 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)."
- 11.6 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.
- 11.7 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 its 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 a 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(a) 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.

- 11.37 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 supports localised facilities in villages and neighbourhoods outside town centre.
- 11.38 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

- 11.39 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).
- 11.40 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.
- 11.41 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.
- 11.42 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.
- 11.43 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.
- 11.44 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:

Use Class	Gross internal floorspace (sqm)
B1 (offices)	2,969
B2 (general industrial)	2,977
B8 (Storage and Distribution)	1,762

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,

doorstep greens, pumping station, station car park, allotments, community orchard, proposed perimeter road, indicative primary streets and SAM.

- 11.106 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 up to 35 dph and residential density up to 40 dph.
- 11.107 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).
- 11.108 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.
- 11.109 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.
- 11.110 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

- 11.111 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.
- 11.112 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.
- 11.113 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 intimidation
- 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 Stephenson's 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 :

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

- 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 Crossroads 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 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'.

11.197 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.

11.198 The following mitigation measures are proposed:

Developing and implementing a Dust Management Plan (DMP)

11.199 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.

11.200 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*'.

11.201 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

11.202 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.

11.203 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.

11.204 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

11.205 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 LAeq,T and on future dwellings within the development 65 LAeq,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 majority 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.

- 11.229 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.
- 11.230 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.
- 11.231 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.
- 11.232 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.
- 11.233 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.
- 11.234 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 obstruction 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 undertaken 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 Brook/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 basins 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.

- 11.267 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.
- 11.268 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.
- 11.269 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.
- 11.270 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.
- 11.271 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.
- 11.272 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.
- 11.273 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.
- 11.274 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

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 pipes 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 work force commuting have all been identified as the major contribution to CO₂ and NO_x 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.

Site	No. of units	Planning Permission Date	Start on Site Date	Build Completion Date	Duration of Build
Ely, King's Row	11	February 2017	June 2017	December 2018	19 months
Soham, The Shade	13	April 2017	September 2017	August 2018	12 months
Haddenham, West End Gardens	54	July 2018	Projected Summer 2019		

- 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.

	Allocation	%
Secondary and SEND (serving this development)	£2,757,000	50.13%
Libraries (serving this development)	£44,150	0.80%
Meaningful Proportion	£825,000	15%
Admin	£275,000	5%
Traffic Calming (serving this development)	£225,000	4.09%
B1056 Crossroads	£220,000	4%
Village Green (serving this development)	£860,000	15.64%
Other (any other project on the Regulation 123 list)	£293,850	5.34%
Total	£5,500,000	100%

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 its 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 exemplar 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 PLAN6 - ACCESS AND MOVEMENT PLAN

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00752/ESO 18/00186/SCOPE	Anne James Room No. 011 The Grange Ely	Anne James Planning Consultant 01353 665555 anne.james@eastc ambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

1 Approved Plans

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

Plan Reference	Version No	Date Received
01229_MP01	P4	18 th February 2019
617802-0700	P02	18 th February 2019
Transport Technical Response		18 th February 2019
Heritage Impact Assessment		18 th February 2019
01: Boundary Plan	P3	18 th February 2019
02: Land Use	P4	18 th February 2019
03: Density	P3	18 th February 2019
04: Building Heights	P3	18 th February 2019
05: Open Space Strategy	P3	18 th February 2019
06: Access and Movement Plan	P4	18 th February 2019
Design Code		18 th February 2019
Arboricultural Impact Assessment		4 th June 2018
Health Impact Assessment		4 th June 2018
Rail Network Capacity Study		4 th June 2018
Affordable Housing Statement		4 th June 2018
Air Quality Assessment		4 th June 2018
Archaeological Evaluation Report		4 th June 2018
Biodiversity		4 th June 2018
Contamination Assessment		4 th June 2018
Environmental Impact Assessment		4 th June 2018
Flood Risk Assessment		4 th June 2018
Landscape & Visual Impact Assessment		4 th June 2018
Noise Assessment		4 th June 2018
Sustainability Portfolio Stage 1		4 th June 2018
Transport Assessment		4 th June 2018
01229_SK_28		4 th June 2018
617802-MLM-ZZ-XX-DR-TP-0503	P04	4 th June 2018

Reason: To define the scope and extent of this permission

2 Time Limit

(i) Applications for approval of Reserved Matters must be made not later than the expiration of 10 years beginning with the date of the grant of this planning permission.

ii) The first phase of this development to which this permission relates must be begun not later than the expiration of 5 years from the date of the grant of this outline permission.

(iii) Subsequent phases must be begun no later than:

(a) the expiration of 12 years from the date of the grant of this outline permission; or

(b) if later, the expiration of 2 years from the final approval of the Reserved Matters for the relevant phase or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the provisions of Section 92 of the Town & Country Planning Act 1990 (as amended) and to allow for the progressive process of approvals to enable the

development to commence as soon as reasonably practicable and within a realistic timetable.

3 Reserved Matters Details

Development shall not commence in a particular phase until Reserved Matters applications for that phase that covers the following matters (to the extent relevant to that phase) have been submitted to and approved in writing by the Local Planning Authority:

- (i) Siting and layout of buildings and other structures;
- (ii) Design of buildings (including floor areas, site levels and internal floor levels, height and massing);
- (iii) External appearance (including samples of the materials and finishes to be used for all external surfaces and including but not limited to roofs, elevation treatment and glazing);
- (iv) (Means of access (including details of car parking, cycle storage/parking, carriageways, cycleways and footways and servicing arrangements);
- (v) Landscaping, including hard and soft landscaping and site boundary treatments for all open spaces along with a programme for implementation. Landscaping details shall include proposed finished levels of contours, surfacing materials for parking areas, pedestrian accesses, circulation areas and street furniture. Soft landscaping details shall include the proposed contours, planting plans, planting specification (including cultivation and other operations associated with plant and grass establishment) and schedule of planting, including species, numbers and densities.

Unless otherwise agreed in writing by the Local Planning Authority, the development shall in all aspects be carried out in accordance with the details approved under this condition.

Reason: In order that the Local Planning Authority is satisfied with the details of the proposed development and safeguard character and appearance of the area. Policies ENV1, ENV2, ENV7 and ENV14 of the East Cambridgeshire Local Plan 2015.

4 Development Specification, Plans and Documents

Unless otherwise required by other Planning Conditions attached to this planning permission, the development hereby permitted shall be carried out in accordance with the Phasing Plan [01229_SK_28], Land Use Parameter Plan 02 [01229_PP02], Density Parameter Plan 03 [01229_PP03], Building Heights Parameter Plan 04 [01229_PP)04 Rev P3, Open Space Strategy Parameter Plan 05 [01229_PP05 rev P3, Access and Movement Plan Parameter Plan 06 [01229_PP06 Rev 4.

Reason: To ensure that the development is carried out in accordance with the approved Development Specification and Parameter Plans as assessed in the Environmental Impact Assessment accompanying the application, achieves high standards of urban design and a comprehensively planned development and to ensure a coordinated and harmonious integration between different land uses, to reflect the scale and nature of development described in the submitted Design and Access Statement and to be in accordance with Policies ENV1 and ENV2 in the East Cambridgeshire Local Plan 2015.

5 Design Code

The details as submitted as part of the reserved matters applications shall be in accordance with the principles secured by the Design Code dated February 2019. The reserved matters applications shall include a Design Code Statement demonstrating how the application accords with the approved Design Code.

Reason: To ensure high standards of urban design are achieved and maintained and a compressively planned development is designed to ensure a coordinated and harmonious integration between land uses, built form and spaces to reflect the scale and nature of development as assessed in the supporting Environmental Statement.

6 Dwelling Mix

The dwelling mix for the total number of residential dwellings (market and affordable) that are provided on the site (up to 500) shall provide a mix of dwelling types and sizes that contribute to current and future housing needs relating to the locality. The mix of housing shall be fully justified by providing robust evidence related to the identified level of housing need of the locality. The evidence base supplied to support the proposed mix shall be agreed at each application stage with the Local Planning Authority.

Reason: To ensure that the development provides a satisfactory mix of dwelling types in accordance with Policy HOU1, HOU2 and HOU3 of the East Cambridgeshire Local Plan 2015.

7 Lifetime Homes

No development in a particular phase shall commence until details of the percentage, location and design criteria of the lifetime homes (or equivalent) to be provided within that phase are submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that the development provides a satisfactory mix of dwelling types and satisfactory level of adaptable housing in accordance with the requirement of Policy HOU1 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

8 Site-wide Phasing Plan

As part of or prior to submission of the first Reserved Matters application, a Site-wide Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Site-wide Phasing Plan shall include details of the proposed sequence of development across the entire site, the extent and location of the development phases (including any sub-phases) and refer to and describe the type and extent of any development envisaged in each phase. The Site-wide Phasing Plan shall state when each of the following will be delivered: Any environmental mitigation measures specified in the Environmental Statement, major infrastructure including all accesses,

roads, footpaths and cycleways, public open space areas including informal open spaces, recreation areas, allotments, formal outdoor sports facilities, equipped play areas, ecological areas and habitats Structural landscaping and advance structural planting, the Local Centre, Enterprise Zone and/or Community Buildings, SUDS and drainage, allotments and self-build.

No development shall commence until such time as a Site-wide Phasing Plan has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Site-wide Phasing Plan.

Reason: To ensure that the development is delivered in a structured way in accordance with the approved Parameter Plans so as to ensure that services and facilities are provided as and when required by existing and future communities, and to ensure that the development keeps within the parameters assessed in the supporting Environmental Statement. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

9 **Green Infrastructure Strategy**

No development shall commence until a Green Infrastructure Strategy for the site has been submitted to and approved in writing by the Local Planning Authority. The submitted Strategy shall include:

- a) Details of advance planting around construction sites:
- b) Details of all trees and hedgerows to be removed and those to be retained together with a scheme for their protection during development and details of how the scheme is to be implemented and retained;
- c) Details of complementary measures including provision of Suitable Alternative Natural Greenspaces (SANGs), promotion of walking routes of different lengths and how information will be displayed on nearby protected sites and how to use/not use them;
- d) Planting and landscaping plans;
- e) Details of public access and how that is to be achieved including access points, fencing and surface finishes;
- f) Provision of structures within the Green Infrastructure (including hard landscaped areas, lighting, floodlighting, boundary treatments and street furniture);
- g) Details of recreational facilities including play areas;
- h) The timescale for the implementation of each aspect of Green Infrastructure within each phase of development; and
- i) Details of long term management.

The development shall be carried out and thereafter maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To plan positively for the creation, protection, enhancement and management of networks of green infrastructure, as required by policy COM5 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

10 **Biodiversity Strategy**

Prior to, or as part of the submission of the first Reserved Matters application, a sitewide Biodiversity Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall set out how the development will improve the biodiversity of the site in accordance with the principles proposed in the Environmental Statement dated 14th June 2018 and any further revisions and include:

- a) Full details of appropriate habitat and species surveys (pre, during and postconstruction), and reviews where necessary to address mitigation measures identified in Section S10.23 and S10.26 of the Environmental Statement;
- b) Full details of measures to ensure protection and suitable mitigation to all legally protected species and those habitats and species identified as being of importance to biodiversity both during construction and post-development, including consideration and avoidance of sensitive stages of species life cycles, such as the bird breeding season, mitigation for farmland species within retained agricultural land, and together with details of any protective fencing and/or phasing of works to ensure the provision of advanced habitat areas and minimise disturbance of existing features;
- c) Identification of habitats and species worthy of management and enhancement together with the setting of appropriate conservation objectives for the site. Prescriptions shall be provided to detail how habitat and species management and enhancement shall be provided alongside measures to provide habitat restoration and creation to deliver targets in the Cambridgeshire and UK Biodiversity Action Plans such as: the provision of bat and bird boxes on buildings and on trees around the site; the provision of other nesting features for bird species; reptile hibernacula; the creation of new aquatic habitats; creation of new meadows for farmland birds; measures for badger conservation; measures for amphibian conservation; the management of grassland, orchards and veteran trees;
- d) A summary work schedule table, confirming the relevant dates and/or periods that the prescriptions and protection measures shall be implemented or undertaken by within, and who will specifically over-see their delivery and compliance, such as an Ecological Clerk of Works;
- e) Monitoring shall be carried out in accordance with the Biodiversity Strategy, with an annual report provided to the Local Planning Authorities; and
- f) Long-term maintenance, management and monitoring responsibilities for a period of 25 years to ensure an effective implementation of the Ecological Management Plan ensuring periodic review of the objectives and prescriptions.

No development shall commence until such time as the Biodiversity Strategy has been approved in writing by the local planning authority. All species and habitat protection, enhancement, restoration and creation measures shall be carried out in accordance with the approved Strategy. Any variation to the prescriptions, measures, timing of

delivery and/or personnel shall be agreed in writing and formally submitted as an approved variation to the Strategy.

Reason: To ensure that the development of the site conserves and enhances biodiversity in accordance with Policy ENV7 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

11 Biodiversity Survey and Assessment

Reserved matters applications for each phase shall include a Site Biodiversity Survey and Assessment that demonstrates how it accords with the aims and objectives of the Biodiversity Strategy. It shall detail all protected species on that phase, including up to date surveys, which specific ecological protection, enhancement and/or mitigation measures are proposed and the timing for their delivery. No development shall commence within the site for which reserved matters approval is being sought until such time as the Biodiversity Survey and Assessment has been approved in writing by the local planning authority. The development shall only commence in full accordance with the approved details.

Reason: To comply with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.

12 Play Area/Youth Facility Strategy

No development shall commence until a Site-wide Strategy for Children's Play Provision and Youth Facilities has been submitted to and approved in writing by the Local Planning Authority. Such strategy will be in accordance with the principles set out in the Revised Design and Access Statement (February 2019) and Parameter Plan 5 (Open Space Strategy) and shall have sufficient details to demonstrate the implementation of that strategy including specifications, location, phasing and consultation to be carried out with children and young people. No development shall take place other than in accordance with an approved Strategy unless agreed in writing by the Local Planning Authority.

Reason: To ensure that the development complies with Policy COM4 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

13 Detailed Waste Management and Minimisation Plan

Prior to the commencement of development, or the commencement of any phase of the development for which this condition has not been met, a Detailed Waste Management and Minimisation Plan (DWMMP) shall be submitted to and approved in writing by the local planning authority. The DWMMP shall include details of:

- i) Construction waste infrastructure including a construction material recycling facility to be in place during all phases of construction;

- ii) anticipated nature and volumes of waste and measures to ensure the maximisation of the reuse of waste;
- iii) Measures and protocols to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site;
- iv) Any other steps to ensure the minimisation of waste during construction;
- v) The location and timing of provision of facilities pursuant to criteria i) to iv).
- vi) proposed monitoring and timing of submission of monitoring reports;
- vii) The proposed timing of submission of a Waste Management Closure Report to demonstrate the effective implementation, management and monitoring of construction waste during the construction lifetime of the development;
- viii) a RECAP Waste Management Guide toolkit shall be completed, with supporting reference material;
- ix) Proposals for the management of municipal waste generated during occupation phase of the development, to include the design and provision of permanent facilities e.g. internal and external segregation and storage of recyclables, non-recyclables and compostable material; access to storage and collection points by users and waste collection vehicles;

The Detailed Waste Management and Minimisation Plan shall be implemented in accordance with the agreed details.

Reason: In the interests of maximising waste re-use and recycling opportunities; and to comply with policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) and the Recycling in Cambridgeshire and Peterborough (RECAP) Waste Design Guide 2012; and to comply with the National Planning Policy for Waste October 2014; and Guidance for Local Planning Authorities on Implementing Planning Requirements of the European Union Waste Framework Directive (2008/98/EC), Department for Communities and Local Government, December 2012. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

14 Light Management Plan

No above ground construction in a particular phase shall commence until a Light management Plan (LMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. LMPs shall set out details of proposed permanent external lighting of all external spaces in that phase (including street, open spaces, playgrounds and sports pitches) including luminosity and hours of operation. External lighting in a particular phase shall only be provided and operated in accordance with an approved LMP, unless otherwise agreed in writing by the Local Planning Authority. NB External lighting associated with the Local Centres are expected to be switched off at appropriate hours overnight depending upon the type of facility using the lighting.

Reason: To protect the reasonable residential amenity of future occupiers of the site and those adjacent, and in the interests of safety, in accordance with policies ENV1, ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015.

15 **Archaeology**

No demolition/development shall take place until an archaeological written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:

- A. the statement of significance and research objectives;
- B. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- C. The programme for post-excavation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

16 **Construction Environmental Management Plan (CEMP)**

Prior to the commencement of development in a particular phase, a construction Environmental Management Plan (CEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall accord with and give effect to the waste management principles set out in the adopted Cambridgeshire & Peterborough Minerals and Waste Core Strategy (2011) and Waste Hierarchy when completed. The CEMP shall include the consideration of the following aspects of construction:

- a) Location of contractors' compounds and infrastructure for moving materials, plant and equipment around the site;
- b) Site wide construction and phasing programme;
- c) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures, along with location of loading and unloading and parking for contractors and construction workers;
- d) Construction hours;
- e) Delivery times for construction purposes;
- f) Soil Management and Reuse Strategy that accords with the Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (Defra 2009) including a method statement for the stripping of top soil for re-use; the raising of land levels (if required); and arrangements (including height and location of stockpiles) for temporary topsoil and subsoil storage to BS3883:2007;
- g) Details of works in proximity to existing vegetation and trees to be retained that shall accord with Trees in Relation to Construction Recommendations BS5837:2005;

- h) The proposed noise mitigation measures which shall include, but not be limited to, those set out in Sections S14-13 – S14-15 of the Environmental Statement (June 2018)
- i) Noise monitoring including location, duration, frequency and reporting of results to the Local Planning Authority in accordance with the provisions of BS 5228: 2009;
- j) Maximum noise mitigation levels for construction equipment, plant and vehicles;
- k) Vibration monitoring method including location, duration, frequency and reporting of results to the Local Planning Authority in accordance with the provisions of BS 5228 (1997);
- l) Setting maximum vibration levels at sensitive receptors;
- m) Dust management and mitigation measures including but not limited to the control measures identified in sections 5.5.29 -7.5.30 of the Environmental Statement (June 2018) along with wheel washing measures to prevent the deposition of debris on the highway;
- n) Site lighting;
- o) Drainage control measures including the use of settling tanks, oil interceptors and bunds and temporary drainage ditches and outfall flow rates;
- p) Screening and hoarding details;
- q) Access and protection arrangements around the site for pedestrians, cyclists and other road users;
- r) Procedures for interference with public highways, (including public rights of way), permanent and temporary realignment, diversions and road closures;
- s) External safety and information signing and notices;
- t) Liaison, consultation and publicity arrangements including dedicated points of contact;
- u) Consideration of sensitive receptors;
- v) Prior notice and agreement procedures for works outside agreed limits; and
- w) Complaints procedures, including complaints response procedures Membership of the Considerate Contractors Scheme.

The CEMP shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. Approved CEMPs shall be adhered to at all times during the construction phase.

Reason: To ensure the environmental impact of the construction of the developments adequately mitigated and in the interests of the amenity of nearby residents/occupiers in accordance with policies ENV2 and ENV9 of the East Cambridgeshire Local Plan (2015) and to comply with Guidance for Local Planning Authorities on Implementing Planning Requirements of the European Union Waste Framework Directive (2008/98/EC), Department for Communities and Local Government (December 2012). The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

17 **Site Characterisation**

No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
- (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

18 **Remediation Strategy**

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site.
2. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM.
3. Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (3). The long term monitoring and maintenance plan in (3) shall be updated and be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and the Environment Agency's approach to groundwater protection (available at: <https://www.gov.uk/government/collections/groundwater-protection>). The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

19 **Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.

20 **SUDS**

No development shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

The scheme include:

- a) * Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) * Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) * Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
- d) * Full details of the proposed attenuation and flow control measures;
- e) * Site Investigation and test results to confirm infiltration rates;

- f) * Temporary storage facilities if the development is to be phased;
- g) * A timetable for implementation if the development is to be phased;
- h) * Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- i) * Full details of the maintenance/adoption of the surface water drainage system;
- j) * Measures taken to prevent pollution of the receiving groundwater and/or surface water

Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality.

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

Reason: To ensure the structural integrity of existing flood defences thereby reducing the risk of flooding, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

21 Foul water

No development shall commence in a particular phase until a strategic solution for the disposal of foul drainage for the whole site has been submitted to and approved in writing by the Local Planning Authority.

The development of a phase shall be carried out in accordance with the approved details, and no residential dwelling or other building shall be occupied until the foul drainage for such dwelling or building has been provided.

Reason: To ensure a satisfactory method of foul water drainage and to prevent an increased risk of flooding and/or pollution to the water environment in accordance with policies GROWTH 3, ENV8 and ENV9 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

22 Piling/Foundation Design

Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and the Environment Agency's

approach to groundwater protection (available at: <https://www.gov.uk/government/collections/groundwater-protection>), in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.

23 Standard Estate Road Construction

Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved on AIN in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

24 Adoptable Standards

The highway shall be built to adoptable standards as defined by Cambridgeshire County Council Housing Estate Road Construction Specification (current at time of commencement of build) before the last dwelling is occupied.

Reason: To ensure that the highways end appearance is acceptable and to prevent the roads being left in a poor/unstable state, in accordance with policies COM7 and ENV2 of the East Cambridgeshire adopted Local Plan April 2015.

25 Access Drainage

The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.

Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015.

26 Standard Estate Road

No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

27 Highway Improvements to B1506 and B1085

No development shall take place until a detailed scheme for highway improvements to B1506 Bury Road and B1085 Moulton Road Staggered Crossroads, comprising a mini roundabout scheme, which shall be in general accordance with those details as shown on Drawing no. 617802-MLMZZ-XX-DR-TP-0100 P01, has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority (Suffolk County Council). This shall include a road safety audit.

No more than Ninety-Nine (99) dwellings shall be occupied until the highway improvements have been constructed in strict accordance with the approved details and made available for public use.

Reason: To improve the junction layout for safety of road users and reduce driver frustration due to congestion, in accordance with policy COM7 of the East Cambridgeshire District Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

28 Tree Protection Measures

The tree protection measures as shown in the Arboricultural Impact Assessment Appendix 3 A to K submitted on the 4th June 2018 shall be implemented prior to the commencement of development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

29 Noise Management Plan

Development in a particular phase shall not commence until a Noise Management Plan (NMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. NMPs shall set out proposed mitigation measures for the end use (operational use) of development in that phase, including measures relating to road traffic noise, rail noise, and noise from permitted uses in the Local Centre. All fixed plant shall achieve a noise rating level of 5dB below the background level noise (to be approved by the Local Planning Authority) at noise sensitive properties when undertaken in accordance with BS4142:1997.

Reason: To safeguard the amenities of the adjoining occupiers to the application site and future occupiers within the application site. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

30 Travel Plan

Prior to occupation of the first dwelling on site, a detailed Travel Plan (based on the Framework Workplace Travel Plan) including inter-alia targets, measures to be implemented including awareness of how to treat horses and riders when travelling, timescales of implementation, the approach to monitoring, the actions to be taken in event of targets not being met, and appointment of a travel-plan co-ordinator shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved details.

Reason: In the interests of sustainable travel and to reduce reliance on private car transport and to raise awareness of how to treat horses and riders when travelling, in accordance with policies COM7 and EMP6 of the East Cambridgeshire District Local Plan 2015.

31 BREEAM

The non-residential buildings hereby approved shall meet BREEAM Very Good standard or equivalent. If this standard cannot be achieved by virtue of the site's location then prior to above floor slab construction works it must be demonstrated by a BRE Licensed Assessor how all other BREEAM standards have been fully explored in order to meet the highest standard of BREEAM Good or equivalent and agreed in writing by the Local Planning Authority.

A certificate, following post construction review, shall be issued by a BRE Licensed Assessor to the Local Planning Authority, indicating that the relevant BREEAM standard has been achieved or its equivalent within six months of first occupation of the site for written agreement by the Local Planning Authority.

Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015.

32 Energy and Sustainability Strategy

Prior to or as part of the first reserved matters application for each phase, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development for that phase shall be carried out in accordance with the approved strategy.

Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015.

33 Allotments

Prior to the commencement of development of a phase which contains allotments, the allotment land shall be fenced in accordance with details to be submitted to the Local Planning Authority and a scheme for the ongoing maintenance of the allotments submitted and agreed in writing by the Local Planning Authority. No storage of materials, waste or other use of the land shall be carried out on the allotment land.

Reason: To protect the land from any adverse effects of the construction process and pollution, to retain the quality of soil for future cultivation in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and to ensure that the community

facility, is used and managed in an appropriate manner to ensure its continued use as productive community land in accordance with COM3 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

34 Fire Hydrants

No above ground construction shall take place in a phase until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the phase.

Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF.

35 Construction Times and Deliveries

Construction times and deliveries, including site preparation, use of generators and road works, shall be limited to the following hours:

07:30 to 18:00 Mondays to Fridays

07:30 – 13:00 Saturdays

No times during Sundays, Public or Bank Holidays.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

36 Burning of Waste

Any waste material arising from site demolition, preparation and construction works shall not be burnt on site but shall be kept securely in containers for removal to prevent escape into the environment.

Reason: To protect the amenity of the area. Policy ENV1 of the East Cambridgeshire Local Plan 2015 refers.

37 Air Quality/Odour

No commercial food premises (including those within premises that fall within Use Class A3 or A4) shall be occupied until details of odour management for that premises have been submitted to and approved in writing with the Local Planning Authority. The details shall include a specification for ventilation equipment and measures to alleviate fumes and odours, noise and vibration. All such ventilation equipment and measures shall be installed in the building to which it relates before the commercial food premises is first brought into use and shall thereafter be permanently maintained.

Reason: To safeguard the amenities of the adjoining occupiers to the application site and future occupiers within the application site in accordance with Policy ENV2 of the East Cambridgeshire Local Plan 2015.

38 Deliveries

Deliveries to any commercial premise shall be limited to 07.00 – 18.00 each day Monday – Friday and 08.00-18.00 on Saturdays. There shall be no deliveries outside of these times.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with Policy ENV 2 of the East Cambridgeshire Local Plan 2015.

39 Hours of Opening (A1/A3/A4/D1 Uses)

The cafes/restaurants, drinking establishments, retail and healthcare (Use Classes A1, A3, A4 and D1) hereby permitted shall not be open to members of the public other than between the hours of 07.00 and 23.00 on any day of the week.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Policies ENV2 of the East Cambridgeshire Local Plan 2015.

40 External Plant (B1/B2/B8 Uses)

No external plant or machinery shall be in use for the B1/B2/B8 uses hereby permitted outside of the following hours: 07:00 - 18:00 each day Monday - Friday 07:00 - 13:00 on Saturdays and none on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Policies ENV2 of the East Cambridgeshire Local Plan 2015.

41 Retail Floorspace

The gross internal floorspace of the A1 use shall not exceed 326 square metres and no more than 10% gross retail floorspace shall be used for the sale and display of comparison goods.

Reason: To maintain the local scale of the retail facilities, appropriate for the role and function of the Local Centre in accordance with policy COM1 of the East Cambridgeshire Local Plan 2015.

42 Sub-division/amalgamation of Uses

There shall be no amalgamation of units defined for A1, A3, A4 or D1 uses within the Local Centre without the prior written approval of the Local Planning Authority through the submission of a planning application.

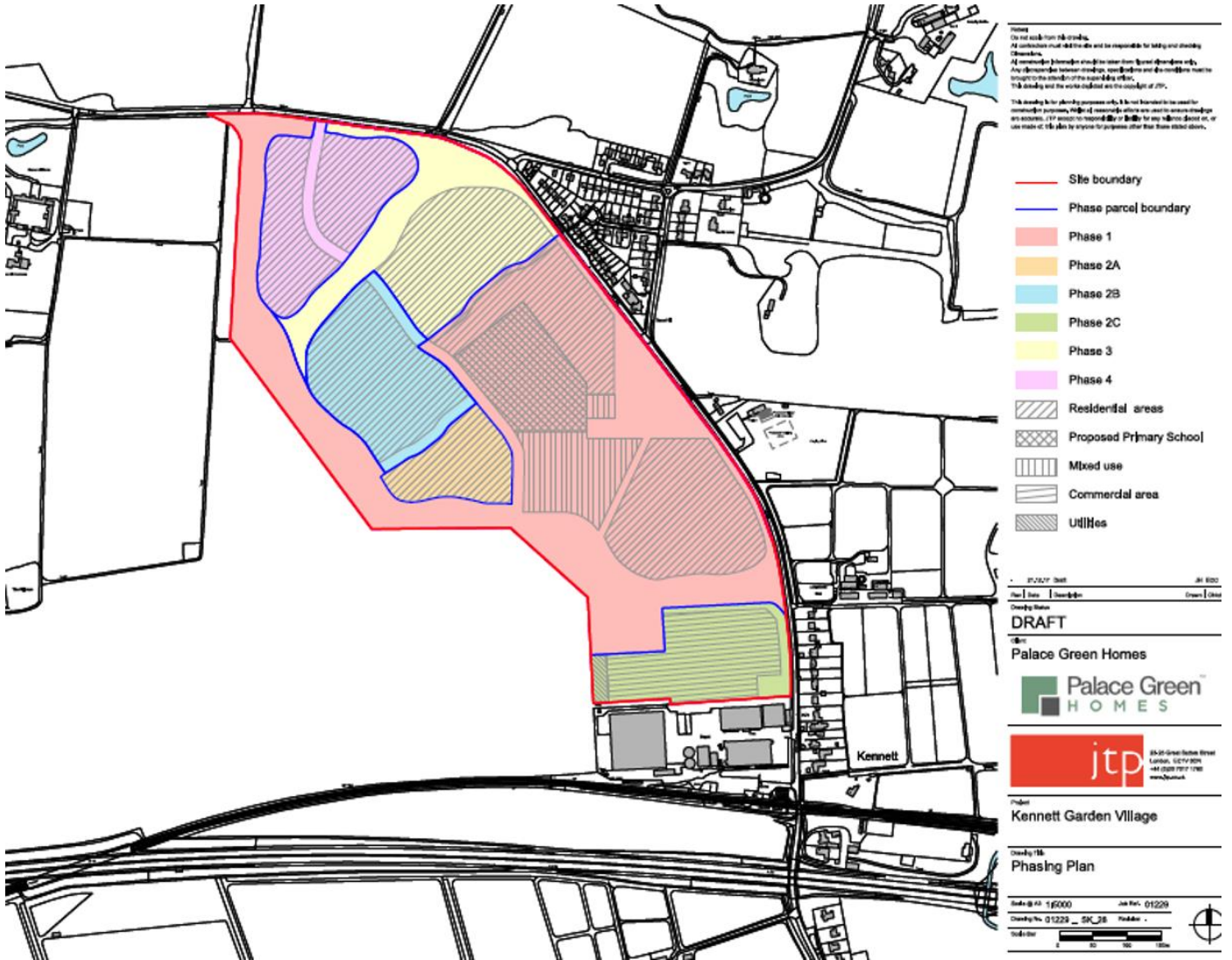
Reason: To maintain the local scale of the retail facilities, appropriate for the role and function of the Local Centre Policies in accordance with Policy ENV4 of the East Cambridgeshire Local Plan 2015.

43 **Business (B1, B2, B8)**

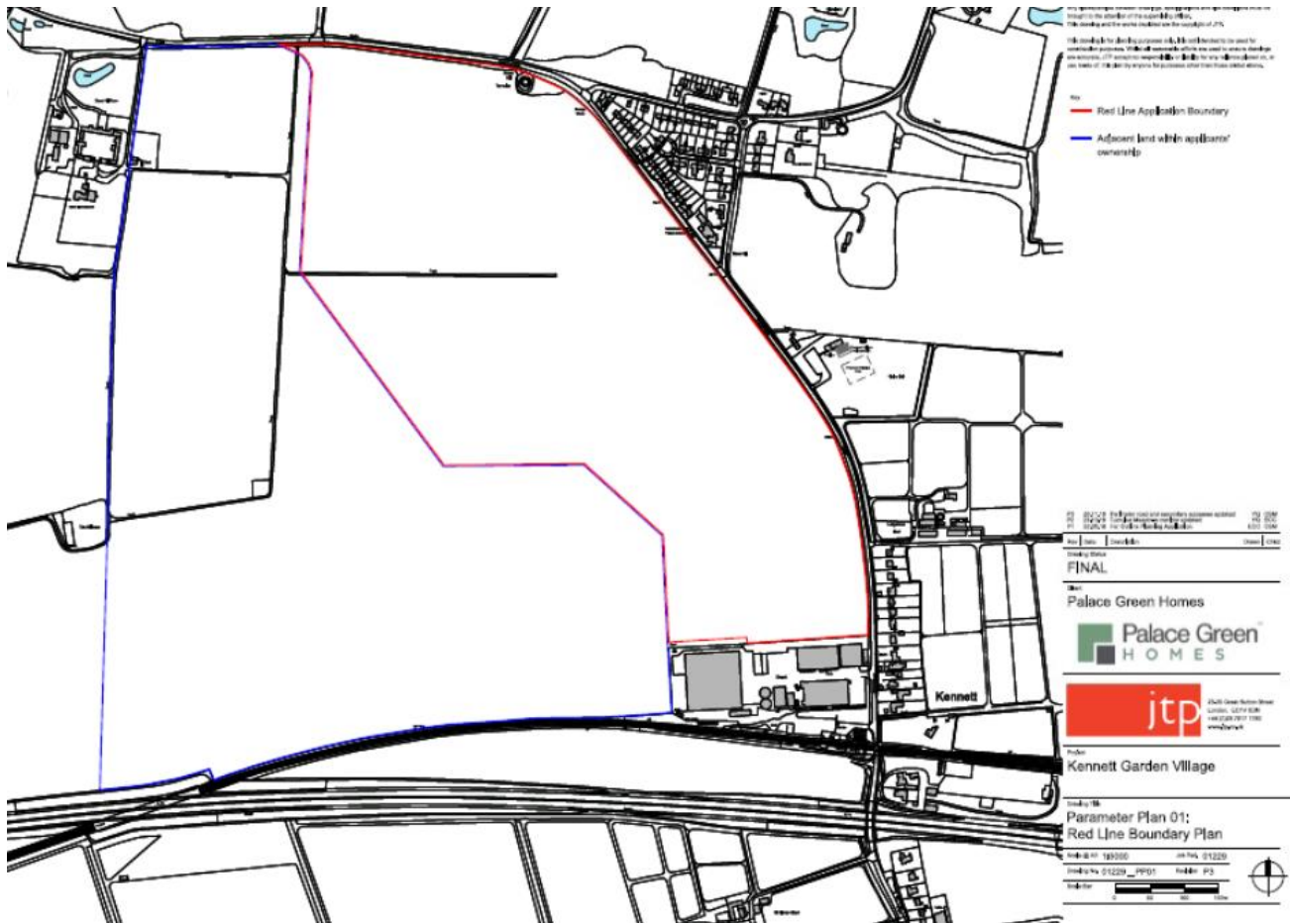
Notwithstanding any changes that may be made to the Town and Country Planning (Use Classes) Order 1987 (as amended) and/or the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any statutory instruments revoking and re-enacting those Orders, the Business (B1, B2 and B8) floorspaces permitted shall be used for purposes falling within Class B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) which is in force at the date of this permission and for no other purposes.

Reason: To maintain the mixed-use nature of the development in accordance with policies EMP 3 and GROWTH 5 of the East Cambridgeshire Local Plan 2015.

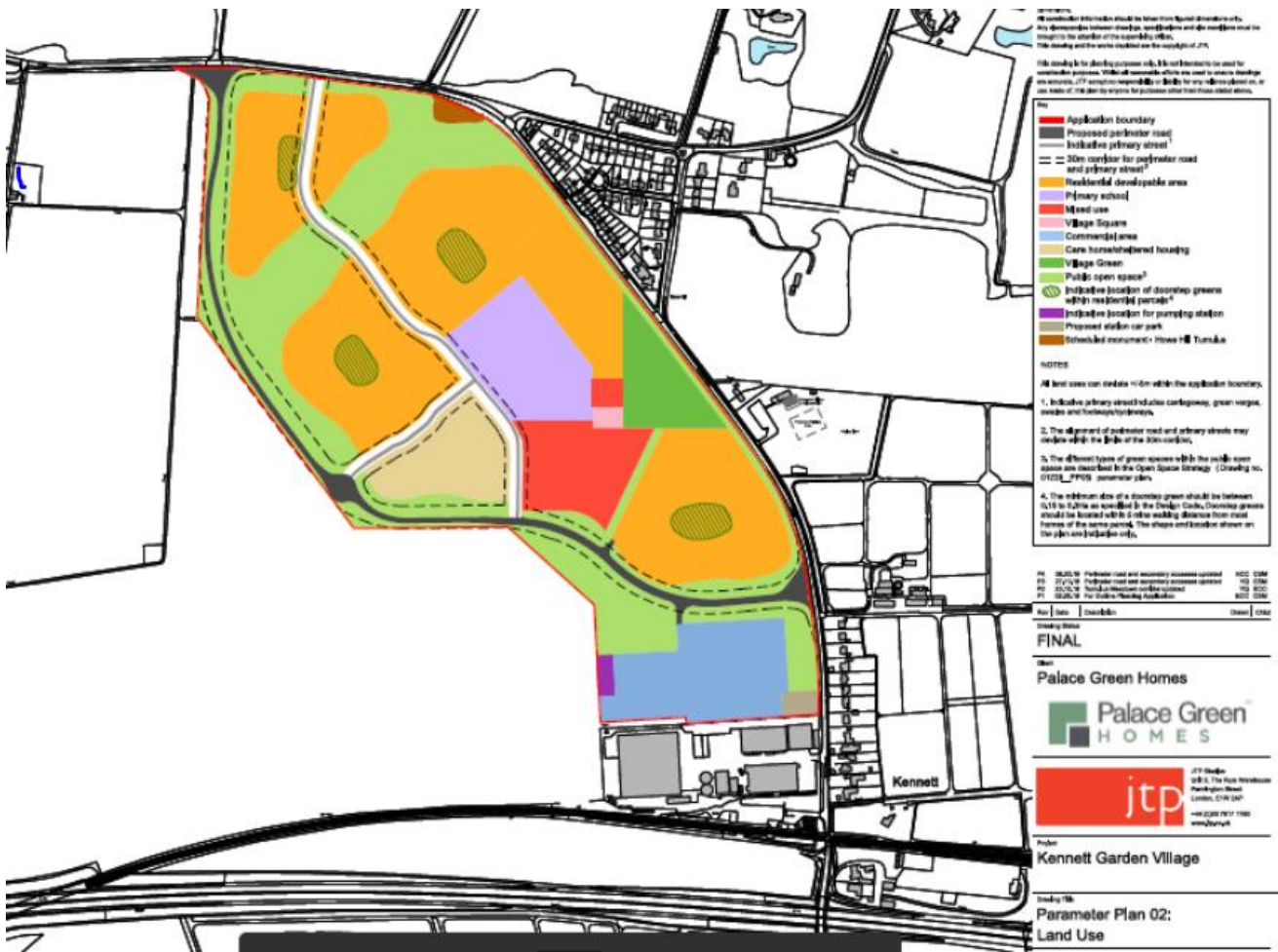
APPENDIX 2 - PHASING PLAN



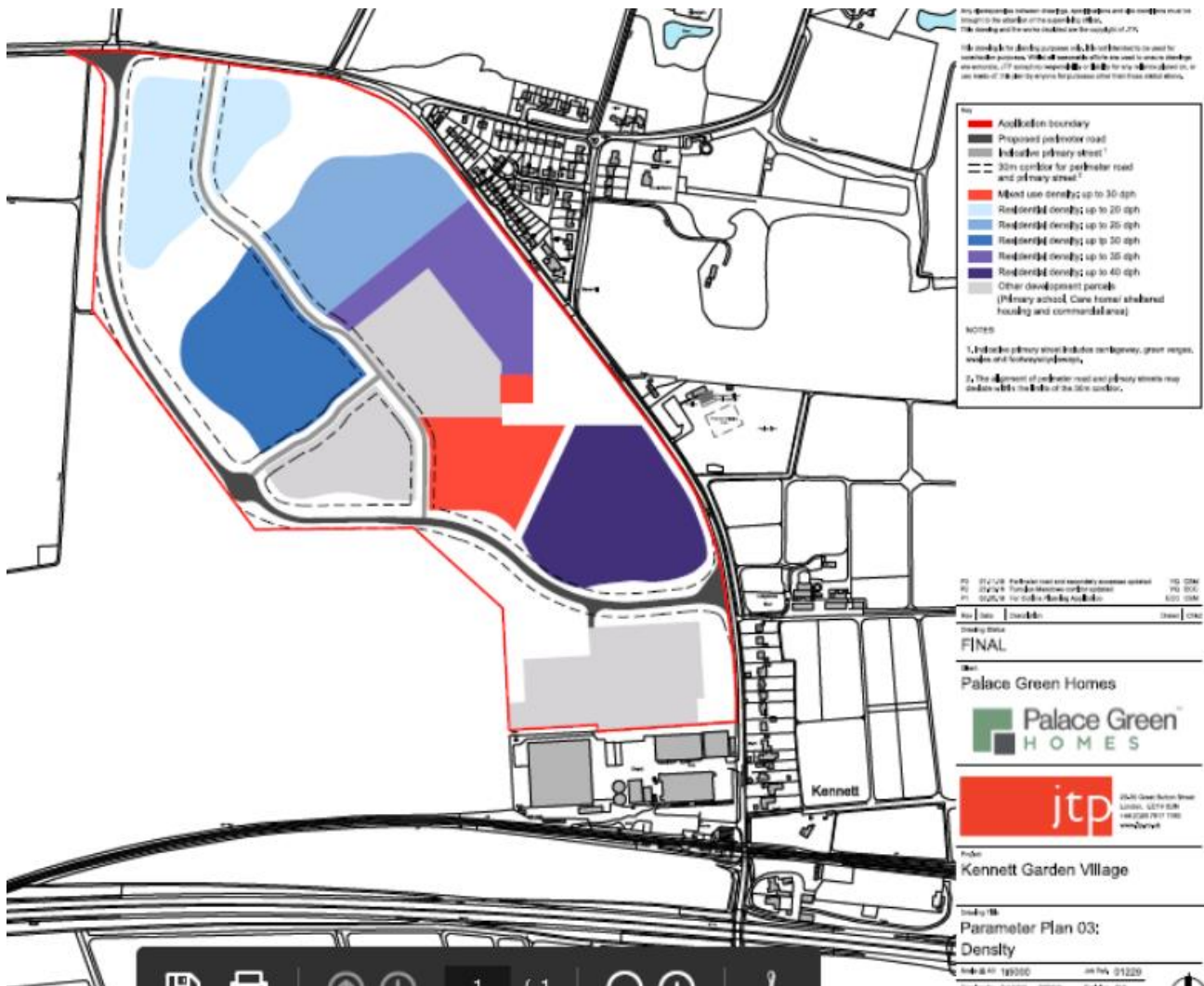
APPENDIX 3 - PERIMETER PLAN 1 – SITE PLAN



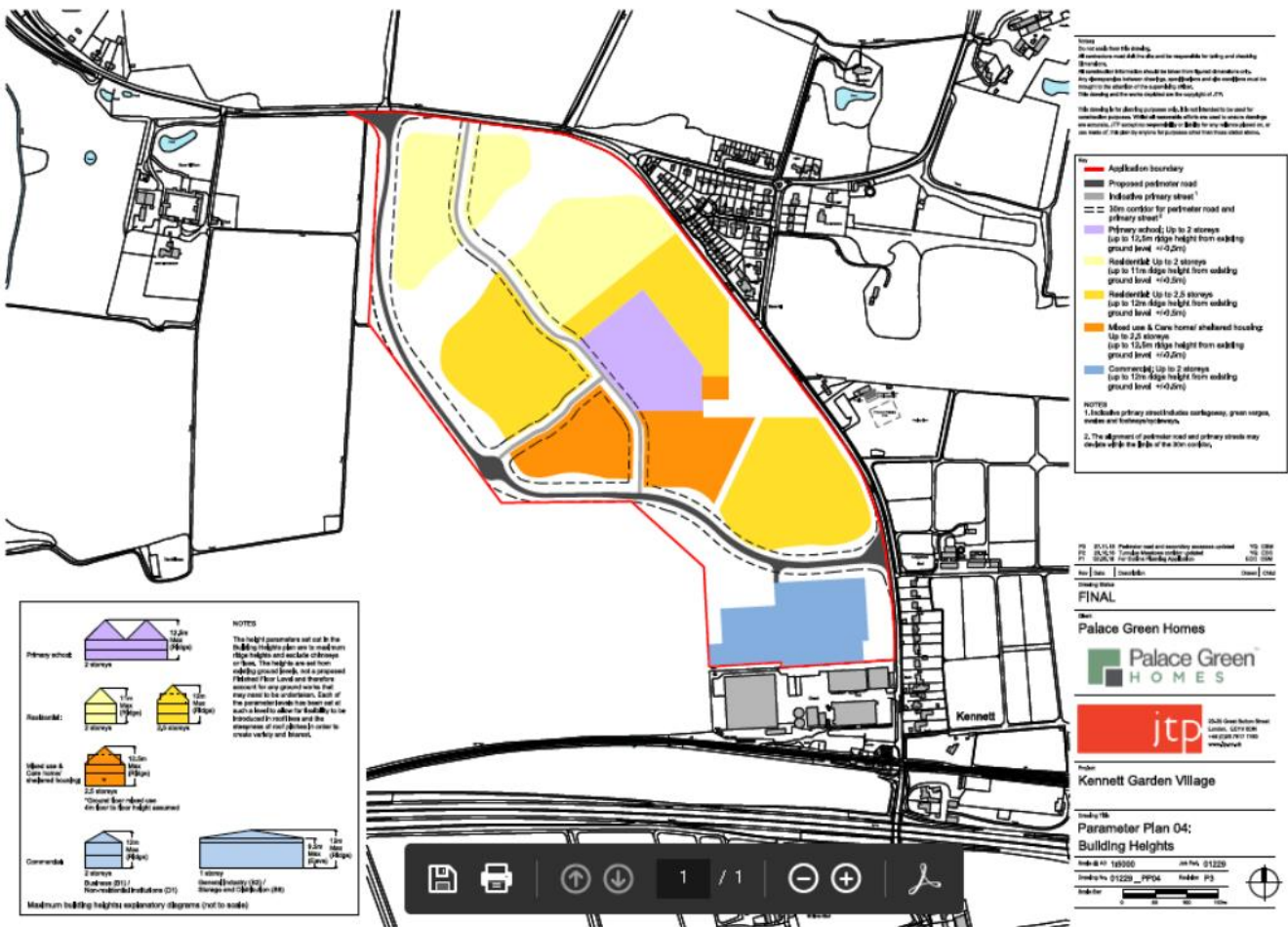
APPENDIX 4 - PERIMETER PLAN 2- LAND USE



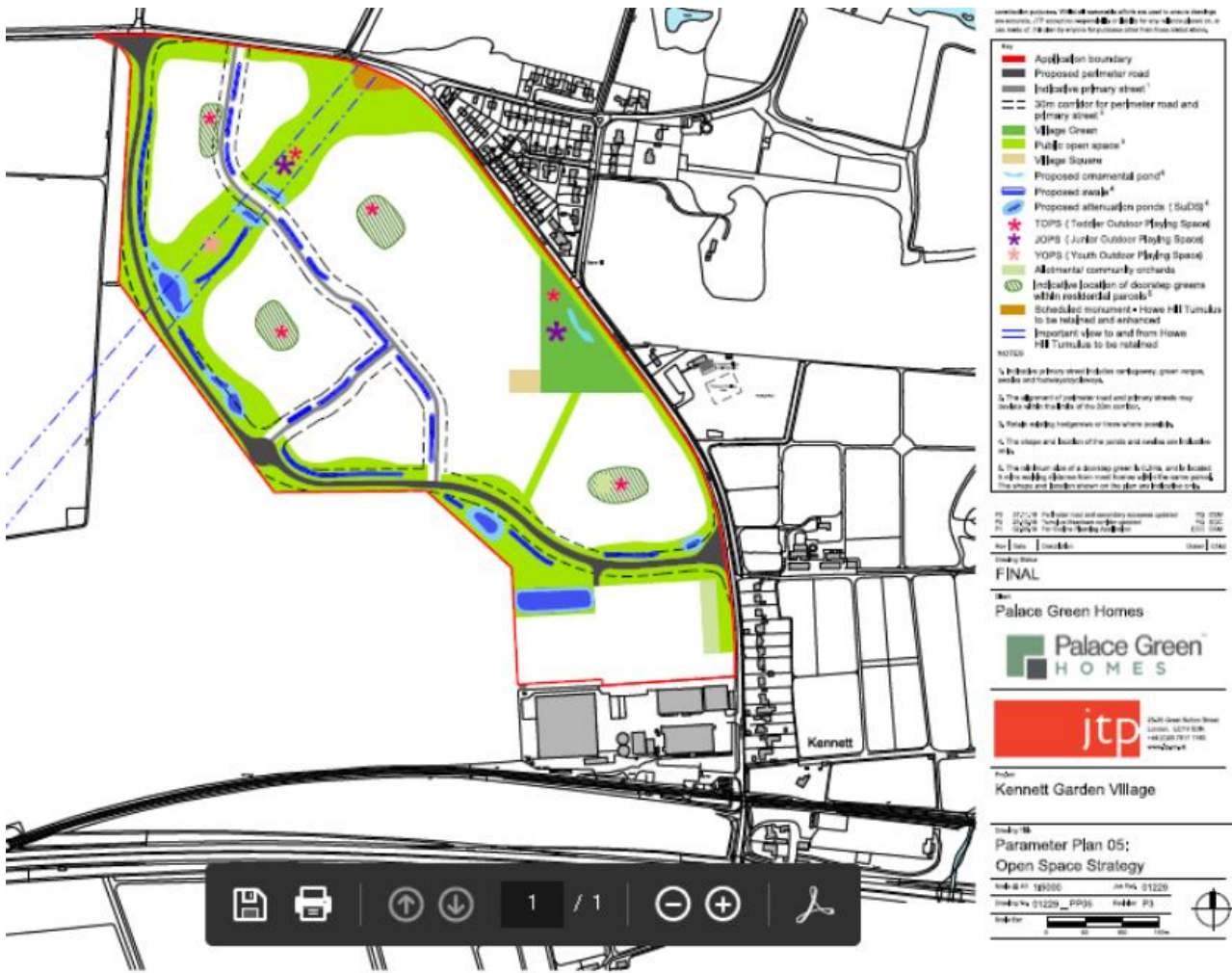
APPENDIX 5 - PARAMETER PLAN 3- DENSITY



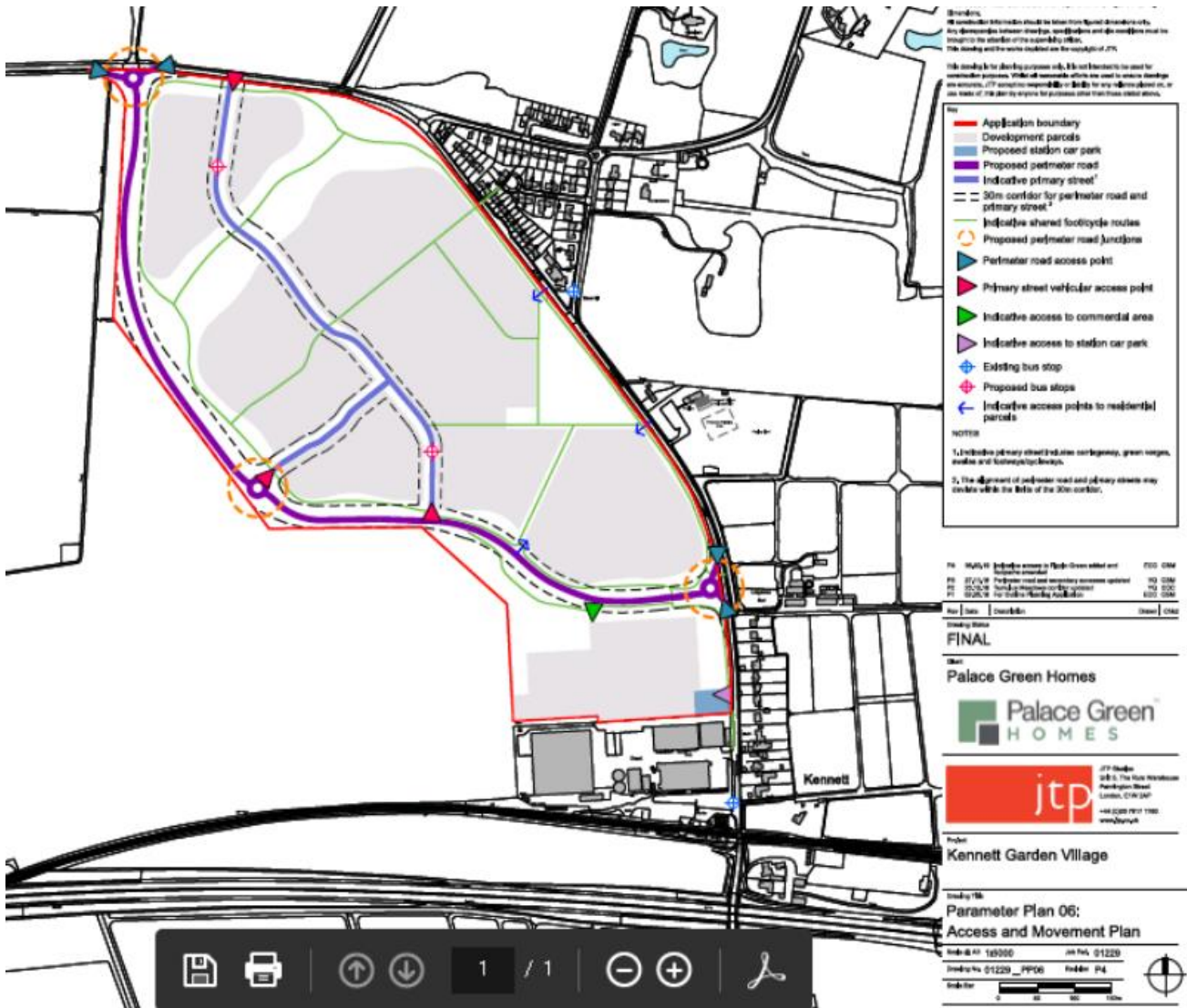
APPENDIX 6 - PARAMETER PLAN 4 - BUILDING HEIGHTS

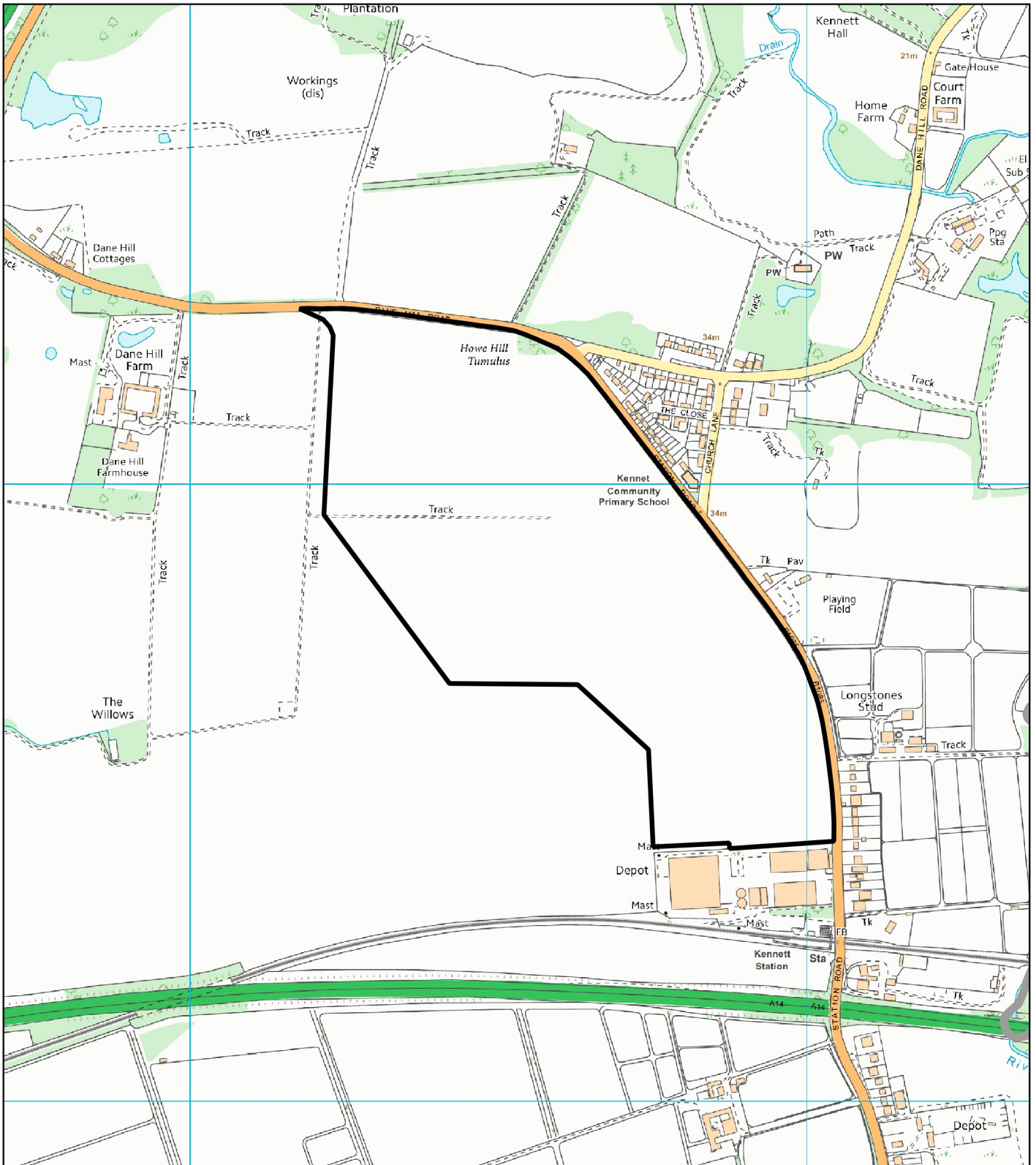


APPENDIX 7 - PARAMETER PLAN 5 - OPEN SPACE STRATEGY



APPENDIX 8 - PARAMETER PLAN 6 - ACCESS AND MOVEMENT PLAN





18/00752/ESO

Land Southwest of
98 to 138 Station Road
Kennett



East Cambridgeshire
District Council

Date: 09/04/2019
Scale: 1:9,000



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MAIN CASE

Reference No: 19/00155/FUL

Proposal: Application for the construction and operation of a 49.9MW battery storage facility, fencing, landscape planting and site access on land adjacent to the operational Burwell 400kV substation

Site Address: Site South East Of Burwell Main Sub-Station, Weirs Drove, Burwell

Applicant: WYG

Case Officer: Richard Fitzjohn, Senior Planning Officer

Parish: Burwell

Ward: Burwell
Ward Councillor/s: Councillor David Brown
Councillor Lavinia Edwards
Councillor Michael Allan

Date Received: 24th January 2019 **Expiry Date:** 30th April 2019

[T250]

1.0 RECOMMENDATION

1.1 Members are recommended to APPROVE the application subject to the recommended conditions below. The conditions can be read in full on the attached Appendix 1.

- 1.2
- 1 Approved plans
 - 2 Time limit
 - 3 Flood Risk Assessment
 - 4 Surface water drainage scheme
 - 5 Surface water maintenance
 - 6 Final surface water strategy
 - 7 Archaeology
 - 8 Construction hours
 - 9 No burning of waste
 - 10 No lights
 - 11 Site noise rating level
 - 12 Noise verification
 - 13 Noise management plan
 - 14 Soft landscaping scheme
 - 15 Soft landscaping maintenance

- 16 Boundary treatments
- 17 External appearance
- 18 Construction Environment Management Plan
- 19 Secondary containment
- 20 Land reinstatement

2.0 SUMMARY OF APPLICATION

- 2.1 Full planning permission is being sought for a 49.9MW battery storage facility, fencing, landscaping planting and site access on land adjacent to Burwell 400kV Substation, Weirs Drove, Burwell. The facility will be connected to the existing transmission grid substation, which is owned and operated by National Grid.
- 2.2 The proposed development comprises the following:
- 15No. containerised battery units.
 - Associated inverters, transformers, switchgear units, cooling units.
 - Mezzanine decking and steps for pedestrian access.
 - Tarmac access road and turning area, and permeable stone surfacing;
 - Erection of a 2.75m high 4m wide double-leafed metal security gate;
 - Erection of a 2.75m high palisade security fence around the battery compound.
 - Erection of 3m high acoustic timber fencing along north-east, east and south-west boundaries.
 - Installation of infrared CCTV cameras on 4.2m high poles.
 - Landscaping enhancements.
 - Replacement culvert section across the field drain;
 - Improved field entrance with formal connection to the public highway.
- 2.3 The battery and switchgear units would be placed on concrete block columns, elevated up to 1.15m above ground level. The elevated battery containers would each be 12.19m long x 2.44m wide x 2.6m high and accessed by metal steps which lead to a mezzanine deck. Cooling units would be located at the end of each container.
- 2.4 The dimensions of the ancillary equipment are as follows:
- Inverter: 1.05m long x 1.25m wide x 2.2m high
 - Transformer: 2.38m long x 2.38m wide x 2.13m high
 - Switchgear Units: 2@ 12.2m long x 3.7m wide x 3.5m high and 1@ 5m long x 4m wide x 3.5m high
 - DNO Auxiliary Unit: 4m long x 4m wide x 2.5m high
- 2.5 The maximum height of each battery unit, taking into account their elevated siting would be 3.75m above ground level.
- 2.6 The proposal also includes palisade fencing and closeboarded acoustic fencing of up to 3m high, and new landscaping, around the boundaries. The proposal includes alterations to an existing vehicular access.
- 2.7 The proposed battery system would provide support to the national electricity system by providing 'response services', responding to signals from the grid system

operator to either charge or discharge power into the grid to respond to imbalances between generation and demand. This frequency balancing service would be achieved through electricity stored within the batteries. The proposed battery system would also operate in energy trading, whereby the battery will charge or discharge in response to price signals in the electricity trading markets. This would be achieved by the battery facility charging up at times of cheaper renewable electricity and then discharge when prices are higher.

- 2.8 In addition, the proposed battery system would provide infrastructure which would help to facilitate the future provision of nearby electric vehicle charging points. However, electric vehicle charging points themselves do not form part of the proposed development.
- 2.9 This application has been called in to Planning Committee by Councillor David Brown. As he considers that the Committee needs to consider the effects of this application on the local area, landscape, environment and the amenity of residents bearing in mind recently approved applications.
- 2.10 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

3.1 No relevant planning history on the site.

3.2 Relevant off-site planning history relating to surrounding land:

17/02205/FUL	Development of a 49.9MW battery storage facility, bridge and associated infrastructure	Approved	05.04.2018
93/00843/FUL	Erection of Steel Buildings Surrounded By Palisade Fencing to House Telecommunications Equipment	Approved	28.10.1993
01/01123/FUL	Extend existing telecom module compound including back-up generators foundation slab and fencing.	Approved	01.02.2002
97/00955/TEL	The installation of a prefabricated equipment cabin size 3.7m X 2.5m mounted on a purpose built concrete base not exceeding 16 Square	Approved	16.01.1998

metres

99/00798/TEL	Three dual polar sector antennae, four microwave dishes and one equipment cabin	Approved	14.10.1999
97/00324/TEL	15 metre lattice tower with equipment housing, 3 antennas and 2 dishes	Approved	02.06.1997
97/00632/FUL	Replacement 25m Telecoms mast and associated equipment	Approved	08.10.1997
14/00789/FUL	Installation of a cable connecting the approved solar farm which is to be located off Heath Road, Burwell (ref:13/00878/ESF) to the electricity sub station which is located on the eastern side of Weirs Drove, Burwell.	Approved	06.10.2014
06/00814/FUL	Install a 3.5m tower extension with 3no. Dual Polar antennas @ 26.0 - 28.4 m, 3no. equipment cabinets, 1no. meter cabinet and a feeder gantry for O2 (UK) Ltd	Approved	05.09.2006

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is located along Weirs Drove, to the west of the main settlement of Burwell and outside of the established development framework. The site comprises paddock/grazing land to the south of the Burwell 400kV transmission grid substation. The site is approximately 0.52ha in size. Weirs Drove is located to the east and there are agricultural fields to the south and west. The site and surrounding area is predominantly rural in nature, however there are two large electricity substations (Burwell Substation and a DNO Substation) located within close proximity to the site and large electricity pylons to the west.

5.0 **RESPONSES FROM CONSULTEES**

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

5.2 **Burwell Parish Council** – Burwell Parish Council agrees with Cllr David Brown that this should be called in and determined by the Planning Committee. Should the application be approved the site must be landscaped. Concern regarding noise levels and if there is a need for there to be two storage facilities for the sub-station.

5.3 **Ward Councillor David Brown** – Called the application in to Planning Committee. Committee needs to consider the effects of this application on the local area, landscape, environment and the amenity of residents bearing in mind recently approved applications.

5.4 **Cambridgeshire Archaeology** - Records indicate that the site lies in an area of high archaeological potential, situated in a known multi-period landscape and bounded on two sides by Weirs Drove, a known focus of activity, as evidenced by the density of findspots and cropmarks in the locality (for example, Cambridgeshire Historic Environment record references 06736, 02190, CB14759, MCB23990). Less than 300m east of the application area are earthworks including a hollow way and field boundaries (CHER 11378) and the site of a medieval house platform (11380), indicative of activity west of the present village during the medieval period. To the south-east are the remains of the medieval priory of St John (06864). Archaeological investigations to the north-east at Myrtle Drive revealed evidence of medieval and post-medieval settlement (ECB2446, ECB2443). In addition, archaeological investigations to the south-east off Low Road revealed evidence of Roman occupation (11989). It is therefore likely that important archaeological remains could survive on the site and that these would be severely damaged or destroyed by the proposed development.

Do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured by a pre-commencement planning condition.

5.5 **Cambridgeshire Fire And Rescue Service** - No Comments Received.

5.6 **CCC Growth & Development** - No Comments Received.

5.7 **Lead Local Flood Authority (response received 14.03.2019)** - Have reviewed the following documents:

- Flood Risk Assessment, WYG Engineering Limited, A110651. Dated: 18th January 2019.
- Correspondence between Francisco Aguilar and Swaffham IDB.

Based on these, are able to remove their objection to the proposed development. These documents demonstrate that surface water from the proposed development can be managed through the use of soakaways (if infiltration testing confirms that infiltration is viable on the site) and permeable paving. The LLFA is supportive of the use of permeable paving as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment which is of particular

importance when discharging into a watercourse). Should infiltration testing conclude that infiltration is not viable at this site, a second option to discharge into an existing watercourse has been proposed, following the Drainage Hierarchy. This watercourse runs through the centre of the site, dividing the site into two catchments, meaning two outfalls have been proposed. A 50mm flow control orifice plate will restrict surface water discharge to 4.4 l/s in the Northern catchment and 4.6 l/s in the Southern catchment (a rate which has been agreed with Swaffham IDB subject to a commuted sum). Water quality has been adequately addressed when assessed against the Simple Index Approach outlined in the CIRIA SuDS Manual.

Request the following condition(s) are imposed:

Condition - Development shall not commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment prepared by WYG Engineering Limited (ref: A110651) dated 18th January 2018 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details before the development is completed.

Reason - To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.

Condition - Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any building. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

Reason - To ensure the satisfactory maintenance of drainage systems that are not publically adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework.

Condition - No development shall commence until infiltration testing has been undertaken in accordance with BRE365/CIRIA156 and a final surface water strategy based on the results of this testing has been agreed by the Local Planning Authority, in conjunction with the Lead Local Flood Authority.

Reason - To ensure a satisfactory method of surface water drainage, and to prevent the increased risk of flooding to third parties

Informatives:

Infiltration - Infiltration rates should be worked out in accordance with BRE 365. If infiltration methods are likely to be ineffective then discharge into a watercourse/surface water sewer may be appropriate; however soakage testing will be required at a later stage to clarify this.

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

IDB Consent - This site falls within the Swaffham Internal Drainage Board (IDB) district. Under the Land Drainage Act 1991, any person carrying out works on an ordinary watercourse in an IDB area requires Land Drainage Consent from the IDB prior to any works taking place. This is applicable to both permanent and temporary works. Note: In some IDB districts, Byelaw consent may also be required.

Lead Local Flood Authority (response received 11.03.2019 - superseded by response dated 14.03.2019) - Have reviewed the following documents:

- Flood Risk Assessment, WYG Engineering Limited, A110651. Dated: 18th January 2019.
- Correspondence between Francisco Aguilar and Swaffham IDB.

Based on these, unable to remove their objection to the proposed development for the following reasons:

1. The Flood Risk Assessment identifies infiltration using soakaways as the preferred option of drainage. At present, no on-site infiltration has been done to support the use of soakaways. While an alternative strategy, which follows the Drainage Hierarchy has been proposed (discharging into an existing watercourse), the alternative strategy is however unacceptable due to the proposed discharge rates, which are considerably higher than the current Greenfield runoff rate of 0.27 l/s.

The proposed development plans to drain at a discharge rate of 4.4 l/s in the northern catchment of the site and 4.6 l/s in the southern catchment. The applicant has stated that Swaffham IDB, which this site falls within, has no issues with the site discharging at this higher rate subject to payment (although no evidence to support this has been provided).

The LLFA is unable to support this drainage strategy until the proposal to discharge at this higher rate has been agreed in formal writing with Swaffham IDB.

Lead Local Flood Authority (response received 21.02.2019 - superseded by response dated 14.03.2019) - Have reviewed the following documents:

- Flood Risk Assessment, WYG Engineering Limited, A110651. Dated: 18th January 2019.

At present, object to the grant of planning permission for the following reasons:

1. Inappropriate discharge rates for drainage option 2.

Drainage Option 2 detailed in Section 4.7 of the Flood Risk Assessment proposes discharge rates of 4.4 l/s in the Northern catchment and 4.6 l/s in the Southern catchment in Table 4b, which far exceeds the current greenfield runoff rate of 0.27 l/s during a 1 in 100 year event from the site.

As outlined in paragraph 6.3.6 of the SPD, all new developments on greenfield land are required to discharge the runoff from impermeable areas at the same greenfield runoff rate, or less than, if locally agreed with an appropriate authority or as detailed within the local planning policies of District and City councils.

The applicant has not demonstrated that the peak discharge rate for all events up to and including the 1% Annual Exceedance Probability (AEP) critical storm event, including an appropriate allowance for climate change, will not exceed that of the existing site. This may increase the flood risk on site and in surrounding areas.

2. More detailed drainage layout plan required

The Proposed Drainage Layout highlighted in Appendix F of the Flood Risk Assessment does not include plans for use of permeable paving, despite such plans being proposed in sections 4.1 and 4.7.3 and Table 5. A clearly labelled drainage layout plan showing detailed SuDS proposals (type, location, size) is required.

ECDC Trees Team - No objections to the proposal on tree grounds. Suggest getting the views of a landscape consultant, as they are better suited to judge the impact of this proposal on the wider landscape.

5.8 **Waste Strategy (ECDC)** - No Comments Received.

5.9 **Environmental Health** - Aware that the proposed site is adjacent to the recently granted permission for a comparable battery storage facility under reference 17/02205/FUL. Has read the Noise Assessment produced by WYG. Welcomes the methodology which takes into account a worst case scenario where it is assumed the site will be 100% operational all of the time (which will not be the case). The noise report has demonstrated that acceptable levels will be met during the day (as they will be below background noise levels). The noise report states that mitigation is required in order for the site to meet acceptable sound levels during the night based on the unlikely scenario that the site will be 100% operational all of the time. This mitigation is in the form of a 3m high acoustic barrier which has been demonstrated to bring noise levels down to no more than 2dB above existing background levels (in a worst case scenario). This assessment has taken into consideration the adjacent site which has recently been granted planning permission and incorporated the cumulative effect of both sites.

Welcomes the same suitable conditions as were attached to the neighbouring site under 17/02205/FUL (with some slightly amended conditions), as below:

- Construction times and deliveries during the construction phase restricted to the following:
 - 07:30 – 18:00 each day Monday – Friday
 - 07:30 – 13:00 on Saturdays and
 - None on Sundays or Bank Holidays
- Prior to any work commencing on site, a Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing with the Local Planning Authority (LPA) regarding mitigation measures for the control of pollution (including, but not limited to noise, dust and lighting etc) during the construction phase. The CEMP shall be adhered to at all times during the construction phase, unless otherwise agreed in writing with the Local Planning Authority (LPA).

- Waste to not be burned on site.
- No lighting to be erected without permission from the LPA.
- The site noise rating level (i.e. site attributable noise in terms of LAeq with any relevant noise character penalty) from the development shall not exceed the figures in table 6.1 of the Noise Assessment produced by WYG and dated January 2019 (reference number A110651) when assessed in terms of BS4142: 2014 methodology. Daytime specific sound levels to be determined over a 1 hour period (i.e. 0700-2300 hours) and the night-time period over 15 minute periods (i.e. 2300- 0700 hours). Where it is not possible to determine the specific sound level by measurement, due to the dominance of any ambient and residual sound levels, then in accordance with section 7.3.5 of BS4142: 2014, the specific sound level shall be determined by a combination of measurement and calculation.
- On completion of the development a verification report shall be produced with the site at full operation to show compliance with the noise limits set out in the above condition, detailing the methodology, measurement positions, detail of any results, calculation method (where appropriate) and a report of findings, shall be prepared by an independent qualified Noise Consultant and submitted to, and agreed by, the Local Authority. Where the assessment shows non-compliance, the report shall detail an action plan and proposals for further mitigation to comply with the noise limits within an agreed timetable.
- Prior to commencement of the operation of the development, a Noise Management Plan shall be submitted to, and agreed in writing by, the Local Planning Authority. The Noise Management Plan shall include details for a schedule of regular noise monitoring and any mitigation of noise levels to ensure compliance with the original assessment.

5.10 **Conservation Officer** - No built heritage concerns. No objection.

5.11 **Planning Casework Unit** – No comment to make on the environmental statement.

5.12 **UK Power Networks** - No Comments Received.

5.13 **National Grid - Electricity (Comments received 21.03.2019)** - National Grid has no objections to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line.

5.14 **Historic England** - On the basis of the information available to date, do not wish to offer any comments.

5.15 **Environment Agency** –

POLLUTION PREVENTION - The proposed development will be acceptable if the following condition is attached to any planning permission.

Condition - The development hereby permitted shall not be commenced until such time as a scheme to provide secondary containment has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason - The chemicals in batteries are highly polluting to the water environment, therefore given the proximity of the proposal to surface water, and position over a principal aquifer, we require further information detailing the containment of these batteries in the event of a leak. The secondary containment must be impermeable to the specific chemicals in the batteries, details of which must be submitted to the local planning authority for approval. The minimum volume of the secondary contaminant should be at least equivalent to the capacity of the batteries plus 10%, and the secondary containment shall have no opening used to drain the system.

A battery energy storage installation does not currently require an industrial installation permit to operate. Although there is good practice from the Environmental Permitting and CoMAH Regulations that this site should follow.

There are concerns regarding potential fires at battery storage facilities. Good practice would ensure that environmental protection is given due consideration, and that there is adequate containment facilities for firewater run-off.

Fires fought at these sites will mean that firewater may contain potentially polluting contaminants such as heavy metals, these could have a detrimental and long lasting effect on the environment if it not contained. Secondary containment, with impermeable concrete bunds are necessary.

All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes. Open gullies should not be used.

Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

Where soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Local Authority. The maximum acceptable depth for soakaways is 2 metres below existing ground level. Soakaways must not be located in contaminated areas. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

FLOOD RISK - The proposed site is within Flood Zone 3, in accordance with the National Planning Policy Framework paragraph 101, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test

in the National Planning Policy Framework. Assumes that the Local Planning Authority has applied and deemed the site to have passed the Sequential Test.

No objection to the proposed development on flood risk grounds but wish to make the following comments:

The submitted Flood Risk Assessment (FRA) does not include an assessment of the effects of climate change using appropriate climate change allowances.

Table 1 in section 3.1.1 of the FRA shows a 1 in 100 year flood level including a 35% allowance for climate change of 2.19mAOD. However, this level is the 1 in 100 year flood level including a 20% allowance for climate change, which has been taken from the data we provided from our Cam Phase 2 model (included in Appendix C). A stage-discharge rating curve should be used to interpolate the 1 in 100 year flood level including a 35% allowance for climate change using available modelled flow and level data. This method was used in the FRA submitted with planning application 17/02205/FUL adjacent to the site, giving a level of 2.20mAOD. As the same modelled data is appropriate for this site, the FRA should recommend that the finished floor level of the base container and all other critical components are at a minimum level of 2.50mAOD instead of 2.49mAOD. Your Authority should consider whether the FRA needs to be amended to reflect this.

The FRA does not consider whether a flood plan is required to ensure the safe use of the proposed development. In all circumstances where flood warning and emergency response is fundamental to managing flood risk, we expect local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your Emergency Planners and the emergency services to determine whether the proposals are safe, in accordance with the guiding principles of the Planning Practice Guidance (PPG).

The Internal Drainage Board should be consulted with regard to flood risk associated with their watercourses, surface water drainage proposals and consent requirements.

- 5.16 **The Ely Group Of Internal Drainage Board** - This application for development is within the Swaffham Internal Drainage District. The application states that surface water will be disposed of via soakaways. Provided that soakaways form an effective means of surface water disposal in this area, the Board will not object to this application. It is essential that any proposed soakaway does not cause flooding to neighbouring land. If soakaways are found not to be an effective means of surface water disposal, the Board must be re-consulted in this matter, as the applicant would need the consent of the Board to discharge into any watercourse within the District.
- 5.17 **Design Out Crime Officers** - Happy to support the application as security has been addressed. Therefore in support of the application. Does have one area of concern regarding the security of the construction phase of this planned development. Thefts from construction sites is high across Cambridgeshire especially regarding batteries, power tools and plant equipment. In that regard, requests consideration to issue a condition for the submission of a Construction Management Plan should planning approval be obtained.

Secured by Design now states on all its guidance documents:

Construction Phase Security – Advisory Note

Unfortunately there are many crimes which occur during the construction phase of a development; the most significant include theft of plant equipment, materials, tools and diesel fuel. Secured by Design recommend that security should be in place prior and during the construction phase. This should include robust perimeter fencing of the site and a monitored alarm system (by a company or individual who provide a response) for site cabins and those structures facilitating the storage of materials and fuel. The developer is advised that the name of the contractor and signage with an emergency contact telephone number should be displayed at several places on the perimeter fencing. This allows the public to report suspicious circumstances. Mobile or part time CCTV systems can be used as an effective aid to the security of a site and can act as a deterrent to criminal activity. No further comment at this stage.

5.18 **Cambs Wildlife Trust - No Comments Received.**

5.19 A site notice was displayed near the site on 5th March 2019 and a press advert was published in the Cambridge Evening News on 14 February 2019. In addition, 46 neighbouring properties have been directly notified by letter. 2 responses have been received raising the following summarised concerns:

No. 120 Low Road

Objects. Concerns regarding noise and unknown health issues.

No.75 Low Road

Objects for the following reasons:- visual, noise and environmental impact.

6.0 **The Planning Policy Context**

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 6	Renewable energy development
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations

Design Guide

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

Flood and Water

6.3 National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 4 Decision-making
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

7.0 **PLANNING COMMENTS**

7.1 The main issues to consider when assessing this application are the principle of development and the impacts on the character and appearance of the area, noise impact and environmental pollution, residential amenity, traffic and transportation, and flood risk and drainage.

7.2 **Principle of Development**

7.2.1 Policy GROWTH2 of the East Cambridgeshire Local Plan 2015 states that, outside defined development envelopes, renewable energy development may be permitted providing there is no significant adverse impact on the character of the countryside and that other Local Plan policies are satisfied.

7.2.2 Furthermore, policy GROWTH3 of the East Cambridgeshire Local Plan 2015 states that key infrastructure requirements relevant to growth within the district includes upgrading electricity infrastructure.

7.2.3 Policy ENV6 of the East Cambridgeshire Local Plan 2015 specifically relates to renewable energy development. Policy ENV6 states that proposals for renewable energy and associated infrastructure will be supported, unless their wider environmental, social and economic benefits would be outweighed by significant adverse effects that cannot be remediated and made acceptable in relation to:

- The local environment and visual landscape impact.
- Impact on the character and appearance of the streetscape/buildings.
 - Key views, in particular those of Ely Cathedral.
 - Protected species.
 - Residential amenity.
 - Safeguarding areas for nearby airfields; and
 - Heritage assets.

7.2.4 Policy ENV6 also states that the visual and amenity impacts of proposed structures will be assessed on their merits, both individually and cumulatively, and provision should be made for the removal of facilities and reinstatement of the site should they cease to operate.

7.2.5 The Burwell Village Vision set out within Part 2 of the East Cambridgeshire Local Plan 2015 sets out strategic objectives for Burwell, which includes the requirement

for the village to be served by appropriate levels of infrastructure and facilities, which includes energy infrastructure.

- 7.2.6 The nature of the proposed development requires specific locational requirements. These locational requirements are set out within the applicant's Planning, Design and Access Statement as being:
- A site size of at least 0.5ha to accommodate the batteries, ancillary equipment and means of access;
 - Ability to connect to a 275kV or 400kV transmission substation;
 - A location in close proximity to the substation to limit electrical loss and ensure greater efficiency and also to support the commercial model. The requirement to run overhead lines or buried cables to a similar site significantly increases costs and challenges the viability of the project; and
 - Be suitably located to enable future EV charging opportunities to be realised.
- 7.2.7 The proposed development would allow electricity from the Grid and stored in batteries at times of low demand and then exported back to the Grid at times of high demand. The proposed development would provide a 'balancing service' which would assist in balancing grid frequency at times of stress. The proposed development would support increasing reliance on renewable energy forms by providing a quick and flexible back-up energy source to the Grid at times of high energy demand, contributing to ensuring a reliable energy supply across the Grid.
- 7.2.8 Paragraph 8c of the NPPF states that a key part of achieving sustainable development is "mitigating and adapting to climate change, including moving to a low carbon economy." The NPPF defines low carbon technologies as those that can help reduce emissions (compared to conventional use of fossil fuels). In addition, Paragraph 154 of the NPPF states that, when determining planning applications for renewable and low carbon development, local planning authorities should:
- "a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
 - b) approve the application if its impacts are (or can be made) acceptable."*
- 7.2.9 The proposed development would directly assist National Grid in balancing the supply and demand of energy and supporting the move towards a low-carbon future, in accordance with a key aim of the National Planning Policy Framework. The proposed battery storage facility differs from that which was approved on the opposite side of Weirs Drove by planning permission 17/02205/FUL, in that the applicant (Pivot Power) would connect to the higher voltage transmission grid at National Grid's Burwell Substation rather than the local electricity distribution network run by District Network Operators. Though both developments, if built and operational, would provide balancing services to the grid, the operations of the development would not conflict with each other and the proposed development would also help to facilitate electric vehicle charging infrastructure in the future.
- 7.2.10 It is considered that the proposed development is acceptable in principle, as it would provide support to renewable energy forms and provide a more reliable energy supply across the Grid, in accordance with the principles of Policies GROWTH2, GROWTH3 and ENV6 of the East Cambridgeshire Local Plan 2015.

7.3 Character and appearance of the area

- 7.3.1 The application site comprises paddock/grazing land located within a predominantly rural countryside location to the south of the Burwell 400kV transmission grid substation.
- 7.3.2 The proposed development comprises the following:
- 15No. containerised battery units.
 - Associated inverters, transformers, switchgear units, cooling units.
 - Mezzanine decking and steps for pedestrian access.
 - Tarmac access road and turning area, and permeable stone surfacing;
 - Erection of a 2.75m high 4m wide double-leafed metal security gate;
 - Erection of a 2.75m high palisade security fence around the battery compound.
 - Erection of 3m high acoustic timber fencing along north-east, east and south-west boundaries.
 - Installation of infrared CCTV cameras on 4.2m high poles.
 - Landscaping enhancements.
 - Replacement culvert section across the field drain;
 - Improved field entrance with formal connection to the public highway.
- 7.3.3 The battery and switchgear units would be placed on concrete block columns, elevated up to 1.15m above ground level. The elevated battery containers would each be 12.19m long x 2.44m wide x 2.6m high and accessed by metal steps which lead to a mezzanine deck. Cooling units would be located at the end of each container. The dimensions of the ancillary equipment are as follows:
- Inverter: 1.05m long x 1.25m wide x 2.2m high
 - Transformer: 2.38m long x 2.38m wide x 2.13m high
 - Switchgear Units: 2@ 12.2m long x 3.7m wide x 3.5m high and 1@ 5m long x 4m wide x 3.5m high
 - DNO Auxiliary Unit: 4m long x 4m wide x 2.5m high
- 7.3.4 The maximum height of each battery unit, taking into account their elevated siting would be 3.75m above ground level. The battery units will be metal and the colour of the battery units and ancillary equipment could be agreed by planning condition.
- 7.3.5 The proposed development would erode the rural character of the site and result in some harm to the character and appearance of the area. The battery storage equipment itself would however be viewed against the background of an existing large scale electricity substation. The visual harm therefore is considered to be caused largely by the erection of the 3m high acoustic fence which would appear as a stark urbanising and alien intrusion into this rural setting. Weight should be given, however, to the fact that a similar structure has already been approved on land directly opposite the site and that a substantial landscaped buffer is proposed around the perimeter of the fence in order to assimilate this more readily into the landscape.
- 7.3.6 The proposal includes boundary treatments in the form of palisade fencing and close boarded acoustic fencing up to 3m high which would appear highly prominent

from the public highway. The proposed development would erode the unspoilt nature of the site and create detrimental harm to the character and appearance of the area. However, the visual impact of the development would be mitigated to some extent by landscaping which would surround the site and help to provide some screening of the development once fully established. This would partly mitigate some of the visual amenity concerns. There are trees on part of the western boundary and along the southern boundary which will be retained as part of the proposed development. Conditions could be appended to any grant of planning permission requiring the proposed soft landscaping to be implemented prior to operation of the development and maintained in accordance with a scheme to be agreed by the Local Planning Authority.

- 7.3.7 The application is supported by a Landscape and Visual Statement which states that the proximity of the substation to the proposed development results in the storage units being of limited effect across the immediate and wider landscape. Photo montages are also included with the application to demonstrate the visual impact of the proposed development in context with the surrounding landscape.
- 7.3.8 Although the application site comprises an open paddock/grazing land, there are large electricity substations located within close proximity to the site to the south and to the west which have large buildings, containers and structures that already erode some of the rural landscape in this area. In addition, there are a number of very large electricity pylons located within close proximity to the site which further reduce the visual sensitivity of the rural character and appearance of the area. Planning permission 17/02205/FUL approved a battery storage facility on the opposite side of Weirs Drove which would also be viewed in the same context of the application site if implemented.
- 7.3.9 The proposed development would result in harm to the character and appearance of the area which weighs against the application, as it is contrary to policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. However, this harm to the character and appearance of the area, which would diminish over time, should be weighed against the benefits of the proposed development.

7.4 Noise impact and environmental pollution

- 7.4.1 A noise assessment has been carried out to assess the impacts of the proposal on nearby receptors, including residential properties. The noise assessment has taken into consideration the cumulative noise impacts if operational with the adjacent battery storage development approved by planning permission 17/02205/FUL.
- 7.4.2 The noise assessment methodology takes into account a worst case scenario, where it is assumed the site will be 100% operational all of the time, which in practice would not be the case. The noise assessment has demonstrated that acceptable levels will be met during the day, as they will be below background noise levels. The noise report states that mitigation is required to meet acceptable sound levels during the night. This mitigation is in the form of a 3m high acoustic barrier which would reduce noise levels to no more than 2dB above existing background levels, in a worst case scenario. It concludes that with the installation of a 3m high timber acoustic fence on the eastern boundary, there will be no unacceptable impacts to residents.

- 7.4.3 The Council's Environmental Health department has reviewed the Noise Assessment submitted with the application and are satisfied that the noise impacts are acceptable subject to their recommended conditions, as set out within their consultation response and as appended within the recommended conditions of this report.
- 7.4.4 The proposed development is located within close proximity to a stable block. The case officer and Environmental Health department have had discussions surrounding the potential for any harmful noise impacts on animals such as horses. However, the stable block is already located near to existing substations which generate noise and, although the proposed development would be much closer to the stable block, the noise assessment demonstrates that the additional noise levels created by the proposed development would be very low and would be highly unlikely to cause any significant additional harm in this respect.
- 7.4.5 In addition to the requirements of any grant of planning permission, the development will also be subject to protective legislation and safety requirement outside of the planning system with regards to pollution. The Environment Agency has requested pollution mitigation measures are secured by a secondary containment condition which would ensure there are no significant detrimental impacts created with regards to pollution of land and water. The case officer considers that it would be reasonable to append a condition to the planning permission requiring secondary containment in the interests of preventing any unacceptable pollution from batteries to the environment. The agent has submitted additional information on 9th April 2019 in an attempt to eradicate the requirement for secondary containment; this additional information was re-consulted with the Environment Agency on 9th April 2019 and an update will be provided to Members at Planning Committee as to whether the Environment Agency remove their request for the secondary containment condition. If the Environment Agency's request for this condition is not removed, then the recommended condition for secondary containment would remain.
- 7.4.6 Subject to the proposed development complying with conditions recommended by the Council's Environmental Health department and the Environment Agency, the noise and environment pollution impacts of the proposed development are considered to be acceptable and would not cause significant disturbance or harm to residential amenity of neighbouring occupiers. It is therefore considered that the proposed development accords with policies ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015.

7.5 Residential amenity

- 7.5.1 The application site is significantly distanced more than 250m from the closest neighbouring properties. At such a distance from the nearest properties, the only potential impacts which would be caused to the residential amenity of these properties relate to noise impacts. Noise impacts to occupiers of nearby residential properties has already been assessed in this report and the impacts are considered to be acceptable.

7.5.2 It is therefore considered that the proposed development would not cause any significant detrimental impacts to residential amenity of nearby properties, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

7.6 Traffic and transportation

7.6.1 The proposed development would utilise an existing field access off Weirs Drove, which will be widened, for entrance to the site. The battery storage would generate very little traffic during its operation, mainly comprising monthly visits for routine maintenance. Due to the very low level of vehicle movements which will be associated with the proposed development, there would be adequate space within the site for the parking of vehicles.

7.6.2 The Local Highway Authority do not consider that the application has any implications that will affect the highway network and has no objection in principle.

7.6.3 Due to the nature of the surrounding highway and the likely amount of construction and delivery vehicles which will be required during the construction phase, the case officer recommends a condition is appended to any grant of planning permission requiring a Construction Environmental Management Plan to be agreed with the Local Highway Authority prior to development commencing.

7.6.4 It is therefore considered that the proposed development would not create any significant detrimental impacts on highway safety or the local highway network, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

7.7 Flood Risk and Drainage

7.7.1 The application site is located in Flood Zone 3. Planning Practice Guidance states that essential utility infrastructure, including electricity generating power stations and grid and primary substations, which has to be located in a flood risk area for operational reasons, can be located in Flood Zone 3 provided that it passes the exception test. Due to the specific locational requirements of the proposed development, it is considered that the development is acceptable subject to passing the exception test.

7.7.2 The application is supported by a Flood Risk Assessment (FRA). The Environment Agency has no objection to the proposed development on flood risk grounds but has commented that the submitted Flood Risk Assessment does not include an assessment of the effects of climate change using appropriate climate change allowances or consider whether a Flood Plan is required, therefore the LPA should consider whether proposal is safe. Due to the nature of the development which will be unmanned for the significant majority of its operation, the case officer is satisfied with regard to the safety of people and considers that the proposed development passes the exception test, subject to compliance with the mitigation measures in the FRA.

7.7.3 The Environment Agency has advised that, in accordance with the FRA, the finished floor level of the base container and all other critical components are at a minimum level of 2.50m Above Ordnance Datum (AOD), instead of 2.49m AOD

which is stated in the FRA. The applicant's agent has advised that they would accept this requirement through a planning condition. The case officer considers it would be reasonable to append a planning condition requiring the development to be carried out in accordance with the FRA, but with the finished floor level of the base container and all other critical components at a minimum level of 2.50m AOD and up to 1.15m above the adjacent ground level.

7.7.4 In addition, the Lead Local Flood Authority has no objections on flood risk grounds following additional information being submitted during the course of the application, subject to conditions requiring a detailed surface water drainage scheme, a long term drainage maintenance scheme, infiltration testing and a final surface water strategy, to be agreed with the LPA. Two options have been provided by the applicant; one for infiltration and a second option for discharge into an existing ditch.

7.7.5 It is therefore considered that the proposed development would not create any significant detrimental impacts in respect of flood risk and drainage, in accordance with policy ENV8 of the East Cambridgeshire Local Plan 2015.

7.8 Other Matters

7.8.1 Archaeology - Cambridgeshire Archaeology records indicate that the site lies in an area of high archaeological potential. Cambridgeshire Archaeology do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured by a planning condition. Due to the high potential for archaeological finds within the site, it is considered reasonable to append a condition to any grant of planning permission requiring an archaeological investigation is carried out prior to commencement of any development. It is therefore considered that the proposed development accords with policy ENV14 of the East Cambridgeshire Local Plan 2015.

7.8.2 Ecology and Trees - The site comprises paddock/grazing land which does not appear to contain any significant ecological features other than some boundary trees which are to be retained. The Council's Trees Officer has no objections to the proposal on tree grounds and landscaping could be agreed by the LPA. The Council's Senior Trees Officer has confirmed that the landscape buffer surrounding the perimeter of the site is suitably wide enough to achieve a good planting scheme; with native species preferable. The ecological appraisal demonstrates that there would be no significant harm to protected species. The provision of new landscaping around the site boundaries could provide new features to support local ecology. It is considered that the proposed development would not create any significant detrimental impacts to ecology, in accordance with policy ENV7 of the East Cambridgeshire Local Plan 2015.

7.9 Planning Balance

7.9.1 The proposed development would result in some harm to the character and appearance of the area in the short term which weighs against the application. However, substantial mitigation planting to screen the acoustic fencing is proposed to aid assimilation of the fence into the surrounding area.

7.9.2 On balance, it is considered that the harm to the character and appearance of the area would be outweighed by the sustainable energy benefits of the proposed development which would support reliance on renewable energy forms and the benefits to the local and wider population of a more reliable energy supply and aiding facilitation of future electrical vehicle infrastructure. It is considered that the noise impacts of the development can be made acceptable through planning conditions, whilst there are no significant traffic and transportation, flood risk and drainage, ecology and archaeology impacts which could not be adequately addressed by planning conditions. The application is therefore recommended for approval.

8.0 **APPENDICES**

8.1 Appendix 1 – Recommended conditions.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00155/FUL	Richard Fitzjohn Room No. 011 The Grange Ely	Richard Fitzjohn Planning Officer 01353 665555 richard.fitzjohn@ea stcambs.gov.uk
17/02205/FUL		
93/00843/FUL		
01/01123/FUL		
97/00955/TEL		
99/00798/TEL		
97/00324/TEL		
97/00632/FUL		
14/00789/FUL		
06/00814/FUL		

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 19/00155/FUL Conditions

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

Plan Reference	Version No	Date Received
SK002	P2	25th March 2019
Noise Assessment		24th January 2019
Flood Risk Assessment		24th January 2019
Flood Risk Assessment Appendix C		24th January 2019
BUR001		24th January 2019
BUR002		24th January 2019
SK001	P1	24th January 2019
LA.01		24th January 2019
LA.02		24th January 2019
LA.03-1		24th January 2019
LA.04		24th January 2019
E001-A		24th January 2019
G001-A		24th January 2019
G003-A		24th January 2019
G004-A		24th January 2019
G005-A		24th January 2019
G006-A		24th January 2019
G007-A		24th January 2019
G008-A		24th January 2019

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 The proposed development shall be carried out strictly in accordance with the Flood Risk Assessment prepared by WYG Engineering Limited and dated 18th January 2019, with the exception that the finished floor level of the base container and all other critical components are at a minimum level of 2.50m Above Ordnance Datum.
- 3 Reason: To reduce the impacts/risk of flooding in extreme circumstances, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 4 No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment prepared by WYG Engineering Limited (ref: A110651) dated 18th January 2018 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details before the development is completed and operational.

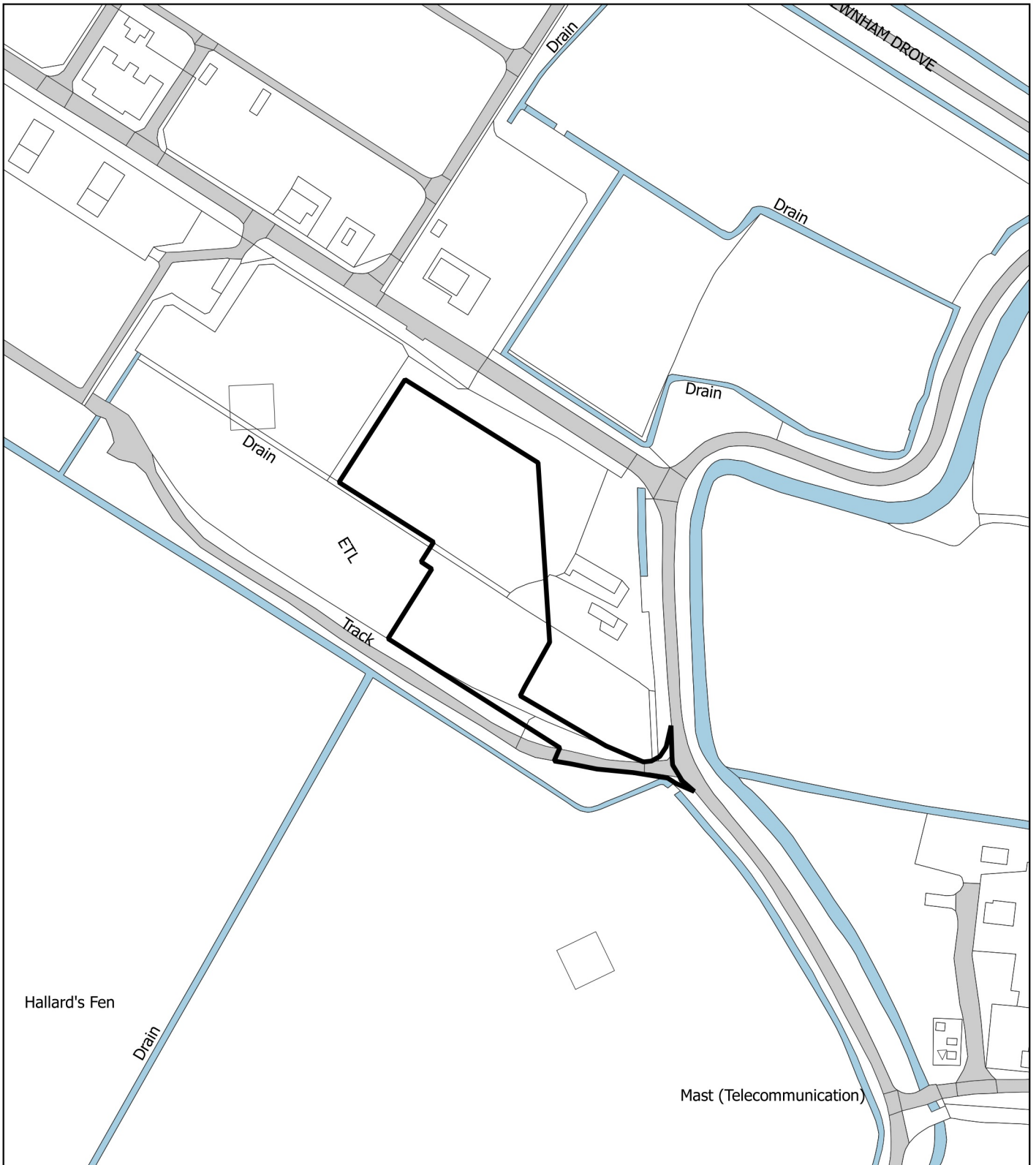
- 4 Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity, in accordance with policies ENV2, ENV7 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 5 Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to commencement of operation of the development. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.
- 5 Reason: To ensure the satisfactory maintenance of drainage systems that are not publically adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework, and to reduce the impacts/risk of flooding in extreme circumstances, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 6 No development shall commence until infiltration testing has been undertaken in accordance with BRE365/CIRIA156 and a final surface water strategy based on the results of this testing has been agreed by the Local Planning Authority, in conjunction with the Lead Local Flood Authority.
- 6 Reason: To ensure a satisfactory method of surface water drainage, and to prevent the increased risk of flooding to third parties, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 7 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 7 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 8 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30am - 18:00pm each day Monday-Friday, 07:30am-13:00pm on Saturdays and none on Sundays or Bank / Public Holidays.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 9 Any waste material arising from the site preparation and construction works shall not be burnt on site but shall be kept securely in containers for removal to prevent escape into the environment.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

- 10 No security lights or floodlights shall be erected on site without the submission of details to, and written approval from, the Local Planning Authority to ensure a lighting environment of low district brightness at residential properties.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 The site noise rating level (i.e. site attributable noise in terms of LAeq with any relevant noise character penalty) from the development shall not exceed the figures in table 6.1 of the Noise Assessment produced by WYG and dated January 2019 (reference number A110651) when assessed in terms of BS4142: 2014 methodology. Daytime specific sound levels to be determined over a 1 hour period (i.e. 0700-2300 hours) and the night-time period over 15 minute periods (i.e. 2300- 0700 hours). Where it is not possible to determine the specific sound level by measurement, due to the dominance of any ambient and residual sound levels, then in accordance with section 7.3.5 of BS4142: 2014, the specific sound level shall be determined by a combination of measurement and calculation.
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 Prior to commencement of the operation of the development, a verification report to show compliance with the noise limits set out in Condition 11, detailing the methodology, measurement positions, detail of any results, calculation method (where appropriate) and a report of findings, shall be prepared by an independent qualified Noise Consultant and submitted to, and agreed by, the Local Authority. Where the assessment shows non-compliance, the report shall detail an action plan and proposals for further mitigation to comply with the noise limits within an agreed timetable and shall thereafter be implemented prior to first operation of the use hereby permitted.
- 12 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 Prior to commencement of the operation of the development, a Noise Management Plan shall be submitted to, and agreed in writing by, the Local Planning Authority, The Noise Management Plan shall include details for a schedule of regular noise monitoring and any mitigation of noise levels to ensure compliance with the original assessment.
- 13 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 Prior to commencement of use, a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details within one month of the erection of the acoustic fence or such other period as may be agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally

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

- 14 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 15 Prior to any occupation of the development, a scheme for the maintenance of the soft landscaping for the lifetime of the development, shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
 - i) methods for the proposed maintenance regime;
 - ii) detailed schedule;
 - iii) details of who will be responsible for the continuing implementation
 - iv) details of any phasing arrangements
- 15 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 16 The boundary treatments, including acoustic fence, hereby permitted shall be constructed in accordance with the details specified on the approved plans. The boundary treatments shall be in situ and completed prior to commencement of the operation of the development. All works shall be carried out in accordance with the approved details and retained thereafter.
- 16 Reason: To safeguard the character and appearance of the area and the residential amenity of neighbouring occupiers, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 17 No above ground construction shall take place on site until full details of the external appearance, including materials and colours, of all parts of the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 17 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 18 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 18 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 19 No development shall commence until such time as a scheme to provide secondary containment for the battery storage containers has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

- 19 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 20 After 25 years, the development including all associated containers and infrastructure shall be removed from the site in their entirety and the land shall be restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.
- 20 Reason: To safeguard the character and appearance of the area and to reinstate the land to its original appearance following the expiration of the temporary consent applied for on the site, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.



19/00155/FUL

Site South East of
Burwell Main Sub-Station
Weirs Drove
Burwell



East Cambridgeshire
District Council

Date: 10/04/2019
Scale: 1:2,000



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MAIN CASE

Reference No: 19/00213/OUT

Proposal: Removal of existing structures and erection of a dwelling and associated garage

Site Address: Mill Hill Little Downham Ely Cambridgeshire CB6 2DU

Applicant: Cambuild Limited

Case Officer: Emma Barral, Planning Officer

Parish: Little Downham

Ward: Downham Villages
Ward Councillor/s: Councillor Anna Bailey
Councillor Mike Bradley

Date Received: 7 February 2019 **Expiry Date:**

[T251]

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to REFUSE the application for the following reasons:
1. The proposed dwelling is located within the countryside and, by virtue of its distance from the main settlement of Little Downham, is considered to be in an unsustainable location. The proposal does not promote sustainable forms of transport and the future residents of this additional dwelling would be reliant on motor vehicles in order to access any local services or facilities. The proposal does not meet any of the special circumstances as identified in Paragraph 79 of the National Planning Policy Framework 2019. Furthermore, the proposal therefore fails to comply with policies GROWTH5 and COM7 of the East Cambridgeshire Local Plan 2015.
 2. The site was granted a Certificate of Lawfulness under Ref 18/01507/CLE to establish the use of the site as a builder's yard. The proposed dwelling would result in the loss of part of the business/employment land including the entirety of the upper yard. No evidence of a lack of viability of employment use on the site has been provided nor have any significant environmental or community benefits to outweigh the loss of the business use from the site been sufficiently demonstrated. The proposal is therefore contrary to Policy EMP 1 of the East Cambridgeshire Local Plan 2015.

2.0 SUMMARY OF APPLICATION

2.1 The application seeks outline planning consent for the removal of the existing structures on site and the erection of a single dwellinghouse and associated garage. All matters are reserved except for scale.

2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

2.3 The application has been called in to Planning Committee by Councillor Bailey.

3.0 PLANNING HISTORY

91/00611/FUL	Change of use to builders yard and siting of portable office (980m2)	Approved	02.10.1991
94/00126/FUL	Change of Use for Builders Yard & Storage Buildings	Approved	08.09.1994
18/01507/CLE	Use of site as a builder's yard	Approved	01/02/2019

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is located to the west of the settlement of Little Downham outside of the development envelope and is accessed off High Road (B1411). The site is located 0.5km from the main village to the east. The site is occupied by modern storage sheds and temporary buildings. There is a separate access to the south to serve the dwelling known as The Bungalow and to the north to serve the dwelling known as Hill Crest. Both dwellings are single storey on spacious plots. The site is surrounded by an open rural landscape and agricultural fields.

4.2 The existing builder's yard site is split into two distinct areas known as upper yard to the south of the dwelling known as Hill Crest and to the north of the dwelling known as The Bungalow (Appendix 1). The lower yard is located to the north of the dwelling Hill Crest. The application site consists of the entire upper yard site and its existing structures located to the south of Hill Crest.

The application 18/01507/CLE established the current application site as part of a builder's yard. The Council was satisfied with the evidence provided to demonstrate that the site has been used for Use Class B8 purposes as a Builders Yard for the past ten years.

5.0 RESPONSES FROM CONSULTEES

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

Local Highways Authority - This is an all matters reserved application (accept scale) and as such I cannot object, comment or recommend any conditions as the access or internal layout are to be determined during the reserved matters application.

CCC Growth & Development - No Comments Received.

ECDC Trees Team – “I have no objection to this application but request mitigation planting to replace the two trees that were removed from this site prior to application as well as to replace the hedging that will be lost as part of the likely access improvements, this can be conditioned as LS1A Soft landscaping scheme, to safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015, and to assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015”.

Waste Strategy (ECDC) - East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances and/or loose gravel/shingle driveways; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).

- Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.
- Each new property requires two bins; this contribution is currently set at £43 per property.
- Payment must be made in advance of bins being delivered; East Cambs District Council Account Number **43135897**, Sort Code **52-41-19**, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to waste@eastcambs.gov.uk detailing the payment amount and the planning reference number.

Little Downham Parish Council- No concerns regarding the application.

Ward Councillors - No Comments Received

The Ely Group Of Internal Drainage Board – “This application for development is within the Littleport and Downham Internal Drainage District. The application states that surface water will be disposed of via soakaways. Provided that soakaways from an effective means of surface water disposal in this area, the board will not object to this application. It is essential that any proposed soakaway does not cause flooding

to neighbouring land. If soakaways are found not to be an effective means of surface water disposal, the Board must be re-consulted in this matter, as the applicant would need the consent of the Board to discharge into any watercourse within the District”.

5.2 Neighbours – One neighbouring property was notified and no responses have been received. A site notice was displayed on the site on the 25th February 2019 and the application was advertised in the Cambridge Evening News on the 20th February 2019.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV7	Biodiversity
ENV 9	Pollution
COM 8	Parking provision
COM 7	Transport impact
EMP 1	Retention of existing employment sites and allocations

6.2 Supplementary Planning Documents

Design Guide
Flood and Water
Developer Contributions and Planning Obligations
Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated

6.3 National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

7.0 PLANNING COMMENTS

7.1 The main planning considerations relate to the principle of development, the impact upon character and appearance of the area, residential amenity, highways safety and parking provision, flood risk, drainage and biodiversity.

7.2 Principle of Development

- 7.2.1 The site is located outside of the designated development envelope of Little Downham. Development outside of the development envelope is considered contrary to policy GROWTH2 of the East Cambridgeshire Local Plan 2015 which seeks to focus new development within the defined settlement boundaries. The National Planning Policy Framework (2019) Paragraph 11 states that if policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or where specific policies in the NPPF indicate development should be restricted.
- 7.2.2 An appeal decision (APP/V0510/17/3186785: Land off Mildenhall Road, Fordham') has concluded that the Council does not currently have an adequate five year supply of land for housing, and as such, the housing policies within the 2015 Local Plan (GROWTH 2) cannot be considered up-to-date in so far as it relates to the supply of housing land. In this situation, the presumption in favour of development set out in the National Planning Policy Framework (2019) means that permission for development should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted.
- 7.2.3 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.
- 7.2.4 Paragraph 78 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 states that Local Planning Authorities should avoid isolated new homes in the countryside unless there are special circumstances.
- 7.2.5 The proposed dwelling would make a small but positive contribution to the local housing supply in the form of one dwelling and would be beneficial to the economy in the short term due to the construction stage, although this holds limited weight in the determination of the application.
- 7.2.6 The application site is located approximately 0.5km to the west of Little Downham. Public transport links are poor and there is no footpath to serve the site meaning that future occupiers of the proposed dwelling would rely on the use of a car to access basic services which is contrary to policy COM7 of the Local Plan 2015. The public highway (B1411 and Mill Hill) between the site and Little Downham does not benefit from pedestrian footpaths or street lighting, and therefore any person

choosing to walk between the site and the nearby town would have little choice but to walk on the public highway.

7.2.7 The Local Planning Authority considers this site to be unsustainable, as there are a number of sites locally within Little Downham as well as other nearby settlements within the district that are considered to be much more sustainable in terms of their suitability for residential development. It is therefore considered that the proposal fails to comply with GROWTH5 of the East Cambridgeshire Local Plan 2015.

7.3 Loss of Business Use

7.3.1 Policy EMP1 of the East Cambridgeshire Local Plan 2015 seeks to ensure the retention of sites which are currently or were lastly used for employment purposes, other than in exceptional circumstances where it is demonstrated either that the site is no longer a viable employment site or the redevelopment would bring significant environmental or community benefits.

7.3.2 The site was granted a Certificate of Lawfulness under LPA Ref 18/01507/CLE on the 1st February 2019 to establish the sites use as a builder's yard (B8 Use Class). The application site consists of the entire upper yard site and its existing structures and is occupied by Cambuild Ltd. Cambuild Ltd use the site to store building materials and equipment associated with the business in the various structures and on the land.

7.3.3 While the lower yard to the north of Hill Crest would remain, no evidence has been provided in respect of the lack of viability of the site as an employment site as part of the application, nor have any significant environmental or community benefits been evidenced which would outweigh the loss of the business use.

7.3.4 On that basis, the redevelopment of the site for residential purposes is contrary to policy EMP1 of the East Cambridgeshire Local Plan 2015.

7.4 Residential Amenity

7.4.1 Policy ENV2 of the East Cambridgeshire District Council's Local Plan 2015 states that proposals should ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. There is more than sufficient distance between the indicative footprint of the proposed dwelling and the neighbouring properties to the north and south of the application plot. These distances are considered sufficient to prevent overlooking or overshadowing impacts to neighbouring occupiers and it has been demonstrated that there is sufficient room within the plot to achieve an acceptable layout. The full impact of the proposed dwelling on the residential amenity of nearby occupiers would be assessed at reserved matters stage once all of the details are submitted.

7.4.2 The applicant has included scale as one of the matters to be determined. The submitted cover letter demonstrates an acceptable footprint measuring 13.7 metres by 12 metres with a ridge height of 5.5 metres to serve a 1 storey dwelling which is considered to be appropriate. The proposal would also include a 1 storey garage measuring 6.5 metres by 3.6 metres with a ridge height of up to 4.5 metres which is considered to be appropriate. The dwellinghouses directly to the north and south of

the application plot are single storey, therefore the scale proposed is considered to be appropriate in relation to the impact upon neighbour amenity.

7.4.3 The proposed plot size, rear amenity space and building size appear to comply with the requirements of the Design Guide SPD.

7.5 Visual Amenity

7.5.1 In terms of visual amenity, Policy ENV2 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. The full details of the visual appearance have not been included within the application and would need to be assessed at reserved matters stage. The dwelling is positioned on a plot which is already relatively well screened and which can accommodate additional planting. It is considered that a dwelling would be satisfactorily accommodated on the site without being visually intrusive. There are other residential dwellings directly to the north and south of the application plot with the existing (remaining) builder's yard (lower yard) to the north of the dwelling known as Hill Crest. Therefore the introduction of one dwelling would not be significantly harmful to the rural character and appearance of the area.

7.6 Highways

7.6.1 The proposed means of access is reserved for future consideration. However, the Local Highways Authority have confirmed that they can neither object, comment nor recommend any conditions as the access or internal layout are to be determined during the reserved matters application.

7.6.2 While the layout of the development is reserved for future consideration, the indicative layout demonstrates that adequate parking and turning could be provided on site to serve the proposed dwellinghouse and this is considered to comply with Policy COM8 of the Local Plan 2015. Moreover, the Agent has confirmed in their submitted covering letter that access could be achieved from the existing access off Mill Hill which has served the site for many years.

7.7 Ecology

7.7.1 The site is largely given over to commercial timber storage. The buildings on site which would be demolished are shallow pitched roof, modern storage sheds and are not considered suitable for the roosting of bats. It is therefore not considered that the proposed redevelopment would harm ecological interests on the site or in the wider area. The NPPF and East Cambridgeshire Local Plan 2015 policy ENV 7 require that development enhance biodiversity and it is considered that the proposed development could achieve this through measures, including for example, bird and bat boxes which could be incorporated into the final design in a reserved matters application.

7.7.2 It is therefore considered that the proposal complies with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.

7.8 Flood Risk and Drainage

7.8.1 The site is located in Flood Zone 1 where the principle of development is considered acceptable in terms of Flood Risk. A scheme for the disposal of foul and surface water drainage can be secured by condition to ensure that a suitable scheme is proposed which prevents the increased risk of flooding and improves and protects water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.

7.9 Planning Balance

7.9.1 The proposal would provide the following benefits- the provision of an additional residential dwelling to the district's housing stock which would be built to modern, sustainable building standards and the positive contribution to the local and wider economy in the short term through construction work.

7.9.2 However, it is considered that these benefits would be outweighed by the siting of an additional dwelling in an unsustainable location and increasing reliance on the car to gain access to local services and facilities. Additionally, the proposed development has failed to justify the loss of an existing business use on the site (B8 Use Class). For these reasons the application is recommended for refusal.

8.0 Appendices

Appendix 1 – Mill Hill

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00213/OUT	Emma Barral Room No. 011 The Grange Ely	Emma Barral Planning Officer 01353 665555 emma.barral@eastc amb.s.gov.uk

National Planning Policy Framework -

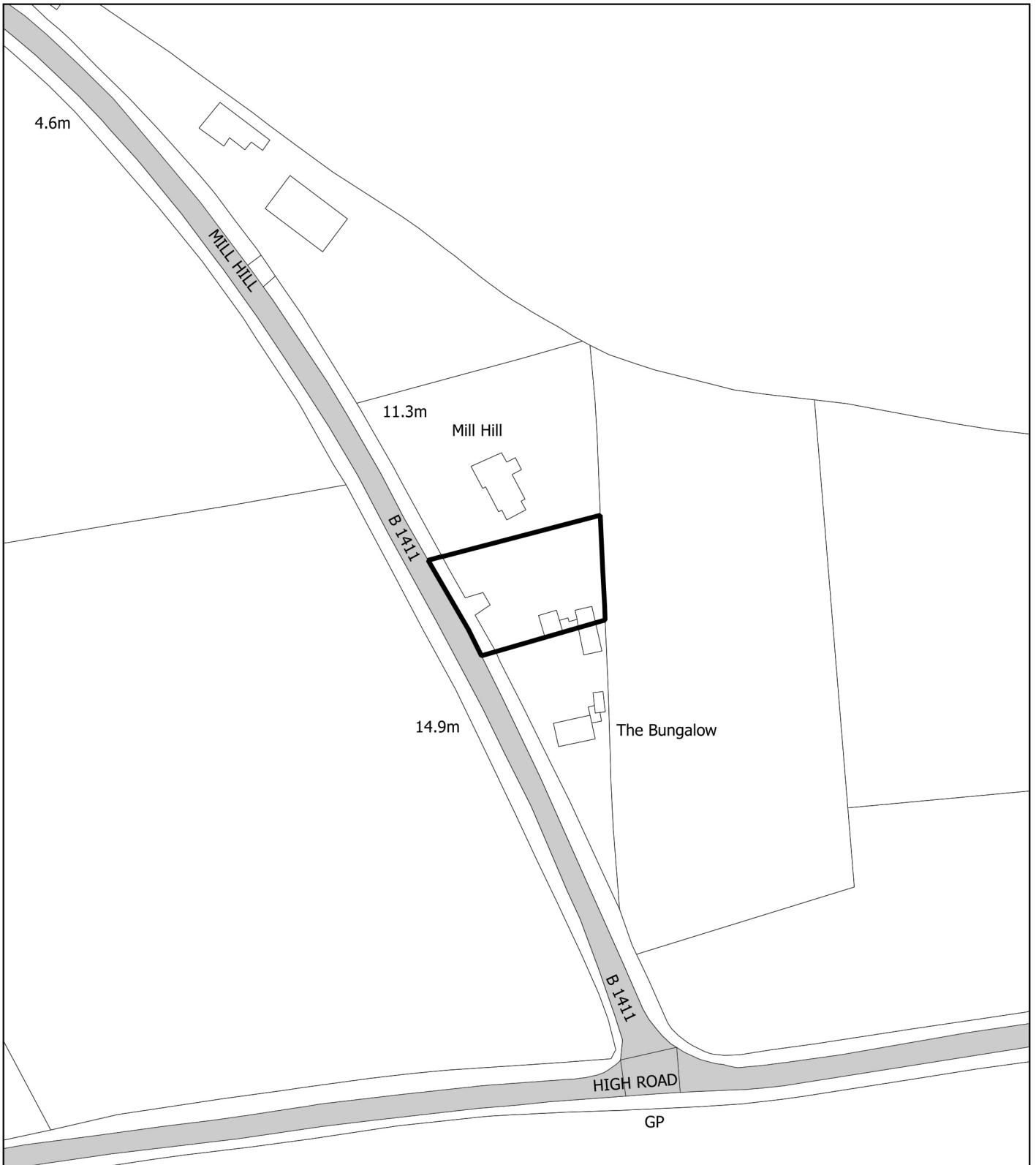
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

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



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19/00213/OUT

Mill Hill
Little Downham



East Cambridgeshire
District Council

Date: 10/04/2019
Scale: 1:1,500



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MAIN CASE

Reference No: 19/00237/FUL

Proposal: Resubmission for one bed dwelling - retrospective (previously approved as gym / store under 16/00089/FUL - refused 05.11.18)

Site Address: 3 Nunns Way Sutton Ely Cambridgeshire CB6 2PH

Applicant: Mr Stuart Nunn

Case Officer: Catherine Looper, Planning Officer

Parish: Sutton

Ward: Sutton
 Ward Councillor/s: Councillor Lorna Dupré
 Councillor Lisa Stubbs

Date Received: 12 February 2019 **Expiry Date:** 26/04/2019

[T252]

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to REFUSE the application for the following reasons:
- 1- The proposal would have an overly cramped appearance and a contrived layout due to its scale and proximity to the boundaries of the site. In addition, the proposal fails to provide a suitable plot size as required by the Design Guide SPD. The proposal would be out of keeping with the character and pattern of built form, and does not respect the density of the dwellings in the vicinity. The application is contrary to Policy ENV2 of the Local Plan 2015 and the Design Guide.
 - 2- The proposed development fails to demonstrate that the proposal would not be detrimental to the safety of the private road and its users. This is therefore likely to lead to danger and inconvenience to users of the private road, contrary to policies ENV2, COM7 and COM8 of the East Cambridgeshire Local Plan 2015. In addition, the parking and maneuvering arrangements are not convenient and future occupiers are likely to experience a loss of amenity due to the impracticality of the parking arrangements and lack of maneuvering space, contrary to policies ENV2, COM7 and COM8 of the East Cambridgeshire Local Plan 2015, and the National Planning Policy Framework.

2.0 SUMMARY OF APPLICATION

2.1 The application seeks retrospective consent for the conversion of an outbuilding to a dwelling at the front of 3 Nunns Way. The outbuilding extends 11m in depth and is 6m in width across the frontage. It has been fenced off into its own plot within the curtilage of 3 Nunns Way.

2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

2.3 The application has been called into Planning Committee by Councillor Dupré for the following reasons:

"I would like the application to be called in to committee for determination. This application is a resubmission of an application previously refused under delegated powers, and entails a change of use of a previously approved building (gym) for residential use. I feel it would be helpful for the committee to determine this application given the approval for the original construction, and the grounds for objection to the change of use."

3.0 PLANNING HISTORY

3.1

12/00028/FUL	Conversion and reroofing of existing Garage and build new double garage	Approved	02.03.2012
16/00089/FUL	Garage conversion to living room and new gym/store to front of property with pitched roof over existing single storey	Approved	22.03.2016
18/01147/FUL	One bed dwelling - retrospective (previously approved as gym/store under 16/00089/FUL)	Refused	05.11.2018

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located within the development framework of Sutton and is a single storey, detached dwelling. The site is located out of the street scene away from the main highway of Pound Lane of which it is accessed via to the east and The Brook to the west. The property is located behind the dwellings which front Pound Lane and The Brook.

5.0 RESPONSES FROM CONSULTEES

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

National Grid – “Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent’s legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent’s Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent’s Plant Protection Team to see if any protection measures are required. All developers are required to contact Cadent’s Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.”

Local Highways Authority – “The Highway Authority has no objections in principal to this application.

The development is accessed off a private road which benefits from an existing access with the highway.”

CCC Growth & Development - No Comments Received

Ward Councillors (Councillor Dupré) – “I would like the application to be called in to committee for determination. This application is a resubmission of an application previously refused under delegated powers, and entails a change of use of a previously approved building (gym) for residential use. I feel it would be helpful for the committee to determine this application given the approval for the original construction, and the grounds for objection to the change of use.”

Waste Strategy (ECDC) - No objections raised. Standard informatives recommended.

Parish – No objections raised.

5.2 Neighbours – Four neighbouring properties were notified by post. No responses have been received.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

ENV1	Landscape and settlement character
ENV2	Design
COM7	Transport Impact
COM8	Parking Provision
HOU2	Housing density
GROWTH2	Locational Strategy
GROWTH3	Infrastructure requirements
GROWTH5	Presumption in favour of sustainable development

6.2 Supplementary Planning Documents Developer Contributions and Planning Obligations Design Guide Flood and Water

6.3 National Planning Policy Framework 2019 5 Delivering a sufficient supply of homes 12 Achieving well-designed places

7.0 PLANNING COMMENTS

7.1 The main considerations in the determination of this application are the residential amenity of neighbouring occupiers and the visual amenity and impact on the character of the area.

7.2 Principle of Development

7.3 The site is located within the defined settlement boundary of Sutton and therefore complies with Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015, which seeks to focus new development within the defined settlement boundaries.

7.4 It should be noted that a previous application 18/01147/FUL was refused, and this forms a material consideration in the determination of the current application.

7.5 Residential Amenity

7.6 The building which is proposed to be used as a residential dwelling is single storey in scale and located in close proximity (approximately 2m) to the main dwelling of Number 3. Due to the single storey scale this is not considered to create overlooking or overbearing impacts to neighbouring dwellings. However, it is considered that the residential use of the building is inappropriate in such close proximity to Number 3. The relationship is cramped and contrived and represents overly dense residential development on a plot which does not lend itself to residential development. The Supplementary Planning Document, Design Guide, recommends that building plots should be approximately 300sqm, and rear private amenity spaces should be a minimum of 50sqm. The proposed dwelling fails to

meet this guidance and is therefore contrary to the Design Guide SPD. Future occupiers are likely to experience a loss of amenity due to the inadequate plot size.

7.7 Visual Amenity

7.8 The overly dense form of residential development proposed by this scheme disrupts the pattern of dwellings and the spaces between them and is contrary to policy ENV2 of the Local Plan 2015 which seeks to ensure that the location, layout, scale, form, massing, materials and colour of proposals relate sympathetically to the surrounding area and each other. The previous use as an ancillary building to the residential dwelling was considered acceptable as there was an existing outbuilding in this location and it would be used as ancillary space to the main dwelling. The dwellings along Nunns Way are larger in size and located in well-spaced plots. The resulting harm from the conversion of this building to a dwelling in this location would be significant in terms of its cramped appearance in relation to the rest of the street scene of Nunns Way and is considered unacceptable

7.9 Highways

7.10 Policy COM8 of the Local Plan 2015 seeks to ensure that proposals provide adequate levels of parking, and policy COM7 of the Local Plan 2015 require proposals to provide safe and convenient access to the highway network. The parking arrangements for the proposed dwelling are located on a shared driveway, with inadequate space to manoeuvre and exit the site in a forward gear. This would require vehicles to perform multiple manoeuvres in order to exit the site and would include reversing across the bend in the access road. The practicality of this is considered to be contrary to policy COM7 of the Local Plan 2015, as this would not be safe for all users of the private road or convenient for future occupiers of the proposed dwelling.

7.11 Planning Balance

7.12 In conclusion, it is considered that the proposal would cause significant harm to the character of the street scene and the visual appearance of the area by introducing a cramped and contrived form of development, out of keeping with the character of the area. The application does not comply with Policy ENV2 of the Local Plan 2015, or the Design Guide, and is therefore recommended for refusal.

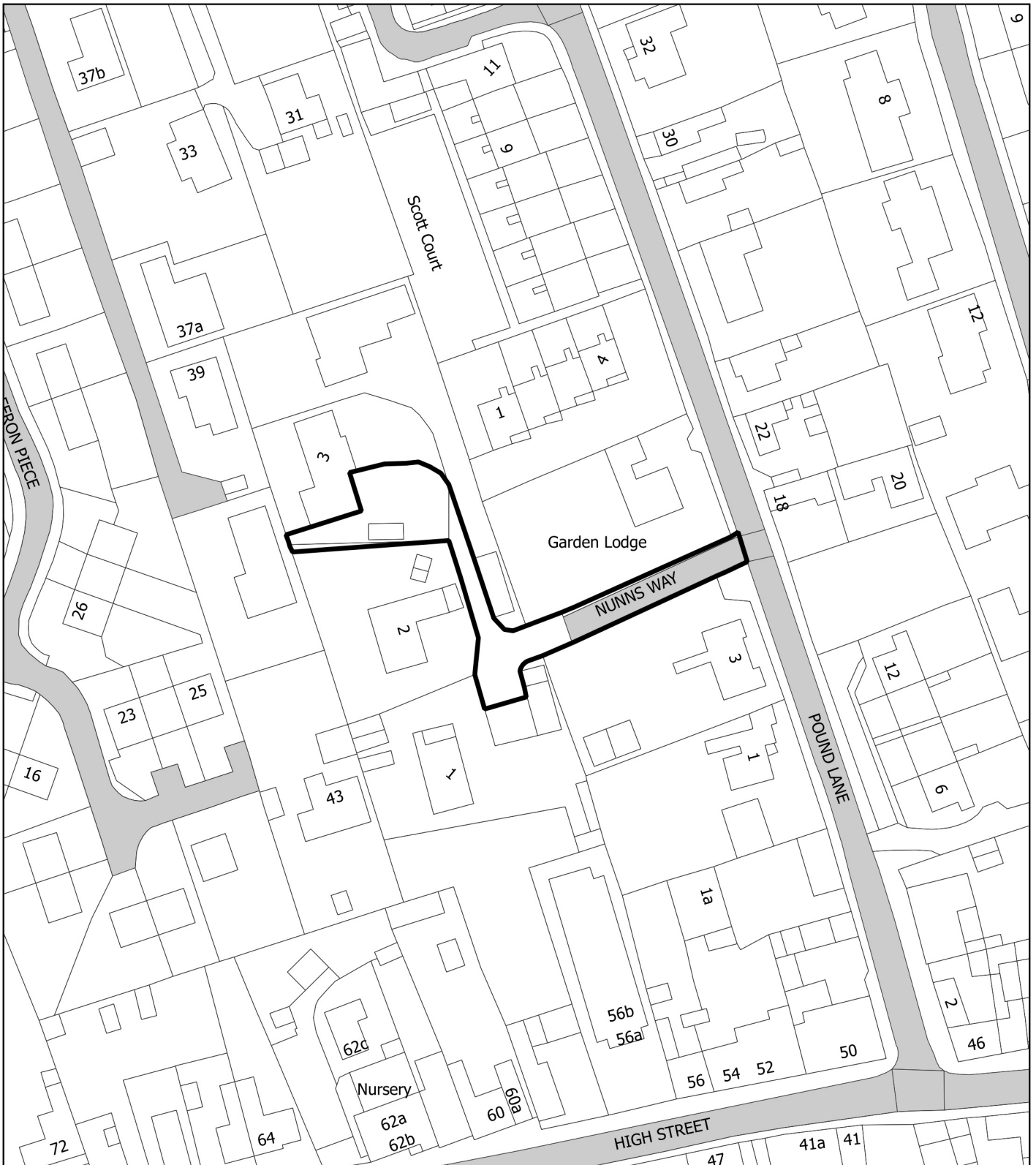
<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00237/FUL	Catherine Looper Room No. 011 The Grange	Catherine Looper Planning Officer 01353 665555
12/00028/FUL 16/00089/FUL 18/01147/FUL	Ely	catherine.looper@eastcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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



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3 Nunns Way
Sutton



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