

**TITLE: 24/01257/RMM**

Committee: Planning Committee

Date: 3 September 2025

Author: Major Projects Planning Officer

Report No: AA41

Contact Officer: Catherine Looper, Major Projects Planning Officer  
catherine.looper@eastcambs.gov.uk  
01353 616205  
Room No 011 The Grange Ely

**Site Address: Phase 5 Orchards Green Development, Land North Of Isle Of Ely Primary School, School Road, Ely**

**Proposal: Approval of reserved matters for layout, scale, appearance, access and landscaping following outline planning permission 13/00785/ESO for the erection of 300 new homes, landscaping, open space, allotments, pedestrian, cycle and vehicle routes and associated infrastructure pertaining to Phase 5 of the Orchards Green development and approval of relevant details for Phase 5 under conditions 14, 20, 21, 25, 26, 49, 50 and 56 of the outline planning permission**

**Applicant: Bellway Homes Limited (Eastern Counties)**

**Parish: Ely**

**Ward: Ely North**

Ward Councillor/s: Chika Akinwale  
Alison Whelan

**Date Received: 19 December 2024**

**Expiry Date: 10 September 2025**

**1.0 RECOMMENDATION**

- 1.1 Members are recommended to APPROVE the application subject to the recommended planning conditions below. The full wording of recommended conditions can be read in Appendix 2.
1. Plans
  2. Time Limit
  3. Traffic Management Plan
  4. Management & Maintenance of Streets
  5. Mechanical Ventilation

- 6. Junction Visibility Splays
- 7. Construction of Footways/Cycleways
- 8. Landscape Maintenance
- 9. Arboricultural Method Statement
- 10. Soft Landscaping
- 11. Materials
- 12. Boundary Treatments
- 13. Lighting
- 14. Energy & Sustainability
- 15. Access and Hardstanding
- 16. Pedestrian Visibility Splays
- 17. Gates Restriction (1)
- 18. Gates Restriction (2)
- 19. Temporary Facilities

- 1.2 The application is being heard by committee because historically applications on the North Ely allocation have been brought before Members.

## **2.0 SUMMARY OF APPLICATION**

- 2.1 The application follows the approval of outline permission 13/00785/ESO, on the allocated site ELY 1, for the development of up to 1,200 homes with associated employment and community uses, supporting infrastructure and open space/landscaping. This reserved matters application relates to Phase 5 of that outline application and is for 300 dwellings, including 120 affordable homes. All reserved matters (access, appearance, landscaping, layout and scale) are for consideration as part of this application. The application also includes details requested by the following conditions on the outline application, 13/00785/ESO – 14 (Biodiversity Survey and Assessment), 20 (Landscaping), 21 (Surveys), 25 (Foul Water Drainage Design) 26 (Lighting Management Plan), 49 (Dwelling Mix), 50 (Affordable Housing) and 56 (Recycling Infrastructure), however it should be noted that some of this information will not form part of the proposed approved documents as it will require discharge of condition on the original outline application.
- 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 [Simple Search](#).

## **3.0 PLANNING HISTORY**

### **3.1 13/00785/ESO**

Residential led development of up to 1,200 homes with associated employment and community uses (including care home or extra care home). Supporting infrastructure, and open space/landscaping on land to the west of Lynn Road in Ely

**Approved**

26 November 2014

## **4.0 THE SITE AND ITS ENVIRONMENT**

- 4.1 The site is currently an agricultural field that forms part of the ELY 1 allocation within the East Cambridgeshire Local Plan. This parcel is situated to the north of the Isle of Ely Primary School and curves around behind King Edgar Close and Lily House to join Lynn Road opposite Mistletoe Lane. The site is bounded by the A10 to the west.

### **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.

#### **Parish - 28 May 2025**

The Council has no concerns with regards to this application.

#### **Waste Strategy (ECDC) – 14 August 2025**

Vehicle tracking - there are a couple of overhangs which seem minimal and fine but would refer to Highways if this is acceptable in terms of highway rules.

I can't see anything to address the indemnity/adoption status though, so our request still applies:

*Roads marked as Refuse Vehicular Private access routes per BW272EC-PL-07 REV B will be required to have a developers indemnity agreement to mitigate against possible compensation claims if they are not to be adopted by the highways as shown in BW272ECPL-11 REV B. Vehicles will not enter onto private roads without an agreement. Until the indemnity agreement is signed then the waste and recycling collections will be made from the point of where the road meets the adopted highway. The developer also has the responsibility to ensure that the new property owners sign a home-owners indemnity agreement at completion of sale (if the road is to remain private)*

Under previous comments, the Waste Team have provided standard advice which will appended to the decision notice as an informative.

#### **Conservation Officer - 17 February 2025**

Principle already approved - no comments

#### **Environmental Health – 30 July 2025**

- Most recent comments confirm that there are no additional comments to make regarding the amendments
- It would appear that the intention is for streetlighting to be adopted – no comments to make concerning this
- No concerns regarding the CEMP and recommends that it is conditioned as long as the hours stated do not conflict with any other conditions already attached

- Air Source Heat Pumps (ASHP) have not been considered in the Noise Impact Assessment (NIA) and therefore it would not be possible to say if they will cause a noise issue
- With regard to internal sound levels, the bedrooms in the facades of plots 265, 274-280, 291, 292 and 300 have windows opening on to the A10 are proposed to have assisted ventilation. No objections as the proposed mitigation meets national guidance but traditionally the LPA have found closed windows and an alternative form of ventilation an unacceptable form of mitigation.

#### **East Cambs Ecologist – 15 August 2025**

- Most recent comments conclude that previous concerns raised have been addressed.
- The ecologist has recommended the conditioning of a Habitat Management Monitoring Plan (HMMP) covering landscaping management for a period of 30 years prior to first occupation or completion whichever is the soonest.

#### **Active Travel England - 29 July 2025**

Following a high-level review of the above planning consultation, Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application.

#### **Anglian Water Services Ltd - 29 July 2025**

- Amendments: Most recent comments confirm that amendments made are not relevant to Anglian Water
- Assets: There are assets owned by Anglian Water that may affect the layout of the site; Anglian Water have requested some text to be included within the decision notice should permission be granted.
- Wastewater Treatment: Based on the assessment of the receiving water recycling centres (WRC) dry weather flow, Ely WRC is within the acceptance parameters and can accommodate flows from the proposed growth.
- Used Water Network: Impacts to the public foul sewage network are acceptable to Anglian Water at this stage.
- Surface Water Disposal: The proposed method of surface water drainage does not relate to an Anglian Water owned asset.

#### **Environment Agency – 29 July 2025**

- Most recent comments refer back to comments made 17<sup>th</sup> January 2025
- The EA have no concerns to raise with the CEMP
- Surface water is discharged into surface water sewers - EA have no further comment

- Foul water will be discharged into existing foul drainage sewers which Anglian Water has confirmed is acceptable – EA have no further comment
- The EA are satisfied with the land contamination assessment and as contaminants are unlikely to pose a significant risk to controlled waters, remediation to protect controlled waters is not required
- If infiltration SuDs are proposed, then these need to be clearly identified and information must be supplied demonstrating that they will maintain an acceptable unsaturated zone thickness above peak seasonal groundwater levels and that adequate water quality treatment for discharge to groundwater will be provided.

#### **The Ely Group Of Internal Drainage Board - 11 August 2025**

- Most recent comments confirm that the IDB comments remain the same as those made on 20<sup>th</sup> January 2025.
- Surface water run off generated will discharge to Phase 2 (Vistry Homes) to the north and Phase 3 (Taylor Wimpey) to the south.
- The discharge from these areas would be to Anglian Water sewers and adjacent watercourse.
- On the above basis, and the surface water run-off from Phase 5 being to the drainage networks on Phase 2 and 3, there are no matters which impact on the Board associated with the current application.

#### **ECDC Trees Team – 13 August 2025**

No comments in addition to those made previously which were as follows:  
The supervised dig approach as proposed in the Arboricultural Method Statement (2.5) in relation to the TPO protected tree T18 and the potential use of no-dig construction, should any significant roots be encountered is acceptable. As such please condition that the Arboricultural Method Statement 12062\_AMS.002 Rev A is complied with.

The revised soft landscaping scheme is acceptable please condition its compliance and that the approved soft landscape works shall be audited at completion and verified against the approved soft landscape plans by a Landscape Architect, to ensure compliance with approved drawings. The Landscape Architect shall report all findings to the Local Planning Authority before sign off of Conditions and final planning approval.

#### **Design Out Crime Officers - 23 May 2025**

- Most recent comments confirm that comments from 9<sup>th</sup> January 2025 still stand.
- Security and crime prevention should be discussed at the earliest opportunity with the Designing Out Crime officer and the recognised standards of 'Secured by Design' should be incorporated.

- From the initial review, the Design Out Crime officer considers that this generally appears to be an acceptable layout in relation to crime prevention and the fear of crime,
- The scheme provides reasonable levels of natural surveillance from neighbouring properties
- Where practical homes have been provided with back-to-back protected rear gardens which is known to reduce the risks and vulnerability to crime, and many homes provided with defensible space to their front.
- Pedestrian and vehicle routes are aligned together and overlooked suggesting that pedestrian safety has been considered, which should encourage some level of territoriality amongst residents.
- Vehicle parking is in-curtilage between and to the sides of properties.
- Based on the associated documents in relation to crime, disorder and the fear of crime and vulnerability for crime and searching the constabulary's crime and incident systems covering Ely North Ward for the last 2 years, the Design Out Crime officer would consider this to be an area of low/medium risk to the vulnerability for crime.
- The full comments provided in depth advice about lighting
- The full comments provide in depth advice around security for the apartments
- The full comments provide in depth advice around security for the dwellings

#### **Housing Section – 4 August 2025**

- The Strategic Housing Team supports the application as it will deliver much needed affordable housing on site.
- It will deliver a balanced variety of bedroom sizes of affordable housing on site (120 dwellings) and will meet the required 70% rented and 30% Intermediate Housing tenure split in accordance with the approved s106 agreement.
- The affordable housing mix proposed will meet the housing needs of those households in Ely as well as helping to meet the Councils overall affordable housing need for the district.

#### **Local Highways Authority - 19 August 2025**

##### **Recommendation**

Following a careful review of the documents provided to the Local Highway Authority as part of the above planning application, the effect of the proposed development upon the Public Highway would likely be mitigated if the following conditions form part of any permission that the Planning Authority is minded to issue in regard to this proposal.

## Comments

The latest amendments have addressed any remaining outstanding comments that would otherwise result in the Local Highway Authority recommending refusal of this application.

The following general comments are still considered pertinent for the Local Planning Authority to consider in its determination of this application.

## Layout

The approved Vistry layout (ref: 21/00470/RMM) includes provision for a bellmouth junction from the Spine Road to serve Phase 5, located approximately adjacent to Bellway Plot 157. However, this junction has not been incorporated into the current Phase 5 layout, resulting in a discrepancy between the two plans. Bellway is aware of this issue and has confirmed their intention to remove the bellmouth and replace it with a footway. While the Local Highway Authority considers the principle of this change acceptable, it remains the responsibility of Bellway and Vistry to reach the necessary agreements to facilitate the delivery of the proposed Bellway layout.

## Highway Adoption

No application has been received by the Local Highway Authority for a Section 38 Adoption Agreement and therefore the exact extent of adoptable highway will be subject to change. Comments made to this planning application set out the Local Highway Authority's view on layout only and may be subject to change once further technical details are known through the Section 38 process. As such, it would not be appropriate for the Extent of Adoptable Highways plan to be explicitly approved if the LPA were minded to approve this application.

Notwithstanding this, the following comments are made in respect of the proposed extent of adoption as shown on plan BW272EC-PL-11 REV C. These matters can be addressed through the Section 38 process:

The verges between the Spine Road, footway and shared use cycleway would not be adopted as public highway, except for where they form part of the visibility splay. The verge has been removed from the pink shaded area throughout without due consideration for where it would be necessary for forward or side road visibility.

The area of adoption should include the full visibility envelope. The extent of adoption in front of Plot 46 should therefore be reviewed. It would be the Local Highway Authority's preference for the footway to be widened in this location to avoid any future confusion over extent of highway. Otherwise, the applicant should seek to restrict use of this area through the sale of the plot (restrictive covenants) and the area demonstrated on plan BW272EC-PL-11.

The extent of adoptable highway has not been amended to reflect widening of the Spine Road at the bend outside Plot 183.

## Condition 59

The Local Highway Authority is content for Condition 59 (Access Closure) to be discharged following the acceptable submission of:

C59 – Existing Farm Access Closure – ELY-BW-01 Rev 2

The Local Highway Authority have also recommended a number of conditions.

### **Lead Local Flood Authority – 8 August 2025**

Based on the submitted documents, we can support the reserved matters application. Surface water from phase 5 of the proposed development will be managed through the use of permeable paving and a series of basins with the phase being split into northern and southern catchments. The northern catchment discharging into the phase 2 network and the southern into the phase 3 network at a rate of 23.1l/s.

The flooding that occurs in the school grounds as a result of the older design guidance of the previously approved design will be directed away from properties and into the road gulley system which is shown to have capacity in the modelled storm event. A maintenance and management plan has also been provided outlining maintenance practices and adoption details of the proposed drainage system.

The LLFA have recommended informatives be included on the decision notice in relation Ordinary Watercourse Consent and Pollution Control.

### **Cambridgeshire Fire And Rescue Service - 9 January 2025**

A condition is required by Cambridgeshire Fire and Rescue for a water scheme for the provision of fire hydrants to be submitted to and agreed with the Local Planning Authority and fire authority.

### **Urban Designer (Place Services) - 4 July 2025**

Place Services have provided detailed advice on the scheme and in respect of the latest revisions, they have concluded that they are generally very pleased with the revisions, however, a number of concerns remain such as the continued use of false windows, replacing one of the house types at two plots or adding windows to the first floor and swapping the Pasque house type for a house type with corner turning properties

### **Cambridgeshire County Council Education - No Comments Received**

### **CCC Growth & Development - No Comments Received**

### **NHS England - No Comments Received**

### **Community & Leisure Services - No Comments Received**



## **Ward Councillors - No Comments Received**

## **Consultee For Other Wards In Parish - No Comments Received**

- 5.2 A site notice was displayed near the site on 10<sup>th</sup> January 2025, and a press advert was published in the Cambridge Evening News on 9 January 2025.
- 5.3 Neighbours – 161 neighbouring properties were notified. Seven responses have been received and are summarised below. A full copy of the responses are available on the Council's website.
- Expected a convenience shop and small play area, lack of amenities
  - Lack of green space
  - Mistletoe Lane could not cope with the additional traffic to Lynn Road
  - Lack of parking and existing parking issues on Mistletoe Lane
  - The spine road is proposed to be 30mph, while the rest of Ely is 20mph.
  - Lack of traffic calming measures
  - Drainage issues at existing properties
  - Overlooking from new development
  - Noise and disturbance from construction
  - How will wildlife habitats be protected/replaced
  - Concerns regarding the operation of the allotments
  - Privacy concerns in relation to users of the proposed path
  - Concerns regarding capacity at GP surgery – query whether the NHS have been consulted

## **6.0 THE PLANNING POLICY CONTEXT**

- 6.1 East Cambridgeshire Local Plan 2015 (as amended 2023)
- |          |  |
|----------|--|
| GROWTH 2 | Locational strategy  |
| GROWTH 3 | Infrastructure requirements                                      |
| GROWTH 5 | Presumption in favour of sustainable development                 |
| HOU 1    | Housing mix  |
| HOU 2    | Housing density  |
| HOU 3    | Affordable housing provision                                     |
| ENV 1    | Landscape and settlement character                               |
| ENV 2    | Design   |
| ENV 4    | Energy and water efficiency and renewable energy in construction |
| ENV 7    | Biodiversity and geology   |
| ENV 8    | Flood risk   |
| ENV 9    | Pollution  |
| ENV 14   | Sites of archaeological interest                                 |
| COM 7    | Transport impact   |
| COM 8    | Parking provision  |
- 6.2 Supplementary Planning Documents

North Ely  
Developer Contributions and Planning Obligations  
Design Guide  
Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated  
Flood and Water  
Natural Environment SPD  
Climate Change SPD

6.3 National Planning Policy Framework (December 2024)

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 9 Promoting sustainable transport
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving & enhancing the historic environment

6.4 Planning Practice Guidance

6.5 North Ely Design Code

**7.0 PLANNING MATERIAL CONSIDERATIONS AND COMMENTS**

7.1 The application is assessed in accordance with the development plan which comprises the East Cambridgeshire Local Plan, 2015 (as amended). Also relevant are the Supplementary Planning Documents, the Cambridgeshire and Peterborough Minerals and Waste Local Plan, 2021, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG).

7.2 The main considerations of this application are the principle of development, affordable housing, open space, residential amenity, visual amenity, highways, including parking provision, ecology, water management and any other matters.

**7.3 Principle of Development**

7.4 Policy GROWTH 2 of the East Cambridgeshire Local Plan, 2015 (as amended) provides the locational strategy for the district and provides a hierarchy for the location of housing development. The application site is allocated in the Local Plan under Policy ELY 1. The principle of development is this location has been established through the allocation of this site and the granting of the outline application, 13/00785/ESO. The outline permission conditioned that reserved matters applications were to be made within 15 years of the grant of planning permission. The reserved matters application has been made within this timescale and therefore the principle of development is considered to be acceptable.

## 7.5 Affordable Housing & Housing Mix

- 7.6 The outline application imposed conditions in relation to dwelling mix (condition 49), affordable housing (condition 50), flexible dwellings (condition 51), custom and self-build (condition 52) and lifetime homes (condition 53). The dwelling mix was conditioned to provide a mix of dwelling types and sizes that contribute to the housing needs and demand of the locality at the time of the submission of the reserved matters. In respect of affordable housing, the condition states that any reserved matters should include a plan showing the distribution of market and affordable housing and a schedule of dwelling size. Conditions were also imposed to secure that 20% of dwellings are suitable for home office working and a minimum of 20% of dwellings should be designed as lifetime homes. The dwelling mix is as follows:

Market Homes	Total
1 bedroom apartment	3
2 bedroom apartment	10
2 bedroom house	18
3 bedroom house	72
4 bedroom house	71
5 bedroom house	6
Total	180

Affordable Homes	Total
1 bedroom apartment	3
2 bedroom apartment	8
2 bedroom house	59
3 bedroom house	35
4 bedroom house	15
Total	120

- 7.7 The planning statement confirms that 40% of the dwellings would be affordable (demonstrated in the table above) which is more than on previous phases of this development, as the s106 made provision for viability reviews, which have shown provision of 40% affordable housing is viable across Phase 5.
- 7.8 The planning statement also confirms that the requirement for 20% of residential dwellings to be suitable for home working has been met as 70 of the dwellings (23%) have a designated study space.
- 7.9 While condition 53 of the outline permission relates to Lifetime Home standards, these standards have since been replaced and therefore the application delivers 142 (47%) of the units to the latest M4(2) Building Regulations standards.
- 7.10 The Council's Strategic Housing Team have reviewed the proposals and support the application as it will deliver a balanced variety of affordable housing on site (120 dwellings) and will meet the required 70% rented and 30% Intermediate Housing tenure split in accordance with the approved s106 agreement. They have further advised that the affordable housing mix will meet the housing needs of those

households in Ely as well as helping to meet the Council's overall affordable housing need for the district.

- 7.11 In respect of density, the site is split into three character areas, each of which had a specific density in the parameter plan. Two of the areas are proposed to have a slightly lower density and one a slightly higher density as set out in the table below:

Character Area	Parameter Plan	Proposed	Difference
Two Mills	26dph	30dph	+4
Orchard View	40dph	36.6dph	-3.4
Orchard Grove	28dph	25.5dph	-2.5

- 7.12 The variations in density proposed are minor and it is considered that the proposed densities respect the character areas and the intentions of the Design Code. The layout is considered to be acceptable (this is discussed in the visual amenity section of the report) which in turn suggests that the density is appropriate.

- 7.13 The proposal is considered to comply with Policies HOU 1, HOU 2 and HOU 3 of the East Cambridgeshire Local Plan, 2015 (as amended), the North Ely Design Code and North Ely SPD and the provisions of the NPPF.

#### **7.14 Open Space**

- 7.15 The submitted planning statement sets out that the layout accommodates the Long Fen character area which is a linear area of open space that runs along the western boundary. In addition, the proposal includes toddler play provision on the eastern boundary with Lynn Road, allotment provision and Eight Tower Park which is a large area of open space incorporating informal play areas and formal play provision. The total amount of public open space is 5.1702ha, which is approximately 34% of the total site area.

#### **7.16 Residential Amenity**

- 7.17 Policy ENV 2 of the East Cambridgeshire Local Plan, 2015 states that new development will be expected to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.

##### *The amenity of future occupiers*

- 7.18 The Council's Environmental Health Officer (EHO) has commented that the Sustainability Statement references the use of low carbon heat pumps. They have commented that the use of heat pumps has not been considered in the Noise Impact Assessment (NIA) and therefore they are unable to say for certain whether the proposed units would cause a noise issue. However, it is acknowledged that there is significant weight given to renewable energy sources within Chapter 14 of the NPPF, and various forms of sustainable energy technologies being introduced to permitted development rights. With the emphasis on transitioning to net zero by 2050 in the NPPF (Chapter 14), it is not considered that the use of low carbon heat pumps would be unacceptable.

- 7.19 In respect of the NIA, the EHO has commented that the bedrooms in the facades of plots 265, 274-280, 291, 292 and 300, which have windows opening onto the A10, are proposed to have assisted ventilation provided as they would be considered unacceptable with the windows open. While the mitigation proposed meets national guidance and therefore the EHO has not objected, the Local Planning Authority (LPA) have traditionally considered that closed windows with an alternative form of ventilation to be unacceptable. While this is the LPA's stance, there are 10 dwellings affected in a development of 300 homes and therefore on balance, it is considered that alternative ventilation would be acceptable, particularly given that the site is allocated and there is a requirement to bring forward a certain number of homes.
- 7.20 The Design Guide SPD states that garden sizes should be a minimum of 50sqm. The planning statement sets out that all homes exceed the 50sqm stated in the garden size standard within the Design Guide. Officers have reviewed the garden areas provided and are satisfied that these are appropriate.
- 7.21 The Design Out Crime officer has commented on the proposal and has stated that the layout appears to be acceptable in relation to crime prevention and the fear of crime and that the area is a low/medium risk to the vulnerability of crime. The comments received are very in depth and relate largely to measures to be taken for the developer to achieve gold standard under the Secured by Design (SBD) scheme which is separate to planning permission.

*The amenity of existing occupiers*

- 7.22 There has been concern raised by neighbouring dwellings on Mistletoe Lane around the overlooking from the proposed dwellings to their properties. The majority of the proposed dwellings will face the principal elevations of the existing dwellings, however, the corner dwellings at either end of Mistletoe Lane have their gardens adjacent to the road. On measuring the plans, there is approximately 15 metres (49.21ft) between the proposed dwellings and the gardens and this is considered to be an acceptable separation distance, particularly as there is a road between the dwellings.
- 7.23 There has also been comments received raising concern about noise during the construction period. The Council's Environmental Health Officer has read the Construction Environmental Management Plan (CEMP) and has stated that as long as the working hours do not conflict with any other conditions already attached to the site, that the contents of the CEMP are conditioned. The hours specified in the CEMP state that the site working hours are 07:30-18:00 Monday-Friday and on occasion, there would be a requirement to work Saturdays, with the proposed hours being 07:30-13:00. These working hours are standard, and it is considered that they would be acceptable. It should be noted that the submission of the CEMP is a requirement of the outline application 13/00785/ESO under Condition 12 and therefore the applicant will need to submit the CEMP as a discharge of condition.
- 7.24 Overall, it is considered that the proposal would have an acceptable impact on the amenity of both existing and future residents in accordance with Policy ENV 2 of the East Cambridgeshire Local Plan, 2015 (as amended).

**7.25 Visual Amenity**

- 7.26 Paragraphs 135b and 135c of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history. The NPPF makes it clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 7.27 Policy ENV 1 requires applications to ensure that they 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. The policy sets out that development proposals should respect the pattern of distinctive historic and traditional landscape features such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls, and their function as ecological corridors for wildlife dispersal. The policy requires proposals to take account of settlement edges, the space between settlements, and the wider landscape setting, as well as the visually sensitive natural skylines of the area. The policy also requires proposals to take account of the unspoilt nature and tranquillity of the area and the nocturnal character.
- 7.28 Policy ENV 2 requires applications to ensure that their location, layout, form, scale, massing and materials are sympathetic to the surrounding area by making efficient use of land and respecting the density, urban and village character, public spaces, landscape and biodiversity of the surrounding area. This policy seeks to retain existing important landscaping and natural and historic features and expects proposals to include landscape enhancement schemes.
- 7.29 The outline application (13/00785/ESO) concluded that the site had been identified as one of the few areas left for expansion in the city at a scale that enabled the viable provision of services and other infrastructure and that it was therefore inevitable that the character of the land would change and the views from neighbouring properties would be lost, however, it also set out the mitigation proposed to reduce the impact.
- 7.30 At its southern point, this phase joins Phases 1 and 3, with the proposed local park adjacent to the school on Phase 1. The residential development goes northward before the site curves to the east where the residential development continues until it meets Lynn Road. In addition to the more formal open space, further informal open space runs along the entire western boundary and there are allotments at the Lynn Road end of the development.
- 7.31 The site features four different character areas; Orchard Grove to the south of the site which has formal and less formal areas and is the lowest density area and encompasses the local park; Orchard View in the centre of the site which has more formal areas of housing around the primary street and areas of lower density and formality where it abuts the landscaped areas; Two Mills, which forms a very small part of the northern edge of this phase and which has a medium density suburban character and Long Fen, which consists entirely of open space and stretches the

entire western edge of the overall site. The majority of the development is two storey in scale, with the apartments at three storeys in scale.

- 7.32 The design of dwellings provides variation and a mixture of materials. While there are repeating house types, these are mixed within the site to provide interest to street scenes. Dwellings have been positioned in order to naturally survey open spaces, and have been designed to turn corners, preventing blank elevations from being present within street scenes. Boundary treatments and plot layouts have been considered to ensure that street scenes are not dominated by hard boundary treatments.
- 7.33 There has been a significant input from specialist Urban Designers into the scheme to assist with ensuring that the proposal results in a high-quality development. In their most recent comments, they have confirmed that they are generally pleased with the revisions made, however, there are still a number of concerns, such as the continued use of false windows, replacing one of the house types at two plots or adding windows to the first floor and swapping the Pasque house type for a house type with corner turning properties. However, the use of false windows is minimal across the site, and the Pasque house type is only used twice across the whole site. On balance, it is considered that across the site the design is generally of a high quality and a number of changes have been made to address design comments from both the LPA and Place Services.
- 7.34 Condition 26 of the outline permission 13/00785/ESO states that to the extent that reserved matters applications include external public spaces or roads which are not intended to be adopted by the highway authority, they will be accompanied by a Light Management Plan. The Council's Environmental Health Officer has commented that it is not clear if the lighting is private or adoptable, but they have no objections either way.
- 7.35 On balance, the proposal is not considered to harm local visual amenity and the development complies with the Design Guide, 2015 Local Plan Policies HOU2, ENV1, ENV2 and ENV12, as well as the NPPF.
- 7.36 Highways**
- 7.37 Policy ENV2 of the East Cambridgeshire Local Plan 2015 sets out that development proposals will be required to incorporate the highway and access principles contained in Policy COM7 of the Local Plan 2015 to ensure minimisation of conflict between vehicles, pedestrians, and cyclists; safe and convenient access for people with disabilities, good access to public transport, permeability to pedestrian and cycle routes; and protection of rights of way. 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. Paragraph 115 b of the NPPF seeks to ensure "safe and suitable access to the site can be achieved for all users". Paragraph 109e of the NPPF sets out that "opportunities to promote walking, cycling and public transport use are identified and pursued" and that paragraph 110 states 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."

- 7.38 The site does not include any direct connections to main roads and does this by connecting to existing roads built out in other phases. It will connect to the A10 via Comice Way (Phase 3), Cam Drive via Damson Avenue (Phases 1 & 3) and Lynn Road via Mistletoe Lane (Phase 2).
- 7.39 Within the site, dwellings generally have two car parking spaces each. Some plots also benefit from a garage in addition to two parking spaces. One-bedroom properties have one allocated space. The parking layouts are largely a mixture of side by side spaces and tandem parking to avoid car dominated frontages. There are approximately 60 visitor spaces proposed which exceeds the requirements of Policy COM 8.
- 7.40 The Local Highway Authority (LHA) has reviewed the application and have commented that the effect of the proposed development on the public highway would likely be mitigated if the requested conditions form part of any permission the LPA is minded to issue. The conditions requested relate to pedestrian visibility splays, junction visibility splays, road/footway/cycleway construction, restriction on gates, restriction on placement of temporary facilities, the submission of a traffic management plan and the submission of a scheme for proposed arrangements for future management and maintenance of proposed streets.
- 7.41 The LHA have commented that the approved Vistry layout (Phase 2) includes provision for a bellmouth to serve Phase 5, however, this junction has not been incorporated into the current Phase 5 layout. It has been confirmed to both the LHA and LPA that the bellmouth is not required for Phase 5 and that the intention is to remove the bellmouth and replace it with a footway. The LHA have commented that while they consider the principle of this change acceptable, it remains the responsibility of Bellway and Vistry to reach the necessary agreements to facilitate the delivery of the proposed Bellway layout.
- 7.42 They have also commented that no application has been received by the LHA for a Section 38 Adoption Agreement and therefore the exact extent of the adoptable highway will be subject to change.
- 7.43 Condition 59 of the outline permission 13/00785/ESO states that all existing field accesses shall be permanently and effectively closed and the footway/highway verge shall be reinstated in accordance with a scheme to be agreed with the Local Planning Authority in consultation with the Highway Authority, within 28 days of the bringing into use of the new access. A scheme has been submitted as part of this application and is shown on drawing number ELY-BW-01 Rev 2 and the LHA have confirmed that the proposed scheme is acceptable. It should be noted that this information is required to be discharged under condition 59 of the original outline permission.
- 7.44 It is therefore considered that with the imposition of the requested conditions that the proposal complies with policies COM7 and COM8 of the Local Plan 2015.



## **7.45 Ecology**

- 7.46 Policy ENV7 of the East Cambridgeshire Local Plan 2015 recognises the importance of environments such as trees, wetlands, hedgerows, woodlands and ponds which provide habitats, corridors and links for wildlife, and are part of an essential network for the survival and diversity of species. Paragraph 174 of the NPPF advises that development proposals should minimise impacts on biodiversity and secure net gain. Additionally, the paragraph discusses the importance of establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 193d goes on to advise that development should be supported where the primary objective is to conserve or enhance biodiversity. It goes on to advise that opportunities to incorporate biodiversity improvements in and around developments should be encouraged.
- 7.47 Condition 14 of the outline permission (13/00785/ESO) requires that any reserved matters application is accompanied by a Site Biodiversity Survey and Assessment that demonstrates how it accords with the aims and objectives of the Biodiversity Strategy.
- 7.48 The Council's Ecologist initially raised several concerns over the biodiversity enhancements and mitigation measures including queries around how ditches would be managed, who would remove tree and hedge guards, who would oversee delivery and compliance of the approved measures, who would be responsible for undertaking habitat creation and management, the position of bat boxes and a request for hedgehog highways to be mapped on the enhancement maps. Several additional concerns were raised in a second consultation including the inclusion of herbicide control measures, swift boxes not being grouped in threes, the planting schedule and the lack of wildlife enhancement features on many homes.
- 7.49 These concerns have now been addressed, and the Ecologist supports the application. They have recommended the conditioning of a Habitat Management Monitoring Plan (HMMP) covering landscaping management for a period of 30 years prior to first occupation or completion whichever is the soonest.
- 7.50 The requested condition is normally associated with the legal requirement to provide 10% mandatory Biodiversity Net Gain (BNG). However, the original outline application was submitted and approved prior to mandatory BNG legislation coming into effect. The reserved matters application would not trigger mandatory BNG legislation and therefore securing landscaping management for a 30-year period would be onerous on a reserved matters application, particularly as it would likely require a legal agreement. Instead, a condition will be imposed for a scheme for the maintenance of soft landscaping to be submitted to the LPA prior to occupation, which would cover 5 years from last occupation.
- 7.51 Condition 20 of the outline permission (13/00785/ESO) requires that reserved matters applications must include detailed landscape designs, specifications and timescales for implementation for both hard and soft landscaping. Condition 21 states that the details required by condition 2 (Reserved Matters Details) in respect of landscaping shall include a land survey, tree and hedge survey and Arboricultural Impact Assessment (AIA).

- 7.52 In respect of trees, the Council's Trees Officer has commented that the supervised dig approach as proposed in the Arboricultural Method Statement, in relation to the TPO tree, is acceptable should any significant roots be encountered. As such, they have requested that compliance with the Arboricultural Method Statement is complied with.
- 7.53 The Trees Officer has confirmed that the revised soft landscaping scheme is acceptable and has requested that compliance is condition. In addition, the Trees Officer has requested that the approved soft landscape works are audited at completion and verified against the approved soft landscaping plans, with the findings reported to the Local Planning Authority. It is not considered necessary to require a condition requiring auditing as compliance with the soft landscaping scheme has been conditioned, as well as its maintenance.
- 7.54 The proposals are considered to be acceptable and in compliance with the relevant policies within the East Cambridgeshire Local Plan 2015, the Natural Environment SPD and the NPPF.
- 7.55 Flood Risk and Drainage**
- 7.56 Policy ENV 8 of the Local Plan 2015 sets out that a site-specific Flood Risk Assessment, endorsed by the Environment Agency, appropriate to the scale and nature of the development and the risks involved, and which takes account of future climate change, will be required for major and non-minor development proposals in Flood Zones 2 and 3 and 'Modelled Zone 3'; and major and non-minor development proposals in Flood Zone 1, on sites of 1 hectare or greater, or where there is evidence of historic flooding set out in the SFRA and/or a Surface Water Management Plan. All applications for new development must demonstrate that appropriate surface water drainage arrangements for dealing with surface water run-off can be accommodated within the site, and that issues of ownership and maintenance are addressed. The use of Sustainable Drainage Systems will be required for new developments in accordance with the Cambridgeshire SuDS Design and Adoption Handbook (or successor document) unless, following an assessment of character and context, soil conditions and/or engineering feasibility dictate otherwise. SuDS may be incorporated within the Flood Risk Assessment.
- 7.57 Condition 25 of the outline permission 13/00785/ESO states that any subsequent reserved matters shall be supported by a detailed foul water drainage strategy that demonstrates that it complies with the approved site wide Foul Water Drainage Strategy.
- 7.58 The submitted drainage strategy states that the surface water would be split into two catchments, with the northern catchment directed to Phase 2 and attenuated within the proposed swales/basins and the southern catchment directed to proposed attenuation basins on the sites western boundary and further directed south to the existing watercourse.
- 7.59 The foul drainage would also be split into two catchments and connect to the sewers of Phases 2 and 3 via gravity flows.

- 7.60 The Lead Local Flood Authority (LLFA) has advised in their most recent consultation that they support the reserved matters applications. They note that the surface water from Phase 5 will be managed through the use of permeable paving and a series of basins with the phase being split into northern and southern catchments, with the northern catchment discharging into the Phase 2 network and the southern into the Phase 3 network at a rate of 23.1l/s.
- 7.61 They have also commented that the flooding that occurs in the school grounds (as a result of the older design guidance of the previously approved design) will be directed away from properties and into the road gulley system which is shown to have capacity in the modelled storm event. A maintenance and management plan has also been provided outlining maintenance practices and adoption details of the proposed drainage system. It should be noted that the applicant is required to submit this information under a discharge of condition application relating to condition 24 of the outline permission.
- 7.62 In respect of wastewater treatment, Anglian Water have advised that the Ely Water Recycling Centre is within the accepted parameters and can accommodate the flows from the proposed growth. They have also confirmed that they consider the impacts on the public foul sewerage network to be acceptable at this stage. They have requested informatives be added to the decision notice.
- 7.63 The Environment Agency have advised that they have no objection to the scheme.
- 7.64 The Internal Drainage Board have confirmed that there are no matters which impact on the Board associated with the application.
- 7.65 Based on the information provided it is considered that flood risk and drainage can be adequately dealt with in accordance with policy ENV8 of the East Cambridgeshire Local Plan 2015, the Cambridgeshire Flood and Water SPD, and Chapter 14 of the NPPF.
- 7.66 Other Material Matters**
- 7.67 There have been a number of comments made in relation to the lack of amenities such as shops and green space. This part of the allocation site was not intended for the provision for shops as these will be delivered in other phases. The proposal does include the provision of green space as set out in the open space section of this report (paragraph 7.14). In addition, this site is part of a wider outline scheme which will deliver various public services and amenities including (but not limited to) shops, schools, open spaces and sports provision.
- 7.68 There has been concern raised around the management of the allotments and what rules and restrictions would be put in place. Condition 45 of the outline permission states that prior to the commencement of development, a scheme for the management of the allotments shall be submitted to and approved in writing by the Local Planning Authority and the details shall be considered at this stage.
- 7.69 There have been comments received raising concern around the impact of the development on GP appointments times, and a query has been raised as to whether the NHS has been consulted to understand how additional patients would

be handled. A consultation has been sent to NHS England and no response has been received. The allocation site as a whole was considered to be acceptable in respect of its impact to health provision with the officer report for the outline application 13/00785/ESO stating 'Officers are satisfied that provision by contribution is a reasonable approach, as it complies with draft Local Plan Policy Growth 3, which lists a new primary healthcare facility at the Hospital as a key requirement. This matter is captured in the Heads of Terms within the proposed s106 Agreement detailed in the S106 Agreement section towards the end of this report. The applicant has therefore not made provision on the site'.

- 7.70 Condition 56 of the outline permission 13/00785/ESO states that any application for reserved matters shall include consideration of the management of municipal waste generated by the development following construction, including details of any facilities for segregation and storage of recyclables, non-recyclables and compostable material and access to such facilities by users and waste collection vehicles. The Waste Team have reviewed the information provided and note that the scheme appears to be acceptable in waste terms. They have highlighted that there are a couple of instances of vehicle overhang to curbs in the tracking drawings but defer to the Local Highways Authority to consider the acceptability of the scheme. They have requested an informative relating to indemnity agreements which can be appended to any decision notice.

#### **7.71 Human Rights Act**

- 7.72 The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). Under the Act, it is unlawful for a public authority, such as East Cambridgeshire District Council, to act in a manner that is incompatible with the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance. The Council is also permitted to control the use of property in accordance with the general interest and the recommendation set out below is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

#### **7.73 Equalities and Diversities**

- 7.74 In considering this planning application due regard has been had to the public sector equality duty (PSED) under Section 149 of the Equality Act 2010, which means that the Council must have due regard to the need (in discharging its functions) to put an end to unlawful behaviour that is banned by the Equality Act, including discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who have a protected characteristic and those who do not. Account has been taken of the PSED and it is considered that the recommendation set out below would not undermine the objectives of the duty.

## **7.75 Planning Balance**

- 7.76 On balance, the proposal is considered to be in accordance with the outline permission for the site and has been assessed against both local and national planning policy. The proposal is not considered to create significantly detrimental impacts in terms of visual amenity, residential amenity, highway safety, drainage and flood risk. The benefits of the development are considered to outweigh the limited impacts identified. The proposal is considered to comply with the policies within the Local Plan 2015 (as amended), and the NPPF. The application is therefore recommended for approval subject to the conditions set out below.

## **8 APPENDICES**

Appendix 1 – Outline decision notice 13/00785/ESO

Appendix 2 – List of suggested conditions

## **PLANS**

The following plans are a selection of those submitted as part of the application and are provided to illustrate the proposed development. They may not be to scale. The full suite of plans can be found on the Council's website.