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**F/YR17/1231/VOC**

**Applicant: Showfields Ltd**

**Agent : Mr Ian Smith  
Cheffins Planning and Development**

**Land North Of Whittlesey East Of, East Delph, Whittlesey, Cambridgeshire**

**Removal or variation of conditions of planning permission F/YR15/0134/O (Hybrid application: Outline application for the erection of 220 dwellings (max) with access, public open space and associated works/infrastructure. Full application for the engineering works associated with the formation of the vehicular access road off B1040 East Delph)**

**Reason for Committee:**

**Objections from the Town Council and more than 6 objections from local residents have been received in variance to Officers' recommendation.**

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## **1 EXECUTIVE SUMMARY**

This application is made under S73 of the Town and Country Planning Act which seeks to vary the conditions of the extant consent F/YR15/0134/O for the erection of 220 dwellings (max) with access, public open space and associated works/infrastructure, and Full application for the engineering works associated with the formation of the vehicular access road off B1040 East Delph.

The effect of granting permission under S73 result in the re-issuing of permission and as such all necessary conditions and obligations must be re-imposed. The application primarily seeks to vary the planning conditions to enable a phased approach to development. The applicant has also undertaken a review of the viability of the development which indicates a deficit of 'reasonable' return on the development.

The proposal to phase the development and as such vary the existing planning conditions in this regard would not identify any severe harm and the proposal to vary other conditions for example; in relation to some of the criteria of the construction management plan, archaeology and duplicated conditions would not lead to any severe harm or alter the overall sustainability of the development.

Following a review undertaken by the Council, the development now proposes a reduced affordable housing offer but with all other contributions e.g. educational and transport being secured. This is with exception to a commuted sum towards the Internal Drainage Board whereby the applicant now proposes to secure a Management Company to oversee the management and maintenance of drainage and open space which is considered to be acceptable.

In applying the planning balance, Officers consider that the benefits of the scheme, having regard to the viability offer would outweigh the harm in providing a reduced amount of affordable housing and that the proposal would still constitute sustainable development accruing economic, social and environmental benefits and without resulting in severe harm, subject to planning conditions and S106 obligations.

## **2 SITE DESCRIPTION**

- 2.1 The application site comprises a total area of 14.90 hectares. It lies to the north-east of Whittlesey, adjacent to the edge of the built settlement, which comprises fairly modern housing development focussed around Bassenhally (Teal Road/Otago Close) and East Delph (Hemmerly Drive/Viking Way/Wash Lane).
- 2.2 The northern site boundary in the main adjoins agricultural land, which extends northwards from the town into the Whittlesey (River Nene) Washes. The western site boundary adjoins two open fields (also owned by the applicant to the south of Wash Lane) and in the north-west corner an area of common land (which is mainly wooded) alongside the B1040.
- 2.3 There are a number small drains and ditches that run across the site in a northerly direction, towards the Whittlesey Washes. There are some mature hedgerows, with some large trees within them, which subdivide the site into separate fields. The majority of the site is unmanaged grassland.
- 2.4 The site is roughly L-shaped and is currently vacant former agricultural land, with informal paths crossing it in various directions from the ends of Teal Road, Otago Road and Whiteacres. In the past this land has been used for temporary agricultural shows – hence its name “The Showfields” – although this use has not taken place for some time. The existing main access to The Showfields is gained from the B1040 East Delph.

## **3 PROPOSAL**

- 3.1 This application is made under S73 of the Town and Country Planning Act which seeks to vary the conditions of the extant consent F/YR15/0134/O granted in February 2016 for a Hybrid application for the erection of 220 dwellings (max) with access, public open space and associated works/infrastructure, and Full application for the engineering works associated with the formation of the vehicular access road off B1040 East Delph.
- 3.2 The effect of granting permission under S73 result in the re-issuing of permission and as such all necessary conditions and obligations must be re-imposed. The application primarily seeks to vary the planning conditions to enable a phased approach to development. The applicant has also undertaken a review of the viability of the development which indicated a deficit of ‘reasonable’ return on the development. As such the applicant has provided a revised S106 agreement to reflect this.
- 3.3 As such, this application is to be considered in 2 parts;
  1. The variation of planning conditions and their impact on the sustainability of the development
  2. The variation of the S106 due to viability reasons and its impact on the sustainability of the development.

### *Planning Conditions*

- 3.4 A copy of the decision notice granted under F/YR15/0134/O including the planning conditions is attached to the end of this report for reference.

3.5 The applicant seeks to vary the wording of the planning conditions imposed on this hybrid consent primarily to enable a phased development approach whereas the current conditions do not. The applicant in their planning statement advises the following;

*“the conditions should be revised to reflect a Phasing Plan which would specify and control the extent of development which was delivered by each phase. The Phasing Plan would form part of the planning application documents and its implementation would be secured by Condition...”*

3.6 A summary of the conditions sought to be varied is as follows but a full list can be found at Appendix 1 of the applicant’s Planning Statement;

- **Condition 1:** Propose that reserved matters in whole or individual phases to be obtained from Council prior to commencement of development of each phase;
- **Condition 2:** Application for all reserved matters to be made to Council within 3 years from date of permission;
- **Condition 4:** Replace Condition 4 (which requires the completion of the East Delph access prior to commencement of the development) with a requirement for a Phasing Plan to be submitted and approved prior to submission of a first reserved matters application. Development should proceed in accordance with the approved Plan unless agreed otherwise in writing with the Council;
- **Condition 5:** Full detailed design drawings and programme of implementation for Teal Road site access junction/Otago Road pedestrian/cycle access to form part of a future reserved matters application;
- **Condition 6:** Reserved matters for relevant phase to include traffic calming measures to control vehicle speeds as part of design, layout and construction details of any principal highway within development. Measures to be implemented on completion of East Delph – Teal Road link;
- **Condition 7:** Details of flood warning signs to be located to the south of the East Delph site access to be approved by the Council. Approved works to be completed prior to occupation of first dwelling accessed directly off East Delph;
- **Condition 16:** Construction Environment Management Plan (CEMP) to be subject to review as it is somewhat prescriptive. Amend condition to prohibit development in each phase until amended CEMP approved by Council;
- **Condition 18:** Development to be carried out in accordance with stated approved plans. Suggest deleting this condition as it is duplicated by Condition 27;
- **Condition 22:** New highway boundaries to be marked out on site prior to commencement of construction. Suggest deleting this condition as development within highway boundaries would be subject to approved plans;
- **Condition 26:** Construction Method Statement. Suggest deleting this condition as it is covered by condition 16 (Construction Environment Management Plan); and
- **Condition 27:** Development to be carried out in accordance with stated plans (including Flood Risk Assessment, archaeological evaluation etc.)

### *Variation to S106*

3.7 A copy of the current S106 agreement can be found on the public access site, however a summary of existing contributions is as follows;

- i) 25% affordable housing;
- ii) Pre-school (£509,273), primary (£165,011) and secondary (£1,466,685) education contributions;
- iii) Libraries and Lifelong Learning at £23,166;
- iv) Public open space – a minimum of 3.36 hectares to be provided on site;
- iv) Transport –
  - \*£25,000 towards access improvements for pedestrians and cyclists at the A605/Cemetery Road/Blunts Lane roundabout,
  - \*£500 towards the provision of cycle standards at key locations in the town centre,
  - \*£9,000 towards the introduction of real time passenger information display at the Victory Avenue bus stop and maintenance and provision of seating within the bus shelter,
  - \*£750 towards measures contained with the Alderman Jacobs Primary School Travel Plan and a Residential Travel Plan for the site itself;
- v) Waste recycling at £1,457;
- vii) Drainage –
  - £403,192.53 North Level IDB to provide details of any sum requested by the IDB to be paid on adoption for the maintenance of the surface water drainage infrastructure forming part of the development for a period of 50 years;
- viii) IDB Modelling payment - £11,061.90
- ix) Rail enhancements - £157,141.60 towards a new station car park in Whittlesey.
- x) CCC Monitoring - £ 1,650

3.8 The applicant has undertaken a review of the viability of the scheme. The viability appraisal has been scrutinised by the Council's viability assessor who has sought clarification and further details on a number of points including Benchmark Land Values (BLV), Build costs, open market sales values, affordable housing values and the unit mix, size and tenure accounted for.

3.9 Further to this review process the applicant has proposed the following options;

#### **Option A: Full S106, 20 Affordable Homes**

-Affordable Housing: 20 homes, 9% of units (10 affordable rent, 10 shared ownership)

S106 contributions:	£1,764,662 as follows:
-EY & Primary Education	£437,532 *
-Secondary Education	£1,099,053 *
-Cycle / Bus Shelter	£9,500
-Modelling Payment	£11,062
-Libraries	£23,166
-Rail Station Enhancement	£157,142
-Travel Plan	£750
-Waste contribution	£1,457
-Public Transport	£25,000

-Open Space & SUDs to be managed by a management company to be agreed with FDC prior to 1st occupation

**Option B: Reduced S106 (Education contributions only), 24 Affordable Homes**

-Affordable Housing: 24 homes, 11% of units (12 affordable rent, 12 shared ownership)

S106 contributions: £1,565,754 as follows:

-Primary Education £434,031 \*

-Secondary Education £1,131,723 \*

-Open Space & SUDs to be managed by a management company to be agreed with FDC prior to 1st occupation

\*In both options, the education contributions are mix driven and the rates per dwelling are as per the current S106 agreement dated 29 Feb 2016.

3.10 Alongside the viability appraisals, the applicant has provided updates to the ecology report, Flood risk and drainage report and transport assessment.

Full plans and associated documents for this application can be found at:  
<https://www.fenland.gov.uk/publicaccess/>

#### 4 SITE PLANNING HISTORY

F/YR15/0134/O	<b>Hybrid application: Outline application for the erection of 220 dwellings (max) with access, public open space and associated works/infrastructure. Full application for the engineering works associated with the formation of the vehicular access road off B1040 East Delph</b>	<b>Granted 29.02.2016</b>
F/YR15/0143/F	Change of use from agriculture to public amenity space (no operational development)	Granted 23/07/2015
F/YR13/0714/O	Erection of 249 no. dwellings with associated infrastructure vehicular and pedestrian access public open space and associated flood mitigation works	Refused 20/12/2013 and Dismissed on Appeal 18/11/2014 Ref: APP/D0515/A/14/22 10915
F/YR04/3036/F	Change of Use of Showground to a Sunday Market and Car Boot and stationing of portable lavatory unit for a period of two years	Refused 26/04/2004
F/YR02/2020/CW	Continued use of land for the storage processing and transfer of topsoil	Deemed Consent 04/02/2003
F/YR01/1100/O	Residential Development (16 ha)	Refused 16/10/2002
F/1420/89/F	Erection of 42 dwellings and garages	Withdrawn 04/06/2001
F/92/0249/O	Residential Development - 500 dwellings	Withdrawn 04/06/2001
F/92/0270/F	Construction of distributor road and associated roundabouts	Withdrawn 04/06/2001
F/YR00/0699/SCO	Screening opinion: Residential Development (12 ha)	Further Details Not Required 08/08/2000
F/97/0404/F	Continued use of land for the storage processing and transfer of topsoil	Granted 25/09/1997
F/96/0314/F	Use of land for car boot sale	Withdrawn – insufficient fee
F/92/0298/F	Use of land for the storage processing and transfer of topsoil	Granted 16/10/1992

F/92/0181/F	Change of use of Showground to car boot sale and market together with the stationing of 2 No.portable units and construction of roadway	Granted 22/07/1992
F/0276/89/F	Erection of a 4 bed house with integral double garage	Granted 06/08/1989
F/0113/85/F	Erection of 6 houses and 7 bungalows with garages	Refused 18/04/1985
F/0283/80/O	Erection of 12 detached houses with garages	Refused 22/07/1980
WU/68/75/O	The erection of dwellings	Refused 13/02/1969
OA/2124	Residential development	Refused 06/12/1964
OA/1285(1)	Use of land for residential purposes (Parcel No 2124)	Granted 27/07/1961
OA/1285(2)	Use of land for residential purposes (Parcel Nos 2128 & 2129)	Refused 27/07/1961

## 5 CONSULTATIONS

### 5.1 Conservation Officer (FDC)

Advises they have no comment to make against the above application.

### 5.2 Senior Archaeologist (CCC)

Recommends condition be varied to restrict development to outside of the area indicated in orange circle (see plan attached to this report) 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.

### 5.3 Natural England

Natural England has no comment to make on the variation of Conditions 1, 2, 4, 5, 6, 7, 16, 18, 22, 26 and 27 pursuant to planning permission F/YR15/0134/O.

### 5.4 Environment Agency

Advised they have reviewed the information provided and have no comment to make on this application.

### 5.5 North Level Internal Drainage Board (NLIDB)

Raise an Objection. Considers that this application proposes to undo all of the work and negotiations that shaped the original outline application.

NLIDB Does not consider that a management company would be a viable delivery solution.

## 5.6 **Cambridgeshire County Council Highways Authority (Development Management)**

Notes that the purpose of the East Delph access was to alleviate the traffic impact on the existing development to the south and east of the application site.

CCC Transport Assessment will need to review this application and understand what impact the variation of Conditions/phasing plan will have on surrounding Highway network especially given the proposals include deferral/omission of the East Delph access.

The applicant is recommending a phasing plan which will allow development of the more profitable parts of the site. This is likely to result in the less profitable parts of the site not being developed. This is likely to include the spine road and access onto East Delph.

Advises they need to understand the full extent of the applicants proposal i.e. phasing plan, site layout and access strategy before they can agree/disagree with their proposed condition variations.

## 5.7 **Cambridgeshire County Council Highways Authority (Transport Team)**

Proposals:

The site is north of Whittlesey and they were proposing a Spine Road off of East Delph as the main access. There are another two minor accesses to the south and east of the site. The applicant is proposing to phase the development. As a result the main Spine Road will only be partly built from the eastern side which leads into residential roads (Teal Road/Otago Road) which goes against Condition 4 of the original planning application.

Sustainable Travel Impact:

The delayed construction of the spine road will not have a major impact on journey distances to and from local amenities and bus stops as residents will use the southern and eastern access points, as such no additional work is required.

Highway Impact:

As a result of the proposed phasing, Phase 1 traffic will go through residential and minor junctions/highways. These routes have been assessed (ARCADY+LINSIG) within the original TA, however, within the assessment the applicant has assumed that the majority of traffic goes through East Delph, so the flows for the junctions south and east of the sites are no longer accurate should Condition 4 be removed as trips rates would increase whilst the spine road is being constructed. Action required: CCC ask the applicant to produce a Transport Note (TN) which provides us with updated junction assessments so the flows are up to date and accurate according to phasing. This should be a robust assessment as we may need to use this evidence in later stages of the application.

Proposed brief report structure:

- Intro
- How revised trips are being calculate/changed/why/how;
- Junction Assessment for Phase A traffic only. Junctions assessed should include
  - Stonald Road/ Bassenhally Road Crossroad (for trips north and west);
  - A605/Coronation Avenue for majority of trips going east;
  - A605/Cemetery Road roundabout for traffic going south/west/east; and
  - Any other appropriate junctions.



- Junction Assessment results for all traffic; and
- Summary.

With this information CCC would not object to the variations on Transport grounds.

### 5.8 **Housing Strategy (FDC)**

Notes that the scheme viability has been assessed and that if other S106 obligations are paid, it will only be viable to deliver 9% Affordable Housing on a 50% Affordable Rent/50% Shared Ownership tenure basis.

Advises that FDC will be approaching the Cambridgeshire and Peterborough Combined Authority (CPCA) to seek a funding commitment to the scheme.

Ideally FDC would like to maintain a 25% affordable housing position on a 70% Rent / 30% shared ownership tenure split, with grant input.

### 5.9 **Whittlesey Town Council**

This Variation of Conditions Application proposes that fundamental changes be made to the Outline Planning consent already granted for this site. Those changes would so significantly alter what has already been agreed that public confidence in the integrity of the Planning Process would be best protected by subjecting this application to the full rigour of challenge and debate at a meeting of the Planning Committee.

This site, bordering Whittlesey Washes and containing significant areas below the 5 metre AOD level, has potential flooding problems, and poses a potential additional flooding risk to other established properties in the northernmost parts of Whittlesey. That was why such detailed consideration was given at the outline permission stage to drainage issues. By the applicant's own admission, more than four hectares of land will become impermeable through development of the site. It is vitally important that the representations made by our Internal Drainage Boards are carefully considered when determining applications in flood-sensitive areas. The fact that the North Level District Internal Drainage Board has lodged an objection to this VOC application, describing the proposed changes to drainage provision as "folly", must set alarm bells ringing about the appropriateness of that proposed change and the sustainability of the whole site's development if that change were accepted.

The proposed variation of condition which would give the developer the right not to open the B1040 junction into the site for many years creates a really serious problem. To amend the Outline permission already granted so that access via the B1040 would not be required to be provided for many years would force all construction traffic, and all residential traffic to and from the new development in the first few years, onto roads in the Birds Estate which are wholly unsuitable for that level of use.

The Town Council recommend refusal on the grounds of flood mitigation, the access onto Teal Road and reduction in the S106 contribution and the reduction in affordable housing. The developer should provide a hard standing within the site for all contractor's vehicles and anyone else working on the site. All contractor access arrangements should be via the B1040.

The Town Council recommend refusal of this part of the application but recommend approval for the Engineering side of the application.

#### 5.10 **CCC Growth & Economy**

Agrees with the conclusion that the policy compliant S106 and affordable housing requirement is not viable. The County Council would be prepared to accept the offer of the 9% scenario. This makes provision for the full range of S106 contributions with the exception of the commuted sums, however these will be raised through the management company and therefore limits any risk exposure for FDC in respect of ongoing maintenance liability. Whilst the education contribution is reduced by around £250,000 it is considered that this is acceptable given the reduction in the level of affordable housing.

Whilst the 11% scenario provides the optimum rate of affordable housing, it does not provide the full range of S106.

In cases where viability comes into play the convention adopted by FDC and CCC is to share the benefits equally, as far as possible. In this particular case it is considered the 9% scenario represents a fair compromise between the level of affordable and S106 contributions being offered by the applicant.

#### 5.11 **Councillor Mrs K F Mayor**

Requests the application be called in to committee. Considers that this application should not be determined by Officers using delegated powers.

#### 5.12 **PCC Wildlife Officer**

Notes the minor amendment proposed in relation to Condition 11 (ecological mitigation) to include reference to phasing. On the basis that no changes are to be made to the requirements for ecological mitigation across the application site, would have no objection to the proposed variation.

#### 5.13 **FDC Environmental Health**

##### **In respect of variation to the Construction Management Plan (Condition 16);**

- h) Unwilling to remove the clause with respect to vibration monitoring. It is perfectly acceptable to undertake monitoring where site activities are likely to cause vibration impact, in particular ground works consistent with a particular phase of the development as determined. Suggests that the condition could be relaxed to be applicable only when operations involving vibration is being undertaken close to noise sensitive receptors.
- p) External signage may be removed as we would have no objections to the applicant's concerns.
- r) With regard to sensitive receptor, this obviously needs to be determined by the applicant to enable informed decision to be made as to the need for vibration monitoring. Considers the clause is necessary.
- u) The siting of plant and other machinery around the site is fundamental to the reduction of noise and emission likely to harm the sensitive receptors. It is considered that plant /machinery during construction works is situated as far as reasonably practicable away from receptor location. Knowing the process for moving of machinery within the site enables the enforcing authority to assess whether or not Best Practical Means is in use. Considers this clause necessary.

Condition 26 –Agrees that this is duplicated in condition 16

## 5.13 Local Residents/Interested Parties

**69 resident objections have been received raising the following concerns (summarised)**

### **Objectors**

- Access – including delayed delivery of East Delph access/ use of Teal/ Otago for construction and general access
- Understanding that Teal Road was to be emergency access only
- Anti Social behaviour
- Density/Over development
- Devaluing property
- Environmental Concerns
- Flooding
- Light Pollution
- Local services/schools/ health - unable to cope
- Out of character/not in keep with area
- Parking arrangements
- Proximity to property
- Residential Amenity - disruption
- Traffic or Highways: including safety
- Waste/Litter
- Wildlife Concerns – particularly birds of prey and deer
- Would set a precedent
- Noise and vibration
- Drainage – surface water and foul waste
- Phasing may mean development stalls or takes longer with greater amenity impacts
- drop in market conditions could stall development – needs speedy delivery
- risk of several house builders and lack of consistency
- Mess and mud on roads for existing and future occupiers of the development
- Should not be allowed until Kings Dyke Bridge is completed
- Overlooking/loss of privacy
- Land ownership – potential development of third party land
- Shadowing/loss of light
- Trees
- Visual Impact
- Already enough properties for sale
- What happens when the B1040 is shut to traffic
- Delivery of infrastructure and infrastructure services need to be in place prior to commencement of works.
- Responsibility for ongoing maintenance & repairs if the management company goes into liquidation.
- Reduction in S106 payments: These were put in place to ensure the impacts of this significant development does not have a negative impact on the current residents and those of the future.
- Considers the significant and numerous changes to an already approved application should prompt a new application and for it to be considered as a whole.
- Lack of 5 year supply

1 resident has also made the following suggestions with reasons to the planning conditions amendments;

**Conditions 1; 5; 6; 8; 11; 13; 14; 24 & 25** should remain in force and not be removed or varied. This is because the removal/variations relate to the site being phased rather than treated as a whole site. With the likelihood of serious flooding at the East Delph entrance occurring during development, as we have seen over the past two decades, there would be no way to enter/egress the site for vehicles; pedestrians and emergency services if the infrastructure to Teal Road was not in place.

**Condition 4** should remain in force and not be removed. This is because the deletion of this condition would result in the developer being under no obligation to complete the East Delph site entrance before occupation of the first dwellings. This would result in an inadequate road junction for construction traffic and residents and the possible fouling of the public highway (B1040) with muddy construction traffic tyres.

**Condition 16** should remain in force in its entirety. This is because the items h; p; r; and u should not be removed as they are of paramount importance to neighbouring properties. They relate to important considerations such as vibration monitoring and site compound location etc.

**Condition 26** should remain in force and not be deleted. This is because the deletion of this condition would remove the safeguards for neighbouring properties relating to measures to control the emission of dust and dirt during construction; location of loading/unloading/storage of plant/materials; a scheme for recycling/ disposing of waste resulting from construction works etc.

### **Supporters**

**No comments in support have been received.**

### **Other representations**

**1 resident has made the following comments;**

Requests consideration of the following;

- The ability for water mains to cope with this increased demand.
- The ability for sewage systems and Whittlesey sewage works to cope with this increased demand.
- The ability for electricity mains to cope with this increased demand.
- The ability for gas mains to cope with this increased demand.
- The ability for schools to cope with this increase in population.
- The ability for the councils refuse collection to cope with this increased demand.

More people = more crime = more vehicles = demands on police – can they cope?

## **6 STATUTORY DUTY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan comprises the adopted Fenland Local Plan (2014), The March Neighbourhood Plan (2017) and the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011). For the purposes of this application however, it is not necessary to consider the March Neighbourhood Plan.

## **7 POLICY FRAMEWORK**

### **7.1 National Planning Policy framework (NPPF)**

Paragraph 2 & 47: Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise;

Paragraph 8: The three dimensions to sustainable development.

Paragraph 11: Presumption in favour of sustainable development.

Paragraph 127: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.

Paragraph 102-107: Promoting sustainable transport

Chapter 5: Housing land supply

Paragraphs 124-132: Requiring good design

Paragraphs 170, 175-177: Conserving and enhancing the natural environment

Paragraph 189-202: Conserving and enhancing the historic environment

Paragraphs 34, 54-57: Planning conditions and obligations.

### **7.2 Fenland Local Plan, 2014 (FLP)**

LP1: A Presumption in Favour of Sustainable Development

LP2: Facilitating Health and Wellbeing of Fenland Residents

LP3: Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4: Housing

LP5: Meeting Housing Need

LP6: Employment, tourism, community facilities & retail

LP13: Supporting and Mitigating the Impact of a Growing District

LP14: Climate Change and Flood Risk

LP15: Facilitating the creation of a More Sustainable Transport Network in Fenland

LP16: Delivering and Protecting High Quality Environments across the District

LP17: Community Safety

LP18: The Historic Environment

LP19: The Natural Environment

### **7.3 Cambridgeshire and Peterborough Minerals and Waste Development Plan 2011**

CS16: Household Recycling Centres

CS28: Waste Minimisation, Re-use, and Resource Recovery

### **7.4 Supplementary Planning Documents/Guidance:**

- Delivering & Protecting High Quality Environments in Fenland SPD (2014)
- FDC Developer Contributions SPD (2015)
- Resource Use & Renewable Energy SPD (2014)
- Cambridgeshire Flood & water SPD (2016)
- RECAP CCC Waste Management Design Guide SPD (2012)

## **8 KEY ISSUES**

- **Principle of Development**
- **Appropriateness of S73 application**
- **Variation of planning conditions**
- **S106 and viability**
- **Other matters – resident concerns**

## **9 BACKGROUND**

9.1 This application is made under S73 of the Town and Country Planning Act which seeks to vary the conditions of the extant consent F/YR15/0134/O granted in February 2016 for a Hybrid application for the erection of 220 dwellings (max) with access, public open space and associated works/infrastructure, and Full application for the engineering works associated with the formation of the vehicular access road off B1040 East Delph.

9.2 Permission F/YR15/0134/O imposed planning conditions and was accompanied by a S106 agreement.

*Summary of Applicants' planning statement;*

9.3 The applicant has appointed a new project team to review the planning permission and the associated supporting documents and plans. This was instigated by a review of the viability of the scheme and the planning obligations which were required by the Section 106 Agreement which accompanies the outline planning permission. That review has been prompted by commercial assessments undertaken prior to formal marketing of the site.

9.4 The review suggests that the current Section 106 obligations (including the requirement to deliver 25% affordable housing) would, in practice, deliver a significant financial deficit to the developer.

9.5 The outcome of the viability review process has also identified that, if the development could be delivered in phases, then the site could be suitable for a wider selection of developers, housebuilders or developing housing associations who could better respond to the current housing market in Whittlesey. This would potentially render the development deliverable over a longer period. Whilst the site would be potentially more deliverable, the site would still not be commercially viable though with the current S106 requirements and contributions.

9.6 This review process has identified a number of changes which the applicant believes would ensure the proposed development remains acceptable in planning terms and which would also render the proposed development deliverable.

9.7 This application has been informed by informal pre-application advice from Fenland District Council. On 08 November 2017, the applicant and its representatives met with Nick Harding, Head of Planning at the Council. That discussion has informed this application.

9.8 Prior to the above meeting, the applicant's agents had also been in discussion with Officers, on an informal basis, regarding the existing S106 obligations and associated viability matters.

9.9 Discussions have also been held with the District Council's housing officers and a recommended Housing Association partner regarding the potential and process for securing additional grant finance to secure additional affordable housing following issue of consent to replace some of the affordable housing that would be forfeited as part of the proposed viability process.

*Five Year Housing Land Supply (5YHS)*

9.10 The applicant in their Planning Statement incorrectly asserts that the Council do not have a 5YHS.

- 9.11 The latest assessment of the Council's 5YHS demonstrates that this now stands at 5.86 years which is detailed in the Council's latest Five Year Housing Land Supply Report, 1 April 2018 to 31 March 2023. This follows the Planning Inspectorate's conclusions under APP/D0515/W/17/3183432 which at that time determined that the housing supply was 4.93 years.
- 9.12 The implications of this are that the relevant policies of the Fenland Local Plan can again be afforded full weight in decision making and paragraph 11(d) of the NPPF which applies the 'tilted balance' is not engaged.
- 9.13 It is recognised that 120 dwellings of the 220 proposed under this application are counted towards the 5YHS and this is a material consideration to be applied in the planning balance.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 The principle of development was established under the outline consent associated with this application (F/YR15/0134/O – see history above).
- 10.2 Whilst the applicant is proposing to amend certain planning conditions, primarily to enable a phased approach to the development, and vary the terms of S106 obligations due to viability constraints, the development remains relatively unchanged in respect of its proposed nature and scale.
- 10.3 Whilst the development plan has seen the introduction of the March Neighbourhood Plan, all other relevant development plan policies remain unchanged from the point at which the previous permission was granted. As noted above, the March Neighbourhood Plan is not relevant to the determination of this application due the site being located outside of March.
- 10.4 Furthermore, whilst a new NPPF came into force in July 2018, the framework does not indicate that the development plan should be ignored or is out of date for the purposes of this development.
- 10.5 As such, given the extant permission that exists, and the nature of change now proposed to the scheme and having regard the status of the development plan, it is considered that the principle of development is still acceptable.

### **Appropriateness of S73 application**

- 10.6 An application under S73 of the Town and Country Planning Act (TCPA) seeks approval to develop land without compliance with conditions subject to which a previous planning permission was granted. A S73 permission constitutes a minor material amendment to the original planning permission but has the effect of granting a new planning permission which effectively sits alongside the planning permission originally granted.
- 10.7 The NPPG states that:

*“There is no statutory definition of a ‘minor material amendment’ but it is likely to include any amendment where its scale and/or nature results in a*

*development which is not substantially different from the one which has been approved.”*

10.8 Given that the nature scale of the development proposed remains relatively unchanged at up to 220 residential units with associated infrastructure with only the timings and contributions seeking variation, Officers consider that a S73 application is appropriate in this instance.

10.9 In addition and in respect of reviewing some concerns raised by residents and the Town Council;

S73(2) states;

*“On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—*

*(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and*

*(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.*

10.10 The first part of 73(2) clearly indicates that only those conditions sought to be varied can be considered in terms of their impact on the overall development. Officers consider this to mean that not all matters with the development can be revisited where these matters were previously considered to be acceptable and where they are not sought to be changed through the S73 application.

10.11 It is noted that some concerns have been raised over matters which were previously considered under the original outline application and/or which would not be affected through this latest application to vary conditions and the planning obligations. Having regard to S73(2) Officers consider it is unreasonable and unnecessary to revisit the following matters which are taken from the summarised list in section 5.13 above;

- Anti Social behaviour
- Density/Over development
- Devaluing property
- Light Pollution
- Out of character/not in keep with area
- Parking arrangements
- Proximity to property
- Residential Amenity - disruption
- Waste/Litter
- Would set a precedent
- Overlooking/loss of privacy
- Should not be allowed until Kings Dyke Bridge is completed
- Shadowing/loss of light
- Trees
- Visual Impact
- Already enough properties for sale



10.12 This application seeks to amend the planning conditions following a review of the approach to build out in respect of a phased approach to development along with some amendments to conditions securing a Construction Management Plan/ Method Statement, timing of delivery of flood warning signage, deletion of duplicated or unnecessary conditions (conditions 18, 22 and 26). An updated plan schedule is also suggested to reflect the Flood Risk Assessment and Archaeological evaluation. Furthermore the S106 obligations are sought to be varied following a viability review of the development.

#### **Variation of planning conditions**

10.13 The proposed amended Conditions seek in essence to make the following changes;

- Introduce a phased approach to development
- Requirement for reserved matters within 3 years
- Full details of Teal Road/ Otago Road accesses as part of future reserved matters
- Traffic calming measures to form part of reserved matters for that relevant phase
- Changes to timing of delivery of the East Delph Access
- Provision of agreed flood warning signage prior to occupation of first dwelling access directly off East Delph
- - Amendments to Construction Management Plan
- Removal of condition requiring a Construction Method Statement
- Removal of condition requiring new highway boundaries to be marked out prior to construction
- Clarification of approved plan schedule and removal of “duplicated” condition

Other conditions are also proposed to change to reflect the phased delivery of the scheme but are not considered to fundamentally change the effect of the condition (see also Appendix 1 of the applicant’s Planning Statement)

10.14 Officers are also recommending amendments to conditions for the following;

- Drainage conditions
- Archaeology
- Quantum of development

#### *Principle of phasing development*

10.15 It is not uncommon for larger schemes to phase the delivery of housing, particularly where it is envisaged that multiple house builders may deliver the development as a whole or where pre-commencement investigative work is required on only part of the site.

10.16 A phasing plan would be required in advance of or concurrently with the submission of the first reserved matters detail in order to understand the impacts of the phased development in respect of residential amenity, transport and drainage impacts and the provision and timing of infrastructure.

10.17 Subject to securing a phasing plan at reserved matters stage, a phased approach to the development is considered acceptable.

10.18 The existing conditions have been reviewed and amendments have been proposed where these are considered to be acceptable. Note that the condition numbers may have varied through this review. As such for ease, the following

review details the existing condition number and the proposed new condition number that can be found at the end of this report.

***Existing Condition 2 (to remain as condition 2): Timing of reserved matters***

- 10.19 The applicant is seeking to re-impose the condition requiring the submission of the (first) reserved matters within 3 years following the grant of planning permission.

The Planning Practice Guidance states;

*“Planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made.”*

(Paragraph: 014 Reference ID: 17a-014-20140306). This reflects S73(5) of the TCPA.

- 10.20 As such the LPA would be unable to extend the time period for when all of the reserved matters are submitted. As such, all reserved matters for the development would need to be submitted by 1<sup>st</sup> March 2019, with works commencing no later than 2 years following approval of those reserved matters in accordance with the original conditions 2 and 3.

***Existing Condition 4 (now Condition 5): Timing of East Delph Access***

- 10.21 Condition 4 requires the completion of the East Delph access prior to works commencing. The applicant seeks to vary the timings of delivery of this – instead proposing to agree a phasing programme. The applicant has advised that the East Delph access is intended to be used as a haul road for construction purposes at initial phase of development.
- 10.22 The applicant has provided an indicative phasing plan (ref: 17-058-002) however this is not a committed detail at this time. The indicative plan denotes that residential development would commence at the Teal Road/Otago Road end of the site with East Delph forming the construction access.
- 10.23 Whilst residents’ concerns over overall capacity of the road network would be affected by the scale of the development, this was previously considered under the original outline consent. As such, having regard to S73(2) given the principle of 220 units is considered acceptable in transport terms subject to the proposed mitigation, only the impact of the phased approach should be considered.
- 10.24 Concerns have been raised by residents in respect of traffic and highways safety impacts should the Otago and Teal Road accesses be used as the primary access at initial stages of build. The previous Transport Assessment, which has not been varied with this latest application, indicates that the Otago Road access should be prioritised for pedestrian and cyclist but with some limited access available, for example through traffic management infrastructure. Conditions 5 and 6 of the outline permission secure the requirement to provide detailed design for the Teal and Otago Road accesses as part of reserved matters, with the programme of implementation for the accesses to be agreed and for traffic calming measures implemented

prior to first occupation. The applicant proposes to vary the wording purely to enable this detail to be provided in-line with the agreed phasing plan.

10.25 The County Council's Transport team has commented on the phasing approach, acknowledging that the original approach was to commence at East Delph. In order to be satisfied that any phasing approach would be acceptable and not give rise to transport issues and road safety, the LHA has requested that a transport note (TN) be provided which would consider revised Trip rates and junction assessments. In discussion with the LHA, it is considered acceptable to require this detail to support any future phasing plan to consider the overall impacts of the proposed phased approach and to demonstrate that the phasing would not compromise highways safety or the free flow of traffic.

10.26 In this regard and given that no phasing plan has been committed at this time, Officers consider it acceptable to amend condition 4 to require a phasing plan but to also insert a clause requiring the transport information sought by the LHA. Subject to this, there would be no conflict to LP15 of the FLP and it would accord with the aims of paragraph 108 of the NPPF.

***Existing Condition 7 (now condition 8): Flood warning signage***

10.27 Condition 7 requires a scheme for the design and provision of flood warning signage south of East Delph access prior to the commencement development. The applicant has suggested that this should be a pre-occupation condition.

10.28 Requiring the signage prior to the commencement of development would be unlikely to meet the tests as they would not be necessary at this pre-commencement stage to mitigate the impact of the development. Given that the justification for this requirement is in the interests of highway safety and that the flood warning signs are designed to warn future occupiers of the site of any highways flooding off East Delph, Officers consider this to a reasonable amendment having regard to the tests of planning conditions. Requiring the signage prior to the commencement of development would be unlikely to meet the tests as they would not be necessary at this time to mitigate the impact of the development.

***Existing Condition 09 (now condition 10): Archaeology condition***

10.29 The existing archaeology condition restricts development to outside of "the area of archaeological interest" until otherwise agreed following further investigation. However, the area of interest is not defined on any plan or scheme and therefore at present would be unenforceable.

10.30 Cambridgeshire County Council's Archaeology team has been contacted on this matter and has provided a plan denoting the area of interest (circled in orange) which can be attached as an appendix to the decision notice and referred to specifically in the amended condition.

***Existing Condition 13 (now conditions 13 - 16): Surface Water Drainage***

- 10.31 Condition 13 requires a surface water drainage scheme to be submitted and approved prior to commencement of development.
- 10.32 In view of the revised proposal to phase the development it is recommended that a site wide drainage strategy is secured at first reserved matters stage and then for a phase specific drainage scheme which accords with the site wide strategy is secured for each phase. The drainage schemes shall follow sustainable drainage principles. As such the drainage conditions are proposed to be expanded to reflect this.

**Existing Condition 16 (now condition 18): Construction Management Plan**

- 10.33 The applicant has suggested the removal of criteria h), p) r) and the second part of u) in respect of method of moving materials, plant and equipment around the site.
- 10.34 The Council's Environmental Health team has commented agreeing to the removal of criteria (p) which otherwise secures signage. This would be a requirement under HSE regulations.
- 10.35 The Environmental Health team has raised concerns over relaxing criteria (h), (r) and (u) considering they are necessary in order to define sensitive receptors and to protect the residential amenity of current and future occupiers and to ensure that information is provided to assess whether or not Best Practical Means is in use. Officers concur with this and as such propose only to remove criteria (p) from the CEMP.

**Condition 18 & 27 (now condition 25): Plan schedule**

- 10.36 The applicant has requested that the approved plan schedule under Condition 27 also includes the agreed Flood Risk Assessment (JPP Consulting R-FRA-P5617T-08 issue 7, April 2015) and Archaeological Evaluation (August 2014) which supported the application. Officers have no objection to this proposal.
- 10.37 The applicant has also requested that Condition 18 is removed as they consider it duplicates Condition 27 listing approved plans. Having reviewed the listed details under both of these conditions, it is recommended that these are consolidated under a single condition.

**Existing Condition 19 (now condition 3): Timing of engineering works**

- 10.38 Given that the application also sought to deliver the engineering works associated with the formation of the vehicular access road off B1040 East Delph under the FULL consent – plan reference:4801/13/04, this would also be required to be implemented (although not necessarily completed) by 1<sup>st</sup> March 2019 as time period cannot be extended through a S73 application. As such this condition cannot be varied in terms of timings but the wording is proposed to be expanded to more clearly detail the element of works it refers to.

**Existing Condition 21 (to be deleted): Encroachment onto the highway**

- 10.39 Condition 21 which restricts encroachment of buildings or fenestration onto the highway would be a matter for consideration under reserved matters and as such is recommended to be deleted.

**Condition 22 (to be deleted): Highway boundaries**

- 10.40 Condition 22 requires any new highway boundaries to be marked out on site prior to commencement of construction – the reason being to prevent buildings being constructed within the proposed highway boundary. The applicant is requesting that this condition be deleted.
- 10.41 It is considered that future reserved matters applications would be required to denote the boundary of any new highway and the layout of buildings adjacent to these would also be detailed and considered as part of the reserved matters. Given that the development would be required to be carried in accordance with approved details (captured via planning condition) it is concluded that condition 22 serves no real purpose and therefore should be removed.

**Existing Condition 26 (to be deleted): Construction Method Statement**

- 10.42 The applicant considers that the requirements of condition 26 are already captured under Condition 16 securing a Construction Environmental Management Plan (CEMP) and as such suggests this should be deleted.
- 10.43 Having regard to the requirements of Condition 26 there does appear to be some duplication and also with Condition 17 in respect of recycling and disposal of waste.
- 10.44 It is considered that the removal of this condition would not compromise amenity of highway safety as this is already controlled through the CEMP secured under Condition 16. It is however recommended to expand on criteria (j) of condition 16 to make reference to dust becoming airborne and potentially affecting residential amenity, rather than purely just for highways impacts. As such it is concluded that Condition 26 should be removed, subject to the slight amendment to condition 16.

**New condition 4:**

*Quantum of development*

- 10.45 Having regard to latest case law and an updated approach to conditions, it is recommended to impose a condition defining the maximum number of dwellings the permission allows – as detailed in the description of development.
- 10.46 Having regard to the proposed amendments to the planning conditions (listed below at the end of this report) it is considered that the amendments are reasonable and would not prejudice the sustainability of the development and in some instances would provide clarity and better enforceability of the conditions.

**S106 and viability**

- 10.47 The applicant has undertaken a review of the viability of the development and established that the current contributions being sought would make the scheme unviable and therefore unlikely to come forward. As such, the initial viability assessment (VA) presented to the LPA proposed a reduced amount of affordable housing and only education contributions.
- 10.48 The LPA undertook a review of the VA using a consultant who concluded that the scheme was indeed unviable. However following challenges to some of the cost

assumptions and inputs, the applicant has arrived at an improved position of viability as detailed in the 2 options at 3.9 above.

- 10.49 Policy LP5 identifies that this development should seek to achieve a target of 25% affordable housing in accordance with Policy LP5. The provision should be made on site and with a tenure split of 70% social rented and 30% shared ownership based on the current SHMA. This would equate to 55 dwellings. The policy does however acknowledge that, if an accurate viability assessment indicates these cannot be met in full, the LPA may negotiate with developers.
- 10.50 As such, policy LP5 can enable a non-policy compliant level of affordable housing where a robust viability assessment demonstrates it is not achievable. In both options it is concluded that a policy compliant level of affordable housing is not achievable and it is therefore for the LPA to determine whether to accept this and if so whether to accept a lower amount (9% affordable units) but with the full amount of infrastructure contribution (Option A) or a higher amount of affordable housing (11%) but with a lower amount of infrastructure contributions (Option B).
- 10.51 Policy LP13(b) requires developers to make direct provision or contribute towards the provision of local and strategic infrastructure required by the development and this will be negotiated on a site by site basis.
- 10.52 Paragraph 57 of the NPPF states (excerpt);

*“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.”*

- 10.53 As such, it is for the LPA to determine the weight to be given to the outputs of the viability appraisal and the impacts this would have on the sustainability of the development overall. It is a matter for the LPA to balance the benefits of the scheme against the disbenefits.
- 10.54 Cambridgeshire County Council has reviewed both options and has advised that they would be content with proceeding with option A which secures a majority of the financial contributions being sought by them, but acknowledges that this would lead to a greater shortfall of affordable homes provision.

### **Surface Water Drainage**

- 10.55 The North Level IDB note the revised contributions offer which seeks to remove the proposal to provide a financial contribution to NLIDB to manage and maintain the drainage infrastructure on the site and instead to put in place a Management Company (ManCo) to maintain the Open Space and Drainage infrastructure. NLIDB have objected to this proposal as they are concerned over the future longer-term management capabilities of the ManCo and the impact this may have on the drainage infrastructure. However, the IDB has not provided any evidence to indicate that a ManCo could not secure long term management of the drainage

infrastructure. In the absence of such evidence officers consider it unreasonable to reject the proposal on these grounds.

- 10.56 The draft S106 provided by the applicant includes a clause (part D) which requires a surface water drainage strategy to be provided with the first reserved matters. The strategy is to be provided to NLIDB to consider and must be approved by the LPA prior to first occupation. Whilst the exact details and wording of the S106 are only in draft at the moment the principle of securing a scheme which would need to be endorsed by the IDB is considered appropriate in this instance – particularly being tied to a legal obligation placed upon the future land owner.
- 10.57 Concerns have been raised in respect of potential risks if the ManCo goes into liquidation and who would then be responsible for maintenance should this arise. The obligation to manage and maintain the land incorporating the open spaces and drainage infrastructure would be secured in the s106 and therefore a legal agreement with the land owners. A ManCo essentially operates as a service whereby a fee is paid by residents benefitting from the infrastructure (normally on an annual basis) which finances the upkeep of the infrastructure. Should the appointed ManCo enter into liquidation the District Council would need to work with the Town Council and NLIDB in seeking future maintenance solutions. The same would apply in respect of Open Space provision which may also incorporate some of the SuDS features.
- 10.58 In the absence of any evidence to indicate that the setting up of a ManCo to manage the Open Space and drainage infrastructure would result in negative impacts, Officers would be unable to robustly defend a refusal on these grounds. As such, it is concluded that a ManCo arrangement is acceptable in principle, subject to the aforementioned clause securing details of the management and maintenance in the S106 which would require the agreement of the NLIDB in respect of drainage.

**Consideration of *Viability Options A & B* (see section 3.9)**

- 10.59 Option A proposes 9% (20 units) affordable homes on site and with nearly all S106 obligations previously secured being honoured (with exception to the drainage sum) whereas Option B offers an 11% Affordable Housing (24 units) But with public transport, bus shelter and infrastructure, libraries and waste contributions removed, leaving purely education contributions.
- 10.60 Having regard to the 3 strands of sustainability Officers consider that Option A would deliver the most sustainable form of development in that it would provide a significant amount of housing (120 units of which go towards the councils' 5 year housing land supply) but with the necessary infrastructure to support a growing district. Option B; whilst attractive in that it more effectively addresses the mixed accommodation needs of the district would, in Officers' opinion, place unjustifiable burdens and missed opportunities on local transport infrastructure.
- 10.61 Given that the original planning permission places a strong reliance on delivery of sustainable means of transport, to fail to secure the financial contributions which would assist in delivering this would conflict with the overall sustainability of the development as there are no guarantees that this could be secured via other means. As such, Officers consider that Option B would conflict with the development plan and this conflict would not be outweighed through the benefits

of securing an additional 4 affordable units. As such officers consider that Option A is favourable over option b for these reasons.

- 10.62 Officers acknowledge that the Option A proposal would deliver a sub-policy compliant level of affordable housing which weighs against the scheme. However, the benefits of the scheme which would deliver a large quantum of housing which would assist in the Councils 5 year supply and would secure supporting infrastructure and necessary financial contributions weighs in its favour. Officers consider that the identified benefits of the scheme, having regard to the overall requirement to maintain a supply of homes, is considered to outweigh the disbenefits in this instance.
- 10.63 As such, officers recommend approval of the scheme subject to securing a S106 planning agreement in-line with the obligations sets out in Option A.

#### **Viability Consultants recommendations**

- 10.64 The Council's consultant in their review of the viability appraisal made some recommendations for consideration. These are in respect of clarification of infrastructure build costs, amount of open space provision and imposing review mechanisms in the S106. These are considered as follows;

#### ***Infrastructure build costs***

- 10.65 The consultant recommended that an independent consultant be commissioned to review the infrastructure build costs i.e. the cost of delivering roads, open spaces and drainage and approximated that a saving of up to £440,000 could be made which could otherwise be put back into viability.
- 10.66 Officers considered appointing a consultant to undertake this review however it was noted that the Council's viability consultant also acknowledged that the applicant has used a reduced base build cost rate, acknowledging that the applicant has potentially under-costed the base build costs by up to £2.58 million having regard to BCIS data median rate which is more usual for estate housing of this nature. As such, in view of this information, the applicant could legitimately employ a higher base build rate which would increase costs significantly higher than the £440,000 saving that may be achievable. As such officers have agreed to accept the infrastructure costs and the applicant has chosen not to review the base build costs against the BCIS data median rate.

#### ***Open Space provision***

- 10.67 The Council's consultant has also queried the amount of open space proposed with the development which is significantly greater than that is required to support the development and which will carry a cost to deliver, albeit even if this is informal open space. The open space proposed is larger than usual as comprise residual land that is undevelopable due to flood risk status, but is maintained as part of the application site from the previous refused application under F/YR13/0714/O for 249 dwellings. If this area was to be reduced, this could result in a cost saving to the applicant which could go back into the viability.
- 10.68 Officers have reviewed the open space provision for the development and agree that the area of land allocated for open space (around 5.5Ha) exceeds that which is necessary to support the 8ha of developable area. However in considering the overall scheme, it is noted that the site-wide drainage strategy has not yet been agreed and therefore it is unclear what extent of land will be required to secure the appropriate SuDS. There is a risk therefore in reducing the area of open



space around the development, this may compromise the quality or options of SuDS features to support the scheme. Furthermore, the provision of a larger area(s) of open space could encourage healthier lifestyles through walking and access to open countryside etc.

- 10.69 Officers have concluded that whilst there may be some benefits accrued through costs savings by reducing the amount of open space supporting the site, the uncertainty over future sustainable drainage infrastructure requirements and the benefits of securing additional open space outweigh the potential financial benefits. As such officers have not commissioned a review of open space provision.

***Review mechanism***

- 10.70 The Council's viability consultant has recommended that the S106 includes a viability review mechanism to be triggered, for instance if the scheme has not achieved slab level on 20 plots within 2 years of consent having been granted. There is also the possibility that the scheme will be phased so a later review e.g. after 75% of units being completed is suggested. The applicant has agreed in principle to a review mechanism.

- 10.71 The PPG states that;

*“Plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles.”*

- 10.72 The applicant has adopted a figure of 20% profit of open market values and 6% on affordable housing values which the Council's consultant has confirmed is appropriate for a scheme of this size and nature in the current market. A review of the viability would assess whether the scheme is achieving profits above these values and the S106 agreement would enable any additional profits to as a commuted sum towards affordable housing, given the deficit the scheme currently identifies.

- 10.73 Officers have considered the potential of review mechanisms. The first recommendation would incentivise the developer to achieve some housing delivery over the next 2 years and given that weight is afforded to the scheme in assisting the councils 5YHS this would be reasonable. A review of the viability later on into the development would also enable a longer term cumulative understanding of whether the scheme yields any additional profit compared to the assumptions initially fed into the viability appraisal that could otherwise improve the viability of the scheme.

- 10.74 Whilst the threat of a review mechanism may encourage some developers to ensure that delivery is not delayed, the process can be costly for the LPA and where a review is undertaken early on in the development (as in this case proposed at 50 dwellings), the costs may not be so significantly different to those originally assumed, particularly as at earlier stages there are often greater infrastructure costs which are needed up front to accommodate the housing. As such Officers do not consider it proportionate to prompt a review at such an early stage of the development. In addition, the requirements for the applicant to have made a material start on the engineering elements of the proposal by March 2019

and a start on the residential development within 2 years of approval of the reserved matters (which also have to be submitted by March 2019) should encourage early delivery of this site, although no guarantees can be made by Officers in this regard.

- 10.75 A later review - triggered at 75% occupation to understand the cumulative costs at that stage is considered to be more appropriate for a scheme of this type and officers recommend that the S106 include a clause to this effect. Where profits greater than 20% are realised through the viability, it is recommended that this additional return is provided by way of a commuted sum to affordable housing – the precise details of which would need to be finalised through the Council's legal team to ensure it is legally sound.

## **Other Matters**

### ***Combined Authority funding***

- 10.76 The applicant has drafted a S106 which includes a clause to enable the Combined Authority (or any other funding body) to finance the additional affordable housing to bring it to a policy compliant 25% should this be available.
- 10.77 The Council's Housing team are currently in discussions with the Combined Authority on this matter and an update will follow. Given that this matter sits outside of the proposal before the LPA it can be given little weight.

### ***Resident comments***

- 10.78 Whilst it is considered that most residents' concerns have been addressed in this report the following require consideration;

#### *Wildlife Concerns – particularly birds of prey and deer*

- 10.79 The Council's ecology officer has considered the updated ecology survey work and raises no objection to the development proceeding subject to planning condition which is proposed as condition 11 below.

#### *Phasing may mean development stalls or takes longer with greater amenity impacts*

- 10.80 The LPA has no effective control over the length of time for delivery of the scheme and can only restrict the implementation time. As such, all development has potential to stall e.g. due to market conditions or unknown site constraints and as such the proposal to phase a development would not in itself be a justifiable reason to refuse an application. The amenity impacts should be controlled through compliance with an agreed Construction Environmental Management Plan.

- 10.81 *Risk of several house builders and lack of consistency*

It is for the LPA in determining future reserved matters application to ensure that the design of the development maintains consistency.

- 10.82 *Potential development of third party land coming forward*

There is no indication through this application that further land would be coming forward for development. Notwithstanding this, all applications are to be considered against the development plan as required by law. As such should any future development proposals come forward, these would be dealt with on a case

by case basis in accordance with the development plan having regard to the overall sustainability of the proposal.

## **11 SUMMARY & CONCLUSIONS**

- 11.1 As considered above, the proposal to phase the development and as such vary the existing planning conditions in this regard would not identify any severe harm. Furthermore, the proposal to vary other conditions for example; in relation to some of the criteria of the construction management plan, archaeology and duplicated conditions would not lead to any severe harm or alter the overall sustainability of the development. As such it is considered that the proposal to vary the conditions wording is acceptable. A list of the Officer's proposed revised conditions follows this report.
- 11.2 The application would constitute a fresh permission, which would sit alongside the current consent and as such, the S106 agreement would need to be reflected in the new permission. However, the applicant has undertaken a review of the viability and found that the scheme would be unable to commit to all contributions previously secured. In this regard and following a review undertaken by the Council, the development now proposes a reduced affordable housing offer but with all other contributions e.g. educational and transport being secured. This is with exception to a commuted sum towards NLIDB for future management and maintenance of the drainage infrastructure. The applicant now proposes to secure a management Company to oversee the management and maintenance of drainage and open space.
- 11.3 In respect of the proposed management company and having regard to the objection raised by NLIDB there is no evidence to suggest that a Management Company (ManCo) would not be able to effectively oversee the maintenance and management of the open space and drainage infrastructure during the life of the development.
- 11.4 The application does however now propose substantial reduction in affordable housing which would hinder the council meeting some of the accommodation needs of the district. This weighs against the scheme. However, the scheme would bring notable benefits by way of assisting with market housing delivery, of which a substantial number would go towards the council's ability to meet its 5 year housing land supply and general housing targets over the plan period. Furthermore, the S106 obligations secured would assist towards the delivery of infrastructure such as education which would benefit not only the future occupiers of the site, but existing residents of Whittlesey and the surrounding settlements. These matters weigh in favour of the scheme.
- 11.5 In applying the planning balance, Officers consider that the benefits of the scheme, having regard to the Option A viability offer would outweigh the harm in providing a reduced amount of affordable housing and that the proposal would still constitute sustainable development accruing economic, social and environmental benefits and without resulting in severe harm, subject to the suggested planning conditions and S106 obligations.

## 12 RECOMMENDATION

### Approve

1. That the Committee delegates authority to finalise the planning conditions and terms of the S.106 agreement to the Head of Development, the chair and Vice Chair of the Planning Committee and
2. Following completion of the S106 obligation to secure the necessary education and health contributions, policy compliant levels of affordable housing and open space as detailed in this report, application F/YR17/1231/VOC be approved subject to conditions listed below.

OR

3. Refuse the application in the event that the obligation referred to above has not been completed and the applicant is unwilling to agree to an extended period of determination of 3 months, or on the grounds that the applicant is unwilling to complete the obligation necessary to make the development acceptable.

### **PROPOSED CONDITIONS**

From 1 October 2018 section 100ZA(5) of the Town and Country Planning Act 1990 provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition (except in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018).

The applicant has been consulted on the proposed pre-commencement conditions and The Planning Committee will be updated on whether they are agreeable to these.

The proposed conditions are as follows;

1.	Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.  Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town & Country Planning Act 1990.
2.	Application for approval of the reserved matters shall be made to the Local Planning Authority before 1st March 2019. The development to which this permission relates shall be begun no later than the expiration of two years from the final approval of the reserved matters.  Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town & Country Planning Act 1990 and Section 51 of the Planning and Compulsory Purchase Act 2004.

3.	<p>The FULL element of this permission herein described as 'Full application for the engineering works associated with the formation of the vehicular access road off B1040 East Delph' and detailed within plans 4801/13/04 entitled 'Proposed Access off East Delph' shall be begun before 1st March 2019.</p> <p>Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
4.	<p>The residential elements of the development shall not exceed 220 dwellings (Use Class C3).</p> <p>Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.</p>
5.	<p>With the exception of those elements for which this approval has conferred FULL planning permission as detailed under condition 3, the development shall be undertaken in phases in accordance with a phasing plan to be submitted to and approved in writing by the Local Planning Authority prior to or concurrently with the submission of the first reserved matters. The phasing plan will need to demonstrate through supporting evidence that the phasing approach proposed will not result in severe harm in highway and amenity terms. With the exception of those elements for which this approval has conferred full planning permission, development shall not commence on each phase until all reserved matters for that phase have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: For the avoidance of doubt and to allow development to be undertaken and conditions to be discharged on a phased basis.</p>
6.	<p>Details of traffic calming measures and a programme of implementation to control vehicle speeds as part of the design, layout and construction details of any principal highway within the development linking Teal Road and East Delph shall be submitted with the reserved matters application relevant to that phase as detailed in the phasing plan secured under condition 5. The measures shall thereafter be completed in accordance with the approved details and programme of implementation.</p> <p>Reason: In the interests of highway safety and to ensure that the appropriate infrastructure is provided in a timely manner in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
7.	<p>Fully detailed design drawings and a programme of implementation for the Teal Road and Otago Road access junctions as detailed in principle on plan 4801/13/01 including pedestrian and cycle access shall be submitted with the reserved matters application relevant to that phase as detailed in the phasing plan secured under condition 5. The works shall thereafter be completed in accordance with the approved details and programme of implementation.</p> <p>Reason: In the interests of highway safety and to ensure that the appropriate infrastructure is provided in a timely manner in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
8.	<p>No development above slab level shall proceed until Details of the Flood Warning Signs that are to be located to the south of the East Delph site access have been submitted to and approved in writing by the Local Planning Authority. The approved signage shall be erected prior to occupation of the first dwelling unless an alternative timescale is agreed in writing by the Local planning Authority.</p> <p>Reason: In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>

9.	<p>Prior to the commencement of the development of each phase a scheme and timetable to deal with contamination of land and/or groundwater shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall then be implemented on site in accordance with the approved timetable.</p> <p>The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:</p> <p>a) A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. This should include a conceptual model, and pollutant linkage assessment for the site. Two full copies of the desk-top study and a non-technical summary shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>If during development any previously unsuspected contamination is discovered then the Local Planning Authority must be informed immediately. A contingency plan for this situation must be in place and submitted with the desk study. If a desk study indicates that further information will be required to grant permission then the applicant must provide, to the Local Planning Authority:</p> <p>b) A site investigation and recognised risk assessment carried out by a competent person, to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:</p> <p>(i) A desk-top study has been completed, satisfying the requirements of paragraph (a) above.</p> <p>(ii) The requirements of the Local Planning Authority for site investigations have been fully established, and</p> <p>(iii) The extent and methodology have been submitted to and approved in writing by the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Following written LPA approval of the Site Investigation the LPA will require:</p> <p>c) A written method statement for the remediation of land and/or groundwater contamination affecting the site. This shall be based upon the findings of the site investigation and results of the risk assessment. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.</p> <p>d) The provision of two full copies of a completion report confirming the objectives, methods, results and conclusions of all remediation works, together with any requirements for longer-term monitoring proposals shall be submitted to and approved in writing by the Local Planning Authority. This should also include any contingency arrangements.</p> <p>Reason: To control pollution of land or water in the interests of the environment and public safety and in accordance with Policy LP16 of the Local Plan.</p> <p>A pre-commencement condition is necessary in order to ensure that the risk to future occupiers from ground contamination is managed early on in the development of the site which will need to be established at construction stage.</p>
10.	<p>No development shall take place within each phase within the area indicated on the plan (circled in orange) attached at as <b>appendix 1</b> of this decision notice 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. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:</p> <p>(i) Approval of a Written Scheme of Investigation;</p> <p>(ii) Fieldwork in accordance with the agreed Written Scheme of Investigation;</p> <p>(iii) Completion of a Post-Excavation Assessment report and approval of an approved</p>

	<p>Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority;</p> <p>(iv) Completion of analysis, preparation of site archive ready for deposition at a store approved by the Planning Authority, production of an archive report, and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Local Planning Authority.</p> <p>Reason: To secure the provision of the investigation and recording of archaeological remains and the reporting and dissemination of the results in accordance with Policy LP19 of the Fenland Local Plan Adopted May 2014.</p> <p>A pre-commencement condition is necessary in order to ensure that any material of historic merit is not lost or destroyed through the development which will need to be established at construction stage.</p>
11.	<p>The details submitted in accordance with Condition 1 for each phase as of this permission shall include:</p> <p>a) An Arboricultural Impact Assessment in accordance with BS5837: 2012 and an Arboricultural Method Statement for the protection of trees and hedges during construction; and b) A landscape scheme which shall include:</p> <p>i) a plan(s) showing the planting layout of proposed tree, hedge, shrub and grass areas;</p> <p>ii) a schedule of proposed planting - indicating species, size at time of planting and numbers/densities of plants;</p> <p>iii) a written specification for root barriers and other measures to be used to ensure new planting, and retained trees and hedges are protected from damage before and during the course of development;</p> <p>iv) proposed finished levels or contours;</p> <p>v) means of enclosure and boundary treatments; and</p> <p>vi) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.</p> <p>Reason: To ensure the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area and to protect the character of the site and in accordance with Policy LP16 of the Local Plan.</p>
12.	<p>No development shall take place in each respective phase until full details of an Ecological Mitigation and Enhancement Strategy based on up-to-date survey information is submitted to and approved in writing by the Local Planning Authority. The details shall include:</p> <p>i) updated ecological surveys including a dedicated bat survey;</p> <p>ii) a review of the site's ecological constraints and potential;</p> <p>iii) a description of target habitats and range of species appropriate for the site;</p> <p>iv) extent and location of proposed works;</p> <p>v) details of precautionary and protection measures to ensure protected species and retained habitats are not harmed during and after construction;</p> <p>vi) appropriate strategies for creating/restoring target habitats or introducing target species;</p> <p>vii) method statement for site preparation and establishment of target features;</p> <p>viii) sources of habitat materials (e.g. plant stock); and</p> <p>ix) timing of the works.</p> <p>The Ecological Mitigation and Enhancement Strategy shall be implemented in accordance with the approved details.</p> <p>Reason: To protect the habitats of protected species in accordance with Policy LP19 of the Fenland Local Plan Adopted May 2014.</p> <p>A pre-commencement condition is necessary in order to ensure that biodiversity is</p>

	carefully managed to avoid unmitigated loss or destruction of habitat through the development which will need to be established at construction stage.
13.	<p>The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (JPP Consulting R-FRA-9364M-01-0, December 2017) and the following mitigation measures detailed within the FRA:</p> <ol style="list-style-type: none"> <li>1. No built development, other than the access road, below the 5m contour shown on drawings FRA02, Rev E and the plan entitled 'Showfields, Whittlesey Revised Masterplan (Plan 5) September 2014'.</li> <li>2. Provision of compensatory flood storage as set out on Section 3.8 of the FRA and shown on drawings FRA13 Rev C.</li> <li>3. Finished floor levels are to be set no lower than 5.3m above Ordnance FRADatum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.</li> </ol> <p>Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to reduce the risk of flooding to the proposed development and future occupants and in accordance with Policy LP14 of the Local Plan.</p>
14.	<p>Prior to or concurrently with the submission of the first reserved matters application a site wide surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1% plus climate change allowance critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:</p> <ol style="list-style-type: none"> <li>(i) Appropriate mitigation arrangements in the event the surface water drainage system is flood locked when Whittlesey Washes are in use and avoidance of pumping at other times</li> <li>(ii) Consideration of overland flow routes ("Designing for Exceedance")</li> <li>(iii) Accommodation of the existing network of drains and ditches on the site to ensure that existing development continues to drain effectively</li> <li>(iv) Details of how the scheme shall be maintained and managed after completion</li> </ol> <p>Reason:</p> <ol style="list-style-type: none"> <li>1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.</li> <li>2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.</li> <li>3. To reduce the risk of flooding to the proposed development and future occupants and in accordance with Policy LP14 of the Local Plan.</li> </ol>
15.	<p>Prior to or concurrently with the submission of each Reserved Matters phase (unless otherwise agreed in writing by the Local Planning Authority), a detailed surface water drainage scheme for that reserved matters area shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how the management of surface water within the reserved matters area for which approval is sought accords with the approved details of the "site-wide surface water drainage strategy approved under condition 14.</p>



	<p>The scheme shall demonstrate how it relates to the schemes for the other construction phases that have been granted reserved matters approval (where relevant). The scheme shall be fully implemented in accordance with the approved details and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.</p> <p>Reason:</p> <ol style="list-style-type: none"> <li>1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.</li> <li>2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.</li> <li>3. To reduce the risk of flooding to the proposed development and future occupants and in accordance with Policy LP14 of the Local Plan.</li> </ol>
16.	<p>Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) are to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted.</p> <p>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.</p> <p>Reason: To prevent the increased risk of flooding on and off the site and in accordance with Policy LP14 of the Local Plan.</p>
17.	<p>Prior to or concurrently with the submission of each Reserved Matters phase (unless otherwise agreed in writing by the Local Planning Authority), a scheme and timetable for the provision and implementation of foul water drainage for that reserved matters area shall be submitted and approved in writing by the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme and thereafter retained in perpetuity.</p> <p>Reason: To prevent environmental and amenity problems arising from flooding and in accordance with Policy LP14 of the Local Plan.</p>
18.	<p>Prior to the commencement of development in each phase, a Construction Environmental Management Plan (CEMP) for the relevant 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 &amp; Peterborough Minerals and Waste Core Strategy (2011) and Waste Hierarchy when completed. The CEMP shall include the consideration of the following aspects of construction:</p> <ol style="list-style-type: none"> <li>a) Construction phasing programme</li> <li>b) 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 parking for contractors and construction workers</li> <li>c) Construction hours</li> <li>d) Delivery times for construction purposes</li> <li>e) Soil Management Strategy including a method statement for the stripping of top soil for reuse; the raising of land levels (if required); and arrangements (including height and location of stockpiles) for temporary topsoil and subsoil storage to BS3883:2007</li> <li>f) Noise monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS 5228 (1997)</li> </ol>

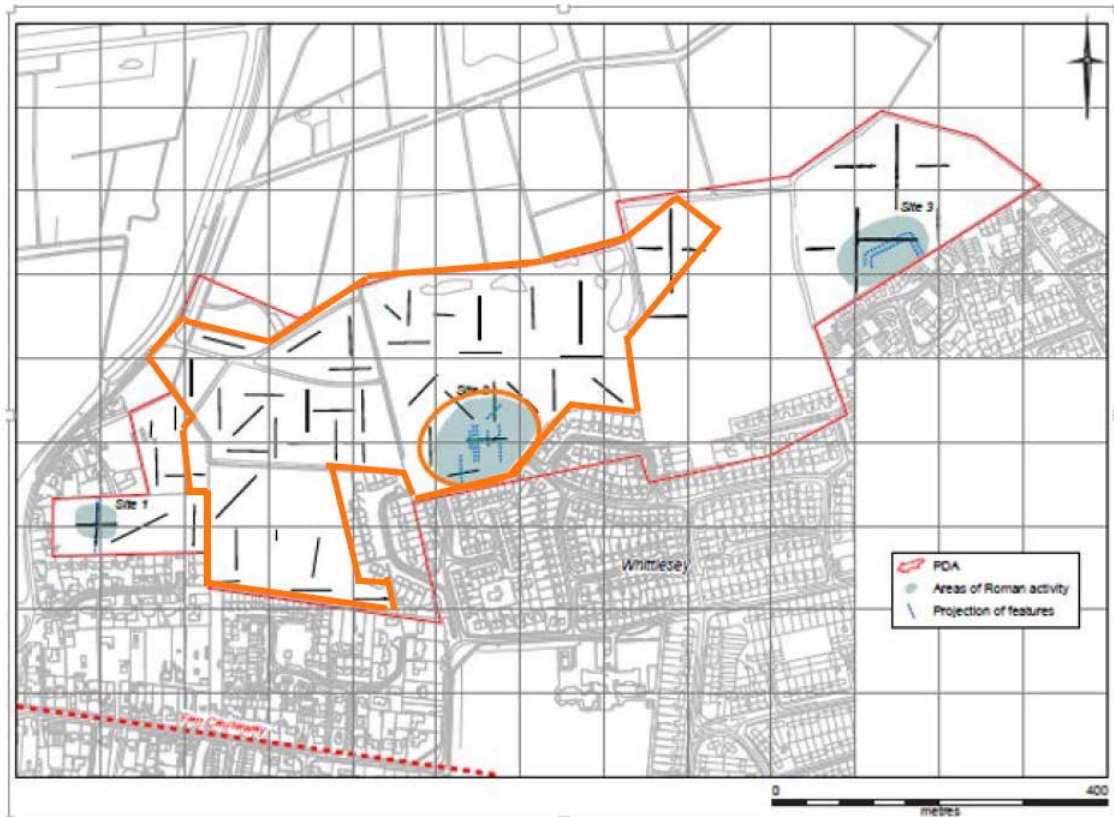
	<p>g) Maximum noise mitigation levels for construction equipment, plant and vehicles  h) Vibration monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS 5228 (1997)  i) Setting maximum vibration levels at sensitive receptors  j) Dust management and wheel washing measures to prevent the release of dusts into the local environment and deposition of debris on the highway  k) Site lighting  l) Drainage control measures including the use of settling tanks, oil interceptors and bunds  m) Screening and hoarding details  n) Access and protection arrangements around the site for pedestrians, cyclists and other road users  o) Procedures for interference with public highways, (including public rights of way), permanent and temporary realignment, diversions and road closures.  p) Liaison, consultation and publicity arrangements including dedicated points of contact  q) Consideration of sensitive receptors  r) Prior notice and agreement procedures for works outside agreed limits  s) Complaints procedures, including complaints response procedure  t) Location of Contractors compound and method of moving materials, plant and equipment around the site.</p> <p>Each Construction Environmental Management Plan shall be implemented upon commencement of development of each relevant phase in accordance with the agreed details, unless minor amendments to the plan are otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure the environmental impact of the construction of the development is adequately mitigated and in the interests of the amenity of nearby residents/occupier in accordance with Policy LP16 of the Fenland Local Plan.</p> <p>A pre-commencement condition is necessary in order to ensure that the construction processes are managed so as to avoid harm to residential amenity and the highway network.</p>
19.	<p>Prior to the commencement of development of each phase, 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:</p> <p>a) Construction waste infrastructure including a construction material recycling facility to be in place during all phases of construction  b) anticipated nature and volumes of waste and measures to ensure the maximisation of the reuse of waste.  c) 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.  d) any other steps to ensure the minimisation of waste during construction  e) the location and timing of provision of facilities pursuant to criteria a/b/c/d.  f) proposed monitoring and timing of submission of monitoring reports.  g) 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.  h) a RECAP Waste Management Guide toolkit shall be completed, with supporting reference material  i) proposals for the management of municipal waste generated during the 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.</p>

	<p>The Detailed Waste Management and Minimisation Plan shall be implemented in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>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 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.</p> <p>A pre-commencement condition is necessary in order to ensure that waste material is adequately managed at the point of the construction process.</p>
20.	<p>No development within each respective phase shall commence until;</p> <p>(i) a plan showing the extent of the road and cycle network within that phase which is to be adopted by the local highway authority, and</p> <p>(ii) a scheme for the construction and long term management of any development roads, parking courts and footpaths / cyclepaths within that phase which are not to be publicly adopted has been submitted to and approved in writing by the local planning authority.</p> <p>The scheme shall include:</p> <ul style="list-style-type: none"> <li>- road and footway cross-sections showing their levels and construction;</li> <li>- details of lighting (detailing illumination levels within those areas and the style of any lighting columns and luminaires to be used);</li> <li>- the provision to be made for access to these roads by local authority refuse collection vehicles or alternative arrangements for collection.</li> </ul> <p>All roads and footways linking the dwellings of each respective phase to the adopted highway shall be constructed to at least binder course level prior to the first occupation of any dwelling within that phase unless an alternative timetable and scheme has been approved in writing by the local planning authority.</p> <p>The development shall be carried out in accordance with the approved details.</p> <p>Reason: In the interests of highway safety and to ensure the appropriate infrastructure is provided in a timely manner in accordance with Policy LP15 of the Fenland Local Plan 2014.</p> <p>A pre-commencement condition is necessary in order to ensure that the intended road layouts proposed to be adopted are acceptable or would be adequately managed where unadopted which will need to be established at construction stage.</p>
21.	<p>The gradient of any vehicular access shall not exceed 1:12 for a minimum distance of 5.0m into the site as measured from the near edge of the highway carriageway.</p> <p>Reason: In the interests of highway safety and to ensure the appropriate infrastructure is provided in a timely manner in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
22.	<p>Prior to the first occupation of any dwelling within each phase, the vehicular access to that dwelling where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.</p> <p>Reason: In the interests of highway safety and to ensure satisfactory access to properties in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
23.	<p>Prior to the first occupation of each phase, a Travel Plan (to include proposals for the appointment of a Travel Plan Co-ordinator) shall be submitted to and approved in</p>

	<p>writing by the Local Planning Authority. The Travel Plan should include the following elements:</p> <ul style="list-style-type: none"> <li>- Distribution of 'Household Travel Packs', to all residents on first occupation</li> <li>- New residents invited to travel induction sessions</li> <li>- New residents offered personalised travel plans and advice by the Travel Plan Coordinator</li> <li>- Provision of a community travel web site and e-notice boards by the Travel Plan Coordinator updated as necessary</li> <li>- Establish "Bus Buddy" database to encourage public transport usage</li> <li>- Establish adult cycle training classes, to improve cycle proficiency and to raise awareness on basic cycle repair and maintenance</li> <li>- Establish walking and cycling buddy schemes.</li> <li>- Establish site wide car share database</li> <li>- Provision of regular updated travel information by the Travel Plan Coordinator</li> <li>- Promotion and awareness raising packages by the Travel Plan Coordinator</li> <li>- Coordination of appropriate reviews and monitoring of the success of the Travel Plan with CCC Highway Authority</li> <li>- Promotion and awareness raising packages by the Travel Plan Coordinator</li> <li>- A timetable for implementation</li> </ul> <p>The Travel Plan shall be implemented as approved.</p> <p>Reason: To ensure that the development encourages the use of sustainable modes of transport by residents, employers, work forces, school children, staff, and their visitors and to reduce offsite traffic impacts in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
24.	<p>No development above slab level within a development phase shall take place until details for the provision of fire hydrants has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before any dwelling within the respective development phase is occupied.</p> <p>Reason: To ensure a satisfactory form of development and in accordance with Policy LP16 of the Local Plan.</p>
25.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents;</p> <ul style="list-style-type: none"> <li>-Location Plan</li> <li>-Proposed Access off East Delph - 4801/13/04</li> <li>-East bound forward visibility - 10000/03/76</li> <li>-Access cut and fill analysis</li> <li>-Flood Risk Assessment (FRA) (JPP Consulting R-FRA-P5617T-08 issue 7, April 2015)</li> <li>- Report on frequency of flooding on East Delph Road</li> </ul>
26.	SEE APPENDIX 1 ATTACHED (re: Condition 10)

## Appendix 1 –

Orange circle denoted areas for archaeological excavation for planning ref: F/YR17/1231/VOC (outlined in orange on former application area)



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Town and Country Planning Act 1990

**PLANNING DECISION NOTICE**

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**1 Details of the application**

Reference: F/YR15/0134/O  
Registered: 19 February 2015

Applicant: Showfields Ltd

Agent: Mr Mark Flood  
Insight Town Planning Ltd  
Harborough Innovation Centre  
Leicester Road  
Market Harborough  
Leicestershire LE16 7WB

**2 Address to which this permission relates**

**Land North Of Whittlesey East of East Delph Whittlesey Cambridgeshire**

**3 Details of this decision**

Permission is **GRANTED** to carry out the **Hybrid application: Outline application for the erection of 220 dwellings (max) with access, public open space and associated works/infrastructure. Full application for the engineering works associated with the formation of the vehicular access road off B1040 East Delph** in accordance with the details set out below.

**4 Conditions**

This permission is subject to the following conditions:

- 1 Approval of the details of:
  - i. the layout of the site;
  - ii. the scale of the building(s);
  - iii. the external appearance of the building(s);
  - iv. the landscaping

(hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of development).

Reason - To enable the Local Planning Authority to control the details of the development hereby permitted.

- 2 Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 The East Delph site access junction shall be completed in accordance with the approved plan prior to commencement of the development. The works shall thereafter be completed in accordance with the approved details and programme.

Reason - In the interests of highway safety and to ensure that the appropriate infrastructure is provided in a timely manner in accordance with Policy LP15 of the Fenland Local Plan 2014.

- 5 Full detail design drawings and a programme of implementation for the Teal Road site access junction and Otago Road pedestrian and cycle access shall form part of the future reserved matters submission. The works shall thereafter be completed in accordance with the approved details and programme.

Reason - In the interests of highway safety and to ensure that the appropriate infrastructure is provided in a timely manner in accordance with Policy LP15 of the Fenland Local Plan 2014.

- 6 The reserved matters shall include traffic calming measures to control vehicle speeds as part of the design, layout and construction details of any principal highway within the development linking Teal Road and East Delph; and the traffic calming measures shall be fully implemented prior to first occupation of the development hereby approved and retained thereafter.

Reason - In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

- 7 No development shall take place until details of Flood Warning Signs to be located to the south of the East Delph site access have been submitted to, and approved in writing by, the Local Planning Authority. The works shall thereafter be completed in accordance with the agreed details and programme.

Reason - In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

**Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.**

**The additional information required by this condition is considered necessary to make the development acceptable in planning terms.**

- 8 Prior to the commencement of the development hereby approved a scheme and timetable to deal with contamination of land and/or groundwater shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall then be implemented on site in accordance with the approved timetable.

The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

a) A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. This should include a conceptual model, and pollutant linkage assessment for the site. Two full copies of the desk-top study and a non-technical summary shall be submitted to and approved in writing by the Local Planning Authority.

IF during development any previously unsuspected contamination is discovered then the Local Planning Authority must be informed immediately. A contingency plan for this situation must be in place and submitted with the desk study. If a desk study indicates that further information will be required to grant permission then the applicant must provide, to the Local Planning Authority:

b) A site investigation and recognised risk assessment carried out by a competent person, to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:

(i) A desk-top study has been completed, satisfying the requirements of paragraph (a) above.

(ii) The requirements of the Local Planning Authority for site investigations have been fully established, and

(iii) The extent and methodology have been submitted to and approved in writing by the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to and approved in writing by the Local Planning Authority.

Following written LPA approval of the Site Investigation the LPA will require:

c) A written method statement for the remediation of land and/or groundwater contamination affecting the site. This shall be based upon the findings of the site investigation and results of the risk assessment. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

d) The provision of two full copies of a completion report confirming the objectives, methods, results and conclusions of all remediation works, together with any requirements for longer-term monitoring proposals shall be submitted to and approved in writing by the Local Planning Authority. This should also include any contingency arrangements.

Reason - To control pollution of land or water in the interests of the environment and public safety and in accordance with Policy LP16 of the Local Plan.

**Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.**

**The additional information required by this condition is considered necessary to make the development acceptable in planning terms.**

- 9 No development shall take place within the area indicated (this would be the area of archaeological interest) 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. This written scheme will include the following



components, completion of each of which will trigger the phased discharging of the condition:

- (i) Approval of a Written Scheme of Investigation;
- (ii) Fieldwork in accordance with the agreed Written Scheme of Investigation;
- (iii) Completion of a Post-Excavation Assessment report and approval of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority;
- (iv) Completion of analysis, preparation of site archive ready for deposition at a store approved by the Planning Authority, production of an archive report, and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Local Planning Authority.

Reason - To secure the provision of the investigation and recording of archaeological remains and the reporting and dissemination of the results in accordance with Policy LP19 of the Fenland Local Plan Adopted May 2014.

**Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.**

**The additional information required by this condition is considered necessary to make the development acceptable in planning terms.**

- 10 The details submitted in accordance with condition 1 of this permission shall include:
- a) An Arboricultural Impact Assessment in accordance with BS5837: 2012 and an Arboricultural Method Statement for the protection of trees and hedges during construction; and
  - b) A landscape scheme which shall include:
    - i) a plan(s) showing the planting layout of proposed tree, hedge, shrub and grass areas;
    - ii) a schedule of proposed planting - indicating species, size at time of planting and numbers/densities of plants;
    - iii) a written specification for root barriers and other measures to be used to ensure new planting, and retained trees and hedges are protected from damage before and during the course of development;
    - iv) proposed finished levels or contours;
    - v) means of enclosure and boundary treatments; and
    - vi) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

Reason - To ensure the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area and to protect the character of the site and in accordance with Policy LP16 of the Local Plan.

- 11 No development shall take place until full details of an Ecological Mitigation and Enhancement Strategy based on up-to-date survey information is submitted to and approved in writing by the Local Planning Authority. The details shall include:
- i) updated ecological surveys including a dedicated bat survey;
  - ii) a review of the site's ecological constraints and potential;

- iii) a description of target habitats and range of species appropriate for the site;
- iv) extent and location of proposed works;
- v) details of precautionary and protection measures to ensure protected species and retained habitats are not harmed during and after construction;
- vi) appropriate strategies for creating/restoring target habitats or introducing target species;
- vii) method statement for site preparation and establishment of target features;
- viii) sources of habitat materials (e.g. plant stock); and
- ix) timing of the works.

The Ecological Mitigation and Enhancement Strategy shall be implemented in accordance with the approved details.

Reason - To protect the habitats of protected species in accordance with Policy LP19 of the Fenland Local Plan Adopted May 2014.

**Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.**

**The additional information required by this condition is considered necessary to make the development acceptable in planning terms.**

- 12 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (JPP Consulting R-FRA-P5617T-08 issue 7, April 2015) and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 1% plus climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site as set out in Section 5 of the FRA.

2. No built development, other than the access road, below the 5m contour shown on drawings FRA02, Rev E and the Showfields, Whittlesey Illustrative Masterplan January 2015.

3. Provision of compensatory flood storage as set out on Section 4.10.2 of the FRA and shown on drawings FRA13 Rev A.

4. Finished floor levels are to be set no lower than 5.3m above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: 1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

3. To reduce the risk of flooding to the proposed development and future occupants and in accordance with Policy LP14 of the Local Plan.

- 13 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by

the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1% plus climate change allowance critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- o Appropriate mitigation arrangements in the event the surface water drainage system is flood locked when Whittlesey Washes are in use and avoidance of pumping at other times
- o Consideration of overland flow routes ("Designing for Exceedance")
- o Accommodation of the existing network of drains and ditches on the site to ensure that existing development continues to drain effectively
- o Details of how the scheme shall be maintained and managed after completion

Reason - To prevent the increased risk of flooding on and off the site and in accordance with Policy LP14 of the Local Plan.

**Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.**

**The additional information required by this condition is considered necessary to make the development acceptable in planning terms.**

- 14 Prior to the commencement of any development, a scheme and timetable for the provision and implementation of foul water drainage shall be submitted and approved in writing by the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme and thereafter retained in perpetuity.

Reason - To prevent environmental and amenity problems arising from flooding and in accordance with Policy LP14 of the Local Plan.

**Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.**

**The additional information required by this condition is considered necessary to make the development acceptable in planning terms.**

- 15 Prior to the commencement of the development a scheme and timetable for the provision of fire hydrants to serve the development shall be submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme before any dwelling is occupied.

Reason - To ensure a satisfactory form of development and in accordance with Policy LP16 of the Local Plan.

**Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.**

**The additional information required by this condition is considered necessary to make the development acceptable in planning terms.**

16 Prior to the commencement of development or any reserved matters approval, a site wide Construction Environmental Management Plan (CEMP), 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) Site wide construction and phasing programme
- b) 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 parking for contractors and construction workers
- c) Construction hours
- d) Delivery times for construction purposes
- e) Soil Management Strategy including a method statement for the stripping of top soil for reuse; the raising of land levels (if required); and arrangements (including height and location of stockpiles) for temporary topsoil and subsoil storage to BS3883:2007
- f) Noise monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS 5228 (1997)
- g) Maximum noise mitigation levels for construction equipment, plant and vehicles
- h) Vibration monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS 5228 (1997)
- i) Setting maximum vibration levels at sensitive receptors
- j) Dust management and wheel washing measures to prevent the deposition of debris on the highway
- k) Site lighting
- l) Drainage control measures including the use of settling tanks, oil interceptors and bunds
- m) Screening and hoarding details
- n) Access and protection arrangements around the site for pedestrians, cyclists and other road users
- o) Procedures for interference with public highways, (including public rights of way), permanent and temporary realignment, diversions and road closures.
- p) External safety and information signing and notices
- q) Liaison, consultation and publicity arrangements including dedicated points of contact
- r) Consideration of sensitive receptors
- s) Prior notice and agreement procedures for works outside agreed limits
- t) Complaints procedures, including complaints response procedures  
Membership of the Considerate Contractors Scheme
- u) Location of Contractors compound and method of moving materials, plant and equipment around the site

The Construction Environmental Management Plan shall be implemented in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the environmental impact of the construction of the development is adequately mitigated and in the interests of the amenity of nearby residents/occupiers in accordance with Policy LP16 of the Fenland Local Plan 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.

**Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.**

**The additional information required by this condition is considered necessary to make the development acceptable in planning terms.**

- 17 Prior to the commencement of development or any reserved matters approval, 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:
- a) Construction waste infrastructure including a construction material recycling facility to be in place during all phases of construction
  - b) anticipated nature and volumes of waste and measures to ensure the maximisation of the reuse of waste.
  - c) 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.
  - d) any other steps to ensure the minimisation of waste during construction
  - e) the location and timing of provision of facilities pursuant to criteria a/b/c/d.
  - f) proposed monitoring and timing of submission of monitoring reports.
  - g) 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.
  - h) a RECAP Waste Management Guide toolkit shall be completed, with supporting reference material
  - i) proposals for the management of municipal waste generated during the 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, unless otherwise agreed in writing by the Local Planning Authority.

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 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.

**Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.**

**The additional information required by this condition is considered necessary to make the development acceptable in planning terms.**

- 18 The development hereby permitted shall be carried out in accordance with the following approved plans and associated documents:
- Application forms dated 19 February 2015 and 26 February 2015

- Location Plan (titled Extended Masterplan February 2015) dated 19 February 2015

Reason - In the interests of proper planning and for the avoidance of doubt.

- 19 The development permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 20 Prior to the first occupation of each dwelling the roads and footways linking the dwelling to the adopted highway shall be constructed to at least binder course level in accordance with a detailed scheme to be approved in writing by the Local Planning Authority and such a scheme shall include levels, forms of construction, street lighting systems and surface water drainage.

Reason - In the interests of highway safety and to ensure the appropriate infrastructure is provided in a timely manner in accordance with Policy LP15 of the Fenland Local Plan 2014.

**Please note this condition requires action prior to the occupation of the development. Please read this condition carefully and ensure that you comply in full.**

- 21 No part of any structure shall overhang or encroach under or upon the public highway and no gate/door/ground floor window shall open outwards over the public highway.

Reason - In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

- 22 The proposed new highway boundary(ies) shall be marked out on site prior to commencement of construction of any part of the development fronting the highway.

Reason - To prevent any building being constructed within the proposed highway boundary in accordance with Policy LP15 of the Fenland Local Plan 2014.

**Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.**

**The additional information required by this condition is considered necessary to make the development acceptable in planning terms.**

- 23 The gradient of any vehicular access shall not exceed 1:12 for a minimum distance of 5.0m into the site as measured from the near edge of the highway carriageway.

Reason - In the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.

- 24 Prior to the first occupation of any dwelling within the development the vehicular access to that dwelling where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

Reason - In the interests of highway safety and to ensure satisfactory access into the site in accordance with Policy LP15 of the Fenland Local Plan 2014.

- 25 Prior to first occupation of the development, a Travel Plan (to include proposals for the appointment of a Travel Plan Co-Ordinator) shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan should include the following elements:
- o Distribution of 'Household Travel Packs', to all residents on first occupation
  - o New residents invited to travel induction sessions
  - o New residents offered personalised travel plans and advice by the Travel Plan Coordinator
  - o Provision of a community travel web site and e-notice boards by the Travel Plan Coordinator updated as necessary
  - o Establish "Bus Buddy" database to encourage public transport usage
  - o Establish adult cycle training classes, to improve cycle proficiency and to raise awareness on basic cycle repair and maintenance
  - o Establish walking and cycling buddy schemes.
  - o Establish site wide car share database
  - o Provision of regular updated travel information by the Travel Plan Coordinator
  - o Promotion and awareness raising packages by the Travel Plan Coordinator
  - o Coordination of appropriate reviews and monitoring of the success of the Travel Plan with CCC Highway Authority
  - o Promotion and awareness raising packages by the Travel Plan Coordinator

The Travel Plan shall be implemented as approved.

Reason - In the interests of maintaining highway efficiency and safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

**Please note this condition requires action prior to the occupation of the development. Please read this condition carefully and ensure that you comply in full.**

- 26 No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - v. wheel washing facilities
  - vi. measures to control the emission of dust and dirt during construction
  - vii. a scheme for recycling/disposing of waste resulting from construction works

Reason - In order to avoid hazard and obstruction being caused to users of the public highway and in the interest of public safety and amenity in accordance with Policy LP15 of the Fenland Local Plan 2014.

**Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.**

**The additional information required by this condition is considered necessary to make the development acceptable in planning terms.**

- 27 The development hereby permitted shall be carried out in accordance with the following approved plans and documents

Reference	Title
	Application form
	Access cut and fill analysis
10000/03/76	East bound forward visibility
	Report on frequency of flooding on East Delph Road
171104-DRA	Location Plan
4801/13/04	Proposed Access off East Delph

Reason - For the avoidance of doubt and in the interest of proper planning.

## 5 Informatives

The following points are also relevant to this notice:

- 1 Compliance with S.I. 2012 No. 2274

The application has been approved as it broadly accords with the policies of the Development Plan. The policies themselves have been sufficiently explicit to guide the submitted application so that acceptable plans and information have been provided, and an approval has been forthcoming.

- 2 The details supplied in respect of conditions 4 and 5 shall be suitable for the submission of a Stage 2 Road Safety Audit and it is recommended that the applicant engage with the Local Highway Authority in this regard.
- 3 You are reminded that this project may require approval under Building Regulations prior to work commencing. It is recommended that you make enquiries in this respect direct to CNC working in partnership with the Local Authority Building Control Team (0808 1685041 or E-mail: [enquiries.kl@cncbuildingcontrol.gov.uk](mailto:enquiries.kl@cncbuildingcontrol.gov.uk)).
- 4 For monitoring purposes the development is considered to be in or adjacent to the settlement as set down in Policy LP4 of the Fenland Local Plan 2014.
- 5 Please see Section 106 Planning Obligation dated 29 February 2016.
- 6 Prior to the occupation of a dwelling a bin charge is payable in accordance with the leaflet found at <http://www.fenland.gov.uk/CHttpHandler.ashx?id=2330&p=0>

Please contact [environmentalservicerequests@fenland.gov.uk](mailto:environmentalservicerequests@fenland.gov.uk) for further information.



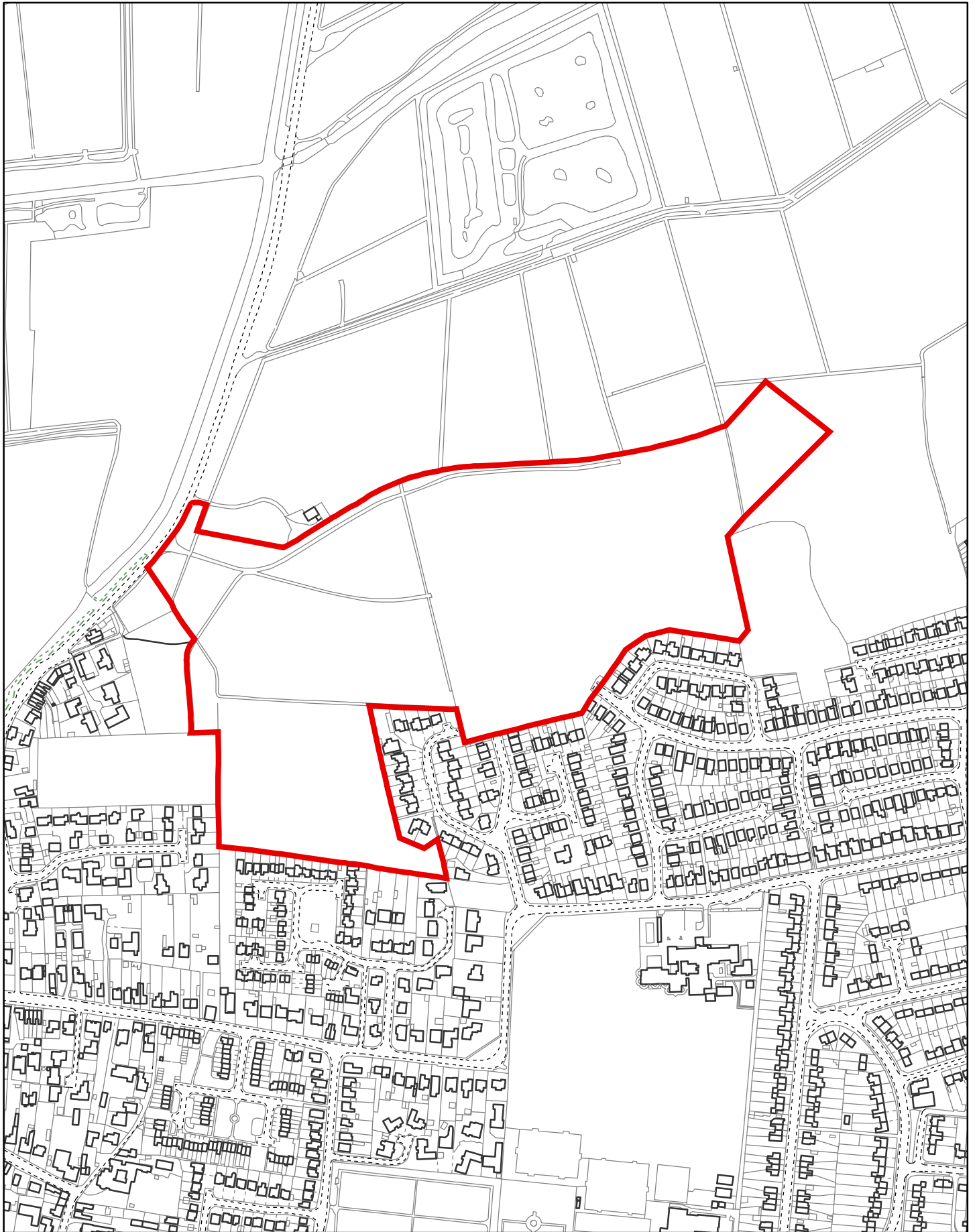
## 6 Authorisation

Authorised by: Nick Harding  
Head of Planning

Date the decision was made: 29 February 2016

Fenland District Council  
Development Services  
County Road  
March  
Cambridgeshire  
PE15 8NQ

Phone: 01354 654321  
E-mail: [planning@fenland.gov.uk](mailto:planning@fenland.gov.uk)



Created on: 05/01/2018

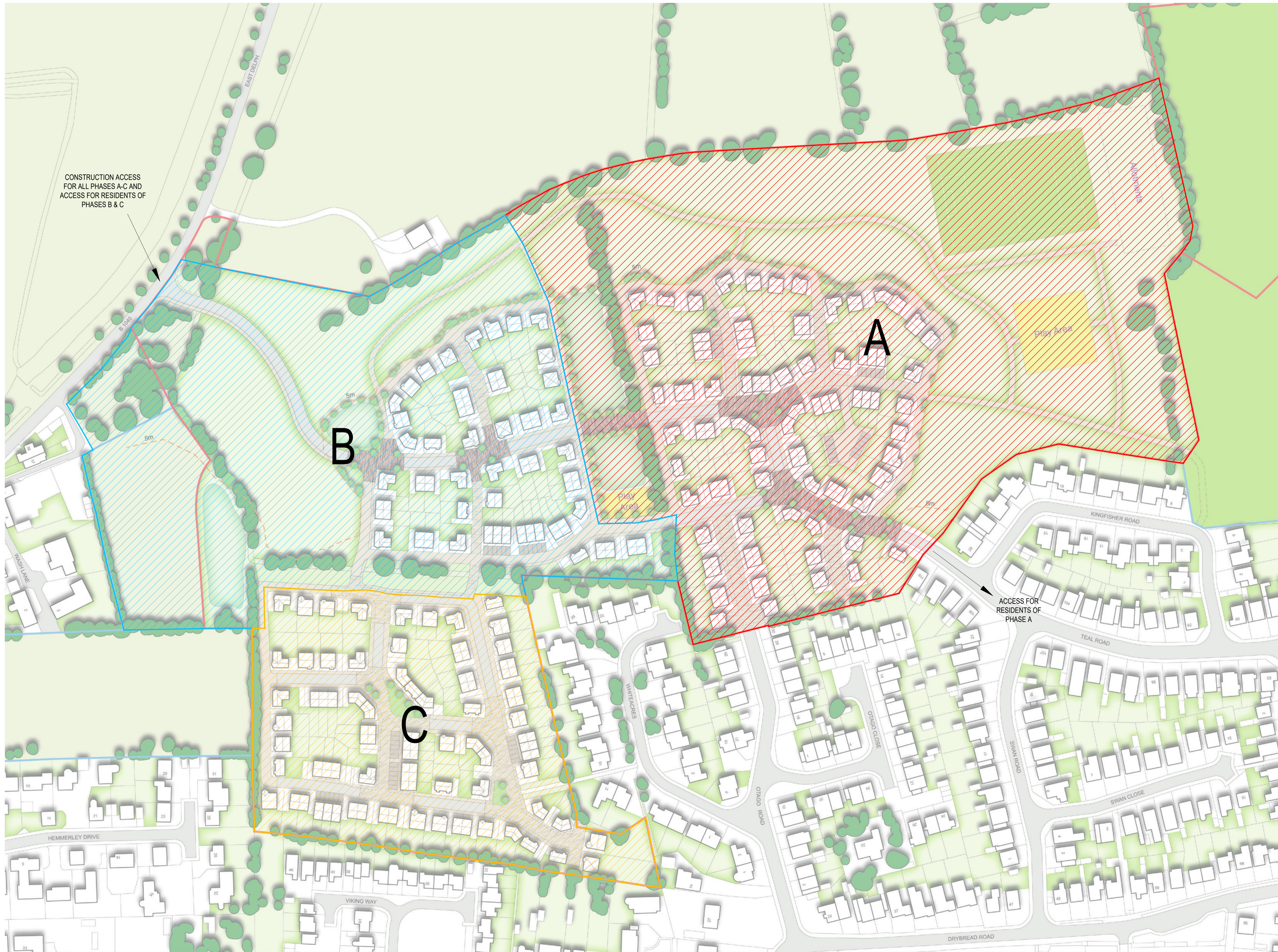
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**F/YR17/1231/VOC**

Scale = 1:5,000







CONSTRUCTION ACCESS FOR ALL PHASES A-C AND ACCESS FOR RESIDENTS OF PHASES B & C

ACCESS FOR RESIDENTS OF PHASE A

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 The contractor is to check and verify all dimensions and levels prior to work commencing. The contractor is to comply with all current Building Legislation whether or not specifically stated on this drawing.  
 This drawing must be read with and checked against all relevant Engineers drawings and all other specialist information provided.  
 Planning proposals are for illustrative purposes only and as such are subject to detailed site investigation. Planning proposals may be based on enlargements of OS Sheets and estimations of existing site features and will therefore need to be verified by a site survey.  
 Do not scale. Only figured dimensions to be worked to.  
 Any discrepancies are to be reported to LMR Designs immediately.

**notes**

**KEY:**

- AREA A
- AREA B
- AREA C

rev.	detail	by	date
-	-	-	-

**LMR designs**  
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client **Ashby House**

site **The Showfields, Whittlesey**

drawing title **Indicative Phasing Plan**

drafted by: SA	checked LMR
scale 1:1000 @A1	date October 2017
drawing number <b>017 - 058 - 002</b>	revision -

1:2500	0	1	50m	100m
1:1250	0	1	25m	50m
1:500	0	5m	10m	20m
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