
MAIN CASE

Reference No: 17/00363/OUM

Proposal: Outline planning application for residential development with all matters reserved

Site Address: Land North of 17- 45 Toyse Lane, Burwell

Applicant: Barton Willmore

Case Officer: Barbara Greengrass, Senior Planning Officer

Parish: Burwell

Ward: Burwell

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

Date Received: 8 March 2017 **Expiry Date:** 10 August 2017

[S72]

1.0 RECOMMENDATION

1.1 Members are requested to REFUSE planning permission for the following reasons:

1. The application site is located on undeveloped land at the northern edge of the village of Burwell, which currently makes a positive contribution to the setting of the village. Due to the existing landscape features and topography, the site will be clearly visible. The proposal will further elongate the built form of the settlement, eroding the rural edge of Burwell, which is characterised by single storey dwellings adjacent to Ness Road and existing areas of landscaping. This boundary forms part of a transitional zone between the main built up part of the settlement to the countryside beyond. The proposed development of this land would result in a significant adverse effect on the setting of the village and to the character and appearance of the countryside, contrary to Policy ENV1 of the East Cambridgeshire Local Plan 2015 and inconsistent with the Burwell Master Plan which informed the Local Plan vision for Burwell. It would also be contrary to the guidance contained within paragraphs 14 and 17 and paragraph 109 of the National Planning Policy Framework which states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

2. The Local Planning Authority consider that it has not been satisfactorily demonstrated that the proposed means of access would not present a danger to highway safety and the wider highway network, in terms of its location and impact on the wider road network. There is insufficient evidence/information to demonstrate that the proposed means of access would be appropriate and acceptable. It is not possible to assess the transport impact of the proposed development in the absence of the required information in the Transport Assessment. The application therefore fails to comply with the requirements of Policies ENV 2 and COM 7 of the East Cambridgeshire Local Plan 2015 and paragraph 32 of the National Planning Policy Framework.
3. The Local Planning Authority consider that it has not been satisfactorily demonstrated that there will be no increased risk of flooding as a result of this development. The Flood Risk Assessment proposes the use of soakaways on the site as a means of surface water disposal. In the absence of site-specific infiltration testing there is insufficient information to determine whether soakaways will be appropriate for the disposal of surface water. The use of soakaways in inappropriate soils may increase the risk of flooding from surface water. The proposal is therefore contrary to Policy ENV 8 of the East Cambridgeshire Local Plan 2015, the Cambridgeshire Flood and Water SPD and Section 10 of the NPPF.
4. The proposed pedestrian link onto Toyse lane would provide for an unsafe route with no natural surveillance such that is likely to result in an unattractive and unused route, where crime and disorder and the fear of crime would undermine quality of life contrary to Policy ENV 2 and COM 7 of the East Cambridgeshire Local Plan 2015 and paragraphs 35, 58 and 69 of the NPPF.
5. The proposed development, particularly when considered cumulatively with the proposed housing allocation for Burwell and the recent approvals for housing development, would result in an unsustainable amount of residential development, which would outstrip the modest increase in employment provision envisaged for Burwell and place significantly increased pressure on local infrastructure. The lack of employment, retail and leisure opportunities within the village would result in an unsustainable pattern of development, encouraging high levels of out commuting by private vehicle, contrary to Policy COM7 of the East Cambridgeshire Local Plan 2015 and paragraphs 34 and 35 of the NPPF. The development would also be contrary to the environmental strand of achieving sustainable development in the NPPF (paragraph 7 and 95) as the location would lead to a car dependant development. It is considered that these adverse effects would significantly and demonstrably outweigh any benefit the development would bring in terms of helping to address the housing supply shortfall for the District.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline planning approval for residential development with all matters reserved. However the illustrative framework plan submitted with the application shows an access provision onto Chestnut Rise and it is assumed for the purposes of assessing this development proposal that it will be from this position.

- 2.2 The precise number and layout of dwellings has not been provided but the initial Illustrative Masterplan illustrates that the site can accommodate residential development whilst allowing for an area of open space and planting around the perimeter. The applicant advises that on a density of up to 35 dwellings per hectare this would mean that the site would accommodate approximately 73 dwellings.
- 2.3 It is proposed that an area of open space is provided centrally within the site with an area made available for a children's play area.
- 2.4 The scale of the development is a reserved matter, but the applicant has advised that in order to ensure that the surrounding views are preserved, the height of the dwellings would be a maximum of two storeys.
- 2.5 The submission proposes a pedestrian link onto Toyse Lane in the south west corner of the site exiting onto Toyse Lane adjoining Number 17.
- 2.6 The application is supported by the following documents:
- Design and Access Statement;
 - Flood Risk Assessment;
 - Extended Phase 1 Habitat Survey;
 - Tree Survey;
 - Transport Assessment;
 - Travel Plan;
 - Landscape and Visual Appraisal;
 - Archaeological Assessment;
 - Affordable Housing Statement;
 - Local Services Sustainability Assessment;
 - Statement of Community Involvement;
 - Utilities Assessment;
 - OAHN Assessment; and
 - Economic Benefits Statement
- 2.7 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.8 This application is being brought to Committee under the terms of the Constitution.

3.0 **PLANNING HISTORY**

- 3.1
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|--------------|--|-----------|
| 14/00692/OUM | Outline application for up to 125 dwellings, new access from Ness Road and 2.6ha of public open space. | Withdrawn |
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4.0 **THE SITE AND ITS ENVIRONMENT**

- 4.1 The site is located outside the development envelope of Burwell located on the north edge of the village bounded by existing gardens of adjacent residential properties in Toyse Lane to the south, and Apple Tree Grove and Chestnut Rise to the west. To the north and east is open agricultural land. The land immediately to the east of this site was refused at Planning Committee in June for residential development of approx 88 dwellings accessed off Ness Road.
- 4.2 The application site encompasses some 2.92 hectares (7 acres), of agricultural land (Grade 2 classification). The site is generally flat but rises in a northerly direction from 5m AOD to 15m AOD. The site is open with sparse boundary vegetation. The site is not located within a Flood Zone and there are no watercourses, ditches or ponds on the site.

5.0 **RESPONSES FROM CONSULTEES**

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

Cambridgeshire Archaeology – The site is located in an area of high archaeological potential. No objection raised subject to an archaeological condition requiring a programme of archaeological investigation.

Cambridgeshire Fire And Rescue Service – If the application was approved the Fire Authority would ask that adequate provision be made for fire hydrants, which may be way of Section 106 agreement or planning condition.

Local Highways Authority – The Transport team have issued a holding objection as insufficient information has been submitted to properly determine the impact on the wider highway network. No objection is raised to the principle of accessing the development from the Chestnut Rise development.

Lead Local Flood Authority – Object for the following reasons
The applicant proposes to discharge of surface water via infiltration; however no on-site infiltration testing has been undertaken to support this. We understand the results of testing on a neighbouring site has been obtained and these are favourable; however in order to support infiltration for this development we require site specific test results. Any testing should be in accordance with BRE DG 365. If the applicant is not to be able to undertake such testing at this stage a feasible alternative strategy should also be proposed as a fall-back option. It is strongly advised that applicants utilize the LLFA's pre-application service.

Environmental Health – Have the following comments

- Construction times would be limited to 08:00 – 18:00 each day Monday to Friday 08:00 – 13:00 Saturday. None on Sundays, bank and public holidays.
- Prior to development a Construction Environmental Management Plan is to be submitted and agreed in writing with the LA and adhered to during the construction phase. This should include, but not be limited to, mitigation regarding dust, noise and lighting during the construction phase.

- No burning of waste on site during the construction or site clearances phases.
- The play park appears to have a buffer zone around it which will reduce noise impact on surrounding residents. This is of benefit and we would wish for this to remain the case.
- Conditions recommended for contamination investigation on the site and to cover any unexpected contamination.

Waste Strategy –

- East Cambs District Council will not enter private property/driveways to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).
- Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-enforced in the Local Government Act's of 1972, 2000, and 2003, as well as the Localism Act of 2011.
- Each new property requires two bins; this contribution is currently set at £43 per property

Housing Section – In accordance with policy HOU 3 of the East Cambridgeshire Local Plan a minimum of 40% of the total number of dwellings to be provided will be required for affordable housing provision. Therefore if 75 dwellings are allowed on site, 30 affordable homes must be provided.

The precise mix in terms of tenure and house sizes of affordable housing will be determined by local circumstances. However in accordance with the Supplementary Planning Document on Developer Contributions the Council's preferred housing tenure mix is 70% Affordable or Social Rented Housing (21 dwellings) and 30% Intermediate Tenure Housing (9 dwellings).

In accordance with policy HOU 3 of the East Cambridgeshire Local Plan a proportion of dwellings should be provided that are suitable or easily adaptable for occupation by the elderly or people with disabilities (Building Regulation M4(2)). In accordance with the Supplementary Planning Document on Developer Contributions, affordable housing within the district will be expected to meet the Homes and Communities Agency's Design and Quality Standards.

Should consent be granted, I would request a s106 Agreement containing the following Affordable Housing provisions:

1. That the dwellings will be Affordable Housing in accordance with the definition contained in NPPF.

2. That the dwellings will transfer to a provider of social housing approved by the Council, either a Private Registered Provider or an alternative affordable housing provider (including but not limited to a housing trust or company, a community land trust or an almshouses society).

3. That the tenure of each dwelling will be Social Rent, Affordable Rent or shared ownership and no subsequent alteration will be permitted without the Council's prior approval.

4. That the Provider will not dispose of any dwelling by outright sale (except any sale to a tenant under statutory provisions)

5. That occupation will in accordance with a nomination agreement.

6. That the dwellings are built to HCA design and quality standards.

7. That these affordable housing conditions shall be binding on successors in title, with exceptions for mortgagees in possession and protected tenants.

Anglian Water – made the following comments;

- The foul drainage from this development is in the catchment area of Burwell Water recycling Centre that will have the capacity for these flows.
- Development will lead to an unacceptable risk of flooding downstream. However a development impact assessment has been prepared in consultation with Anglian Water to determine a feasible mitigation solution.
- The proposed method of surface water management does not relate to Anglian water operated assets but should this change a re-consultation will be required.

Design Out Crime Officers – In the last year there has been three burglaries reported so there is concern that the area would be rated medium to high in regards to crime. This however can be mitigated through good layout and design. On viewing the Design & Access Statement I have noted that the developer proposes to provide a new pedestrian link to access the development on foot. The Police would not support this proposed footpath for several reasons:

- There appears to be no natural surveillance to users, or plans to light the footpath
- There is an issue of security to the rear gardens of residents backing onto the path
- As this area has seen burglaries the addition of a footpath I believe would increase the fear of crime, this is supported by Section 15: Achieving sustainable development, paragraph 58 of the National Planning Policy Framework states “create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion”

Cambridgeshire County Council Education – County Council have requested an education contribution of £665,761 together with additional contributions for libraries and monitoring.

Burwell Parish Council – Object on the following grounds:

- The proposed development is located outside the settlement boundary for Burwell and the proposal adds further to the existing elongated village. The proposed development would result in an unsustainable amount of residential development for Burwell.
- The proposed site is sited some distance from village amenities resulting in residents increased number of vehicle movements and there is no public transport serving this area of the village.
- The entrance to the residential site has poor access from Chestnut Rise where there are speed bumps and extensive car parking along this narrow road which may result in potential lack of ease of access for emergency vehicles.
- North Street which leads to Chestnut Rise is already congested with cars parking on narrow sections.
- The proposed development is on a green field site and could potentially create a precedent for agricultural land situated within the village. The entirety of the site is outside of the current development envelopment.
- A previous request for the provision of affordable housing by Hastoe Housing on part of this site was not supported by the Parish Council due to poor access to amenities, being too large, numerous objections by residents and poor access to the site. It is noted that the access to the proposed open space is via this same access and therefore the same issues will apply. A traffic calming scheme is in place in Chestnut Rise/Appletree Grove. The access in to Chestnut Rise from the junction of Toyse Lane/Silver Street/North Street is particularly poor due to the movement of heavy industrial and farm vehicles. To avoid congestion along the Causeway and North Street these vehicles access North Street by Toyse Lane. This area is also prone to regular street parking by existing residents of older properties with limited private parking.
- The Council has received letters from a number of residents from throughout the village objecting to the proposal. Adding this to the extensive consultation carried out with residents through the 'Burwell Masterplan' adopted by East Cambridgeshire District Council on 21st February 2013, residents clearly indicated that they did not wish to see the proposed site developed for housing.
- The Parish Council is committed to delivering the growth and infrastructure as laid out in the Masterplan, and accepting that growth within the village is required foresees that this will be delivered by the proposed development in Newmarket Road, supported by residents and infill sites.

Ward Councillors - No Comments Received

- 5.2 **Neighbours** – 137 neighbouring properties were notified and 75 responses were received. The neighbour responses are summarised below. A site notice was posted and an advert placed in the Cambridgeshire Evening News. A full copy of the responses are available on the Council's website. In addition a petition against the

application was submitted including both an online petition signed by over 216 people and a hard copy signed by 27 people. The petitions can be viewed online.

- Outside of the development envelope and contradicts Burwell Master Plan
- Increase in the number of vehicles
- Detrimental effect on the visual impact on entering Burwell from Fordham
- Outside the existing village boundary
- Loss of Burwell village character
- Access to the site will involve more traffic and risk highway safety
- Insufficient amenities in village to cope with additional residents
- Poor road surface on Toyse and liability to flooding will put road under greater strain
- Speeding already a problem on Toyse Lane likely to increase
- Local wildlife will be threatened
- Due to the increased pressure on already busy roads it will not encourage walking or cycling
- The site is on valuable agricultural land
- Insufficient infrastructure in the village to cope with additional housing
- Increase in traffic noise and congestion
- The village requires sports and recreational facilities
- Existing residents will lose their views of the countryside
- Elongate the village further and diminish the village environment
- Does not provide any local employment opportunities
- Loss of privacy and light for neighbouring properties
- Parking along Toyse Lane already an issue and likely to worsen
- 80 houses under construction at Station Road, not part of Masterplan
- Set a precedent for further development
- Already a vast amount of new houses being built
- Impact on road safety for children playing on chestnut rise
- Already issues with low water and gas pressure
- Listed buildings in the area already affected by heavy traffic load
- Housing does not appear to be affordable/social housing or environmental
- Likely to be sewage problems
- Inaccurate data used in transport impact
- Increase in air pollution
- Impact on the character of the quiet street of Chestnut Rise
- Public transport would need to be improved to serve the number of residents
- If developments go ahead the major changes needed to the road infrastructure or bypassing the village
- Drainage concerns
- No consideration of the impact on the road network such as the A14 junction
- Educational and medical facilities are already under pressure

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Design Guide
 Developer Contributions and Planning Obligations
 Contaminated Land
 Cambridgeshire Flood and Water

6.3 National Planning Policy Framework 2012

- 4 Promoting sustainable transport
- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 8 Promoting healthy communities
- 10 Meeting the challenge of climate change, flooding and coastal change
- 11 Conserving and enhancing the natural environment
- 12 Conserving and enhancing the historic environment

7.0 **PLANNING COMMENTS**

The main issues to consider in determining this application are:

- The principle of development
- Visual impact
- Residential amenity
- Access and highway safety
- Flood risk and drainage
- Ecology and archaeology

7.1 **Principle of development**

- 7.1.1 Policy GROWTH2 requires that development be permitted only within defined development envelopes provided and restricted in terms of dwellings to affordable

housing exception schemes and dwellings essential for rural workers. However, the local planning authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Plan policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development contained within both Policy GROWTH 5 of the Local Plan and paragraph 14 of the National Planning Policy Framework. This means, unless policies of the Framework specifically restrict the development, that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. There is a presumption in favour of sustainable development which comprises three dimensions, economic, social and environmental.

- 7.1.2 In economic terms the development would make a short term contribution to the economy of the area by creating jobs in construction. In the longer term residents would contribute to the local economy, including supporting some local businesses in surrounding settlements. Residents may also work from home.
- 7.1.3 As far as the social role is concerned, the dwellings would be provided quite close to the settlement boundary near to where there are other dwellings, built to sustainable standards adding to housing supply. The dwellings would immediately adjoin the settlement so cannot be classed as isolated. The Framework promotes sustainable development in rural areas, and housing should be located where it will enhance or maintain the vitality of rural communities. Burwell is a large village, being the fourth largest settlement in the District, with a good range of services and facilities together with a primary school and benefits from good transport links and a regular bus service to Newmarket and Cambridge. The Local Plan identifies the need to ensure that infrastructure and facilities are in place to support the growth of the village and although the primary school has been expanded there will be the need for further growth to accommodate this development. This development when considered cumulatively with the proposed housing allocation for Burwell and other recent approvals for housing development, would result in an unsustainable amount of residential development which would place significantly increased pressure on local infrastructure and services. Together the economic and social benefits can be given limited weight in favour of this development.
- 7.1.4 However, the environmental dimension of sustainable development is also an important factor, part of which is the effects of the development on the character and appearance of the area which will be assessed in the report together with all other material planning considerations. In accordance with the NPPF planning permission should only be granted for sustainable development unless any adverse effects of so doing would significantly and demonstrably outweigh the benefits of the development. The report will show that it is questionable whether this development is in fact a sustainable form of development due to the impact on the environmental dimension of sustainable development.
- 7.1.5 It is noted, that this site was proposed for housing development in the first call for sites exercise alongside the preliminary draft Local Plan in Feb/March 2016. The site was rejected by the Council and not taken forward into the further draft Local Plan Jan/Feb 2017. The reason for rejection was based on concerns about access,

visual impact and there were other more suitable sites available elsewhere in the village. In determining this planning application a different test is applied to that which is applied when assessing a sites suitability for inclusion within the local plan. The test to be applied is that of the presumption in favour of sustainable development as set out above in paragraph 7.1.1. The proposal should only be refused planning permission if it can be demonstrated that it is an unsustainable form of development and where there is significant and demonstrable harm.

7.2 Visual impact

- 7.2.1 In light of the above, this development proposal must be assessed in terms of any significant and demonstrable harm to the character and appearance of the area both in terms of the impact on the village setting itself and the wider countryside.
- 7.2.2 Although the application is in outline with all matters reserved, the visual impact of the development of potentially 73 dwellings (equal to a potential density of 35 dwellings per hectare) must be assessed in principle. An overall development area of 2.9 ha is identified to include up to 2.1 ha of net developable area for residential. The applicant has submitted an illustrative framework plan which shows in very broad terms, how the dwellings could be laid out with open space provision in the centre of the site and landscaped buffers around the sites perimeter and dense landscaping along the northern and eastern boundaries, with provision of a pedestrian link to Toyse Lane.
- 7.2.3 The site sits directly adjacent to existing residential development along its southern boundary. However the site is very open with little vegetation to offer any enclosure. The site relates visually to the large expanse of open land on this northern approach to Burwell village. The existing settlement edge currently provides a strong edge to the settlement which having been in existence for some time, provides a natural edge to the settlement enabled by the unobtrusive nature of the built form. The site however makes a valuable contribution to and relates more to the surrounding countryside than to the built form of the village and the provision of a large residential development in this location would be visually prominent and intrusive in this open location and would not provide for a natural extension to the built form of the village.
- 7.2.4 In addition it would have the effect of elongating the built form of the village into the open countryside on this northern edge of Burwell. The development would therefore cause significant and demonstrable harm to this edge of settlement location. Policy ENV1 specifies that development should be informed by, be sympathetic to and respect the capacity of the distinctive character areas defined in the Cambridgeshire Landscape Guidelines. Positive and complimentary relationships are sought so that it will protect, conserve and where possible enhance amongst other matters the settlement edge, space between settlements and their wider landscape setting, key views into and out of settlements, the unspoilt nature and tranquillity of the area and public amenity and access. This development would not enhance the settlement edge. It would instead, detract from the rural and undeveloped character of the northern approach to the village, as although it will be set back from Ness Road it will still appear as a prominent urban extension to the built form of the village, exacerbated by the fact that the land rises to the north.

- 7.2.5 The development of this site for housing would create a hard built and urbanising edge to the village with a development form out of keeping with the surroundings even if hedgerows were to be retained and extensive planting incorporated to the edge of the development site. The applicant is of the view that the development could be assimilated into the surroundings by the use of extensive planting belts. However such planting will take a considerable amount of time to mature and offer any form of effective screening and as such the harm to the character of the area and the wider countryside will have already occurred. In any event it is considered that unacceptable development cannot be made acceptable by screen planting.
- 7.2.6 The development would be harmful to the character and appearance of the area contrary to Policy ENV1. The weight of the adverse environmental impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
- 7.3 **Residential amenity**
- 7.3.1 Policy ENV2 of the Local Plan seeks to protect the residential amenity which would be enjoyed by both future occupiers of the development and occupiers of existing properties close to the site. There are a number of residential properties within close proximity in Toyse Lane, Chestnut Rise and Apple tree Grove some of which are single storey.
- 7.3.2 The change from an undeveloped piece of agricultural land to a residential development will clearly have an impact on the outlook and setting of these properties and they will be likely to experience an increase in activity from the occupants of that development, in particular along Chestnut Rise and where the footpath link is proposed onto Toyse lane. The master plan which was submitted with the application is only indicative and details of scale, appearance and siting would be dealt with at reserved matters stage. It is considered that there would be sufficient space to adequately mitigate for any adverse impact with the use of soft landscaping, separation distances with existing properties and the height of the proposed dwellings, in line with the requirements of the Design Guide.
- 7.3.3 It is considered that an acceptable development could be designed at reserved matters stage to ensure that there were no adverse impacts on the residential amenity of adjoining residents or future occupiers of the site by paying particular attention to the garden sizes, overlooking, overshadowing, and buildings being overbearing. It is considered that there would be an increase in traffic noise and disturbance as a result of people entering and leaving the new development, via a new access to Chestnut Drive. This is a concern raised by local residents. However as this serves a significant number of dwellings at present it is considered that this increase would not have a significant harmful effect to the residents of Chestnut Drive such that planning permission could be refused on this basis.
- 7.3.4 It is considered however that loss of residential amenity would occur to the residents of 15 and 17 Toyse Lane and 12, 15 and 17 Apple Tree Grove, together with the future residents of the dwellings permitted to the rear of 19 Toyse Lane, due to the proposed footpath link and the likely levels of noise and disturbance due to pedestrians and lighting. This would be contrary to policy ENV 2 of the Local Plan in this respect but also in respect of the requirements of Policy ENV 2 to create safe

environments addressing crime prevention and community safety and Policy COM 7 in providing safe access. Furthermore, paragraphs 35, 58 and 69 of the NPPF seek to ensure that new development incorporate safe and accessible environments where crime and disorder and the fear of crime, do not undermine quality of life or community cohesion and safe development.

- 7.3.5 It is considered that the provision of a pedestrian route as proposed is not acceptable for reasons of safety and security. This view is supported by the Police Crime Prevention Team. There would be no natural surveillance to users of the path, which would have to be lit. The route would not be a safe and desirable route and therefore pedestrians are unlikely to use it and crime and disorder and the fear of crime would undermine quality of life, contrary to the National Planning Policy Framework. There is also the issue of security to the rear gardens of those residents backing onto the path.
- 7.3.6 In summary, the residential amenity of the future occupiers of the development can be dealt with at reserved matters stage, the residential amenity of existing adjoining residents will be impacted both by the noise and disturbance from the additional traffic and the noise and disturbance and safety and security due to the new pedestrian access. The former is considered within acceptable limits as Chestnut Rise already serves a significant number of dwellings. However the harm caused by the new pedestrian link is unacceptable and is supported by the Police.

7.4 **Access and Highway safety**

- 7.4.1 Access is not being considered. However the principle of this development can only be acceptable if safe and acceptable access can be achieved. The Highway Authority consider that access from the existing dead end in Chestnut Drive can be satisfactorily achieved without causing danger to highway safety. However the Transport team are not satisfied that the additional traffic would not be detrimental to the wider road network. In particular no assessment has been made of the junction of Chestnut Rise with North Street and North Street with Toyse Lane which is an issue raised by local residents and the Parish Council.
- 7.4.2 The proposal therefore does not accord with the requirements of Policies ENV 2 and COM 7 of the Local Plan and also conflicts with paragraph 32 of the national Planning Policy Framework.

7.5 **Flood risk and drainage**

- 7.5.1 Foul water drainage - Anglian Water have confirmed that there is currently sufficient capacity for these flows. They have also advised that the development will lead to an unacceptable risk of flooding downstream. However a development impact assessment has been prepared in consultation with Anglian Water to determine a feasible mitigation solution.
- 7.5.2 Surface water drainage - The Flood Risk assessment provides for infiltration. However no on-site infiltration testing has been undertaken to support this. Results of testing on a neighbouring site have been obtained and these are favourable.

However, The Lead Local Flood Authority advise that in order to support infiltration for this development site specific test results are required and if the applicant is not able to undertake such testing at this stage a feasible alternative strategy should also be proposed as a fall-back option.

- 7.5.3 The proposal does not therefore comply with Policy ENV 8 of the East Cambridgeshire Local Plan 2015, The Cambridgeshire Flood and Water SPD and Section 10 of the NPPF.

7.6 Ecology and archaeology

- 7.6.1 Policy ENV 7 of the Local Plan, seeks to ensure that the impact on wildlife is minimised and that opportunities for biodiversity enhancement are taken.
- 7.6.2 There are no statutory designated sites within 2km of the application site. There are 3 sites within 5km of the application site which are afforded statutory protection by the Conservation of Habitats and Species Regulations 2010 (as amended) or that have been designated as Ramsar sites, which are Wicken Fen and Chippenham Fen Ramsar sites and Devil's Dyke SAC. There are also 2 non-statutory (County Wildlife Sites) within 2km of the proposed development, which are Burwell Brick Pit and Spring Close. The ecology report states that, it is considered that the proposed development is not likely to have a significant effect on the ecological features for which the Natura 2000 sites were designated. In addition, Officers consider that a Habitats Regulations Assessment Screening Opinion is not required as it is not considered that significant harm will be caused to the designated sites.
- 7.6.3 The majority of the site is arable field with low ecological value. The field margins including scrub hedges and occasional trees are of value so it is the intention to retain as much as possible, of the existing field margins including scrub, hedges and trees ensuring nesting habitat are protected as much as possible. Planting of native hedge species known to be of wildlife value is also proposed. Mitigation is proposed in the form of informal open space and woodland belt planting. The site was found to have potential to support nesting birds, foraging bats and foraging reptiles. However the survey confirmed that these are not likely to impose an ecological constraint on development because the habitats of most value are located on the edge of the field. The site has the potential to provide a new reptile habitat. No further survey work is recommended. In respect of the presence of bats mentioned by residents, the report states that the site does not support trees likely to support roosting bats therefore no surveys are recommended. If the boundary habitats are to be removed then a bat transect survey is recommended and various lighting recommendations are made to secure bat foraging ground. There are opportunities within the informal space to enhance the biodiversity of the site.
- 7.6.4 The ecology and biodiversity aspects of the proposal are therefore deemed acceptable and biodiversity enhancements can be included within the soft landscaping and open space requirements for the scheme.
- 7.6.5 The Historic Environment team are satisfied that the findings of the Archaeological assessment will allow matters to be dealt with by condition requiring an archaeological programme of works.

7.7 Other material matters

- 7.7.1 The affordable housing contribution offered in the original application submission was not considered acceptable because although a level of 40% was proposed 20% were to be discount market sale units which do not fall within the definition of affordable housing. The proposal is therefore contrary to policy HOU 3 of the Local Plan, offering only half of the required amount of affordable homes.
- 7.7.2 Since then, the applicant has submitted a draft S106 agreement, which offers the correct provision of 40% affordable units and removes reference to discounted market dwellings. The tenure mix would need to be agreed in line with the Council's policy of 70% rented and 30% shared ownership. The affordable housing provision therefore accords with Policy HOU 3 of the Local Plan.
- 7.7.3 Policy ENV 4 requires all new development to aim for reduced or zero carbon in accordance with the zero carbon hierarchy. The applicant is aware of the need to reduce the ongoing impact of the development on equivalent carbon emissions through well designed, well constructed and thermally efficient buildings as well as through good site practices through construction.
- 7.7.4 The applicant advises that the orientation of the site precludes the ability to provide southerly aspects to every property but the vast majority should still benefit from solar gain reducing energy bills. All dwellings will be built to high standards of energy efficiency with high levels of insulation and air tightness and renewable energy may also be installed with water efficient measures. The scheme has therefore demonstrated compliance with Policy ENV 4.
- 7.7.5 Cambridgeshire County Council Education has requested a contribution towards education and lifelong learning provision. In accordance with Policy GROWTH 3, the applicant has agreed to make a financial contribution but no figure has been agreed.

7.8 Planning balance

- 7.8.1 Whilst the proposed housing would contribute towards the housing shortfall, it is considered that it does not represent a sustainable form of development as it would create a prominent urbanising and visually intrusive development causing significant and demonstrable harm to the character of the countryside and the edge of settlement location by further elongating the built form of the settlement.
- 7.8.2 In addition, although access is not being considered the Planning Authority need to be satisfied that the site can be adequately accessed. It is considered that access to the site would be detrimental to highway safety as insufficient information has been provided to demonstrate that there would be no significant harm to the highway network. Furthermore there is significant harm arising from the potential flood risk

from this development, the increased crime and fear of crime and loss of residential amenity and the harm caused by the cumulative impact of further housing on local infrastructure. The benefits of this development are therefore outweighed by the significant and demonstrable harm as set out in the report and refusal is recommended for five reasons.

7.9 COSTS

- 7.9.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 7.9.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 7.9.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 7.9.4 In this case Members' attention is particularly drawn to the following points:

The harm to the character and appearance of the area and highway safety, unacceptable flood risk and provision of an unsafe pedestrian route, together with the cumulative impact of this development on the facilities in Burwell. In addition, the material consideration of the recent refusal of planning permission for residential development on the adjoining land to the east.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/00273/OUM	Barbara Greengrass Room No. 011 The Grange Ely	Barbara Greengrass Senior Planning Officer 01353 665555 barbara.greengrass @eastcambs.gov.uk

National Planning Policy Framework -
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

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