

MAIN CASE

Proposal: Residential development for up to 70 new homes, new business units (Class B1), provision for public open space, alterations to existing vehicular access off Reach Road, new cycle/footpath links to Reach Road and Swaffham Road, Burwell.

Location: Former D S Smith Site Reach Road Burwell Burwell CB25 0AH

Applicant: Countrypark Estates Ltd

Agent: Framptons

Reference No: 14/00046/OUM

Case Officer: Penelope Mills

Parish: Burwell

Ward: Burwell

Ward Councillor/s: Councillor Hazel Williams
Councillor David Brown
Councillor Lavinia Edwards

Date Received: 22 January 2014 Expiry Date:

[P66]**1.0 EXECUTIVE SUMMARY**

- 1.1 The application seeks outline planning permission for a mixed use development of up to 70 residential dwellings and new business units (B1) with provisions for open space, alterations to the existing vehicular access off Reach Road and new cycle/footpath links to Reach Road and Swaffham Road. Approval is sought for access as part of the application, and all other matters (appearance, landscaping, layout and scale) are reserved.
- 1.2 The site is predominantly within the settlement envelope for Burwell on a site allocated for employment use, with a portion of the site falling outside the development envelope.
- 1.3 The application has been called to Planning Committee by Councillor David Brown.
- 1.4 The Council cannot currently demonstrate a robust five year housing supply and therefore applications for housing development, should be considered in the context of the presumption in favour of sustainable development as set out in the National Planning Policy Framework (NPPF). However, other policies within the Development plan, such as those relating to the retention of employment sites remain an important part of the assessment of this application.

- 1.5 Given that this is an allocated employment site, the primary consideration in determining in this application is whether the proposal complies with policies EC1 of the Core Strategy and Policy EMP1 of the draft Local Plan, which seek to retain such sites for employment uses. Following this, an assessment must be made of whether any adverse impacts would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the NPPF taken as a whole and against the policies within the Core Strategy which do not specifically relate to the supply of housing. In making the above assessment, the following material considerations are relevant:
- Inclusion of land outside the development envelope
 - Settlement strategy and sustainable patterns of development;
 - Impacts on visual amenity;
 - Impacts on ecology and biodiversity;
 - Flood risk and drainage issues;
 - Impacts on the historic environment;
 - Issues of highway safety and accessibility; and,
 - Impacts on residential amenity
- 1.6 The viability assessment submitted by the applicant and the subsequent peer review of that document, demonstrate that commercial development of this site is not viable. As such, a proposed mixed use scheme is not unacceptable in principle as the requirements of policies EC1 of the Core Strategy and EMP1 of the draft Local Plan.
- 1.7 The key considerations in determining this application are therefore: whether any adverse impacts would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the NPPF taken as a whole and against the policies within the Core Strategy which do not specifically relate to the supply of housing; or, whether any specific policies within the NPPF indicate that the development should be restricted.
- 1.8 The benefits of this development are the contribution it would make in terms of housing supply within the District as a whole as well as the economic benefits of construction and additional population to support local businesses, the provision of affordable housing, and the facilitating the provision of some employment land.
- 1.9 On balance it is considered that there would be no adverse impacts either in terms of the sustainability of the location, flood risk and drainage, archaeological remains, residential amenity, visual amenity or ecology and biodiversity that would significantly outweigh the benefits of the development. The application is therefore recommended for approval.
- 1.10 The application is therefore recommended for delegation to the Principal development Management Officer for approval subject to the conditions outlined in this report and the completion of a S106 agreement.
- 1.11 **A Site visit has been arranged for 10.15am, prior to the Planning Committee meeting.**

2.0 THE APPLICATION

- 2.1 The application seeks outline planning permission for a mixed use development of up to 70 residential dwellings and 1956 square metres of business floorspace, with a single vehicular access from Reach Road. Additional pedestrian and cycle accesses are proposed to Reach Road and Swaffham Road.
- 2.2 The Design and Access and Planning Statements outline the amount of development, the uses proposed and the design principles considered. An illustrative masterplan has also been provided.
- 2.3 The site extends to approximately 3 hectares and would look to deliver a density of around 35 dwellings per hectare alongside employment units providing up to 1956 square metres of B1 floor space. The applicant has stated that the development would provide a mix of dwelling and house types with a proportion of affordable housing, as well as a buffer strip between the site and the adjacent county wildlife site and a centrally located area of public open space.

3.0 THE APPLICANT'S CASE

- 3.1 The Applicant's case is set out in the Design and Access Statement and Planning Statement, which 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/>.
- 3.2 Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, on the application file.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located predominantly within the development envelope for Burwell, at the southwestern edge of the village, with a strip along the western edge falling outside the envelope. The majority of the site is brown field land comprising part of the former DS Smith site, with the western strip comprising undeveloped scrub land.
- 4.2 The site extends to approximately 3 hectares, bounded to the northeast by Reach Road, to the east and south by existing residential development, to the west by undeveloped land including Pauline's Swamp County Wildlife Site (CWS) and to the north by existing employment land including the Old Fire Station, and the new fire station site and County Council depot.
- 4.3 The site itself does not have any local or national ecological designations and there are no registered public rights of way crossing the site or running along the boundaries. The site is falls partially within floodzone 3, although the majority of the site is flood zone 1. The site is also in an area of groundwater vulnerability.

5.0 **PLANNING HISTORY**

5.1

01/00303/FUL	Proposed residential development of 80 dwellings of 2, 3, 4 & 5 Bed Units, Associated car parking /garaging and road infrastructure works		22.10.2001
01/00304/FUL	Proposed residential development of 80 dwellings of 2, 3, 4&5 bed units, Associated car parking/garaging and road infrastructure works	Approved	10.07.2001
00/00004/OUT	Laying out and use of land for business purposes (within use Class B1)	Approved	09.05.2000

6.0 **REPLIES TO CONSULTATIONS**

- 6.1 **Neighbours** – At the time of writing this report, 8 individuals had commented on the application. Of these, 4 explicitly expressed that they objected to the proposal. The following relevant points were raised in the consultation responses (full copies of the responses can be found on the application file or through public access using the following link:
<http://pa.eastcambs.gov.uk/online-applications/>

Highways Issues

- Increased cars will have negative impact on surrounding
- Extra traffic may mean mini roundabout needed at Reach Road/Swaffham Road junction.
- There should not be shared parking spaces and there should be secure cycle parking
- Impact on Reach Road with regards to safety
- Reach Road not suitable for extra commercial traffic.
- Adverse effects for emergency vehicles
- Pedestrian crossing on Reach Road needed

Sustainability

- Not sustainable to have more housing and less employment

Ecology / Biodiversity

- Impact on water level of Pauline's Swamp.

Flood risk and Drainage

- Issues with high water table and potential flooding
- Sewage at capacity

Infrastructure

- Existing schools are full
- Doctor's surgery already struggling
- Contribution to improve Swaffham Road cycle route

Policy / Planning history

- Outside the Burwell Village Plan – makes it a vast waste of money
- Should remain as employment land to prevent Burwell becoming entrenched as a dormitory suburb of Cambridge
- No marketed at realistic price
- Will set a precedent for other sites
- Support this provided it replaces some of the proposed masterplan dwellings on the Newmarket Road Greenfield site
- Burwell Masterplan is not out of date
- Not in accordance with Localism Act

Residential Amenity

- Adverse impact on quality of life of those on Swaffham Road
- Would expect privacy to be maintained for existing dwellings
- Cycle path will have negative impact on the amenity of those living close to it.
- Adverse effect from commercial units

Visual Amenity

Inaccuracies/insufficiencies

- Mix of dwellings not clear

Other matters

- No confidence with respect to safe site management
- Central green area fragmented by feeder roads, this should be changed to one green with traffic calming on surrounding roads
- May be additional demand for allotments due to small gardens
- Support for residential but not the industrial elements
- Houses are desperately needed.

6.2 **Councillor Brown:** I object to this application and ask that it be considered by the full planning committee. We have spent considerable time, effort and money in drawing together the Burwell Vision. This application flies in the face of all that work, which has been supported by the majority of the village of Burwell.

6.3 **Burwell Parish Council** – Objects to the application and all subsequent amendments, setting out the following reasons:

- The development is not in line with the Burwell Master Plan

- The site has been for over 15 years allocated in Local Plans for employment. The Council considers that this site should continue to be for employment use. Consultation with residents through the Burwell Masterplan indicated that this was also the desired use for the site.
- Burwell Parish Council considers that the amendment does not address the problem with the joint access to both the residential and employment areas within the development. The proposed layout still sees vehicles entering the development at one access point and vehicles entering the employment area still need to pass residential dwellings.
- The Council considers that traffic from any development of this site, regardless of the nature of the development, will create issues when joining Swaffham Road at the junction of Reach Road. Some form of traffic management at this junction would be essential to resolve or limit the impact that the development would have.
- Provision for parked vehicles is a concern for the Parish Council. Lack of parking provision for residents will cause vehicles to be parked on footpaths, restricting the use of paths by pedestrians and traffic flow. Problems of this nature can be seen within the adjacent development, Station Gate.
- The Council questions if the amount of green space within the development will meet the needs of residents.
- The Buffer Zone detailed between the development and Pauline's Swamp, an open nature reserve, is insufficient, and appears mainly to be created from existing trees on the edge of the Swamp itself. This area would need to be increased using some of the development site.
- A Buffer Zone needs to be provided between the development and properties on Swaffham Road. Not only to create a natural break between the properties but to also prevent back land development opportunities arising.
- The site has been subject to water issues in the past. Any development regardless of being residential or employment, requires water management on site at all times in order to protect the open nature reserve, Pauline's Swamp and neighbouring properties. Problems with 'water springs' became apparent when the adjacent land was developed.
- The Council requires more information on the number and size of individual units proposed for the employment area. Council would prefer to see small units in preference to large units.
- Should the District Council be minded to approve the application, the Parish Council would like to see all matters above addressed and the following stipulated in the consent.
 - The maximum amount of affordable homes provided within the development.
 - The Employment Area to include land owned by the County Council adjacent to the Fire Station, with a joint access created.
 - Conditions and restrictions placed on the site boundary to prevent any further development taking place.

6.4 Reach Parish Council – Objects to the application, for the following reasons:

- The land has been zoned as employment and it is important that this is retained so Burwell can grow as a balanced community
- The commercial space is very reduced

- This site is the only one available for a significant employer.
- The original site was partially built for housing and the rest has remained derelict. We are not convinced that sufficient effort has been made to sell the land for commercial development at a realistic price.
- Using this land for housing would set a precedent for other sites making it more difficult for employers in the district to find sites at an affordable price.

6.5 **ECDC Forward Planning**

- Land is employment allocation in draft Local Plan
- Policy issues relate to loss of employment land and development on land outside the envelope
- The whole site (including the land already developed for housing) should be considered for viability purposes.
- Aside from the viability issues, there is insufficient environmental justification to support the loss of the majority of the employment allocation.
- Regard to ENV2 and piecemeal development – the site adjoins employment land which has not been included
- Land included which is outside the envelope – This land provides an important green buffer between the factory and the County Wildlife site and prevent encroachment in to the open countryside.

6.6 **ECDC Housing Officer**

- The affordable housing proposed by the statement is acceptable.
- The overall provision of 40% affordable is in accordance with policy H3, and the size mix and tenure split proposed in the Affordable Housing statement is appropriate to the identified need.
- As this is not an exception site, affordable housing would not be prioritised for applicants with a local connection to Burwell, but would be available to those from across the District.
- S106 required to secure the affordable housing element

Following these comments negotiations on the viability of the S106 have commenced. As part of this process the final proportion of affordable housing will be determined. Members will be updated with the position at the meeting.

6.7 **ECDC Waste Strategy**

- Please note ECDC/Veolia ES will not enter private property to collect refuse
- All present residents are using black sacks for general refuse and a 1x240lt bin for recyclable collections and 1x240lt bin for compostable collections. These would need to be purchased by the developer at a cost of approximately £23 per bin.

6.8 **ECDC Environmental Health:** Made the following comments:

- The proposed industrial units are to be Class B1. By the very nature of this use class there should be no adverse impact on the proposed residential properties, however due to the access road passing through the residential area I would advise limiting the times of use for the industrial units, for example 07:00 – 19:00 each day Monday to Friday and 08:00 – 13:00 on Saturdays.
- Advise limiting the times of use for the industrial units, for example 07:00 – 19:00 each day Monday to Friday and 08:00 – 13:00 on Saturdays.

- I have had a look at the surrounding current industrial processes and the main Industrial Estate is less of a concern as the units are fairly small and end on (i.e. not facing the proposed housing). The Depot appears to be being redeveloped – I can see from previous planning applications that half of the site will be for the new fire station. What the rest of the site will be and the fact that the old fire station has been approved for B2, causes great concern and it is difficult to provide comments on the likely impact on the proposed properties with the unknown uses of these sites.
- I would advise that we need a noise report to show how the developers will mitigate against noise impact upon the proposed properties.
- We have quite tight controls on the old fire station site, now B2 use, including times of use and a noise limit. The noise limit provides a level of noise to be achieved at the nearest noise sensitive dwelling and the proposed properties are much closer than the properties currently present which would make this noise limit more restrictive on the B2 use.

6.9 ECDC Scientific Officer:

- With regard to impacts on local air quality, the construction phase impacts should be addressed through normal good practise associated with construction sites and minimising nuisance (dust/odour) potential.
- Bespoke Air Quality Impact Assessment not required
- A thorough and extensive 'Geoenvironmental Appraisal report' has been submitted with the application. The conclusions of this report are found to be generally acceptable and appropriate. However, several areas of further work, including remediation, are deemed necessary. These could be secured by condition.

6.10 ECDC Access Group

No concerns.

6.11 Cambridgeshire Fire and Rescue – made the following comments:

- Adequate provision for fire hydrants should be secured through a condition or S106

6.12 Cambridgeshire Historic Environment Team –

- Our records indicate that the site lies in an area of high archaeological potential. It is considered likely that important archaeological remains survive on the site and that these would be severely damaged or destroyed by the proposed development. Situated on Lower Chalk, the site is located close to the historic southern core of Burwell, located around the 12th century Motte and Bailey Castle (HER No. MCB14471) and the medieval Parish Church of St Mary the Virgin (HER No. MCB433). Finds of Roman date are recorded in the vicinity (HER No. MCB8259) and in the area of the castle.
- A desktop assessment of archaeological potential has been completed for the site Dickens, A & Alexander, M, 2000. *Land at Reach & Swaffham Roads, Burwell: An Archaeological Desktop Assessment*. CAU Report No 357). The assessment concludes that there is high potential for remains of Bronze Age and Roman date.
- We would strongly recommend that the site is subject to an archaeological evaluation, to be commissioned and undertaken at the expense of the developer, and carried out prior to the granting of planning permission. The evaluation results should allow for the fuller consideration of the presence/absence, nature, extent,

quality and survival of archaeological remains within the development area. An informed judgement can then be made as to whether any planning consent will need to include provisions for the recording and, more importantly, the preservation of important archaeological remains *in situ*. It is standard practice for this office to provide a design brief for such an evaluation.

Following these comments it was agreed with Archaeology that a condition post decision but pre- reserved matters applications would be an acceptable way of addressing their concerns

6.13 Environment Agency – Initial Objection holding objection withdrawn following submission of additional information.

- Planning conditions required to secure drainage details, in respect of contamination to controlled waters, and to prevent the use of piling without prior consent.

6.14 Cambridgeshire County Council Transport Assessment Team: Initial holding objection, which was removed following the submission of additional transport information.

- Financial contribution required to improve the northbound Swaffham Road bus stop.

6.15 County Council Highways Engineer: No objections:

- This section of new estate road would need to be designed to dimensions appropriate for use by HGVs. When layout is decided later, the design must incorporate an obvious change in the character of the road beyond the industrial estate.
- Within the red outline, there would be sufficient space to come up with a satisfactory internal layout and therefore I have no objection in principle to the proposal on the grounds of highway safety. You must consider the effects of any shared business / residential use on the amenity of the future residents.
- The proposal to create a 2.5m wide cycle / pedestrian path to link to Swaffham Road is acceptable.
- The tangential visibility splays shown are acceptable.
- Requested amended drawing to show swept path drawing as well as a continuous footway/cyclepath across the front of the site.
- Highways conditions recommended

6.16 Wildlife Trust Conservation Officer

- As the application states, the proposed development is adjacent to Pauline's Swamp County Wildlife Site (CWS). In a couple of places, the documents refer to Pauline's Swamp as a proposed CWS, and we would like to clarify that the proposal was ratified by the CWS panel, and the site is a confirmed full CWS.
- The applicant has included suggested mitigation, which includes a habitat buffer adjacent to the CWS, and we are pleased to see that consideration has been given to the most appropriate habitats and management for this buffer area to complement the existing CWS.

- It appears that the applicant has consulted with the parish council (owners of the CWS), but if not, they should make sure to.

7.0 THE PLANNING POLICY CONTEXT

7.1 East Cambridgeshire Core Strategy 2009

CS1	Spatial Strategy
CS2	Housing
CS4	Employment
CS6	Environment
CS7	Infrastructure
CS8	Access
H1	Housing Mix and Type
H3	Affordable housing
EC1	Retention of employment sites
S6	Transport impact
S7	Parking provision
EN1	Landscape and settlement character
EN2	Design
EN3	Sustainable construction and energy efficiency
EN6	Biodiversity and geology
EN7	Flood risk
EN8	Pollution
EN5	Historic conservation

7.2 East Cambridgeshire Local Plan Persubmission version (February 2013)

GROWTH 1	Levels of housing, employment and retail growth
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
EMP 1	Retention of existing employment sites and allocations
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision
ENV 6	Renewable energy development

7.3 Supplementary Planning Documents

Developer Contributions and Planning Obligations
Design Guide

8.0 CENTRAL GOVERNMENT POLICY

8.1 National Planning Policy Framework 2012

Core Planning Policies

- 1 Building a strong, competitive economy
- 4 Promoting sustainable transport
- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 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

9.0 PLANNING COMMENTS

- 9.1 Section 38 (6) of the Planning and Compulsory Purchase Act requires that decisions on planning applications are made in accordance with the Development Plan, unless material considerations indicate otherwise. The statutory Development Plan for the District currently comprises the East Cambridgeshire Core Strategy, 2009 and the Cambridgeshire and Peterborough Minerals and Waste Plan 2012.
- 9.2 The Council cannot currently demonstrate a robust five year housing supply and therefore applications for housing development, should be considered in the context of the presumption in favour of sustainable development as set out in the National Planning Policy Framework (NPPF).
- 9.3 In practice, the presumption in favour of sustainable development means that development proposals should be approved unless any adverse impacts would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the NPPF taken as a whole and against the policies within the Core Strategy which do not specifically relate to the supply of housing; or, whether any specific policies within the NPPF indicate that the development should be restricted.
- 9.4 Notwithstanding the housing supply issue, the other policies within the Development Plan that do not specially relate to housing are still relevant and therefore the proposal must also be assessed against the criteria in these policies. This is particularly relevant in relation to the loss of an existing employment site as covered by policies EC1 of the Core strategy and policy EMP1 of the draft Local Plan.
- 9.5 The main considerations in determining this application are therefore:
- Policy considerations relating to the loss of an employment site;
 - Inclusion of land outside the development envelope;
 - Benefits of the development and sustainable patterns of development;
 - Impacts on visual amenity;
 - Impacts on ecology and biodiversity;
 - Flood risk and drainage issues;
 - Impacts on the historic environment;
 - Issues of highway safety and accessibility; and,

- Impacts on residential amenity

Loss of Employment Site

- 9.6 The application site forms part of the former D S Smith site, which is a historic employment site within Burwell. Any application for development of that site for a use other than purely employment uses must therefore be assessed against policy EC1 of the Core Strategy.
- 9.7 Policy EC1 states that *“the Council will seek to retain land or premises currently or last used for employment purposes unless it can be demonstrated that:*
- a) Continued use of the site for employment purposes is no longer viable, taking into account the site’s characteristics, quality of buildings, and existing or potential market demand; or,*
 - b) Use of the site for employment purposes gives rise to unacceptable environmental or traffic problems; or,*
 - c) An alternative mix of uses offers greater potential benefits to the community in meeting local businesses and employment needs.”*
- 9.8 It is important to note that the policy, which forms part of the statutory development Plan for the district acknowledges that where viability is an issue, it may not be possible to retain a site for employment use. This is also reflected in policy EMP1 of the draft Local Plan. This is compatible with the guidance contained in paragraph 22 of the NPPF, which states that *“planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.....where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities”*.
- 9.9 The applicant has submitted a viability assessment in support of this application which concludes that the site is not viable for large scale employment due to a number of factors: the amount of employment land already available within a 10 mile radius which is in arguably better locations and more suited to large scale employment; the lack of any meaningful proposals in response to marketing of the site; and, the location of the site; the anticipated levels of rent versus the significant costs of development.
- 9.10 The local planning authority is aware that this is an important site for Burwell in terms of job creation and acknowledges the aspirations of the local community to retain this site for employment use, as illustrated by the outcome of Burwell Master Plan process. An independent peer review of the submitted viability assessment was therefore carried out, to examine in detail the finding so the applicant’s report. Legal advice was also sought as to whether the viability assessment could include the part of the original site already developed for housing. In this respect, the Council has been advised that the viability can only consider the application site.
- 9.11 The findings of the peer review agree with the viability appraisal in so far as industrial development on this site produces a materially negative land value. The review

considered what other forms of development may be considered on this site, and found that an office development is equally unviable.

- 9.12 The review considered that splitting the land up into plots for sale to open storage users and those who want to self-build their own units is probably the most realistic way forward for this land if to be developed for employment use. However, this was also found to produce a materially negative land value.
- 9.13 The review confirmed that Burwell is not a favoured location for large scale employment use and there has been a long period of weak demand for industrial and office space in the village, resulting in consistently low rental and capital values for such uses, which are all below the levels that can be considered viable for a speculative developer.
- 9.14 As a brownfield site with existing buildings that need to be demolished, the costs of preparing this site for any form of new development are very high compared to developing on a greenfield site, so this exacerbates the unviability of this proposal and there is no immediate prospect of this becoming viable in the short or medium term.
- 9.15 On the basis of the evidence submitted by the applicant and given the further expert advice given to the Council, it has been demonstrated that commercial development of the site is not viable, and the proposal therefore meets the requirements of policies EC1 of the Core Strategy and EMP1 of the draft Local Plan. As such, this alternative proposal should be assessed on its own merits.
- 9.16 The proposal includes an element of employment floorspace, supported by the residential element. The local planning authority wants to ensure that this site delivers the best outcome for Burwell in terms of job creation and as it currently stands employment development can only be delivered on this site when supported by a residential scheme. A S106 agreement would be used to secure the employment element of the site.

Inclusion of land outside the development envelope

- 9.17 The Forward Planning Officer raised concerns in their response regarding the inclusion of land outside the development envelope. However, since the time that these comments were given the change in policy context. Most notably, the absence of a five year housing supply, has made it more difficult for the Council to resist applications outside the envelope simply as a matter of principle.
- 9.18 The inclusion of this land must be assessed to determine whether the adverse impacts of its development would outweigh the benefits. In this respect, it is important to highlight that this additional strip of land helps to support the viability of the overall site, enabling a proportion of employment land as part of the overall scheme. Without this land it may be the case that the viability of any business floorspace as part of the development would have been called in to question. Given the importance of maximising the employment element and therefore the number of jobs created the exclusion of this land would not be in the interests of delivering the best possible development.

- 9.19 In terms of the development of this land and the impact that would have on the adjacent country wildlife site, this is discussed in more detail under 'ecology and biodiversity' and 'visual amenity' later in this report. However, it should be stressed that this application is outline with layout to be addressed at the reserved matters stage. At this stage it would be possible to secure the level of buffer felt to be required to protect the interests of the County Wildlife Site.

Benefits of the development and sustainable patterns of development

- 9.20 The presumption in favour of sustainable development requires that applications for housing be approved unless the adverse effects of the development significantly and demonstrably outweigh the benefits.
- 9.21 The benefits of the development, against which any adverse impacts must be weighed, are: the contribution that it would make in terms of addressing the housing supply shortfall, within the District as a whole; the economic benefits of construction and additional population to support local businesses; the benefits of enabling an element of employment use on the site, and the provision of affordable housing to meet the needs of the district as a whole.
- 9.22 The assessments of the impacts of the development are discussed in relation to each separate material consideration throughout this report. However, it is also necessary to have regard to the sustainability of this location in terms of the Council's locational strategy and the aim of encouraging sustainable patterns of living and working.
- 9.23 In the emerging Local Plan, the locational strategy set out in policy GROWTH2 is designed to ensure that growth is sustainable, by focussing the majority of new development on the Market Towns of Ely, Soham and Littleport. These locations have a wide range of jobs, services and facilities and better transport infrastructure. Locating development in these locations can therefore help to reduce out-commuting, the need to travel, carbon emissions and energy use.
- 9.24 Given that the site is located within Burwell, it does not technically accord with the locational strategy set out above in relation to the Market Towns. However, Burwell is the 4th largest settlement in terms of population after the 3 market towns. Burwell also benefits from a good range of services and is also located within 4 miles of Newmarket. The village has good road access to the A11 and the A14 as well as a regular bus service to Newmarket and Cambridge, although no bus service to Ely.
- 9.25 In light of the size of the settlement, the existing services within the village and the connections to Newmarket, good road access and bus services, it is considered that the location for the proposed development would be compatible with the desire to help reduce out-commuting and the need to travel by car. This in turn supports the emphasis on reducing carbon emissions and energy use, which are a fundamental part of the environmental strand of sustainability enshrined within the NPPF. The development also enables a portion of employment use, which is an essential part of creating a sustainable and well-balanced community.
- 9.26 Assessing the proposal against the policies contained within the NPPF as a whole, as required by the presumption in favour of sustainable development (NPPF paragraph

14), there would be no adverse impacts in terms of its location and the proximity to Newmarket and other employment opportunities to significantly and demonstrably outweigh the benefits of the development, in terms of helping to address the existing five year housing land supply shortage.

Visual Amenity

- 9.27 The majority of the site is previously developed brown field land and is in a state of disrepair. Whilst the appearance, landscaping, layout and scale are to be dealt with at the reserved matters stage, it is accepted that the comprehensive development of the site would be likely to bring considerable benefits in terms of visual amenity and the character of the area.
- 9.28 The application site does include an area of undeveloped land, outside the development envelope. However, this land does not make a significant contribution to the wider setting of the village and it is considered that appropriate landscaping could be achieved to successfully mitigate for its development.
- 9.29 In order to ensure that where possible, existing landscape features are retained and incorporated into the development, to help its assimilation with the surroundings, a condition will prevent the removal of trees and hedges from the site without the prior written approval of the local planning authority.
- 9.30 On balance it is considered that the development would not result in any significant adverse effects on visual amenity and would therefore be in accordance with the requirements of policies EN1 and EN2 of the Core Strategy and policies ENV1 and ENV2 of the draft Local Plan.

Ecology and Biodiversity

- 9.31 Objectors have raised concerns over the loss of wildlife habitat, the impact on the adjacent County Wildlife Site (CWS) and the potential adverse impact on various species, including bats, and newts which are protected. Policies EN6 and ES6 of the Core Strategy and draft Local Plan respectively, seek to ensure that the impact on wildlife is minimised and that opportunities for biodiversity enhancement are taken.
- 9.32 Given the scale of the proposal and the nature of the site, it is appropriate that the impacts on biodiversity and protected species are assessed in line with local and national planning policy, and with regard to the Natural England Standing Advice on Protected Species. In this respect, an Ecological Assessment has been submitted with the application, which includes details of an ecological appraisal walk over survey as well as species surveys for Great Crested Newts and reptiles.
- 9.33 The site is not in close proximity to any nationally designated sites, although it is in close proximity to Pauline's Swamp CWS to the west. The Wildlife Trust's Conservation Officer has reviewed the application and has noted the suggested mitigation, which includes a habitat buffer adjacent to the CWS. They have advised that they are pleased that consideration has been given to the most appropriate habitats and management for this buffer area to complement the existing CWS and they have not raised any objection on the basis of any adverse effects on that site.

- 9.34 The most valuable habitats on the site were found to be the hedgerows and the semi improved grassland; the latter mainly due to its connectivity to Pauline's Swamp. The development will adversely impact on the existing mosaic of habitats, however, appropriate mitigation and sensitive working practices are proposed to minimise impacts on biodiversity, including the provision of a 6 metre buffer strip between the development and the adjacent CWS described above.
- 9.35 In order to ensure that the requirements of Policies EN6 and ES6 of the Core Strategy and draft Local Plan respectively, are met, a condition will require the submission of a site-wide Biodiversity Strategy prior to or as part of the first Reserved Matters application, will be required, setting out how the development will improve the biodiversity of the site and protect existing wildlife. This strategy will incorporate the recommendations set out in the ecological reports to ensure that there are no adverse effects on protected species and to ensure the maximum biodiversity value of the finished development.

Flood risk, drainage and pollution control

- 9.36 The applicant has submitted a flood risk assessment, as well as further detailed information at the request of the Environment Agency. Following the receipt of this additional information the Agency has confirmed that they have no objection to the proposal, subject to the use of appropriate planning conditions.
- 9.37 A small portion of the site falls within flood zone 3 of the Environment Agency flood risk maps. It is proposed that this part of the site would be for employment purposes, a vulnerability of land use which is deemed to be compatible with that level of risk. Given that the site has also been allocated for employment purposes in the Local Plan, the required sequential testing has already taken place and as such no further work is required in connection with this application.
- 9.38 The applicant has demonstrated that surface water can be dealt with on site using permeable paving, swales and balancing ponds, with a reduction in the existing runoff rate. However, the applicant will need to demonstrate as part of the detailed surface water drainage scheme, that the requirements of any local surface water drainage planning policies have been met and the recommendations of the relevant Strategic Flood Risk Assessment and Surface Water Management Plan have been considered.
- 9.39 Planning conditions can secure the required surface water details as well as information to ensure there is no contamination to controlled waters. Due to the sensitivity of the location, the use of piling could pose a risk of contamination and as such a condition is recommended to restrict such activity without prior written consent.
- 9.40 The Council's Scientific Officer has also reviewed the application in respect of potential contamination and pollution to end users of the development and existing users of the surrounding area.
- 9.41 A thorough and extensive 'Geoenvironmental Appraisal report' has been submitted with the application. The conclusions of this report are found to be generally

acceptable and appropriate. However, several areas of further work, including remediation, are deemed necessary and these would be secured by condition.

- 9.42 With regard to impacts on local air quality, they advise that the construction phase impacts should be addressed through normal good practise associated with construction sites and minimising nuisance (dust/odour) potential. In terms of managing impacts to local air quality from the development, the primary concern would be any increase in traffic emissions or new dwellings located near busy roads or junctions. In the case of this application, which is for a relatively small development in an area of relatively good air quality, the Council's Scientific Officer considers that, it is not necessary to have a bespoke Air Quality Impact Assessment carried out.
- 9.43 On balance, given the expert advice received, it is considered that the development could be provided without adverse effects either in terms of flood risk, surface water drainage or contamination and as such the application is in accordance with policies EN7 and EN8 of the Core Strategy 2009 and policies ENV8 and ENV9 of the draft Local Plan Policy (as amended June 2014).

The historic environment

- 9.44 The application site is not within the Conservation Area for Burwell, and is a considerable distance from the nearest listed building. However, the County records indicate that the site lies in an area of high archaeological potential and it is considered likely that important archaeological remains survive on the site and that these would be severely damaged or destroyed by the proposed development.
- 9.45 Given that this is an allocated site and at the time of allocation the County Historic Environment Team did not raise the archaeological sensitivity as a constraint, it is considered to be unreasonably onerous to require archaeological work prior to determination. However, an archaeological condition would be required to ensure appropriate works archaeological work prior to or as part of the first reserved matters application, so that any findings can inform the layout of the development if necessary.
- 9.46 Given that the description of the outline is for up to 70 dwellings, this approach will still enable provisions for the recording and, more importantly, the preservation of important archaeological remains *in situ* if this is necessary. It is therefore considered that the proposal would not be contrary to the aims of policies EN5 of the Core strategy 2009 of policy ENV 14 of the draft Local Plan Policy (as amended June 2014). It is also considered to be compatible with Paragraph 009 of the Planning Practice Guidance reiterates this requirement, stating that *"being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals."*

Highways issues

- 9.47 The mixed use nature of the scheme means that there would be both residential and industrial traffic along the first part of the new road. This section of new estate road would therefore need to be designed to dimensions appropriate for use by HGVs. The

details of the access itself are considered at this stage, and the Highways Officer is happy that the proposal is acceptable in highway safety terms.

- 9.48 The reserved matters application dealing with layout would address the need for an obvious change in the character of the road beyond the entrance to the business part of the site. The Highways Officer has stated that there would be sufficient space to come up with a satisfactory internal layout and therefore raises no objection in principle to the proposal on the grounds of highway safety.
- 9.49 The Highways Transport Assessment Team is satisfied with the details provided in the Transport Assessment and the submitted addendum, subject to a contribution to improve the northbound Swaffham Road bus stop.
- 9.50 The illustrative masterplan demonstrates that there would be sufficient space to provide adequate parking and turning facilities for the development to meet requirements of policy S7 of the Core Strategy 2009 and policy COM8 of the draft Local Plan Policy (as amended June 2014). Given the absence of any safety concerns from the Highways Officer or objections from the Transport Assessment Team, the application is also considered to be in accordance with policy policy S6 of the Core Strategy 2009 and policy COM7 of the draft Local Plan Policy (as amended June 2014).
- 9.51 The impacts of the shared use of an access in terms of the potential impact on residential amenity are discussed later in this report.

Residential Amenity

- 9.52 Whilst this is an outline application there are issues of residential amenity relating to the principle of the development which must be considered at this stage. The main issues of concern relate to the mixed use of the scheme, the shared access for those uses and the proximity to the existing employment site.
- 9.53 The proposed industrial units are to be Class B1, which by its very definition should be compatible with more sensitive receptors such as residential development. Initially the access road was positioned in such a way that the business traffic would pass through a 'tunnel' of residential development. This has now been altered so that the relationship between this access and the residential element of the scheme is improved, and it is considered that an appropriate layout could be designed around this access to ensure that there would be no adverse effects on residential amenity. Notwithstanding this, a condition can be imposed limiting the hours of use of the business units to further protect residential amenity. A condition can also be imposed relating to hours of construction and deliveries during the construction phase, to protect the residential amenity of existing neighbours.
- 9.54 In terms of the adjacent general industrial uses, the old fire station, which is closest to the application site, has an approved B2, which has caused some concern to the Environmental Health Officer. To address this issue, the amended access location has facilitated an illustrative masterplan where the employment element is brought forward to front onto Reach Road. In this way, the B1 uses would provide a buffer between the existing B2 unit and the proposed residential dwellings. Notwithstanding this, it is

considered appropriate to condition the submission of a noise impact report, detailing how the developer will mitigate against any noise impacts on the proposed properties.

- 9.55 In terms of issues of overlooking and buildings being overbearing, the illustrative masterplan demonstrates that sufficient separation between the new development and existing dwelling could be achieved, and is considered that the development could be designed to ensure that there is no unacceptable overlooking.
- 9.56 On balance it is considered that the proposal would not raise any adverse effects in terms of residential amenity which could not be addressed at the reserved matters stage and as such it is considered to be in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009 and with policy ENV2 of the draft Local Plan Policy (as amended June 2014).

Other material matters

Comprehensive Development

- 9.57 At the outset of this application it was highlighted that the adjoining County Land should ideally be included as part of this scheme to ensure the best and most comprehensive development possible and secure the most deliverable employment site. It became clear that the timescales involved in the negotiations required to facilitate this were not compatible with the timescales of the planning process. However, the scheme has been designed in such a way as to ensure that if a agreement was reached on the adjoining land the proposal could be adapted with relative ease to facilitate a single employment site with one access, currently serving the new fire station, separate from the access serving the residential element.

Summary

- 9.58 The assessment submitted by the applicant and the subsequent peer review, demonstrate that commercial development of this site is not viable, and as such the proposal for a mixed use scheme meets the requirements of policies EC1 of the Core Strategy and EMP1 of the draft Local Plan. As such, this alternative proposal should be assessed on its own merits in the context of the presumption in favour of sustainable development as set out in the National Planning Policy Framework (NPPF) and against other relevant Development Plan policies.
- 9.59 The key considerations in determining this application are therefore: whether any adverse impacts would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the NPPF taken as a whole and against the policies within the Core Strategy which do not specifically relate to the supply of housing; or, whether any specific policies within the NPPF indicate that the development should be restricted.
- 9.60 Given the size of the settlement, the existing services within the village and the connections to Newmarket, good road access and bus services, it is considered that the location for the proposed development would be compatible with the desire to help reduce out-commuting and the need to travel by car. It is also considered that the

inclusion of land outside the development envelope is acceptable, on the basis that its inclusion helps enable the provision of some employment floorspace in the scheme.

- 9.61 The benefits of this development are the contribution it would make in terms of housing supply within the District as a whole as well as the economic benefits of construction and additional population to support local businesses, the provision of affordable housing, and the facilitating the provision of some employment land.
- 9.62 On balance it is considered that there would be no adverse impacts either in terms of the sustainability of the location, flood risk and drainage, archaeological remains, residential amenity, visual amenity or ecology and biodiversity that would significantly outweigh the benefits of the development. The application is therefore recommended for approval.

10.0 RECOMMENDATION

- 10.1 RECOMMENDATION: Approval be delegated to the Principal Development Management Officer for approval subject to the conditions outlined below and the completion of a S106 agreement.

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

Plan Reference	Version No	Date Received
TA ADDENDUM		13th March 2014
PLANNING STATEMENT ADDENDUM		13th March 2014
A631 01	Rev A	23rd July 2014
LOCATION PLAN		22nd January 2014
FRA ADDENDUM		10th March 2014
02	A	22nd July 2014
15046-04-01		21st August 2014
15046-04-02		21st August 2014
01	A	22nd July 2014

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.

- 4 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN8 of the East Cambridgeshire Core Strategy 2009 and policy ENV9 of the Draft East Cambridgeshire Local Plan.
- 5 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of any remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
- 5 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN8 of the East Cambridgeshire Core Strategy 2009 and policy ENV9 of the Draft East Cambridgeshire Local Plan.
- 6 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing to the Local Planning Authority within 24 hours. An investigation and risk assessment must be undertaken and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.

- 6 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN8 of the East Cambridgeshire Core Strategy 2009 and with policy EN8 of the East Cambridgeshire Core Strategy 2009 and policy ENV9 of the Draft East Cambridgeshire Local Plan.. Also, to protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).
- 7 Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) dated October 2013, ref. INV103/FRA, and FRA Addendum dated 6 March 2014, has been submitted to and approved in writing by the local planning authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- The scheme shall include:
- A restriction in run-off and surface water storage on site to attenuate runoff from the 1 in 100 year with an allowance for climate change storm event, as outlined in the FRA Addendum.
 - Details of who will be responsible for future maintenance of the scheme.
- 7 To ensure a satisfactory method of surface water drainage, to prevent the increased risk of flooding and to protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3), and in accordance with policy EN7 of the East Cambridgeshire District Core Strategy and policy ENV8 of the Draft East Cambridgeshire Local Plan.
- 8 No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
1. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site.
 2. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM.
 3. Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be

complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.

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

- 8 To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3), and in accordance with policy EN8 of the East Cambridgeshire District Core Strateg and policy ENV9 of the Draft East Cambridgeshire Local Plan.
- 9 Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
- 9 To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3), and in accordance with policy EN8 of the East Cambridgeshire District Core Strateg and policy ENV9 of the Draft East Cambridgeshire Local Plan.
- 10 No development shall take place until a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved prior to first occupation of the dwellings or business units.
- 10 Reason: To ensure a suitable method of foul drainage to protect and prevent the pollution of controlled waters from potential pollutants in accordance with policy EN8 of the East Cambridgeshire Core Strategy 2009 and policy ENV9 of the Draft East Cambridgeshire Local Plan.
- 11 Prior to or as part of the first reserved matters application, the applicant shall 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. The archaeological work shall be carried out in accordance with the approved details and the finding shall inform the layout of the finished development.

- 11 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy EN5 of the East Cambridgeshire Core Strategy 2009 and policy ENV14 of the Draft East Cambridgeshire Local Plan.
- 12 No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:
- i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)
 - ii. Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street.
 - iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)
 - iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.
- 12 Reason: In the interests of highway safety, in accordance with policies S6 and S7 of the East Cambridgeshire Core Strategy 2009 and policies COM7 and COM8 of the Draft East Cambridgeshire Local Plan.
- 13 Prior to the first occupation of the dwellings or business units, the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.
- 13 Reason: In the interests of highway safety, in accordance with policies S6 and S7 of the East Cambridgeshire Core Strategy 2009 and policies COM7 and COM8 of the Draft East Cambridgeshire Local Plan.
- 14 The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.
- 14 Reason: To prevent surface water discharging to the highway.
- 15 No unbound material shall be used in the surface finish of the access within 6 metres of the highway boundary of the site.
- 15 Reason: In the interests of highway safety, in accordance with policies S6 and S7 of the East Cambridgeshire Core Strategy 2009 and policies COM7 and COM8 of the Draft East Cambridgeshire Local Plan.
- 16 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access, including the access into the

employment element of the development, unless details have first been submitted to and approved in writing by the Local Planning Authority.

- 16 Reason: In the interests of highway safety, in accordance with policies S6 and S7 of the East Cambridgeshire Core Strategy 2009 and policies COM7 and COM8 of the Draft East Cambridgeshire Local Plan.

- 17 Prior to or as part of the first Reserved Matters application, a site-wide Biodiversity Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall set out how the development will improve the biodiversity of the site and protect existing wildlife, including:

- a) Full details of how any lighting during works and permanent lighting will be installed to face away from potential bat foraging and commuting areas such as ponds, semi-improved grassland, trees and hedgerows;
- b) Details of a 6m wide 'wildlife' area buffering 'paulines Swamp' and details of its future management, with biodiversity in mind, as a 'hay meadow' with hibernacula for reptiles and amphibians, or other wildlife habitat to be agreed in writing with the local planning authority.
- c) Identification of habitats and species worthy of management and enhancement to be incorporated into the proposed layout and landscaping of the development
- d) Details of how works on site will take place in a manner to protect smooth newts and hedgehogs that may be using the site.
- e) Details of how boundary treatment in the finished development will enable the free movement of hedgehogs will be facilitated in the finished development.

All development shall be carried out in accordance with the approved strategy.

- 17 To ensure that the development of the site conserves and enhances biodiversity in accordance with policy EN6 East Cambridgeshire Core Strategy (2009) and Policy CS 9, Draft East Cambridgeshire Local Plan

- 18 No clearance work shall take place within the bird-nesting season March - July inclusive, unless an experienced ornithologist has undertaken a survey of the area to ensure that no nesting birds will be affected and the local planning authority has agreed to the work in writing.

- 18 Reason: To ensure nesting birds are not adversely affected in accordance with policy EN6 of the Core Strategy 2009 and Planning Policy Statement 9 Biodiversity and Geological Conservation.

- 19 Notwithstanding any changes that may be made to the Town and Country Planning (Use Classes) Order 1987 (as amended) and/or the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any statutory instruments revoking and re-enacting those Orders, the Business (B1) floorspace permitted shall be used for purposes falling within Class B1 of the Town and Country Planning (Use Classes

Order) 1987 as that Order is in force at the date of this permission and for no other purposes.

- 19 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009 and policy ENV2 of the Draft East Cambridgeshire Local Plan.
- 20 The hours of use of the proposed business units shall be limited to:
07:00 - 19:00 Monday - Friday
08:00 - 13:00 Saturdays
- 20 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009 and policy ENV2 of the Draft East Cambridgeshire Local Plan.
- 21 Construction work and deliveries during the construction phase shall be limited to the following times:

08:00 - 18:00 each day Monday - Friday
08:00 - 13:00 on Saturdays
- 21 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009 and policy ENV2 of the Draft East Cambridgeshire Local Plan.
- 22 Prior to the commencement of development details of the provision of fire hydrants, or equivalent, on the site shall be submitted to and agreed in writing with the Local Planning Authority in conjunction with the Fire and Rescue Authority.
- 22 Reason: To ensure the appropriate infrastructure is in place to ensure adequate public safety provision in accordance with Policies EN2 and S4 of the East Cambridgeshire Core Strategy 2009 and Policies Growth 3 and ENV2 of the draft East Cambridgeshire Local Plan (2013).
- 23 The dwelling mix for the development (both market and affordable) shall provide a mix of dwelling types and sizes that contribute to the housing needs of the locality at the time of submission of the Reserved Matters application. The mix of housing shall be fully justified by providing robust evidence related to the identified level of housing need of the locality. The evidence base supplied to support the proposed mix shall be agreed at each application stage with the Local Planning Authority.
- 23 Reason: To ensure that the development provides a satisfactory mix of dwelling types in accordance with Policy CS2 in the East Cambridgeshire Core Strategy (2009), Policy HOU1 in the East Cambridgeshire Draft Local Plan (2013) and the draft North Ely Supplementary Planning Document (2014).

- 24 A minimum of 20% of residential dwellings (Use Class C3) forming part of the development shall be designed to meet the following criteria from the Habinteg Lifetime Homes Standard:
- o Walls in bathrooms and toilets should be capable of taking adaptations such as handrails; and
 - o Potential for the provision of a stair lift or a suitably identified space for a through-the-floor lift from the ground to the first floor, for example to a bedroom next to a bathroom. There must be a minimum of 900mm clear distance between the stair wall (on which the lift would normally be located) and the edge of the opposite handrail/balustrade. Unobstructed 'landings' are needed at top and bottom of the stairs.
- 24 Reason: To ensure that the development provides a satisfactory level of adaptable housing in accordance with Policy CS2 in the East Cambridgeshire Core Strategy (2009), Policies HOU1 and ELY1 in the East Cambridgeshire Draft Local Plan (2013) and the draft North Ely Supplementary Planning Document (2014).
- 25 Except as detailed on the approved plans, no trees shall be /pruned or removed/felled and no shrubs or hedges shall be removed without the prior written approval of the Local Planning Authority.
- 25 Reason: To ensure that the trees and hedges on site are adequately protected, to safeguard the character and appearance of the area and to preserve biodiversity features, in accordance with policies EN1 and EN2 of the East Cambridgeshire Core Strategy 2009 and policies ENV1 and ENV7 of the Draft East Cambridgeshire Local Plan.
- 26 Prior to or as part of the first reserved matters application a noise report to show how the developers will mitigate against noise impact upon the proposed properties, shall be submitted to the local planning authority and agreed in writing. All works shall be carried out in accordance with the agreed report.
- 26 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009.

11.0 **APPENDICES**

<u>Background Documents</u>	<u>Location(s)</u>	<u>Contact Officer(s)</u>
The application file	Penny Mills Room No. 011 The Grange Ely	Penny Mills Senior Planning Officer 01353 665555 scott.jackson@eastcambs.gov.uk

<http://pa.eastcambs.gov.uk/online-applications/>

East Cambridgeshire Local Plan – post-hearing work and proposed modifications

<http://www.eastcambs.gov.uk/sites/default/files/d%26t%20cttee%20report%20on%20post%20hearing%20work%2014apr14.pdf>

Core Strategy

<http://www.eastcambs.gov.uk/local-development-framework/adoption-core-strategy>

Draft Local Plan

<http://www.eastcambs.gov.uk/local-development-framework/east-cambridgeshire-local-plan>