

MAIN CASE

Proposal: Demolition of Bungalow and erection of 5 no Bungalows, complete with access and related infrastructure.

Location: (Land at and rear of) 19 Toyse Lane Burwell Cambridgeshire CB25 0DF

Applicant: K & J Carpenter And Son Ltd

Agent: Springfields Planning And Development

Reference No: 14/00533/OUT

Case Officer: Rebecca Saunt

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

Date Received: 13 May 2014 Expiry Date:

[P60]

1.0 EXECUTIVE SUMMARY

- 1.1 The application seeks outline planning permission for the demolition of a bungalow and the erection of 5no bungalows on land at and to the rear of 19 Toyse Lane, Burwell. Approval is sought for access as part of the application, and all other matters (appearance, landscaping, layout and scale) are reserved.
- 1.2 The majority of the site is located outside the development envelope of Burwell and the proposal is therefore a departure from the policies contained within the Core Strategy, which forms part of the Development Plan for the District.
- 1.3 The application has been called to Planning Committee by the Local Member Cllr David Brown on the grounds of widespread interest.
- 1.4 The Council cannot currently demonstrate a robust five year housing supply and therefore the policies within the Core Strategy relating to the supply of housing should not be considered up-to-date. In light of this, applications for housing development, such as this one, should be considered in the context of the presumption in favour of sustainable development as set out in the National Planning Policy Framework (NPPF).

- 1.5 This application for the demolition of a bungalow and erection of 5 bungalows, would address a small percentage of the five year housing supply shortfall, which the Planning Inspector has advised amounts to 320 dwellings. The benefit of this development is therefore 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.
- 1.6 The key considerations in determining this application are therefore: whether any adverse impacts would significantly and demonstrably outweigh the benefits of the development, as set out above, 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.
- 1.7 On balance it is considered that there would be no adverse impacts either in terms of the sustainability of the location, residential amenity or visual amenity that would significantly outweigh the benefits of the development.
- 1.8 It is therefore recommended that the application be delegated to the Principal Development Control Manager for approval, subject to ongoing discussions in relation to viability and affordable housing and the completion of a satisfactory S106 Agreement in relation to affordable housing, and the advertisement of the application as a departure.

1.9 **A Site visit has been arranged for 11:40am, prior to the Planning Committee meeting.**

2.0 THE APPLICATION

- 2.1 The application seeks outline planning permission for the demolition of a bungalow and the erection of 5no bungalows on land at and to the rear of 19 Toyse Lane, Burwell. Approval is sought for access as part of the application, and all other matters (appearance, landscaping, layout and scale) are reserved.
- 2.2 The demolition of 19 Toyse Lane would facilitate the access to the proposed site from Toyse Lane at a point where there is an existing dropped kerb. The existing access would be widened to meet shared surface specifications.
- 2.3 The application is in outline form and therefore the plan submitted which shows the layout of the site is only indicative. However, the plans give an indication of how 5 bungalows would be accommodated following the demolition and clearance of the site.
- 2.4 The indicative scheme shows the existing bungalow to be replaced by a new bungalow (plot 5) and a driveway which would run along the sites north western boundary, adjacent to No. 17 Toyse Lane. The proposed bungalow would be narrower and longer than the existing bungalow to accommodate the access into the site. The rear part of the site would accommodate the remaining four bungalows, shown on the indicative plan as grouped around and facing a hammerhead turning at the end of the proposed driveway. The indicative plan

shows each of the dwellings to have parking for at least two cars and private garden areas.

3.0 THE APPLICANT'S CASE

3.1 The Applicant's case is set out in the 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/>. Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, on the application file.

3.2 The applicant has summarised in their Planning Statement that the proposed development can occur without undue impact on visual or residential amenity, local character, highway safety or the countryside. The summary continues to state that

"Whilst mostly beyond the development envelope set in the Core Strategy, the clear housing need and NPPF's presumption in favour of sustainable development provide powerful arguments to approve this planning application. This presumption can be fully applied and balanced against the restrictions of the Core Strategy. Such restrictions do not sit well with the NPPF's emphasis on growth.

Government Policy is abundantly clear that where the development plan policies are out-of-date, LPA's should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The application has shown that there is little in the way of adverse impacts. Without any overriding adverse and significant effects, a considered and balanced judgement should conclude that the application can be granted."

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located within the Parish of Burwell, with the wider rear section of the site (which would accommodate 4 of the proposed bungalows) situated outside the development envelope. 19 Toyse Lane and its existing garden are situated within the development envelope.

4.2 The site is T shaped with the overall site area approximately 0.28 hectares. The site comprises a detached early 1950's bungalow (No. 19 Toyse Lane), its garage and garden land and adjacent land to the rear of 17 and 21 Toyse Lane. The frontage of the site, adjacent to Toyse Lane measures 15 metres and extends in width to approximately 50 metres where it abuts the rear of 17 and 21 Toyse Lane. The maximum depth of the site is approximately 91 metres and the minimum depth is 43 metres. A mixture of dwellings including single and two storey are located within the vicinity of the site.

4.3 The sites frontage lies to the north of Toyse Lane. The south-eastern boundaries of the site are with the bungalow and garden area of No. 21 and the latter part of the rear garden of No. 23 Toyse Lane. The north-western boundaries are with the house and garden of No. 17 Toyse Lane and a field access which runs between 17

and 15a Toyse Lane and further beyond, two storey dwellings at Apple Tree Grove. There are various fences to most of these boundaries. The sites rear boundary is formed by post and wire fencing and backs onto farmland.

5.0 PLANNING HISTORY

5.1 There is no relevant planning history for this site.

6.0 REPLIES TO CONSULTATIONS

6.1 **Neighbours** – 5 letters of objection have been received. 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.eastcambbs.gov.uk/online-applications/>)

Highways

- Added congestion/potential danger with entrance to Toyse Lane – already direct route for HGV's and recovery vehicles;
- Access to site on brow of hill and close to bus stop;
- Increase risks of accidents;
- Already issues with speeding and parking;
- Plot 5 inadequate parking provision and insufficient turning space;
- Proposed road not sufficient to accommodate daily movement of cars or pedestrians;
- 20 parking spaces – unrealistic as most people don't park in garages;

Sustainability

- Infrastructure cannot cope – sewerage and water drainage at a maximum;
- Anglian Water tanker sewerage from existing farm;
- Will set a precedent and open up the floodgates for garden grabbing;

Policy

- Plots 1-4 are on greenfield site, outside settlement boundary and not in accordance with Policy or Masterplan;

Residential Amenity

- Proximity to our property;
- Bungalows more acceptable, is there any guarantee won't turn into houses?
- Guarantee number of dwelling will not increase?
- Increase in vehicle movements therefore increasing noise and air pollution;
- Hedgerow mentioned in statement is within our ownership;
- Adequate protection/fencing should be provided;
- Will living accommodation be in roof as may impact on properties;
- Further permitted development post construction could impact;

Visual Amenity

- Out of character with the streetscene;
- Toyse Lane developed to the max;

- Development should be looked at other end of village, this end very little green belt remaining following erection of Appletree Grove;
- Severe landscape impact;
- Garden already been cleared of fruit trees and shed;
- Plot 5 out of character;
- Long drive not efficient use of land – cars will park on driveway - demolish No. 21 as well;

Other Issues

- What is to become of current grass track between 17 and 15a? Could this be for further development?
- Demolition would present opportune opening to agricultural field to rear;
- Applicant not consulted us on plans;
- Foul sewerage currently shared with No. 19;
- Land suffered subsidence;
- Established ways to improve thermal efficiency of bungalow instead of demolishing it;
- Points 2.13 and 2.20 are they relevant to application – large gardens neglected and difficult to manage not a reason to develop them;
- Large properties should be protected;
- Older people will have long way to take wheelie bins;
- Planning statement vague using words ‘indicative’ and ‘reserved matters’.

- 6.2 Cllr David Brown** – Request a call in to Planning Committee on the grounds of widespread interest.
- 6.3 Parish Council** – Object to this application as outside the development line as agreed in the Burwell Masterplan.
- 6.4 Housing Officer** – Housing Register shows there is local need from applicants with a connection to Burwell and would therefore support application for affordable housing outside the development envelope on the basis of addressing need. If policy requirement to build only affordable housing outside the development envelope were to be disregarded, the scheme should include 40% affordable in accordance with HOU3. The draft Local Plan states “Where development involves the demolition of existing properties the amount of affordable housing will be calculated on the gross number of dwellings”. If approved inclusion of affordable housing requirement is secured by s106 or condition.
- 6.5 Highways** – Additional information supplied is sufficient to address concerns previously raised in relation to layout and visibility splays. The proposal should have no significant impact on the public highway, should it gain the benefit of planning permission, subject to the incorporation of the conditions and informatives recommended.
- 6.6 Environmental Health** – Any residential property is classed as vulnerable to the presence of contamination, therefore advise contamination conditions, requiring an appropriate contamination assessment. Driveway to be of solid construction.

- 6.7 Waste** – Neither ECDC or its contractors will enter private land to collect waste, therefore waste will need to be presented at the point the development meets the public highway. East Cambs is permitted to make a charge for the provision of waste collection receptables.
- 6.8 Archaeology** – Evidence for prehistoric activity in the vicinity and considered likely that remains of a similar period will be found within the current application area. Therefore consider site should be subject to a program of archaeological investigation and recommend work should be commissioned and undertaken by developer and secured by planning condition.
- 6.9 Architectural Liaison Officer** – No issues on the grounds of crime and disorder. However, need to view the rear perimeter treatment as the site appears to back onto open farmland.

7.0 THE PLANNING POLICY CONTEXT

7.1 East Cambridgeshire Core Strategy 2009

CS1	Spatial Strategy
CS2	Housing
CS6	Environment
CS7	Infrastructure
CS8	Access
H1	Housing Mix and Type
H2	Density
H3	Affordable housing
S4	Developer contribution
S6	Transport impact
S7	Parking provision
EN1	Landscape and settlement character
EN2	Design
EN3	Sustainable construction and energy efficiency
EN6	Biodiversity and geology

7.2 East Cambridgeshire Local Plan Pre-submission version (as amended June 2014)

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
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 5	carbon offsetting
ENV 7	Biodiversity and geology

ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

7.3 Supplementary Planning Documents

Developer Contributions and Planning Obligations

8.0 **CENTRAL GOVERNMENT POLICY**

8.1 National Planning Policy Framework 2012

Core Planning Policies

- 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 majority of the proposed development is located outside the development envelope on unallocated land, and would therefore normally constitute a departure from both Core Strategy and draft Local Plan policies. However, the current Core Strategy 2009 is based on evidence now considered to be out of date. The emerging Local Plan is currently under Examination, and the Local Plan Inspector has recently issued an Interim Conclusions Report stating that in his view there is a shortfall of 320 dwellings in the Council's five year housing land supply. He has advised that the Hearings for the Examination be deferred for two months to allow the Council to address this issue.

9.3 Therefore, whilst the Inspector is satisfied that a robust supply of housing land has been demonstrated for the Plan period as a whole (13,000 dwellings), and that the use of a 5% buffer in calculating housing supply is acceptable, the Council cannot demonstrate a robust five year housing supply at the present time, due to the shortfall highlighted above.

9.4 Members should note that whilst there is currently a lack of 5 year housing land supply, the Council is due to consider a series of proposed modifications to the Local Plan to address the issue, at the Full Council meeting on 4th September. It is therefore anticipated that at some stage in the near future, the Council will be able to demonstrate a 5 year housing land supply.

- 9.5 Notwithstanding the ongoing work to address the housing land supply shortfall, at the present time, paragraph 49 of the NPPF applies, which states that relevant policies for the supply of housing should not be considered up-to-date, and housing applications, such as this one, should be considered in the context of the presumption in favour of sustainable development.
- 9.6 The presumption in favour of sustainable development is a key principle underpinning the NPPF. The sustainability or otherwise of a particular development proposal is therefore a key material consideration in determining planning applications, particularly in those cases where relevant housing policies are considered out-of-date, due to the absence of a five year housing supply.
- 9.7 Paragraph 7 of the NPPF defines sustainable development as having three dimensions: economic, social and environmental. These give rise to three key roles of the planning system:
- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
 - An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of these, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- 9.8 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.
- 9.9 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; and the provision of affordable housing to meet the needs of the district as a whole.
- 9.10 In making this assessment of impacts against benefits, the following material considerations are considered to be relevant:

Environmental Sustainability

- Settlement strategy and sustainable patterns of development

- Impacts on visual amenity and the character of the countryside and the setting of Burwell
- Impacts on the historical environment (archaeology)

Social Sustainability

- Issues of highway safety and accessibility
- Impacts on residential amenity
- Provision of affordable housing

Economic Sustainability

- Impacts on existing infrastructure
- Increased population supporting local businesses
- Economic benefits of construction industry jobs

Settlement strategy and sustainable patterns of development

- 9.11 The importance of sustainable development emphasised in the NPPF is echoed in the policies of the Core Strategy and the draft Local Plan. One of the key ways in which sustainable development is achieved is through a clear settlement strategy and policies directing development to the most sustainable locations. These policies do not specifically relate to the supply of housing and as such are still a relevant consideration in determining this application.
- 9.12 Policy CS6 of the Core Strategy states that *“all new development should contribute to the delivery of sustainable development, by being designed and located to minimise carbon emissions and the use of non-renewable resources”* and policy CS8 makes it clear that reducing the need to travel by car involves *“ensuring development is located where it is most accessible and can help to increase the use of non-car modes.”*
- 9.13 Policy CS1 of the Core Strategy designates Burwell as a ‘Key Service Centre’ where a limited amount of development will be accommodated. 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. The policy goes on to state that more limited development will take place in villages which have a defined development envelope, thereby helping to support local services, shops and community needs.
- 9.14 The site proposed in this application is on the edge of Burwell and therefore, 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 and also due to the size of the proposal it is considered that it would be limited development, which is supported in villages which have defined development envelopes.
- 9.15 Burwell benefits from a good range of services including a primary school, several shops, public houses, banks, village halls, a sports centre, swimming pool, doctors

surgery, pharmacy and petrol station and acts as a local service centre for the surrounding smaller villages. Burwell also has a range of employment opportunities, which are mainly provided on business parks on the edge of the village. Burwell 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.

- 9.16 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.
- 9.17 Burwell is a relatively large village with a reasonable level of services, and it is anticipated that it will grow over the Plan period through infill sites within the village and a new housing allocation site on the edge of Burwell, off Newmarket Road. The 'Village Vision' for Burwell set out in the draft Local Plan, is a neighbourhood plan-style document, which was developed in close collaboration with the Parish Council, the local community and the Burwell Masterplan. The high level of local engagement and empowerment has enabled the Council to closely "reflect the needs and priorities" of the community, as advocated by the NPPF (paragraphs 1 and 17). This approach also accords with the Government's Localism agenda.
- 9.18 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.
- 9.19 Whilst Burwell is not identified as a focus for growth in the draft Local Plan it is close to and well-linked with Newmarket and is the 4th largest settlement in the district, after the 3 Market Towns.

Impacts on visual amenity and the character of the countryside and setting of Burwell

- 9.20 The proposal for the demolition of 19 Toyse Lane and the redevelopment of 5 dwellings represents a density of 18 dwellings per hectare. It is considered that the proposed density is in keeping with the existing character of the locality and would be in accordance with Policy H2 of the Core Strategy and policy HOU 2 of the Draft Local Plan.
- 9.21 The front part of the site is situated within the development envelope and the demolition of the existing bungalow and replacement with a new bungalow does not raise any concerns in relation to visual amenity. The indicative plan shows the proposed bungalow to sit in line with the front elevation of the adjacent property. The bungalow would be narrower than the existing and the adjacent bungalow to allow for access to the rear of the site and it is likely that due to the siting it would be

positioned gable onto the road. There are other bungalows along Toyse Lane which are in a similar position so it is considered that this would not be out of keeping.

- 9.22 The proposed access would also not be out of keeping with Toyse Lane as there are other cul-de-sacs and driveways along Toyse Lane which serve similar types of housing schemes.
- 9.23 The rear section of the site would accommodate 4 bungalows. Due to the nature of the properties being bungalows they would have a relatively low height so would not be overbearing or highly visible within the streetscene. Limited glimpses from Toyse Lane may be captured of the proposed dwellings. However, at present there are already limited glimpses of the properties in Apple Tree Grove, so while the proposal is situated within the countryside the proposal would not introduce glimpses of buildings as these are already in situ. The design and scale of the bungalows would be agreed at Reserved Matters.
- 9.24 While the rear section of the site is located within the countryside, it is surrounded by residential uses on three sides. There are also limited public views of the site, which are mainly from Toyse Lane and Apple Tree Grove. Views from the distance/countryside are also not significant and the new bungalows would be seen in context with the predominately taller housing development along Toyse Lane and Apple Tree Grove and the proposal would not project into the countryside.
- 9.25 It should be noted as stated by a neighbour, that because the large gardens are neglected and difficult to manage it is not a reason to develop them.
- 9.26 However, on balance, it is considered that due to the small scale development and the siting of the proposed development in relation to existing properties it would not adversely affect the character and appearance of the countryside, and would be in accordance with policy CS1 of the Core Strategy.

Impacts on historical environment (archaeology)

- 9.27 County Archaeology has advised that the site is situated on chalk and there is evidence for prehistoric activity in the vicinity, including Neolithic flints to the west of the site and a Bronze Age burial mound to the immediate north. It is therefore considered likely that remains of a similar period will be found within the application site. The site will therefore need to be subject to a programme of archaeological investigation, commissioned and undertaken at the expense of the applicant and it is recommended that this is secured by condition.

Issues of highways safety and accessibility

- 9.28 The means of access is proposed from Toyse Lane. This will be delivered following the demolition of the existing bungalow, 19 Toyse Lane.
- 9.29 Whilst concerns have been raised regarding highway safety in neighbour representations, no objections have been received from CCC Highways in respect of the means of access, pedestrian or highway safety, subject to the recommended conditions. Amended plans have been received during the course of the application which demonstrates that a safe access can be provided to the site.

- 9.30 Local services within Burwell can be easily accessed by pedestrians along the existing footways and cyclists via Toyse Lane and the connecting roads.
- 9.31 The proposal includes 20 parking spaces. The indicative layout shows plot 1-4 having at least 4 parking spaces and plot 5 at the front of the site having 2 parking spaces. This would be in accordance with parking standards and both Core Strategy policy S7 and draft Local Plan policy COM8.
- 9.32 The local planning authority must acknowledge that the proposal would be acceptable on highway safety grounds and that any potential adverse effects could be mitigated by the use of conditions. The proposal is therefore considered to comply with policy S6 and S7 of the East Cambridgeshire Core Strategy 2009 and to policies COM7 and COM8 of the draft Local Plan.
- Impacts on residential amenity***
- 9.33 The main issues to be considered in relation to residential amenity of neighbouring occupiers are the loss of light/overshadowing, increased noise and loss of privacy/overlooking all fall within the social aspect of sustainability as set out in the NPPF.
- 9.34 Core Strategy policies EN2 and EN8 address the above issues, seeking to ensure light, air quality, noise and water pollution are minimised. These objectives are also reiterated in draft Local Plan policies ENV2 and ENV8. As layout, appearance and scale are not being assessed at this stage, the reserved matters applications would need to ensure that the proposed development would create an acceptable level of amenity for future occupants as well as safeguarding the amenity of those that occupy existing properties which adjoin the site, through addressing issues relating to overshadowing and overlooking.
- 9.35 The indicative layout submitted with the application shows that there would be a reasonable distance between the new bungalows and the existing surrounding properties. However, the precise scale, design and layout of the properties will be agreed at Reserved Matters stage. This will also include the proposed fenestration pattern and if any of the properties permitted development rights should be removed to ensure there would be no impact on residential amenity in the future.
- 9.36 The applicant proposes bungalows which subject to their location would not give rise to any overlooking or overbearing issues. The existing properties on Toyse Lane have long rear gardens so there would be sufficient distance between the proposed properties and the existing dwellings. The dwellings situated to the north west of the site in Apple Tree Grove are also situated a sufficient distance from the site and a farm access track (which is not included within the application site) separates these properties and the application site. To the north of the site is open countryside.
- 9.37 The proposed access would introduce additional vehicular movements adjacent to 17 Toyse Lane. However, the applicant has proposed that a suitable boundary treatment adjacent to 17 Toyse Lane and small strip of landscaping will be proposed to limit any potential impacts on this property and this will be dealt with at Reserved Matters stage. It is also recommended to condition that no unbound

material shall be used in the surface finish of the driveway in order to further protect residential amenity. Due to the small number of properties proposed it is considered that the introduction of vehicular movements along this boundary would be limited and a suitable boundary treatment would reduce any potential impacts.

- 9.38 On balance it is considered that the proposed development would not result in any significant adverse impacts in terms of residential amenity which could not be either designed out at the reserved matters stage or mitigated through the use of conditions.

Provision of affordable housing

- 9.39 The site is located within the south of the district where policy H3 of the Core Strategy and policy HOU3 of the Draft Local Plan seek a minimum of 40% affordable housing for developments of 5 or more dwellings, subject to viability. Where development involves the demolition of existing properties the amount of affordable housing is calculated on the gross number of dwellings.

- 9.40 In accordance with policy the proposed development would therefore require 2 affordable units on site, subject to viability. The applicant has submitted further information in relation to viability and this is subject to ongoing discussions with both the applicant and Officers. Members will be updated on discussions at Planning Committee and this application is therefore recommended for approval subject to the completion of a satisfactory S106 Agreement in relation to affordable housing.

Impacts on existing infrastructure

- 9.41 Concerns have been raised in relation to sewerage and water drainage. The applicant has advised that soakaways would be used for surface water drainage and that foul drainage would run to the sewer that is located in Toyse Lane and that spare capacity is available. Electricity and gas can also be connected via Toyse Lane.

Increased population supporting local businesses and economic benefits of construction industry jobs

- 9.42 The NPPF (paragraph 54) recognises that housing development in rural areas can help promote sustainable development by supporting local services. While this development is on a small scale it would also bring other economic benefits in terms of construction jobs.

Summary

- 9.43 The Council cannot currently demonstrate a robust five year housing supply and therefore the policies within the Core Strategy relating to the supply of housing should not be considered up-to-date. In light of this, applications for housing development, such as this one, should be considered in the context of the presumption in favour of sustainable development as set out in the National Planning Policy Framework (NPPF).

- 9.44 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.

- 9.45 In light of Burwell being the 4th largest settlement in the district where the Core Strategy and Draft Local Plan support limited development and its close proximity to Newmarket, the existing links between the two settlements in terms of public transport, and the amount of services and employment opportunities in the surrounding area, 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.
- 9.46 The benefits of this development are the small 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 proposal would also include a proportion of affordable housing, subject to viability.
- 9.47 On balance it is considered that there would be no adverse impacts either in terms of the sustainability of the location, residential amenity or visual amenity that would significantly outweigh the benefits of the development. This application is therefore recommended for approval, subject to the recommended conditions outlined below and further negotiation in relation to viability and affordable housing and the completion of a satisfactory S106 Agreement in relation to affordable housing, and the advertisement of the application as a departure.

10.0 **RECOMMENDATION**

RECOMMENDATION: That Approval be Delegated to the Principal Development Management Officer, at a later date, subject to further negotiations in relation to viability and affordable housing and the subsequent completion of a satisfactory S106 Agreement and subject to the following conditions: -

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

Plan Reference	Version No	Date Received
1915/SK1E		3rd July 2014
1915/LO(-)02		3rd July 2014
LOCATION PLAN		27th May 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: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 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 an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
- (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health
property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
adjoining land;
groundwaters and surface waters; ecological systems;
archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details before any development takes place.
- 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.
- 5 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.
- 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.

- 6 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a program 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.
- 6 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy EN5 of the East Cambridgeshire Core Strategy 2009.
- 7 No unbound material shall be used in the surface finish of the driveway.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009.
- 8 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.
- 8 Reason: In the interests of highway safety, in accordance with policies S6 and S7 of the East Cambridgeshire Core Strategy 2009.
- 9 Prior to the commencement of use the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification
- 9 Reason: In the interests of highway safety, in accordance with policies S6 and S7 of the East Cambridgeshire Core Strategy 2009.
- 10 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.
- 10 Reason: To prevent surface water discharging to the Highway, in accordance with policies EN2, EN7 and S6 of the East Cambridgeshire Core Strategy 2009.
- 11 The access and manoeuvring area shall be provided as shown on the approved drawings and retained free of obstruction.
- 11 Reason: In the interests of highway safety, in accordance with policies S6 and S7 of the East Cambridgeshire Core Strategy 2009.

<u>Background Documents</u>	<u>Location(s)</u>	<u>Contact Officer(s)</u>
Application File 14/00533/OUT	Rebecca Saunt Room No. 011 The Grange Ely	Rebecca Saunt Senior Planning Officer 01353 665555 rebecca.saunt@eastcambs.gov.uk

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>