

**MAIN CASE**

**Reference No:** 17/01732/OUM

**Proposal:** Outline planning application for up to 70 units with all matters reserved.

**Site Address:** Land North Of 17 - 45 Toyse Lane Burwell

**Applicant:** C/O Agent

**Case Officer:** Barbara Greengrass, Senior Planning Officer

**Parish:** Burwell

**Ward:** Burwell

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

**Date Received:** 28 September 2017      **Expiry Date:** 8 February 2018

[S231]

1.0 **RECOMMENDATION**

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

1. The proposed development is located within the countryside outside the defined settlement boundary of Burwell, where new development is strictly controlled. The construction of up to 70 dwellings in the countryside would therefore give rise to an inappropriate development with no justification to override the normal presumption against development in the countryside. As such it is contrary to adopted East Cambridgeshire Local Plan 2015 Policy GROWTH2 and Policy LP3 of the Proposed Submission Local Plan 2017 and Central Government advice contained in the National Planning Policy Framework.
2. The application site is located on undeveloped land at the northern edge of the village of Burwell, which currently makes a positive contribution to the setting of the village. Due to the existing landscape features and topography, the site will be clearly visible. The proposal will further elongate the built form of the settlement, eroding the existing rural edge of Burwell, which is characterised by a soft blended transition into the open countryside. This boundary forms part of a transitional zone between the main built up part of the settlement to the countryside beyond. The proposed development of this land would result in a significant adverse effect on the setting of the village and to the character and appearance of the countryside, contrary to Policy ENV1 of the East Cambridgeshire Local Plan 2015 and inconsistent with the Burwell Master Plan

which informed the Local Plan vision for Burwell. It would also be contrary to Policy LP28 of the Proposed Submission Local Plan 2017 and the guidance contained within paragraphs 14 and 17 of the National Planning Policy Framework which states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

3. The Local Planning Authority consider that it has not been satisfactorily demonstrated that the proposed development would not present a danger to highway safety and the wider highway network. There is insufficient evidence/information to demonstrate that the means of access would be appropriate and acceptable, as it is not possible to assess the transport impact of the proposed development in the absence of the required information in the Transport Assessment. The application therefore fails to comply with the requirements of Policies ENV 2 and COM 7 of the East Cambridgeshire Local Plan 2015 and paragraph 32 of the National Planning Policy Framework. It would also be contrary to Policy LP17 of the proposed Submission Local Plan 2017.
4. The Local Planning Authority considers that it has not been satisfactorily demonstrated that there will be no increased risk of flooding as a result of this development. The drainage scheme does not adhere to the hierarchy of drainage options as outlined in the NPPF. The surface water strategy should be carried out in accordance with the National Planning Policy Framework, giving preference to infiltration over discharge to a watercourse, which in turn is preferable to discharge to surface water sewer. As much water as possible should be discharged to each destination before a lower priority destination is considered. The proposal is therefore contrary to Policy ENV 8 of the East Cambridgeshire Local Plan 2015, the Cambridgeshire Flood and Water SPD and Section 10 of the NPPF. It would also be contrary to Policy LP25 of the Proposed Submission Local Plan 2017.

## **2.0 SUMMARY OF APPLICATION**

- 2.1 This application is a re-submission of a recent application refused by Planning Committee in August 2017. There were five reasons for refusal which the applicant now wishes to overcome within this submission. The reasons were, in summary, the harmful visual impact, impacts on highway safety, flood risk, an unsafe pedestrian link and the cumulative impact of more housing in Burwell.
- 2.2 The application seeks outline planning approval for up to 70 dwellings with all matters reserved. The application is accompanied by an illustrative framework plan which shows an access provision onto Chestnut Rise and it is assumed for the purposes of assessing this development proposal that it will be from this position.
- 2.3 The Masterplan illustrates how the site would accommodate up to 70 dwellings whilst allowing for a thick perimeter landscaped belt, incorporating informal open space and Suds drainage. Limited formal space has been provided.

2.4 The scale of the development is a reserved matter, but the applicant has advised that in order to ensure that the surrounding views are preserved, the height of the dwellings would be a maximum of two storeys.

2.5 The application is supported by the following documents:

Design and Access Statement;  
Flood Risk Assessment;  
Extended Phase 1 Habitat Survey;  
Tree Survey;  
Transport Assessment;  
Travel Plan;  
Landscape and Visual Appraisal;  
Archaeological Assessment;  
Affordable Housing Statement;  
Local Services Sustainability Assessment;  
Burwell Population and Housing Report;  
Statement of Community Involvement;  
Utilities Assessment;  
OAHN Assessment; and  
Economic Benefits Statement

2.6 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

2.7 This application is being brought to committee under the terms of the constitution.

### 3.0 **PLANNING HISTORY**

3.1

17/00363/OUM	Outline planning application for residential development with all matters reserved.	Refused	03.08.2017
14/00692/OUM	Outline planning application (all matters reserved) for up to 125 dwellings, creation of new access from Ness Road, and provision of 2.6ha of new public open space on separate land.	Withdrawn	03.12.2014

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

4.1 The site is located outside the development envelope of Burwell located on the north edge of the village bounded by existing gardens of adjacent residential properties in Toyse Lane to the south, and Apple Tree Grove and Chestnut Rise to

the west. To the north and east is open agricultural land. A recent application was refused by Planning Committee on 3 August 2017, for five reasons. This application seeks to overcome those reasons for refusal. In addition, residential development of approx 88 dwellings on the land immediately to the east of this site, was refused at Planning Committee in June 2017, accessed off Ness Road, B1102. The land to the east of this application site is also now the subject of a separate application on this agenda for residential development of up to 90 dwellings.

4.2 The application site encompasses some 2.96 hectares (7.3 acres), of agricultural land (Grade 2 classification). The site is generally flat but rises in a northerly direction from 5m AOD to 15m AOD. The site is open with sparse boundary vegetation. The site is not located within a Flood Zone and there are no watercourses, ditches or ponds on the site.

## 5.0 **RESPONSES FROM CONSULTEES**

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

**Lead Local Flood Authority - 7/11/17** - We have reviewed the submitted documents and at present we **object** to the grant of planning permission for the following reasons:

1. The drainage scheme does not adhere to the hierarchy of drainage options as outlined in the NPPF PPG. The surface water strategy should be carried out in accordance with the National Planning Policy Framework, giving preference to infiltration over discharge to a watercourse, which in turn is preferable to discharge to surface water sewer. As much water as possible should be discharged to each destination before a lower priority destination is considered. The previous adjacent site application proposed to use soakaways and this was supported by on-site infiltration testing which found that rates were above the required minimum. It is unclear why the applicant for this site now proposes to discharge via a highway drain.

2. Irrespective of the above point, insufficient assessment has been undertaken of the capacity and condition of the highway drain into which the applicant proposes to discharge surface water.

Updated comments – 18/12/17 - Referring to the letter from Richard Jackson Associates (dated 30 November 2017 – ref: 47870/MD/SEC), we accept Item 1 and can remove this element of the objection. However it should be noted that permission will be required from the Highways Authority for any discharge into their system.

Item 2 will need to be discussed and agreed with ourselves and the Highways Authority and we await further information on this.

**Parish** – Burwell Parish Council **OBJECTS** to this application on the following grounds:

- The proposed development is located outside the settlement boundary for Burwell and the proposal adds further to the existing elongated village. The proposed

development would result in an unsustainable amount of residential development for Burwell.

- The proposed site is sited some distance from village amenities resulting in residents increased number of vehicle movements and there is no public transport serving this area of the village.
- The entrance to the residential site has poor access from Chestnut Rise where there are speed bumps and extensive car parking along this narrow road which may result in potential lack of ease of access for emergency vehicles.
- North Street which leads to Chestnut Rise is already congested with cars parking on narrow sections.
- The proposed development is on a green field site and could potentially create a precedent for agricultural land situated within the village. The entirety of the site is outside of the current development envelopment.
- A previous request for the provision of affordable housing by Hastoe Housing on part of this site was not supported by the Parish Council due to poor access to amenities, being too large, numerous objections by residents and poor access to the site. It is noted that the access to the proposed open space is via this same access and therefore the same issues will apply. A traffic calming scheme is in place in Chestnut Rise/Appletree Grove. The access in to Chestnut Rise from the junction of Toyse Lane/Silver Street/ NorthStreet is particularly poor due to the movement of heavy industrial and farm vehicles. To avoid congestion along the Causeway and North Street these vehicles access North Street by Toyse Lane. This area is also prone to regular street parking by existing residents of older properties with limited private parking.
- The Council has received letters from a number of residents from throughout the village objecting to the proposal. Adding this to the extensive consultation carried out with residents through the 'Burwell Masterplan' adopted by East Cambridgeshire District Council on 21st February 2013, residents clearly indicated that they did not wish to see the proposed site developed for housing.
- The Parish Council is committed to delivering the growth and infrastructure as laid out in the Masterplan, and accepting that growth within the village is required foresees that this will be delivered by the proposed development in Newmarket Road, supported by residents and infill sites and with the proposed housing on Newmarket Road approved. Further extensive development will lead to the village being overwhelmed with new properties, increases in vehicle numbers and movements will be detrimental for the village and consideration may need to be given to ways of providing a bypass around the village.
- Sites for the expansion of Burwell have already been identified in the Local Plan, which provides East Cambridgeshire District Council with the required 5 year housing supply.

**Ward Councillors** - No Comments Received

**Cambridgeshire Archaeology** - As previously indicated, we do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a condition.

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

**Local Highways Authority** – This is an all matters reserved application including access and as per previously refused application 17/00363/OUM I have the following comments. Vehicle access has been indicated to be taken off of Chestnut Rise. CCC Transport Planning has issued a holding objection as the submission does not include sufficient information to properly determine the highway impact of the proposed development.

Although this is an all matters reserved application I would like to inform the applicant of the following:

- The highways authority does not currently adopt areas of water attenuation, filtration, SUDs, permeable pavers, swales or watercourses, public open spaces or footpath. However we would consider the adoption of footpath that serves a strategic connectivity function.
- We are also unable to adopt trees in the highway but if included within the approved design then these should be adopted by a local authority
- Areas of residential car parking will not be accepted as adoptable highway
- Visitor parking spaces in the highway will only be acceptable to facilitate the function of the highway and in small numbers. Parking spaces in the highway must not be used as a parking strategy
- Shared use areas should have a maximum number of 14 dwellings and be 6m in width with 2 x 0.5m maintenance strips

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

**Technical Officer Access** - No Comments Received

**Senior Trees Officer** - This application is for a large development upon an existing agricultural field. There are a number of trees on or adjacent to the field boundary. The existing trees do not appear to be significantly impacted by the outline proposal, as they would feature boundary vegetation for the site. An Arboricultural report has been submitted to support the application. I recommend you consider consulting with a landscape architect for a full assessment of these and future plans. I have no formal objection to these plans as existing trees are not significantly affected. I have concerns this proposal will have a negative impact upon the landscape character of the area which would be in conflict with guidance within the Proposed Submission Local Plan.

**Environmental Health** – This appears to be a resubmission of 17/00363/OUM. If this is the case I have nothing to add to my previous comments below

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

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

**Housing Section** - Policy HOU 3 of the current East Cambridgeshire Local Plan seeks 30% (in the north of the district) or 40% (in the south of the district) of the total number of dwellings provided on sites of 10 or more to be for affordable housing provision.

However, on 5th October 2017 at a meeting of ECDC's Full Council, the Proposed Submission ('Publication Draft') Local Plan and Policies Map were approved for a final consultation and submission to the Secretary of State for independent examination. Public consultation on the Proposed Submission Local Plan is likely to take place in November and December 2017. In accordance with NPPF paragraph 216, the policies in the Proposed Submission will be used in determining planning applications. The amount of weight to be given to the content of this emerging plan in comparison to other plans will be a matter for the decision maker.

The viability assessment prepared for the Proposed Submission says the level of affordable housing in the current Local Plan is not viable. Therefore if this planning application is determined in light of the Proposed Submission, the affordable housing requirement is as set out below.

Development proposals of 11 or more dwellings (or fewer dwellings if the combined gross floorspace totals 1000 sq m or more) should provide 30% affordable housing except in Soham and Littleport where it is set at 20%.

Developers will be encouraged to bring forward proposals which will secure the market and affordable housing mix as recommended by the most up to date SHMA which is 77% rented and 23% intermediate housing. The exact mix of affordable property types should be agreed with the council on a site by site basis.

**Cambridgeshire County Council Education** – County Council have accepted the contribution as it is in line with their previous request of £665,761 together with contributions for libraries and monitoring.

**Waste Strategy (ECDC) –**

- East Cambs District Council will not enter private property/driveways to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).

- Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-enforced in the Local Government Act's of 1972, 2000, and 2003, as well as the Localism Act of 2011.
- Each new property requires two bins; this contribution is currently set at £43 per property

**Design Out Crime Officers** - I have previously commented on an earlier application in March 2017, and comments made then regarding vulnerability to crime are still relevant. I have noted that all matters regarding layout and design will be at a reserved matters stage should this proceed to full planning. I would therefore ask that this office be consulted at an early stage with this process in order to mitigate against vulnerability to crime. We would also like to see consideration be given to principles of Secured by Design, as we believe this development could make Gold standard.

**Anglian Water** – Development will lead to an unacceptable risk of flooding downstream. However a development impact assessment has been prepared in consultation with Anglian Water to determine a feasible mitigation solution. We request a condition requiring compliance with the agreed drainage strategy

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

**Environment Agency** – We support the condition recommended by Anglian Water for the foul drainage. We are happy to see that a waste management strategy will be produced for the construction phase. A CEMP is also welcomed. Waste from the development must be re-used, re-cycled or otherwise disposed of in accordance with waste management legislation.

#### Water resources

The planning statement does not appear to include information on what water efficiency methods will be built into new homes. The code for sustainable homes has been withdrawn by government and the onus is now on local planning authorities to consider their own existing plan policies on housing standards. We recommend a daily target aim for water efficiency of 110 litres per second per person. It is assumed that new houses will be constructed with water meters fitted. Other water saving features that we wish to see incorporated include low flush toilets, low flow showerheads, water butts for gardens etc.

#### Pollution prevention

All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes. Open gullies should not be used. Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

5.2 **Neighbours** – A site notice was posted and an advertisement placed in the Cambridge Evening News. 124 neighbouring properties were notified and 117 responses received which are summarised below. A full copy of the responses are available on the Council’s website.

- Outside the development envelopment and contrary to the Local Plan
- Already several developments in Burwell
- Traffic concerns – it’s already very busy and certain to increase in particular on Toyse Lane, Ness Road and Silver Street and is impractical to direct traffic through Chestnut Drive
- The site is currently a haven for wildlife including Red Kites, Buzzards, flocks of Yellowhammers, Hedgehogs, Badgers, Foxes, Munt jac Deer, Roe Deer, hares, bats and butterflies
- Loss of agricultural land at a time when the UK may need to be more self sufficient
- Several months of building work causing disruption and noise, air and light pollution
- Site is on higher ground and will have a negative visual impact, potential flood risk and overlooking
- If 40% of the housing is to be affordable it would be better to locate it in a more central part of the village, not on the outside
- There is a lack of vision in respect of sustainable transport provision
- Development is creating a loss of village feel and character and elongating the village
- Drainage concerns
- Criticism of transport assessment plan, especially using a traffic survey in Cumbria
- Unhappy with the agents planning statement where Burwell and Littleport, whilst being a village and town and Burwell not having a train station, are considered to be comparable
- Increase in on street parking which is already causing a problem in areas around the proposed development
- Not sufficient application by applicant as to why other sites were not considered
- Public transport services are not sufficient to get people to and from work and do not operate on Sundays
- Schools, health centres and other local amenities not able to cope with rapid increase in population
- Increase in traffic and pollution will endanger children

## 6.0 **The Planning Policy Context**

6.1 East Cambridgeshire Local Plan 2015

GROWTH 3	Infrastructure requirements
GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density

- HOU 3 Affordable housing provision
- ENV 1 Landscape and settlement character
- ENV 2 Design
- ENV 4 Energy efficiency and renewable energy in construction
- ENV 7 Biodiversity and geology
- ENV 8 Flood risk
- ENV 9 Pollution
- ENV 14 Sites of archaeological interest
- COM 7 Transport impact
- COM 8 Parking provision

## 6.2 Supplementary Planning Documents

- Design Guide
- Developer Contributions and Planning Obligations
- Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated
- Cambridgeshire Flood and Water

## 6.3 National Planning Policy Framework 2012

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

## 6.4 Proposed Submission Local Plan 2017

- LP1 A presumption in Favour of Sustainable Development
- LP2 Level and Distribution of Growth
- LP3 The Settlement Hierarchy and the Countryside
- LP6 Meeting Local Housing Needs
- LP16 Infrastructure to Support Growth
- LP22 Achieving Design Excellence
- LP23 Water Efficiency
- LP30 Conserving and Enhancing Biodiversity and Geodiversity
- LP25 Managing Water Resources and Flood Risk
- LP26 Pollution and Land Contamination
- LP27 Conserving and Enhancing Heritage Assets
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network

## **7.0 PLANNING COMMENTS**

The main issues to consider in determining this application are:

- The principle of development
- Visual impact
- Residential amenity
- Access and highway safety
- Flood risk and drainage
- Trees, ecology and archaeology
- Cumulative impact

### **7.1 Principle of Development**

7.1.1 The National Planning Policy Framework promotes sustainable development and states at Paragraph 49 that new housing applications should be considered in the context of the presumption in favour of sustainable development. The Framework supports the delivery of a wide range of high quality homes. It specifically states at paragraph 14 that local planning authorities should normally approve planning applications for new development in sustainable locations that accord with the development plan or, where the development plan is absent, silent or relevant policies are out of date, with the policies contained in the Framework; unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicate development should be restricted.

7.1.2 The adopted Local Plan aspires to deliver managed and sustainable growth over the plan period to 2036. For the rural areas the Local Plan seeks to deliver new housing in appropriate locations to meet local needs. In doing so, the Plan identifies those rural settlements where some new development within defined settlements will in principle be appropriate; both in the form of allocations and windfalls. These settlements are the subject of Vision Statements which set out the growth aspirations for each one. The Local Plan seeks to prevent new development taking place outside the defined settlements unless certain specific exemptions are met. Burwell is one such settlement and the application site lies outside but close to the defined settlement boundary for the village.

7.1.3 The Council is currently preparing a replacement Local Plan covering the period from 2016 to 2036. At a meeting of Full Council held on 5<sup>th</sup> October 2017, Members considered an updated report on the latest draft of the emerging replacement Local Plan (the 'Proposed Submission Local Plan') accompanied by a Five Year Housing Land Supply Report. This report was agreed by Council, which has established that East Cambridgeshire District now has a five year housing land supply; currently calculated to be 6.94 years. Consequently, Paragraphs 14 and 49 of the Framework are not engaged and the housing supply policies contained in the Local Plan are no longer considered to be out of date. Paragraph 11 of the Framework makes it clear that the Framework does not change the statutory status of the development plan as the starting point for decision making. The proposed development should therefore be determined in accordance with the development plan, unless other

material considerations indicate otherwise. The Framework is one such material consideration and should be taken into account.

- 7.1.4 Adopted policy GROWTH 2 and emerging policies LP1 and LP3 all seek to manage new development so that it takes place in sustainable locations. In respect of open market housing, these are considered to be within defined settlements where there is ready access to shops, services and facilities that meet the day to day needs of those communities. Policy GROWTH 2 states that the majority of development will be focused on the market towns of Ely, Soham and Littleport with more limited development taking place in villages which have a defined development envelope, thereby helping to support local services, shops and community needs. It then states that outside of these settlements new development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages. Development outside these settlements will not be permitted except where it complies with a limited range of specified categories detailed in that policy; none of which pertain to the current proposals.
- 7.1.5 The emerging policy LP3 lists Burwell as a “large village” and is referred to in the Local Plan 2015 as having a reasonable range of services for its size. The settlement is defined by a development envelope. This sets the limit of the physical framework of the built-up area of the settlement and its primary purpose, and the policies which apply within and outside them, is to prevent the spread of development into the countryside, to maintain the essential character of the settlement and control the growth within and outside it in accordance with the settlement hierarchy in Policy LP3. Policy LP31 relates to new development in the countryside and it sets out the type of development that might be appropriate, including new residential development. These policies reflect the Government’s guidance on rural development contained in the Framework and they establish a range of development types that require a countryside location as an exception to the strategy of focussing most new development within sustainable settlements. The proposed development does not fulfil any of the listed exceptions in either policy.
- 7.1.6 The principle of residential development on this site is contrary to the adopted and emerging development plans. It will be necessary, therefore, for the applicant to demonstrate other material planning considerations in line with the Framework and emerging Policy LP1 that justify development outside of the settlement boundary. If there are other material planning considerations that weigh in the development’s favour then those should be considered carefully in the planning balance to assess whether or not they should prevail. The remainder of this report considers those material factors before reaching a conclusion on the proposals.

## 7.2 **Visual impact**

This development proposal must be assessed in terms of any significant and demonstrable harm to the character and appearance of the area both in terms of the impact on the village setting itself and the wider countryside. One of the reasons for refusal on the previous application was the significant and demonstrable harm caused to the village setting and the countryside.

- 7.2.1 The applicant has attempted to address this by reviewing the previous Landscape and Visual Impact Assessment. This review has led to the illustrative masterplan being revised to introduce 20m wide landscape buffers to provide a thick, soft green edge to the settlement and to screen properties more effectively. The LVIA concludes that the visual effects of the proposed development would be localised and significant negative effects would be limited to short term effects. The report concludes that in the medium term (Year 10) the nature of effect on these receptors would become beneficial as the existing settlement edge would be replaced with a strong landscape buffer. The applicant is of the view that the development would not elongate the settlement as it would be seen in the same visual context as existing housing and would not visually or perceptually extend the settlement further. However the amended LVIA does not alleviate concerns about the harmful visual impact of this development.
- 7.2.2 Although the application is in outline with all matters reserved, the visual impact of the development of up to 70 dwellings must be assessed in principle. An overall development area of 2.96 ha is identified to include up to 1.77 ha of net developable area for residential. The previous refusal provided for 2.1 ha of net developable area. This means that the density of the built area would be 40 dwellings per hectare (16 per acre). The applicant has submitted an illustrative framework plan which shows in very broad terms, how the dwellings could be laid out with only a very small area of open space provision in the centre of the site, and the 20 metre landscaped buffers around the sites perimeter with dense landscaping along the northern and eastern boundaries.
- 7.2.3 The site sits directly adjacent to existing residential development along its southern and western boundary. However the site is very open with little vegetation to offer any enclosure. The site relates visually to the large expanse of open land on this northern approach to Burwell village. The existing settlement edge currently provides a strong edge to the settlement which, having been in existence for some time, provides a natural soft edge to the settlement enabled by the unobtrusive nature of the built form. The site however makes a valuable contribution to and relates more to the surrounding countryside than to the built form of the village, and the provision of a large residential development in this location would be visually prominent and intrusive in this open location and would not provide for a natural extension to the built form of the village.
- 7.2.4 In addition it would have the effect of elongating the built form of the village into the open countryside on this northern edge of Burwell. Even with the amended LVIA it is still considered that the development would cause significant and demonstrable harm to this edge of settlement location. Policy ENV1 specifies that development should be informed by, be sympathetic to and respect the capacity of the distinctive character areas defined in the Cambridgeshire Landscape Guidelines. Positive and complimentary relationships are sought so that it will protect, conserve and where possible enhance amongst other matters the settlement edge, space between settlements and their wider landscape setting, key views into and out of settlements, the unspoilt nature and tranquillity of the area and public amenity and access. These aims are reiterated in Policy LP 28 of the Proposed Submission Local Plan. Policy ENV 2 stresses the need for high quality design which enhances and compliments local distinctiveness and emerging Policy LP22 requires the design of development to complement and enhance local distinctiveness and character.

- 7.2.5 Paragraphs 56 and 64 of the NPPF relate to the need for good design in new developments which is considered to be a key aspect of sustainable development. Such design should contribute positively to making places better for people and *'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'*. Para 109 of the NPPF also highlights the need to contribute and enhance the natural and local environment by [inter alia].....protecting and enhancing valued landscapes.
- 7.2.6 This development would not enhance the settlement edge. It would instead, detract from the rural and undeveloped character of the northern approach to the village, as although it will be set back from Ness Road it will still appear as a prominent urban incursion and extension to the built form of the village, exacerbated by the fact that the land rises to the north.
- 7.2.7 The development of this site for housing would create a hard built and urbanising edge to the village with a development form out of keeping with the surroundings, even if hedgerows were to be retained and extensive planting incorporated to the edge of the development site. The applicant is of the view that the development could be better assimilated into the surroundings by the use of an increased planting belt of 20 metres, and that after 10 years it would be beneficial. However such planting will take a considerable amount of time to mature and offer any form of effective screening and as such the harm to the character of the area and the wider countryside will have already occurred. In any event it is considered that unacceptable visually intrusive development cannot be made acceptable, by screen planting.
- 7.2.8 This conclusion is supported by the views of an Independent Landscape Consultant commissioned to review the site and the submitted Landscape and Visual Impact Assessment (LVIA). The Consultants report identifies a number of omissions and inaccuracies within the submitted LVIA.
- 7.2.9 The Cambridgeshire Landscapes Guidelines is referred to in the LVIAs and whilst a number of the guidelines are quoted reference is omitted in relation to considering:
- important existing views from roads, paths and public areas
  - the creation and framing of new views.

The sketch diagrams from the guidelines are noted in the LVIAs but no reference is made to the following points which are also set out in the guidelines:

- achieve offsite improvements;
- views out and in;
- footpath and corridor links;
- penetration of woodland and green corridors into development;
- visually diverse edges.

The following are extracts from the consultants report describing the existing character of Burwell urban edge and landscape setting;

*“Currently the existing urban edge can be described as a visually indented edge where there are views into the urban area towards tree groups and vegetation between and behind dwellings, where the dwellings form a loose organic arrangement, and where there are a mixture of heights from single storey to two storey dwellings. Whilst a developed edge to the settlement is visible from the surrounding landscape it is not abrupt but broken in form such that not all of the dwellings along the northern edge are visible to the same degree. The taller dwellings (3 storeys) along Granchester Rise are some of the most visible dwellings when viewed from the north while the single storey dwellings along Ness Road are much less evident and recede in views. Factors which influence the visibility of dwellings on the existing northern edges of the village include:*

- height of dwellings - taller buildings are more visually obvious;*
- colour of render - light coloured buildings are more visually intrusive;*
- backdrop of vegetation - reduces the building outline;*
- foreground vegetation filters views;*
- orientation of buildings - buildings arranged in a straight line create a harsher building line;*
- density - lower density allows the urban edge to be more visually permeable.*

*Views to development along the settlement edge is characteristic of fen edge settlements as is the presence of a peripheral track servicing dwellings on the edge of the settlement e.g. track to Slate Farm off Ness Road and Howlem Balk track off Broads Road. The most open and visually abrupt urban edges in the northern parts of the village are those associated with Appletree Grove and Granchester Rise due to the colour of the buildings, regular arrangement, lack of backdrop vegetation and height.*

*From Ness Road on approaching the settlement there are views to the dwellings nearest the road but dwellings in the western half of Toyse Lane are not visible due to intervening vegetation and a slight rise in land - this emphasises the significance of even slight changes in topography. The LVIA for Ness Road concludes that the perception of entering the settlement begins when views of existing dwellings on the urban edge become available. However from Ness Road, dwellings at Granchester Rise and Chestnut Rise appear distant and while there are views to development on the existing northern edge of Burwell the point of arrival or gateway to the settlement is not reached until at the 30mph speed limit, where dwellings are seen in close proximity on both sides of the road.”*

7.2.10 Upon reviewing the submitted LVIA the Consultant makes the following comments;

- *“The LVIA’s do not appear to describe the existing urban character or how the land to the north of the village functions. Nor do the LVIA’s highlight opportunities for improving character and quality of the area. No rationale appears to be given as to why the sites are surrounded by a 20-15m buffer of woodland and shrub planting as an appropriate mitigation response, other than to substantially screen development. However, whilst this might arguably be achieved in the longer term, it is unlikely that such a response will be in keeping with character*
- *improve the current urban edge character;*
- *create a distinctive gateway or;*
- *improve sense of place.*

*Furthermore the landscape mitigation proposals comprise a 50:50 mix of woodland and shrub species and include provision of a footpath through the 20 and 15m planting buffer. Whilst the planting mix proposed has drawn from the Cambridgeshire Landscape Guidelines - the guidelines also highlight the need for thinning regimes and a description of the intended long term species composition. It is not clear what sort of long term woodland is proposed. The planting density proposed would require significant thinning and select felling as the woodland establishes. The assessments consider that by year 15 the planting will have reached semi-maturity and be approximately 8m in height (page 17 of the LVIA for Ness Road). A number of observations follow:*

*Firstly if it is expected that the mitigation planting will have reached 8m in 15 years and that two storey dwellings will be 8.5m to ridge height it is likely that at year 10 the roofline of housing will be visible. However in the photomontages provided at NE - 019 to NE 021 the rooflines are likely to be more visible than depicted or the montage and should reflect 15 years not 10. Similarly the tables assessing level of effect should be from 15 years or the effect should describe some views to roofs.*

*Secondly if the assessment of effects is based on planting at 15 years it is important that maintenance for that duration is provided to ensure the level of effect predicted is likely to be achieved. With only a 5 year maintenance plan the developer cannot guarantee that the level of mitigation expected will actually be achieved”.*

7.2.11 The Landscape Consultant concludes that the review of the LVIA’s has highlighted a number of discrepancies in the assessment of effects and a lack of analysis regarding the typical urban edge character and appropriate design and mitigation. The character of the proposed development (height, density and layout) and associated landscape buffer planting around the perimeter of the sites will result in an extension to the urban edge, causing the developed edge to encroach on views from the north and extending the gateway into the village along Ness Road. The development as proposed would not be characteristic of a fen edge settlement nor

would they reinforce local sense of place, neither after construction, or in the longer term once planting has developed.

- 7.2.12 Taking into account the opinion of the Landscape Consultant, it is considered that the development would be significantly harmful to the character and appearance of the area contrary to Policies ENV1, ENV 2, LP22 and LP28. The weight of the adverse environmental impacts would significantly and demonstrably outweigh any benefits, when assessed against the policies of the Framework taken as a whole.

### **7.3 Residential amenity**

- 7.3.1 Policy ENV2 of the Local Plan and LP22 of the Proposed Submission Local Plan, seek to protect the residential amenity which would be enjoyed by both future occupiers of the development and occupiers of existing properties close to the site. There are a number of residential properties within close proximity in Toyse Lane, Chestnut Rise and Apple Tree Grove some of which are single storey.
- 7.3.2 The change from an undeveloped piece of agricultural land to a residential development will clearly have an impact on the outlook and setting of these properties and they will be likely to experience an increase in activity from the occupants of that development, in particular along Chestnut Rise. The master plan which was submitted with the application is only indicative and details of scale, appearance and siting would be dealt with at reserved matters stage. It is considered that there would be sufficient space to adequately mitigate for any adverse impact with the use of soft landscaping, separation distances with existing properties and the height of the proposed dwellings, in line with the requirements of the Design Guide.
- 7.3.3 It is considered that an acceptable development could be designed at reserved matters stage to ensure that there were no adverse impacts on the residential amenity of adjoining residents or future occupiers of the site by paying particular attention to the garden sizes, overlooking, overshadowing, and buildings being overbearing. It is considered that there would be an increase in traffic noise and disturbance as a result of people entering and leaving the new development, via a new access to Chestnut Drive. This is a concern raised by local residents. However as this serves a significant number of dwellings at present it is considered that this increase would not have a significant harmful effect to the residents of Chestnut Drive such that planning permission could be refused on this basis.
- 7.3.4 It is considered that the proposal could satisfy the requirements of Policies ENV 2 and LP22 at reserved matters stage.

### **7.4 Access and highway safety**

- 7.4.1 Access is not being considered. However the principle of this development can only be acceptable if safe and acceptable access can be achieved. The Highway Authority considers that access from the existing dead end in Chestnut Drive can be satisfactorily achieved without causing danger to highway safety. However the Transport team are not satisfied that sufficient information has been submitted with this revised application to properly determine the highway impact of the development on the wider network. This application has therefore not overcome the

highway objections which led to a reason for refusal on the last application. Indeed local residents and the Parish Council have raised concerns about the junction of Chestnut Rise with North Street and North Street with Toyse Lane, in particular due to the movement of heavy industrial and farm vehicles.

- 7.4.2 The proposal therefore does not accord with the requirements of Policies ENV 2 and COM 7 of the adopted Local Plan, Policies LP22 and LP17 of the Proposed Submission Local Plan and also conflicts with paragraph 32 of the national Planning Policy Framework.

## **7.5 Flood risk and drainage**

- 7.5.1 Foul water drainage - Anglian Water have confirmed that there is currently sufficient capacity for these flows. They have also advised that the development will lead to an unacceptable risk of flooding downstream. However a development impact assessment has been prepared in consultation with Anglian Water to determine a feasible mitigation solution.

- 7.5.2 Surface water drainage – This formed a reason for refusal on the last application because the applicant had not undertaken on site infiltration testing. The current application states that permeability testing on this site is not as favourable as the Ness Road site. It is therefore proposed to introduce a sewer to outfall via detention basins on the western and northern edge of the site before discharging off site into the sewer in Chestnut Rise, which will be presented to Anglian Water for adoption.

- 7.5.3 The Lead Local Flood Authority objects to this solution as the drainage scheme does not adhere to the hierarchy of drainage options as outlined in the NPPF or PPG. The surface water strategy should be carried out in accordance with the National Planning Policy Framework, giving preference to infiltration over discharge to a watercourse, which in turn is preferable to discharge to surface water sewer. As much water as possible should be discharged to each destination before a lower priority destination is considered. In addition, insufficient assessment has been undertaken of the capacity and condition of the highway drain into which the applicant proposes to discharge surface water.

- 7.5.4 The proposal does not therefore comply with Policy ENV 8 of the East Cambridgeshire Local Plan 2015, Policy LP 25 of the Proposed Submission Local Plan, The Cambridgeshire Flood and Water SPD and Section 10 of the NPPF.

## **7.6 Trees, ecology and archaeology**

- 7.6.1 The tree report states that vegetation is exclusively located on the site boundaries. The report recommend the coppicing of 4 field maples, and that landscaping should be incorporated to enhance the site with additional planting. The report also states that boundary trees and hedges should be pruned and that development will not have a significant effect on the surrounding area from an arboricultural perspective.

- 7.6.2 Policy ENV 7 of the Local Plan and Policy LP30 of the Proposed Submission Local Plan, seek to ensure that the impact on wildlife is minimised and that opportunities for biodiversity enhancement are taken.

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

## 7.7 **Cumulative impact**

- 7.7.1 One of the reasons for refusal on the previous application stated that this development would result in an unsustainable amount of residential development which would place significant pressure on local infrastructure when considered cumulatively with the other housing commitments in Burwell. In order to overcome this reason for refusal, the applicant has submitted a Burwell Population and Housing Report.
- 7.7.2 The report reaches the following conclusions;
- Our analysis has shown how alignment with the Council's OAHN for ECDC would lead to a significantly higher housing need in Burwell (**962 homes**, 2014-2036)

than would be delivered by cumulative development approved by the Council **plus** the provision of a minimum 160 homes at Ness Road and Toyse Lane (total of 625 homes, 2014-2036).

- The bespoke demographic modelling we have undertaken also shows how demographic-led housing need in Burwell would exceed the 625 homes that would result from delivery of the Council's housing trajectory **plus** the 160 homes proposed by Barratt David Wilson Homes Eastern Counties.
- Demographic need is a minimum 962 homes, 2014-2036 based on aligning with the District-wide OAHN
- The fact that demographic-led housing need for Burwell clearly exceeds planned development including Ness Road and Toyse Lane, shows that this reason for refusal is unfounded.
- Against 2014 population levels the developments would result in growth of only 371 people of all ages (91 of child age and 190 of working age) over 22 years. This is a proportional increase of 6% in all age groups and 5% in working age. Over 22 years this is not considered to be significant.
- Furthermore the Burwell Masterplan and the adopted ECDC Local Plan (2015) indicates how **630 new jobs** will be created in Burwell between 2011 and 2031 (20 years). The demographic modelling provided in the report shows how the provision of housing in the Council's trajectory (including Barratt David Wilson Homes Eastern's proposals) would grow the working age numbers by **596 people** over a 22 year period. It would fall below the 630 jobs growth supported by the Council.
- On this basis, the contention in the reason for refusal that the developments at Ness Road and Toyse Lane would "outstrip the modest increase in employment provision envisaged for Burwell" is considered to be unfounded;
- Furthermore, the growth in the working age population created by cumulative housing development would not exceed the adopted Local Plan's aspirations for job growth in Burwell. The contention in the reason for refusal, that the proposed developments would "encourage high levels of out-commuting by private car" are also considered to be unfounded. This is particularly so given the addition of the two proposed developments to the housing trajectory would only increase the number of working age people by 180.

7.7.3 The economic benefits of the scheme have been calculated and summarised as part of this report using robust data sources. The results show how the development proposals would provide clear economic benefits to the local area in the form of job creation and spending on local services.

7.7.4 It is considered that given this analysis, the reason for refusal on the grounds of cumulative impact on employment provision and infrastructure, leading to out commuting by vehicles, is unfounded and a reason for refusal on the grounds of the unacceptable cumulative impact of the development on the employment provision and infrastructure, would be difficult to substantiate.

## 7.8 **Other material matters**

- 7.8.1 The applicant has submitted a draft S106 agreement which offers 30% affordable housing in accordance with the requirements of the Proposed Submission Local Plan 2017.
- 7.8.2 In accordance with Policy GROWTH 3 the draft agreement also includes financial contributions for education in line with the County Council's previous request so are accepted. In respect of healthcare, the applicant has submitted a Local Services Sustainability Assessment Report which state the Burwell Surgery GP Practice is located on Newmarket Road and offers online appointment booking and repeat prescription ordering. The Practice has five full-time equivalent GPs and in the region of 8,277 patients, which generates a GP to patient ratio of 1: 1,655 patients. When compared to the national standard of one GP per 1,800 patients, the Burwell Surgery demonstrates capacity to accommodate additional patients and therefore sustain additional growth within the settlement.
- 7.8.3 The draft agreement also includes the open space provision to include the areas within the site accessible by members of the general public together with those elements to be provided as SuDs. It is considered that the SuDs areas can only be included as open space if they will not be wet and consideration would need to be given at reserve matters stage, whether the informal landscaped areas can be included as usable open play for play.
- 7.8.4 Policy ENV 4 requires all new development to aim for reduced or zero carbon in accordance with the zero carbon hierarchy. The applicant is aware of the need to reduce the ongoing impact of the development on equivalent carbon emissions through well designed, well constructed and thermally efficient buildings as well as through good site practices through construction.
- 7.8.4 The applicant advises that the orientation of the site precludes the ability to provide southerly aspects to every property but the vast majority should still benefit from solar gain reducing energy bills. All dwellings will be built to high standards of energy efficiency with high levels of insulation and air tightness and renewable energy may also be installed with water efficient measures. The scheme has therefore demonstrated compliance with Policy ENV 4.

## 7.9. **Planning balance**

- 7.9.1 It is considered that the proposed development is inappropriate, outside of the settlement boundary with no justification to override the normal presumption against development in the countryside. In addition, the proposed development would create a prominent urbanising and visually intrusive development causing significant and demonstrable harm to the character of the countryside and the edge of settlement location by further elongating the built form of the settlement.
- 7.9.2 In addition, although access is not being considered the Planning Authority need to be satisfied that the site can be adequately accessed. It is considered that access to the site would be detrimental to highway safety as insufficient information has been provided to demonstrate that there would be no significant harm to the highway

network. Furthermore insufficient information has been provided to justify the method of surface water drainage disposal. The modest benefits of this development are therefore outweighed by the significant and demonstrable harm as set out in the report and refusal is recommended for four reasons.

## 8.0 COSTS

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

The unacceptable development in the countryside, the harm to the character and appearance of the area and highway safety, together with an unacceptable surface water drainage strategy. In addition, the material consideration of the recent refusal of planning permission for residential development on this site and the adjoining land to the east.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/01732/OUM	Barbara Greengrass Room No. 011 The Grange	Barbara Greengrass Senior Planning Officer
17/00363/OUM	Ely	01353 665555 barbara.greengrass @eastcamb.gov.uk

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

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