
MAIN CASE

Reference No: 17/00273/OUM

Proposal: Outline planning application for residential development with all matters reserved apart from means of access

Site Address: Land Off Ness Road Burwell

Applicant: David Wilson Homes Eastern Counties

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: 20 February 2017 **Expiry Date:** 9 June 2017

[S16]

1.0 **RECOMMENDATION**

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

1. The application site is located on undeveloped land at the northern edge of the village of Burwell, which currently makes a positive contribution to the setting of the village. Due to the existing landscape features and topography, the site will be clearly visible. The proposal will further elongate the built form of the settlement, eroding the rural edge of Burwell, which is characterised by single storey dwellings adjacent to Ness Road and existing areas of landscaping. This boundary forms part of a transitional zone between the main built up part of the settlement to the countryside beyond. The proposed development of this land would result in a significant adverse effect on the setting of the village and to the character and appearance of the countryside, contrary to Policy ENV1 of the East Cambridgeshire Local Plan 2015. It would also be contrary to the guidance contained within paragraphs 14 and 17 and paragraph 109 of the National Planning Policy Framework which states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
2. The Local Planning Authority consider that it has not been satisfactorily demonstrated that the proposed means of access would not present a danger to highway safety and the wider highway network, in terms of its location, visibility

and impact on the wider road network. There is insufficient evidence/information to demonstrate that the proposed means of access would be appropriate and acceptable. It is not possible to assess the transport impact of the proposed development in the absence of the required information in the Transport Assessment. The application therefore fails to comply with the requirements of Policies ENV 2 and COM 7 of the East Cambridgeshire Local Plan 2015 and paragraph 32 of the National Planning Policy Framework.

3. Insufficient provision has been made for the required 40% contribution of affordable housing within the development, without the submission and testing of a viability report. The proposal is therefore contrary to Policy HOU 3 of the East Cambridgeshire Local Plan 2015.
4. Policy GROWTH 3 of the Local Plan states that development proposals will be expected to provide or contribute towards the cost of providing infrastructure and community facilities made necessary by the development. No contribution has been proposed by the applicant for education provision infrastructure to serve the needs of the proposed development and therefore the proposal fails to comply with the requirements of Policy GROWTH 3 of the East Cambridgeshire Local Plan 2015.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline planning approval for residential development with all matters reserved apart from the means of access, which will be off Ness Road, (B1102) via a ghost right hand turn.
- 2.2 The precise number and layout of dwellings is not being considered but the applicant advises that the site could accommodate approximately 88 dwellings whilst allowing for public open space, landscaping highways and drainage infrastructure. The application is accompanied by a basic illustrative masterplan.
- 2.3 The application is supported by the following documents:
 - Flood Risk Assessment;
 - Design and Access Statement;
 - Extended Phase 1 Habitat Survey;
 - Tree Survey;
 - Transport Assessment;
 - Travel Plan;
 - Landscape and Visual Appraisal;
 - Archaeological Assessment;
 - Affordable Housing Statement;
 - Local Services Sustainability Assessment;
 - Statement of Community Involvement;
 - Utilities Assessment;
 - OAHN Assessment; and
 - Economic Benefits Statement
- 2.4 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.eastcambbs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

3.1

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

4.1

The site is located outside the development envelope of Burwell, located on the north edge of the village bounded by existing gardens of adjacent residential properties in Toyse Close to the south, with Ness Road to the east. To the west lies additional agricultural land before reaching Chestnut Rise further to the west. The land to the west of this site is the subject of a separate planning application currently under consideration for residential development of a similar size. The northern boundary of the site follows the line of an existing field boundary. The application site encompasses some 4 hectares (9.8 acres), of agricultural land (Grade 2 classification). The site is open and generally flat with limited boundary vegetation, therefore the site is prominent on approaching Burwell from the north.

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.

5.2

Design Out Crime Officers – Would like to be consulted at an early stage if a full application is made as there is a concern that the proposed location could be considered high in vulnerability to crime. In the last year there has been 5 shed burglaries, 7 house burglaries and 12 non-dwelling burglaries. A secured by design application would be welcomed.

5.3

Housing Section – Had the following comments to make In accordance with policy HOU 3 of the East Cambridgeshire Local Plan a minimum of 40% of the total number of dwellings to be provided will be required for affordable housing provision. Therefore if 88 dwellings are allowed on site, 35 affordable homes must be provided.

The precise mix in terms of tenure and house sizes of affordable housing will be determined by local circumstances. However in accordance with the Supplementary Planning Document on Developer Contributions the Council's preferred housing tenure mix is 70% Affordable or Social Rented Housing (25 dwellings) and 30% Intermediate Tenure Housing (10 dwellings).

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

Homes and Communities Agency's Design and Quality Standards. Should consent be granted, I would request a s106 Agreement containing the following Affordable Housing provisions:

1. That the dwellings will be Affordable Housing in accordance with the definition contained in NPPF.
 2. That the dwellings will transfer to a provider of social housing approved by the Council, either a Private Registered Provider or an alternative affordable housing provider (including but not limited to a housing trust or company, a community land trust or an almshouses society).
 3. That the tenure of each dwelling will be Social Rent, Affordable Rent or shared ownership and no subsequent alteration will be permitted without the Council's prior approval.
 4. That the Provider will not dispose of any dwelling by outright sale (except any sale to a tenant under statutory provisions)
 5. That occupation will in accordance with a nomination agreement.
 6. That the dwellings are built to HCA design and quality standards.
 7. That these affordable housing conditions shall be binding on successors in title, with exceptions for mortgagees in possession and protected tenants.
- Additional comments – the discounted market housing is not affordable housing.

5.4 Cambridgeshire County Council Education – A contribution of £769,496 towards education provision and £97 per resident for Libraries and Life Long Learning.

5.5 Environment Agency – Have comments regarding waste, water resources and pollution prevention

Waste

The development should incorporate a Site Waste Management Plan, so opportunities for waste minimisation, reuse and recycling are realised at the earliest stage. The document should highlight the importance of material usage to minimise waste arisings and should state the importance of the waste hierarchy. In doing so the development will be able to mitigate against environmental damage and be more sustainable. Wider consideration should also be given to local capacity for managing the waste streams associated with development and occupancy thereafter.

The policies contained in the Waste Core Strategy and National Waste Plan should be used as a clear reference point, to ensure waste is managed sustainably and legally. It would be useful to give more consideration to waste storage and collection systems (e.g. the environment in which containers are placed, internal storage, ease of access, participation), especially given the new regulatory requirements for separate collection of specific waste types from households and commercial premises. There is no mention of waste or resource efficiency, which appears to be an oversight given the quantities of construction & demolition waste that would be generated on site, not to mention the municipal waste arisings associated with the operational phase.

Waste from the development must be re-used, re-cycled or otherwise disposed of in accordance with waste management legislation. It is important that a strong emphasis is placed on waste management to assist in adherence to the Waste Framework Directive, Duty of Care and Waste Regulations.

Water Resources

Development should not be committed ahead of secure water supplies. The development lies within the area traditionally supplied by Anglian Water Services Ltd. It is assumed that water will be supplied using existing sources and under existing abstraction licence permissions. The location of development should take into consideration the relative availability of existing developed water resources. The timing and cost of infrastructure improvements will be a consideration. This issue should be discussed with the water company.

Every opportunity should be taken to build water efficiency into new developments, and innovative approaches should be encouraged. We support all initiatives aimed at reducing water use. The extent of water efficiency measures adopted will affect the demand for water for the development and I would expect that this will be taken into consideration. It is assumed that new houses will be constructed with water meters fitted. Other water saving measures that we wish to see incorporated include low flush toilets, low flow showerheads, water butts for gardens etc.

We also support the idea of greywater recycling as it has the potential to reduce water consumption in the average household by up to 35%. This must, however, be achieved in a safe and hygienic manner. It is the responsibility of the applicant to ensure that no local water features (including streams, ponds, lakes, ditches or drains) are detrimentally affected, this includes both licensed and unlicensed abstractions.

If the proposal requires an abstraction licence, it is recommended that the applicant contact the local Environment Agency Office. Depending on water resources availability a licence may not be able to be granted.

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. Where soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken.

- 5.6 **Cambridgeshire Archaeology** - Do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation.
- 5.7 **Cambridgeshire Fire And Rescue Service** – If the application was approved the Fire authority would ask that adequate provision be made for fire hydrants, which may be way of Section 106 agreement or planning condition.
- 5.8 **Local Highways Authority** – Object to the application for the following reasons;|||||adequate visibility is available each side of the proposed junction of the vehicular access with the public highway which would likely lead to danger and inconvenience of road users and to the detriment of highway safety. Visibility splays of 2.4m x 215m are required.The point of proposed access has not been demonstrated to be a safe or in an appropriate location. A change in the road would require a Road Safety Audit. The application is not supported by sufficient highways and/or transport information to demonstrate that the proposed development would not be prejudicial to the satisfactory functioning of the highway or highway safety.

am of the opinion that it would be inappropriate to change the speed limit of this section of road to accommodate a development outside the village envelope. There is no active frontage along this side of the road. There is no current transport/pedestrian infrastructure e.g. street light etc..

- 5.9 Anglian Water** – made the following comments;
The foul drainage from this development is in the catchment area of Burwell Water recycling Centre that will have the capacity for these flows.
Development will lead to an unacceptable risk of flooding downstream. However a development impact assessment has been prepared in consultation with Anglian Water to determine a feasible mitigation solution.
The proposed method of surface water management does not relate to Anglian water operated assets but should this change a re-consultation will be required.
- 5.10 Lead Local Flood Authority** – No objection in principle subject to a condition requiring details of surface water drainage.
- 5.11 Senior Trees Officer** – There are no formal objection to these plans as existing trees are not significantly affected but there are concerns this proposal will have a negative impact upon the landscape character of the area which would be in conflict with guidance within the local plan (ENV1: Landscape and settlement character)
- 5.12 Environmental Health** – The current site plan appears to have a slight buffer between the proposed houses and Ness Road which is beneficial from a noise point of view, in addition to the playpark within the public open space which appears to have a buffer zone around it which will reduce noise impact on surrounding residents.
However if the road adjacent to the development is to remain at 60mph it may be necessary for a noise impact assessment.
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.
Conditions recommended for a contamination investigation and unexpected contamination.
- 5.13 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). Each new property requires two bins; this contribution is currently set at £43 per property.
- 5.14 Burwell Parish Council** – Object for the following reasons.
The development does not fit in with the existing street and village scene.

It adds further to the existing elongated village and is sited some distance from village amenities.

The entrance to the residential site has poor access on to the existing highway and sits outside of the 30 mile per hour zone along a straight road where the national speed limit applies.

The proposed development is on a green field site and could potentially create a precedent for agricultural land situated on the opposite side of the B1102. The entirety of the site is outside of the current development envelope.

The Parish Council is very concerned about the increase in traffic issues throughout the village.

The Parish 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, fully supported by residents and infill sites.

5.15 Ward Councillors - No Comments Received

5.16 Neighbours – Neighbouring properties were notified and 41 responses were received and are summarised below. A site notice was posted and an advert placed in the Cambridgeshire Evening News. A full copy of the responses are available on the Council's website.

- The site is on valuable agricultural land
- Development will sprawl into the countryside
- Insufficient infrastructure in the village to cope with additional housing
- Increase in traffic noise and congestion
- Disturbance to Bat population currently seen along the boundary of Toyse Close
- The village requires sports and recreational facilities
- Existing residents will lose their views of the countryside
- Loss of privacy for neighbouring streets
- Highway issues
- Elongate the village further and diminish the village environment
- Light pollution
- Increase in air pollution
- Conservation concerns regarding bird habitation in trees close to site
- Local wildlife will be threatened
- Likely to be sewage problems
- The design of houses would not match the existing dwellings in the surrounding area
- Educational and medical facilities are already under pressure
- Set a precedent for further development
- Inaccuracies in the applicants planning statement regarding swimming pool, banks and retail outlets

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

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

6.2 Supplementary Planning Documents

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

6.3 National Planning Policy Framework 2012

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

7.0 PLANNING COMMENTS

The main issues to consider in determining this application are:

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

7.1 Principle of Development

- 7.1.1** Policy GROWTH2 requires that development be permitted only within defined development envelopes provided and restricted in terms of dwellings to affordable housing exception schemes and dwellings essential for rural workers. However, the local planning authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Plan policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development contained within both Policy GROWTH 5 of the Local Plan and paragraph 14 of the National Planning Policy Framework. This means, unless policies of the Framework specifically restrict the development, that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. There is a presumption in favour of sustainable development which comprises three dimensions, economic, social and environmental.
- 7.1.2** In economic terms the development would make a short term contribution to the economy of the area by creating jobs in construction. In the longer term residents would contribute to the local economy, including supporting some local businesses in surrounding settlements. Residents may work from home.
- 7.1.3** As far as the social role is concerned, the dwellings would be provided quite close to the settlement boundary near to where there are other dwellings, built to sustainable standards adding to housing supply. The dwellings would be well connected to the rest of the village and so would not be isolated. The Framework promotes sustainable development in rural areas, and housing should be located where it will enhance or maintain the vitality of rural communities. Burwell is a large village, being the fourth largest settlement in the District, with a good range of services and facilities together with a primary school and benefits from good transport links and a regular bus service to Newmarket and Cambridge. The Local Plan identifies the need to ensure that infrastructure and facilities are in place to support the growth of the village and the fact that the primary school is at capacity. Together the economic and social benefits would weigh in favour of this development.
- 7.1.4** However, the environmental dimension of sustainable development is also an important factor, part of which is the effects of the development on the character and appearance of the area which will be assessed in the report together with all other material planning considerations. In accordance with the NPPF planning permission should only be granted for sustainable development unless any adverse effects of so doing, would significantly and demonstrably outweigh the benefits of the development. The report will show that it is questionable whether this development is in fact a sustainable form of development due to the impact on the environmental dimension of sustainable development.
- 7.1.5** It is noted, that this site was proposed for housing development in the first call for sites exercise alongside the preliminary draft local plan in Feb/March 2016. The

site was rejected by the Council and not taken forward into the further draft local plan Jan/Feb 2017. The reason for rejection was based on concerns about access, visual impact and there were other more suitable sites available elsewhere in the village. In determining this planning application a different test is applied to that which is applied when assessing a site's suitability for inclusion within the local plan. The test to be applied is that of the presumption in favour of sustainable development as set out above in paragraph 7.2. The proposal should only be refused planning permission if it can be demonstrated that it is an unsustainable form of development and where there is significant and demonstrable harm.

7.2 Visual impact

- 7.2.1** In light of the above, this development proposal must be assessed in terms of any significant and demonstrable harm to the character and appearance of the area both in terms of the impact on the village setting itself and the wider countryside.
- 7.2.2** Although the application is in outline with all matters reserved apart from access, the visual impact of the development of potentially 88 dwellings (equal to a potential density of 28 dwellings per hectare) must be assessed in principle. An overall development area of 4.1 ha is identified to include up to 3.2 ha of net developable area. The applicant has submitted an illustrative framework plan which shows in very broad terms, the dwellings set back from Ness Road with open space provision in the centre of the site and landscaped buffers around the sites perimeter and dense landscaping along the northern and eastern boundaries.
- 7.2.3** The site sits directly adjacent to existing residential development along its southern boundary. However the site is very open with little vegetation to offer any enclosure. The site relates visually to the large expanse of open land on this northern approach to Burwell village. The existing settlement edge currently provides a strong edge to the settlement which having been in existence for some time provides a natural edge to the settlement enabled by the unobtrusive and low level 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 approach to Burwell. The development would therefore cause significant and demonstrable harm to this edge of settlement location. Policy ENV1 specifies that development should be informed by, be sympathetic to and respect the capacity of the distinctive character areas defined in the Cambridgeshire Landscape Guidelines. Positive and complimentary relationships are sought so that it will protect, conserve and where possible enhance amongst other matters the settlement edge, space between settlements and their wider landscape setting, key views into and out of settlements, the unspoilt nature and tranquillity of the area and public amenity and access. This development would not enhance the settlement edge. It would instead, detract from the rural and undeveloped character of this approach to the village.
- 7.2.5** The development of this site for housing would create a hard built and urbanising edge to the village with a development form out of keeping with the surroundings

even if hedgerows were to be retained and extensive planting incorporated to the edge of the development site. The applicant is of the view that the development could be assimilated into the surroundings by the use of extensive planting belts. However such planting will take a considerable amount of time to mature and offer any form of effective screening and as such the harm to the character of the area and the wider countryside will have already occurred. In any event it is considered that unacceptable development cannot be made acceptable by screen planting.

7.2.6 The development would be harmful to the character and appearance of the area contrary to Policy ENV1. The weight of the adverse environmental impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

7.3 Residential amenity

7.3.1 Policy ENV2 of the Local Plan seeks to protect the residential amenity which would be enjoyed by both future occupiers of the development and occupiers of existing properties close to the site. There are a number of residential properties within close proximity in Toyse Close which are mainly single storey dwellings with fairly small rear gardens.

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. However, 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 therefore 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 as a result of people entering and leaving the new development, however, the new access would be sufficiently distant from those properties in Toyse Lane and Toyse Close to ensure that there would not be a significant adverse effect on residential amenity.

7.3.4 The Council's Environmental Health Officer has not raised any objections subject to the conditions recommended in relation to construction times, a construction management plan and no burning of waste. Concerns are however raised regarding road traffic noise should the speed limit remain at 60mph.

7.3.5 It is considered that the proposal could satisfy the requirements of Policy ENV 2 at reserved matters stage.

7.4 Access and Highway safety

7.4.1 The access onto Ness road will provide for a right hand turn into the site and the footpath will be extended from its current position along Ness Road to the development site.

7.4.2 The County Highway Authority have objected to the proposal as splays are shown for a 30mph limit and the access is situated within a 60mph limit. They are also of the view that it would be inappropriate to alter the speed limit as there is no active frontage. In addition it has not been demonstrated that the access is safe or in an appropriate location and the application is not supported by sufficient highways or transport information to demonstrate that the proposed development would not be prejudicial to the functioning of the highway network or highway safety.

7.4.3 The proposal therefore does not accord with the requirements of Policies ENV 2 and COM 7 of the Local Plan and also conflicts with paragraph 32 of the national Planning Policy Framework.

7.5 Flood risk and drainage

7.5.1 The levels across the site do not allow for a gravity connection, so an adopted foul water pumping station would need to be provided. 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 The applicant advises that the existing surface water flooding has been investigated and shows some minor flooding in the north east corner of the site. This area of the site would therefore be kept clear and managed for potential exceedance events. The surface water drainage system would incorporate the use of swales and permeable paving. This is acceptable in principle to the Lead Local Flood Authority.

7.6 Ecology and archaeology

7.6.1 Objectors have raised concerns over the loss of wildlife habitat and the potential adverse impact on various species, including bats, which are protected. Policy ENV 7 of the Local Plan, seeks to ensure that the impact on wildlife is minimised and that opportunities for biodiversity enhancement are taken.

7.6.2 There are no statutory designated sites within 2km of the application site. There are 3 sites within 5km of the application site which are afforded statutory protection by the Conservation of Habitats and Species Regulations 2010 (as amended) or that have been designated as Ramsar sites, which are Wicken Fen and Chippenham Fen Ramsar sites and Devil's Dyke SAC. There are also 2 non-statutory (County Wildlife Sites) within 2km of the proposed development, which are Burwell Brick Pit and Spring Close. The ecology report states that, it is considered that the proposed development is not likely to have a significant effect on the ecological features for which the Natura 2000 sites were designated. In addition, Officers consider that a Habitats Regulations Assessment Screening Opinion is not required as it is not considered that significant harm will be caused to the designated sites.

- 7.6.3** The majority of the site is arable field with low ecological value. The field margins including scrub hedges and occasional trees are of value so it is the intention to retain as much as possible, of the existing field margins including scrub, hedges and trees ensuring nesting habitat are protected as much as possible. Planting of native hedge species known to be of wildlife value is also proposed. Mitigation is proposed in the form of informal open space and woodland belt planting. The site was found to have potential to support nesting birds, foraging bats and foraging reptiles. However the survey confirmed that these are not likely to impose an ecological constraint on development because the habitats of most value are located on the edge of the field. The site has the potential to provide a new reptile habitat. No further survey work is recommended. In respect of the presence of bats mentioned by residents, the report states that the site does not support trees likely to support roosting bats therefore no surveys are recommended. If the boundary habitats are to be removed then a bat transect survey is recommended and various lighting recommendations are made to secure bat foraging ground. There are opportunities within the informal space to enhance the biodiversity of the site.
- 7.6.4** The ecology and biodiversity aspects of the proposal are therefore deemed acceptable and biodiversity enhancements can be included within the soft landscaping and open space requirements for the scheme.
- 7.6.5** The Historic Environment team are satisfied that the findings of the Archaeological assessment will allow matters to be dealt with by condition requiring an archaeological programme of works.
- 7.7** **Other material matters**
- 7.7.1** The affordable housing contribution offered in the application is not considered acceptable because although a level of 40% is proposed 20% will be discount market sale units which do not fall within the definition of affordable housing. The proposal is therefore contrary to policy HOU 3 of the Local Plan, offering only half of the required amount of affordable homes.
- 7.7.2** Cambridgeshire County Council Education have requested a contribution towards education and lifelong learning provision. No contributions have been offered by the applicant. Given the importance of the education infrastructure which is at capacity it is considered that a contribution should be made commensurate with the requirements of this development and in accordance with Policy GROWTH 3 of the Local Plan.
- 7.7.3** Policy ENV 4 requires all new development to aim for reduced or zero carbon in accordance with the zero carbon hierarchy. The applicant is aware of the need to reduce the ongoing impact of the development on equivalent carbon emissions through well designed, well constructed and thermally efficient buildings as well as through good site practices through construction.
- 7.7.4** The applicant advises that the orientation of the site precludes the ability to provide southerly aspects to every property but the vast majority should still benefit from solar gain reducing energy bills. All dwellings will be built to high standards of energy efficiency with high levels of insulation and air tightness and renewable

energy may also be installed with water efficient measures. The scheme has therefore demonstrated compliance with Policy ENV 4.

7.8 Planning balance

- 7.8.1** Whilst the proposed housing would contribute towards the housing shortfall, it is considered that it does not represent a sustainable form of development as it would create a prominent urbanising and visually intrusive development causing significant and demonstrable harm to the character of the countryside and the this edge of settlement location.
- 7.8.2** In addition the proposed access would be detrimental to highway safety and insufficient information has been provided to demonstrate that there would be no significant harm to the highway network. The benefits of the development are outweighed by the significant and demonstrable harm.
- 7.8.3** Insufficient provision has been made for affordable housing on the site contrary to Policy HOU 3 of the Local Plan.
- 7.8.4** No provision has been made towards education provision and as necessary infrastructure is contrary to Policy GROWTH 3.
- 7.8.5** On balance therefore this application is recommended for refusal as the benefits of the development are outweighed by the significant and demonstrable harm.

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 ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 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 harm to the character and appearance of the area and highway safety, reduction in affordable housing and lack of education contribution.

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

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

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