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**MAIN CASE**

**Reference No:** 17/02031/FUM

**Proposal:** Proposed 76 Dwellings with associated access, open space and drainage, replacing the dis-used commercial yard and part agricultural land.

**Site Address:** Land Rear Of 12 To 58 Station Road Kennett Suffolk

**Applicant:** Victoria Stanley Ltd

**Case Officer:** Anne James, Planning Consultant

**Parish:** Kennett

**Ward:** Fordham Villages  
Ward Councillor/s: Councillor Joshua Schumann  
Councillor Julia Huffer

**Date Received:** 21 December 2017      **Expiry Date:** 9<sup>th</sup> November 2018  
**[T121]**

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**1.0      RECOMMENDATION**

- 1.1      Members are recommended to REFUSE the application for the following reasons:
- 1) The design and layout of the proposed development is out of character with the existing nature of linear development characterised in this part of Kennett and fails to provide a complementary relationship with the character of the village and visual amenities of the area. Furthermore, the infilling of this site would lead to the merging of Kennett and Kentford leading to coalescence of the two villages. The proposal therefore fails to comply with Policies ENV1 of the Local Plan 2015 and LP28 of the Submitted Local Plan 2018.
  - 2) The Local Planning Authority considers that it has not been satisfactorily demonstrated that the level/type of traffic generated will not be to the detriment of the local highway network through the absence of an agreed mitigation strategy. The application therefore fails to comply with the requirements of Policies ENV 2 and COM 7 of the East Cambridgeshire Local Plan 2015 and Policy LP17 of the Submitted Local Plan 2018.
  - 3) The design of the proposed access is unsatisfactory to serve the proposed development by reason of its inadequate width resulting in the stopping and manoeuvring of vehicles on the highway to detriment of highway safety. The application therefore fails to comply with the requirements of Policies ENV 2 and

COM 7 of the East Cambridgeshire Local Plan 2015 and Policy LP17 of the Submitted Local Plan 2018.

- 4) The site access arrangement with separate pedestrian and vehicle access points is inadequate to serve this development. One footway has been proposed at the vehicle junction. A footpath either side of this junction would be required. Other footpaths are of an inadequate width and would result in detriment to highway safety. The application therefore fails to comply with the requirements of Policies ENV 2 and COM 7 of the East Cambridgeshire Local Plan 2015 and Policy LP17 of the Submitted Local Plan 2018
- 5) The applicant has failed to demonstrate that the continued use of the site for 100% employment purposes is no longer viable. In the absence of clear and robust evidence supporting the scheme, the proposal fails to comply with the requirements of Policies EMP1 of the East Cambridgeshire Local Plan 2015 and LP8 of the Submitted Local Plan 2018.
- 6) The scheme constitutes an overdevelopment of the site in that it fails to deliver an acceptable living environment for future occupiers of plots 16-23, 30, 31, 37, 42-51, 59, 65 and 66 leading to loss of privacy, sunlight/daylight penetration, visual intrusion, loss of outlook and noise generated by traffic along the A14 corridor. The proposal therefore fails to comply with the requirements of Policies ENV2 of the East Cambridgeshire Local Plan Adopted April 2015 and Policy LP22 of the Submitted Local Plan 2018 and the East Cambridgeshire Design Guide 2012.
- 7) The submitted FRA does not comply with the requirements set out in paragraph 160 and 163 of the National Planning Policy Framework. Therefore, the FRA does not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development. In particular, the FRA fails to demonstrate that the proposed development will not increase flood risk elsewhere and does not include a sufficiently detailed assessment of proposed flood plain compensation. The application therefore fails to comply with the requirements of Policies ENV 8 of the East Cambridgeshire Local Plan 2015 and Policy LP25 of the Submitted Local Plan 2018.
- 8) The proposed acoustic bund along the A14 would create an unnatural feature within the rural character of the area. This feature would detrimentally harm the character of this edge of settlement location by virtue of its dominance, due to the height and length of the barrier. The proposal, therefore, does not comply with policies ENV1 and ENV2 of the Local Plan 2015, LP22 of the Submitted Local Plan 2018 by virtue of the significant harm to the character of the area.
- 9) Insufficient information has been submitted in support of the Ecology Appraisal in the form of additional surveys to be undertaken in order to assess whether biodiversity would be affected along the water corridor to the detriment of the natural environment. The proposal therefore fails to comply with Policies ENV7 of the Local Plan 2015 and Policy LP30 of the Submitted Local Plan 2018.

## **2.0 SUMMARY OF APPLICATION**

- 2.1 The application seeks full planning consent for the re-development of the Hanson Depot site and the erection of 76 dwellings, 40% of which would be for affordable housing, with associated access, open space and surface water drainage systems.
- 2.2 The accommodation proposed comprises the following mix of housing:
- 11 x 5no bedroom houses
  - 12 x 4no bedroom houses
  - 19 x 3no bedroom houses
  - 14 x 2no bedroom houses
  - 7 x 2no bedroom flats
  - 9 x 1no bedroom flats,
  - 2 x 2no bedroom bungalows
  - 2 x 1no bedroom bungalows
- 2.3 The application has been accompanied by the following documents:
- Air Quality Assessment
  - Ecology Report
  - Transport Statement
  - Flood Risk Assessment
  - Design and Access Statement
  - Land Contamination Assessment
  - Noise Impact Assessment
  - Planning Statement
- 2.4 In January 2018 the Council undertook a screening exercise under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The Council considered the potential impact on human health from air pollution from the A14 would need further assessment and an Environmental Statement would need to cover issues concerning air quality, biodiversity and drainage and considered the scheme represented EIA development.
- 2.5 In February 2018 the applicants requested the Secretary of State to adopt a screening direction to determine whether the proposed development of 75 dwellings constituted EIA development.
- 2.6 On 17<sup>th</sup> April 2018 the Secretary of State issued a screening direction which took into account the selection criteria in Schedule 3 to the 2017 Regulations and considered that the proposed development did not constitute EIA development.
- 2.7 A number of amendments have been made to the scheme and these include the submission of a Flood Risk Assessment and Drainage Strategy, a Preliminary Ecological Appraisal, Air Quality Assessment and amendments to the Transport Statement.

2.8 The application is being considered by Committee in view of the number of dwellings proposed which exceeds the 50 dwelling threshold as set out in the Council's Constitution.

2.9 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.**

### 3.0 **PLANNING HISTORY**

3.1 No previous planning history however a number of pre-application enquiries have been received concerning the redevelopment of the site for housing.

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

4.1 The application site comprises an irregular shaped area of land measuring approximately 9ha (22 acres) located to the south of Kennett village. To the west of the site is a disused commercial depot with land to the east comprising mature woodland and mixed open fields. The River Kennett abuts the eastern boundary with the A14 running along the northern extent. To the south of the site lies Kentford and the boundary with Suffolk.

4.2 A vehicular access into the site is gained via a single track on the western side of Station Road with a pedestrian and cycle access off Station Road and Bury Road. A commercial use as well as a number of residential properties lie either side of the entrance.

4.3 Land levels are fairly consistent across the site with a gradual slope down from the western edge of the roadway in Station Road to the north-eastern boundary. The site also benefits from a number of mature trees and hedgerow, a number of which are characterised as being significant within the development.

### 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.

#### **Parish - objects**

10.10.18 The Parish Council objected to the scheme on 16<sup>th</sup> January 2018 and these objections still stand, namely:

- That this and other planning applications for residential development within the area would result in unsustainable development, increasing the pressure

on infrastructure and in particular the over use of the B1085 (current 4,500 vehicles per 24 hour period).

- A further development of 76 dwellings would add another estimated 300 car uses along the B1085 per day.
- Kennett Village CLT recently voted in favour of the development of 500 houses on the Tilbrook land, on the understanding that housing in the area is needed and that this would be the only major development within the plan period to 2036.
- The majority of the development is outside the Kennett Village Development area representing backland development.
- Along with the proposed Tilbrook development would increase the size of the village by nearly 350%.
- The proposed development borders the river Kennett's flood plain so closely that a severe flood would affect the development area.
- No significant benefits to the village are proposed.
- The site has proven Mineral rights which must be safeguarded.
- Access and vehicular parking within the site is also of concern.

**Ward Councillors - No Comments Received**

**Anglian Water Services Ltd** – No objection subject to condition concerning foul water strategy.

**The Ely Group of Internal Drainage Board - No Comments Received**

**Environment Agency – Objects**

Part of the site is within Floods Zone 3 and 2 of our flood map for planning. In accordance with the National Planning Policy Framework paragraph 101, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the National Planning Policy Framework.

By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the Sequential Test. In the absence of an acceptable Flood Risk Assessment (FRA), we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

Reason We have reviewed the flood risk assessment (FRA) (ref: 296/2016/FRA (rev P3), prepared by GH Bullard) dated July 2018 for the proposed development at Station Road, Kennett.

The submitted FRA does not comply with the requirements set out in paragraph 160 and 163 of the National Planning Policy Framework. Therefore, the FRA does not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development.

In particular, the FRA fails to: ☐ Demonstrate that the proposed development will not increase flood risk elsewhere.

Floodplain Compensation the FRA does not include a sufficiently detailed assessment of the proposed flood plain compensation. It is acknowledged that the FRA identifies a loss of 184m<sup>3</sup> as a result of the construction of the acoustic bund in the 1% AEP flood extent, including a 35% allowance for climate change, and that an area within Flood Zone 1 in the south eastern part of the site has been identified as a location to provide flood plain compensation.

However, in our previous response (AC/2018/126603) it was stated that flood plain compensation calculations should be provided showing the volume lost to the development and volume gained by the compensation area for several horizontal slices (usually 200mm thick) up to the 1% AEP flood level, including an allowance for climate change. Insufficient detail has been provided regarding the flood plain compensation proposal and therefore it is not possible to determine whether sufficient volume is available in the proposed compensation area and whether this is at the same level as the area which flood plain storage is lost.

**Forest Heath Council - No Comments Received**

**Highways England – No objection subject to conditions**

**Natural England – No objection**

**Suffolk County Council**

Request consideration is given to Suffolk County Council's infrastructure responsibilities excluding transport which will be covered by a separate response.

The County Council will need to be a party to any sealed Section 106 agreement.

**Suffolk County Council - Highways – No comments received.**

**Suffolk County Council - Flood and Water Management\_– Objects**

Although SCC Flood and Water Management are not the lead local flood authority for this area, we wish to raise concerns to the LPA as the site could lead to increased flood risk in Suffolk. A scaled plan should be submitted to show that all built development is above the 100yr+35% CC flood level. The site layout should be superimposed upon drawing 296/2016/01 Rev P2 in the FRA. The proposed site abuts the main River Kennett which acts as the Suffolk/Cambridgeshire border in this instance. The majority of the site is in flood zone 3 which is defined as functional floodplain. Western parts of the site are on higher ground but the eastern edge of the proposed residential development may lie within flood zone 3. Further calculations should be submitted in support of drawing 296/2016/01 Rev P2 to clarify the 100yr+35% CC flood level at this location.

Currently this detail has not been included in the submitted FRA and we agree with the objection lodged by the Environment Agency at this time (response dated 17th Jan 2018). If an element of flood storage compensation is required to offset any loss

of floodplain, it needs to be recognised now as this development could potentially cause increased flood risk both upstream and downstream.

Similarly the assessment of SuDS/SW Drainage across the site is very vague and CCC have also objected at this full planning stage (response dated 17th Jan 2018). We would also agree with this as effectively no drainage strategy has been submitted at this time which does not comply with national standards (NPPF, BS8582:13 and Non-Statutory Technical Standards for SuDS).

**CCC Archaeologist** – No objection subject to condition regarding a written scheme of investigation to be submitted.

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

**CCC Local Highways Authority** – Objects

1. The application is not supported by sufficient highways information to demonstrate that the proposed development would not be prejudicial to highway safety
2. The access is unsatisfactory to serve the proposed development by reason of its inadequate width and the proposal would therefore likely result in the stopping and manoeuvring of vehicles on the highway to the detriment of highway safety.
3. The site access arrangement with separate pedestrian and vehicle access points is inadequate to serve this development and would likely result in the detriment of highway safety.

**CCC - Transport Assessment Team**

The application as submitted does not include sufficient information to properly determine the highway impact of the proposed development. Were the above issues addressed the Highway Authority would reconsider the application.

CCC therefore requests that this application not be determined until such time as the additional information above has been submitted and reviewed.

**CCC Lead Local Flood Authority** - Objects

1. Attenuation Basin:

- a. The attenuation basin has been proposed outside of the red line boundary. As stated in paragraph 024 of the National Planning Practice Guidance, the red line boundary 'should include all land necessary to carry out the proposed development' – this includes provision of drainage.
- b. The proposed attenuation basin is situated within flood zone 3. If fluvial flooding occurs, the proposed feature would likely be inundated and the surface water drainage on site will not function. This may result in surface water flooding on site. We recommend that the basin is moved to flood zone 1 or that it is protected from fluvial flooding. Careful consideration of flood plain losses and required compensation will be required.

2. Discharge rate and outfall:

- a. The proposed discharge rate of 1l/s from an outfall diameter of 56mm increases the risk of blockage. We would recommend that the risk of blockage is fully considered and that the design is amended accordingly.
  - b. The point of discharge is unclear on the submitted drainage plan. The exact point of discharge to the River Kennett should be demonstrated on the plan.
  - c. The system should be modelled with a surcharged outfall.
3. Permeable paving
- a. No information has been submitted regarding the permeable paving.
  - b. Groundwater Levels should be fully considered in the design of infiltration features and this is of paramount importance as the site is situated in a source protection zone. As outlined in paragraph 6.3.21 of the SPD there must be a minimum clearance of 1.2 m between the base of any infiltration feature and peak seasonal groundwater levels. At present this has not been demonstrated as part of the application.
  - c. Groundwater was encountered at 1.45mbgl in one of the trial pits. Further groundwater monitoring on site should be undertaken in order to identify the peak groundwater levels where the permeable paving is proposed. Subject to further groundwater investigations and confirmation that the required clearance from the base of the feature to the highest recorded groundwater levels is achievable; as a precaution, we would suggest that the permeable paving is designed to be lined and incorporated into the area draining to the attenuation basin.

**CCC Cambridgeshire Fire And Rescue Service – No objection**

Would ask that adequate provision be made for fire hydrants by way of s106 Agreement.

**CCC Minerals and Waste Development Control Team - No Comments Received**

**CCC Design Out Crime Officers – No objection**

The area is considered to be at low risk to the vulnerability of crime. No mention in the documentation regarding security or crime.

**ECDC Economic Development - No Comments Received**

**ECDC Senior Trees Officer – No objection**

This proposal is for a large development with an agricultural site inclusive of farm buildings, trees and agricultural land. A number of the existing trees at the site would be affected by the proposal including a number of removals. The site includes a large section of land to the East that is to be allocated as open space. An Arboricultural Impact Assessment has been submitted to support the application. I do not formally object to these proposals as the trees impacted by the plans are not worthy of protection.

However, 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 draft submission local plan (ENV1: Landscape and settlement character).



The East of the current settlement is rural and although a large section is to remain undeveloped the transition for residential housing to open space appears incongruous.

I also consider that the bund and landscaping adjacent the main highway as unsatisfactory and unlikely to naturally assimilate between the residential areas and rural landscaping features, current and proposed due to insufficient width.

If the application is to be approved, the Tree Protection Plan within drawing P1202-TPP01 will be required to be implemented under condition of planning approval, to ensure the successful retention of trees at the site (Condition TR9A).

**ECDC Environmental Health – Scientific Officer – No objection**

I have read the Air Quality Assessment dated July 2018 prepared by Air Quality Consultants. I accept the findings of the report that air quality effects during the operational phase will not be significant.

There is no assessment of the effects on air quality during the construction phase although the EIA Screening Report dated February 2018 prepared by Barton Willmore identifies a potential risk to human health from dust during the construction phase. I recommend that standard condition NS5A requiring a Construction Environmental Plan (CEMP) is attached to any grant of permission. The CEMP should include control measures to mitigate the effects of dust on human health during construction.

In terms of the potential contamination of the site, I recommend the standard contaminated land conditions are applied.

**ECDC Environmental Health – Domestic – No objection subject to conditions**

**ECDC Housing Section - No objection**

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%. The applicant has proposed 30 affordable homes which complies with the existing Local Plan policy and exceeds the emerging policy requirement.

All new dwellings should meet Building Regulation Part M (Volume 1), Category 2, unless there are exceptional design reasons why this is not possible.

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.

The proposed mix of affordable house-types is:

6 x 1 bedroom flats  
2 x 1 bedroom houses

16 x 2 bedroom houses  
6 x 3 bedroom houses

Should consent be granted, there would be a requirement to enter into a S106 Agreement with a number of Affordable Housing provisions:

**ECDC Community & Leisure Services** - No Comments Received

**ECDC Waste Strategy**– No objection

None of the plans provided show any indication of how waste will be stored or put out for collection, a large number of the properties appear to have no front garden or facility for storing wheeled bins or ways to move bins from the front to the rear of the property and the flats proposed appear to have no storage for waste of any kind. The affected units that specifically need more detail are as follows: 13 to 17, 18 to 23, 28 to 31, 36 to 38, 42 to 51, 61 to 64 and plots 74 to 76.

East Cambs District Council will not enter private property 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.

**East Cambridgeshire Access Group** – No comments to make

**Neighbours** – The application has been advertised by way of an advertisement in the Cambridge Evening News on 11<sup>th</sup> and 25<sup>th</sup> of January 2018. A site notice was erected on 2<sup>nd</sup> January 2018 and 57 neighbouring properties were notified. The responses received are summarised below. A copy of the responses is available on the Council's website.

#### *Transport*

- Increase in through traffic
- Junction at the Bell Public House
- Speed of traffic
- Heavy volume of traffic using the B1085 especially HGVs
- Increase in accidents;
- Site access inadequate;
- Affects a right of access;
- Parking and turning;

#### *Housing*

- Proposed housing developments at 98-138 Station Road, Medlar Stud and Kentford Lodge adding up to approximately 699 new dwellings;

#### *Infrastructure*

- Development without the accompanying infrastructure cause harm to the environment and residential amenity;

- Insufficient local amenities;

#### *Residential Amenity*

- Pollution
- Overlooking;
- Loss of privacy
- Noise sensitive

## **6.0 THE PLANNING POLICY CONTEXT**

6.1 The starting point for decision making is the development Plan ie the East Cambridgeshire Local Plan 2015. S38 (6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF, PPG and other material considerations. Determination of the application needs to consider whether the proposal constitutes sustainable development having regard to development plan policy and the NPPF as a whole.

6.2 Those policies of relevance to the scheme are:

#### *East Cambridgeshire Local Plan 2015*

GROWTH 1	Levels of Housing, Employment and Growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
EM1	Retention of existing employment sites and allocations
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

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#### *Supplementary Planning Documents*

East Cambridgeshire Design Guide  
Developer Contributions and Planning Obligations

Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated  
Flood and Water

*National Planning Policy Framework 2018*

- 2 Achieving Sustainable Development
- 5 Delivering a sufficient supply of homes
- 6 Building a strong, competitive economy
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

*The Submitted Local Plan 2018*

The Council submitted the Local Plan Review to the Secretary of State in February 2018 and an Independent Examination in Public is underway. It is anticipated that the Local Plan will be formally adopted towards the end of 2018.

Those policies of relevance to the application are:

- LP1 A presumption in favour of sustainable development
- LP 2 Level and distribution of Growth
- LP 3 The Settlement hierarchy and the Countryside
- LP 6 Meeting Local Housing Needs
- LP 8 Delivering Prosperity and Jobs
- LP 16 Infrastructure to Support Growth
- LP 17 Creating Sustainable, Efficient and Resilient Transport
- LP 22 Achieving Design Excellence
- LP 23 Water Efficiency
- LP 30 Conserving and Enhancing Biodiversity and Geodiversity
- LP 25 Managing Water Resources and Flood Risk
- LP 26 Pollution and Land Contamination
- LP 27 Conserving and Enhancing Heritage Assets
- LP 28 Landscape, Treescape and Built Environment

*Planning Practice Guidance*

Due regard has been had to the guidance contained within the PPG.

## **7.0 PLANNING COMMENTS**

7.1 The key considerations are:

- The Principle of Development;

- Impact on Visual Amenity
- Housing Mix and Density;
- Residential amenity;
- Access and highway safety;
- Flood Risk and Drainage;
- Biodiversity and Ecology;
- Archaeology;
- Other Matters;
- Planning Balance

## **7.2 Principle of Development**

- 7.2.1 An assessment of the planning application has been undertaken within the following sections of the report using the principles of the presumption in favour of sustainable development, as set out in the revised version of the NPPF, the East Cambridgeshire Local Plan 2015 and the Submitted Local Plan 2018.
- 7.2.2 Para 11 of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. However, the presumption in favour of sustainable development does not change the statutory status of the development plan.
- 7.2.3 The Council is currently unable to demonstrate a five year housing supply and therefore the policies within the Local Plan which relate to the supply of housing are now out of date.
- 7.2.4 Policy GROWTH 2 relates to locational strategy where the majority of development will be focused on the market towns of Ely, Soham and Littleport. 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. 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.
- 7.2.5 Policy LP3 of the Submitted Local Plan 2018 is broadly consistent with GROWTH 2 of the adopted Local Plan and restricts development outside of the defined settlement boundaries. However, given the stage of preparation of this plan only moderate weight can be afforded to this document.
- 7.2.6 Planning applications for housing within the district should now be considered on the basis of the presumption in favour of sustainable development.
- 7.2.7 The site lies outside of the development envelope of Kennett and has not been allocated within either the Local Plan 2015 or the Submitted Local Plan 2018. Whilst this is a brownfield site, no justification has been received as to whether the existing use is still viable to continue in employment use. This factor is weighed negatively in the planning balance

- 7.2.8 The Local Highway Authority has raised concerns regarding highway safety associated with the cumulative impact of vehicles accessing and egressing the site. In addition to the impact on the existing highway network and the design and layout of both the vehicular and pedestrian accesses. These factors are also weighed negatively in the planning balance.
- 7.2.9 In terms of the quality of living environment proposed, the design and layout of the housing, combined with its siting adjacent to the A14 corridor and the River Kennett, would provide a poor quality of living environment. This factor is weighed negatively in the planning balance.
- 7.2.10 The impact of the scheme on the visual amenities of the area is also of concern as the proposal would create a bund adjacent to the A14. As such the introduction of an unnatural landscape feature would have a detriment impact on the visual amenities and character of the area. Moreover, the design and density of development is out of character with the predominant linear nature of existing development to the detriment of the visual amenities of the area. This factor is weighed negatively in the planning balance.
- 7.2.11 The principle of a scheme to erect 76 dwellings on this brownfield site has been considered against the policies in the Local Plan 2015, the Submitted Local Plan 2018, the NPPF and PPG. Whilst the scheme would deliver housing, 40% of which would be affordable and which is seen as a benefit of significant weight, the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 7.2.12 The scheme cannot be supported in principle.

### **7.3 Impact on Visual Amenity**

- 7.3.1 In considering the visual impact on the landscape, Policy ENV1 of the Local Plan requires new development to provide a complementary relationship with existing development, and conserve, preserve and where possible enhance the distinctive and traditional landscapes, and key views in and of settlements. Policy LP28 of the Submitted Local Plan 2018 seeks development to demonstrate that their location, scale, form and design will create positive, complementary relationships traditional landscape features, such as watercourses, characteristic vegetation, individual and woodland trees, field patterns etc. with existing development Policy ENV2 of the Local Plan requires that new development should ensure its location, layout, form, scale, massing and materials are sympathetic to the surrounding area.
- 7.3.2 The site is located to the rear of a linear row of development in Station Road to the west of the site. To the north is the hard edge of the A14. An acoustic bund is proposed adjacent to this strategic route and this would span the northern boundary the complete width of the housing area. The character of the area to the east of the current settlement is rural in nature with the River Kennett framing the eastern edge. To the south of the site is the settlement edge of Kentford.

- 7.3.3 The application has provided details of the design and layout of the scheme, which resembles a palm tree with the central vehicular access forming the trunk and then tertiary roads fanning out to the sides. Whilst the layout of the new housing is innovative it is dictated solely by the curves of the road design and should not be the leading factor in determining the form of development. There is no regard to its setting and no clear hierarchy of spaces. The design of any new development should be based on a network of spaces rather than a road layout and as such fails to take reference from the prevailing linear pattern of development represented in this area. Moreover, it represents development outside of the development envelope of Kennett and fails to meet any of the exception criteria as set out in Policy GROWTH2 of the adopted Local Plan. However, bearing in mind the Council is unable to demonstrate a 5 year housing land supply then the presumption in favour of sustainable development as set out in para 11 of the NPPF applies. The weight afforded to this policy is therefore reduced.
- 7.3.4 The scheme is also considered to be unsatisfactory in that it is unlikely to naturally assimilate between the residential areas and rural landscaping features. Although a large section is to remain undeveloped the transition from residential housing to open countryside appears incongruous and the infilling of this backland area is likely to contribute to the coalescing of Kennett with Kentford. In fact part of the site to the south borders the parish boundary with Kentford. As a consequence, both Kennett and Kentford would lose their settlement identity.
- 7.3.5 The Council's Senior Tree Officer has raised concerns with regard to the creation of a significant bund feature and its negative impact upon the landscape character of the area which would be in conflict with guidance within Policy ENV1 of the Submitted Local Plan 2018.
- 7.3.6 The scheme would therefore extend the urban edge of the village and not be policy compliant. Given the reduction in weight attached to Policy GROWTH 2 should only be modest and taking into account the level of growth already anticipated for Kennett in the next 5 years it is considered that this should be given significant negative weight.

## **7.4 Housing Mix and Design**

- 7.4.1 Local Planning Authorities are charged with significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay, para 59 of the NPPF refers.
- 7.4.2 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.
- 7.4.3 Policy LP6 of the Submitted Local Plan requires that 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%. The applicant has proposed 30 affordable homes which complies with the existing Local Plan policy and exceeds the emerging policy requirement.

#### 7.4.4 The affordable housing would be as follows:

10	x	2	bedroom	semi-detached houses
2	x	1	bedroom	bungalows
2	x	2	bedroom	bungalows
6	x	1	bedroom	flats
6	x	2	bedroom	terraced houses
2	x	3	bedroom	terraced houses
2	x	3	bedroom	detached houses

7.4.5 The Council's Senior Housing Officer has confirmed that the proposed tenure mix is acceptable and the proposed mix of property types and in the analysis of the East Cambs Housing Register indicates that this proposed mix will meet housing needs. However, 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. The Council would enter into a s106 Agreement whereby tenure mix can be agreed.

7.4.6 The scheme would provide 30 affordable homes which exceeds the emerging policy requirement and this factor is afforded significant positive weight.

7.4.7 There is no reason that the site could not be delivered within the next five year period making a contribution to the District's housing land supply which would be a benefit to which considerable weight should be given, however, this should be tempered given the number of adverse impacts of the scheme in terms of the density of development which is unable to provide a satisfactory living environment in particular the affordable housing elements of the scheme.

#### *Design*

7.4.8 The NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Development should function well and add to the overall quality of the area; establish a strong sense of place; optimise the potential of the site to accommodate development and provide for an appropriate mix of uses; respond to local character and history; create safe and accessible environments which are visually attractive.

7.4.9 Policies ENV2 of the Local Plan 2015 and LP22 of the Submitted Local Plan 2018 require new development to respect and complement the physical characteristics of the site and the surroundings. The East Cambridgeshire Design Guide is also a key reference tool in the design process.

7.4.10 The scheme would provide a mix of accommodation types and variety of design styles which assist in creating visual richness through the scheme. The majority of plots achieve a good separation distance with the neighbouring properties and achieve an acceptable outlook. However, as mentioned in previous sections of the report there are a number of plots which do not. Furthermore, a number of areas, particularly the



flatted scheme on the eastern boundary abutting the River Kennett and the open countryside beyond, would fail to enhance this important natural feature and asset within the landscape, as the parking areas and access road all abut this important transitional boundary. Boundary treatment and landscaping would need to be particularly sensitive so that the interface between the built environment and natural environment is sympathetically achieved. A number of parking areas serving plots 18-23 and 36-38 are also of concern, and fail to achieve an acceptable high level of design. These plots are all concentrated on the northern corner of the scheme, which already abut the acoustic bund and would result in a car dominated design, leading to the degradation of the built form and public realm.

7.4.11 The Council's Waste Department has also raised concerns that none of the plans indicate how waste will be stored or put out for collection with a large number of the properties with no front garden.

7.4.12 On balance the scheme is considered to be an overdevelopment of the site resulting in areas of poor quality of design and this factor is weighed negatively. The scheme is in conflict with Policies ENV2 of the adopted Local Plan and LP22 of the Submitted Local Plan 2018.

## **7.5 Residential amenity**

7.5.1 The NPPF seeks to ensure that a good standard of amenity for all existing and future occupants of land and buildings can be achieved. Policy ENV2 of the Local Plan 2015 requires development to respect the residential amenity of existing and future occupiers. Policy LP22 of the Submitted Local Plan 2018 requires new development to provide a high standard of amenity and maintain the existing amenity of neighbours.

7.5.2 The Council has also produced the East Cambridgeshire Design Guide which sets out the requirements and aspirations for development within the District. In order to provide an acceptable living environment for future residents, the guidance stipulates a number of spatial requirements should be met. In particular, that in most cases the rear private amenity space should be a minimum of 50 sqm. Plots 16-23, 30, 31, 37, and 42-51 do not meet this requirement. There is also a 20m distance to be retained between rear inter-visible windows and this would require the rear elevation of any dwelling to be located at least 10m from the rear boundary. Plots 59, 65 and 66 all fall below this requirement. As a result future occupiers of this accommodation would not be provided with a satisfactory living environment in terms of privacy, outlook, sunlight/daylight penetration and visual intrusion.

7.5.3 There is also concern that the new dwellings located adjacent to the A14 to the north of the site would also be subjected to noise and poor air quality.

7.5.4 In terms of externally generated noise, the scheme proposes acoustic bunding along the northern boundary of the site. A Noise Assessment [Sharps Gayler dated 20<sup>th</sup> November 2017] was undertaken for screening of noise from road traffic on the A14. The report suggests that due to the screening afforded by the barrier, the majority of gardens across the site would be effectively screened to reduce traffic sound emission levels to within the target level. However there are some locations in the extreme corners of the eastern boundary where parts of the gardens may exceed the 55 dB

L<sub>Aeq</sub> level. Moreover, the report states that with regard to internal noise levels with windows open, only the first row of properties along the A14 and eastern boundary would require acoustic control in the facades. This would be in the form of mechanical ventilation and heat recovery systems to be installed within the properties where internal noise levels, with windows open, would exceed the British Standards. The Council's Environmental Health Officer has raised no objection and considers the noise mitigation recommendations within the Noise Impact Report are sensible measures and should be implemented to protect the amenity of future residents from the A14 traffic noise. However, following a recent appeal decision, the Council seeks to reduce the amount of alternative ventilation for properties. A small proportion of properties with alternative ventilation may be considered acceptable.

- 7.5.5 In terms of the air quality across the site, an Air Quality Assessment [Air Quality Consultants dated July 2018] has been submitted with the application and the Council's Environmental Health Officer accepts the findings that air quality effects during the operational phase would not be significant. In terms of during the construction phase there is a potential risk to human health from dust and a Construction Environmental Management Plan can be imposed by condition. The quality of air from the adjacent A14 corridor has also been considered within the report, concluding that when measured from approximately 1.5m above ground level the quality of air would be within an acceptable level. No mitigation has therefore been proposed by the applicant.
- 7.5.6 With regard to the amenity of existing residents, the scheme is sufficiently set back from the rear boundaries of all dwellings in Station Road to ensure that an acceptable distance is achieved. Therefore no issues of overlooking, visual intrusion or loss of privacy would occur. It is not considered that other adjoining occupiers would be materially affected by the scheme.
- 7.5.7 On balance, the proposal results an overdevelopment of the site resulting in a sub-standard living environment for a number of future occupiers of the accommodation providing a cramped and contrived living environment which provides a poor outlook, with issues of loss of privacy, sunlight/daylight penetration and visual intrusion. A number of the rear garden areas are also subject to a degree of noise, resulting in future occupiers less likely to use these areas.
- 7.5.8 The scheme therefore fails to deliver a good standard of amenity for future occupiers of the site and as such is contrary to Policy ENV2 of the Local Plan 2015 and Policy LP22 of the Submitted Local Plan 2018. This factor is afforded significant negative weight.

## **7.6 Access and highway safety**

- 7.6.1 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved.
- 7.6.2 Policy COM7 of the Local Plan also requires development to be designed in order to reduce the need to travel, particularly by car and should promote sustainable forms of transport appropriate to its particular location.

- 7.6.3 Policy LP17 of the Submitted Local Plan requires proposals for new development to demonstrate that appropriate, proportionate and viable opportunities have been taken into consideration. Amongst other criteria, to ensure safe, convenient access to the existing highway network and reducing the need to travel by ensuring that development is accessible, being well located in relation to existing or proposed services and facilities.
- 7.6.4 In terms of its broader location Kennett is identified in the Local Plan 2015 as a small village of approximately 340 residents located in the eastern tip of Cambridgeshire. It has a number of facilities, including a primary school, pub, playing field and church. There is a railway station, which is within walking distance of the site serving Cambridge and Ipswich and there is a regular bus service 6 days a week to Newmarket-Mildenhall. The site is also in close proximity to major transport routes. However the lack of facilities and amenities available within the village would result in an over-reliance of the car and this factor is weighed negatively in the planning balance.
- 7.6.5 An updated Transport Statement [GH Bullard & Associates LLP dated June 2018] has been submitted as a result of concerns expressed by the Local Highways Authority. However, the Highway Authority has still reservations on the scheme proposed, concerning:

#### *Impact on the Highway Network*

- 7.6.6 The application does not include sufficient information to properly determine the highway impact of the proposed development. The information would be required to assess safety considerations and accident analysis, trip generation and distribution, impact as well as mitigation. As this information has not been submitted the Transport Assessment Team have been unable to adequately assess the impact on the surrounding highway network.

#### *Access*

- 7.6.7 The development has an existing vehicle access on to the B1085. However the additional trips generated by 76 additional dwellings would severely increase and intensify its use as it is proposed to be shared with the existing B Class business (large vehicles trip generation). No visibility splay information has been provided which is considered essential by the highways authority when a junction is intensified to this degree. Visibility splays have also not been correctly indicated on the drawings
- 7.6.8 Furthermore, no tracking drawings indicating HGVs/service vehicles accessing and egressing the junction has been provided. Moreover, the junction arrangement does not appear to be wide enough to accommodate the proposed intensification and proposed type of use. As this access is intended for use by commercial and domestic vehicles it is essential that large vehicles can enter and exit the junction simultaneously without obstruction.
- 7.6.9 The kerb radii on the vehicle junction should be as appropriate for its use. The shown arrangement is not to highways standards as it should have two footways and the same diameter and shaped radii. Unless there is good reason not to do this which has

not be demonstrated or submitted. It is the opinion of the Local Highways Authority that this arrangement would make this junction illegible and / or difficult to navigate for the visually impaired.

### *Highway Safety*

- 7.6.10 One footway has been proposed at the vehicle junction leading to/from the development. This access point would be the preferred desire line route for pedestrians accessing the northern part of the development. Footways should be included on both sides of this junction at a width 2m. The proposal also indicates other footways within the site are only 1 - 1.2m footways which is well below the minimum standard and as such pedestrians / mobility aid users / parents with buggies etc. would likely be forced to enter the road to pass one another
- 7.6.11 The Local Highways Authority would normally seek to adopt a residential development greater than 5 dwellings. However the internal road layout is not to an adoptable standard and as such the Local Highway Authority would not offer to adopt any part thereof. The safety of the proposed internal road layout is also questionable as there is shown to be a mini roundabout which does not appear to meet with the design requirements set out in the Highways Design Guidance.
- 7.6.12 New developments should have their internal roads designed to a speed of 20mph. The raised areas along the straights have been shown. However this type of measure usually has footways only 25mm higher than the carriageway and vehicles tend to park partly on the footway and partly carriageway. This leaves greater room for vehicles which would likely result in greater speeds, as there is no self-enforcing measure to prevent this.
- 7.6.13 The vehicle access to the commercial depot has not been tracked. HGVs will need both sides of the road to access this depot if they indeed can make the turn within the carriageway. This will result in the stopping and manoeuvring of vehicles and the obstruction of other vehicles on this section of road.
- 7.6.14 It is therefore considered that whilst the site would benefit from its close proximity to Kennett Railway Station and therefore sustainable transport modes can be maximised, the scheme would not provide a safe and suitable access and moreover would result in a detrimental impact on highway and pedestrian safety, contrary to Policies COM7 of the adopted Local Plan 2018 and LP17 of the Submitted Local Plan 2018. This factor is afforded significant negative weight.

### *Parking*

- 7.6.15 Policy COM8 sets out parking provision outside of town centres and requires 2 spaces per dwelling plus up to 1 visitor parking space per 4 units. Cycle parking should also be provided at 1 space per dwelling. Policy LP22 of the Submitted Local Plan requires that new development should provide attractive, accessible and integrated vehicle parking.
- 7.6.16 From the information submitted with the application, the number of parking spaces provided on site would be 172 which equates to 2.3 parking spaces per dwelling. It is noted that there is no visitor parking provided which may likely result in additional on

street parking and exacerbate the aforementioned road layout issues. As a result the scheme would be in conflict with COM8 of the adopted Local Plan 2015 and this is afforded negative weight.

## **7.8 Flood Risk and Drainage**

- 7.8.1 Policy ENV8 of the Local Plan requires that all developments should contribute to an overall flood risk reduction. LP25 of the Submitted Local Plan seeks to ensure proposals for new development appropriately manage flood risk and protect the water environment. A Flood Risk Assessment [GH Bullard & Associates LLP dated July 2018] has been submitted with the application. This report states that the proposed dwellings will be located with Flood Zone 1 with one garage and earth bund located within Flood Zone 3. The volume of flood plain lost as a result of constructing within Flood Zone 3 will be compensated for by excavating an equivalent volume at an equivalent level within the higher south-eastern area of the site.
- 7.8.2 The Environment Agency is maintaining its objection to the scheme on the basis that the FRA does not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development. In particular it fails to demonstrate that the proposed development will not increase flood risk elsewhere.
- 7.8.3 In terms of surface water discharge the scheme proposes to position the attenuation basin outside of the red line boundary which is situated within Flood Zone 3. Whilst the FRA indicates that the attenuation basin will add to the flood volume available and should fluvial flood occur then the required volume has already been provided within the flood main maintaining the equilibrium and causing no increase in flood risk. However, the Local Lead Flood Authority have also objected citing that if fluvial flooding occurs the proposed feature would be likely inundated and the surface water drainage on site would not function. Moreover, siting the basin outside of the red line would be in contravention of PPG advice which requires that the red line boundary should include all land necessary to carry out the proposed development and that this includes the provision of drainage.
- 7.8.4 The scheme does not satisfactorily deal with either fluvial or surface water drainage and as such would not constitute sustainable development. These factors are afforded negative weight in the planning balance. The application therefore fails to comply with the requirements of Policies ENV 8 of the East Cambridgeshire Local Plan 2015 and Policy LP25 of the proposed Submission Local Plan 2018 and this factor is afforded significant negative weight.

## **7.9 Biodiversity and Ecology**

- 7.9.1 Policy ENV7 of the adopted Local Plan seeks to protect biodiversity and geological value of land and buildings. Policy LP30 of the submitted Local Plan 2018 requires that through development management processes, management procedures and other positive initiatives, the council will among other criteria, promote the creation of an effective, functioning ecological network.
- 7.9.2 The site is not covered by any statutory wildlife designation and the Breckland Farmland SSSI/ Breckland SPA are 1.5 km distant. A Preliminary Ecological Appraisal

has been submitted upon request [Applied Ecology Ltd – June 2018] and a Phase 1 Habitat Survey was carried out and the findings suggest that the habitats present are of low relative biodiversity and nature conservation value. Whilst some small breeding birds were found to be present on site, due to the lack of habitat variety there is little foraging and nesting opportunities.

- 7.9.3 In terms of Bats, the report considers that the adjacent boundary habitats, particularly the River Kennet, are of potentially elevated value and may be adversely impact by potential after-dark lighting.
- 7.9.4 It is also likely that otter and water vole may be present on site, however, given the small section of riverbank affected it is not considered the development would result in a detrimental harm.
- 7.9.5 The Ecology Appraisal makes recommendations to undertake further survey work of the existing field boundary trees and hedgerows and the River Kennett corridor to assess their importance to foraging and commuting bats and any potential indirect impacts of new street lighting on bats. A further in-channel inspection of the stretch of the River Kennett adjacent to the site to check for otter and water vole is also recommended. In view of the fact that the recommendation is for refusal, the applicant has not been required to submit additional information.

#### *Trees*

- 7.9.6 An Arboricultural Impact Assessment has been submitted [Ligna Consultancy dated 6<sup>th</sup> December 2017] and records 16 individual trees and 5 groups of trees as being significant within the context of the development proposals. These were predominantly situated along the northern and western boundaries of the site. Towards the centre there are 5 individual trees and a row of large leylandii. 5 Category B trees and 1 individual and one group of Category C trees are proposed for removal. A number of trees are also susceptible to compaction damage associated with construction related activities.
- 7.9.7 A number of mitigation measures imposed by condition could ensure that the development would result in a net environmental gain. The Council's Senior Tree Officer has raised no concerns in this regard as the trees impacted upon are not worthy of protection. This factor can be weighed neutrally in the planning balance. As such the scheme would not conflict with Policies ENV7 of the adopted Local Plan 2015 and LP30 of the Submitted Local Plan 2018.

### **7.10 Archaeology**

- 7.10.1 Section 16 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal including development that may affect the setting of a heritage asset.
- 7.10.2 Policy ENV14 of the adopted Local Plan 2015 requires that new development should have regard to the impacts upon the historic environment and would require the submission of an appropriate. Policy LP27 of the emerging Local Plan requires all new

development to respect and enhance or reinforce where appropriate the local character and distinctiveness of the area in which it would be situated.

7.10.3 According to records held by the County Council the site lies in an area of archaeological potential, however, the County Archaeologist does not object to the scheme subject to a programme of archaeological investigation being undertaken prior to development taking place.

7.10.4 On balance the impact on the historic environment is considered acceptable and this factor is weighed neutrally in the planning balance. The scheme therefore complies with Section 12 of the NPPF and Policies ENV14 of the adopted Local Plan 2015 and LP27 of the Submitted Local Plan 2018.

## **7.11 Other Matters**

### *Rights of Access*

7.11.1 An issue identified in the letters of representation concerned rights of access across the site. From the information submitted, the proposal would not appear to impact on any Public Rights of Way and the County Council has not objected. However, rights of access over land is a civil matter and the report would not cover this aspect of the development.

### *Public Open Space and Community facilities*

7.11.2 Policy GROWTH 3 of the Local Plan requires residential development of 20 or more dwellings to provide or contribute towards the cost of providing children's playing space and open space. Policy LP21 of the Submitted Local Plan 2018 requires a level of open space, sport and recreational facilities. For a development of this size and scale the provision of on-site open space is assessed on a case by case basis, informed by local evidence, discussions with the parish council. However, the site would need to provide a Locally Equipped Area of Play or equivalent.

7.11.3 The scheme proposes an area of public open space within the north-western corner of the site, however, this is an isolated corner of the site which is not overlooked by housing. Furthermore, it is not clear on what form this area would take and how this area would be maintained and managed in future. The Local Highways Authority have commented that the internal road layout has not been designed to an adoptable standard and therefore the Council's Parks Department may not be adopting this area. The applicants have not indicated who would be responsible for the POS and whether the Parish Council has been contacted. It is uncertain how this area would be delivered.

7.11.4 The Kennett Village Vision of the adopted Local Plan indicates that residents have indicated a desire for improvements to infrastructure and facilities in the village including improved footpaths around the river area. Bearing in mind location of the site adjacent to the River Kennett this application affords an opportunity to improve access to the countryside. The absence of sufficient information to determine whether the scheme provides an acceptable amount of safe and accessible public open space which is adequately managed and maintained is factor to be afforded negative weight and would be contrary to Policies LP21 of the Submitted Local Plan.

### *Pollution and Contaminated Land*

7.11.5 Policy ENV9 requires that all development proposals should minimise and where possible, reduce all emissions and other forms of pollution, and ensure no deterioration in air and water quality. A Phase 1 and Phase 2 Desk Study and Site Investigation Report has been submitted with the application [Geosphere Environmental Ltd [dated August 2017]. This report states that a number of potential contaminant sources and pathways to potential receptors have been identified and it is advised to undertake further intrusive site investigation to determine the extent of any potential contamination within the groundwater soil strata associated in two areas impacted by hydrocarbons.

7.11.6 The Council's Environmental Health Scientific Officer has accepted the findings of the report and suggests a number of conditions relating to the further presence of ground contamination. This factor is weighed neutrally in the planning balance.

### *Minerals Safeguarding Area*

7.11.7 The County Council has provided no comments on this development and its impact on the Minerals Safeguarding Area. In view of the recommendation to refuse the scheme this matter would not require clarification.

### *Energy and Water Efficiency*

7.11.8 All new development would be expected to aim for reduced or zero carbon development in accordance with the zero carbon hierarchy Policy ENV4 refers.

### *CIL*

7.11.9 The development will be subject to the Community Infrastructure Levy and infrastructure requirements would be covered under s106.

### *Loss of Employment*

7.11.10 Section 11 of the revised NPPF seeks to promote the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Local Authorities are tasked with giving substantial weight to the value of using suitable brownfield land within settlements, however, they should also recognise that some undeveloped land can perform many functions, for example in the creation of wildlife habitats, recreation and flood risk mitigation.

7.11.12 Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land. Exceptions to this would be where there is a conflict with other policies in the NPPF.

7.11.13 Policy EMP1 of the Local Plan 2015 seeks to retain land in employment use unless it can be demonstrated the site is no longer viable or the redevelopment would



bring significant environmental or community benefits which outweigh the loss of an employment use.

7.11.14 Policy LP8 of the Submitted Local Plan 2018 supports the redevelopment of unallocated employment sites where it can be demonstrated that either:

a. Continued use of the site for 100% employment purposes is no longer viable, taking into account the site's characteristics, quality of buildings, and existing or potential market demand;

or

b. The redevelopment of the site would bring significant environmental or community benefits which outweigh the partial loss of employment uses. Applicants will need to provide clear and robust evidence relating to criteria (a) or (b) alongside a planning application. Planning applications for re-development which propose the loss of all employment uses will need to be accompanied by clear viability or other evidence as to why it is not possible to deliver employment as part of a redevelopment scheme.

7.11.15 The Council will seek to retain land or premises currently or last used for employment purposes (B1, B2 and B8 uses). Proposals which propose the loss of all employment uses will need to be accompanied by clear viability or other evidence as to why it is not possible to deliver employment as part of the scheme, Policy EMP1 of the Local Plan 2015 and LP8 of the Submitted Local Plan 2018 refers. The application has not been supported by any justification for the loss of the employment site and therefore it is not known whether the site is still viable for continued use in promoting economic growth.

7.11.16 Whilst there would be some economic benefits associated with the construction of up to 76 houses, and the resultant increase in population contributing to the local economy, this does not detract from whether the site could continue to support economic growth and productivity, para 80 of the NPPF refers. This factor is afforded negative weight in the planning balance and is contrary to Policies EMP1 of the adopted Local Plan 2015 and LP8 of the Submitted Local Plan 2018.

## **8. PLANNING BALANCE**

8.1 In this case, the benefits to which positive weight can be given are firstly, the provision of 76 dwellings, 40% of which would be affordable, which would add to the District's housing stock. Given the reduction in weight attached to Policy GROWTH 2 should only be modest, taking into account the level of growth already anticipated for Kennett in the future through the allocation of sites in the Submitted Local Plan 2018, it is considered that this should be given moderate weight. The provision of affordable housing and new public open space are however a pre-requisite of an acceptable scheme no matter where it is located so they should be attributed very little weight in the planning balance.

8.2 Economic: It is considered that the construction of 76 houses would have temporary economic benefits, including the employment gains extending from the construction of the site. As these would be temporary in nature, the economic benefits of the scheme are afforded limited weight.

- 8.3 There would also be an impact on the local economy, which in Kennett's case supports a limited number of services and facilities within the village and the development through the increase in population would continue to serve this as well as support future services through increased local spending. The increase in population may also contribute to the local labour market.
- 8.4 However the loss of this employment site without evidence to suggest it is no longer viable to support future economic growth in the area has not been submitted and this factor is afforded significant negative weight.

### *Social Factors*

- 8.5 The NPPF seeks the delivery of a wide choice of high quality homes. There is no reason that the site could not be delivered within the next five year period making a contribution to the District's housing land supply which would be a benefit to which considerable weight should be given. However, in the context of the Council currently being unable to demonstrate a 5 year housing land supply such weight is tempered given its location outside the settlement envelope so that only moderate weight can be afforded.
- 8.6 Whilst the amenity of existing occupiers is satisfactory, the scheme fails to deliver a good standard of amenity for future occupiers of the site and as such this factor is afforded significant negative weight.
- 8.7 The Local Highways Authority has raised serious objections to the scheme on the grounds of unacceptable access, parking, highway and pedestrian safety issues, to which significant negative weight is afforded.

### *Environmental*

- 8.8 In terms of the landscape character to the east of the site is rural in nature with the River Kennett framing its eastern edge. The density of development and design of the scheme fails to relate to its location on the settlement edge abutting the open countryside and the internal layout would result in large hard-surfaced parking areas which would detract from the prevalent linear character of development represented in Station Road. The infilling of this area would also intensify the amount of development close to the Kentford boundary leading to further coalescence of the two villages. Moreover the siting of a large acoustic bund on the northern boundary would introduce an unnatural feature into the rural landscape. These factors are afforded significant negative weight.
- 8.9 The area is located within Flood Zones 1, 2 and 3 and objections from the Environment Agency, and the Local Lead Flood Authority have identified both fluvial and surface water flooding issues. This factor is also afforded significant negative weight.
- 8.10 A number of material planning consideration such as archaeology, land contamination have been afforded neutral weight. Although further surveys would need to be carried

out the impact on biodiversity and ecology is not known and therefore no weight can be afforded to this factor.

## **9. CONCLUSION**

- 9.1 This application has been evaluated against the extant Development Plan which is the starting point for all decision making. The Development Plan comprises the East Cambridgeshire Local Plan 2015 and the Submitted Local Plan 2018. The report has assessed the application against the core planning principles of the NPPF and whether the proposal delivers sustainable development.
- 9.2 In view of the above factors it is considered that the planning balance that applies in determining applications is a straightforward balancing exercise of weighing the benefits of the proposed development against the harm, having regard to the three dimensions to sustainable development.
- 9.3 The scheme is considered not to represent sustainable development and as such the adverse impacts of the development do not significantly and demonstrably outweigh the benefits.
- 9.4 The scheme is recommended for REFUSAL.

## **10. COSTS**

- 10.1 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.
- 10.2 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.
- 10.3 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.
- 10.4 In this case Members' attention is particularly drawn to the following points:
- Conflict with the development plan
  - Objections from statutory consultees

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### **Background Documents**

### **Location**

### **Contact Officer(s)**

17/02031/FUM

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