



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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This matter is being dealt with by:

Anne James

Telephone 01353616241

e:

E-mail: anne.james@eastcambs.gov.uk

My Ref: PREAPP/00177/19

Your ref

12th December 2019

Dear Sir/Madam

Re: Erection of up to nine dwellings and supporting infrastructure at Rent Right The Old Depot Reach Road Burwell Cambridge

Thank you for your pre-application enquiry received in this department on the 16th October 2019. I apologise for the delay in responding, this is due to high caseloads. .

The following comments are made on the basis of the information provided. The issues raised may not be exhaustive, and should you submit a planning application other issues may arise which could affect the outcome of any application.

All planning applications are assessed against the statutory development plan for the District, which comprises the East Cambridgeshire Local Plan 2015 and the Cambridgeshire and Peterborough Minerals and Waste Plan 2012 and the appropriate policies are listed below. The Local Plan and the referenced policies are accessible via our website www.eastcambs.gov.uk, through the planning portal www.planningportal.gov.uk or a paper copy is available to view at the Council Offices.

The policies which are most relevant to your proposals are:

East Cambridgeshire Local Plan 2015

GROWTH 1 Levels of housing, employment and retail growth

GROWTH 2 Locational strategy

GROWTH 3 Infrastructure requirements

GROWTH 4 Delivery of Growth

GROWTH 5 Presumption in favour of sustainable development

HOU 1 Housing mix

HOU 2 Housing density

HOU 3 Affordable housing provision

ENV 1 Landscape and settlement character

ENV 2 Design

ENV 4 Energy efficiency and renewable energy in construction

ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
ELY 7	Employment-led/mixed use allocation, Station Gateway
COM 7	Transport impact
COM 8	Parking provision

Village Vision - Burwell

Supplementary Planning Documents

Developer Contributions and Planning Obligations

Design Guide

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

Flood and Water

National Planning Policy Framework 2019

- 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*
- 17 *Facilitating the sustainable use of minerals*

Planning Practice Guidance and National Design Guide

Due regard has been had to the information contained within these documents

From the information submitted with your pre-application enquiry, I understand that you are seeking clarification on the acceptability of a scheme which involves the demolition of existing buildings and structures on the site to redevelop for up to nine dwellings.

Burwell is the 4th largest settlement after the 3 market towns of Ely, Littleport and Soham and is located 4 miles north of Newmarket. According to the adopted Local Plan 2015 the key challenge for Burwell is to achieve balanced growth. With this in mind a housing allocation of approximately 350 dwellings is proposed on a 20ha site at land off Newmarket Road

The scheme forming the basis of this pre-application enquiry has been assessed on the following criteria

Affordable housing

Policy HOU3 of the East Cambridgeshire Local Plan 2015 states that “*All new open market housing developments which incorporate **more than 10 dwellings** will be required to make appropriate provision for an element of affordable housing...*”

Such a policy wording was consistent with national policy at the point of that Plan being prepared. However, national policy has shifted slightly since that Local Plan was prepared. The National Planning Policy Framework (NPPF – Feb 2019) sets the following government position:

*“Provision of affordable housing should not be sought for residential developments that are not **major developments**...” (para 63)*

And

*“Where **major development** involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership²⁹”, with footnote 29 explaining: “As part of the overall affordable housing contribution from the site”*

Consequently, there is a slight conflict between the adopted Local Plan policy and the NPPF policy, with the former referring to ‘**more than 10**’ dwellings, and the latter referring to ‘**major development**’.

The NPPF defines ‘major development’ as follows:

“Major development: For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.

The first part of this definition has led to a degree of confusion, as, taken literally, it could be interpreted to mean, for example, that a proposal for 1-9 dwellings on a site greater than 0.5 hectares would trigger NPPF para 63 and 64 requirements.

Whilst there is no intent of superseding policy in the duly made ‘development plan’ for the area (which comprises both the Local Plan 2015 and any made Neighbourhood Plans), the intention is to provide guidance and clarity as to how decision makers on planning applications are likely to apply both development plan policy and take account of the material consideration which is national policy formed by the NPPF.

It is also anticipated that a decision maker is likely to apply greater weight to the legal definition of ‘major development’ as set out in s2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, rather than the definition set out in the NPPF.

Accordingly, for the purpose of whether or not, in principle, the Council will seek affordable housing on a site, a decision maker is expected, in most instances, to seek an affordable housing contribution under the following example circumstances:

- where a proposal is for 10 or more dwellings; or
- where the proposal is an outline application on a site over 0.5 hectares, and it is not known how many homes will be provided on the site; or
- where the proposal will create a total internal floorspace of 1,000 sq m or more (and for the purpose of calculating this area, the Council will use the same floor area as determined to be liable for CIL purposes); or
- where the site is 1 hectare or more, irrespective of the number of dwellings to be provided.

In the vast majority of cases it will be clear whether or not, in principle, a development proposal should make a contribution to affordable housing, in accordance with the development plan policy, national policy and the guidance provided by this Statement. However, for a limited number of applications, such as those close to the 1,000 sq m or 1 hectare threshold, it would be extremely beneficial to both the Council and the applicant if the planning application made it expressly clear

(with appropriate evidence as necessary) whether or not such a proposal, the applicant believes, was (or will lead to reserve matters which will be) above or below such thresholds.

For example, for outline proposals of less than 10 dwellings, we would welcome the applicant stating whether the total floorspace will exceed a combined 1,000 sqm. If it will, affordable housing will be sought. If the applicant is not yet in a position to state the total floorspace being sought, then the Council would be happy to condition any approval limiting the total floorspace to a maximum of 1,000 sqm. If, subsequently, greater than 1000 sq m are to be proposed, the applicant could then simply apply for this condition to be removed and any subsequent approval of such condition removal is likely to be subject to the signing of a s106 for an affordable housing contribution.

Subject to due consultation, the Council intends to replicate the advice in this Statement (or provide something similar) in a forthcoming update to its Developer Contributions SPD. If it does so, at the point such an SPD is adopted, this Statement will cease to have effect.

Design/landscape

In the absence of any details concerning design or landscape, I would refer you to the East Cambridgeshire Design Guide.

Residential Amenity

The application site is located between two allocated employment sites with the Fire Station located to the north of the site. It is unlikely that a high standard of living environment could be achieved on any future housing scheme as future residents would be affected by noise, vibration, smell, fumes, dust and general disturbance such that approval is unlikely to be given.

Flood risk/drainage

Policy ENV8 of the Local Plan 2015 makes it clear that all applications for new development must demonstrate that appropriate surface water drainage arrangements for dealing with surface water run-off can be accommodated within the site.

The application site is located within Flood Zone 3 which means it has a high probability of flooding. Paragraph 158 of the NPPF states that development should not be permitted if there are other reasonably available sites appropriate for the proposed development, located in areas with a lower probability of flooding and requires that a sequential approach is taken to the location of development based on flood risk, meaning development should as far as possible be directed towards areas with the lowest probability of flooding.

In applying the Sequential Test, the applicant would need to demonstrate that there are no other reasonably available sites at lower risk of flooding. A Flood Risk Assessment and Sequential Test has been submitted as part of the pre-application enquiry and no suitable sites have been identified for the purpose of the sequential test which would be available to deliver a development on a site befitting from a lower flood risk. As such the applicants have considered the Old Depot site to have passed the sequential test.

However, Burwell has identified sufficient land for in excess of 350 dwellings without the need to develop sites within Flood Zone 3. The application referred to in the submitted FRA, 15/01175/OUM is a site north of Newmarket Road. Permission has been approved in outline and a Reserved Matters application has been received on 19th November 2019 which is currently under consideration. This demonstrates that development of this site would be delivered fairly soon and that to unnecessarily place dwellings in an area at significant risk of flooding would be contrary to

Policy ENV8 of the East Cambridgeshire Local Plan 2015 and the National Planning Policy Framework 2019.

Biodiversity/ecology/geology

All applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the LPA including an ecological report, to allow potential impacts and possible mitigation measures to be assessed.

To ascertain whether ecological advice will need to be sought before submitting an application Biodiversity in Planning have created a free online tool which can be found at <https://www.biodiversityinplanning.org/wildlife-assessment-check/>

Trees

Any application would need to accurately plot the trees, species, size and their root protection area at the very minimum in order for an assessment of the impact on the trees to be undertaken. A net environment gain will also be sought and therefore ecology mitigation measures would be required.

The scheme indicates no landscape and no public open space. Both would be required.

Highways and Parking

In terms of access into the site, the views of the Local Highway Authority have not been sought at this stage and therefore no advice could be provided in terms of the acceptability of the entrance or internal road layout. Pre-application advice is available from www.cambridgeshire.gov.uk.

Policy COM8 of the adopted Local Plan indicates that two car parking spaces per dwelling should be provided together with up to one visitor car space per four units. The site is of a size to be able to accommodate adequate on-site parking. The minimum cycle parking provision set out in Policy COM 8 requires that 1 cycle space per dwelling should be provided.

Archaeology

In terms of archaeology a discussion with the County Archaeology team would be advantageous to establish whether the site holds special archaeology interest and they can be contacted on archaeologydc@cambridgeshire.gov.uk. Likewise discussions with Anglian Water's Planning team is recommended to discuss any foul water treatment proposed.

Waste

The Waste Strategy Team has not been consulted at this stage but you should ensure that appropriate facilities are put in place for the storage and collection of waste.

Cil

CIL www.eastcambs.gov.uk/planning/community-infrastructure-levy

To conclude, it is unlikely that a housing scheme on the Old Depot site would be considered acceptable due to the issues outlined above.

As with any proposal, the only way to fully test the merits of the proposed development would be through the submission of a formal planning application.

Please see attached a list of relevant documents which is to be used as guidance only. It maybe when an application is submitted it comes to light further information is required, that has not been highlighted on this list.

Where specific design advice or examples of architectural buildings or styles have been given, please be aware that these are for illustrative purposes only in order to help inform the design process and are not a specific design instruction.

The above comments are made at Officer level only and do not prejudice any future decision, which may be taken by this Planning Authority. The information contained in this letter is based on the current situation and any future changes in National and Local Policies will not be reflected in this response. I hope this information is useful to you, and if you require any further advice please do not hesitate to contact me.

Yours sincerely,

Anne James

Anne James
Planning Consultant

CC Cambridgeshire County Council C/O Agent

SUBMISSION CHECKLIST

**You will need to provide the following information in order for your application to be validated
(Please use the corresponding validation checklist when submitting your application)**

- Completed application form, signed and dated
- Completed Ownership Certificate (A, B, C or D as applicable) as required by Article 12 of the Town and Country Planning (Development Management Procedure) (England) Order 2010

N.B. In addition, where Ownership Certificates B, C or D have been completed, notices as required by Article 11 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 must be given and/or published in accordance with this Article

- A location plan which identifies the land to which the application relates including a north indicator and relevant licence information (if based on OS data). The application site should be outlined in red to an adopted road and any adjoining land owned or controlled by the applicant should be outlined in blue. Location plans should be to a scale of either 1:1250 or 1:2500
- A copy of other plans and drawings or information necessary to describe the subject of the application, this may include:
 - Block plan of the site showing any site boundaries to a scale of 1:100 or 1:200
 - Existing and proposed elevations to a scale of either 1:50 or 1:100
 - Existing and proposed floor plans to a scale of either 1:50 or 1:100
 - Existing or proposed site sections and finished floor and site levels to a scale of either 1:50 or 1:100
 - Roof plans to a scale of either 1:50 or 1:100
- The appropriate fee, see fee sheet

In addition, you may be required to provide the following:

	Neede d for validati on	Neede d to avoid Condi on
Community Infrastructure Levy (CIL) Form 0 – Additional Questions Form Officer Notes _____	X	<input type="checkbox"/>
Planning Obligations Officer Notes _____	X	<input type="checkbox"/>
Design Statement/Development Brief (large scale development) Officer Notes _____	<input type="checkbox"/>	<input type="checkbox"/>
Design & Access Statement Officer Notes _____	X	<input type="checkbox"/>
If new access created Certificate B to be signed and notice served on Highways _____	X	<input type="checkbox"/>
Heritage statement (assessment of significance to an extent necessary to understand the potential impact of the proposal (positive or negative) (see website for detailed guidance) Officer Notes _____	<input type="checkbox"/>	<input type="checkbox"/>
Environmental Impact Assessment Officer Notes _____	<input type="checkbox"/>	<input type="checkbox"/>
Landscape Impact Assessment Officer Notes _____	<input type="checkbox"/>	<input type="checkbox"/>
Open Space Assessment Officer Notes _____	<input type="checkbox"/>	<input type="checkbox"/>
Flood Risk Assessment Officer Notes _____	X	<input type="checkbox"/>
Greenbelt Assessment Officer Notes _____	<input type="checkbox"/>	<input type="checkbox"/>
Biodiversity Survey and/or Report Officer Notes _____	X	<input type="checkbox"/>
Tree survey / Arboricultural statement Officer Notes _____	X	<input type="checkbox"/>
Land Contamination Assessment Officer Notes _____	X	<input type="checkbox"/>

Surface Water Drainage Details (pro-forma available on website) Officer Notes _____	X	<input type="checkbox"/>
Assessment of the treatment of foul sewage Officer Notes _____	<input type="checkbox"/>	X
Renewable Energy and Water Consumption Assessment Officer Notes _____	<input type="checkbox"/>	X
Utilities statement Officer Notes _____	<input type="checkbox"/>	<input type="checkbox"/>
Transport Assessment Officer Notes _____	<input type="checkbox"/>	<input type="checkbox"/>
Existing and proposed car parking and access arrangements Officer Notes _____	X	<input type="checkbox"/>
Noise impact assessment Officer Notes _____	<input type="checkbox"/>	<input type="checkbox"/>
Air quality assessment Officer Notes _____	<input type="checkbox"/>	<input type="checkbox"/>
Ventilation, Extraction details and Refuse disposal details Officer Notes _____	<input type="checkbox"/>	<input type="checkbox"/>
Lighting scheme / Light pollution assessment Officer Notes _____	<input type="checkbox"/>	<input type="checkbox"/>
Retail Assessment Officer Notes _____	<input type="checkbox"/>	<input type="checkbox"/>
Affordable housing statement Officer Notes _____	<input type="checkbox"/>	<input type="checkbox"/>
Statement of community involvement Officer Notes _____	<input type="checkbox"/>	<input type="checkbox"/>
Structural Survey Officer Notes _____	<input type="checkbox"/>	<input type="checkbox"/>
Details of Materials Officer Notes _____	<input type="checkbox"/>	X
Detailed design of Doors / windows (including Garages and roof lights) / rainwater goods Officer Notes _____	<input type="checkbox"/>	<input type="checkbox"/>