

**TITLE: 24/00924/RMM**

Committee: Planning Committee

Date:

Author: Planning Team Leader

Report No: AA8

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**Site Address: Millstone Park Newmarket Road Burwell CB25 0BA**

**Proposal: Reserved matters application of the approval of layout, scale, appearance and landscaping (Phase 3) comprising full details of the 61 dwellings including internal roads, parking, open space, landscaping, sustainable urban drainage and ancillary infrastructure pursuant to 15/01175/OUM to provide up to 350 dwellings (including affordable housing provision) with associated open space, sports provision, access and infrastructure (as varied by 15/01175/NMAA and 15/01175/NMAB)**

**Applicant: This Land Limited**

**Parish: Burwell**

**Ward: Burwell**

Ward Councillors: David Brown  
Lavinia Edwards

**Date Received: 3 September 2024**

**Expiry Date: 6 June 2025 (by agreed extension of time)**

**1.0 RECOMMENDATION**

- 1.1 Members are recommended to APPROVE the application subject to the conditions set out in Appendix 1.
- 1.2 The application is being heard by committee because Committee resolved when it determined the outline permission to which this application relates that future reserved matters applications would be considered by Committee.

## **2.0 SUMMARY OF APPLICATION**

- 2.1 The application relates to part of the Millstone Park site in Burwell which benefits from an Outline permission for up to 350 dwellings as well as the approved main access. The part of the site to which the application relates is one of the parcels identified for the delivery of housing as part of the Outline permission, as well as an area of the perimeter landscape belt for the wider site and a section of the central green area.
- 2.2 The application seeks approval of the reserved matters of layout, scale, appearance and landscaping which were reserved for future consideration as part of the approval of the outline planning permission for the wider site. The decision notice for the outline permission can be found at Appendix 2.
- 2.3 The scheme comprises the provision of 61 dwellings, as well the internal access roads, areas of open space, parking and garaging, landscaping and drainage features. The 61 dwellings provided would, when considered alongside the other reserved matters approvals for housing already given, take the total dwellings approved on site to 350, which is the maximum approved by the outline permission. The legal agreement completed in respect of the outline permission requires a provision of 40% of the dwellings as affordable homes, however the applicant proposes that this scheme would be delivered as 100% affordable housing.
- 2.4 The application has been amended during the course of its consideration to make adjustments to the layout and design of the proposed housing, address comments from statutory consultees and increase the area of the parcel to include more land to the south of the proposed housing.
- 2.5 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/>.

## **3.0 PLANNING HISTORY**

- 3.1 The relevant planning history for the parcel includes the outline permission to which the current application relates. That outline application followed an EIA Screening Opinion requests. Subsequently, the outline permission has twice been the subject of non-material amendments to make minor amendments to the wording of its conditions. A full application has also been approved in respect of the footpath/cyclepath link required by the outline permission.

### **14/00149/SCREEN**

Screening Opinion for Residential Development  
**Environmental Statement Not Required**  
26 February 2014

### **15/01175/OUM**

Redevelopment of land at Newmarket Road, Burwell to provide up to 350 dwellings (including affordable housing provision) with associated open space, sports provision, access and infrastructure.

**Approved**

31 October 2019

**15/01175/NMAA**

Non-material amendment to wording of Condition 14 (Energy and Sustainability Strategy) of 15/01175/OUM.

**Accepted**

8 December 2020

**15/01175/NMAB**

Non-material amendment to vary wording of conditions 2, 4, 5, 6, 10, 11, 12, 13, 16, 17, 18, 19, 28, 36 and 37.

**Accepted**

29 October 2021

**21/01771/FUL**

Provision of a shared cycleway/footway west onto Ness Road, landscape, drainage, and associated infrastructure.

**Approve**

2 November 2022

- 3.2 The following Reserved Matters applications have previously been made in respect of the outline permission for other parts of the site:

**19/01578/RMM**

Reserved matters for appearance, landscaping, layout and scale of planning application 15/01175/OUM (Phase 1)

**Withdrawn**

7 April 2020

**20/01755/RMM**

Reserved matters for internal access, layout, scale, appearance and landscaping for the provision of an internal spine road, landscaping and associated drainage and related infrastructure

**Approved**

13 July 2021

**21/01508/RMM**

Reserved matters infrastructure application (Phase 2) for internal access, layout, scale, appearance and landscaping for the provision of an internal spine road, landscaping and associated drainage and related

**Approved**

13 May 2022

**22/00420/RMM**

Reserved matters comprising layout, scale, appearance and landscaping for 138 dwellings, internal roads, parking, open space, landscaping, associated drainage and ancillary infrastructure for Phase 1 (Housing) pursuant to outline planning permission 15/01175/OUM (as varied by 15/01175/NMAA and 15/01175/NMAB)

**Approved**

10 November 2023

**22/00479/RMM**

Reserved matters for Layout, Scale, Appearance and Landscaping for Phase 2A for 133 dwellings, parking, internal roads, open space, landscaping, sustainable urban drainage and ancillary infrastructure pursuant to 15/01175/OUM (as varied by 15/01175/NMAA and 15/01175/NMAB)

**Approved**

10 November 2023

**24/00925/RMM**

Reserved matters application of the approval of layout, scale, appearance and landscaping (Phase 4) in relation to the internal road layout and plot sub division of 18 development plots within a self-build zone, together with associated landscaping, drainage and ancillary infrastructure (including a substation), pursuant to 15/01175/OUM to provide up to 350 dwellings (including affordable housing provision) with associated open space, sports provision, access and infrastructure (as varied by 15/01175/NMAA and 15/01175/NMAB).

**Approved**

15/5/2025

**4.0 THE SITE AND ITS ENVIRONMENT**

- 4.1 The wider application site for which outline permission was granted comprises 27.3 hectares (67.5 acres) of greenfield agricultural land and adjoins the existing built form of Burwell to the west and south. Open countryside adjoins the site to the east and the north, with Newmarket Road defining the south-west boundary of the site. To the west the wider site bounds Melton Farm, the Felsham Chase housing estate and other residential streets.
- 4.2 The wider site is allocated for residential development for approximately 350 dwellings, in the East Cambridgeshire Local Plan 2015, under Policy BUR1 – Housing allocation, land off Newmarket Road, and was granted outline permission in 2019 as detailed above.
- 4.3 The current application site is a parcel of land to the east of the primary spine road occupying the central portion of the eastern side of the wider site. It is located to the north of the proposed area for sports pitches and to the immediate south of recently approved self-build parcel. The parcel is approximately 4.5 ha (~11.1 acres) in total. There is an area of open space proposed adjacent to the spine road either side of which two of the three vehicle accesses into the parcel form a crescent leading to an east-west street. The other access into the parcel is taken from further north on the spine road leading to another east-west street which also serves a north-south cul-de-sac. A central housing area is proposed as well as a large area of open space along the eastern side of the parcel up to the eastern boundary of the wider site. An internal north-south road separates the housing from that open space and would connect to the perimeter access road serving the self-build parcel to the north. To the south of the housing parcel a temporary landscape buffer has been provided within the application site.
- 4.4 The wider site was previously arable agricultural land. It has since been topsoil stripped and some elements of the previous reserved matters approvals for

infrastructure, such as the primary spine road, have been implemented on site. The site is located within Flood Zone 1, meaning it is at the lowest risk of flooding from fluvial flooding, and is at a very low risk of flooding from surface water.

## **5.0 RESPONSES FROM CONSULTEES**

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

### **Parish - 25 September 2024 and 6 May 2025**

The Parish Council does not object and notes it continues to favour non-fossil fuel heating. It raised questions in respect of the progress on site more generally and matters regarding the sports hub land [which does not form part of this application].

### **Local Highways Authority - 2 December 2024 and 31 March 2025**

Does not object but states that the design of the easternmost road without a turning head means it could not be offered for adoption by the LHA separately to other phases, but that the exact areas offered for adoption as part of each phase can be determined as part of the Section 38 process. Requests a bin collection plan and notes the need for amendments to a hard landscaped margin to visitor bays as well as some minor changes drainage channels. Notes that proposed verges shown lined with trees will need to be wide enough to accommodate said trees and that these will not be adopted by the LHA.

It later confirmed that amendments had addressed its concerns in respect of bin collection and visitor parking bays. It noted that a ramp for the proposed raised table is shown directly outside the access to plot 54 which is not recommended.

### **Lead Local Flood Authority – 21 November 2024**

Noted that the surface water drainage strategy was as per the discharge of condition information and that its comments on that scheme were that it was acceptable with the scheme variously using permeable paving, an infiltration basin, an existing surface water system and private soakaways for the dwellings. It also considered the submitted maintenance strategy acceptable.

### **Anglian Water Services Ltd - 25 September 2024**

Does not object to the scheme. Notes there are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary. States that the foul drainage from this development is in the catchment of Burwell Water Recycling Centre that will have available capacity for these flows, that the impacts on the public foul sewerage network are acceptable and that as the surface water drainage infrastructure is outside of its jurisdiction and it does not wish to comment on that element. It notes that onsite sewers will be considered private until their adoption by Anglian Water.

### **Environment Agency - 9 October 2024**

Does not object and notes Anglian Water's acceptance of the foul water drainage scheme. States that as infiltration drainage is proposed for surface water, no discharge permits would be required.

### **Cambridgeshire Archaeology - 11 September 2024**

Does not object or require further conditions as archaeological fieldwork has been completed across the development area. Notes it is currently working with the applicant's archaeological contractor over the remaining post-excavation requirements and reporting.

**ECDC Waste Strategy (ECDC) - 21 November 2024**

Commented on general requirements for waste collection across the site and in detail on the collection proposals for plots 26-29. It requested details of the bin collection arrangements for those properties (which are on a private drive) and commented on the size of the bin store provided. Minor changes to the scheme have since been made and the team has confirmed that these are sufficient to address its concerns.

**ECDC Environmental Health - 11 September 2024**

Does not object to the scheme or the proposed lighting, noting it is a highways lighting scheme.

**ECDC Trees Team - 29 November 2024**

Does not object and states the submitted soft landscaping scheme is of high quality with suitable trees and hedges for the development's layout and that the submitted Landscape Management Plan provides appropriate management specifications that are suitable for the site.

**Sport England - 12 September 2024**

Does not object and notes the development does not fall within either its statutory remit or non-statutory remit. Notes that if housing would generate additional demand for sport which cannot be met then new and/or improved sports facilities should be secured.

**Cambridgeshire Fire And Rescue Service - 2 October 2024**

Does not object and notes general requirements regarding the provision of fire-fighting facilities.

**Ward Councillors - No Comments Received**

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

**NHS England - No Comments Received**

**HSE (Planning Advice Team) - No Comments Received**

**Strategic Planning - No Comments Received**

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

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

**Cambridgeshire County Council Education - No Comments Received**

**West Suffolk District Council - No Comments Received**

**Conservation Officer** - No Comments Received

**Housing Section** - No Comments Received

**Enforcement Section** - No Comments Received

**Design Out Crime Officers** - No Comments Received

**Cadent Gas Ltd** - No Comments Received

- 5.2 A site notice was displayed near the site on 27 September 2024 and a press advert was published in the Cambridge Evening News on 19 September 2024.
- 5.3 Neighbours – 420 neighbouring properties were notified. One response was received expressing concern in respect of the impact on residential amenity of local residents highways safety and parking, the number of dwellings proposed (350) and whether there were going to be two and three bedroom dwellings and dwellings for first time buyers. It is noted that several of the concerns raised were in respect of the impact of the wider development of the site for 350 dwellings. A full copy of the responses are available on the Council's website.

## **6.0 THE PLANNING POLICY CONTEXT**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted East Cambridgeshire Local Plan (2015, as amended 2023) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).
- 6.2 *East Cambridgeshire Local Plan 2015 (as amended 2023) [LP]*
- |          |  |
|----------|--|
| 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                       |
| COM 4    | New community facilities                               |
| COM 7    | Transport impact                                       |
| COM 8    | Parking provision                                      |
| BUR 1    | Housing allocation, land off Newmarket Road            |
- 6.3 Supplementary Planning Documents [SPD]

*Design Guide – Adopted March 2012*  
*Flood and Water – Adopted November 2016*  
*Contaminated Land - Adopted May 2010*  
*Developer Contributions and Planning Obligations – Adopted May 2013*  
*Natural Environment SPD – Adopted September 2020*  
*Climate Change – Adopted February 2021*

- 6.4 *Cambridgeshire & Peterborough Waste and Minerals Local Plan 2021 ('CPWM')*  
 Policy 14 Waste management needs arising from residential and commercial development
- 6.5 *National Planning Policy Framework (December 2024)*  
 Section 2 Achieving sustainable development  
 Section 4 Decision-making  
 Section 5 Delivering a sufficient supply of homes  
 Section 6 Building a strong, competitive economy  
 Section 8 Promoting healthy and safe communities  
 Section 9 Promoting sustainable transport  
 Section 11 Making effective use of land  
 Section 12 Achieving well-designed places  
 Section 14 Meeting the challenge of climate change, flooding and coastal change  
 Section 15 Conserving and enhancing the natural environment  
 Section 16 Conserving and enhancing the historic environment
- 6.6 Planning Practice Guidance

## **7.0 PLANNING MATERIAL CONSIDERATIONS AND COMMENTS**

### **7.1 Principle of Development**

- 7.2 The site is part of a wider site which benefits from an outline planning permission for the provision of 350 dwellings and other infrastructure. That outline permission was granted on the basis that the site is allocated for residential development in the Local Plan. On that basis, the overriding principle of residential development on the site is acceptable.
- 7.3 The outline permission reserved consideration of the detailed matters of layout, scale, appearance and landscaping, requiring the submission of details of those matters at a later stage. This current application is made in that regard.
- 7.4 The principle of development is therefore acceptable in accordance with LP policies GROWTH 2 and BUR 1. The detailed consideration of this current application below, assesses whether the detailed matters pursuant to the Outline planning permission accord with the development plan when taken as a whole.

### **7.5 Housing numbers, affordable housing and housing mix**

#### **7.6 *Housing numbers***



- 7.7 The proposed scheme provides 61 dwellings which, given the previous approvals on other parcels, would bring the level of housing development across the wider site up to the maximum 350 houses permitted under the outline permission.
- 7.8 The current scheme does not use all of the land allocated for housing under the outline, leaving an area of land to the south of the parcel and to the north of the area allocated for sports pitches undeveloped. The illustrative masterplan submitted with this current application shows a sketch scheme of housing provision on that area of land, however this is outside of the application site and is not being considered as part of this application. Were the current application to be approved, and the outline permission 'maxed out' in terms of housing numbers, any development of the land between the site and the sports pitches would have to come forward under a new, full application as it could not be accommodated within the current approved outline permission because this would result in the number of dwellings approved under the outline being exceeded.
- 7.9 The extent to which this development strategy is relevant to the current application is restricted to considerations of the density of the development proposed on the current parcel and whether measures can be put in place to suitably landscape the southern edge of the proposed development in the event that no future application/permission is forthcoming for the land to the south, to avoid a fait accompli in respect of any such future application. Those issues are discussed in more detail in the design section of this report, below.
- 7.10 *Affordable housing*
- 7.11 In line with policy HOU 3, the s106 agreement relating to the outline permission requires that 40% of the dwellings on this parcel are affordable homes which would require that 25 of the dwellings to be affordable. However, the applicants are proposing that the parcel would be delivered as 100% affordable housing, meaning that an additional 36 affordable houses would be delivered on site. The proposed development is therefore an over-delivery of affordable housing, but in any case meets the requirements of the s106 agreement and policy HOU 3.
- 7.12 The overage of affordable housing above the policy-compliant level would not be secured by any new or amended legal agreement as part of the granting of permission. This is because the policy requirement for affordable housing remains at 40% and it is the developer's choice to deliver the balance of the housing as affordable housing.
- 7.13 The Strategic Housing Team supports the application as it will deliver 70% affordable and 30% shared ownership units in accordance with the s106 agreement.
- 7.14 *Housing mix and tenure*
- 7.15 LP policy HOU 1 states that housing developments should provide an appropriate mix of dwelling types and sizes that contribute to current and future housing needs as identified in the most recent available evidence relating to the locality. LP Policy HOU 3 states that in respect of affordable housing, the precise mix in terms of tenure and house sizes of affordable housing within a scheme will be determined by

local circumstances at the time of planning permission. The latest Strategic Housing Market Assessment (SHMA) published in 2021 sets out a suggested mix of affordable housing as set out in columns 2 and 3 below. The application proposes the mix of affordable housing set out in columns 4 and 5:

Bedrooms	SHMA Min %	SHMA Max %	Scheme %	Scheme Nos.	SHMA min nos. @ 40% AH
1	15	25	7	4	4
2	35	45	30	18	9
3	25	35	57	35	6
4+	5	15	8	4	1

- 7.16 When compared to the SHMA minimums and maximums the mix overprovides for 3 bedroom houses whilst underproviding smaller units. However, as all of the housing is proposed to be affordable, the mix would achieve and exceed the required numbers of each house type required by a SHMA compliant mix for a 40% scheme (column 6 in the table above).
- 7.17 Were the development ultimately not delivered as 100% affordable housing, which might theoretically result in an under provision of certain sizes of affordable dwelling, the provisions of the s106 legal agreement require the submission of an Affordable Housing Scheme which defines which plots are affordable housing and their size and tenure. This obligation would allow the Council to ensure an acceptable mix of affordable housing in the event that the scheme was not delivered as 100% affordable.
- 7.18 The Council's Strategic Housing Team has confirmed the mix proposed will meet the housing needs of those households in Burwell as well as helping to meet the Council's overall affordable housing need for the district.
- 7.19 On that basis, the proposed development is considered to meet the requirements of policy HOU 3 and is acceptable in respect of the provision of affordable housing.

## **7.20 Design**

- 7.21 LP policy ENV 1 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 out of settlement. Policy ENV 2 requires that new development should ensure its location, layout, form, scale and massing and materials are sympathetic to the surrounding areas. Paragraphs 127 and 130 of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history.
- 7.22 Policy HOU 2 states that the appropriate density of a scheme will be judged on a site-by-site basis taking account of:
- The existing character of the locality and the settlement, and housing densities within the surrounding area.

- The need to make efficient use of land.
- The biodiversity of the site and its surroundings and any heritage assets within or adjoining the site.
- The need to accommodate other uses and residential amenities such as open space and parking areas.
- Levels of accessibility, particularly by public transport, walking and cycling; and,
- The need to ensure that the residential amenity of new and existing dwellings is protected.

7.23 LP policy COM 7 requires that all development must ensure a safe and convenient access to the public highway. It 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. Policy COM 8 requires development proposals to provide adequate levels of car and cycle parking and that the provision be made broadly in accordance with the Council's adopted standards.

#### 7.24 *Density*

7.25 In terms of density, the proposed scheme provides 61 dwellings at a net density of approximately 28 dwellings per hectare (dph) (~11.3 dwellings per acre (dpa)). This is considered relatively low density and, as was anticipated for this village edge parcel, is below the net densities of previously approved phases 1 and 2 which provided net densities of 32 dph (~13 dpa) and 31 dph (12.5 dpa) respectively. Due to the housing types chosen, the scheme provides a looser character along its eastern countryside edge than it does within the parcel and is considered to achieve an appropriate character relative both to the open space and countryside to the east and the denser housing parcels to the west. The proposed development is considered acceptable in respect of its density and therefore complies with LP policy HOU 2.

7.26 For this reason, the provision of the balance of the 350 dwellings on this scheme without using all of the land originally identified as housing land in the outline permission is considered acceptable.

#### 7.27 *Layout and Landscaping*

7.28 At its western edge the layout of the site provides the final piece of open space to complete the village green in the centre of the wider site as well as housing fronting the spine road. Access to the plot is taken from three access points directly off the primary spine road, two either side of the village green and one from a point further up the spine road. The site would also ultimately also be accessible via the permitter road around the self-build phase to the north of the site which would connect with the north-south road that separates the housing from the wider open space on this phase.

7.29 The northernmost access provides vehicle connection to dwellings on an east-west street as well as to a cul-de-sac running north. The two access points further south form the crescent around the village green and lead to a single tree-lines street running east-west to towards the open space.

- 7.30 That open space is a large area of open space and tree planting which runs along the eastern perimeter of the wider site and connects with perimeter open space and planting on adjacent to the self-build phase and Phase 2A housing parcels to the north. The open space would also provide for distinct areas of formal equipped play space and connecting pathways. The proposed landscaped open space is considered to be of a good quality and continues the approach to perimeter landscaping approved elsewhere on the wider site.
- 7.31 The tree-lined street is considered to provide an attractive greened link between the open space and the village green and would provide an attractive character to the street. The road and cul-de-sac to the north have a less formal level of landscaping, however this is considered to be acceptable given a significant number of trees are provided on frontages which would create streets with suitable soft landscaping. While there is no building terminating the view created northwards up the cul-de-sac, the soft landscaping proposed and high-quality boundary materials such as brick for the boundary to the north, would mitigate that lack and ensure that the cul-de-sac achieves a good quality of design.
- 7.32 The central village green is encircled by a crescent of detached houses which would reflect the approval taken to the village green on phases 1 and 2A, with the dwellings on plots 67 to 70 providing a good level of enclosure and scale to that key open space. The dwellings on plots 62 and 63 are set gable end on to the crescent by virtue of having to allow a vehicle access to be taken off the crescent to access parking for dwellings fronting the spine road and main street. While this weakens the sense of enclosure of the crescent somewhat, the application has been amended to provide additional tree planting has been provided to soften the rear parking court and provide enclosure on the crescent. The boundary treatments between plots 62 and 63 and around the parking area could also be conditioned to be brick walls as opposed to fencing which would give a greater level of formality to the enclosures. On that basis, on balance, that aspect of the scheme is considered to result in an acceptable character and overall the crescent area provides a high quality of design.
- 7.33 Elsewhere on the site, parking is largely provided on plot in tandem spaces between dwellings. This allows for clean, car free streets and an adequate level of parking provision. The cul-de-sac to the north has a tighter pattern of development with more frontage parking and this is considered to be consistent with the secondary, more informal character of the street. Visitor parking spaces are provided adjacent to the open space and the village green. The parking strategy across the phase is considered to be acceptable in terms of the character of the streets and open spaces that would result.
- 7.34 To the southern boundary of the parcel amendments have been made to the scheme to provide an additional 10 metre wide buffer strip of land behind the rear gardens of plots 67 to 79. The inclusion of this land provides an option in the future to landscape the buffer area to the rear boundaries of those properties more fully in the event that no further permissions for housing on land to the south are granted. This was considered necessary to ensure that in permitting this current application the future development of the land to the south was not made essential to mitigate the appearance of the proposed garden fencing which is overly domestic in its context adjacent to open space and which, due to the shape of the plots, is on an

uneven line. It would also allow for provision of a suitable termination of the access road between plots 75 and 76 and the continuation of the pedestrian walk between plots 68 and 69 in that event. A condition is recommended to be applied which requires that in the event that a permission for the development of the land to the south of the plot is not forthcoming a scheme for the landscaping of the buffer area is submitted for approval and implemented. On that basis, it is considered that the concern regarding the current application resulting in a fait accompli for a future application to the south is wholly mitigated.

7.35 On the basis of the above consideration, the layout and landscaping of the site is considered acceptable and sufficient to comply with the relevant LP policies.

7.36 *Scale and Design*

7.37 The proposed houses are two storeys in height across the scheme which is considered to be acceptable in terms of creating a suitable level of enclosure to streets, while being in keeping with the character of previously approved properties on the wider site and those existing on streets around the site.

7.38 The properties are largely detached and semi-detached and are considered to provide an attractive rhythm to the pattern of development on the main streets. On the eastern edge of the housing parcel, the dwellings facing the open space have been staggered to create a somewhat less formal building line and improvements have been made to their design during the course of the application process at the case officer's request. The result has been to create a looser character to the edge of the development facing the countryside.

7.39 The design of the houses is traditional and are well-proportioned and attractively detailed. Houses which sit on corner plots or have side elevations facing paths have been provided with windows and detailing on those return elevations, to ensure they have a presence on the street and to provide a sense of surveillance. Assuming good quality materials are selected, the proposed dwellings will provide a good quality development on this parcel.

7.40 Matters such as the final materials for the dwellings, precise boundary treatments and hard surfacing materials will be controlled by conditions requiring their details to be submitted.

7.41 **Residential Amenity**

7.42 The parcel is located well away from the nearest existing neighbouring properties to the south along Newmarket Road such that the built form of the development would cause no significant harm to the amenity of residents of those properties.

7.43 The construction phase of any large residential development poses potential amenity issues in respect of noise, dust and light pollution. The outline permission was granted subject to Condition 19 which requires that no development commence until a Construction Environmental Management Plan for that phase has been submitted and approved. That condition satisfactorily secures the mitigation of the impact of development phase on neighbours.

- 7.44 The layout and design of the dwellings would afford occupants an acceptable level of amenity and privacy. Back-to-back distances of 20 metres between dwellings have been achieved across the scheme and acceptable window to blank wall distances are also achieved.
- 7.45 Gardens on all plots exceed the standard set within the Council's Design Guide SPD of 50m<sup>2</sup>, albeit two pairs of dwellings (plots 30 and 31 and 32 and 33) have been provided with shared amenity space. This level of garden provision across the parcel is considered to provide an adequate level of residential amenity to future in accordance with the aims of the Design Guide.
- 7.46 As detailed in the highway safety and parking section below, parking provision is adequate for dwellings across the scheme, with all but two having two off street space and the other two properties having one space each. The two homes with one space are smaller units of which there are two and it is considered that the provision of only one space is unlikely to be significantly detrimental to the amenity of the occupants of those dwellings.
- 7.47 It is therefore considered that the proposed development would not cause any significant harm to the amenity of current Burwell residents and that it would provide an acceptable level of residential amenity to future occupiers of the scheme, in accordance with policy ENV 2 and the Design Guide SPD.
- 7.48 Highways safety and parking**
- 7.49 The LHA has confirmed that the road layout is acceptable in respect of highway safety and minor amendments have been made to the proposed plans to address its detailed comments. It notes that any other minor adjustments can be made as part of the highways agreements for the site.
- 7.50 Adequate access is provided for waste collection vehicles to access the site and turn within it providing acceptable arrangements for waste collection.
- 7.51 Parking provision across the parcel is provided in sensible locations with spaces associated with dwellings provided on plot or very close to the plots and generally well overlooked. All of the dwellings within the scheme are provided with two dedicated parking spaces, save for the dwellings on plots 30 and 31 which are provided with one each. The scheme therefore provides very close to the maximum parking standard set out in LP policy COM 8 of two car parking spaces per dwelling on average across the development.
- 7.52 The scheme also provides 16 visitor car parking spaces. This equates to one space per 3.8 dwellings which is very slightly above the recommended provision contained within policy COM 8 of up to 1 space per 4 dwellings. This on-plot and visitor parking provision is considered adequate.
- 7.53 The site will be well-served by cycle routes as the outline permission requires a new cycle path from north western corner of the site to Ness Road with cyclepaths to be provided along Newmarket Road to connect Burwell to Exning to the east. Policy COM 8 requires that cycle parking be provided at a level of 1 cycle space per dwelling. Such provision could be made in the garden sheds which are shown

indicatively on the layout plans and adequate provision would be secured by condition.

- 7.54 In order to ensure that an acceptable level of access and maintenance of streets is secured, conditions were applied to the outline permission relating to the construction of access roads, paths and cycleways and the management and maintenance of streets. Conditions relating to that the provision of access, turning and parking spaces and the ongoing provision of visibility splays be secured. These will both be secured by condition and the former will be sufficient to ensure that parking spaces on site be provided and retained in perpetuity. The gating of accesses and parking spaces would also be restricted by condition.

## **7.55 Historic Environment**

- 7.56 The parcel is far enough from designated listed buildings and the Burwell conservation area that it would not impact on their setting, particularly given the intervening residential parcels on the site.

- 7.57 The archaeological interests of the current site and wider site are significant and a condition was applied to the outline permission requiring that no development occur in a particular phase until a programme of archaeological work had been carried out.

- 7.58 An archaeological excavation conducted under that condition has been completed and the County Archaeology Team has confirmed that further investigative archaeological work is not required as part of the current scheme and that it is working with developer's archaeological contractors on the post-excavation reporting.

- 7.59 On that basis, the proposed development is considered acceptable in respect of its impact on the archaeology in accordance with LP policy ENV 14.

## **7.60 Ecology**

- 7.61 The outline permission established that across the wider site the ecological impact of the development of up to 350 homes could be acceptably mitigated and included a condition requiring the carrying out of the development in accordance with the key recommendations and precautionary methods contained within the ecological surveys submitted at the time of that application.

- 7.62 Those enhancement recommendations included the installation of bat tubes; bird boxes suitable for house martins, house sparrow, dunnock and starling; native and wildlife attracting planting; hedgerow boundary planting or along access roads; and reptile hibernacula such as log and rock piles. Such measures are considered to remain appropriate.

- 7.63 The documents considered as part of the outline application were necessarily general in scope as the layout of phases was unknown and it is therefore considered necessary to require the submission of a detailed ecological enhancement scheme for this phase. In addition to the on-plot provision, the landscaping of the open space areas will provide further ecological enhancement.

On the basis of the on-plot and open-space enhancements to biodiversity, the proposed development is considered to bring about an acceptable level of biodiversity enhancement and comply with LP policy ENV 7 and the Natural Environment SPD.

#### **7.64 Flood Risk and Drainage**

7.65 The site is at low risk of flooding and the outline application demonstrated that surface water could be dealt with on the wider site as it had been established that infiltration drainage was feasible. That application was granted subject to a condition requiring that detailed drainage schemes for each phase of development be submitted and approved prior to the granting of any Reserved Matters applications for that phase.

7.66 A detailed surface water drainage scheme has been submitted in respect of this phase and under discharge of condition application 15/01175/DISQ and the Lead Local Flood Authority has confirmed that it is acceptable and sufficient to satisfy the requirements of the condition. On that basis, it is considered that the scheme has demonstrated that it can adequately provide surface water drainage and is acceptable in that regard. As the drainage scheme is secured by condition on the outline, no further condition is required in respect of this reserved matters application.

7.67 The principle of the site to provide adequate foul drainage for 350 dwellings was considered at outline stage. Anglian Water advised that there was the capacity at Burwell Water Recycling Centre to accommodate the flows from the development. The outline permission was therefore granted subject to a condition requiring that no development commence until a foul water strategy has been submitted and approved. The applicant has submitted such a scheme under discharge of condition application 15/01175/DISQ and Anglian Water has confirmed it is acceptable.

7.68 On the basis of the above, the development is considered to comply with the requirements to provide adequate drainage in accordance with LP policy ENV 8.

#### **7.69 Energy and sustainability**

7.70 The outline permission considered the sustainability of the scheme and required the submission of an Energy and Sustainability Strategy alongside any reserved matters application for buildings, via condition 14 of that permission. Such a strategy has been submitted alongside this application. The measures identified within that strategy as feasible in this case are a fabric first approach to the construction of buildings which seek to reduce energy demands by building energy efficient buildings and the use of a mix of solar panels and air and ground source heat pumps. The strategy proposes that a combination of the fabric first approach to reducing energy demands and the use of air source heat pumps. It proposes energy and hot water be provided using electricity. It also details measures for the reduction of mains water consumption.

7.71 However, in any case, all new dwellings would need to comply with the latest Part L Building Regulations, which would exceed the carbon reduction that ENV 4 and CC1 seek to achieve. In this regard therefore, the development would automatically



meet and exceed the aims of CC1 and ENV 4. In essence, the requirements of the SPD and, as a result, the condition attached to the outline permission, have been superseded by latest Building Regulations - Part L.

- 7.72 On that basis, the proposed development is considered to comply with the requirements of condition 14 of the outline permission, LP policy ENV 4 and the Climate Change SPD.

**7.73 Other Material Matters**

*7.74 Fire-fighting*

- 7.75 Notwithstanding the comments of the Fire Service, condition 13 of the outline permission already satisfactorily secures that details of hydrants are to be agreed prior to commencement of development of each phase.

*7.76 Human Rights Act*

- 7.77 The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). Under the Act, it is unlawful for a public authority, such as East Cambridgeshire District Council, to act in a manner that is incompatible with the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance. The Council is also permitted to control the use of property in accordance with the general interest and the recommendation set out below is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

*7.78 Equalities and Diversity*

- 7.79 In considering this planning application due regard has been had to the public sector equality duty (PSED) under Section 149 of the Equality Act 2010, which means that the Council must have due regard to the need (in discharging its functions) to put an end to unlawful behaviour that is banned by the Equality Act, including discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who have a protected characteristic and those who do not. Account has been taken of the PSED and it is considered that the recommendation set out below would not undermine the objectives of the duty.

**7.80 Planning Balance**

- 7.81 The proposed development is considered to be a good quality development of housing on a site allocated for housing development. The proposal would meet requirements for the provision of affordable housing and would, if it is delivered as 100% affordable housing, make an additional contribution to affordable housing in

the district over and above that required by policy. While that additionality would not be secured, it is nonetheless a notable likely benefit.

7.82 The development would complete the outline permission in the sense that it would use up the balance of the 350 dwellings permitted on the wider site. While it would do so on less land than envisaged by the outline permission and while this might bring about future full planning applications to develop that remaining land, as the development proposed in the current application is considered acceptable in terms of its density, character and appearance and would not rely on or prejudice the objective consideration of any future application, it is not considered that the delivery of the remaining housing on a smaller parcel causes any harm.

7.83 On that basis, the proposed development is considered consistent with the allocation of the site, the outline permission and the Local Plan and is therefore recommended for approval.

## **8.0 COSTS**

8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.

8.2 Unreasonable behaviour can be either procedural i.e. relating to the way a matter has been dealt with or substantive i.e. relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.

8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

## **9.0 PLANS**

9.1 The plans that follow are a selection of those submitted as part of the application and are provided to illustrate the proposed development. They may not be to scale. The full suite of plans can be found on the Council's website.

9.2 Plan 1 – Location Plan

9.3 Plan 2 – Development Layout

9.4 Plan 3 – Detailed Layout

9.5 Plan 4 – Street Elevations 1

9.6 Plan 5 – Street Elevations 2

## **10.0 APPENDICES**

10.1 Appendix 1 – Recommended Conditions

## 10.2 Appendix 2 – Decision notice for outline permission 15/01175/OUM

### Background Documents

Documents on the planning register for 24/00924/RMM

Documents on the planning register for 15/01175/OUM

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 (as amended 2023)

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