



HEARING STATEMENT

MATTER 14 – PROPOSED SITE ALLOCATIONS – MAIN SETTLEMENTS

Examination of the East Cambridgeshire Local Plan

On behalf of:

Orbit Homes (2020) Limited

In respect of:

Land South of Blackberry Lane, Soham

Date:

August 2018

Document Reference:

Reference: GA/DJ/00216/S0005

1.0 INTRODUCTION

- 1.1 This Hearing Statement has been prepared on behalf of our client Orbit Homes (2020) Limited (henceforth 'Orbit Homes') in response to Matter 14 of the Inspector's Matters, Issues and Questions for Discussion at the Examination Hearings for Stage 2 of the examination of the East Cambridgeshire Local Plan (ED033). This Statement is intended to assist the Inspector's consideration of the soundness of the Plan and aid discussion at the examination hearing session on Friday 21st September 2018.

2.0 MATTER 14 – PROPOSED SITE ALLOCATIONS AND RELEVANT DEVELOPMENT MANAGEMENT POLICIES

Question 60: Taking each of the following proposed site allocations individually:

- 2.1 Question 60 is actually a series of 16 questions on each of the site allocations in Ely, Littleport and Soham. This section answers each of these questions for site allocation **Policy Soham5: SOH.H5 Land south of Blackberry Lane** (henceforth 'the site') which is in Orbit Homes' control.

a) What is the background to the site allocation? How was it identified and which options were considered?

- 2.2 The site was first identified as a location for housing in the Soham Masterplan Vision produced by the Council and Soham Town Council in 2010. Following this, the site was allocated for 160 dwellings (Policy SOH5) in the adopted Local Plan (2015). The Sustainability Appraisal for the adopted Local Plan considers a variety of options for the scale of housing to be accommodated in Soham and numerous potential site allocations, of which land south of Blackberry Lane was found to be one of the most sustainable.
- 2.3 In the development of the emerging Local Plan, despite being subject to such a recently adopted housing allocation, the site was reassessed in the Sustainability Appraisal and Strategic Environmental Assessment of the Local Plan to 2036 (November 2017) and again found to be one of the most sustainable options for development. The site has therefore, in accordance with previous NPPF (2012) paragraph 182¹, been considered against reasonable alternatives.

¹ The revised NPPF at paragraph 214 states that the previous NPPF "will apply for the purpose of examining plans, where those plans are submitted on or before 24th January 2019". However, it is also clear that on adoption of the new Local Plan, the weight attributable to its policies will be according to their consistency with the revised NPPF (paragraph 213). The revised NPPF is therefore a key material consideration in the examination of the Local Plan.

- 2.4 There has, however, been very little assessment of alternative policy options for the level of development appropriate on the site and little to no evidence is presented to justify the decision to lower the adopted site allocation from 160 dwellings to 130 dwellings in the emerging Local Plan.
- 2.5 The evidence base report Policies for Soham (November 2017) states that the policy allocation has been reduced “to reflect concerns over public health due to the nearby A142”. Paragraph 182 of the previous NPPF (and paragraph 35 of the revised NPPF) state that reasonable alternative options should be considered based on proportionate evidence. There is no technical evidence regarding noise from the A142 presented in the Local Plan evidence base and at a meeting with the application case officer and the Council’s Environmental Health Officer (EHO) on 5th October 2017 (see agreed meeting note at **Appendix 1**), the EHO confirmed that they had not provided any technical detail with regards to distances from roads for noise mitigation. In the absence of any technical evidence or advice from the Council’s experts, it is clear that the decision to reduce the site’s allocation to 130 dwellings is entirely unjustified. This is confirmed by the technical evidence prepared by Sharpes Redmore noise consultants in support of the application (**Appendix 2**) which clearly demonstrates that through good acoustic design of the site layout and the inclusion of a high quality landscaped noise buffer (see drawings at **Appendix 3**), 160 dwellings can be accommodated on the site with all dwellings, gardens and open space areas meeting noise standards without relying on any mechanical ventilation.
- 2.6 It is clear from the above that no detailed site-specific assessment has been carried out to justify the Council’s decision to reduce the site allocation and it follows that any evidence that may ultimately emerge on the point from the Local Planning Authority to support it will be ‘after the event’ and not from objective study. Further, we have demonstrated via Sharps Redmore’s report at **Appendix 2** that the reduction in the number of dwellings proposed to 130 dwellings does not materially affect the nature or scale of the proposed noise mitigation bund or the ‘public health’ issues alleged to justify the policy change. The effect of the proposed change is to reduce the efficient and sustainable best use of an allocated site for no good reason. The allocation should therefore be amended to 160 dwellings, as discussed further below.

b) How have the wider transport implications of the proposed development been considered?

- 2.7 The acceptability of the allocation from a transport perspective has also been demonstrated through the consideration of the application by the Local Highways Authority who have raised no objection to the proposal. The application was accompanied by a detailed Transport Assessment which demonstrates that the proposed development can be delivered without causing significant impacts to the wider transport network. The proposal would deliver considerable off-site highways improvements via CIL and S106 contribution as detailed under question 60(j).

c) What is the scale type/mix of uses proposed?

2.8 Policy Soham5 proposes to allocate the site for 130 dwellings and 1.1 ha of open space.

d) What is the basis for this and is it justified?

2.9 As outlined, the Council has not presented any detailed evidence to justify the proposed reduction in the allocation from 160 to 130 dwellings. The site totals 6.93 ha which at 160 dwellings gives a gross density of 23 dwellings per hectare and a net density (excluding the open space requirement) of 27.5 dwellings per hectare. This is a relatively low density and accords with the site's location on the edge of town. By comparison, 130 dwellings gives a gross density of 19 dwellings per hectare and a net density of 22.5 dwellings per hectare. It is considered that this represents an inappropriately low density that would not result in the most efficient use of the site.

2.10 The revised NPPF at paragraphs 122-123 is a key material consideration in this regard as it places great weight on the important role planning policies have in ensuring the efficient use of land and avoiding new homes being built at low densities. Policy Soham5 is not considered to be in accordance with these paragraphs and on adoption, reduced weight would therefore be attributable to the level of development allocated by Policy Soham5 (in accordance with revised NPPF paragraph 213).

e) What is the current planning status of the site in terms of planning applications, planning permissions and completions/construction?

2.11 In May 2017, Orbit Homes submitted a hybrid planning application (Ref: 17/00893/FUM) (henceforth 'the application') on the site for a total of 168 dwellings, including 8 self-build seeking. During the consideration of the application, amendments were made and a revised scheme seeking full planning permission for 152 dwellings and outline permission for 8 self-build dwellings was submitted on 31st January 2018.

2.12 The application was taken to the Council's Planning Committee on 6th June 2018 with a recommendation for approval (see committee report at **Appendix 4**), but was refused by members against this recommendation. The decision notice (**Appendix 5**) lists three reasons for the refusal relating to: the level of development proposed; the proposed landscaped noise bund; and the proposed drainage strategy. Orbit Homes have launched an appeal against East Cambridgeshire District Council's decision to refuse the application (Ref: APP/V0510/W/18/3206908).

f) What are the benefits that the proposed development would bring?

2.13 The proposal would provide a much needed and timely boost to the supply of both market and affordable

housing in an area where there is a significant shortfall in supply as demonstrated in the recent appeal decision at Mildenhall Road, Fordham². The site is in a sustainable location and in the ownership of an experienced housebuilder who can commence construction without delay. The application proposal demonstrates that the site can be delivered for 160 dwellings while achieving a high quality layout that would ensure local character and context are respected and an appropriate environment is created for residents of the scheme both within their homes and when using the proposed network of open space which has been designed to connect into the wider footpath network creating longer circular walks around the site. In addition, considerable contributions to off-site highways improvements, affordable housing, self-build home provision, and libraries and lifelong learning would be secured through CIL and S106.

g) How does the site relate to nearby uses?

- 2.14 The area surrounding the site is urban fringe in character and the proposed development would relate well to neighbouring uses. It is bounded to the west by residential dwellings, beyond which there is an industrial estate, to the east by the A142 bypass, to the north by farmland that is allocated for residential development (Policy SOH6 / emerging Policy Soham6) and to the south and southwest by farmland and land allocated for residential development (Policy SOH4 / Site SOH.H4) that almost adjoins the site.

h) What are the potential adverse impacts of developing the sites, including to heritage assets? How could they be mitigated?

- 2.15 The site benefits from having been subject to a detailed planning application which included detailed assessments as follows:

- **Ecology**

The only environmental designation in close proximity to the site is Soham Wet Horse Fen Site of Special Scientific Interest (SSSI). Orbit Homes worked closely with Natural England and the Wildlife Trust in the design of their proposal to ensure adequate provision for open space on site and to create circular walking routes utilising the surrounding network of green lanes that would avoid increased recreational pressure on the SSSI. The landscaped bund would provide further ecological benefit in providing a green corridor along the edge of the site.

- **Flood Risk**

See question 60(i) below.

² Appeal Reference: APP/V0510/17/3186785, Land off Mildenhall Road, Fordham, Cambridgeshire, 29th May 2018.

- **Heritage**

The site is not in close proximity to any listed buildings or other designated heritage assets and the proposed development would not have an adverse impact on any above ground heritage assets. Detailed archaeological assessments were submitted with the application and the County Council's Archaeologist confirmed that any impact on these features can be mitigated through a condition requiring suitable investigation.

- **Highways and Accessibility**

As confirmed in our answer to question 60(b) above, the Local Highways Authority have raised no objection to the proposal. The site is sustainably located within easy walking distance of facilities and services in Soham town centre, safe and suitable access can be provided and the proposal would deliver considerable off-site highways improvements.

- **Landscape**

The site is surrounded by mature trees and shrub boundary planting on all sides which would help screen the proposed development in views from the surrounding landscape. The layout for the application shows areas of open space and a high-quality landscaped noise barrier comprising a planted bund and living willow fence to the south and east of the site along the A142. These features, together with the wider edge of town character of the site would effectively mitigate any landscape impact from the proposal.

- **Noise & Air Quality**

As confirmed in the technical evidence prepared by Sharpes Redmore contained at **Appendix 2**, the application proposal would achieve a noise environment for the site that complies with guidance contained within BS 8233:2014 and ProPG without the use of mechanical ventilation. An Air Quality Assessment prepared by SRL was submitted with the application which demonstrates that there would be no air quality issues associated with the development.

i) How is the site affected by flood risk? How has this been taken into account in allocating the site? How have the sequential and, if necessary, exception tests been applied?

2.16 The site is assessed in the Council's Level 1 and Level 2 Strategic Flood Risk Assessment (October 2017) and Site Allocations Sequential Test (November 2017). These documents confirm that part (15%) of the site is located in FZ3a, and a small pocket is within FZ3b (<1%). Most of the site is therefore located

within FZ1 and the Council's Sequential Test confirmed that the site can be allocated subject to satisfying the Exception Test.

- 2.17 The Site Allocations Sequential Test (November 2017) confirms that the Exception Test is met for the site as the site provides wider sustainability benefits and the proposed development could be designed to be safe for its lifetime as:

"the site is defended to a 100 - year standard, meaning actual flood risk is likely to be lower than implied by the flood zones. Dry access and egress for the site is possible via A142 in the fluvial and surface water events. It is likely the site can be designed and developed in a manner which will ensure it will be safe for its lifetime."

- 2.18 The committee report for the application confirms that the Exception Test is met as the proposal provides replacement floodplain in the POS while ensuring floor levels are above predicted flood waters.

j) What are the infrastructure requirements/ costs and are there physical or other constraints to development? How would these be addressed and are they directly related to, necessary and fairly and reasonably related in scale and kind to the development?

- 2.19 The potential constraints to development are set out under question 60(h). With respect to infrastructure requirements/ costs, in addition to a payment of approximately £700,000 towards the Council's Community Infrastructure Levy (CIL), the application proposes the following S106 contributions which are considered to be directly related to, necessary and fairly and reasonably related to the development:

- 20% Affordable Housing;
- 5% Self-Build Plots;
- Circa 1.33ha of POS;
- The provision of a landscaped noise barrier along the A142;
- £16,848 contribution towards libraries and lifelong learning; and
- Considerable contributions to off-site highways improvements including:
 - £160,000 to improve the A142/A1123/Fordham Road roundabout;
 - pedestrian crossing improvements at the Regal Lane/ Fordham Road junction;
 - new bus shelters on Fordham Road;
 - relocation of a refuge island near to Soham Village College;
 - cycle and pedestrian facility improvements on Fordham Road; and
 - a contribution to part fund a right turn lane on Regal Lane/Fordham Road.

k) In particular is there an issue with waste water treatment capacity and how would any issues be resolved?

2.20 As confirmed in the consultation response received from Anglian Water to the application, the site is in the catchment of Soham Water Recycling Centre that will have available capacity to receive flows from the site. Anglian Water requested a condition be placed on the application to ensure compliance with the agreed drainage strategy which includes off-site capacity improvement in the local foul sewer network that have been agreed with Anglian Water.

l) Is the site realistically viable and deliverable?

2.21 Yes, the site is being brought forward by an experienced house builder in Orbit Homes who would commence development as soon as planning permission is granted and is satisfied that the proposed scheme is viable.

m) What is the expected timescale and rate of development and is this realistic?

2.22 The predicted delivery contained in the housing trajectory in the East Cambridgeshire Five Year Land Supply Report (9th October 2017) is considered to be realistic, albeit with an additional 30 dwellings to be delivered in 2023/24 and 2024/25 to bring the site total to 160:

Year	East Cambridgeshire Five Year Land Supply Report (9 th October 2017)
2019/20	15
2020/21	30
2021/22	30
2022/23	30
2023/24	25
Total	130

n) Is the boundary of the site appropriate? Is there any justification for amending the boundary?

2.23 The boundary of the site is considered to be entirely appropriate and there is no justification for amending it. The site comprises four fields which are surrounded by mature tree and shrub boundary planting on all sides, but the internal boundaries between the fields are generally open which means that the site naturally forms one parcel of land. This effect is further enhanced by the strong boundaries formed by the A142, Longmere Lane, Blackberry Lane and existing residential development.

o) Are the detailed policy requirements clear and unambiguous, effective, justified and consistent with national policy?

2.24 No, we wish raise concerns with the following requirements set by **Policy Soham5**:

- a. The requirement for a masterplan to be submitted is unclear as it suggests that an outline planning application should be submitted. It is also understood that Site SOH.H6 is considerably further behind in the planning process and in this respect, it is inappropriate to request a joint masterplan.
- b. As outlined, there is no justification for reducing the site allocation to 130 dwellings.
- c. Policy Soham5 is inconsistent with Policy LP26 which does not require a “significant green and noise buffer”, but rather sufficient distance to address any potential health matters regarding air quality, noise and vibration. The requirement for measures to prevent increased recreational pressure on Soham Wet Horse Fen SSSI should reference Policy Soham13 which details the requirements regarding common land more coherently.

2.25 In order that Policy Soham5 can be considered sound, we therefore recommend that it is amended as follows:

~~a. Site to be delivered in a comprehensive manner, in accordance with a masterplan for the whole site (and preferably in association with a masterplan for Site SOH.H6) to be submitted to and agreed by the Council.~~

b. *b. Provide approximately:*

- 160-130 dwellings;
- 1.1 ha of open space;

c. *Set out, and agree with the Council, a comprehensive landscaping and rights of way scheme, including:*

- *Retention of, and improvements to, rights of way / green lanes, both on site and in the near vicinity;*
- *An appropriate buffer zone alongside the A142 to address any potential air quality, noise and vibration matters, Significant green and noise buffer alongside the A142, in accordance with LP26;*
- *Measures which prevent increased recreational pressure on the nearby Soham Wet Horse Fen SSSI, in accordance with Soham13.*

p) Is the terminology used within the relevant site-specific policy consistent and clear, for example, 'concept plan'?

We have no issues with the terminology used.

**APPENDIX 1 – NOTE OF MEETING WITH APPLICATION CASE OFFICER AND ENVIRONMENTAL
HEALTH OFFICER, 5TH OCTOBER 2017**

From: David Jones

Sent: 10 October 2017 09:41

To: 'Claire Braybrook' <Claire.Braybrook@eastcambs.gov.uk>; Andrew Phillips

<Andrew.Phillips@eastcambs.gov.uk>; Ian Fieldhouse <Ian.Fieldhouse@orbit.org.uk>; Vince Douglas <vince@asdhalesworth.co.uk>; Geoff Armstrong <Geoff.Armstrong@arplanning.co.uk>

Cc: Gary King <gary.king@sharpsredmore.co.uk>

Subject: RE: Soham Meeting Actions / Update

Hi Claire,

Thank you for your time yesterday morning and sorry for the slow response to your email. Please see revised note below which I trust is now an accurate reflection of discussions.

Meeting Note:

Attending:

Andrew Philipps (AP), ECDC

Claire Braybrook (CB), ECDC

Ian Fieldhouse (IF), Orbit Homes

Vince Douglas (VD), ASD

Geoff Armstrong (GA), Armstrong Rigg Planning

David Jones (DJ), Armstrong Rigg Planning

Notes / Actions:

- **Local Plan Review:** AP confirmed that following the approval of the emerging Local Plan for consultation it would be considered to have medium weight in decision taking and that the adopted Local Plan would also have medium weight in decision taking. He would therefore need to conduct a detailed planning balancing exercise between the policies in both plans and those in the NPPF. The emerging Local Plan includes a more stringent policy on noise impact (Policy LP26) and reallocates the land south of Blackberry Lane for a lower level of 130 dwellings (Policy Soham 5), reduced from 160. GA questioned what evidence had been compiled to inform/justify this reduction. CB confirmed that Environmental Health had liaised with planning policy regarding the new Local Plan, but that they did not provide any technical detail with regard to distances from roads etc.

Action: AP agreed to discuss emerging Policy Soham 5 with his Strategic Planning colleagues and to confirm in writing the reason and evidence behind the decision to reduce the site allocation to 130 dwellings.

- **Noise Barrier:** DJ presented revised proposals for a noise barrier along the road that would comprise a 2.5m high living willow fence on top of a bund of either 0.5m to give a total barrier height of 3m or 2.5m height to give a total barrier height of 5m. CGI visuals were presented to demonstrate what the living fence/bund would look like from the A142. AP stated that, subject to reviewing with the Council's Planning Manager, he thought that the proposed living fence/bund combination addressed the Council's concerns and was

appropriate regarding landscape impact, green space and open space. He did, however, state that members may have a preference for the 3m option.

Action: AP to discuss the living fence/bund options with Rebecca Saunt, Planning Manager, and advise by 12th October whether officers would support.

Action: VD to produce section drawing/s of the living fence/bund to provide further detail for consideration. **N.B.** We aim to informally submit these details for consideration on 9th October to enable consideration by AP and Rebecca Saunt.

- **Revised Layout:** VD presented a revised layout of the proposals which demonstrates how the scheme has been revised to pull properties away from the road and reorient properties to create a line facing the road to further mitigate noise. VD also presented revised floorplans for properties facing the road showing bedrooms located to the rear (i.e. away from the noise source). GA confirmed that this layout had been modelled for noise levels and that with a 5m barrier the revised layout would not require any mechanical ventilation, but that with a 3m barrier a handful of properties would still require mechanical ventilation. GA also advised that a 5m barrier was required to ensure that the Public Open Space along the A142 met required noise standards. Before submission of the noise modelling of this layout, GA suggested it would be worth our noise consultants agreeing relevant standards with CB in line with newly published national guidance. AP advised that he would need to discuss the revised proposals with his Planning Manager, but that if it could be demonstrated that no properties would require mechanical ventilation there was a good argument that the benefit of the proposals providing more than 130 dwellings would outweigh the application being contrary to emerging Policy Soham 5.

Action: Gary King from noise consultants Sharpes Redmore has spoken to CB and arranged a meeting for 9th October to discuss noise modelling results.

Action: AP to review revised layout and discuss with Rebecca Saunt, Planning Manager, and advise by 12th October whether officers would support circa 160 dwellings on the site if it was demonstrated that no mechanical ventilation was required.

- **Regal Lane:** CB requested that noise levels from the Regal Lane industrial estate be considered.

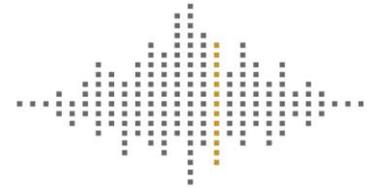
Action: GA/DJ to arrange survey of noise from Regal Lane and submit results/details of any required mitigation.

- **Affordable Housing:** AP confirmed that with the Council's approval of the emerging Local Plan, they would now only seek 20% affordable on the site.
- **Timescales:** AP advised that the earliest committee date the proposals could be taken to was 6th December and that in order to meet this date, all outstanding information and revised proposals would need to be submitted formally by the end of October.

**APPENDIX 2 – ADDENDUM TO ENVIRONMENTAL NOISE ASSESSMENT, SHARPES REDMORE, 7TH
DECEMBER 2017**

SHARPS REDMORE

ACOUSTIC CONSULTANTS ▪ Established 1990



Report

Proposed residential development

Land at Blackberry Lane,
Soham

Addendum to Environmental
Noise Assessment

Prepared by

Gary King MIOA

Date 7th December 2017

Project No: 1616072

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Contents

- 1.0 Introduction
- 2.0 Assessment methodology and criteria
- 3.0 Initial Site Assessment
- 4.0 Acoustic Design Statement
- 5.0 Noise Impact from Industrial Area
- 6.0 Conclusions and recommendations

Appendices

- A. Initial Site Assessment – Open site
- B. SoundPLAN Computer Models
 - B1 – Original Scheme
 - B2 - Amended Scheme 5 metre acoustic screen
- C. Acoustic Terminology

1.0 Introduction

- 1.1 Sharps Redmore (SR) has been instructed to undertake a noise assessment of a proposed residential development on land at Blackberry Lane, Soham.
- 1.2 The site is located to the south east of Soham, adjoining the existing built up area and comprises of 6.93 hectares of mostly farmland with a couple of single storey farm buildings to its north west. It is bounded to the west by residential dwellings, beyond which there is an industrial estate, to the east by the A142 bypass and to the north, south and southwest by farmland. The site is bounded by mature hedges/trees along its boundaries. The site location is shown in Figure 1 below:

Figure 1: Site Location



- 1.3 Planning permission¹ is being sought from East Cambridgeshire District Council (ECDC) for development of the site for residential dwellings. Sharps Redmore has previously prepared a noise report which considered the impact of road traffic noise on the A142 on the proposed residential development. The report concluded that with a 3m high noise barrier all rooms would achieve recommended internal noise levels in BS 8233:2014 through the installation of acoustic glazing and an alternative means of providing ventilation for bedrooms of the closest properties to the A142.
- 1.4 The Council's Environmental Health Officer, Ms C Braybrook, has commented that where government guidelines can be met internally and externally they would have no issues to raise. However where windows have to remain closed to ensure recommended noise levels are not breached it is important that the design and layout is considered carefully to try and negate the need for keeping windows closed, for example, distance, screening, trying to located non-sensitive rooms on noisier facades.

¹ Planning Application 17/00893/FUM – Hybrid Planning Application – Full application for erection of 160 dwellings and associated access, parking and open space; Outline application for 8 self-build dwellings

- 1.5 Mrs Braybrook has also advised that whilst *“there are residential complaints closer to the industrial site to the west of the site, and no complaints have been received it would be beneficial for the noise from the haulage yard to be considered.”*
- 1.6 The report also takes into account the guidance contained within the draft local plan review, Policy LP 26: Pollution and Land Contamination. This policy is discussed in more detail in section 2.0 Assessment Method and Criteria of this report but in summary recommends that mechanical ventilation of homes will not be approved as a mitigation measure, except in very exceptional circumstances.
- 1.7 As a result of the above the site layout has been amended to take into account the comments received from Ms Braybrook and the emerging policy LP26. The objective of this assessment is therefore to consider the suitability of the site for the proposed residential development taking into account the changes. Following the amendments to the scheme it is concluded reasonable internal noise levels can be achieved without relying on windows closed and alternative means of ventilation at all properties.
- 1.8 The report is structured as follows:
- Section 2.0 – Assessment methodology and policy objectives
 - Section 3.0 – Initial Site Assessment
 - Section 4.0 – Acoustic Design Statement
 - Section 5.0 – Noise Impact from Industrial Area
 - Section 6.0 – Summary and Conclusions

2.0 Assessment Methodology and Criteria

National Planning Policy

2.1 The National Planning Policy Framework (NPPF) sets out the Government's economic, environmental and social planning policies for England and "these policies articulate the Government's vision of sustainable development." In respect of noise, Paragraph 173 of the NPPF states the following:

Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions, while recognising that many developments will create some noise; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

2.2 The NPPF reinforces the March 2010 DEFRA publication, "Noise Policy Statement for England" (NPSE), which states three policy aims, as follows:

"Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:

- avoid significant adverse impacts on health and quality of life;
- mitigate and minimise adverse impacts on health and quality of life; and
- where possible, contribute to the improvement of health and quality of life."

2.3 Together, the first two aims require that no significant adverse impact should occur and that, where a noise level which falls between a level which represents the lowest observable adverse effect and a level which represents a significant observed adverse effect, then according to the explanatory notes in the statement:

"... all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life whilst also taking into consideration the guiding principles of sustainable development. This does not mean that such effects cannot occur."

Local Planning Policy

2.4 East Cambridgeshire Local Plan 2015 sets out the Council's current policies with regard to the site and noise in the following policies:

- **Policy SOH 5** – allocates the site 160 No dwellings and states that development proposals will be expected to demonstrate noise impacts from A142 can be adequately mitigated.
- **Policy ENV 2 – Design:** All new development proposals will be expected to ensure that there is no significant detrimental effect on the residential amenity of nearby

occupiers, and the occupiers and users of new dwellings enjoy a high standard of amenity.

- **Policy ENV 9 – Pollution:** Proposals will be refused where, individually or cumulatively, there are unacceptable impacts arising from the development on the natural environment, general amenity and the tranquillity of the wider rural area, including noise and light pollution.

2.5 In addition to the above consideration is given to the local plan review and the following emerging policies:

- **Policy Soham 5 –** Reallocate the site for a reduced total of 130No. dwellings and requires a significant green and noise buffer alongside the A142.
- **Policy LP 22 – Achieving Design Excellence:** All development should secure high quality design and good standard of amenity for all existing and future occupants of land and buildings.
- **Policy LP 26 – Pollution and Land Contamination:** For development proposals adjacent to main transportation routes, the applicant will need to demonstrate through the use of appropriate technical evidence, that the distance between the route and proposed dwellings (the buffer Zone) and the orientation of dwellings in relation to the route, are appropriate to address any potential air quality, noise and vibration issues. Within the buffer zone, mitigation measures such as landscaping and bunds will be supported to assist in reducing the impact to an acceptable level, but only if such provision will be visually acceptable, and will have longevity and with an appropriate maintenance regime agreed. Mechanical ventilation of homes will not be approved as a mitigation measure, except in very exceptional circumstances (for example, where the public interest in developing the site outweighs the environmental and amenity impact of providing mechanical ventilation.)

National Design Guidance

2.6 The current nationally recommended internal noise levels for dwellings are given in BS 8233:2014 'Guidance on Sound Insulation & Noise Reduction for Buildings'. BS 8233 recommends the following internal noise standards:

BS 8233:2014 Table 4 – Indoor ambient noise levels for dwellings			
Activity	Location	0700 to 2300	2300 to 0700
Resting	Living room	35 dB L _{Aeq,16hour}	-
Dining	Dining room/area	40 dB L _{Aeq,16hour}	-
Sleeping (daytime resting)	Bedroom	35 dB L _{Aeq,16hour}	30 dB L _{Aeq,8hour}

2.7 The previous version (1999) of BS8233 contained two guidelines for internal criteria; good and reasonable. The difference between the good and reasonable criteria was 5 dB. Whilst the 5 dB relaxation in noise criteria is not specifically referred to in the table above, Note 7 advises that *“where development is considered necessary or despite external noise levels above WHO guidelines, the internal target levels may be relaxed by up to 5 dB and reasonable internal conditions still achieved.”*

- 2.8 There is no longer a L_{AMAX} standard for bedrooms in BS 8233. However, footnote 4 to Table 4 states that “Regular individual noise events (for example, scheduled aircraft or passing trains) can cause sleep disturbance. A guideline value may be set in terms of SEL or $L_{Amax,F}$ depending on the character and number of events per night. Sporadic noise events could require separate values.” In this case, it is proposed that the previous BS8233 internal standard (also referenced in World Health Organisation Guidelines for Community Noise) is applied. This is 45 dB L_{AMAX} , inside bedrooms.

External Areas (Garden and Balconies)

- 2.9 For outdoor areas (i.e. balconies), BS 8233:2014 recommends that “it is desirable that the external noise level does not exceed 50 dB L_{AeqT} , with an upper guideline value of 55 dB L_{AeqT} ” However, the document recognises that these guideline values are not achievable in all circumstances and in higher noise areas, a compromise might be warranted. In such circumstances, development should be designed to achieve the lowest practicable levels in these external amenity spaces.
- 2.10 The Planning Practice Guidance on Noise, published on www.gov.uk/guidance/noise-2 gives further consideration relating to mitigating the impact of noise on residential developments and considers that noise may be partially off-set if residents of the dwellings have access to:
- A relatively quiet façade (containing windows to habitable rooms as part of their dwelling;
 - A relatively quiet external amenity space for their sole use such as a balcony which is generally considered as desirable.
 - A relatively quiet nearby external space for use by a number of residents as part of the amenity of their dwellings, and/or;
 - A relatively quiet external, publicly accessible amenity space that is nearby (e.g. within a 5 minute walk)
- 2.11 Whilst not official government advice the ProPG professional practice guidance on planning and noise has been jointly produced by the Chartered Institute of Environmental Health (CIEH), Institute of Acoustic (IOA) and Association of Noise Consultants (ANC).
- 2.12 The primary goal of the ProPG is to assist the delivery of sustainable development by promoting good health and well-being through the effective management of noise. The ProPG recommends a 2 stage approach, an initial noise risk assessment of the proposed development and where the results indicate that noise requires further consideration a full assessment in the form of an Acoustic Design Statement (ADS) which would include four key elements as follows:
- Element 1 – demonstrating a “Good Acoustic Design Process”;
 - Element 2 – observing internal “Noise Level Guidelines.”
 - Element 3 – Undertaking an “External Amenity Area Noise Assessment”
 - Element 4 – Consideration of “Other Relevant Issues.”
- 2.13 The advice contained within ProPG is based on the policy objectives contained within the NPPF and is consistent with the objective noise guidelines within BS 8233:2014, including “where development is considered necessary or desirable the internal, L_{AeqT} , target levels may be relaxed by up to 5 dB and reasonable internal conditions still achieved.” The guidance continues to state “Where such exceedances are predicted applicants should be required to show how the relevant number of rooms affected has been kept to a

minimum. Once internal LAeq levels exceed target levels by more than 10 dB, they are highly likely to be regarded as “unacceptable” by most people particularly if such levels occur more than occasionally.”

2.14 Further advice is contained within ‘section 3.0 Recommendations to the Decision Maker’ which states that having assessed the impact of noise the decision maker should recommend refusal on noise grounds if :

(1) Internal noise levels are regarded as “unreasonable” AND either there is an unacceptable “external amenity area noise assessment” or an unacceptable of other relevant issues”; OR

(2) Internal noise levels are regarded as “unacceptable”.

Local Design Guidance

2.15 With regard to local design guidance neither existing nor the emerging policy contain any detailed design guidance. SR has therefore consulted the Environmental Health Officer at East Cambridgeshire Council, Clare Braybrook. In line with the guidance contained within BS 8233:2014 and ProPG, the following criteria has been proposed and agreed with the Environmental Health Department.

Table 2.1: Proposed Noise Criteria, LAeqT

Day (0700 – 2300 hrs)		Night (2300 – 0700 hrs)		Commentary	Action
Internal L _{Aeq16hr}	External L _{Aeq16hr}	Internal (L _{Aeq8hr})	External (L _{Aeq8hr})		
<35 dB	<50 dB	<30 dB	<45 dB	Acceptable in all cases	None required
35 – 40 dB	50 – 55 dB	30 – 35 dB	45 – 50 dB	Acceptable for developments identified as necessary or desirable	Site is allocated in local plan for residential use and therefore considered necessary. Applicants should be required to show how the relevant number of rooms has been kept to a minimum.
40 – 45 dB	55 – 60 dB	35 – 40 dB	50 – 55 dB	People are likely to regard levels as “unreasonable” but not “unacceptable”.	
>45 dB	>60 dB	>40 dB	>55 dB	Highly likely to be regarded as “unacceptable”	Every effort should be made to avoid relevant rooms experiencing “unacceptable” noise levels at all and where such levels are likely to occur frequently the development should be prevented in its proposed form.

Table 2.2 Proposed Noise Criteria, L_{Amax}

Night (2300 – 0700 hrs)		Commentary
Internal (L_{Aeq8hr})	External (L_{Aeq8hr})	
<45 dB	<60 dB	Acceptable in all cases
>45 dB	>60 dB	Acceptability dependent on maximum noise levels but also on factors such as the source, number, distribution and regularity of noise events.

3.0 Stage 1 – Initial Site Noise Risk Assessment

3.1 The predicted noise levels across the site have been determined by noise contour modelling based on existing road traffic flows inputted into SoundPlan noise modelling software. This is the preferred method of determination as stated in the Calculation of Road Traffic Noise (CRTN). Full details of the assumptions used in the model are included within the original SR report, dated 29 June 2017, which accompanied the application.

3.2 To validate the SoundPLAN models a survey of existing noise levels has been carried out. Measurements were carried out specifically over a 3 hour period allowing for an assessment of the $L_{A10,18hr}$ level in accordance with the 'shortened measurement' procedure incorporated in the 'Calculation of Road Traffic Noise (CRTN)².

$$L_{A10,18hr} = \text{Average } L_{A10(3hours)} - 1 \text{ dB}$$

3.3 The advice contained within BS 8233:2014 is in terms of terms of $L_{Aeq16hr}$. The $L_{A10,18hr}$ can be converted into a $L_{Aeq18hr}$ by subtracting 3 dB and into an $L_{Aeq16hr}$ by adding 1 dB as follows:

$$L_{Aeq16hr} = L_{A1018hr(\text{freefield})} - 3 \text{ dB} + 1 \text{ dB}$$

3.4 Measurements were taken on 24 August 2017 at the entrance of Blackberry Lane, approx. 6m from the nearest carriageway. Weather conditions during the survey were suitable for taking noise measurements.

Table 3.1: Survey Results

Time	Noise Level dB	
	$L_{Aeq15min}$	$L_{A10,15min}$
13:00	70.5	75.3
14:00	71.4	75.5
15:00	72.3	75.8

3.5 Using the above survey results the noise daytime free-field calculated L_{Aeq} noise levels at 6m from the carriage way has been calculated as 72 dB $L_{Aeq16hr}$.

3.6 When corrected for distance, measured noise levels are consistent with those predicted using the SoundPLAN computer modelling.

Initial Site Noise Risk Assessment

3.7 The results of the SoundPLAN models for the initial site noise risk assessment are shown in Appendix A. The assessment do not include the impact of any mitigation measures that have been incorporated into the design of the project but is intended to give an indication as to the extent of the acoustic issues that will be faced. The noise models are based on road traffic noise only. Noise from the Regal Lane industrial estate is assessed in section 5.0 of the report.

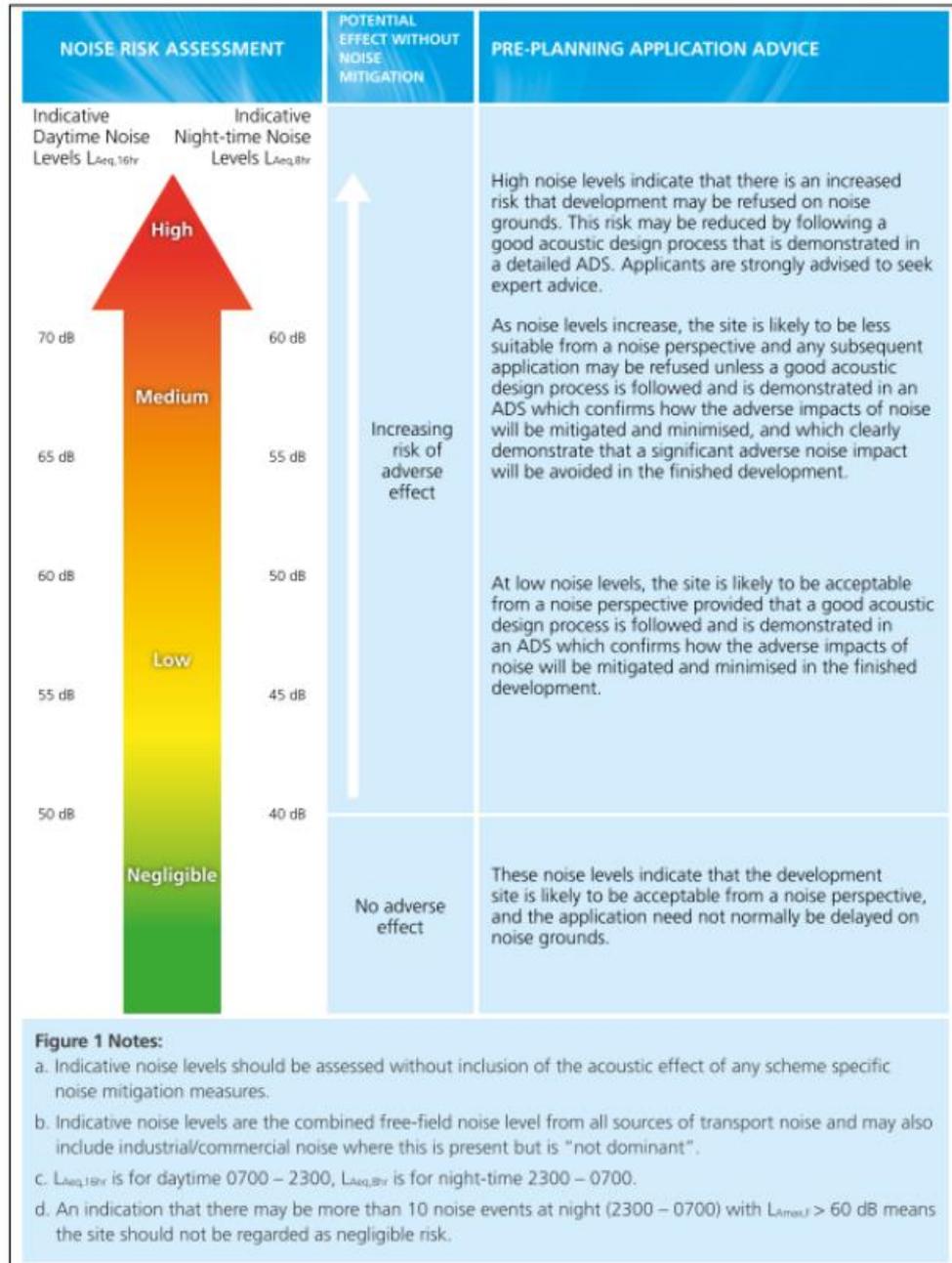
3.8 The initial site noise risk assessment shows that during the day approx. half the site would be subject to noise levels higher than those recommended in BS 8233:2014. At night without any mitigation noise levels are such that the majority of bedrooms would

² Calculation of Road Traffic Noise 1988, Department of Transport, HMSO

require windows closed and alternative means of ventilation to enable internal noise levels in accordance with the BS 8233 to be achieved.

3.9 Based on the guidance in the ProPG, as shown in Figure 3 below, determined from predicted and measured noise levels there is a medium to high risk.

Figure 2: ProPG – Initial Site Assessment Guidance



3.10 The ProPG advises states that for medium to high risk sites that *“as noise levels increase the site is likely to be less suitable from a noise perspective and any subsequent application may be refused unless a good acoustic design process is followed and demonstrated in an ADS which confirms how the adverse impacts of noise will be mitigated and minimised, and which clearly demonstrate that a significant adverse noise impact will be avoided in the finished development.”*

4.0 Acoustic Design Statement

4.1 As discussed in section 2.0 of the report the full assessment should cover 4 main elements as follows:

- Element 1 – demonstrating a “Good Acoustic Design Process”
- Element 2 – observing internal “Noise Level Guidelines”
- Element 3 – Undertaking an “External Amenity Area Noise Assessment”
- Element 4 – Consideration of “Other Relevant Issues”

Element 1 - Good Acoustic Design Process

4.2 Generally, there is a hierarchy of noise control that should be considered in all cases, and the layout should demonstrate that the following logical process, which would represent good design, has been followed as far as possible:

- Maximise the spatial separation of noise source(s) and receptor(s);
- Using existing topography and existing structures to screen the proposed development site from significant sources of noise;
- Incorporating noise barriers as part of the scheme to screen the proposed site from significant sources of noise;
- Using the layout of the scheme to reduce noise propagation across the site;
- Using the orientation of buildings to reduce the noise exposure of noise sensitive rooms;
- Using the building envelope to mitigate noise to acceptable levels.

4.3 In other words, using the fabric of the building (i.e. acoustic glazing) to control noise should only be considered once other design and layout options have been considered. Where reliance upon the building envelope insulation with closed windows is recommended this should be justified and consideration given to any unintended adverse consequences.

4.4 The results of the original noise report from SR, as shown in Appendix B1, concluded that with a 3m acoustic screen in place adjacent to the A142, the predicted daytime noise levels in the majority of gardens will be 55 dB $L_{Aeq16hrs}$ or less, and the principal public amenity space at the heart of the development would be below the guideline value of 55 dB $L_{Aeq16hr}$. However gardens and the public open space closest to the road would have levels above these standards. At night predicted noise levels would exceed the night time noise criteria, L_{Aeq8hr} and L_{Amax} . Therefore to achieve acceptable internal noise levels it would necessary to have windows closed and alternative means of ventilation.

4.5 Whilst acceptable internal noise levels could be achieved the reliance on having windows closed would not be acceptable in terms of the East Cambridgeshire emerging policy LP 26.

4.6 As discussed in section 1.0 of this report whilst it was accepted by the Council’s Environmental Health Officer, that suitable internal noise levels could be achieved,

concerns were raised regarding the reliance of having windows closed and alternative means of ventilation to control noise levels. Such an approach would also conflict with the aims contained within the emerging Policy LP26 of the Local Plan Review to avoid the use of mechanical ventilation.

4.7 Therefore in line with the Environmental Health Officers comments, emerging policy LP26 and the advice contained within the ProPG guidance, consideration has been given to the site layout and screening to reduce noise levels on the proposed residential development. The following measures have been implemented:

- Moving the properties further back from the eastern boundary of the site, to maximise the distance from between the properties and the A142.
- Changing the orientation of the properties closest to the A142 so that they form a secondary noise barrier within the site.
- Removing 8 residential units closest to the A142 from the scheme.
- Arranging the internal layout of the properties closest to the A142 so that non-sensitive rooms, face the A142.
- Use of garages/car ports to screen the residential properties.
- Increasing the height of the acoustic screen to 5 metres
- Increasing the length of the acoustic screen partially along the southern and northern boundary of the site.
- A revised self-build unit design guide which will ensure reasonable internal noise levels can be achieved with windows open.

4.8 The impact of the above mitigation measures have been modelled using SoundPLAN computer software for both the day time and night time periods for the following scenarios. The results of the computerised modelling are shown in Appendix B to this report.

- Appendix B1 Original submitted scheme – Day, L_{Ae16hr} , Night L_{Aeq8hr} , L_{Amax}
- Appendix B2 Proposed scheme – 5m fence - Day, L_{Ae16hr} , Night L_{Aeq8hr} , L_{Amax}

Element 2 – Internal Noise Level Guidelines

Daytime - Living Rooms

4.9 As concluded within the original SR report which accompanied the planning application to achieve internal noise levels within living rooms to meet the design criteria in BS 8233 the proposed units closest to the A142 would require alternative means of ventilation to enable windows to be closed to reduce noise levels. As shown in Appendix B2 following the mitigation measures proposed, all living rooms would meet the recommended criteria with windows open.

Night time - Bedrooms

4.10 Of primary concern in this case are the impact of night time noise levels and the potential impact on sleep disturbance. As a result a detailed assessment of the properties closest to the A142 has been carried out. Predicted noise levels have been calculated at each façade (rear and front) and compared to the design criteria agreed with East Cambridgeshire District Council. The results of the assessment are shown in the tables below.

Table 4.1: Predicted Noise Levels – Day Time $L_{Aeq16hr}$

	Predicted noise levels, L_{Aeq8hr} (Number of residential units)			
	< 50 dB	50 – 55 dB	50 - 60 dB	>60 dB
Original Scheme ¹	67	58	41	2
Proposed Screen ²	135	25	0	0

Table 4.2 – Predicted Noise Levels - Night Time L_{Aeq8hr}

	Predicted noise levels, L_{Aeq8hr} (Number of residential units)			
	< 45 dB	45 – 50 dB	50 - 55 dB	>55 dB
Original Scheme ¹	47	56	49	20
Proposed Screen ²	61	99	0	0

Table 4.3 – Predicted Noise Levels – Night Time L_{Amax}

	Predicted noise levels, L_{Amax} (Number of residential units)	
	< 60 dB	> 60 dB
Original Scheme ¹	143	25
Proposed Scheme ²	160	0

Table 4.4 – Number of properties that will require windows to be closed to achieve reasonable internal noise levels

Original Scheme ¹	71
Proposed Scheme ²	0

¹Based on 168 properties; ²Based on 160 properties

- 4.11 As shown above following the changes to layout and the good acoustic design mitigation measures incorporated into the scheme all properties will meet the internal noise criteria within 8233, with windows open.

Element 3 – External Noise Level Guidelines

- 4.12 As discussed in section 2.0 for traditional areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB $L_{Aeq16hr}$ with an upper guideline value of 55 dB $L_{Aeq16hr}$.
- 4.13 As shown in Appendix B following the changes to the layout all gardens will be below 50 dB $L_{Aeq16hr}$ and the public open space to the south east of the site will be below 55 dB $L_{Aeq16hr}$.

Element 4 – Assessment of other relevant issues

- 4.14 The fourth and final element of Stage 2 is an assessment of other relevant issues, including compliance with relevant national and local policy; the magnitude and extent of compliance with ProPG; likely occupants of the development; unintended adverse consequences resulting from the acoustic design and wider planning objectives.

- 4.15 In terms of noise sensitive development the main aims of the NPPF is the avoidance of significant adverse effects and the mitigation and reduction of any adverse impacts to a minimum. As discussed in section 2.0 of this report, the current nationally recommended internal noise levels for dwellings are given in BS 8233:2014 'Guidance on Sound Insulation & Noise Reduction for Buildings.' These guideline values are based on the WHO Guidelines for Community Health which was released in a final form in 2000. The World Health Organisation guidance is referenced in the NPSE.
- 4.16 The WHO guideline values are appropriate to what are termed "critical health effects". This means that the limits are at the lowest noise level that would result in any psychological, physiological or sociological effect. They are, as defined by NPSE, set at the Lowest Observed Adverse Effect Level (LOAEL) and therefore exceedance of the guideline values cannot be considered to be Significant adverse effects (SOAEL).
- 4.17 As shown above as a result of good acoustic design measures the site can be developed to enable reasonable internal noise levels to be achieved during the day and night without the need to keep windows closed and any mechanical ventilation to protect future residents against road traffic noise. It is therefore concluded that the proposed development is compliant with the policy aims of the NPPF to avoid 'significant adverse effects' and also the guidelines contained within the ProPG professional practice guidance on planning and noise.
- 4.18 In relation to the any unintended consequences resulting from the development and the wider planning objectives, these have been considered separately from this report i.e. landscaping

Table 4.5: Summary Acoustic Design Statement

Blackberry Lane, Soham - Impact of Road Noise		
Stage 1 - Initial Site Assessment	Day (0700 -2300hrs)	Medium/High
	Night (2300 – 0700 hrs)	Medium/High
Description of Noise Environment	Site noise dominated by road traffic from A142	
Stage 2 - Full Assessment		
Element 1 Good Acoustic Design	<ol style="list-style-type: none"> 1) Properties moved further back from the eastern boundary of the site, to maximise the distance from between the properties and the A142. 2) Orientation of the properties closest to the A142 changed to form secondary barrier within the scheme 3) Removing 8 properties closest to the A142 from the scheme. 4) Arranging the internal layout of the properties closest to the A142 so that non-sensitive rooms face the road. 5) Use of garages/car ports to screen the residential properties. 6) Increasing the length of the acoustic partially along the southern and northern boundary of the site. 7) Increasing the height of the acoustic barrier to 5 metres. 8) Revised design code for self-build units 	
Element 2 Internal Noise Levels	All properties will achieve reasonable internal noise levels during the day and night with windows open.	

<p>Element 3 External Noise Levels</p>	<p>All gardens will be below 50 dB $L_{Aeq16hr}$, public amenity open space in south east corner of site will not exceed 55 dB $L_{Aeq16hr}$</p>
<p>Element 4 Other Relevant Issues</p>	<p>The proposed development will comply with national policy aims of NPPF and ProPG to avoid significant adverse impacts and also reduce any remaining adverse impacts through good acoustic design.</p>

5.0 Noise Impact from other sources

5.1 The site is located to the east of the Regal Lane Industrial Estate, including Geoff Hobbs haulage yard which is located 75 metres to the west of the nearest proposed properties.

5.2 Although BS 8233:2014 is the nationally applied standard for new dwellings, where a site is located close to an industrial or commercial noise source such is the case regard should also be had to BS 4142:2014 ‘Methods for rating and assessing industrial and commercial sound.’

5.3 BS 4142:2014 describes a method for rating and assessing sound of industrial and/or commercial nature, including unloading of goods, according to the following summary process:

- i) Carry out a numerical assessment by comparing the rating level of sound from deliveries (specific sound plus feature correction) against the existing background noise level. The greater the difference between the two the greater the impact. Differences (rating – background) of around +10 dB is likely to be an indication of significant adverse impact (SOAEL) depending on context; a difference of +5 dB is likely to be an indication of adverse impact, depending on context. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending upon context.
- ii) Consider the impact of noise from deliveries against the context of the site in which it is placed. There are many contextual points to consider when determine the impact of the sound including the following:
 - The absolute level of sound;
 - The character and level of the specific sound compared to the existing noise climate;
 - The sensitivity of the receptors;
 - The time and duration that the specific sound occurs;
 - The conclusions of assessments undertaken using alternative assessment methods, for example WHO guideline noise values or change in noise level;
 - The ability to mitigate the specific sound

5.4 To determine the impact of the haulage yard SR has carried out a series of noise measurements at location adjacent to haulage yard as shown in Figure 4 below.

Figure 4 – Noise monitoring location



- 5.5 In terms of impact it was noted that main period of activity was from 0515 and 0700 hours when HGV's are being prepared and driving out of the site along Regal Lane.
- 5.6 Measurements were recorded using a Norsonic, type 1 precision sound level meter which was calibrated before and after the survey with no drift noted. Weather conditions during the survey were dry, with light winds and suitable for carrying out noise measurements. Details of the survey are shown in Table 5.1 below.

Table 5.1: Survey Results Monitoring Location – 25 August 2017

Time	Noise Level		Observations
	L _{AeqT}	L _{Amax}	
0400 – 0500 hrs	40 dB	56 dB	No activity audible from haulage yard.
0500 – 0600 hrs	47 dB	62 dB	Noise from haulage yard noticeable at boundary including engine noise, occasional crash and reversing alarms. Typical L _{Amax} from yard 62dB.

- 5.7 The nearest residential properties will be approximately 80 metres. Using the above noise levels the predicted noise level at the nearest proposed residential properties has been calculated taking into account the residual noise level (the noise level without any activity at haulage yard) and distance correction ($20 \log^{60}/_{80}$).
- 5.8 Using the above data an assessment of noise from the haulage yard in accordance with BS 4142:2014 has been carried out. The background noise level in the assessment is based on the measured level at 0500 hours.

Table 5.2: BS 4142:2014 Assessment – Haulage Yard

	Noise Level dB	Commentary
Measured Noise Level	47 dB L _{Aeq15min}	Calculated from measured noise levels at monitoring location
Residual Noise Level	40 dB L _{Aeq1hr}	Noise level immediately prior to work at haulage yard starting
Distance correction	2 dB	
Specific noise level	44 dB L _{A90}	Measured noise level corrected for distance and residual noise level
Feature correction	+ 3 dB	Noise from haulage yard is characterised by occasional bangs and crashes. During the period 0500 – 0700 hrs receptor will be assumed to be internally within bedroom. Based on site observation noise will be just audible within bedrooms
Rating level	47 dB L _{Aeq15min}	
Background Noise Level	37 dB	
Difference between background and rating level	+10 dB	Potential significant adverse impact subject to context

- 5.9 Section 11 of BS 4142:2014 explains “*The significance of sound of an industrial and/or commercial nature depends upon both the margin by which the rating level of the specific sound source exceeds the background sound level and the context in which the sound occurs.*”
- 5.10 In terms of context, BS 4142 states that with regard to the introduction of a new noise-sensitive receptor, such as the case with this development, although BS 4142:2014 will apply it is recognised that the industrial sound forms a component of the existing acoustic environment. In such circumstances other guidance and criteria in addition to or alternative to BS 4142:2014 can also inform the appropriateness of both introducing a noise-sensitive receptor and the extent of the noise mitigation required.
- 5.11 The impact of the Haulage Yard has therefore been compared to the WHO Guideline Values. For L_{AeqT} criteria the time base (T) given in the document is 16 hours for daytime limits and 8 hours for night time limits. When assessing impact, this has the tendency to smooth out the hourly variations in noise level. As such, our calculations are carried out to a 1 hour time base, which is more stringent assessment than is given in the guidance but is reflective of the actual duration of activity at the haulage yard. The assessment is shown in Table 5.3 below:

Table 5.3: Noise from Haulage Yard – WHO Assessment

Predicted delivery activity noise level		WHO guideline value		
		Daytime (0700 – 2300 hrs)	Night time (2300 – 0700 hrs)	
L_{Aeq1hr}	L_{Amax}	$L_{Aeq(period)}$	L_{Aeq8hr}	L_{Amax}
44	60	55 dB	45 dB	60 dB

- 5.12 As shown above the predicted external noise levels from activity at the haulage yard will be within the WHO Guidelines and as such reasonable internal noise levels in line with the advice in BS 8233:2014 will be achieved with windows open.
- 5.13 Therefore taking into account advice in BS 4142:2014 in relation to new noise sensitive receptors and site context it is concluded that noise from the haulage yard will not cause a significant adverse impact to new residents. The above conclusion is supported by the comments received from East Cambridgeshire Council regarding the lack of complaints from the site from existing residents, who are closer than those proposed.
- 5.14 In addition it is noted that planning consent³ for a new property between the haulage yard and development. Permission was granted without any reference to noise from the adjacent industrial area.

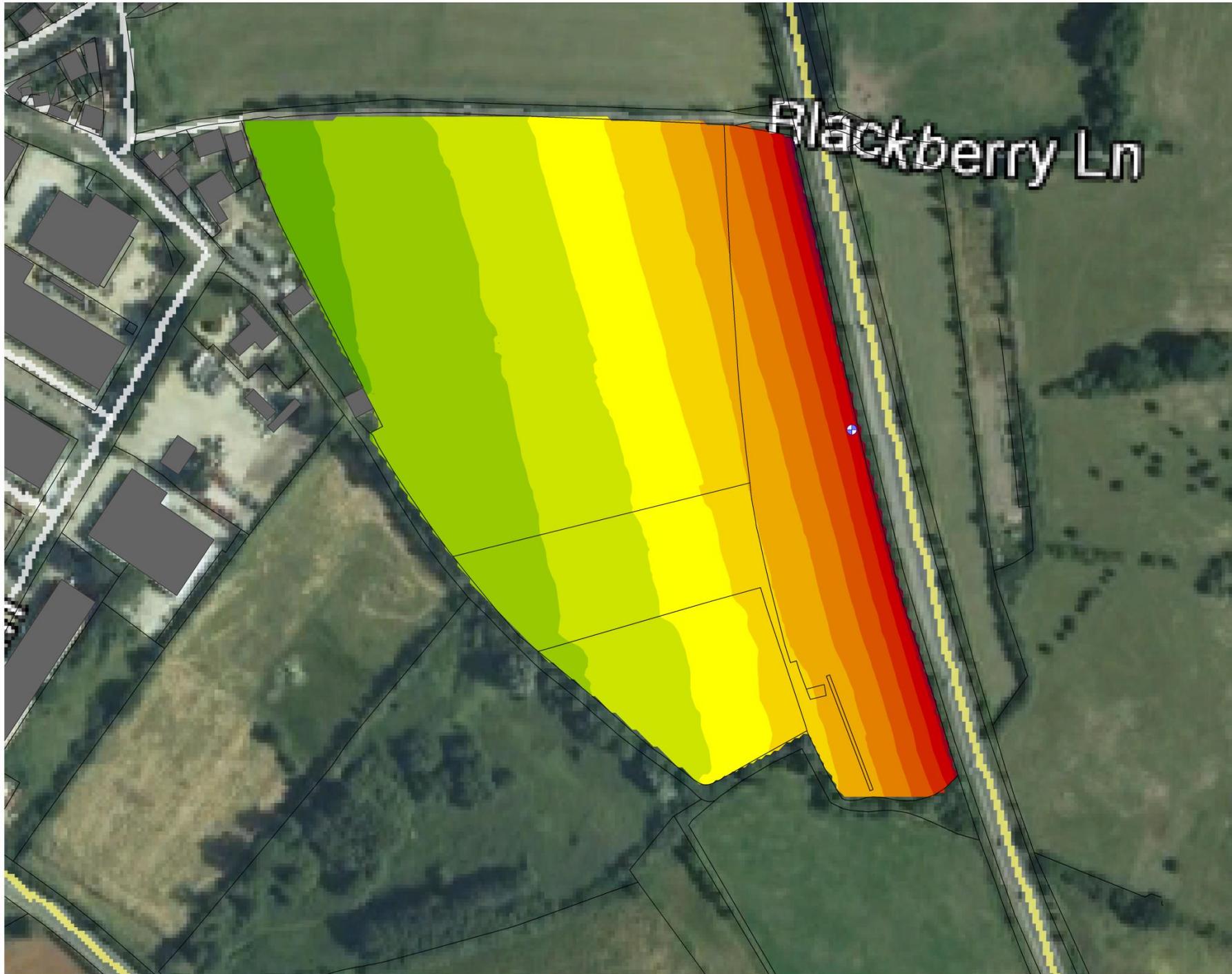
³ Planning Application 16/01350/OUT – Proposed dwelling, garaging, parking, access and associated site works plus replacement of existing agricultural building with workshop at land adjacent to 141 Brook Street, Soham

6.0 Conclusions and recommendations

- 6.1 Planning permission is being sought for a residential development on land at Blackberry Lane, Soham.
- 6.2 Following comments from the Environmental Health Department at East Cambridgeshire District Council the following amendments have been made to proposed layout, incorporating good acoustic design principles in line with the advice contained within ProPG professional practice guidance on planning and noise.
- Moving the properties further back from the eastern boundary of the site, to maximise the distance from between the properties and the A142.
 - Changing the orientation of the properties closest to the A142 so that they form a secondary noise barrier within the site.
 - Removing 8 residential units closest to the A142 from the scheme.
 - Arranging the internal layout of the properties closest to the A142 so that non-sensitive rooms, face the A142.
 - Use of garages/car ports to screen the residential properties.
 - Increasing the height of the acoustic screen to 5 metres
 - Increasing the length of the acoustic screen partially along the southern and northern boundary of the site.
 - A revised self-build unit design guide which will ensure reasonable internal noise levels can be achieved with windows open.
- 6.3 As a result of the changes to proposed layout and the steps proposed in relation to additional screening and internal layout it is concluded that the site can be developed for residential use, with reasonable daytime and night time internal levels achieved, without the need for windows to be closed and alternative ventilation provided.
- 6.4 External amenity areas at all properties will be below the guideline criteria within BS 8233:2014.
- 6.5 Taking into account the mitigation measures available noise levels from the A142 should not prevent its use for residential development as an acceptable internal noise climate can be provided.
- 6.6 The impact of the industrial areas, including the adjacent haulage yard, has been assessed in accordance with national guidance and when considered in context it is concluded that noise from the yard will not cause significant adverse impacts on future residents.

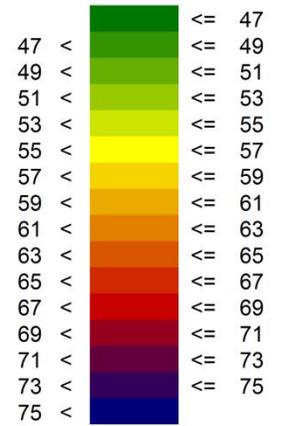
APPENDIX A

INITIAL SITE ASSESSMENT – OPEN SITE



Blackberry Ln

Noise level
L_{Aeq}(T)
(dB)



Blackberry Lane

Soham

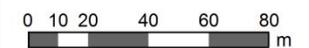
Open Site

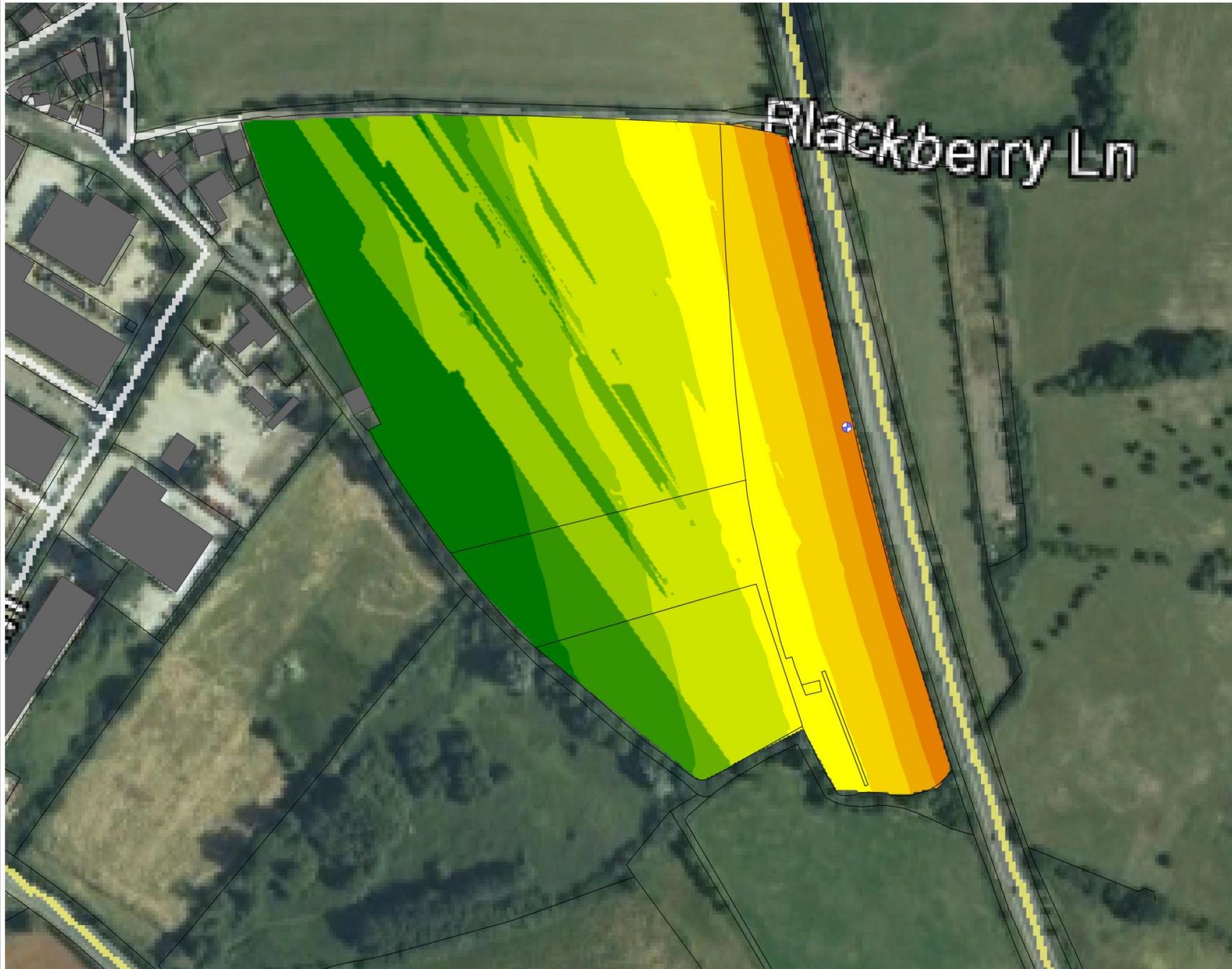
Daytime Noise Levels
L_{Aeq}(16hour)

Date: 10.05.2017

Consultant: K J Metcalfe

Scale 1:2500





Noise level
LAeq(T)
(dB)

47 <		<= 47
49 <		<= 49
51 <		<= 51
53 <		<= 53
55 <		<= 55
57 <		<= 57
59 <		<= 59
61 <		<= 61
63 <		<= 63
65 <		<= 65
67 <		<= 67
69 <		<= 69
71 <		<= 71
73 <		<= 73
75 <		<= 75

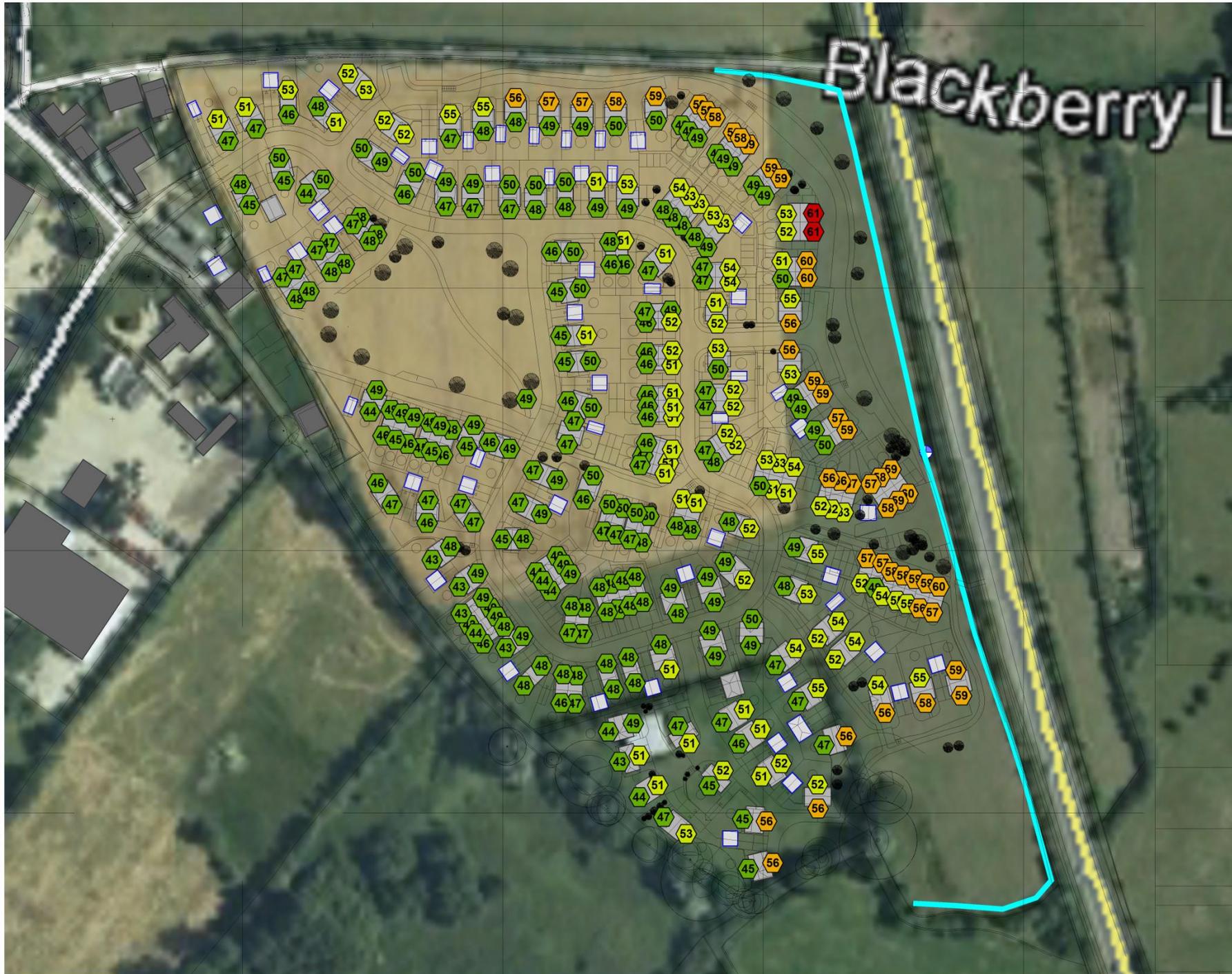
Blackberry Lane
Soham
Open site
Night-time Noise Levels
LAeq(8hour)

Date: 10.05.2017
Consultant: K J Metcalfe

Scale 1:2500
0 10 20 40 60 80 m

APPENDIX B1

SOUNDPLAN MODELS – ORIGINAL SCHEME



Noise Level Bands



Blackberry Lane

Soham

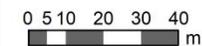
With Development
+ 3m Barrier

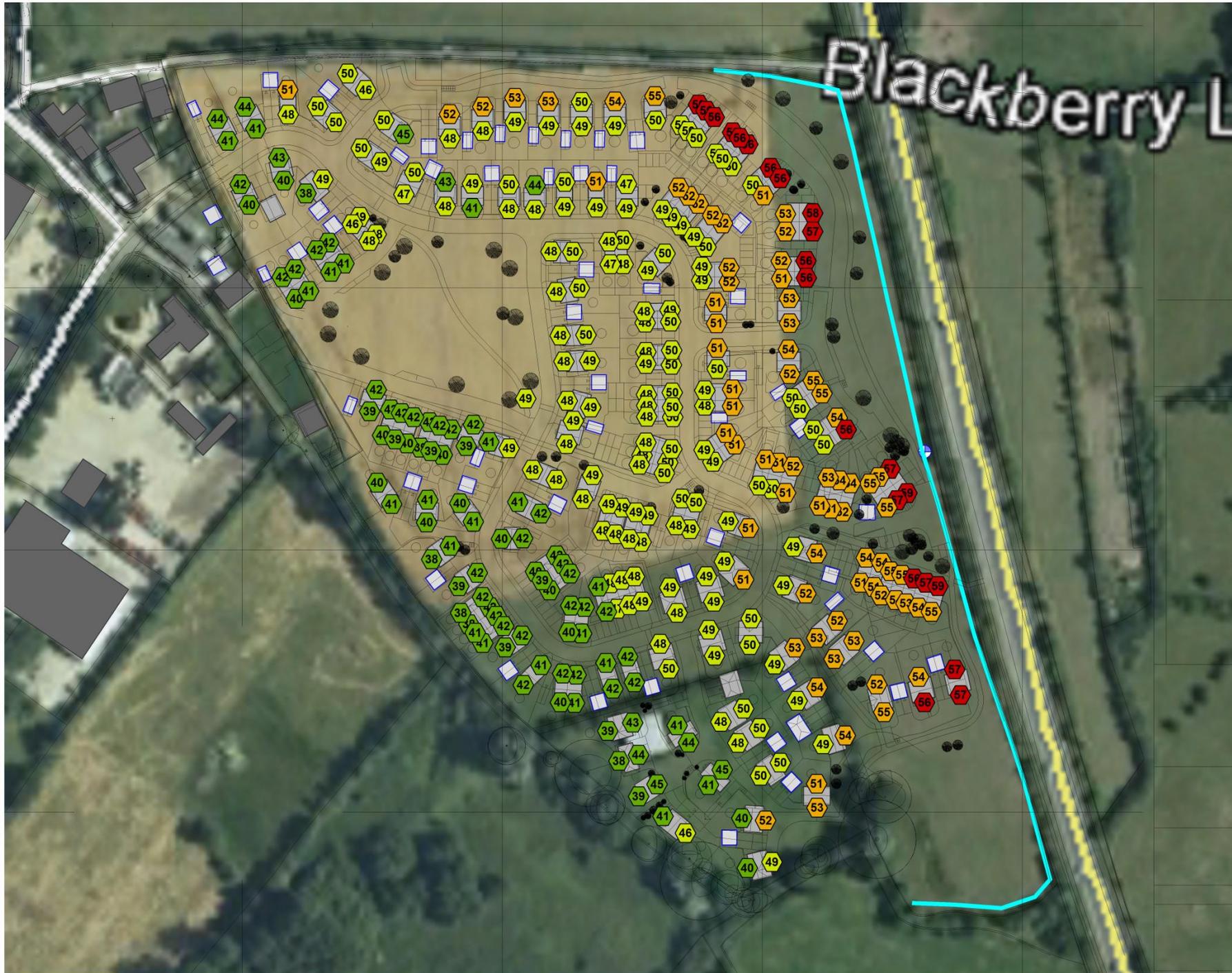
Daytime Noise Levels
LAeq(16hour)

Date: 30.11.2017

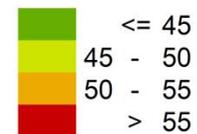
Consultant: P G Riches

Scale 1:2000





Noise Level Bands



Blackberry Lane

Soham

With Development
With 3m Barrier

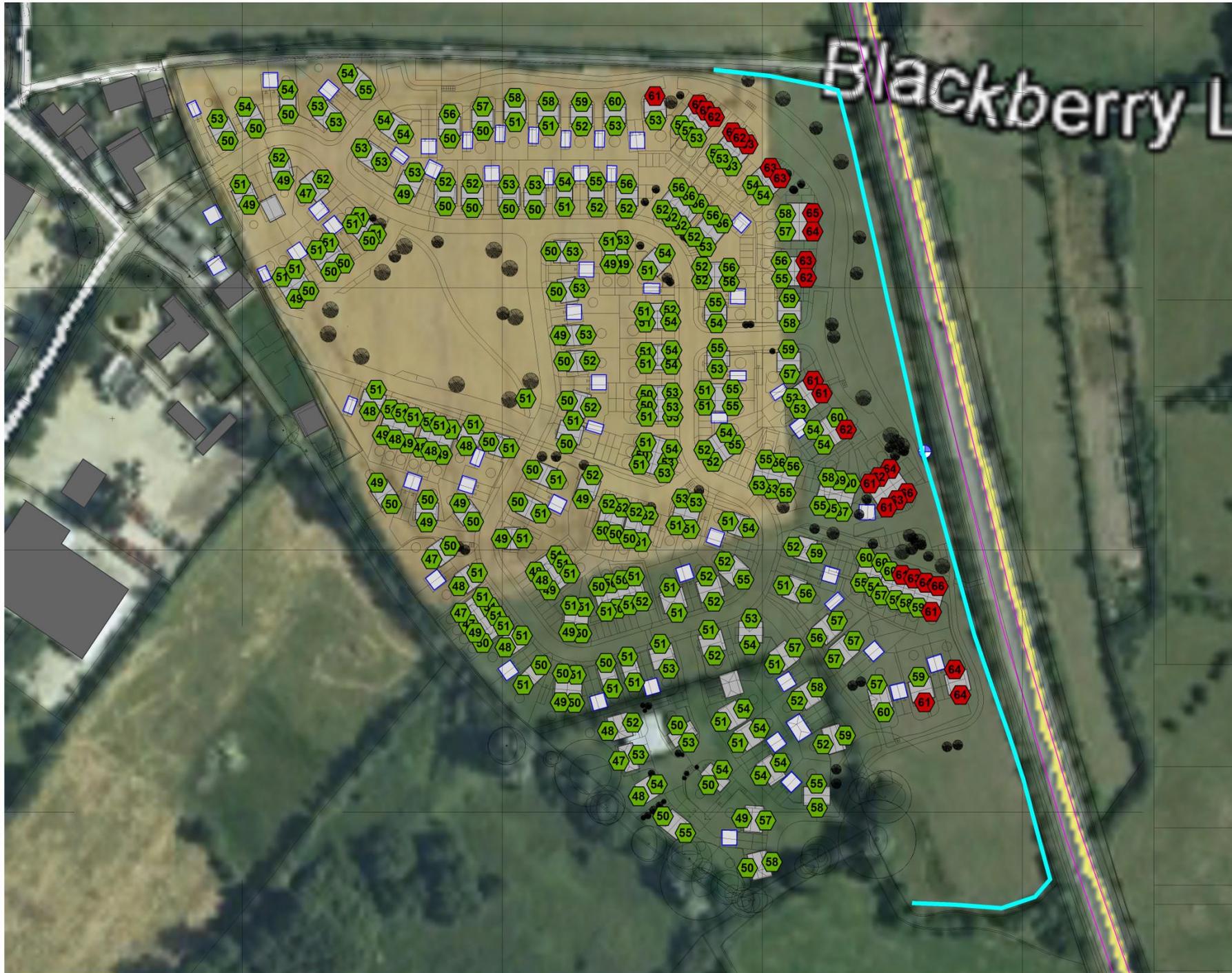
Night-time Noise Levels
LAeq(8hour)

Date: 30.11.2017

Consultant: P G Riches

Scale 1:2000





Noise Level Bands



Blackberry Lane

Soham

With Development

Night-time Noise Levels
L_{Amax}

With 3m Barrier

Date: 30.11.2017

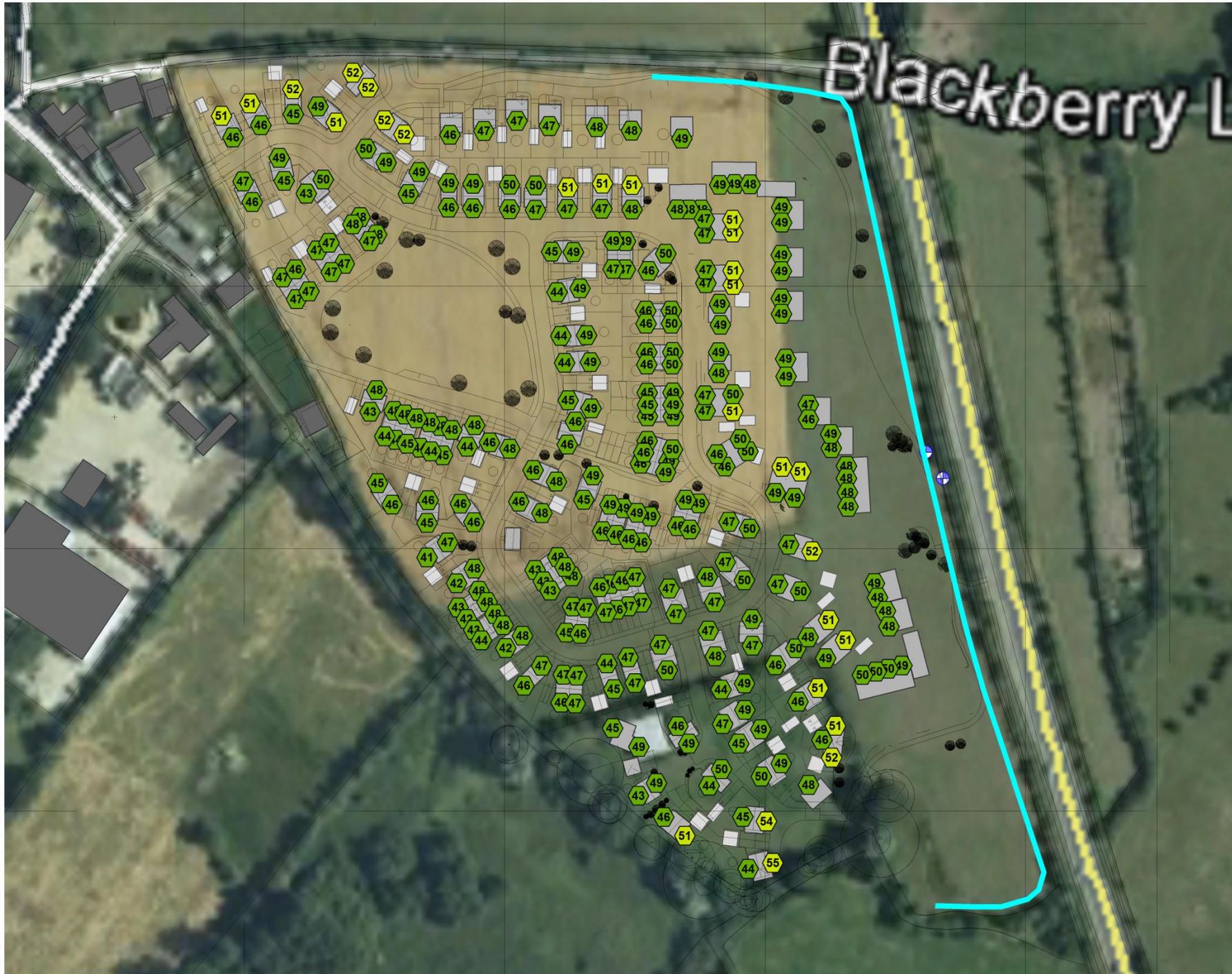
Consultant: P G Riches

Scale 1:2000

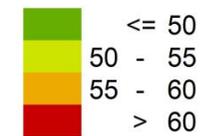


APPENDIX B2

AMENDED SCHEME- 5M HIGH ACOUSTIC SCREEN



Noise Level Bands



Blackberry Lane

Soham

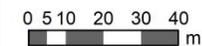
With Development
+ 5m Barrier

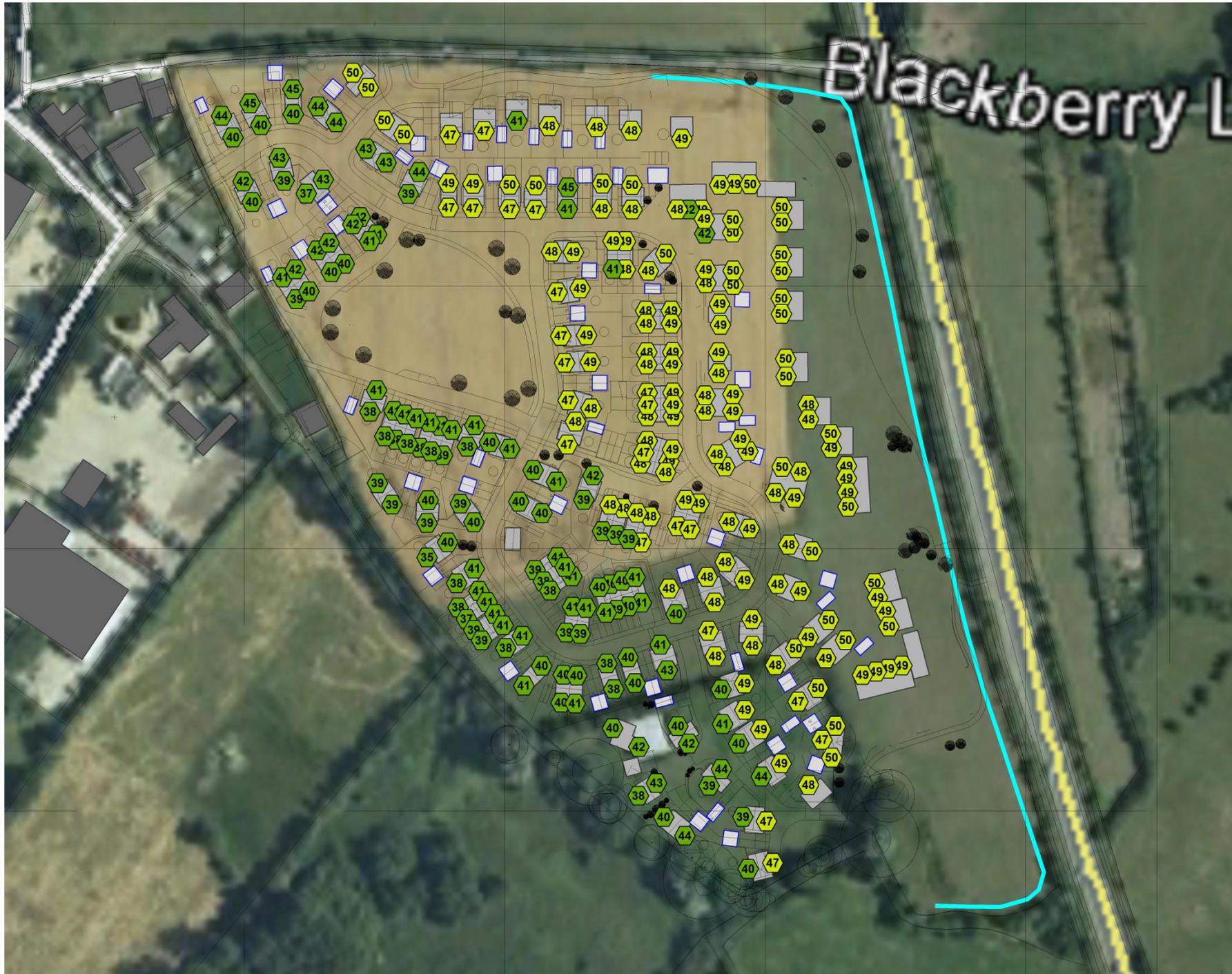
Daytime Noise Levels
LAeq(16hour)

Date: 30.11.2017

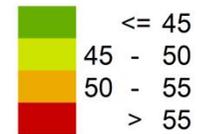
Consultant: P G Riches

Scale 1:2000





Noise Level Bands



Blackberry Lane

Soham

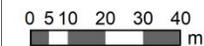
With Development
+ 5m Barrier

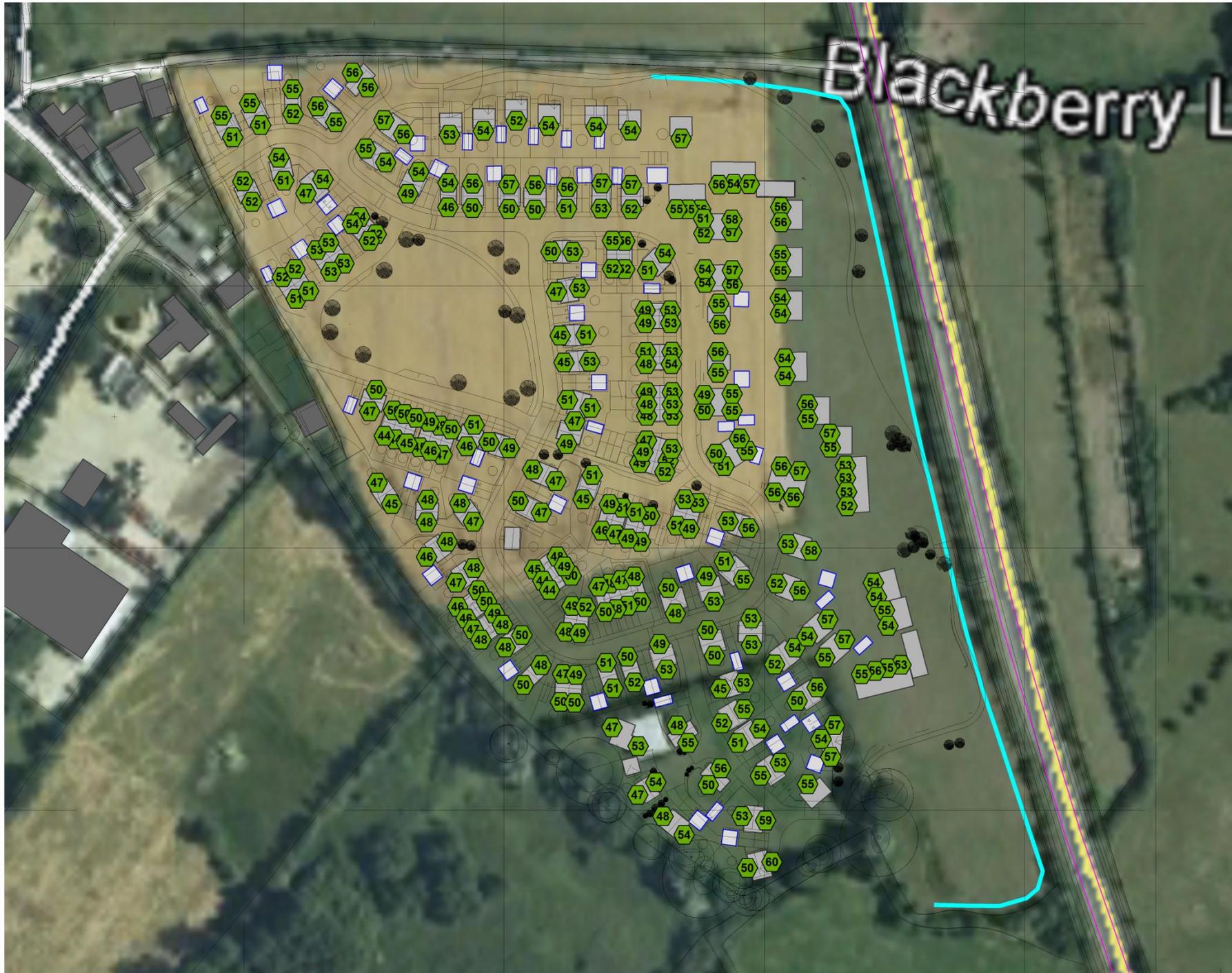
Night-time Noise Levels
LAeq(8hour)

Date: 30.11.2017

Consultant: P G Riches

Scale 1:2000





Noise Level Bands



Blackberry Lane
 Soham
 With Development

Night-time Noise Levels
 LAmax

With 5m Barrier

Date: 30.11.2017

Consultant: P G Riches

Scale 1:2000



APPENDIX C

ACOUSTIC TERMINOLOGY

Acoustic Terminology

- C1 Noise, defined as unwanted sound, is measured in units of decibels, dB. The range of audible sounds is from 0 dB to 140 dB. Two equal sources of sound, if added together will result in an increase in level of 3 dB, i.e. $50 \text{ dB} + 50 \text{ dB} = 53 \text{ dB}$. Increases in continuous sound are perceived in the following manner:
- 1 dB increase - barely perceptible.
 - 3 dB increase - just noticeable.
 - 10 dB increase - perceived as twice as loud.
- C2 Frequency (or pitch) of sound is measured in units of Hertz. 1 Hertz (Hz) = 1 cycle/second. The range of frequencies audible to the human ear is around 20Hz to 18000Hz (or 18kHz). The capability of a person to hear higher frequencies will reduce with age. The ear is more sensitive to medium frequency than high or low frequencies.
- C3 To take account of the varying sensitivity of people to different frequencies a weighting scale has been universally adopted called "A-weighting". The measuring equipment has the ability automatically to weight (or filter) a sound to this A scale so that the sound level it measures best correlates to the subjective response of a person. The unit of measurement thus becomes dBA (decibel, A-weighted).
- C4 The second important characteristic of sound is amplitude or level. Two units are used to express level, a) sound power level - L_w and b) sound pressure level - L_p . Sound power level is an inherent property of a source whilst sound pressure level is dependent on surroundings/distance/directivity, etc. The sound level that is measured on a meter is the sound pressure level, L_p .
- C5 External sound levels are rarely steady but rise or fall in response to the activity in the area - cars, voices, planes, birdsong, etc. A person's subjective response to different noises has been found to vary dependent on the type and temporal distribution of a particular type of noise. A set of statistical indices have been developed for the subjective response to these different noise sources.
- C6 The main noise indices in use in the UK are:
- L_{A90} : The sound level (in dBA) exceeded for 90% of the time. This level gives an indication of the sound level during the quieter periods of time in any given sample. It is used to describe the "background sound level" of an area.
 - L_{Aeq} : The equivalent continuous sound level in dBA. This unit may be described as "the notional steady noise level that would provide, over a period, the same energy as the intermittent noise". In other words, the energy average level. This unit is now used to measure a wide variety of different types of noise of an industrial or commercial nature, as well as aircraft and trains.

L_{A10} : The sound level (in dBA) exceeded for 10% of the time. This level gives an indication of the sound level during the noisier periods of time in any given sample. It has been used over many years to measure and assess road traffic noise.

L_{AMAX} : The maximum level of sound measured in any given period. This unit is used to measure and assess transient noises, i.e. gun shots, individual vehicles, etc.

C7 The sound energy of a transient event may be described by a term SEL - Sound Exposure Level. This is the L_{Aeq} level normalised to one second. That is the constant level in dBA which lasting for one second has the same amount of acoustic energy as a given A weighted noise event lasting for a period of time. The use of this unit allows the prediction of the L_{Aeq} level over any period and for any number of events using the equation;

$$L_{AeqT} = SEL + 10 \log n - 10 \log T \text{ dB.}$$

Where

n = Number of events in time period T.

T = Total sample period in seconds.

C8 In the open, known as free field, sound attenuates at a rate of 6 dB per each doubling of distance. This is known as geometric spreading or sometimes referred to as the Inverse Square Law. As noise is measured on a Logarithmic scale, this attenuation in distance = $20 \log$ (ratio of distances), e.g. for a noise level of 60 dB at ten metres, the corresponding level at 160 metres is:

$$60 - 20 \log \frac{160}{10} = 60 - 24 = 36 \text{ dB.}$$

APPENDIX 3 – APPLICATION PLANS



Blue dotted lines indicate planning application by Mr & Mrs D Palmer for new dwelling, garage, and replacement agricultural outbuilding as shown on drawing Re. JP-15-024-10c by others.

ACCOMMODATION SCHEDULE					6867
House Type	Area (sq ft)	Number	Bedrooms	Total (sq ft)	
MA	Marsham	688	12	2	8,256
MAY	Mayfield	796	3	2	2,388
PE	Penshurst	763	13	3	9,919
WE	Wetney	855	14	3	11,970
CAR	Cardington	954	14	3	13,356
ASH	Ashley	979	16	3	15,664
ALD	Aldington	997	13	3	12,961
LAN	Langford	1,166	17	4	19,822
STE	Stewington	1,398	6	4	8,388
SAN	Sandringham	1,398	12	4	18,776
SM	Smarden	1,528	2	4	3,056
Total (sq ft)					122,556
Total					122
Self Builds					
SAN	Sandringham	1,398	4	4	5,592
LAN	Langford	1,166	4	4	4,664
Total Self Build (sq ft)					10,256
Total Self Build Housing					8
Affordable					
TEN	Tenterden	796	12	2	9,552
ALD	Aldington	997	6	3	5,982
2B	2 Bed, 4 Person	775	8	2	6,200
3B	3 Bed, 5 Person	882	2	3	1,764
4B	4 Bed, 7 Person	1,162	2	4	2,324
Total Affordable (sq ft)					25,822
Total Affordable Housing					30
Overall Number of Houses					160
Overall (sq ft)					158,634
Total Site Area					6.787 hectares

NOTES

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 Contractors must check all dimensions on site.
 Discrepancies are to be reported to the Architects before proceeding.
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KEY

- Existing Planting and roof protection areas
- Proposed Planting
- Trees to be felled
- Landscaping Shown Indicative Only For Details See Landscaping Plan
- Proposed Shrubs

External Boundary Treatments

	1.8m High brick wall
	1.8m high close boarded fence
	Park rail fencing
	Acoustic fence
	Affordable housing shown thus
	Private Market housing shown thus
	Onsite convergence point 2200mm x 750mm with 1000mm easement around it.

REVISIONS

REV	DATE
A	09/03/17
B	20/03/17
C	28/03/17
D	19/04/17
E	24/04/17
F	28/04/17
G	03/05/17
H	10/05/17
J	12/05/17
K	18/05/17
L	31/07/17
M	16/08/17
N	27/11/17
P	28/11/17
Q	22/01/18
R	25/01/18
S	12/03/18
T	13/03/18

CLIENT:



PROJECT:
**RESIDENTIAL DEVELOPMENT,
 LAND SOUTH OF
 BLACKBERRY LANE,
 SOHAM.**

DRAWING TITLE:
PROPOSED SITE LAYOUT

SCALE - 1:500 @ A0 DATE - JAN. 2017

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JOB NO. 6867 DWG NO. SL01 REV. T

LEGEND

- Site Boundary
- Existing trees and woodland to be retained on site
- Proposed development trees
- Existing Public Right of Way (PRoW)
- Proposed pedestrian footway access and links to existing PRoW network
- Proposed bund with living willow fence and native shrubs with a mixture of deciduous and evergreen planting refer to ACD dwg:ORB21007 14
- Potential structure planting to plot frontages
- Landscape Nodes
- Proposed Public Open Space (PoS)

Existing woodland and hedgerows to be protected and extended within the development area with proposed buffer areas

Themes within the planting are proposed to aid integration and enhancement with the natural open space character



Proposed mixed native tree and shrub understorey planting to improve tree and woodland structure and diversity and provide a landscape buffer along the full length of the northern boundary

Residential plots offer opportunities for landscape including ornamental planting beds, structural hedgerows and dwarf fruit trees such as apple, cherry and plum. Not only will these create striking swathes of colour throughout the year, the fruit will provide food for invertebrates, animals and birds, thus enhancing the biodiversity of the site

Proposed 1.8m high brick wall along western boundaries

Proposed bund designed to be incorporated into open space with tree and shrub planting

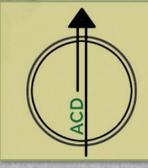
Existing public footpath through the site to be retained and enhanced with new landscaping to provide a clear legible connection across the site

Existing mature hedgerows and field boundary trees on site to be retained, managed. Proposed green barrier will be planted with a mixture of native, evergreen and deciduous plants to give year round interest. This will help to deliver a natural open space setting to the proposed development with low key, sustainable access and connection to the surrounding countryside

Existing PROW retained and incorporated into the bund

Proposed 2.5m high bund with 2.5m high living willow fencing to eastern boundary - refer to ACD dwg ORB21007 14 for details

New footway connections to be provided around the site connecting with the green lanes around the site and other internal spaces within the site. This will increase connectivity throughout the development and surrounding landscape. Location of footpath connections to be informed by Soham Commons Recreational & Biodiversity Enhancement Study currently being produced by The Wildlife Trust, Natural England and East Cambs District Council



Blackberry Lane, Soham Landscape Strategy Plan

C	18.12.17	Client Comments	ALK
B	07.12.17	Layout revisions	IN
A	15.11.17	Layout revisions	ALK
Rev	Date	Details	Drawn

ACD ENVIRONMENTAL

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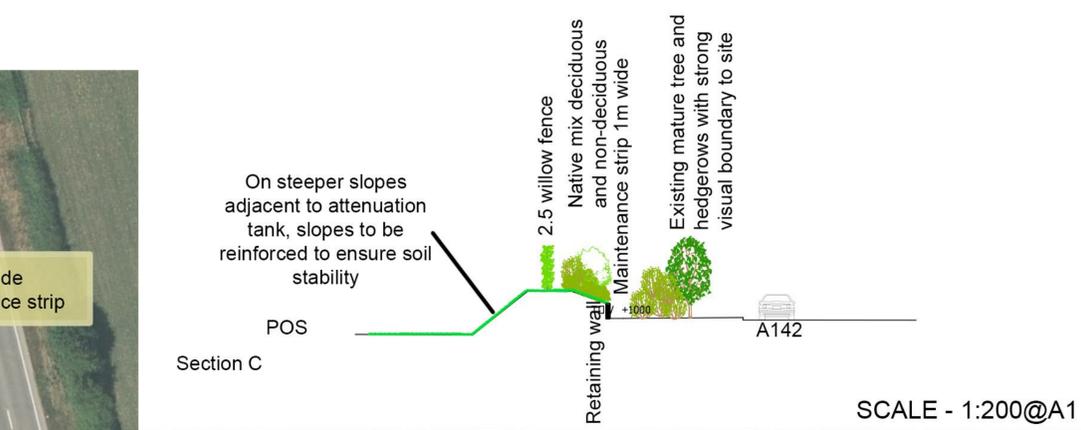
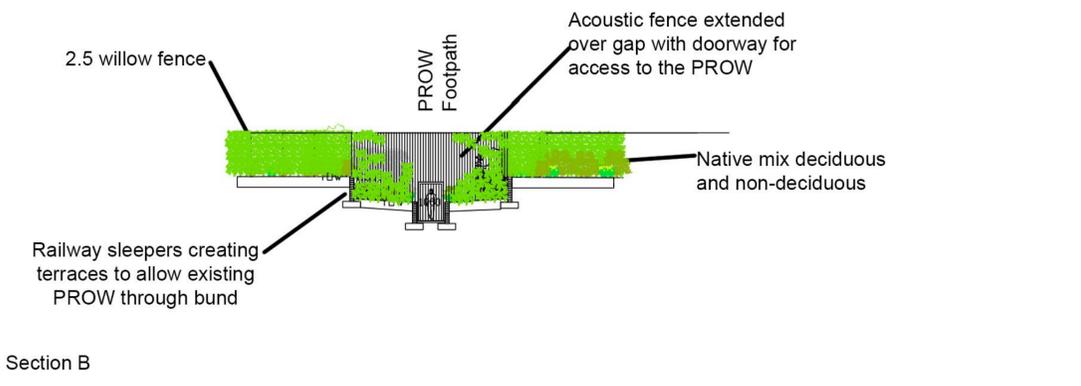
9 Brownlow Road, Cambridge, CB4 3NG
Tel: 07825 868654

email: mail@acdenv.co.uk
www.acdenvironmental.co.uk



scheme: Blackberry Lane, Soham
client: Orbit Homes
drawing: Landscape Strategy Plan
date: Apr. 2017
scale: 1:1000@A1
drawing no: ORB21007 09 C
drawn: PF/AJ checked: ALK

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SCALE - 1:200@A1

- Legend**
- 2.5m high living willow fence along top of bund
 - Retaining walls
 - Attenuation tank
 - Steeper slopes to be reinforced with geotextile to ensure sustainable growth on the slopes
 - Proposed mix of native and deciduous tree and shrub species, to create year round interest
 - Proposed wildflower areas
 - Proposed 1m wide maintenance strip running length of boundary to A142

Steeper slopes to be reinforced with geotextile to ensure sustainable growth on the slopes

Existing footpath cutting through proposed green barrier with acoustic fencing across the gap with acoustic gate to access the PROW

Proposed retaining walls enabling existing vegetation to be retained and proposed planting along green barrier

Proposed native shrub and tree planting with a mixture of deciduous and non deciduous varieties

Attenuation tank with easement

2.5m high living willow fence running along top of bund

Steep slopes around attenuation tank to be reinforced with geotextile to ensure soil stability

Precedent image showing acoustic fence between gap for the PROW



Railway sleeper retaining walls



Blackberry Lane, Soham

Green barrier proposals

scheme: Blackberry Lane, Soham
 client: Orbit Homes
 drawing: Green barrier proposals
 date: Nov. 2017
 scale: 1:500@A1
 drawing no: ORB2100714C
 drawn: ALK checked: JC



Rev	Date	Details	Drawn
C	26.03.18	Adding maintenance strip	ALK
B	18.12.17	Client Comments	DPM
A	07.12.17	Client Comments	ALK

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Blackberry Lane, Soham Visualisations

Rev	Date	Details	Drawn
C	15.03.18	Client Comments	DPM
B	11.01.18	Internal review	ALK
A	18.12.17	Client Comments	ALK

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scheme: Blackberry Lane,
Soham
client: Orbit Homes
drawing: Visualisations
date: Dec. 2017
scale: NTS@A2
drawing no: ORB21007 15C
drawn: ALK checked: HCS

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APPENDIX 4 – PLANNING COMMITTEE REPORT, 6TH JUNE 2018

MAIN CASE

Reference No: 17/00893/FUM

Proposal: Hybrid Planning Application - Full Application for the erection of 152 dwellings and associated access, parking and open space; Outline Application for 8 Self-Build Dwellings.

Site Address: Land South Of Blackberry Lane Soham Cambridgeshire

Applicant: Orbit Homes (2020) Ltd

Case Officer: Andrew Phillips Senior Planning Officer

Parish: Soham

Ward: Soham South

Ward Councillor/s: Councillor Hamish Ross
Councillor Ian Bovingdon
Councillor Dan Schumann

Date Received: 23 May 2017

Expiry Date:
16 April 2018

[T24]

1.0 **RECOMMENDATION**

1.1 Members are recommended to delegate approval of the application to the Planning Manager subject to the completion of a S106 Agreement and the following conditions (see Appendix 1 for full wording of conditions):

1. Approved Plans
2. Time Limit
3. Highway Improvements
4. Unexpected Contamination
5. Construction Environment Management Plan (CEMP)
6. Detailed Waste Management and Minimisation Plan
7. Archaeology
8. Fire Hydrants
9. Sustainability
10. Biodiversity Improvements
11. Road Construction Standard
12. Road Maintenance
13. Materials
14. Boundary Treatments

15. Tree Protection Measures
16. Highway access onto Blackberry Lane
17. Highway Improvements to Regal Land/Brook Street
18. Highway Drainage
19. Drainage
20. Soft Landscaping
21. Hard Landscaping
22. Construction of bund – timing
23. Flood Mitigation
24. Public Footpaths
25. Outline condition
26. Outline implementation timeframe
27. Self Build Phasing
28. Construction Times/Deliveries
29. Surface water
30. Biodiversity Improvements

2.0 SUMMARY OF APPLICATION

- 2.1 The proposed dwelling numbers have been reduced from 168 (8 self build outline application) to 160 (8 self build outline). The reduction in number is to seek to overcome design/noise issues raised by the case officer during the determination of the application. The latest set of major amendments was submitted on the 31 January 2018, with relatively smaller changes submitted on the 15 March 2018. The March 2018 changes make minor tweaks to the layout that have mainly tidied footpath details and has increased the amount of public open space slightly on site. In addition this March 2018 amendment provided additional information on how the landscape (most importantly the living willow fence) will be maintained. The developer has been in communication with the Environment Agency during April/May with the Environment Agency withdrawing its objection on the 23 May 2018. The amended flood risk assessment was submitted on the 4 May 2018.
- 2.2 The proposal also includes a noise barrier (max 5 metres above ground level) along the eastern boundary that is a mix between earth bund and acoustic fence. In addition to this the proposal also seeks to provide public open space, as well as the usual required infrastructure.
- 2.3 The application requires to be determined by Planning Committee, due to the Council's constitution of delegated powers. Cllr Ross has also expressed interest in this application being determined at Planning Committee.
- 2.4 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.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

17/00926/SCREEN	SCREENING OPINION - Erection of 168 dwellings (8 self build plots) and associated access, Parking and Open space.	Opinion Issued	22.06.2017
-----------------	---	-------------------	------------

4.0 THE SITE AND ITS ENVIRONMENT

4.1

The site is located on the eastern edge of Soham, between Regal Lane to the west, Blackberry Lane to the north and Longmere Lane running from southwest – south. It is allocated in both the Adopted Local Plan (SOH5) and the Submitted Local Plan (SOH.H5).

4.2

The site is included within the village framework. It is partially within floodzones 2 and 3 (northwest corner). There are two TPOs on site and is within 2000m of a SSSI. A Public Right of Way crosses the site.

5.0 RESPONSES FROM CONSULTTEES

5.1

The full responses are available on the Council's web site.

Soham Town Council (5 July 2017) – It has concerns over the proposal. Its concerns are in regards to:

- The Traffic Survey is from 2011 and questions if this data is new enough and is comprehensive enough.
- No consideration of traffic flow and levels to the new Southern Bypass.
- Proposal assumes car ownership for dwellings will be low.
- Wishes to ensure there is no water pollution.
- Wants to ensure no harm to ecology.

(31 July 2017) – Repeats previous concerns.

(6 September 2017) – No concerns.

(4 December 2017) – No concerns.

(1 March 2018) – Could not meet due to weather conditions, so no new comments for this application.

(4 April 2018) Raises concerns in regards to clearer definition of maintenance needed and suggest a one way loop for traffic in the centre of the proposed development.

Cllr Ross – (21 March 2018) Seeks for this application to be called in order to ensure the issues of traffic, highway entrance and drainage (foul and surface water) are fully considered.

Strategic Planning Manager – (20 June 2017) Whilst it will be a matter for Full Council to decide it is his current view that any policy wording for any site in Soham should not make reference to the need for a new/or improved crossing over the A142.

Based on comments from Natural England and Wildlife Trust it would appear inappropriate for a contribution to be sought to provide a crossing over the A142.

(23 March 2018) Sought to provide clarity to the Case Officer. The number of dwellings allocated on site was reduced on a much wider principle of enabling a more substantial buffer zone, for the benefit of landscaping, to assist noise attenuation, air quality and reduce the need for visually intrusive bunds.

Should be noted that the Witchford appeal was not just about mechanical ventilation but any form of acoustic ventilation.

Natural England – (27 July 2017) It has no objection. It does not consider that the proposal will have any significant adverse impacts on the Soham Wet Horse Fen Site of Special Scientific Interest (SSSI).

It states that people are putting pressure on the SSSI through water pollution, changes to water levels and recreational pressure (walkers trampling vegetation etc).

The developer's consultants have since worked with Natural England and the Wildlife Trust to identify a solution to the effects of increased recreational pressure from housing developments in Soham. The provision of large wildflower informal open space will help ensure people have somewhere to walk/exercise dogs on site and for this reason put less pressure on the SSSI.

Considers that it is unlikely that cat predation will pose any threat to the SSSI.

Considers that the surface water drainage of the scheme is unlikely to impact the SSSI.

It welcomes the enhancement measures proposed in chapter 5 of the Ecological Impact Appraisal.

(22 February 2018) Proposed amendments are unlikely to have significantly different impacts on the natural environment than the original proposal.

Wildlife Trust – (16 August 2017) The Trust comments that it does not object.

The proposal avoids adverse impact on Soham Wet Horse Fen SSSI and provided mitigation for the Soham Commons County Wildlife Sites and East Fen Common and the Wash in particular. It achieves this through funding a mitigation and enhancement strategy for the Soham Commons and by increasing the amount of informal Open Space on site from 0.8 hectares to 1.24 hectares.

Trust welcomes the biodiversity enhancement measures and should be secured by way of a condition.

The Green Infrastructure should incorporate a range of semi-natural habitats. It should also allow for a circular route for dog walking (ideally 2.6km) and be well connected to the wider network.

Environmental Health – (29 June 2017) The Environmental Health Officer is seeking more supporting information to how the noise levels were calculated.

Seeks that the noise from Regal Lane Industrial Estate is considered by the developer, though currently there are houses closer to the industrial units and no complaints have currently been received.

The noise impact assessment finds that a 3m barrier/screen will be required along the site boundary with the A142 bypass. It also indicates that if windows remain closed, internal noise levels will be acceptable with standard double glazing. External noise levels will be acceptable and boundary garden fencing will improve this.

From an Environmental Health point of view it can be demonstrated that the proposal will meet governmental guidelines for both external/internal noise levels. However, they do comment that they understand the Local Planning Authority have to consider the fact of keeping windows closed and ventilation requirements against residential amenity standards.

The design and layout should be carefully considered trying to locate non-sensitive rooms away from the noisier facades.

It seeks to ensure that public open space meet the 55dB 16 hours World Health Organisation requirement.

Seeks conditions in regards to construction times and the requirement of a Construction Environmental Management Plan.

(10 August 2017) Confirms they have read the new noise impact assessment dated 29 June 2017.

The report concludes that there would be a requirement for acoustic glazing and ventilation, the noise consultant considers the details of these should be approved prior to installation.

(31 October 2017) No additional comments to add.

(20 February 2018) As a result of the changes the developer has made to the proposed layout, additional screening and internal layout it is concluded that the site can be developed for residential use, with reasonable daytime and night time internal levels achieved, without the need for windows to be closed and alternative ventilation provided.

External amenity at all properties will meet the guideline criteria with BS823:2014.

In addition to the A142 noise levels now being mitigated the nearby industrial areas will not have any significant adverse impact on the proposed dwellings.

Conditions should be used to secure a Construction Environmental Management Plan and hours of construction.

(14 March 2018) Confirmed that windows even when partially open have a sound reduction of 15dB and this is sufficient to achieve reasonable internal sound levels.

Environmental Health (Scientific Officer) – (12 July 2017) Having read the submitted information concludes that a site contamination investigation is not required. However, does recommend that an unexpected contamination condition should be attached.

Lead Local Flood Authority – (22 June 2017) Objects to the proposal at the current time due to:

- Insufficient information in regards to infiltration rates. Any testing should be in accordance with BRE DG 365/CIRIA 156.
- The south of the site was recorded as having high ground water but no further detail has been granted.
- Developer has not demonstrated that sustainable drainage systems will be used on the south side of the site.
- Developer has proposed a below ground water system but it is standing advice that above ground surface water drainage should be first explored.
- Pumping of surface water is an unsustainable drainage method and preference is for a gravity led system. If pumps are the only option the developer would need to prove what would happen if the pumps failed, attenuation storage was full and a storm occurred.

(31 July 2017) It is still unable to remove its objection, as it has concerns over the infiltration test.

It accepts the applicant's proposal to use a pump system.

(22 February 2018) Amendments do not affect their comments.

(22 March 2018) No objection in principle but does seek a condition to ensure that the surface water is suitably drained.

(21 May 2018) Requests a condition.

Environment Agency – (5 March 2018) The site is partially within floodzones 2 and 3. It is for the Local Planning Authority to determine if the proposal meets the Sequential Test.

It objects to the proposal on the grounds of an unacceptable Flood Risk Assessment (FRA).

The FRA does not comply with the requirements of the National Planning Policy Framework paras 102 and 103, as well as policy ENV8 of the East Cambridgeshire Local Plan.

The FRA fails to demonstrate:

- That a sequential approach has been taken to the site layout, with more vulnerable development located in areas at lowest risk of flooding.
- That the proposed development will be safe for its lifetime and that safe access is achievable at times of flood.
- That the proposal will not cause increased flooding elsewhere.
- An assessment needed of the effects of climate change on flood risk using appropriate climate change allowances.

A revised FRA needs to be submitted overcoming its concerns.

(3 April 2018) No comments to add to its previous concerns dated 5 March 2018 and made it clear it was unable to withdraw its objection.

(23 May 2018) The Environment Agency withdraws its objection but seeks a condition to ensure the development complies with the submitted information.

Anglian Water – (28 June 2017) States that there are assets owned by them within or close to the development and requests an informative on any decision.

The foul drainage from this development is in the catchment of Soham Water Recycling Centre that will have available capacity.

Seeks a condition to prevent downstream flooding and a foul water strategy.

Middle Fen and Mere Internal Drainage Board – Site drains into the Soham Lode which is an Environment Agency Main River. The Board has no comments on this application.

Waste Strategy (ECDC) – (31 May 2017) Seeks to know which roads will be adopted. The size of the green spaces within the development, they would expect the developers to provide suitable litter and dog bins for the areas.

States that ECDC will not enter private property to collect waste/recycling and expects residents to bring sacks/bins to the public highway. States that in accordance with RECAP Waste Management Design Guide a resident only should take a wheeled bin 30m max to a collection point.

Provides usual guidance regarding the provision of bins.

Tree Officer – (22 June 2017) Recommends that a full Arboricultural Impact Assessment is provided to ensure the proposal can be achieved without damage to the trees to be retained.

Does have concerns that the development is unnecessarily close to the trees in the southern section of the site; recommends a revised layout to reduce the pressure on these trees.

(4 October 2017) The area is clearly visible to the public from the main highway and local footpaths. Two Oak Trees are protected by a Tree Preservation Order (E/11/17).

Objects to the proposal as it seeks to remove a protected Oak Tree and there is clear potential to revise the scheme.

While makes it clear they do not have professional qualifications in landscape and recommend a professional landscaper is consulted.

They state:

- Maintenance of public open space and street tree planting will need to be secured.
- Sufficient space will be required for all tree planting.
- Sufficient space between existing trees and dwellings to minimise potential nuisance.

(6 February 2018) States:

“This application is for a large scale development within a rural area of the Town of Soham. There is an industrial area to the South and the site is bordered by a bypass to the East of the site. A charming path (Longmere Lane) runs along the South of the site, this path includes the most substantial trees impacted by the proposal and offers the majority of the existing landscape interest to be retained. A Tree Preservation Order affect two Oak trees, retained within the proposal.

I am in support of the revision of this application that retains the protected trees and some effort has been made to increase open space provision with additional tree planting.

The landscape design has some positive aspects. The open space to the South of the site maintains some of the character of Longmere Lane while, the central public open space has value although it is highly overlooked and encircled by roads.

However I do have a number objections to be considered:

The design offers no street tree provision, it appears that the large-scale developments within the District continue to offer little or no street tree provision although, I am unaware of a policy which supports this. While the County design document Housing estate road construction specification 2013 Section 21.03 supports tree planting in the highway verges and tree pits.

If no street tree provision is allocated, I fear this will have a long-term detriment to the character of the District if allowed to continue.

The bund design adjacent the A142 highway is in my view, inappropriate. The 2.5m bund with Willow fence will require intensive management to be effective. Management agreements for this will need to be clear and enforceable from the outset if this design is adopted yet, I consider a revision is required. The fact the bund requires a retaining wall is a clear indication of the inappropriate density of this design.

Also, aside from the management principle, I consider the bund incongruous with the landscape which would be objectionable in reference to landscape character in conflict with guidance within the draft local plan (ENV1: Landscape and settlement

character). The current boundary planting adjacent the bypass is minimal and will do little to support the bund in the landscape. It appears that this design minimises the green space transition to increase housing allocation.

A current precedent for bypass boundary landscaping in the District (West of Ely) is to have a transitional green space between the rural, agricultural landscape and the settlement areas. I fear this development will set a new precedent to intensify development on the settlement boundaries and bypasses, creating a sharp transition between urban and rural landscape and with the vast visual aspects that are available within the Fenland landscape, a distinctly negative change of landscape character could result.

The housing provision adjacent the Southern corner of Longmere Lane is clearly too close to the trees to be retained to be viable. I foresee that these properties will be intensively shaded by the trees as the trees stand to the South of the properties, aside from the management issues they will present to the occupants by overhanging their garden space.

Also the character of Longmere Lane will clearly be significantly impacted with housing in close proximity.

In conclusion I feel the landscaping of this proposal is insufficiently designed to balance development with wider landscape character and insufficiently provisioned in relation to green infrastructure.

I strongly advise you refer to a landscape consultant for detailed assessment of these plans to advise upon changes that may be useful.”

(16 March 2018) States:

“The details within the landscaping maintenance scheme appear comprehensive. I am afraid that they surpass my area of expertise and I advise you refer them to a Landscape Consultant for full consideration.

It appears that the maintenance of the bund vegetation is to be conducted on an annual basis or as required by operatives using hand and power tools. Therefore consideration to the provision of this service will be an important issue, if the application is approved. However, I continue to recommend a revised scheme on the basis of a negative visual impact to the landscape of the scheme and additional concerns raised within my previous comments.”

CCC Growth & Development – (12 June 2017) States that a holistic view of Soham has been taken and it is also for ECDC to satisfy themselves that the development is adequately mitigated through either existing provision, CIL or S106.

States that Early Years, Primary Need and Secondary Need will all be full if planned developments go ahead.

County Council is seeking:

- £720,018 for Early Years
- £490,922 for Primary Need

- £641,342 for Secondary Need
- £17,690.40 for Libraries and Lifelong Learning.

CCC Growth and Economy Service – (12 June 2017) States that there has been no consideration of the planning policies of the adopted Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011, the Site Specific Proposals Plan 2012 or the adopted RECAP Waste Management Guide 2012.

The site falls wholly within the Mineral Safeguarding Area for sand and gravel and although the site is allocated in the East Cambridgeshire Local Plan the proposal still requires to ensure that the mineral is extracted during the course of the proposed development and put to a sustainable use. The use of the minerals can be on or off site.

It seeks conditions to be placed in regards to the requirement of a Construction Environment Management Plan (CEMP) and a Detailed Waste Management and Minimisation Plan.

Historic Environment Team – (3 July 2017) States that the site is in an area of high archaeological potential.

Seeks an archaeological investigation scheme condition to be agreed prior to any demolition or development.

(2 August 2017) The additional information submitted demonstrates the presence of important archaeological assets relating to the Early Iron Age and Early to Middle Saxon periods. A condition requiring archaeological investigation is, therefore, still needed prior to development.

(15 March 2018) States that amendments to the above planning application and this does not affect their previous advice.

East Cambridgeshire Access Group – (14 June 2017) States that the estate will cause road issues/traffic increase in Brooke Street and Regal Lane. However welcomes the layout of the site. They expect the types of houses to be step free.

Local Highways Authority – (3 July 2017) It has no objections in principle but has the following comments:

- It is unable to adopt visitor parking on public open spaces.
- Shared use areas should be 6m wide with two 0.5m maintenance strips.
- All junctions leading to more than 5 properties must be laid out to County specification.
- Does not appear to be sufficient forward visibility at the corner of plot 1. A speed reducing feature is needed.
- The speed table between plots 29-120 is too long and requires altering.
- The shared use area between plots 15-23 cannot have a footway next to a shared use road
- The footpath through the public open space should be adopted by either East Cambs or the Town Council.

(20 March 2018) States:

“The highways authority required further information on this application regarding the maintenance of the trees abutting the highway. The planning officer has stated that this is due to go to committee before this information can be received.

Therefore I have been unable to determine the impact on highways safety and the structural integrity of the A142 and how the future maintenance of the trees on the bund adjacent to the highway will be completed. As such I must object to this application for the following reasons:

1. The proposal does not incorporate adequate facilities or measures to enable the maintenance of the developments trees abutting the highway, which is considered essential in the interests of highway safety. If permitted this would likely result in the detriment to highways safety and its free flowing function as a priority distribution route

No maintenance access route abutting the highway has been provided within the site boundary. The living wall is not proposed to be maintained from the development side and we cannot permit the maintenance of these trees from the highway (A142) as this is a priority distribution route. We can also not maintain them on behalf of the developer at the expense of the public.

No bund or living noise barrier (tree planting) will be permitted to be constructed in the highway / A142. The A142 is a priority distribution route with a 60mph speed limit. No maintenance will be permitted to be carried out from the A142 as this will require Traffic Management to protect the workers and disrupt the free flow of a priority route. We can also not permit Willow trees to be planted within the near vicinity of the highway as mature trees of this nature without maintenance are prone to limb loss which would potentially fall on the highway (A142). All trees within 5m of the adopted highway must be within a tree pit constructed as per the Cambridgeshire County Council (CCC) specification. Vegetation/ including but not limited to shrubs, bushes or hedges within 5m of the highway will require a root barrier as per CCC standards.

Comments and informatives

Sections of the Public Right of Way is proposed to be over land that is outside of the adoptable highway and appears to be diverted from the existing footpath / RoW. It is outside of my remit to accept this proposal and I would strongly recommend that the CCC RoW team are consulted prior to the determination of this application.

A Grampian Condition will be required for the change in the priority of the junction with Regal Lane with Brook Street. The final design and layout will be subject to a CCC Road Safety Audit stage 1 & 2 prior to construction which must be funded by the developer, but in principal this is acceptable to the highways authority.

Fruiting vegetation should not be planted where the bush and / or tree overhangs the highway. Fruits and berries can create a hazard and unnecessary risk to the public and on-going maintenance costs to the highways authority.

Trees within the highway MUST be adopted by either East Cambs or the Parish Council. Private Maintenance Company's do not provide the assurances needed by the highways authority that their up keep and maintenance will be completed as required. We do not adopt trees and as such prior to any adoption of the internal roads, written confirmation from the either authority will be required.

Visitor bays will not be adopted by the highways authority unless they serve a strategic highways function. The shown visitor bays are not essential for the function of the highway and as such we will not seek to or offer to adopt these.

The adopted highway surface water must discharge in to an area or water course under the authority of a local governing body. We can adopt roads that have the surface water discharging in to an area under the control of a private owner or managed by a private company. This is because it does not provide us with the assurances needed that these areas will be maintained in perpetuity. The highway authority do not adopt SUDs, areas of filtration, swales, water attenuation or water courses and ditches.

This development involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

Recommended Conditions

HW2A – Prior to occupation the roads and footways will be constructed to at least the binder course level

HW3A – The highway shall be built to CCC highways standards

HW22A – no private surface water shall be discharged on to the public highway

HW23A – No development shall commence until details of the future management of the development is submitted and approved by the local planning authority.”

(27 March 2018) Concerns have been overcome in regards to boundary treatment, seeks a condition to ensure development complies with agreed details.

Transport Assessment Team – (4 August 2017) Provides the following points:

- Developer needs to provide a review of cycling infrastructure. County Council would rather the developer provide defined works and not provide a financial contribution.
- Asks if there is sufficient land to place bus stops and requires a plan to be submitted showing their position.
- Details of the relocated refuge island need to be provided.
- The roundabout junction of the A142 with A1123 and Fordham Road and the priority junction of Fordham Road with Regal Lane has been assessed. Surveys were undertaken on 17 March 2017.
- In regards to accident data seeks a full 60 months. The roundabout of the A142 with Fordham Road and A1123 is an accident cluster site and any application

which proposes to add additional vehicles onto this roundabout will need to address the issue.

- Vehicular and cycle parking is to be provided in accordance with ECDC standards.
- Internal layout must be agreed by the Local Highways Authority officer Geoffrey Ellwood.
- It is noted the development will be completed by 2020.
- Seeks to secure a Travel Plan via a condition.
- Proposed total person trip rate is acceptable.
- Use of census data to distribute traffic is acceptable.
- Growth rates are not agreed, latest version of TEMPRO must be used.
- The committed development is not agreed with, due to the amount of development happening in Soham the Highway Authority; it has provided a guide.

It concluded that 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.

(1 November 2017) Has reviewed the Transport Assessment Response dated 6 October 2017.

States that while the report suggests no further improvements are required to cycle facilities the developer should improve the fragmented existing facilities.

Drawing(s) showing the bus stops and refuse island is acceptable.

Recommends that a 40mph speed limit on the A142 northbound approach relating to vehicle speeds and accident data.

A holistic approach is needed for the A142/A1223/Fordham Road roundabout. The developer needs to provide an overall design solution that can accommodate the impacts from all committed developments. This should include an indicative cost for the associated works. The developer is thereby required to provide a proportion of the overall project cost.

While the development does not in itself cause capacity issues at the Regal Lane/Fordham Road junction it will contribute to future issues. It is, therefore, considered that a contribution is made for a ghost right turn.

(12 January 2018) Have reviewed the Richard Jackson Consultants dated 11 December. In regards to:

Cycling – Developer is now proposing some improvements to the cycling facilities along Fordham Road and these are acceptable.

Accident Assessment - In regards to potential reduction in speed the consultants response is accepted.

A142/A1123/Fordham Road – The developer is unwilling to provide a look at a holistic design solution. A contribution of £160,000 would therefore be required towards the roundabout future improvements. This is consistent with the approach taken on 98-118 Mildenhall Road Fordham (17/00481/OUM) where £1,000 per property was secured towards roundabout improvements.

The proposal is acceptable in terms of transport impacts subject to contributions being secured by S106 and the following condition being added to any consent:

Prior to the commencement of any development hereby approved, a scheme of works based upon the principles shown on plan 47066/PP/015 Rev A shall be implemented in accordance with details to be submitted and approved by the Local Planning Authority.

Asset Information Definitive Map Officer – (28 June 2017) States that Public Footpath No.93 Soham runs through the development site.

The Transport Assessment makes little to no reference of the presence of the Public Footpath and how it will present constraints or opportunities for the proposed development.

Drawing number SL01-6867 Rev K note that the existing footpath is to be diverted by presumably Mr and Mrs Palmer. At this stage, County Council has not received an application to permanently divert the footpath.

Seeks a pre-commencement condition in regards to the public rights of way.

Supports any proposal to provide an improved crossing of the A142.

(23 February 2018) Comments of 28 June 2017 still remain.

(21 March 2018) Considers the revised application to be unacceptable and cannot support the amended layout and recommends refusal.

(23 March 2018) States that a condition could be used to overcome their previous concerns. During a conversation with the Case Officer on the 27 March 2018 confirmed they would accept an informal footpath across the public open space but still wanted the condition.

Design Out Crime Officers (Police) – (9 June 2017) States that the area is at a medium risk of crime, with the area mainly having thefts, burglaries and vehicle thefts.

There is no specific mention of crime prevention within the Design and Access Statement. States the layout appears to be reasonably acceptable in terms of crime prevention/community safety that provides good levels of natural surveillance, pedestrian and vehicle routes aligned and overlooked.

Majority of homes are back to back which is stated as offering good security.

Raises concerns in regards to:

- Parking courts – need to ensure they are fully overlooked.

- Need for sufficient lighting, asks if this could be conditioned.
- Footpaths between and behind houses should be gated at the front and secure.

(13 February 2018) No additional comments from 9 June 2017. They look forward to working with the developer regarding Secure by Design.

Cambridgeshire Fire and Rescue Service – (4 July 2017) Seeks fire hydrants to be provided by either S106 or a condition.

5.2 Neighbours – 45 neighbouring properties were notified and the responses received are summarised below. An advert was put in the press on the 8 June 2017 and a site notice was put up on the 15 June 2017. A full copy of the responses are available on the Council’s website.

1 Greenhills, Soham – Occupier objects to the proposal. States that the area is a quiet part of Soham and this development plus those adjacent to Cherry Tree Pub will threaten to change the character of the area into a much busier, noisier location.

Impact on the junction of Regal Lane and Fordham Road is based on flawed assumptions.

6.0 The Planning Policy Context

6.1 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
ENV14	Sits of archaeological interest
COM 7	Transport impact
COM 8	Parking provision
SOH 5	Housing allocation, land south of Blackberry Lane

6.2 Supplementary Planning Documents
 Design Guide
 Developer Contributions
 Contaminated Land
 Cambridgeshire Flood and Water

6.3 National Planning Policy Framework 2012

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

6.4 Submitted Local Plan 2017

- LP1 A presumption in Favour of Sustainable Development
- LP2 Level and Distribution of Growth
- LP3 The Settlement Hierarchy and the Countryside
- LP6 Meeting Local Housing Needs
- LP16 Infrastructure to Support Growth
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network
- LP18 Improving Cycle Provision
- LP19 Maintaining and Improving Community Facilities
- LP20 Delivering Green Infrastructure, Trees and Woodland
- LP21 Open Space, Sport and Recreational Facilities
- LP22 Achieving Design Excellence
- LP23 Water Efficiency
- LP24 Renewable and Low Carbon Energy Development
- LP25 Managing Water Resources and Flood Risk
- LP26 Pollution and Land Contamination
- LP27 Conserving and Enhancing Heritage Assets
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP30 Conserving and Enhancing Biodiversity and Geodiversity
- Soham 1 Spatial Strategy for Soham
- Soham 2 Infrastructure and Community Facilities
- Soham 3 Allocation Sites
- Soham 5 Site SOH.H5 - Land south of Blackberry Lane

7.0 PLANNING COMMENTS

7.1 Principle of Development

- 7.2 The site is allocated under the East Cambridgeshire Local Plan 2015 (Policy Soham 5) for up to 160 dwellings. However, in the Submitted Local Plan 2017 the total number of dwellings has been reduced to approximately 130 dwellings; the reduction was based on enabling a more substantial buffer zone, for the benefit of landscaping, to assist noise attenuation, air quality and reduce the need for visually intrusive bunds. It is noted that the amount of public open space remains approximately both 1.1 hectares under both policy allocations. The change in policy creates a complexity in regards to if a proposal of 160 dwellings is in principle accepted.

- 7.3 While it is known that the developer has objected to the Submitted Local Plan 2017 this in itself does not mean the emerging local plan has no or limited weight. However, at the same time the Adopted Local Plan cannot be considered to have full weight in this case due to the conflict between Adopted and Submitted Plans, as the direction of travel in policy terms is clearly seeking to reduce the density of the scheme. At the current time it is considered that both policies have to be considered to have roughly equal weight; with the adopted Local Plan 2015 having slightly greater weight as it has gone through the entire consultation/adoption process. While it would be unreasonable to refuse the application on the grounds that it proposes dwellings above 130 dwellings, it adds weight to any concern that is directly linked to the number of dwellings.
- 7.4 While the allocation site policies seek a masterplan to include the 85 dwellings north of Blackberry Lane this is a preference and not a requirement. This site coming in alone is not a reason to withhold planning permission.
- 7.5 Residential Amenity - Noise
- 7.6 There has been a similar application/appeal in Witchford (16/01019/RMM) in regards to noise that the Council successfully defended. In the Appeal the Inspector stated:
- “Notwithstanding this technical solution put forward, I share the Council’s concerns that the future occupiers of the development would be unable to open the rear windows without being subjected to excessive noise especially during night-time hours. Whilst ventilation would be possible by drawing air from the non-noise sensitive elevations, to my mind, this would not provide a suitable standard of living accommodation and would provide an unsatisfactory form of development.
- In respect of the on-going maintenance of such ventilation, the Appellant has stated that this would be done by the future occupier of each property, in a similar fashion to any standard bathroom or kitchen ventilation system. Whilst I accept this would be the case, such kitchen and bathroom ventilation systems are not essential to providing an acceptable living environment as it is usual that such rooms also have the facility to open windows to ventilate the room naturally.
- The Council have also referred to the overdevelopment of the site, by placing too many dwellings near the A142. However, the proposal provides for all of the required amenity, parking and space standards necessary to make an acceptable development. To that extent, the proposal could not be considered to be an overdevelopment of the site. However, that does not mean that the development would provide suitable living conditions for its future occupiers in respect of outlook or noise.”
- 7.7 In line with the Inspector’s statement the use of mechanical ventilation (or any alternative ventilation) should, therefore, be regarded as providing a lower quality of residential amenity and should only be used where there is no other possible option.

- 7.8 The greatest concern is night time noise levels during the hotter months where people are most likely to want to have windows open to cool their bedrooms and will require lower background noise in order to sleep.
- 7.9 The developer is not providing any mechanical ventilation on this scheme and is achieving this by providing a 5m high barrier along the A142. This barrier is made up of a 2.5m high living willow fence on top of an earth bund. In addition to this the house types along the eastern boundary (those nearest the A142) have no first floor habitable windows facing towards the road. This means that the dwellings can become part of the noise mitigation measure without detrimentally suffering from noise pollution.
- 7.10 The noise mitigation measures mean that the proposed scheme will have 61 dwellings that will have lower than 45dB external night time predicted noise levels and 99 dwellings that have predicted 45 – 50dB outside their bedroom windows; in short the maximum noise level outside the bedroom window will be akin to that of moderate rainfall/floor fan and expected for suburban- urban night time. Even if the window is partially open it still reduces the internal noise level by 15dB, thus bringing the sound levels down to an acceptable night time level of 35dB while allowing for ventilation. In the original scheme the habitable rooms nearest the A142 were experiencing night time noise between 55-59dB (similar to a group conversation). The amendment is a significant improvement in regards to noise mitigation/management and removing the need for mechanical ventilation is to the merit of the application.
- 7.11 The nearest dwelling (plot 67) is located 19m from the willow fence and 15m away from the start of the slop of the bund, which is a greater distance than some internal facing dwellings (for example 14m between plot 106 and plot 112); the impact on the outlook from the front living rooms of the nearest plots to the bund will be no more detrimental than looking at a dwelling. It should be noted that unlike the Witchford appeal application, the proposed bund is not immediately adjacent to the residential plots.
- 7.12 With two areas of public open space being boarded on two sides by the bund/fence the amenity of these spaces is reduced. However, it should be remembered that a key requirement of these open spaces is to create areas to walk through (particularly dog walkers) and are not spaces necessary for people to stay in for any long period of time. The harm to the amenity of these spaces is thereby reduced.
- 7.13 It should be noted that a noise buffer of only 3m in height would likely lose approximately 46 dwellings or the need for mechanical ventilation for 46 dwellings. If the site was reduced to 130 dwellings, this would still likely leave 16 dwellings needing mechanical ventilation or to be cleverly designed. It should also be remembered that dwellings themselves form one of the best noise barriers, each dwelling removed adds to the noise levels experienced to the next dwelling westwards.
- 7.14 The noise levels from the A142 is a significant constraint on the site that informs the design. The developer in regards to purely noise mitigation has come up with a

high quality and relatively innovative scheme that preserves the higher number of dwellings on the site.

- 7.15 There have been no concerns raised in regards to detrimental noise pollution from the industrial units on Regal Lane
- 7.16 Other Residential Amenity Concerns
- 7.17 While most of the plots have a back to back distance that meet or is in excess of the 20m as sought by the Design Guide SPD, there are some plots e.g 72 to 80 that fall slightly below this at a 19m back to back. The level of harm to residential amenity caused by this slight loss of privacy on this size scheme is considered to be minor and does not warrant a reason for refusal.
- 7.18 The proposed dwellings are not considered to cause any substantial overbearing or loss of light to each other.
- 7.19 The nearest plots to adjacent residential properties (plots 1, 6, 14, 15 and 26) have been pushed away from the common boundaries, which will ensure the impact on these properties amenity is minimal.
- 7.20 With the size of the development and the length of time it will take to build it is considered reasonable and necessary to add a condition requiring a Construction Environmental Management Plan to minimise disturbance to existing and future residents.
- 7.21 Environmental Health have concluded that there is no need for additional contamination reports but does seek a condition relating to unexpected contamination.
- 7.22 There is not considered to be any reason to refuse the application in regards to residential amenity.
- 7.23 Visual Amenity – Earth Bund and Fence
- 7.24 The gross density of the proposal is 23 dwellings per hectare or 9.5 dwellings an acre (net density 32 dwellings per hectare), which is a relatively low density and accords in theory with an edge of village/small town proposed residential scheme. However, like all schemes low density does not mean a better design in itself.
- 7.25 The first main issue is that the developer is providing a 5m barrier between the proposal and the A142. The appeal in Witchford (16/01019/RMM) had the inspector stating that its proposed bund would not cause significant harm to the character of the area and would be partially screened by current planting, but in this case the bund was only half the size; a direct comparison is hard to make for this reason. However, limited-moderate weight should be given to the Inspector's decision and that they made reference to tree planting along the A142.
- 7.26 The allocation policy requires a significant green and noise buffer alongside the A142 in order to provide a visually acceptable noise buffer to the A142.

- 7.27 This barrier is made up of an earth bund approximately 2.5m high with a 2.5m high living willow fence on top of it. The earth element of the bund has a fairly gentle slope in its northern half (ranging from 1:3 – 1:4) but has a much steeper slope in its southern half (1:1.2). However, about half of the steep slope section is partially mitigated against by being placed against an area of public open space (there is also an overprovision of public open space). The earth bund is considered to be acceptable from a visual point of view as it is only 0.5m over what could be achieved under permitted development (barrier not adjacent to a road) and that a large part of it will have a gentle, more natural, slope. It also has to be expected that placing a site allocation so near to a main road that there would need to be some form of bund to protect against road noise.
- 7.28 On top of this earth element is a 2.5m high living willow fence and it is accepted that this fence will look like a high hedge within 6 months of installation/planting on the A142 side. The boundary with the A142 is defined by a mature hedge (though much of it is low in height) and a sparse provision of trees within the hedge. The northern edge of the boundary is defined by a mature hedge along Blackberry Lane and the lane (Longmere) that runs along the western and southern edge is defined by a variety of trees on both sides. It should also be noted that aerial photos show on the eastern side of the A142 there are lines of trees. Tree belts are therefore part of the rural character of this part of Soham.
- 7.29 It should also be noted that the traditional fen landscape is extremely human influenced, as without humans creating ditches the fen landscape would still be water dominated. However, human influence in the fens is by primarily digging down, not mounding up.
- 7.30 The inside of the fence can be softened by planting additional willow trees, bushes and climbers in order to soften the fence from the development side. This will need to be secured early via a condition within the development in order to give time to allow the vegetation to establish prior to the occupation of proposed dwellings nearest the earth bund.
- 7.31 Landscape should only be used to obscure development in the most exceptional circumstances, this is usually due the nature of planting not being a permanent feature. However, in this case the developer is an affordable housing company and will remain in some form of control of the site in perpetuity. It is, therefore, possible to ensure that the living willow fence is suitably maintained and kept in perpetuity through the use of a S106 Agreement. The other strategic landscaping on or along the bund should be retained for a long period of time (for instance ten years) to allow and ensure it fully establishes.
- 7.32 The need for such landscape measures to hide an acoustic fence shows that while a very good practical solution, it is not an aesthetic solution. While a wider gap with a 3m acoustic barrier would be visually better, this would push the housing westwards and mean all the public open space was along the eastern boundary; it is arguable that the negatives of moving the public open space would balance out the benefits. The visual harm that the earth bund and fence causes weighs against the proposal.
- 7.33 Visual Amenity – Other Design Features

- 7.34 The design is weakened by pushing up against and turning its back on the mature trees of Longmere Lane. The scheme could be significantly improved if it more positively brought Longmere Lane into the scheme by placing public open space up against this western boundary. However, pushing the housing away from this edge will either push the dwellings closer to the A142, reduce housing numbers or lose the northwest public space that acts as a feature when you come into the development and off sets the public open space in the southeast corner. However, the site provides public open space and a connection to Blackberry Lane that is considered to be a positive.
- 7.35 The design of the dwellings are considered to be average/standard and while not detrimental to the character of the area will certainly not enhance the visual public realm. The design of the dwellings, therefore, neither weighs in favour or against the proposal.
- 7.36 Historic Environment
- 7.37 The comments from County Council in regards to the archaeological potential of the site are noted and accepted. A condition should be added to ensure that a suitable archaeological dig is carried out.
- 7.38 There are no other historical assets that the proposal is considered to effect.
- 7.39 Highways
- 7.40 The site connects onto Regal Lane and needs to provide an access point for the allocation site north of Blackberry Lane (85 dwellings).
- 7.41 The Town Council has sought a one way system in the development. However, this is likely to only raise highway speeds (as there is less obstructions to slow traffic down) and therefore decrease road safety.
- 7.42 The recommended conditions sought by the Local Highways Authority and County Transport Team can be added, as they seek to make required improvements to ensure safety is maintained for all highway users. The S106 contributions are acceptable in principle and the exact wording/requirements would need to be finalised through the S106 negotiation process.
- 7.43 The proposed living willow fence is being located approximately 5m away from the edge of the public highway of the A142. While trees and other vegetation could be planted without requiring any consent from the Local Planning Authority it is important to ensure that the willow planting is maintained regularly in order to prevent the bush height willow trees turning into mature willows; mature willows have a high chance of limbs breaking off in high winds that could lead to an unacceptable risk to users of the public highway. The developer (who is a Registered Social Landlord) is willing to sign up to a S106 that requires them to maintain the living willow fence in perpetuity at its own cost (though this cost is likely to be passed onto the future residents of the proposal) at the height of a hedge. This will ensure that that the willows never grow 1m taller or away from the fence line to prevent the plants becoming a danger to highway users. The

submitted management plan also requires the maintenance work to be undertaken on the developer's own land only. With the importance of details contained within the document 'Soft Landscape Management and Maintenance Plan March 2018' it will need to be added to any S106 Agreement; without this document in the S106 there would be a significant concern that would weigh against the application.

- 7.44 The Local Highways Authority are no longer objecting to the proposal but the S106 will need to ensure that suitable maintenance (including relevant land) of the landscaping near the A142 is undertaken in perpetuity. The proposal is not considered to be detrimental to highway safety.
- 7.45 Ecology
- 7.46 The developer has worked closely with Natural England in order to both help fund a scheme for all the proposed developments along the eastern boundary of Soham in order to prevent additional recreational pressure on the SSSI of Soham Wet Horse Fen. The SSSI is mainly located on the other side of the A142 but a small element is located to the west side of Longmere Lane.
- 7.47 The developer has provided approximately 1.3 hectares of informal public open space, this is 0.2 hectares over that guided in the site allocation policy SOH5 (Adopted Local Plan) and SOH.H5 (Submitted Local Plan) and 0.3 hectares over the minimum amount of informal space needed for the developers housing mix. The increase in space on site provides more recreational space that should help to stop people traveling onto the SSSI, this is combined with the creation of a circular walk route around its site. The circular walk route connects onto both existing routes and potential future developments (e.g the allocated site north of Blackberry Lane), thus allowing for greater walking opportunities.
- 7.48 Any landscape scheme will need to include biodiversity enhancement measures.
- 7.49 Flood Risk and Drainage
- 7.50 The northwest corner of the site is within Floodzone 2 and 3, which puts approximately plots 1-14 and plots 141-147 in an area of risk of flooding. On the other side by placing one of the main public open spaces in this area reduces the risk of future dwellings being water damaged or people having to evacuate.
- 7.51 With the site being allocated it passes the Sequential Test, as the dwellings need to go on this land. The main issue is, therefore, the Exception Test that seeks to reduce the risk either through the placement of dwellings or preparing them for the flood event (e.g rising electrical points above the ground and one way flow on drainage). One alternative is by substantially increasing the public open space in the northwest corner, this would either push approximately 20 dwellings closer to the A142 or lead to the reduction of 20 dwellings on the site.
- 7.52 Following detailed negotiation between the developer and the Environment Agency the concerns regarding flooding have been overcome. The developer is now providing replacement floodplain in the public open space in the northwest corner while ensuring dwellings are above predicted flood waters. The Lead Local Flood Authority are also seeking a condition to ensure the surface water drainage

measures are put in place. The long term maintenance of the drainage will be secured as part of a S106 Agreement.

7.53 Contributions

7.54 The site is allocated under the Adopted Local Plan the contributions of £1.85 million towards education is therefore unreasonable as it is covered by the Community Infrastructure Levy (CIL) that the developer is required to pay. The £17,690.40 for Libraries and Lifelong Learning can be secured through the S106 Agreement.

7.55 A contribution of £160,000 is being sought from County Council in order to improve the roundabout of A142/A1123/Fordham Road and this can be secured through the S106 Agreement.

7.56 A contribution would also need to be secured to part fund a ghost right hand turn on the Regal Lane/Fordham Road junction and to improve cycle routes along Fordham Road.

7.57 Developer is offering 20% affordable housing as required under policy LP6 of the Submitted Local Plan and for this reason is considered to be acceptable. The Submitted Local Plan is considered to have more weight than the Adopted Local Plan in this regard, as the Council has agreed that 30% affordable housing is not viable in Soham. The affordable housing can be controlled via a S106 Agreement.

7.58 Other Material Matters

7.59 Plots 136 to 143 are seeking outline consent and are the self-build plots. The exact details of these will be defined by future reserved matters applications if this application is approved. While the developer has provided a code for these self build plots it is considered more appropriate to control each reserved matters at the point of submission. The details of selling these plots will need to be secured in the S106 Agreement.

7.60 The requested conditions raised in regards to minerals by County Council can be added if the application is approved.

7.61 Planning Balance

7.62 The recommendation is highly balanced, as the crux of the matter is considered to be the need to balance the amount of dwellings, the height of the noise barrier and the requirement of mechanical ventilation.

7.63 The Planning Authority has successfully defended at appeal that mechanical ventilation (as well as other forms of alternative ventilation) should be avoided whenever possible as it leads to a poor level of amenity. The issue then is a 5 metre barrier along the A142 or a significant reduction in dwelling numbers that would likely be below the 130 dwellings suggested in the Submitted Local Plan. If all constraints of areas at risk of flooding, noise and creating an attractive feature of Longmere Lane were taken as inviolable the number of dwellings would likely be between 75 – 100 dwellings. This level of reduction of dwelling numbers is not

considered to be reasonable even when the original site allocation is for up to 160 dwellings.

- 7.64 The developer has come up with a relatively innovative scheme (living willow fence) to bring the development to a suitable character on the A142 side and additional landscaping can help blend the fence in from the development side. This barrier still will create a poor amenity space for the public open spaces in the northeast and southeast corners of the site, as it wraps around them on two sides. However, the developer has overprovided on open space in order to provide a walking route (specifically for dog walkers) in order to prevent people travelling onto the SSSI. The lower level of public open space amenity is, therefore, not considered to be as detrimental as it would normally be due to people not expecting to stay in these spaces for long periods of time and that there is another substantial public open space a significant distance away from the A142 and barrier.
- 7.65 Weight is also being added to the fact that this site has been allocated for a substantial period of time.
- 7.66 It is the view of officers' that this application should only just be recommended for approval on the basis that the provision of up to 160 dwellings holds more weight than approximately 130 dwellings, that the bunds impact on open space is limited by the overprovision of open space and that a significant amount of landscaping can be secured/maintained.

8.0 COSTS

- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 8.4 In this case members' attention is particularly drawn to the following points:
- Site is allocated for up to 160 dwellings in the Adopted Local Plan 2015.
 - Mechanical Ventilation should be avoided, unless absolutely necessary.

9.0 APPENDICES

- 9.1 Appendix 1 - Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/00893/FUM	Andrew Phillips Room No. 011 The Grange	Andrew Phillips Senior Planning Officer
17/00926/SCREEN	Ely	01353 665555 andrew.phillips@ea stcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 17/00893/FUM Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
LOC01	B	23rd May 2017
6867 G01 GARAGE TYPE	Rev B	31st January 2018
6867 G02 GARAGE TYPE	Rev B	31st January 2018
6867 G03 GARAGE TYPE	Rev B	31st January 2018
6867 G04 GARAGE TYPE		31st January 2018
6867 PL01 SANDRINGHAM	Rev A	31st January 2018
6867 PL02 STEVINGTON (TYPE A)		Rev A 31st January 2018
6867 PL03 STEVINGTON (TYPE B)		Rev A 31st January 2018
6867 PL04 STEVINGTON (TYPE A SID		Rev B 31st January 2018
6867 PL05 STEVINGTON (TYPE B)		Rev A 31st January 2018
6867 PL06 CARDINGTON	Rev B	31st January 2018
6867 PL07 CARDINGTON	Rev B	31st January 2018
6867 PL08 SMARDEN	RevA	31st January 2018
6867 PL09 LANGFORD L	Rev B	31st January 2018
6867 PL10 LANGFORD L	Rev A	31st January 2018
6867 PL11 LANGFORD L	Rev A	31st January 2018
6867 PL12 LANGFORD L	Rev A	31st January 2018
6867 PL13 LANGFORD P	Rev A	31st January 2018
6867 PL14 ASHLEY	Rev A	31st January 2018
6867 PL15 ASHLEY	Rev B	31st January 2018
6867 PL16 ASHLEY L	Rev A	31st January 2018
6867 PL17 ASHLEY P	Rev B	31st January 2018
6867 PL18 PENSHURST	Rev C	31st January 2018
6867 PL19 WELNEY	Rev B	31st January 2018
6867 PL20 MARSHAM	Rev B	31st January 2018
6867 PL21 PENSHURST & WELNEY		Rev C 31st January 2018
6867 PL25 PENHURST & MARSHAM		Rev A 31st January 2018
6867 PL22 PENHURST AND MARSHAM		Rev A 31st January 2018
6867 PL23 PENHURST & MARSHAM		Rev A 31st January 2018
6867 PL24 PENHURST, MARSHAM & PEN		Rev A 31st January 2018
6867 PL26 PENHURST & MARSHAM		Rev A 31st January 2018
6867 PL27 2B	Rev A	31st January 2018
6867 PL31	Rev C	31st January 2018
6867 PL32 2B & 3B	Rev A	31st January 2018
6867 PL36 MAYFIELD		31st January 2018
6867 PL37 ALDINGTON	Rev A	31st January 2018
6867 PL38 ALDINGTON	Rev A	31st January 2018
6867 PL39 TENTERDEN	Rev A	31st January 2018
6867 PL40 TENTERDEN	Rev A	31st January 2018
6867 PL41 TENTERDEN	Rev A	31st January 2018
6867 PL42 ALDINGTON		31st January 2018
6867 PL43 ALDINGTIN		31st January 2018
SL01	T	16th March 2018

- 1 Reason: To define the scope and extent of this permission.

2 FULL PLANNING PERMISSION FOR THE ERECTION OF 152 DWELLINGS AND ASSOCIATED ACCESS, PARKING AND OPEN SPACE

The development hereby permitted shall be commenced within 3 years of the date of this permission.

- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 Prior to above ground works a scheme of highway works based upon the principles shown on plan 47066/PP/015 Rev A shall be implemented in accordance with details to be submitted and approved in writing by the Local Planning Authority. The agreed development shall be completed prior to first occupation.
- 3 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017.
- 5 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise (including hours of construction work), dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 6 Prior to the commencement of development a Detailed Waste Management

and Minimisation Plan (DWMMP) shall be submitted to and approved in writing by the local planning authority.

The DWMMP shall include details of:

- a) Construction waste infrastructure if appropriate including a construction material recycling facility to be in place during all phases of construction
- b) anticipated nature and volumes of waste and measures to ensure the maximisation of the reuse of waste.
- c) measures and protocols to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site.
- d) any other steps to ensure the minimisation of waste during construction
- e) the location and timing of provision of facilities pursuant to criteria a/b/c/d.
- f) proposed monitoring and timing of submission of monitoring reports.
- g) the proposed timing of submission of a Waste Management Closure Report to demonstrate the effective implementation, management and monitoring of construction waste during the construction lifetime of the development.
- h) a RECAP Waste Management Guide toolkit shall be completed, with supporting reference material
- i) proposals for the management of municipal waste generated during the occupation phase of the development, to include the design and provision of permanent facilities e.g. internal and external segregation and storage of recyclables, non-recyclables and compostable material; access to storage and collection points by users and waste collection vehicles

The Detailed Waste Management and Minimisation Plan shall be implemented in accordance with the agreed details.

- 6 Reason: In the interests of maximising waste re-use and recycling opportunities; and to comply with policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) and the Recycling in Cambridgeshire and Peterborough (RECAP) Waste Design Guide 2012; and to comply with the National Planning Policy for Waste October 2014; and Guidance for Local Planning Authorities on Implementing Planning Requirements of the European Union Waste Framework Directive (2008/98/EC), Department for Communities and Local Government, December 2012.
- 7 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 7 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 8 No development shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.

- 8 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to permission being granted, however, the information is needed prior to commencement in order to ensure that the necessary infrastructure is able to be provided.
- 9 Prior to the commencement of development, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 9 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and LP23 and LP24 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to permission being granted
- 10 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 10 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.
- 11 The highway shall be built to adoptable standards as defined by Cambridgeshire County Council Housing Estate Road Construction Specification (current at time of commencement of build) before the last dwelling is occupied.
- 11 Reason: To ensure that the highways end appearance is acceptable and to prevent the roads being left in a poor/unstable state, in accordance with policies COM7 and ENV2 of the East Cambridgeshire adopted Local Plan April 2015 and LP17 and LP22 of the Submitted Local Plan 2017.
- 12 No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
- 12 Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to permission being granted.

- 13 No above ground construction shall take place on site until details of the external materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 13 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 14 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the first occupation of the plot(s) the boundary treatment relates to.
- 14 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 15 No development shall take place until a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 15 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 16 The road/footpaths and verges of the highway between Plot 5 and FW PS as shown on drawing number SL01 Rev T must go to the absolute site boundary prior to the occupation of the 6th dwelling plot on the site.
- 16 Reason: To avoid a ransom strip and to allow for highway access to the allocation site north of Blackberry Lane.
- 17 Prior to first occupation a scheme of changing in the priority of the junction with Regal Lane with Brook Street shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be carried out prior to first occupation.

- 17 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017. This is a Grampian Condition as the works are within the public highway.
- 18 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 18 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015 and LP17, LP22 and LP30 of the Submitted Local Plan 2017.
- 19 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed. The scheme shall be based upon the principles within the agreed Flood Risk Assessment (FRA) prepared by Richard Jackson Ltd (ref: 47066 – Rev D) dated May 2018 and shall also include:
- a) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
 - b) Full details of the proposed attenuation and flow control measures;
 - c) Temporary storage facilities [if phased build out proposed];
 - d) Full details of the maintenance/adoption of the surface water drainage system;
 - e) Measures taken to prevent pollution of the receiving groundwater and/or surface water;
 - f) A timetable for implementation

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG

- 19 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017. The condition is pre-commencement as is detailed as one of the model conditions.
- 20 Prior to any above ground works commencing use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of ten years from the date of the planting (this excludes the living willow fence that is controlled via the S106), or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 20 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 21 No development shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.
- 21 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 22 Prior to above ground works commencing on plots 45 -46, 54-67, 110 – 135 and 153-160 (as defined by drawing number SL01 Rev T) the hereby approved 2.5 metre high bund and 2.5 metre high living willow fence along the eastern boundary shall be completed with all landscaping located on the bund having been planted in the planting season (November – February).
- 22 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 23 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated March 2017 Rev D, ref. 47066, compiled by Richard Jackson Engineering Consultants, and the following mitigation measures detailed within the FRA:
1. Finished floor levels will be set no lower than 5.5m above Ordnance Datum (AOD).
 2. Provision of floodplain compensation within the Public Open Space by lowering existing ground levels to 5.0mAOD, as detailed in drawing no. 47066-PP-016 Rev A.
- 23 Reason: To reduce the impacts/risk of flooding in extreme circumstances on future occupants, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017.
- 24 Prior to the commencement of development, a Rights of Way scheme shall be submitted to and approved by the LPA in consultation with the LHA. Such scheme shall include provision for:
- i. the design of public rights of way routes and their surfacing, widths, gradients, landscaping and structures.
 - ii. any proposals for diversion and closure of public rights of way and alternative route provision.
- 24 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to permission being granted.

25 OUTLINE PLANNING PERMISSION RELATING TO ONLY PLOTS 136 – 143 (AS DEFINED BY DRAWING NUMBER SL01 REV T).

Approval of the details of the access, design, layout, scale and landscape (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.

25 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.

26 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.

26 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.

27 The self build dwellings hereby approved will be developed as single plots as shown on the drawing SL01 Rev T (plots 136-143) submitted shall be completed in phases.

27 Reason: The self build plots will be developed individually, in a phased manner for the purposes of CIL.

28 Construction times and deliveries, for the self build dwellings shall be limited to the following hours 08:00 to 18:00 each day Monday-Friday, 08:00 to 13:00 Saturdays and none on Sundays or Bank or Public Holidays.

28 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.

29 No development shall take place until a scheme to dispose of surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation.

29 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017. The condition is pre-commencement as is detailed as one of the model conditions.

30 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.

30 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.

APPENDIX 5 – DECISION NOTICE, 13th June 2018



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE

Telephone: Ely (01353) 665555
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Orbit Homes (2020) Ltd
C/O Armstrong Rigg Planning
Fao: Mr Geoff Armstrong
The Exchange
Colworth Science Park
Sharnbrook
Bedford
MK44 1LQ

This matter is being dealt with by:

Andrew Phillips

Telephone: 01353 616359
E-mail: andrew.phillips@eastcambs.gov.uk
My Ref: 17/00893/FUM
Your ref

13th June 2018

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF FULL MAJOR PLANNING PERMISSION

The Council hereby **refuses** the following development:

Proposal: Hybrid Planning Application - Full Application for the erection of 160 dwellings and associated access, parking and open space; Outline Application for 8 Self-Build Dwellings.
Location: Land South Of Blackberry Lane Soham Cambridgeshire
Applicant: Orbit Homes (2020) Ltd

The Council hereby refuses full major planning permission for the application reference **17/00893/FUM** registered 23rd May 2017.

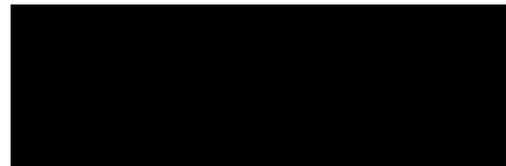
REASONS FOR REFUSAL

- 1 The proposed development for 160 dwellings is considered to be an overdevelopment of the site that does not respond positively to the constraints (flood risk, green lanes and the noise of the A142) on the site. In addition the proposal fails to provide a high quality layout with the design having the appearance of being cramped in between the different constraints of the site and for this reason will not form a high quality place for people to live. The proposal, therefore, does not comply with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan Adopted April 2015, policy LP22 of the Submitted Local Plan 2017 and specifically paragraphs 14, 17 and chapter 7 of the NPPF March 2012 by virtue of the significant overdevelopment of the site, significant harm to the character of the area and that it will not provide a high quality of life to the future residents.

- 2 The proposed 5m high barrier (2.5m high bund with a 2.5m high living willow fence) along the A142 and the requirement of significant amounts of landscaping to hide the barrier would create an alien feature within the rural character of the area. This would detrimentally harm the character of this edge of settlement location by virtue of its dominance, due to the barriers height and length. In addition the bunds height and length will create a significantly detrimental dominating impact upon future residents of the development in regards to both their residential amenity and the amenity of the public open spaces. The proposal, therefore, does not comply with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan Adopted April 2015, LP22 of the Submitted Local Plan 2017 and specifically paragraphs 14, 17 and chapter 7 of the NPPF March 2012 by virtue of the significant harm to the character of the area and the amenity of future residents.
- 3 The developer has not fully taken into account the drainage of the site, including the high water table, to the satisfaction of the Local Planning Authority. On this basis the proposed surface water drainage scheme is not considered to be acceptable as there is a high likelihood it will fail in the foreseeable future. The proposal, therefore, does not comply with policy ENV8 of the East Cambridgeshire Local Plan Adopted April 2015 and policy LP25 of the Submitted Local Plan 2017.

INFORMATIVES RELATING TO THIS APPLICATION

- 1 The decision to refuse this application was made by Planning Committee on 6 June 2018 having regard to the policies and proposals in the Local Development Plan and all relevant materials considerations, including the NPPF. Planning committee considered the application and the applicant or agent had the opportunity to speak to the committee and promote the application. Unfortunately this was not sufficient to overcome members concerns in regards to overdevelopment, impact of the noise barrier and site drainage.



Rebecca Saunt

Planning Manager

Dated: 13th June 2018