

**23/00146/RMM**

Broad Piece

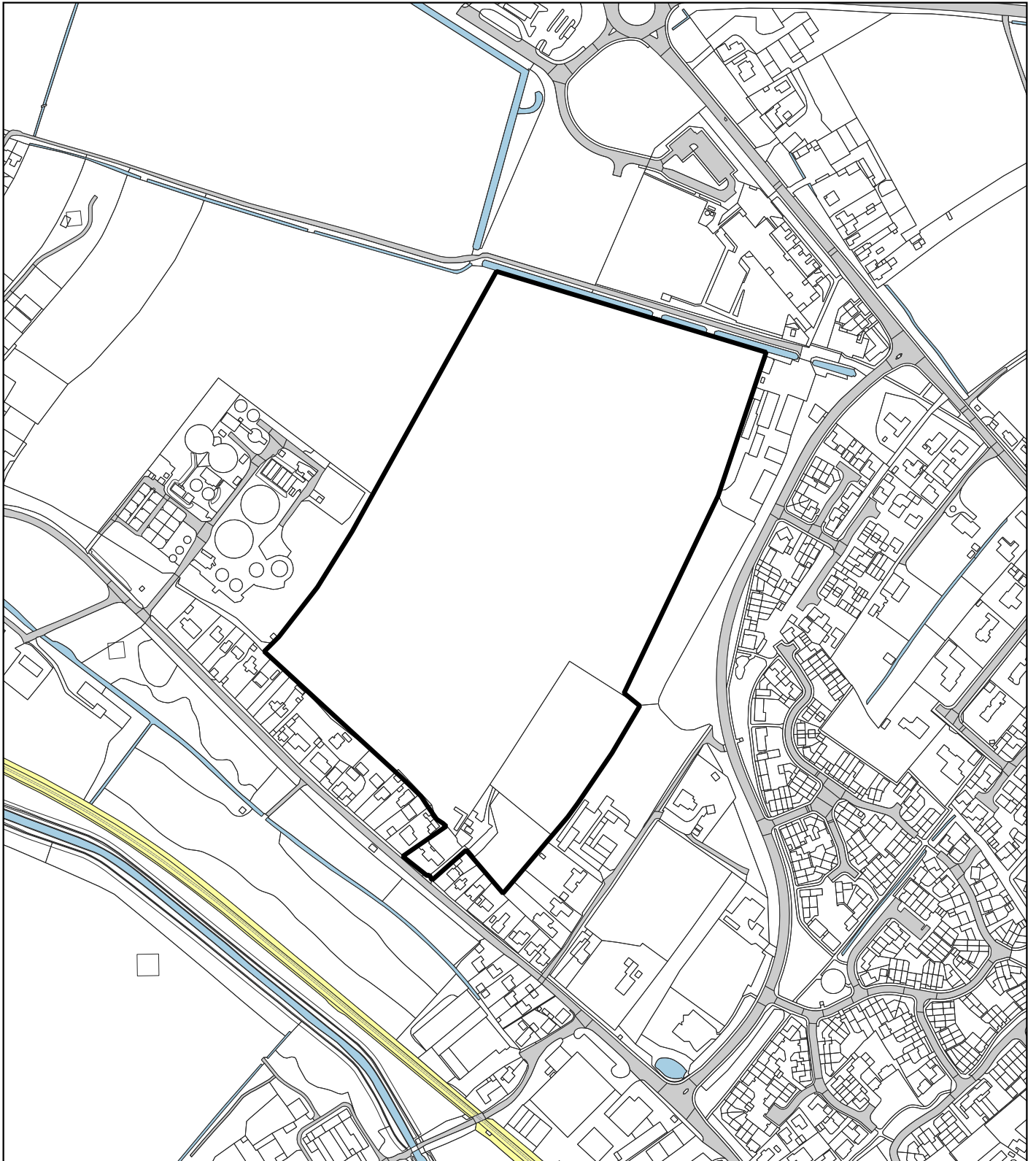
Soham

Residential development for 166 dwellings and identification of 9 self build plots, open space and associated infrastructure for previously approved 19/00717/OUM for proposed erection of up to 175 dwellings and associated infrastructure with access from Broad Piece

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RPO27HGGIHW00>





23/00146/RMM

Broad Piece  
Soham



East Cambridgeshire  
District Council

Date: 13/10/2023  
Scale: 1:4,500



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**TITLE: 23/00146/RMM**

Committee: Planning Committee

Date: 1 November 2023

Author: Planning Team Leader

Report No: Y75

Contact Officer: Catherine Looper, Planning Team Leader  
catherine.looper@eastcamb.gov.uk  
01353 616205  
Room No 011 The Grange Ely

**Site Address: Broad Piece, Soham Cambridgeshire**

**Proposal: Residential development for 166 dwellings and identification of 9 self-build plots, open space, and associated infrastructure for previously approved 19/00717/OUM for proposed erection of up to 175 dwellings and associated infrastructure with access from Broad Piece**

**Applicant: Persimmon Homes East Midlands**

**Parish: Soham**

**Ward: Soham North**

Ward Councillor/s: Mark Goldsack  
Keith Horgan

**Date Received: 21 February 2023**

**Expiry Date: 10 November 2023**

## **1.0 RECOMMENDATION**

1.1 Members are recommended to APPROVE the application subject to the recommended conditions summarised below. The conditions can be read in full on the attached appendix 1.

- 1 Approved Plans
- 2 Time Limit
- 3 Materials
- 4 Solar Panels
- 5 Soft Landscaping Maintenance
- 6 Soft Landscaping Implementation
- 7 Boundary Treatments
- 8 Ecology

- 9 Tree Protection
- 10 Tree Protection Monitoring
- 11 Hedgerow and Woodland Management and Creation Scheme
- 12 Arboricultural Impact Assessment & Method Statement
- 13 Mechanical Ventilation
- 14 Elevation and Material Details for Substation
- 15 Highways – Binder Course
- 16 Highways – Parking and Turning
- 17 Highways- Visibility Splays
- 18 Specification for Bunds/Embankments

## **2.0 SUMMARY OF APPLICATION**

- 2.1 The application seeks approval of the reserved matters for 166 dwellings and identification of 9 self-build plots, (total 175 dwellings), open space and associated infrastructure. Outline consent was granted at this site under appeal decision APP/V0510/W/21/3282449 (ECDC reference: 19/00717/OUM). The outline consent secured the detail of access.
- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

## **3.0 PLANNING HISTORY**

### **3.1 19/00717/OUM**

Proposed erection of up to 175 dwellings and associated infrastructure with access from Broad Piece

#### **Refused**

4 March 2021

#### **Appeal Allowed - APP/V0510/W/21/3282449**

11 February 2022

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

- 4.1 The site is located to the northern end of Soham, close to and adjoining the settlement boundary but within the countryside as identified within the Local Plan. The site also lies within the water treatment works safeguarding zone as the facility lies immediately to the west of the site. To the south and east is residential development, and to the north-east a farm potato storage business. A drain and Public Footpath17 run along the northern boundary of the site leading further afield to Footpath 205/16 and 205/18. The site itself is largely agricultural land.

## 5.0 RESPONSES FROM CONSULTEES

5.1 Responses were received from the following consultees and the latest responses are listed below. The full responses are available on the Council's web site.

### **Parish - 2 August 2023**

Yes, the Parish Council has concerns.

NOTED there is still nothing to answer Soham Town Council's previous concerns regarding drainage & surface water. Until there is a full and final design then STC are unable to comment and will continue to raise concerns on these issues.

### **The Ely Group of Internal Drainage Board - 17 October 2023**

Following the previous comments made in our letter dated 9th October to the LPA, the drawings attached to the email received from the LPA of 10th October have had material type 2B or 7A of Table 6/1 of the Department of Transport Specification for Highway Works added to the note relating to the construction of the bund. The note also continues to state that fill shall have between 20% and 30% clay content. The Board previously commenting that fill with this clay does not meet the requirement that the material should be predominantly cohesive.

Therefore, it remains that the note, specification, is considered unacceptable.

1. The use of material with a 20% to 30% clay content is not predominantly cohesive.
2. Type 2B and 7A material only has a requirement for 15-100% by mass to pass the 63 micron sieve. It has no requirement for material to pass the 2 micron sieve. Clay has a particle size of less than 2 micron.

Therefore, it follows from the above the material should have a requirement that is predominantly passes the 2 micron sieve.

As a result of the above it is suggested the specification as contained within the note contradicts itself and remains unacceptable in any event.

### **Anglian Water Services Ltd – 18 September 2023**

#### **ASSETS**

Section 1 - Assets Affected There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the

owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

#### WASTEWATER SERVICES

Section 2 - Wastewater Treatment The foul drainage from this development is in the catchment of Soham Water Recycling Centre that will have available capacity for these flows. The applicant has been in consultation with us regarding of the cordon sanitaire for the Soham sewage treatment works and the submitted layout plan is acceptable and accords with these discussions. The applicant has taken into consideration the odour buffer zone and has ensured that the amenity of future residents has been considered adequately.

Section 3 - Used Water Network We have reviewed the applicant's submitted Drainage Layout Reserved Matters 971-00-03 REV D and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. We request that we are consulted on any forthcoming application to discharge Condition(s) of the outline planning application 19/00717/OUM to which this Reserved Matters application relates.

Section 4 - Surface Water Disposal The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. The applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry. The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off. We please find below our SuDS website link for further information.

<https://www.anglianwater.co.uk/developers/drainage-services/sustainable-drainage-systems/>

#### **Environment Agency – 4 October 2023**

We have no objection to this proposal, please see our response to the Outline application for our comments on the Water Recycling Capacity AC/2019/128492/01 dated 19 June 2019.

#### **Lead Local Flood Authority - 2 October 2023**

We have reviewed the following documents: • Drainage Layout Reserved Matters, IDLtd, Ref: 971-00-03, Rev: E, Dated: Nov 2022 • Drainage Statement, IDLtd, Dated, 15th August 2023 Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development. The

applicant has stated that the swale adjacent to the southern access road will be adopted by the site NAV and not the HWA. As discussed, the small road area to the south will discharge into an adopted highway gulley. There have been no changes to the surface water drainage system. Surface water from site will be drained via an attenuation basin with sediment forebays discharging from site via a flow control at 3.3l/s. As agreed, exceedance flows will be captured by the cutoff depressed area and bunds. The small area of flooding at manhole S30 will be contained within the curb-line. Additional depressed areas will take exceedance flows and then discharge back into the system once a storm subsides.

Informatives

Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

### **Cambridgeshire Archaeology - 27 February 2023**

The proposed development is an area of high archaeological potential due to its position within the fen landscape, and association to close by archaeological interventions that yielded information about the field systems in the area.

We were previously consulted in relation to planning application 19/00717/OUM and our advice remains that Whilst we do not object to development from proceeding in this location, we consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG.

### **Local Highways Authority – 10 October 2023**

The latest information submitted by the applicant is an accurate reflection of our correspondence and the answers they have provided are acceptable. I therefore have no objection to the proposed development.

Please append the following Conditions and Informatives to any permission granted:

#### **Conditions**

HW2A: Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved on drawing SSS/PPL/100 Rev AD in writing by the Local Planning Authority.

HW14A: Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway The area shall be levelled, surfaced and drained and thereafter retained for that specific use.

HW20A (amended): Prior to the occupation of a dwelling, the pedestrian visibility splay associated with its driveway as shown on SSS/PPL/100 Rev AD shall be provided and thereafter be maintained free from obstruction exceeding 0.6m above the level of the adjoining footway or shared surface street.

HW23A: 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).

### **Environmental Health – 11 October 2023**

The NIA initially advises that it is just assessing “noise levels across the site due to the primary noise sources, being the local roads, to the north, east and south, and the rail line to the south.” But later in 4.0 states that “the measurement positions selected for the noise survey detailed in Section 3.0 above relate to the potato store, rail and public highways, which were specifically highlighted by the LPA and are shown in Figure 6 below.” So it’s a little confused but it would appear as though the potato store has also been considered (although with the incorrect methodology as discussed with Karen this should be in accordance with BS4142:2014 (A:2019)).

With regard to which plots will be affected the report advises that they will be -

*“Plots positioned closest to the potato store at the north east”*

*“Most dwellings will fall into the green category with only those close to the potato store at the north east of the site being expected to exceed a negligible risk, and only intermittently”*

I’ve re-read it a couple of times but I can’t find anywhere where it lists the plots. I would assume it would be the ones highlighted below (135-149 and potentially 150-152 if there is a line of sight to the potato store) –

I would expect these properties to effectively shield the dwellings behind them.

I can also reconfirm the exceedances below (with an open window) -



For medium risk dwellings (**Amber**), the impact of temporarily opening windows to provide ventilative cooling is dependent on the following:

- Noise levels inside the space when windows are open. For the worst case affected dwelling, these values are as follows:

– Living Room / Bedroom (daytime):	<b>43 dB L<sub>Aeq</sub></b>
– Bedroom (night-time):	<b>39 dB L<sub>Aeq</sub></b>
– Bedroom (night-time):	<b>58 dB L<sub>AFMax,3min</sub></b>

- How often windows need to be opened to provide relief from overheating:

A more detailed CIBSE TM59 assessment for overheating should therefore be undertaken to determine the duration which partially open windows are required to provide ventilative cooling throughout the year, particularly to bedrooms during the night-time period.

The worst case predicted levels indicate –

+3dB over the relaxed target for living rooms

+4dB over the relaxed target for bedrooms (night)

We always have our statutory nuisance powers if we do receive future complaints.

### **Cambs Wildlife Trust – 22 August 2023**

I've now checked the bat survey report and no ecological issues have been identified. The submitted Biodiversity Impact Assessment report produced by FPCR in May 2023 is acceptable. There are therefore no outstanding ecological issues with this application.

### **Natural England - 8 March 2023**

Natural England has no comments to make on these reserved matters application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species, or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland, ancient and veteran trees which you can use to assess any impacts on ancient woodland or trees.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision-making process. We advise local planning authorities to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our Site of Special Scientific Interest Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>.

### **ECDC Trees Team – 10 October 2023**

The revisions made are acceptable as such so is the proposed development from a tree perspective subject to the need for the conditions requested in the 22<sup>nd</sup> August consultation response.

### **Waste Strategy (ECDC) – 18 September 2023**

- East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).
- Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision (delivery and administration) of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.
- Please refer to previous comments. We also advise to present a detailed plan/drawing of bin collection points. • Each new property requires a set of receptacles; the contribution is currently £57 per set. We would recommend the developer made the contribution on behalf of the residents. Please note that the bins remain the property of East Cambridgeshire District Council.
- Payment must be made in advance of bins being delivered; East Cambs District Council Account Number 43135897, Sort Code 52-41-19, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to [waste@eastcambs.gov.uk](mailto:waste@eastcambs.gov.uk) detailing the payment amount and the planning reference number.

### **Housing Section - 14 March 2023**

The Strategic Housing Team supports the above application as it will deliver 30% affordable housing on site (53 dwellings) and will meet the required tenure

of 77% rented (41 dwellings) and 23% Intermediate Housing (12 shared ownership dwellings) in accordance with the approved s106 agreement.

This affordable housing mix proposed will meet the housing needs of those households in Soham as well as helping to meet the Councils overall affordable housing need for the district.

### **Technical Officer Access - 16 March 2023**

- 1) There are 175 units being constructed and I could not find one "Accessible Bungalow"
- 2) There appears to be shared surfaces. Shared surfaces for pedestrians and cars should not be used as they cause problems for the visually impaired, guide dogs, those with learning difficulties, children, people in wheelchairs and pedestrians in general as there is no demarcation between road and footpath.
- 3) Please provide locations for wheelie bins to be collected as they block the footpath for wheelchair users, pushchair users and children.
- 4) Please provide ramps and dropped kerbs. Is there sufficient space to some front doors from the public footpath to achieve a suitable incline for a wheelchair.
- 5) When considering play equipment, please take account of children with disabilities.
- 6) Consider safety measures for children in terms of the balancing pond.
- 7) Caster unit: - For people with minor disabilities it would be more sensible to have 5 flats as opposed to the existing "one up one downs", (4 number) and one flat.
- 8) "Barnwood Village", plot 16 and 61. "Charnwood Village", plot 131 have inward opening doors on their downstairs toilets. Need a redesign?
- 9) If a visitor in a wheelchair manages in get into the toilets in the Barnwood and Charnwood, with no confidence should they then try various other properties where they would have to navigate through the kitchen and dining area before encompassing overlapping door swings on the way to the toilet!
- 10) I am concerned by the level of pollution from car exhausts for those with asthma and other lung infections, because of the very high density of this estate. It seems to be split in two. One half green belt and the other half with very little green, just hard surfaces and crowding.

### **Design Out Crime Officers - 6 March 2023**

Thank you for the opportunity to comment on these reserved matters application including amended plans and revised layout from previously approved outline application I have viewed the documents in relation to

community safety crime disorder and the fear of crime and completed a search of the Constabulary crime and incident systems for this location covering the last 2 years This is at present a location with a low vulnerability to the risk of crime I refer to previous comments 3rd June 2019 these responses still stand

#### Crimes of note

##### All Crime

Burglary Residential	1
Burglary Business	2
Criminal Damage Residential	1
Theft from Motor Vehicle	2
Theft Of Motor Vehicle	1
Other Theft	1
Theft Of Cycle	3
Public Order 22 Including Race and Religiously Fear	3 6

There is no specific section in the Design and Access or Planning statements relating to security or crime prevention measures NPPF Para 130f which states Planning policies and decisions should ensure that developments create places that are safe inclusive and accessible and which promote health and wellbeing with a high standard of amenity for existing and future users and where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion and resilience

The layout and general appearance look to be acceptable in relation to crime prevention and the fear of crime providing reasonable levels of natural surveillance from neighbours properties with the majority of homes facing each other many homes have back to back protected rear gardens which reduces the risk and vulnerability to crime and some have been provided with defensible space to their front Vehicle parking in curtilage between and to the sides of properties The play area and open spaces with the use of footpaths should encourage natural surveillance on this development  
Having looked at the documentation please see my comments below.

External lighting I have viewed the lighting plan within the documents it would be good to see a full External lighting plan adoptable and private including calculations and lux levels when available For the safety of people and their property our recommendation is that all adopted and unadopted roads any private driveways shared drives and parking areas should all be lit by columns to BS 5489 1 2020 Bollard lighting is only appropriate for wayfinding and should not be used as a primary lighting source for any roads or parking areas where they are also prone to damage Care should be taken in relation to the location of lighting columns with the entry method for the majority of dwelling burglary being via rear gardens Lighting columns located next to rear side garden walls and fences with little surveillance from other properties can be used as a climbing aid to gain entry to the rear gardens Home security lights both front and rear should be dusk to dawn bulkhead LED lights  
NB There are column lights fitted with a back shield that are sympathetic to the environment and work alongside wildlife ecology and light pollution.  
Parking courts for flats should be lit by columns to BS 5489 1 2020 for the safety of residents and visitors.

Cycle Sheds I would like to see a design for the sheds once available. The issues we are trying to prevent are cycle hoops bolted into the ground They need to be cemented 300mm into the floor and should be within view of active windows although there is now a Sheffield stand that has been SBD accredited door hinges should be coach bolted through the shed structure or secured with security or non-return screws.

Floor and roof constructed from 11mm boards minimum  
11x125mm min Tongue and Grooved board walls and door

No windows to be present

Two hasp and staples that meet Sold Secure Silver should be used. One positioned 200mm 300mm down from the top of the door and one positioned 200mm 300mm up from the bottom of the door Additionally hasp and staples should be coach bolted through the shed structure or secured with either security or non-return screws.

Both padlocks should meet Sold Secure Gold or LPS 1654 Issue 11 2014  
Security Rating 1

As a minimum Sold Secure gold ground anchors cemented into the floor.  
Shall be securely fixed to a suitable substrate foundation. See Secured by Design SBD website link

Boundary treatments Landscaping must be a good maintenance plan in place hedging and planting should be kept down to 1m and tree crowns raised to 2m to ensure clear views and surveillance across each site The DAS shows palisade fencing is to be installed around the site security fencing around the service yards, should be at least 2m high with matching gates tested to LPS1175 SR1 reducing the ability to cut and climb but allowing good surveillance through it

Shared footpaths to rear gardens the following plots have a shared footpath to rear gardens 49 50 53 54 91 92 95 96 136 137 and 147 148 where possible these should be gated, and gates positioned as near to the building line as possible and fitted with self-closures so that they can't be left open by residents the rear access gate should be lockable and fitted with a self-closer.

Vehicle parking the flowing properties have limited or no surveillance over the private parking which is situated to the rear of these premises please could fences for the following properties be dropped from 1.8m to 1.5m and fitted with 300mm trellis to improve visibility and natural surveillance Plots 29 87 102 104 108 129 131 135 150 159 and 166

Internal Cycle Bin Store flats enclosed cycle store doors should be enhanced security door sets LPS 1175 SR2 fitted with self-closers and a thumb turn for egress to ensure that people cannot be locked in There should be no visibility inside the stores to prevent criminals viewing the cycles Stands should be secured cemented 300mm into the ground not bolted down as per Secured by Design guidelines Minimum requirements for such equipment are  
Galvanised steel bar construction Sheffield stands  
Minimum foundation depth of 300mm with welded anchor bar  
The cycle stands must facilitate the locking of both wheels and the crossbar  
Clarification required what construction will these doors be not hit and miss.

Footpath Open Space Landscaping whole development including if there are public rights of way pedestrian links on this proposed development footpaths should be straight with clear visibility and a minimum 2m wide the landscaping along these paths should be maintained.

Trees the crowns should be raised to 2m Hedging and planting should be kept down to 1m 1.2m There must be a good maintenance plan in place.

N B The footpath should be lit by columns to BS5489 1 2020 and care should be taken not to place columns within 5m of trees to reduce conflict and damage and not within 1m of private residential fences the majority of dwelling burglaries are committed via rear gardens these should encourage residents to use the green space this should further improve natural surveillance which is always a proven deterrent to crime and antisocial behaviour as well as being a positive to health and wellbeing and a safe route While making comments to address the vulnerability to crime reduce the fear and incidence of crime and community safety we understand that there are competing issues The health and wellbeing agenda connectivity between developments safer routes to schools and local amenities including bus stops and the move to achieve more sustainable transport methods non car modes walking and cycling

Taking the above into consideration I am happy for the above to be conditioned and I have no further comments at this time.

I would encourage the applicant considers submitting a Secured by Design SBD residential 2023 application as I believe this development could attain accreditation with consultation.

**County Highways Transport Team -**

No Comments Received

**Natural England -**

No Comments Received

**Cambridge Ramblers Association -**

No Comments Received

**CCC Growth & Development -**

No Comments Received

**Ward Councillors -**

No Comments Received

- 5.2 A site notice was displayed near the site on 2 March 2023 and a press advert was published in the Cambridge Evening News on 9 March 2023.
- 5.3 Neighbours – 99 neighbouring properties were notified, and the responses received are summarised below. A full copy of the responses are available on the Council's website.

- A number of properties will lose land at the front of their properties, resulting in unsafe parking for those residence
- Negative impact on property value
- Due to the change in levels of the land, the new dwellings would have direct views into existing properties
- little to no consultation with regards to the proposed access to this site
- Broad Piece suffers from constant speeding traffic
- Access should only have been allowed from the North end of the proposed site using the Shade roundabout.
- Concerned access is on broad piece, which will lead to traffic using King Fisher drive which is busy with lorries and traffic going to Mereside.
- Why was consideration not given to having the access off the roundabout at the Shades end of Soham
- The access should be further down King Fisher Drive where it is wider or have a roundabout.
- Increase in traffic may cause a serious accident as children play in this area
- Access to site has been poorly planned
- Increase in road noise for existing residence
- The use of King Fisher Road is dangerous due to the amount of parked cars
- The drainage pipe that runs under Broad Piece has not been cleaned for a very long time and may not cope with the addition of the houses.
- The ditch that runs across broad piece is blocked and has not been cleaned for many years
- Existing evidence of flooding along broad piece is a serious risk and no effort of mitigation has been provided.
- The surface water drainage has not been satisfactorily addressed
- Attenuation ponds in practice can become a boggy marsh - Similar areas within King Fisher Drive
- In the winter the balancing ponds may overflow
- Flooding to existing gardens were caused by the King Fisher drive development and do not wish for additional flooding as a result of this development.
- Drainage suds will be places next to No 24 Broad Piece which will attract insects and bad smells in the summer
- Concern to potential additional draining issues around the school.
- Concerns over permissions surface water drainage failing on the King Fisher estate and that this could be the same on the new development
- Negative impact on property value
- Existing trees within the site should be reduced in height to avoid loss of light to neighbouring dwellings
- Development is outside the development envelope and is not reserved under SOH1 to SOH 8.
- Some documents are missing from the planning portal under 19/00717/DISB in terms of neighbour comments and the flood authority comments are not appearing online

- Comments for a separate application are appearing for this application due to there being two sites with the same officer.
- The internal drainage board has put the incorrect application number on their comments and are appearing under the wrong application.
- Rights of access will be blocked by bollards. How will residence use this access?
- Vibrations of vehicles using the emergency access has broken the rear windows of a house, consideration should be shown to existing dwellings

## 6.0 THE PLANNING POLICY CONTEXT

### 6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 11	Conservation areas
ENV12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 4	New Community Facilities
COM 7	Transport impact
COM 8	Parking provision

### 6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations  
 Design Guide  
 Contaminated Land  
 Flood and Water  
 Natural Environment  
 Climate Change

### 6.3 National Planning Policy Framework 2023

- 2 Achieving sustainable development
- 9 Promoting sustainable transport
- 5 Delivering a sufficient supply of homes
- 12 Achieving well designed places
- 14 Meeting the challenge of climate change, flooding, and coastal change
- 15 Conserving and enhancing the natural environment



6.4 Planning Practice Guidance

Cambridgeshire and Peterborough Minerals and Waste Local Plan

**7.0 PLANNING COMMENTS**

7.1 The application is assessed in accordance with the development plan which comprises the East Cambridgeshire Local Plan 2015. Also relevant are the associated Supplementary Planning Documents, the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance.

7.2 The main considerations of this application are the principle of development, visual amenity, residential amenity, traffic and transportation, parking provision, biodiversity and ecology and water management.

**7.3 Principle of Development**

7.4 Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 provides the locational strategy for development within the district and provides a hierarchy for the location of housing development. That hierarchy seeks to focus the majority of development on the market towns of Ely, Soham and Littleport. It provides for more limited development within villages within a defined development envelope. The policy states that outside defined development envelopes, development will be strictly controlled to protect the countryside and the setting of settlements and will be restricted to the exceptions listed within the policy.

7.5 While the application site is situated outside of the defined development envelope, the principle of development has been established through the planning permission 19/00717/OUM, which was allowed at appeal (APP/V0510/W/21/3282449) 11<sup>th</sup> February 2022. The appeal decision conditioned that the application for approval of the reserved matters shall be made to the Local Planning Authority not later than 2 years from the date of the permission. The reserved matters application has been made within this timescale and therefore the principle of development is considered to be acceptable.

**7.6 Affordable Housing, Self-Build & Housing Mix**

7.7 The outline application 19/00717/OUM secured 30% affordable housing through the S106 Legal Agreement. 5% Self Build and Custom Plots were also secured in this manner.

7.8 The applicant proposes 41 affordable rented units and 12 shared ownership units of which the housing mix would be as follows:

Number of Bedrooms	Number of Units
<b>41 Rented Units</b>	

1 Bedroom Flats	10 Units
2 Bedroom	17 Units
3 Bedroom	10 Units
4 Bedroom	3 Units
5 Bedroom	1 Units
<b>12 Shared Ownership Units</b>	
2 Bedroom	6 Units
3 Bedroom	5 Units
4 Bedroom	1 Unit

7.9 The applicant sets out that the housing mix across the whole site would be as follows:

Number of Bedrooms	Number of Units	Percentage
1 Bedroom	10	6%
2 Bedrooms	32	19.5%
3 Bedrooms	73	44%
4 Bedrooms	47	28%
5 Bedrooms	4	2.5%

7.10 The applicant also sets out that 20% of the dwelling provided would be lifetime homes in accordance with Condition 26 of the outline permission.

7.11 The Council's Housing Strategy and Enabling Officer has reviewed the proposals and confirms that they support the application as it will deliver 30% affordable housing on site (53 dwellings) and will meet the required tenure of 77% rented (41 dwellings) and 23% Intermediate Housing (12 shared ownership dwellings) in accordance with the approved s106 agreement. They advise that the affordable housing mix proposed will meet the housing needs of those households in Soham as well as helping to meet the Councils overall affordable housing need for the district.

7.12 The Design & Access Statement sets out that the average density of the site would be 33 dwellings per hectare (dph).

7.13 The proposal is considered to be compliant with policies HOU1, HOU2, HOU3 of the East Cambridgeshire Local Plan 2015 and the provisions of the NPPF.

#### 7.14 **Open Space**

7.15 The applicant has confirmed that 5.6ha of open space is provided as part of the scheme. The site area is 10.83ha meaning that roughly half of the site is provided as open space. The proposal also includes a Locally Equipped Area of Play (LEAP) with six pieces of play equipment.

## **7.16 Residential Amenity**

- 7.17 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. Paragraph 130(f) of the NPPF specifically requires development to create places that promote health and wellbeing with a high standard of amenity for future users.
- 7.18 The outline application acknowledged that existing occupiers in the area are likely to experience an increase in noise and disturbance from the development, including traffic movements, however it was considered that this was not considered to be significant such that permission should be refused on this basis. The proposed site layout has been laid out to provide significant separation between existing and proposed dwellings, with areas of open space located to the rear of the properties fronting Broad Piece. The proposal is therefore not considered to create overbearing, overlooking or overshadowing impacts to surrounding properties.
- 7.19 The appeal decision on the outline application conditioned matters such as construction times and construction method statements in the interests of residential amenity.
- 7.20 The application is supported by an Odour Assessment which has been reviewed by Environmental Health. They advise that the proposed layout does not encroach into the cordon sanitaire for the Soham Water Recycling Centre. Anglian Water have been consulted and advise that the applicant has been in consultation with them regarding the cordon sanitaire for the Soham sewage treatment works and the submitted layout plan is acceptable and accords with these discussions. They advise that the applicant has taken into consideration the odour buffer zone and has ensured that the amenity of future residents has been considered adequately. The Environment Agency have confirmed that they raise no objections to the proposal.
- 7.21 The applicant has also submitted a noise impact assessment. This has been reviewed by Environmental Health who advise that a limited number of properties to the north-east may, with open windows, intermittently experience noise levels +3dB over the relaxed target for living rooms and +4dB over the relaxed target for bedrooms (night) from the potato store. Given the site constraints considered at outline stage and the subsequent permission granted by the Planning Inspectorate following the appeal (APP/V0510/W/21/3282449), it is considered that alternative ventilation methods for instances of marginal intermittent noise may be acceptable in this instance for a limited number of dwellings. It is considered that the amenity of future occupiers can be adequately protected through the installation of mechanical ventilation for instances where this may be preferable to future occupiers.
- 7.22 Overall, it is considered that the proposal would have an acceptable impact on both existing and future residential amenities in accordance with policy ENV2 of the Local Plan, and the NPPF. The proposal would provide an acceptable living environment and while the relationship between existing dwellings and the development site would be changed, this is not considered to be significantly

detrimental to the amenity of these occupiers and remains within the parameters of the Design Guide SPD and both local and national planning policy.

### **7.23 Visual Amenity**

- 7.24 Paragraphs 130 and 134 of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history. The NPPF makes it clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 7.25 Policy ENV 1 requires applications to ensure that they provide a complementary relationship with existing development, and conserve, preserve and where possible enhance the distinctive and traditional landscapes, and key views in and out of settlements. The policy sets out that development proposals should respect the pattern of distinctive historic and traditional landscape features such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls, and their function as ecological corridors for wildlife dispersal. The policy requires proposals to take account of settlement edges, the space between settlements, and the wider landscape setting, as well as the visually sensitive natural skylines of the area. The policy also requires proposals to take account of the unspoilt nature and tranquillity of the area and the nocturnal character.
- 7.26 Policy ENV 2 requires applications to ensure that their location, layout, form, scale, massing and materials are sympathetic to the surrounding area by making efficient use of land and respecting the density, urban and village character, public spaces, landscape and biodiversity of the surrounding area. This policy seeks to retain existing important landscaping and natural and historic features and expects proposals to include landscape enhancement schemes.
- 7.27 In paragraph 29 of the appeal decision for 19/00717/OUM (APP/V0510/W/21/3282449) the Inspector states that “A Landscape and Visual Impact Assessment considers the likely landscape and visual effects of the scheme and concludes that no significant harm would result. Although there would be an inherent loss of agricultural land and countryside, the site is very well contained by existing built form, and I concur that the effects on the character and appearance of the area would be very small indeed.”
- 7.28 As part of the appeal decision, the submission of a design code was conditioned. This has been submitted and agreed under 19/00717/DISA.
- 7.29 The scheme features four main character areas, these being the Broad Piece Interface which links the site to Broad Piece, the Central Corridor, featuring green space, the North Cores which feature higher density development, and the Settlement Edge, transitioning into open space. The majority of development is two storeys in scale, with some 2.5 storey dwellings spaced out within the site. Development has been focussed toward the built form of Soham, with open space transitioning to the countryside beyond. Open spaces are landscaped formally and informally, with woodland elements to the site edges to soften the visibility of built

form. The entrance to the site is curved and landscaped to soften the approach and visibility from Broad Piece, with development set back from the entrance.

7.30 The design of dwellings provides variation and while there are repeating house types, these are mixed within the site to provide interest to street scenes. Some materials have been indicated; however, the full detail of materials can be secured by condition to ensure that these are appropriate. Dwellings have been positioned in order to naturally survey open spaces, and have been designed to turn corners, preventing blank elevations from being present within street scenes. Boundary treatments and plot layouts have been considered to ensure that street scenes are not dominated by hard boundary treatments.

7.31 On balance, the proposal is not considered to harm local visual amenity and the development complies with the Design Guide, 2015 Local Plan Policies HOU2, ENV1, ENV2 and ENV12, as well as the NPPF.

### **7.32 Highways**

7.33 Policy ENV2 of the East Cambridgeshire Local Plan 2015 sets out that development proposals will be required to incorporate the highway and access principles contained in Policy COM7 of the Local Plan 2015 to ensure minimisation of conflict between vehicles, pedestrians, and cyclists; safe and convenient access for people with disabilities, good access to public transport, permeability to pedestrian and cycle routes; and protection of rights of way. Policy COM8 of the Local Plan 2015 seeks to ensure that proposals provide adequate levels of parking, and policy COM7 of the Local Plan 2015 require proposals to provide safe and convenient access to the highway network. Paragraph 110 b of the NPPF seeks to ensure “safe and suitable access to the site can be achieved for all users”. Paragraph 104c of the NPPF sets out that “opportunities to promote walking, cycling and public transport use are identified and pursued” and that “Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.”

7.34 The site access and road widening works on Broad Piece have already been agreed under the outline application 19/00717/OUM.

7.35 Within the site, dwellings generally have two car parking spaces each. Some plots benefit from garages in addition to two external car parking spaces. Where one-bedroom properties are proposed, these have one associated parking space. Aside from plots 5-9 and 10-14, all dwellings are to be provided with electric vehicle charging points (EVCP). The parking layouts across the site are a mixture of side-by-side spaces and tandem spaces to reduce vehicle dominated frontages. 42 visitor spaces are proposed in line with the requirements of policy COM8.

7.36 The Local Highways Authority has reviewed the application and raises no objections to the proposals. They have requested conditions are appended to any grant of permission. It is noted that they have requested a condition relating to the management and maintenance of street, however this condition was secured on the outline application permission and does not need to be appended to the current

application. It is considered that the proposal complies with policies COM7 and COM8 of the Local Plan 2015.

### **7.37 Ecology**

7.38 Policy ENV7 of the East Cambridgeshire Local Plan 2015 recognises the importance of environments such as trees, wetlands, hedgerows, woodlands and ponds which provide habitats, corridors and links for wildlife, and are part of an essential network for the survival and diversity of species. Paragraph 174 of the NPPF advises that development proposals should minimise impacts on biodiversity and secure net gain. Additionally, the paragraph discusses the importance of establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 180 goes on to advise that development should be supported where the primary objective is to conserve or enhance biodiversity. It goes on to advise that opportunities to incorporate biodiversity improvements in and around developments should be encouraged.

7.39 Policy NE6 of the Natural Environment SPD sets out that all development proposals must provide clear and robust evidence setting out:

- information about the steps taken, or to be taken, to avoid and minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat.
- the pre-development biodiversity value of the onsite habitat based on an up-to-date survey and ideally using the Defra metric,
- the post-development biodiversity value of the onsite habitat ideally using the Defra metric; and
- the ongoing management strategy for any proposals

7.40 Proposals which do not demonstrate that the post-development biodiversity value of the onsite habitat will not significantly exceed the pre-development biodiversity value of the onsite habitat will be refused. Under policy NE9 of the Natural Environment SPD, new planting must be an integral part of the design of a development rather than as an afterthought. Native new planting should be provided that reflects the local character and a suitable species mix should be provided that helps to promote a wide range of biodiversity and contribute to enhancing green infrastructure. Proposals should also incorporate within the landscape scheme, features that will support the establishment of biodiversity, such as wetland areas, 'insect hotels' and log piles.

7.41 The appeal decision for 19/00717/OUM (APP/V0510/W/21/3282449) conditioned that as part of the first reserved matters application, a Landscape and Ecology Management Plan (LEMP) should be submitted setting out the details of mitigation, habitat creation and long-term management.

7.42 The applicant has submitted a LEMP prepared by FPCR Environment and Design Ltd alongside the application. The report sets out a number of habitat creation proposals and conservation objections, as well as setting out management for a period of 30 years.

- 7.43 Natural England have raised no objections to the scheme. The proposal has also been reviewed by the Wildlife Trust who note that the ecological reports and biodiversity net gain assessment provided for the original application have been updated. They advise that the proposals still accord with East Cambs and nationally adopted planning policy for biodiversity. They raise no objection to the scheme.
- 7.44 The scheme can be secured by way of planning condition. With the appropriate condition appended it is considered that the proposal complies with Policy ENV7 of the East Cambridgeshire Local Plan 2015, Policy NE6 of the Natural Environment SPD and the NPPF.
- 7.45 Flood Risk and Drainage**
- 7.46 Policy ENV 8 of the Local Plan 2015 sets out that a site-specific Flood Risk Assessment, endorsed by the Environment Agency, appropriate to the scale and nature of the development and the risks involved, and which takes account of future climate change, will be required for major and non-minor development proposals in Flood Zones 2 and 3 and 'Modelled Zone 3'; and major and non-minor development proposals in Flood Zone 1, on sites of 1 hectare or greater, or where there is evidence of historic flooding set out in the SFRA and/or a Surface Water Management Plan. All applications for new development must demonstrate that appropriate surface water drainage arrangements for dealing with surface water run-off can be accommodated within the site, and that issues of ownership and maintenance are addressed. The use of Sustainable Drainage Systems will be required for new developments in accordance with the Cambridgeshire SuDS Design and Adoption Handbook (or successor document) unless, following an assessment of character and context, soil conditions and/or engineering feasibility dictate otherwise. SuDS may be incorporated within the Flood Risk Assessment.
- 7.47 As part of the appeal decision for 19/00717/OUM (APP/V0510/W/21/3282449) it was conditioned that schemes for foul and surface water drainage would be secured by condition. The applicant has submitted information alongside the application as well as by way of discharge of condition, as per the appeal decision. The Lead Local Flood Authority have advised that they have no objection to the proposal in principle. They note that surface water from site will be drained via an attenuation basin with sediment forebays discharging from the site via a flow control at 3.3l/s. They advise that the exceedance flows will be captured by the cutoff depressed area and bunds and that the small area of flooding at manhole S30 will be contained within the curb-line. Additional depressed areas will take exceedance flows and then discharge back into the system once a storm subsides.
- 7.48 Anglian Water have advised that the foul drainage from this development is in the catchment of Soham Water Recycling Centre and that this will have available capacity for these flows. They advise that the submitted layout plan is acceptable and accords with the cordon sanitaire for the Soham Water Recycling Centre. They advise that the applicant has taken into consideration the odour buffer zone and has ensured that the amenity of future residents has been considered adequately. They advise that they have reviewed the applicant's submitted Drainage Layout Reserved Matters and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage.

7.49 The Environment Agency have advised that they have no objections to the scheme.

7.50 The IDB have been consulted and have noted that the details for the bunds/embankments to serve the attenuation ponds require further information. During discussion over the details required, they have requested that the specification for the construction of the bunds/embankments to serve the attenuation ponds are secured by way of planning condition. There shall be submitted to, and approved in writing by, the Local Planning Authority.

7.51 Based on the information provided it is considered that flood risk and drainage can be adequately dealt with in accordance with policy ENV8 of the East Cambridgeshire Local Plan 2015, the Cambridgeshire Flood and Water SPD, and Chapter 14 of the NPPF.

## **7.52 Other Material Matters**

7.53 As part of the appeal decision for 19/00717/OUM (APP/V0510/W/21/3282449) it was conditioned that as part of the first reserved matters application, an energy and sustainability strategy should be submitted. The applicant has submitted a Sustainability Statement which sets out a range of measures from sustainable procurement and waste management to water efficiency and heating design. The report sets out that the site's forecasted emission rate will better Part L 2013 by 31% and will exceed the requirements of ENV4 of the adopted Local Plan. The report also sets out that photovoltaic arrays will be used. The positioning of the arrays can be secured by way of condition.

7.54 It is noted that the Historic Environment Team have requested that the condition relating to archaeological investigation is appended to any grant of permission, however, this was secured on the outline application and therefore does not need to be secured under the reserved matters application.

## **7.55 Planning Balance**

7.56 On balance, the proposal is considered to be in accordance with the outline permission for the site and has been assessed against both local and national planning policy. The proposal is not considered to create significantly detrimental impacts in terms of visual amenity, residential amenity, highway safety, drainage and flood risk. The benefits of the development are considered to outweigh the limited impacts identified. The proposal is considered to comply with the policies within the Local Plan 2015, and the NPPF. The application is therefore recommended for approval subject to the conditions set out below.

## **8.0 COSTS**

8.1 An appeal can be lodged against a refusal of planning permission, or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as



appellant through the appeal process) then a cost award can be made against the Council.

- 8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 8.4 In this case members' attention is particularly drawn to the following points:
- The appeal decision for 19/00717/OUM (APP/V0510/W/21/3282449) – see Appendix 2.

## **9.0 APPENDICES**

9.1 Appendix 1 – Recommended Conditions

9.2 Appendix 2 – Appeal Decision 19/00717/OUM (APP/V0510/W/21/3282449)

### Background Documents

23/00146/RMM

19/00717/OUM

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

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

## **Appendix 1 – Recommended Conditions**

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

Plan Reference	Version No	Date Received
Charter Plan SSS/PPL/100	C	30th August 2023
Principles Plan SSS/PPL/100	C	30th August 2023
Materials Plan SSS/PPL/100	C	30th August 2023
971-00-05	B	30th August 2023
971-00-03	F	10th October 2023
Car Tracking Plans SSS/CT/100	E	30th August 2023
Refuse Vehicle Tracking SSS/RVT/100	E	30th August 2023
Proposed Planning Layout SSS/PPL/100	AD	30th August 2023
Soham Phasing Plan SSS/PP/100	F	30th August 2023
SSS/VT/100	E	30th August 2023
Bin Collection Point Plan 1/3		18th September 2023
971-04-06	C	10th October 2023
Landscape & Ecological Management Plan	B	12th October 2023
971-00-07	A	14th June 2023
AI_MA_END_R21-410 Plot 20		14th June 2023
AI_MA_END_R21 - 901		14th June 2023
AI_MA_END_R21 - 904		14th June 2023
BT_DET_R21-410 Plot 84		14th June 2023
BT_MA_DET_R21G - 901		14th June 2023
BT_MA_DET_R21G - 907		14th June 2023
BW_DET_R21-410 Plot 16		14th June 2023

BW_MA_DT_DET_R21 - 901 Plot 61	B	14th June 2023
BW_MA_DT_DET_R21-904 Plot 61	A	14th June 2023
BW_MA_DT_DET_R21 - 904	B	14th June 2023
CASTERF/WD/01	A	14th June 2023
CASTERF/WD/02	A	14th June 2023
CH_DET_R21-410 Plots 10- 14		14th June 2023
CH_MA_DET_ R21-410 Plot 131		14th June 2023
CH_MA_DET_R21 - 901 Plots 126, 129, 130, 131	B	14th June 2023
CH_MA_DET_R21 - 904 Plots 126, 129, 130, 131	A	14th June 2023
DA_MA_END_ R21-410 Plot 67		14th June 2023
DA_MA_END_ R21-410 Plot 29		14th June 2023
DG_MA_END_ R21-410 Plot 50		14th June 2023
DP_MA_END_R21 - 901 Plots 22, 66, 115		14th June 2023
DP_MA_END_R21 - 904 Plots 22, 66, 115	A	14th June 2023
DA_MA_END_ R21-410 Plot 30		14th June 2023
DP_MA_END_ R21-410 Plot 22		14th June 2023
GA_MA_DT_DET_ R21-410 Plot 160		14th June 2023
GA_MA_DT_R21 - 901	B	14th June 2023
GA_MA_DT_R21 - 904	B	14th June 2023
GW_MA_DET_ R21-410 Plot 68		14th June 2023

GW_MA_DET_R21 - 901 Plot 155	A	14th June 2023
GW_MA_DET_R21 - 904 Plot 155		14th June 2023
GW_MA_DET_R21 901 Plots 25, 26, 68, 99	A	14th June 2023
GW_MA_DET_R21-410 Plot 155		14th June 2023
GW_MA_DET_R21-904 Plots 25, 26, 68, 99		14th June 2023
GZ_MA_END_ R21-410 Plot 96		14th June 2023
GZ_MA_END_ R21 - 901 Plots 90, 91, 96, 97	A	14th June 2023
GZ_MA_END_ R21 - 904 Plots 90, 91, 96, 97	A	14th June 2023
HED_MA_DET_ R21-410 Plot 36		14th June 2023
HED_MA_DET_R21 - 911		14th June 2023
KGS_MA_DET_ R21-410 Plots 2, 17		14th June 2023
KGS_MA_DET_R21 - 901 Plot 17		14th June 2023
KGS_MA_DET_R21-410 Plot 17		14th June 2023
LAN_MA_DET_ R21-410 Plot 85		14th June 2023
LAN_MA_DET_R21 - 901 Plots 30, 80, 85		14th June 2023
LAN_MA_DET_R21 - 904 Plots 38, 80, 85		14th June 2023
PEREM19658-03D		14th June 2023
PEREM19658-04D		14th June 2023
RI_MA_DET_R21 - 901 Plots 53, 54	A	14th June 2023

RI_MA_DET_R21 - 904 Plots 53, 54		14th June 2023
SA_MA_CTP_END_R21G- 901 Plots 62-65, 69-72, 118, 119, 122, 123, 133, 134, 157	B	14th June 2023
SA_MA_END_R21-410 Plot 64		14th June 2023
SEA_MA_DET_ R21-410 Plot 56		14th June 2023
SEA_MA_DET_R21 - 901 Plot 56		14th June 2023
SEA_MA_DET_R21 - 904 Plot 56		14th June 2023
SH_MA_DET_ R21-410 Plots 153, 154		14th June 2023
SH_MA_DET_R21 - 901 Plots 153, 154	A	14th June 2023
SH_MA_DET_R21-410 Plot 105		14th June 2023
SH_MA_DET_R21-901 Plots 34, 35, 40, 73, 100, 103, 105, 117	A	14th June 2023
SH_MA_DET_R21-904 Plots 34, 35, 40, 73, 100, 103, 105, 117	A	14th June 2023
1035194-CDL-ZZ-XX-RP- AS-45200	P03	14th June 2023
Arboricultural/Tree Impact Assesment	B	14th June 2023
Biodiversity/Ecological Assessment	B	14th June 2023
WA_MA_END_R21 - 901 Plots 45, 46, 88, 89, 109- 112, 124, 125, 135-138, 146- 149, 151, 152		14th June 2023
WA_MA_END_R21 - 904 Plots 45, 46, 88, 89, 109- 112, 124, 125, 135-138, 146- 149, 151, 152		14th June 2023

WY_MA_DET_R21 - 901 Plot 132		14th June 2023
WY_MA_DET_R21 - 904 Plot 132	A	14th June 2023
FPCR,BNG Calculation Spreadsheet		14th June 2023
RI_MA_DET_R21-410	Plot 53	21st February 2023
WA_MA_END_R21-410	Plot 152	21st February 2023
WY_MA_DET_R21-410	Plot 132	21st February 2023
Bat Report		6th February 2023
Ecological Appraisal		6th February 2023
Odour Addendum	A	6th February 2023
Odour Assessment	D	6th February 2023
Odour Modelling Assessment		6th February 2023
A 6274-05 Pumping Station		6th February 2023
Q8409_A MIRACEL PLAY AREA		6th February 2023
Q8409_A MIRACEL SITE AREA PLAY		6th February 2023
BT_MA_DET_R21-901	Plot 4	21st February 2023
BT_MA_DET_R21-904	Plot 4	21st February 2023
Fire Appliance Tracking SSS/FAT/100	E	30th August 2023
Bin Collection Point Plan 2/3		18th September 2023
Bin Collection Point Plan 3/3		18th September 2023
SSS/LP/001		21st February 2023
BT_DET_R21-410 PLOT 4		21st February 2023
AL_MA_MID_R21 - 901 Plot 140		14th June 2023
AL_MA_MID_R21 - 904 Plot 140		14th June 2023

W_MA_DET_R21 -901 PLOTS 15, 16, 43,44	B	21st February 2023
HED_MA_DET_R21 - 901 Plots 36, 37, 55, 58, 59, 60, 76, 77, 78		14th June 2023
SA_MA_CTP_END_R21G- 905 Plots 62-65, 69-72, 118, 119, 122, 123, 133, 134, 157	B	14th June 2023
SH_MA_DET_R21-904 Plots 153, 154	A	14th June 2023
BW_DET_R21-410 PLOT 74		14th June 2023
BT_DET_R21-410 Plot 104		14th June 2023
BT_DET_R21-410 Plot 1		14th June 2023
SH_MA_DET_ R21-410 Plots 108, 166		14th June 2023
CH_DET_R21-410 Plots 5-9		14th June 2023
BT_DET_R21-410 Plots 5-9, 10-14		14th June 2023
BW_MA_DET_R21 - 901 Plots 79, 150, 162	B	14th June 2023
BW_MA_DET_R21 - 904 Plots 79, 150, 162	A	14th June 2023
BT_VILL_DET_R21 - 410 Plots 1, 33, 39, 104, 107, 159		14th June 2023
BT_VILL_DET_R21 - 410 Plots 1, 33, 39, 104, 107, 159		14th June 2023
CSTERF/WD/01 REV A Plots 5-9		14th June 2023
CSTERF/WD/02 REV A Plots 5-9		14th June 2023
DA_MA_END_R21 - 901 Plot 30		14th June 2023
DA_MA_END_R21 - 904 Plot 30	A	14th June 2023
DP_MA_END_R21 - 901		14th June 2023

Plot 29

DP_MA_END_R21 - 904 Plot 29	A	14th June 2023
SH_MA_DET_R21 - 901 Plots 108, 166	A	14th June 2023
SH_MA_DET_R21 - 904 Plots 108, 166	A	14th June 2023
BW_MA_DT_DET_R21 - 901 Plots 57, 74	B	14th June 2023
BW_MA_DT_DET_R21 - 904 Plots 57, 74	A	14th June 2023
SA_MA_END_R21-410 Plot 128		14th June 2023
SH_MA_DET_R21 - 901 Plot 142	A	14th June 2023
DP_MA_END_R21-410 Plot 87		14th June 2023
DA_MA_END_R21-410 Plot 86		14th June 2023
GW_MA_DET_R21-410 Plot 18		14th June 2023
LAN_MA_DET_R21 - 901 Plot 52		14th June 2023
AI_MA_END_R21-410 Plot 23		14th June 2023
KGS_MA_DET_ R21-410 Plots 2, 17		14th June 2023
KGS_MA_DET_ R21-410 Plot 17		14th June 2023
DA_MA_END_R21-901 Plots 86, 101, 113		14th June 2023
DA_MA_END_R21-904 Plots 86, 101, 113	A	14th June 2023
DA_MA_END_R21-901 Plots 87, 102, 114		14th June 2023
DP_MA_END_R21-904 Plots 87, 102, 114	A	14th June 2023



GW_MA_DET_R21-901 Plots 18, 98, 120, 121, 158	A	21st February 2023
GW_MA_DET_R21-904 PLOTS 18, 98, 120, 121, 158		21st February 2023
SH_MA_DET_R21 - 901 Plot 142	A	14th June 2023
AL_MA_END_R21 -901 Plots 23, 24		14th June 2023
AI_AM_END_R21-904 PLOTS 23, 24		21st February 2023
KGS_MA_DET_R21-901 PLOTS 2, 3		21st February 2023
KGS_MA_DET_R21-904 PLOTS 2, 3		21st February 2023
LAN_MA_DET_R21-901 PLOT 52		21st February 2023
LAN_MA_DET_R21-904 PLOT 52		21st February 2023
GA2.2 103		6th February 2023
GA2.2 102		6th February 2023
GA1.1 105		6th February 2023
GA1.1 102		6th February 2023
BT_DET_R21-410 Plots 5-9, 10-14		14th June 2023
Sa_MA_CtP_END_R21G- 905 Plots 127, 128	B	14th June 2023
Sa_MA_CtP_END_R21G- 901 Plots 127, 128	B	14th June 2023
Bw_Det_R21-410 Plot 150		14th June 2023
06489-FPCR-XX-XX-DR-L- 0001	P06	30th August 2023
06489-FPCR-XX-XX-DR-L- 0002	P06	30th August 2023
06489-FPCR-XX-XX-DR-L- 0003	P06	30th August 2023

06489-FPCR-XX-XX-DR-L-0004	P06	30th August 2023
06489-FPCR-XX-XX-DR-L-0005	P06	30th August 2023
06489-FPCR-XX-XX-DR-L-0006	P06	30th August 2023
06489-FPCR-XX-XX-DR-L-0007	P08	30th August 2023
06489-FPCR-XX-XX-DR-L-0008	P08	30th August 2023

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 3 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.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 4 No above ground construction shall take place until the details of the type and position of solar panels to be installed at the site are submitted to and agreed in writing by the Local Planning Authority.
- 4 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 5 Prior to any occupation of the development, a scheme for the maintenance of the soft landscaping for a minimum period of 5 years from last occupation, shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
  - i) methods for the proposed maintenance regime
  - ii) detailed schedule
  - iii) details of who will be responsible for the continuing implementation
  - iv) details of any phasing arrangements
- 5 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

- 6 All soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, 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.
- 6 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 The boundary treatments hereby permitted shall be constructed in accordance with the details specified on SSS/PPL/100 REV C. The boundary treatments shall be in situ and completed prior to the first occupation of the dwelling to which they relate. All works shall be carried out in accordance with the approved details and retained thereafter.
- 7 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 The development hereby permitted shall be carried out in accordance with the submitted or Landscape and Ecological Management Plan Rev B prepared by FPCR Environment and Design Ltd, dated October 2023, to ensure that there is a minimum 10% net gain in biodiversity within a 30-year period as a result of the development. The Plan shall be implemented in full with periodic updates every 5 years to ensure it remains appropriate and current.

Monitoring reports will be submitted to the Council during years 2, 5, 7, 10, 20 and 30 from commencement of development unless otherwise stated in the Landscape and Ecological Management Plan Rev B, demonstrating how the net gain in biodiversity is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

- 8 Reason: In the interests of ensuring measurable net gains to biodiversity and in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD 2020 and paragraphs 174 and 180 of the National Planning Policy Framework 2023.
- 9 Prior to the commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority, in line with British Standards BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations. The development thereafter shall be implemented in strict accordance with the approved details.
- 9 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. 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.

- 10 The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 9 shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written and photographic evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.
- 10 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.
- 11 Prior to commencement, a Hedgerow and Woodland (bulk planting areas) Management and Creation Scheme should be produced and submitted to the LPA for approval. The Woodland Management and Creation Scheme (hereafter referred to as HWMCS) is required to contain details on the following:
- 1) The areas of woodland and hedgerows to be retained and/or enhanced
  - 2) Areas where new woodland and hedgerows will be established
  - 3) The methodology for the establishment of new areas of native woodland and hedgerows; (timings and details for plot thinning and coppicing operations and removal of protective fencing/guards)
  - 4) Management of existing woodland and hedgerows to enhance its amenity and ecological value; (timings and details for plot thinning and coppicing operations)
  - 5) Details of responsibility for the future management of the woodland areas and hedgerows.
  - 6) Details to cover a period of no less than 20 years or until maturity.
- Informative:  
The following British Standards should be referred to as appropriate:
- a) BS: 3882:2015 Specification for topsoil
  - b) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
  - c) BS: 3998:2010 Tree work - Recommendations
  - d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
  - e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
  - f) BS: 5837 (2012) Trees in relation to demolition, design, and construction - Recommendations
  - g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
  - h) BS: 8545:2014 Trees: from nursery to independence in the landscape - Recommendations
- 11 Reason: Provision of details relating to the ongoing management of new hedgerows and woodland/bulk planting areas ensures that the initial vision is deliverable, possible and managed with a continuity of purpose, to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to enhance its setting within the immediate locality in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 All works shall be carried out in accordance with the Arboricultural Impact Assessment & Method Statement. If, during construction, it becomes apparent that further works or

changes are required, work shall not progress any further on site until the applicant has secured a site meeting with a suitably qualified professional to agree the details and phasing of any tree surgery works not detailed in the submitted report. For any works not agreed in the approved document(s), a written schedule shall be submitted to and approved in writing by the Local Planning Authority, and the works carried out in accordance with these approved details.

- 12 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.
- 13 Prior to above ground construction, the details of the mechanical ventilation to be installed in the properties identified to exceed the relaxed target noise levels within the Environmental Noise Assessment dated May 2023, prepared by Cundall, shall be submitted to, and agreed in writing by the Local Planning Authority. The details shall confirm that the mechanical ventilation proposed brings the noise levels to within the relaxed targets. The mechanical ventilation shall be installed prior to first occupation of any affected dwelling and retained in perpetuity.
- 13 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 Prior to above ground construction, the elevation and material details of the electrical substation shall be submitted to and agreed in writing by the Local Planning Authority.
- 14 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 15 Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County Road in accordance with the details approved on drawing SSS/PPL/100 Rev AD in writing by the Local Planning Authority.
- 15 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 16 Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 16 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 17 Prior to the occupation of a dwelling, the pedestrian visibility splay associated with its driveway as shown on SSS/PPL/100 Rev AD shall be provided and thereafter be maintained free from obstruction exceeding 0.6m above the level of the adjoining footway or shared surface street.
- 17 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

- 18 Prior to commencement, the specification for the construction of the bunds/embankments to serve the attenuation ponds shall be submitted to, and approved in writing by, the Local Planning Authority. The bunds/embankments shall be carried out in strict accordance with the approved specification, prior to occupation of any dwelling.
- 18 Reason: To prevent flooding by ensuring the satisfactory storage/disposal of water from the site, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.

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## Appeal Decision

Inquiry held on 11-14 January 2022

Site visit made on 14 January 2022

**by Michael Boniface MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11<sup>th</sup> February 2022**

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**Appeal Ref: APP/V0510/W/21/3282449**

**Land to the North East of Broad Piece, Soham**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Persimmon Homes East Midlands against the decision of East Cambridgeshire District Council.
  - The application Ref 19/00717/OUM, dated 16 May 2019, was refused by notice dated 8 March 2021.
  - The development proposed is up to 175 dwellings and associated infrastructure.
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### Decision

1. The appeal is allowed and planning permission is granted for up to 175 dwellings and associated infrastructure at Land to the North East of Broad Piece, Soham in accordance with the terms of the application, Ref 19/00717/OUM, dated 16 May 2019, subject to the conditions contained in the attached Schedule.

### Applications for costs

2. At the Inquiry applications for costs were made by East Cambridgeshire District Council against Persimmon Homes East Midlands and by Persimmon Homes East Midlands against East Cambridgeshire District Council. These applications are the subject of separate Decisions.

### Preliminary Matters

3. The application is submitted in outline with all matters reserved for subsequent consideration except for the access into the site. This is the basis upon which I have considered the appeal.
4. Before the exchange of evidence, the Council confirmed that it no longer had concerns about transport and highways; flooding and drainage; or the effect on the character and appearance of the area. As such, it did not provide evidence on these topics and opted not to defend its second, third and fourth reasons for refusal.
5. At the case management conference preceding the Inquiry, the main issue in this case was identified. However, in addition to addressing this matter, the appellant provided written evidence dealing with affordable housing; custom/self-build; design; drainage; and transport. Witnesses were made available at the Inquiry by the appellant but none of this evidence was challenged by the Council and it did not seek to cross examine on these topics,

nor did any interested parties opt to ask questions. As such, it was not necessary to call these witnesses for oral evidence and the unchallenged written evidence has been taken into account.

6. The Government published its 2021 Housing Delivery Test (HDT) results on 14 January 2022, to be applied from the following day. As these results had not been known before the Inquiry closed, the parties were given the opportunity to comment in writing and their responses have been taken into account.
7. A signed and executed version of the S106 agreement securing planning obligations was received after the Inquiry, in accordance with an agreed timetable. I deal with this later in my decision.

### **Main Issue**

8. The main issue is whether the site is a suitable location for the proposed residential development, having regard to planning policy.

### **Reasons**

9. The development plan, so far as it is relevant to the appeal proposal, comprises the East Cambridgeshire Local Plan (April 2015) (ECLP) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) (M&WLP). Policy GROWTH 1 of the ECLP expects the delivery of some 11,500 dwellings in East Cambridgeshire during the plan period, with the balance of the need (some 1,500) being met by neighbouring authorities under the duty to cooperate.
10. ECLP Policy GROWTH 2 provides the locational strategy for delivering the expected growth in the district. The majority of development is to be focused on the market towns of Ely, Soham and Littleport. Development is supported within defined development envelopes and strictly controlled outside of these envelopes, having regard to the need to protect the countryside and setting of towns and villages.
11. Policy GROWTH 4 of the ECLP explains that sites will be allocated for the delivery of approximately 6,500 dwellings on the edge of towns and villages and includes a list of allocations for Soham. The supporting text refers to broad locations on the edge of key settlements as potential sources of housing supply. These are identified in a key diagram and there is no disagreement between the parties that the appeal site falls within one such area.
12. Although broad locations are said to be indicative, supply is anticipated from these areas in the later part of the plan period. Indeed, some 1,800 dwellings contributing to the supply identified in the ECLP is expected at the broad locations. Therefore, the supporting text is an important consideration in this case that assists with interpretation of the policy. It is intended that the specific site boundaries will be identified through the next Local Plan review but this is yet to occur and the Council abandoned its last attempt to prepare a new Local Plan during the latter part of the examination process.
13. It is agreed between the parties that policy GROWTH 1 is out of date since the plan is now more than five years old and the identified housing requirement can no longer be relied upon. The Council is now pursuing a Single Issue



Review of the ECLP but this is at a relatively early stage of preparation and the Council accepts that it should attract very little weight at this time.

14. There was much debate during the Inquiry as to whether policies GROWTH 2 and GROWTH 4 should also be considered out of date for the purposes of this appeal. Based on the evidence put to me there is little doubt in my mind that they should. Policy GROWTH 2 is a locational strategy predicated on delivering the housing requirement contained in out-of-date policy GROWTH 1. This requirement cannot be relied upon and the amount of housing now needed in the district within this plan period to 2031 is uncertain, as is the question of whether the need can be accommodated within existing settlement envelopes and/or whether sufficient housing allocations exist. The Council's planning witness accepted during cross examination that it would be wrong to assume what the locational strategy should be without knowing the new housing requirement and I agree.
15. What is known, is that the balance of the need identified at the plan making stage will no longer be accommodated by adjoining authorities. In addition to that balance of 1,500 homes that the plan does not seek to deliver, there has been a significant shortfall against the ECLP housing requirement to date, meaning that the plan cannot be said to have been effective in delivering the anticipated housing need to date.
16. Whilst there is no dispute that for the purposes of calculating housing land supply, the standard method should now be used and that this seeks to address past shortfalls, that does not make the hefty shortfalls against the ECLP requirement immaterial. It is, in my view, an important indication that the ECLP has not been effective in meeting housing needs since the beginning of the plan period and casts further doubt as to whether the Council's locational strategy can be relied upon to significantly boost housing delivery in line with the National Planning Policy Framework (the Framework). The latest HDT results, whilst showing an improved position in the district, still indicate that sufficient housing has not been delivered over the past three years, as has been the case in this district against previous HDT results published by the Government.
17. Continued strict application of policy GROWTH 2 would be likely to worsen this situation. Whilst the general objectives of the policy to manage patterns of growth and protect the setting of towns and villages are good ones that are consistent with the Framework, the policy can no longer be considered up to date because it can no longer be said that sufficient housing can and will be accommodated within the defined settlement envelopes. This is particularly so when the plan itself anticipated that development outside of the envelopes would at some point be needed within the plan period, at the broad locations identified. This must reduce the amount of weight that is placed on conflict with the policy.
18. Similarly, policy GROWTH 4 only makes allocations with the objective of delivering against the out-of-date housing requirement. The past shortfalls in delivery against the plan requirement are indicative that the allocations are not meeting housing needs and may be insufficient. Even if the Council can currently demonstrate a deliverable housing land supply in the region it suggests against its Local Housing Need, that does not make the long-term strategy of the ECLP any more reliable when it comes to housing delivery.

19. The parties agree that there are a large number of policies relevant to this appeal but there is great disparity about which policies are most important for determining the application, or the appeal in this case. There is, in my view, an important distinction between a policy being relevant and a policy being 'most important' in the context of the Framework.
20. In this case, there are a number of general policies in the development plan that are applicable to proposals involving housing and that should be taken into account. However, the real question in this case is whether the proposed housing development is acceptable in principle. That is a question that can only be answered by reference to the policies discussed above, albeit within the context of considering the development plan as a whole, with its many other relevant policies. For this particular proposal, policies GROWTH 1, GROWTH 2 and GROWTH 4 are the most important for determining the case in that they together set out the amount and locational strategy for the delivery of housing, including restricting development outside settlement envelopes. They are all out of date for the reasons I have set out and so the Framework's presumption in favour of sustainable development applies.
21. I recognise that previous Inspectors have concluded differently, finding that policies GROWTH 2 and GROWTH 4 are not out of date. I have no doubt that this was the case at the time they considered them and in the context of the cases they were dealing with, which were not at a market town. However, the decisions highlighted by the parties were now some time ago and I must consider circumstances as I find them now<sup>1</sup>. I do not know what evidence was presented to the Inspectors in those cases but it can be expected that the pertinent issues were tested to a greater degree through this Inquiry than would have been the case as part of the hearings procedure followed there. In this case, I have been presented with evidence from the appellant seeking to persuade me to take a different view, including detail of the very small number of houses granted planning permission as exceptions to Policy GROWTH 2 in recent years. Based on the evidence that I have seen and having considered this appeal proposal on its own merits, a different conclusion is now warranted.
22. The only policy with which the Council suggests a conflict is GROWTH 2 and the appellant accepts that to be the case. There can be no other conclusion, given that the appeal site is located outside of the development envelope and the proposed housing scheme does not fall within the defined list of exceptions. I will come on to consider this policy conflict in the round, later in this decision.

## **Other Matters**

### *Housing land supply*

23. Much time was taken up at the Inquiry discussing the potential contribution of individual sites to the Council's housing land supply but given the small deficit identified by the appellant against the requisite five-year requirement it is not necessary for me to consider more than a couple of matters in my decision.
24. I do not accept the appellants argument that a windfall allowance should only be made at years four and five of the Council's supply. The evidence available to the Inquiry clearly demonstrates a healthy past provision of windfall sites in the district, far exceeding the 50dpa that the Council seeks to include at years

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<sup>1</sup> APP/V0510/W/20/3245551, APP/V0510/W/18/3213834 and APP/V0510/W/19/3227487

three, four and five<sup>2</sup>. No provision is made for years one and two so as to avoid double counting, given that any schemes likely to deliver in those years would likely already have planning permission and be included in the supply on that basis. The evidence suggests that further sites could well be identified and begin to deliver by year 3 and does not indicate any likelihood of the number of windfall sites diminishing. As such, it seems to me that the windfall allowance suggested by the Council is a realistic, reasonable and robust one.

25. One of the sites in dispute between the parties is at Stanford Park, Burwell (Ref. 50028) and involves a scheme for up to 91 mobile homes. The Council expects that 64 of these will be delivered in the five-year period. The development has detailed planning permission and so, in accordance with the Framework, should be considered deliverable unless there is clear evidence that homes will not be delivered within five years. In this case, there has been clear progress on site in implementing the planning permission with works to construct an internal road. There is also up to date evidence from the developer which the Council has had regard to in concluding on the likely supply from this site. Although the developer has identified some supply issues resulting from the pandemic and acknowledges that mobile homes are generally slower to sell than traditional housing, this is allowed for in the Council's modest trajectory. Having commenced development, there is more than a realistic prospect that 64 units can be delivered in the five-year period and there is no clear evidence before me to indicate otherwise.
26. My conclusion in relation to these two matters means that 114 units should be added to the supply suggested by the appellant. Consequently, the Council can demonstrate a deliverable five-year housing land supply, whichever of the calculations put to me are applied, noting that there was some disagreement on the correct inputs. For the purposes of this appeal, it is not necessary for me to determine the exact housing land supply figure beyond the requisite five years.

#### *Other considerations*

27. Many local people raised concerns about the potential impact of the development on local highways. This is a topic addressed extensively in written evidence, including in a comprehensive Transport Assessment. It has been demonstrated that the scheme can be accommodated without material harm to highway safety or capacity, with a range of highway improvements and mitigation proposed as part of the development. As part of the works, a section of Broad Piece would be widened within the highway boundary. This would result in the loss of a small strip of land currently used by some residents for parking but would not materially impact on highway safety. Residents would continue to have sufficient space to pull clear of the carriageway and greater opportunities for on-street parking are also likely to be available after road widening. No conflict with policies COM 7 or COM 8 of the ECLP would result in so far as they seek to avoid highway safety and capacity issues.
28. I have had careful regard to concerns about flooding and drainage. The submitted Flood Risk Assessment demonstrates that the scheme can be accommodated without increasing flood risk to surrounding properties. I acknowledge the reservations of some interested parties and the past issues

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<sup>2</sup> Five Year Land Supply Report

that have been experienced, but that does not mean that a suitable scheme cannot be achieved. Indeed, appropriate drainage provision that controls surface water run-off may assist in improving the current situation. The scheme is currently in outline with much of the detail yet to be designed. What is clear, having regard to the evidence submitted and the comments from the Lead Local Flood Authority, is that a suitable drainage scheme can be achieved and the subsequent detail can be secured by planning condition. The scheme would accord with policy ENV 8 of the ECLP.

29. A Landscape and Visual Impact Assessment considers the likely landscape and visual effects of the scheme and concludes that no significant harm would result. Although there would be an inherent loss of agricultural land and countryside, the site is very well contained by existing built form and I concur that the effects on the character and appearance of the area would be very small indeed. There would be no conflict with ECLP policy ENV 1.
30. The site would be close to a sewage treatment works, though the indicative masterplan indicates that houses could be sited away from this area, with intervening open space. An Odour Assessment determines that suitable living conditions would be achieved for future residents. There would be no conflict with Policy 16 of the M&WLP or ENV 9 of the ECLP.
31. Generally, as a ploughed field, there would be limited impact on biodiversity resulting from the scheme and it has been demonstrated that an overall biodiversity net gain would result from the measures to be incorporated into the scheme. The submitted wildlife surveys identify the presence of a bat in the garage building to be demolished for access to the site but improvements to hedgerows and new greens spaces would be likely to provide some mitigation for this loss of habitat. A protected species licence will need to be obtained from Natural England before any disturbance takes place.
32. Some noise and disturbance would be likely to result from the development, affecting neighbouring occupants. However, this would be a relatively short-term impact during construction. Once complete, the residential development would be compatible with the surrounding, predominantly residential land uses. Given the outline nature of the scheme the ultimate layout of the proposed houses is not yet known but it is clear from the indicative details provided that a suitable scheme could be achieved that would not unacceptably impact on neighbours living conditions.
33. Concerns that local facilities and infrastructure cannot accommodate the future residents of the proposed scheme are noted but I am mindful of the detailed evidence provided by the Council and other service providers in this regard. Subject to appropriate developer contributions, there is no evidence before me that any services or facilities would exceed their capacity. On the other hand, the additional population of the development would be likely to support local businesses and facilities through increased expenditure.
34. As set out above, the appellant submitted evidence on a range of topics and demonstrated that the proposal would contribute towards the local need for affordable housing and custom/self-build housing. It was also clear that the scheme was capable of delivering a high-quality design that would contribute positively to the character and appearance of the area. Other benefits were identified, including economic benefits during construction. Together, these matters weigh significantly in favour of the proposal, as does the delivery of

additional market housing in the context of the Framework’s objective to significantly boost supply. The scheme, subject to reserved matters approval, could provide a suitable housing mix and density, as well as delivering affordable housing in accordance with policies HOU 1, HOU 2, HOU 3.

### **Conditions**

35. The parties agreed a list of conditions considered necessary in the event that planning permission is granted. These have been attached without significant alteration but have been amended to improve their precision and otherwise ensure compliance with the appropriate tests. The conditions and the reason for imposing them are contained in the attached Schedule.
36. Condition 27 requires that works the subject of another planning permission are completed prior to any dwelling approved as part of the appeal scheme being occupied. The scheme involves the surfacing of a short section of footpath to the north of the site. Having discussed the suitability of such a condition during the condition’s session, it was clarified that the works are to be carried out by the appellant and are deliverable in line with the trigger incorporated into the condition. Therefore, I am satisfied that the condition is reasonable and would ensure that suitable pedestrian access is provided to the north of the site, where a school is currently located.

### **Planning Obligations**

37. A S106 agreement would secure a range of planning obligations to make the development acceptable in planning terms and mitigate the impact of the development on local infrastructure. The obligations include financial contributions towards local education provision, libraries, wheeled bins, necessary highway improvements and a contribution towards mitigating the impacts of the development on Soham Common. It would also secure a policy compliant provision of self and custom build housing, and the provision of a sustainable urban drainage system with future maintenance arrangements.
38. The Council provided a CIL Compliance Statement demonstrating how these obligations meet the tests contained in Regulation 122 of the Community Infrastructure Levy Regulations 2010. The appellant accepts that these obligations are necessary and otherwise in accordance with the tests. I agree with this conclusion and have taken the obligations into account.
39. I also agree that 30% affordable housing is a necessary and CIL compliant obligation having regard to ECLP policy HOU 3 and have taken this into account. The appellant refers to an enhanced affordable housing offer equating to 36% provision. Whilst additional provision is undoubtedly a good thing, particularly given the need in the district, the additional provision is not necessary to make the development acceptable in planning terms and cannot constitute a reason for granting planning permission. As such, I have not attached additional weight in favour of the proposal for provision beyond the policy requirement.

### **Planning Balance and Conclusion**

40. I have found a conflict with a single policy of the development plan, in that the appeal site falls outside of the development envelope for Soham defined by policy GROWTH 2. That is a policy which I have determined to be out of date and for the reasons set out, reduces the weight that I attach to the conflict.



41. It is very apparent that the scheme otherwise accords with the development plan. GROWTH 2 seeks to direct housing development to Soham, one of three market towns that are a focus for development. Furthermore, the appeal site falls within a broad location specifically identified and expected to deliver a significant quantum of development during the later part of the plan period. The Council does not dispute that Soham is a sustainable location for development and made no argument that the development would cause unacceptable harm to the setting of the town, a stated purpose of policy GROWTH 2.
42. Even if the Council can currently demonstrate a housing land supply in the region it suggests (more than 6.5 years), there has been significant under delivery against the development plan requirement to date and there can be no certainty that the strategy contained in the ECLP will deliver sufficient housing in the long-term of the plan period. In fact, the evidence before me suggests that it will not. There has been a persistent failure to meet housing requirements in the area based upon published HDT results and it seems likely that the strict application of out-of-date policies is a relevant factor.
43. Despite a conflict with one important but out of date policy, I have found overwhelming compliance with other relevant policies of the development plan. Overall, I find that the appeal proposal would be in accordance with the development plan taken as a whole and material considerations indicate firmly in favour of the proposal. There would be very few adverse impacts arising from the development but so far as harm would result, for example from the loss of agricultural land or changes to the character of this previously undeveloped countryside, it is far outweighed by the significant benefits of the scheme.
44. The Council itself accepts that planning permission should be granted if the tilted balance applies, as I have determined to be the case.
45. In light of the above, the appeal is allowed.

*Michael Boniface*

INSPECTOR

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Jack Smyth of Counsel

He called:

Richard Kay BA (Hons) Strategic Planning Manager  
DipTP MA

Barbara Greengrass BSc Planning Team Leader  
(Hons) MSc MRTPI

### FOR THE APPELLANT:

Charlie Banner QC

He called:

Cameron Austin-Fell Planning Director, RPS Consulting Services Ltd  
BA (Hons) MSC MRTPI

Paul Hill BA (Hons) Senior Director, RPS Planning and Development  
MRTPI

James Stacey BA (Hons) Senior Director, Tetlow King Planning  
DipTP MRTPI

Andy Moger BA (Hons) Tetlow King Planning  
MA MRTPI

Jonathan Reynolds BA Technical Director, SLR Consulting Ltd  
(Hons) DipTP MA MRTPI

Simon Parfitt MSc BA Director, David Tucker Associates  
MCILT

Rob Hill BSc MCIHT Director, Infrastructure Design Ltd  
GMICE

### INTERESTED PERSONS:

Councillor Warner  
Mike Rose  
Judith Carballo

Soham Town Council  
Local resident  
Cambridgeshire County Council

### **DOCUMENTS SUBMITTED DURING THE INQUIRY**

- 1 Appellant’s opening submissions
- 2 Council’s opening submissions
- 3 Speaking notes of Cllr Warner and Mr Rose, with attachments
- 4 Transport response to Mr Rose from the appellant
- 5 Drainage response to interested parties from the appellant
- 6 Draft conditions
- 7 CIL Compliance Statement
- 8 Court judgement – Dignity Funerals v Breckland District Council...
- 9 Updated 5YHLS Position Statement
- 10 Written costs application from Council
- 11 Revised affordable housing figures from appellant
- 12 Updated CIL Compliance Statement
- 13 Final draft of S106 agreement
- 14 Revised conditions, clean version and tracked changes version
- 15 Note on condition 26 from the appellant
- 16 Appellant’s costs response and application against the Council
- 17 Site visit meeting place
- 18 Closing submission of the Council
- 19 Closing submissions of the appellant

### **DOCUMENTS SUBMITTED AFTER THE INQUIRY**

- 1 Council’s submission on 2021 HDT results
- 2 Appellant’s submission on 2021 HDT results
- 3 Completed S106 agreement



## **SCHEDULE OF CONDITIONS**

- 1) Save for the details of vehicular access into the site from Broad Piece, details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

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

- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.

Reason: In accordance with the timescale agreed between the parties to ensure prompt delivery, and to comply with Section 92 of the Town and Country Planning Act 1990, as amended.

- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

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

- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: SSS/LP/001 Rev B, 18409-02 Rev E, 18409-08 Rev O, 18409-08-1 Rev O, 18409-08-2 Rev O, 18409-08-3 Rev O and 18409-12-2 Rev B.

Reason: In the interests of certainty and to define the terms of the permission.

- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The statement shall provide for but not be limited to:

- (i) The parking of vehicles of site operatives and visitors;
- (ii) Loading and unloading of plant and materials;
- (iii) Storage of plant and materials and site facilities;
- (iv) A dust management plan;
- (v) Measures to control the emission of noise;
- (vi) Wheel washing facilities;
- (vii) Surface, storm and waste water management and disposal including any pollution to surface and ground water bodies; and
- (viii) Lighting during construction phase.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To safeguard the living conditions of neighbouring occupiers in accordance with policy ENV 2 of the East Cambridgeshire Local Plan.

- 6) No above ground construction shall take place until a Foul Water Strategy has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works have been carried out to serve that dwelling, in accordance with the Foul Water Strategy so approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the environment and prevent flooding in accordance with policies ENV 2 and ENV 8 of the East Cambridgeshire Local Plan.

- 7) No above ground works shall commence 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 submitted Flood Risk Assessment prepared by Amazi Consulting Ltd (ref: AMA743 Rev A) dated 23 April 2019 and the Drainage Feasibility Layout prepared by Infrastructure Design Limited (ref: 971-00-01 Rev B) dated December 2019 and shall include:

- (i) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- (ii) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- (iii) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
- (iv) Full details of the proposed attenuation and flow control measures;
- (v) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- (vi) Full details of the maintenance/adoption of the surface water drainage system;
- (vii) Measures taken to prevent pollution of the receiving groundwater and/or surface water;
- (viii) Full details of measures taken to reduce the existing surface water flood risk to adjacent areas from the site.

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the National Planning Policy Framework and Planning Practice Guidance.

Reason: To prevent the risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with the policies ENV 2 and ENV 8 of the East Cambridgeshire Local Plan.

- 8) Details of long-term maintenance arrangements for the surface water drainage system (including all SuDS features) shall be submitted to and approved in writing by the Local Planning Authority prior to the first

occupation of any of the dwellings hereby approved. The submitted details should identify run-off sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. Thereafter, maintenance shall be undertaken in accordance with the approved maintenance plan.

Reason: To ensure the satisfactory maintenance of drainage systems that are not publicly adopted and to prevent the increased risk of flooding, protect water quality and improve habitat in accordance with policies ENV 2 and ENV 8 of the East Cambridgeshire Local Plan.

- 9) As part of the first reserved matters application, 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.

Reason: To ensure a sustainable development in accordance with policy ENV 4 of the East Cambridgeshire Local Plan.

- 10) No development shall take place until a Phase 2 Intrusive Site Investigation and Risk Assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
- (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.

Reason: To minimise the risks from land contamination to the users of the land and neighbouring land, 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 ENV 9 of the East Cambridgeshire Local Plan.

- 11) 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 within the area concerned 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.

Reason: To minimise the risks from land contamination to the users of the land and neighbouring land, 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 ENV 9 of the East Cambridgeshire Local Plan.

- 12) 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 to and approved in writing by the Local Planning Authority. No development shall take place on land within the WSI area other than in accordance with the approved WSI which shall include:
- (i) The statement of significance and research objectives;
  - (ii) The programme and methodology of site investigation and recording;
  - (iii) The nomination of a competent person(s) or organisation to undertake the agreed works.
  - (iv) The programme for post-excavation assessment and subsequent analysis, reporting, publication and dissemination, and deposition of the resulting archive.

Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV 14 of the East Cambridgeshire Local Plan.

- 13) Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30 – 18:00 each day Monday – Friday; 07:30 – 13:00 on Saturdays; and none on Sundays, Public Holidays or Bank Holidays.

Reason: To protect neighbours living conditions in accordance with policy ENV 2 of the East Cambridgeshire Local Plan.

- 14) As part of the first reserved matters application, a Landscape and Ecology Management Plan, setting out details of mitigation, habitat creation and long term management to achieve the target conditions for created habitats, in line with the Biodiversity Impact Assessment calculator (as set out in Appendix 2 to the Natural Environment Statement Rev B – Jan 2021), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed Management Plan and maintained in perpetuity thereafter.

Reason: To protect and enhance species in accordance with policies ENV 1, ENV 2 and ENV 7 of the East Cambridgeshire Local Plan and the Natural Environment SPD.

- 15) The recommendations made within Section 5 of the Ecological Impact Assessment (May 2019), shall be adhered to at all times throughout the construction and operational phase of the development.
- Reason: To protect and enhance species in accordance with policies ENV 1, ENV 2 and ENV 7 of the East Cambridgeshire Local Plan and the Natural Environment SPD.
- 16) Prior to occupation of the first dwelling, the provision and implementation of a Travel Plan shall be agreed in writing with the Local Planning Authority. The Plan shall include the provision of cycle discount vouchers and/or bus taster tickets and shall be provided to new occupiers of the development. The Plan is to be monitored annually, with all measures reviewed to ensure targets are met.
- Reason: To encourage sustainable modes of transport in accordance with Policy COM 7 of the East Cambridgeshire Local Plan.
- 17) Prior to the occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interests of highway safety and in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan.
- 18) Prior to occupation of the first dwelling, the new access junction shall have been constructed in accordance with approved plan 18409-02-Rev E. The junction shall thereafter be retained in that form.
- Reason: In the interests of highway safety and in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan.
- 19) Prior to occupation of the first dwelling, the visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan 18409-02- Rev E. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- Reason: In the interests of highway safety and in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan.
- 20) Prior to occupation of the first dwelling, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall 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.
- Reason: To ensure that estate roads are managed and maintained to a suitable and safe standard in accordance with policy COM 7 of the East Cambridgeshire Local Plan.
- 21) In the event that any piling is required, a report/method statement detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration shall have first been submitted to and approved in writing by the Local Planning Authority. Noise and

vibration control on the development shall be carried out in accordance with the approved details.

Reason: To safeguard neighbours living conditions in accordance with policy ENV 2 of the East Cambridgeshire Local Plan.

- 22) As part of any reserved matters application, details of the number, type and location of electric vehicle charging points (EVCP) to be installed, shall be submitted to and approved in writing by the Local Planning Authority. The EVCP shall be installed as approved prior to occupation of the dwelling to which it relates and retained thereafter.

Reason: To encourage and facilitate sustainable modes of transport in accordance with Policy COM 7 of the East Cambridgeshire Local Plan.

- 23) No development shall take place until a detailed Arboricultural Method Statement (AMS) compliant with BS 5837:2012 'Trees in relation to design, demolition and construction' has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include justification and mitigation for any tree removal proposed and details of how trees will be protected at all stages of the development. Recommendations for tree surgery works and details of any tree surgery works necessary to implement the permission are required, as is the method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, office, parking, site access, storage etc.). All works shall be carried out in accordance with the agreed AMS.

Reason: To ensure that the trees on site are adequately protected so as to maintain the character and appearance of the area in accordance with policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan.

- 24) As part of the first reserved matters application, a Noise Mitigation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:
- (i) Identify noise levels from adjoining features such as the adjoining potato store, rail and public highways;
  - (ii) Demonstrate how the proposed layout and dwellings have been designed so as to ensure that non-noise sensitive frontages or rooms face noise creating areas or sources so as to achieve acceptable internal noise levels with windows open;
  - (iii) Demonstrate that private amenity space meets acceptable noise levels.

The Noise Mitigation Scheme shall be implemented as approved.

Reason: To ensure acceptable living conditions in accordance with policy ENV 2 of the East Cambridgeshire Local Plan.

- 25) Prior to the approval of reserved matters, details of a Design Code shall have been submitted to and approved in writing by the Local Planning Authority. The Design Code shall demonstrate how the objectives of the Design and Access Statement and illustrative masterplan will be met. Any



reserved matters application shall demonstrate compliance with the approved Design Code. The Design Code shall include the following:

- (i) principles for built-form strategies to include density and massing, street grain and permeability, street enclosure and active frontages, type and form of buildings including relationship to plots and vistas;
- (ii) a strategy for a hierarchy of streets and spaces;
- (iii) design principles for the public realm, areas of public open space including planted areas, and area for play, including principles for biodiversity enhancements and conservation of flora and fauna interests;
- (iv) design principles for hard and soft landscaping including the inclusion of trees and hedgerows;
- (v) design principles for sustainable drainage systems (SuDS);
- (vi) principles for determining quality, colour and texture of external materials and facing finishes for roofing and walls of buildings and structures including sustainable design and construction of the buildings;
- (vii) principles for accessibility to buildings and public spaces for those with impaired mobility;
- (viii) design principles for structures including street lighting, boundary treatments including walling, street furniture, signage, public art, and play equipment;
- (ix) principles for the alignment, width, and surface materials (quality, colour and texture) proposed for all footways, cycleways, highways and other vehicular accesses within the site and including site access proposals;
- (x) principles for on-street and off-street residential vehicular parking, including principles to discourage casual parking and to encourage parking in designated spaces;
- (xi) principles for cycle parking and storage; and
- (xii) the principles for integrating strategic utility requirements, landscaping and highway design.

Reason: To ensure high quality design in accordance with Policy ENV 2 of the East Cambridgeshire Local Plan and the Design Guide SPD.

- 26) The development hereby approved shall include 20% of the dwellings built to Lifetime Homes standard (or equivalent).

Reason: To ensure dwellings are suitable or easily adaptable for occupation by the elderly or people with disabilities in accordance with Policy HOU 1 of the East Cambridgeshire Local Plan.

- 27) Prior to the first occupation of any dwelling in the development hereby approved, the footway improvement works as detailed in planning permission reference 19/01729/FUL (or any equivalent subsequent planning permission for the same works) shall have been completed in accordance with the approved details.

Reason: To ensure safe and convenient pedestrian access to nearby facilities in accordance with Policy COM 7 of the East Cambridgeshire Local Plan.

- 28) Prior to the first occupation of any dwelling hereby approved, the offsite highway works to be carried out within the public highway and as detailed in drawing nos. 18409-08 Rev O, 18409-08-1 Rev O, 18409-08-2 Rev O, 18409-08-3 Rev O and 18409-12-2B shall have been completed in accordance with the approved details.

Reason: In the interests of highway safety and in accordance with Policy COM 7 of the East Cambridgeshire Local Plan.