

22/01427/OUT

Land Adjacent To 73 Fordham Road

Soham

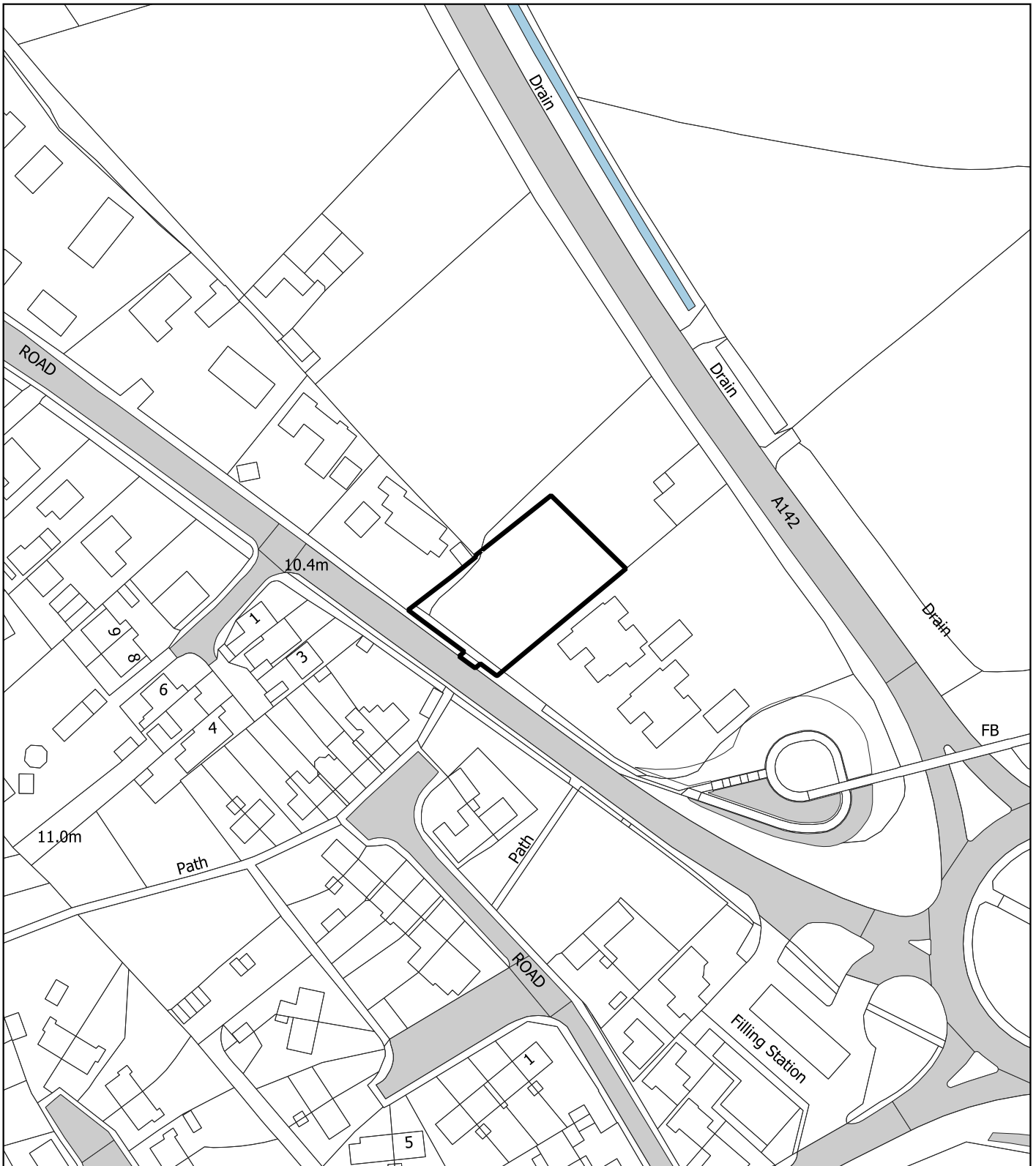
Cambridgeshire

Construction of 2No detached dwellings, new access, dropped kerb and associated works

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<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RM9S1VGGGGZ00>





22/01427/OUT

Land Adjacent To 73
Fordham Road
Soham



East Cambridgeshire
District Council

Date: 09/02/2023
Scale: 1:1,500



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TITLE: 22/01427/OUT

Committee: Planning Committee

Date: 1 March 2023

Author: Planning Officer

Report No: X163

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Site Address: Land Adjacent To 73 Fordham Road Soham Cambridgeshire

Proposal: Construction of 2No detached dwellings, new access, dropped kerb and associated works

Applicant: AJS Architecture Ltd

Parish: Soham

Ward: Soham South

Ward Councillor/s: Ian Bovingdon
Dan Schumann

Date Received: 2 December 2022

Expiry Date: 27 January 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 in the attached Appendix 1.

- 1 Approved Plans
- 2 Submission of Reserved Matters
- 3 Time Limit
- 4 Foul and Surface water drainage
- 5 Acoustic Fence
- 6 Public Right of Way
- 7 Ground Piling
- 8 No gates, fences, walls
- 9 Access Width
- 10 Parking, Turning
- 11 Visibility Splays
- 12 Access Construction

- 13 Construction times
- 14 Biodiversity Improvements

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks planning permission for two dwellings with new access, dropped kerb and associated works. The application is in outline with all matters reserved except access.
- 2.2 The application is being heard at Planning Committee as it is a departure from the development plan.
- 2.3 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 None relevant.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is situated on the southern side of Soham between the A142 and Fordham Road. The site is currently a grassed field; the front and rear boundaries consist of a close board fence, although the one to the front of the site is somewhat dilapidated. The side boundary treatments are a post and rail fence to the south and a post and wire fence to the north. To the front of the site on Fordham Road is a footpath and cycle way, with a pelican crossing. Opposite the site (west) is residential development.
- 4.2 The site is outside of but adjacent to the development envelope. The site is in Flood Zone 1. There is a Public Right of Way that runs across the site which is proposed to be diverted as shown on the submitted drawings.

5.0 RESPONSES FROM CONSULTEES

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

Local Highways Authority - 8 December 2022

On the basis of the information submitted, in highway terms the proposed development is acceptable.

There are other details worth the applicant's consideration which will impact upon financial viability or any subsequent highways agreement, should planning permission were granted. For completeness these are listed below.

- Where the shared drive crosses over the shared use path, the back edging will need to be dropped to maintain a consistent crossfall of 1:40 throughout.

- CCC's signal team have in principle accepted the access arrangement but have stated that the applicant will not be able to re-locate the existing equipment and instead will need to replace it at their own expense. Such a process will also incur commuted maintenance sums which may impact upon viability of the development.
- If the signalised crossing is to be relocated, the guard-railing either side need not be re-provided.

Please read this response in parallel to any from the County's Definitive Map Officer.

In the event that the LPA are mindful to approve the application, please append the following Conditions and Informative to any consent granted.

Conditions

HW8A: Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access, as shown on drawing 010.

HW11A (amended): The access shall be a minimum width of 5m, for a minimum distance of 8m measured from the near edge of the shared footway / cycle track and thereafter retained in perpetuity.

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: Prior to the commencement of the use hereby permitted visibility splays of 2m x 2m shall be provided each side of the vehicular access measured from and along the back of the footway. Such splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the footway.

Non-standard condition: Prior to first occupation of the development, the vehicular access shall be constructed to include the provision of a metalled/sealed surface for a minimum length of 5m from the existing shared footway / cycle track edge.

CCC Growth & Development - No Comments Received

Environmental Health - 8 December 2022

Due to the proposed number of dwellings and the close proximity of existing properties I would advise that construction times and deliveries during the construction phase are restricted to the following:

07:30 - 18:00 each day Monday - Friday
 07:30 - 13:00 on Saturdays and
 None on Sundays or Bank Holidays

If it is necessary to undertake ground piling I would request that a method statement be produced and agreed in writing with the Local Planning Authority (LPA) before work takes place. This document should include the commitment to notifying nearby properties prior to the work commencing to advise how long the works will last. This notification should also provide a contact number so that if there are any concerns while the piling is taking place they can contact the contractor. If the method of piling involves impact driving I would request a commitment to the following restricted hours specifically for piling - 09:00 - 17:00 each day Monday - Friday and None on Saturdays, Sundays or Bank Holidays.

If there is no intention to utilise ground piling then I would request this be confirmed in writing and a condition which prevents it be attached until such time as a ground piling method statement is agreed with the LPA.

The proposed site is in close proximity to the A142 which has the potential to impact on the residential amenity of the future occupiers of these dwellings. It would appear as though the proposed dwellings are bungalows and if I have interpreted the plans correctly then the sensitive room layout has been sensibly placed with the bedrooms facing Fordham Road rather than the A142 (please let me know if this is incorrect). If both of these statements are correct then it does reassure me.

The neighbouring site (18/01419/FUL) found it necessary to implement a 2.0m high acoustic fence between the proposed dwelling and the A142. This informed Condition 9 of that permission which reads -

"Prior to the first occupation of the dwelling, hereby permitted, the acoustic fence and the hedging on both sides of the fence shown on approved drawing 18:110-3 Rev C shall be installed on site. Thereafter the fence and hedging shall be retained in perpetuity and if within a period of five years from the date of the planting, or replacement planting, of the hedge any tree within it is removed, uprooted or destroyed or dies, another tree 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.

I would recommend that a similar condition be attached if this permission is granted.

There was also an earth bund recommended as part of 18/01419/FUL but it is unclear if this was to help mitigate noise from the A142. It is likely that a bund will also be required for this application (if approved).

Waste Strategy (ECDC) - 29 December 2022

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.

Asset Information Definitive Map Team - 22 December 2022

Public Footpath 96, Soham, runs through the proposed access to the development. To view the location of the ROW please view our interactive map online which can be found at <http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>.

As stated in the application, a diversion for the path must be made. The public should be encouraged to use PROW by physically improving suitable PROW to make them safe, convenient and inviting to pedestrians, the County Council's Rights of Way Improvement Plan states that a well-developed Rights of Way network is essential in providing access to the countryside. Advice for planners and developers can be found here: Public Rights of Way Guidance for Planners and Developers (cambridgeshire.gov.uk).

To ensure the Public Footpath is protected as part of the development, the County Council's Definitive Map Team requests the following conditions be applied to any permission granted.

- The applicant must apply for the Diversion Route under the Highways Act 1980, further information and guidance can be found on our website: Definitive Map and Statement - Cambridgeshire County Council.
- The diversion order must be complete before any development takes place.
- Permission from the landowner of 'The Paddock' must be obtained before any diversion onto their land can take place.
- The diversion should extend beyond the development site, and end where the Paddock land ends, opposite to No. 71A. This is to ensure that the whole anomalous line of PROW is consistently amended.
- The applicant must ensure that at all points, the Public Right of Way (PROW) is at least two metres wide. This includes the pinch-point where the path's direction changes from north-east to north west.
- The PROW must be off-set from any boundary feature, this is not included in the 2 Metres width. For a hedge, the offset distance should be of 1.5 metres, and any wall or close-boarded fence of 0.5 metres. This is in accordance with the Council's statutory Rights of Way Improvement Plan (RoWIP).
- The applicant should avoid the enclosure of the path by large fencing to one side.

Our guidance above states that enclosed paths are normally less visible from adjacent land and natural surveillance is less likely from overlooking properties. Acute changes of direction in a path should be avoided so that no intimidating blind spots are created.

Reason: In the interests of the amenity of the public.

Furthermore, the applicant may be required to temporarily close public rights of way whilst construction work is ongoing. Temporary Traffic Regulation Orders (TTROs) are processed by the County Council's Street Works Team and further information regarding this can be found on the County Council's website at <https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highway-licences-and-permits/>

Cambridge Ramblers Association - No Comments Received

Soham Town Council - 21 December 2022

No objection but would like to see a drainage report before a decision is determined

Ward Councillors - No Comments Received

5.2 A site notice was displayed near the site on 16 December 2022 and a press advert was published in the Cambridge Evening News on 15 December 2022.

5.3 Neighbours – two neighbouring properties were notified and no responses were received.

6.0 THE PLANNING POLICY CONTEXT

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Design Guide
Flood and Water
Natural Environment SPD
Climate Change SPD

6.3 National Planning Policy Framework 2021

- 2 Achieving sustainable development
- 4 Decision-making
- 9 Promoting sustainable transport
- 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

7.0 **PLANNING COMMENTS**

7.1 The main considerations in the determination of this application are the principle of development, visual amenity, residential amenity, highway safety and parking, ecology, flood risk and any other matters.

7.2 **Principle of Development**

7.2.1 Policy GROWTH 1 identifies the level of growth required within the district over the Local Plan Period. This includes the housing requirement for the district. Policy GROWTH 1 is accepted by the Council as being out-of-date as it uses an out of date housing requirement figure, and consequently this has triggered the preparation of the 'single issue review' of the Local Plan, in order to bring GROWTH 1 back in date. That updating of the policy remains at a relatively early stage, and therefore little weight should be given to its emerging content.

7.2.2 Policy GROWTH 2 of the 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 with 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.

7.2.3 The weight to be given to policy GROWTH 2 is a matter of judgement for the decision maker. An important factor is the consideration of whether the Policy is "out of date" and the allied question of whether the policy is consistent with NPPF for the purposes of NPPF 2021. Applying national policy, there are three main reasons it could be out of date, as follows:

- a) If the Council cannot demonstrate a Five Year Land Supply (NPPF 11d, footnote 8) This is not the case. The Council can demonstrate a healthy supply of deliverable homes, well in excess of five years' worth, and this position has persistently been agreed by recent Inspector appeal decisions;
- b) If the Council 'fails' the Housing Delivery Test. This is not the case. The Council presently sufficiently 'passes' the Test; or
- c) If the Policy is considered 'out of date' on a separate basis. This has been defined by the Courts as "have been overtaken by things that have happened since it was adopted, either on the ground or in some change in national policy, or for some other reason (Bloor v SSCLG [2014] EWHC 754 (Admin); [2017] PTSR 1283). However, the courts have further noted "The acid test in relation to whether or not a policy is out of date is, it will be recalled, the extent to which it is consistent with the Framework." (Gladman Developments Limited v SSHCLG and Central Bedfordshire [2019] EWHC 127 (Admin), [34]). Datedness will always be a "case-sensitive exercise" (Gladman, [36]) and will "encompass the manner in which a policy operates in relation to the

determination of a particular application” (see *Ewans v Mid Suffolk District Council* [2021] EWHC 511, [47]).

- 7.2.4 Officers have considered the approach taken in recent appeal decisions, noting that each case must always turn on its specific facts.
- 7.2.5 In APP/V0510/W/21/3282449 Land to the North East of Broad Piece, Soham (dated 11 February 2022), the Planning Inspector found that policy GROWTH 2 was out-of-date in respect of a proposal for housing on the edge of Soham, a market town identified as a location for growth. That site was also within a broad location for housing (identified in the supporting text to policy GROWTH 4), where housing was anticipated to come forward during the Local Plan period (2011-2031). He concluded that as the housing requirement in GROWTH 1 was out of date and therefore uncertain, it was not clear that adequate housing could be provided in settlements and via allocations. The Inspector found that general objectives of GROWTH 2 “to manage patterns of development and protect the setting of settlement were good ones” and consistent with the NPPF, however in the specific location of the Appeal Site he found that continued strict application of GROWTH 2 was not justified given that the Local Plan anticipated housing in that location and at the market towns. The Inspector also gave weight to the fact that, while outside the development envelope for Soham, the proposal was considered to comply with the development plan as a whole, including the location of the development at one of the three market towns, consistent with GROWTH 2. It is important to appreciate that this was a case where no other development plan conflicts were identified, including notable in respect of landscape. The Inspector therefore did not have to consider these specific wider considerations in assessing the datedness of the policy and its consequent consistency with NPPF.
- 7.2.6 Elsewhere recent Inspectors have found policy GROWTH 2 up-to-date, albeit in respect of proposals for housing on the edge of villages (i.e. not market towns) with such settlements falling lower down the locational strategy hierarchy detailed within GROWTH 2.
- 7.2.7 Turning to the facts of this particular application, the proposal is located outside of the development envelope and is not one of the exceptions listed in GROWTH 2. On the face of it, therefore, it is contrary to GROWTH 2. However, the proposal is located at one of the three market towns where growth is directed to by GROWTH 2.
- 7.2.8 Officers have carefully considered whether the circumstances are similar to those in the recent appeal decision in Soham (in respect of the precise nature of the conflict) and for the purpose of reaching a decision on this case alone, consider that GROWTH 2 is out of date and consequently the development envelope around the settlement of Soham is presently ‘out of date’.
- 7.2.9 Officers have further identified that there is no other basis to consider GROWTH 2 up-to-date, noting the absence of any unacceptable harms in landscape terms (addressed in more detail in the Visual Amenity section below).
- 7.2.10 Therefore, on the question of the principle, it is considered that the principle of development in this location, on the edge of a market town ins acceptable because

the development envelope in this location is out of date and should not be strictly applied in the way GROWTH 2 intends.

- 7.2.11 The Council's position on all settlements other than market towns is distinct from this, and all decisions are reached on a case by case basis.

7.3 Visual Amenity

- 7.3.1 Policy ENV 1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements. Policy ENV 2 states that development proposals ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.
- 7.3.2 The proposal seeks outline planning permission for two dwellings. Appearance, landscaping, layout and scale are not for consideration at this stage. However, an indicative layout, floor plans and elevations have been provided.
- 7.3.3 The site is currently an undeveloped piece of grassed land which forms a gap in the linear development along Fordham Road. At present, there is a Public Right of Way (PRoW) and it is considered that this would add amenity value as members of the public can cross the site. However, on the ground, the PRoW is already in the position which it is proposed to be diverted to and this appears to have been the case for a number of years. The PRoW is proposed to be diverted as shown on the submitted drawings. This is discussed in more detail in the relevant section of the report but the Definitive Map Team have raised no objections to the proposal. While the current PRoW formally runs across the site, the new alignment would run along the boundary with 73 Fordham Road for approximately 23 metres before turning and running along the rear of the dwellings to the north. As shown on the indicative plan, the dwellings are set back in the site which would reduce their prominence from both the street scene and the A142 but also from the PRoW; the 23 metres walked will be alongside the front garden, rather than the dwellings themselves.
- 7.3.4 The erection of two dwellings would change the character and appearance of the area by virtue of introducing built form in this location, however, where this was once open land which formed the transition from built form into the countryside; this has been eroded by the erection of the dwellings to the south which have extended the built form along the road. Although the site does form a gap in the linear development, this gap has been created through the erection of the dwellings to the south and it is not considered that it provides any significant views or add significantly to the level of visual amenity experienced in the public realm in that location. Furthermore, the red line does not extend all the way back to the A142, meaning the land beyond the red line will not be garden land and will remain open which is a similar situation to the dwellings both north and south of the site.
- 7.3.5 The application site is between two dwellings within an area that largely consists of residential dwellings. The dwellings on either side and across the road are largely single storey in nature and from the indicative elevations and layout plans, the proposed dwellings would be similar in character as those to the south, following the built form line of those dwellings while retaining undeveloped land to the rear. As

noted above, the built form has been extended by virtue of the plots to the south and it is considered that this land no longer serves as a transition from the edge of the settlement to countryside. It is considered that the provision of two dwellings in this location would not result in any significant harm to the character and appearance of the area.

- 7.3.6 The plot is of a sufficient size to accommodate two dwellings, with sufficient garden space and parking provision. The dwellings either side are single storey dwellings, as is the majority of the wider street scene and it is considered that only single storey would be acceptable in this location. However, this is a matter which would be decided at reserved matters stage.
- 7.3.7 Landscaping is not for consideration at this stage, however, the block plan does show some indicative landscaping which includes hedging around the perimeter of the site and some tree planting. The site is of a sufficient size and the dwellings proportionate to the plot that it is considered that an acceptable landscaping scheme can be achieved at the site.
- 7.3.8 It is considered that an acceptable scheme could be achieved in this location without significant harm to the character and appearance of the area and is therefore considered to comply with Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015.

7.4 Residential Amenity

- 7.4.1 Policy ENV 2 of the East Cambridgeshire Local Plan, 2015 states that new development will be expected to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.
- 7.4.2 The site has two adjacent neighbours; 73 and 75 Fordham Road.
- 7.4.3 As noted above, appearance, layout and scale are not for consideration at this stage, however, an indicative layout, floor plans and elevations have been provided.
- 7.4.4 The indicative layout shows the dwellings set back beyond the rear elevation of 73 Fordham Road. In this location, it is considered unlikely that the proposal would result in any significant impacts to residential amenity by way of overbearing, overshadowing or overlooking.
- 7.4.5 When measuring the indicative plans, the proposed dwelling at plot two is approximately 5 metres (16ft) from the dwelling at 75 Fordham Road. The approved plan for No. 75 shows there are windows on the elevation facing towards the application site which serve three en-suites, a dressing room, a secondary window to the master bedroom and bedroom three. While the potential overbearing impacts to the majority of those windows would not be cause for concern given that they are not habitable rooms or not the only window in the room they serve, the window to bedroom three is the sole window serving this room. Given the size of the application site and that appearance, layout and scale are not being agreed at this stage it is considered that this could be solved by locating plot two further from 75 Fordham Road; this would likely need to be achieved by moving the proposed dwelling to the

north, rather than forward or back in the site to ensure that the development proposed was in keeping with the established line of built form.

- 7.4.6 Based on the indicative layout, the secondary window on plot two which serves the kitchen would look directly towards the side windows of the neighbouring dwelling. However, the elevations and floor plans are indicative only and it is therefore considered that this window could be removed.
- 7.4.7 While appearance, layout and scale are not for agreement at this stage, the Local Planning Authority need to be certain that an acceptable scheme can be achieved. While there are some concerns around residential amenity, it is considered that they could be solved in the final design and the above paragraphs suggest ways of achieving this.
- 7.4.8 The Council's Environmental Health Officer (EHO) has commented that due to the number of dwellings in close proximity, they advise that construction times and deliveries are restricted to 07:30-18:00 Monday – Friday, 07:30 – 13:00 on Saturdays and none on Sundays or Bank Holidays. They have also requested that if it is necessary to undertake ground piling, then they would request that a method statement be produced and agreed in writing with the Local Planning Authority.
- 7.4.9 The Design Guide SPD states that building plots should be approximately 300sqm (3229sqft), rear private amenity space should be a minimum of 50sqm (538sqft) and the footprint of proposed development should be no more than approximately one third of the plot size. The overall plot size is 1480sqm (15,930sqft), which would far exceed the plot size set out in the Design Guide. It is considered that two dwellings could be achieved in this location with sufficient amenity space and built form not exceeding one third of the plot.
- 7.4.10 The Council's Environmental Health Officer (EHO) has commented that the proposed site is in close proximity to the A142 which has the potential to impact on the residential amenity of the future occupiers of these dwellings. The EHO has commented that the room layout is sensible and this, along with the dwellings being single storey is reassuring as this will assist in mitigating any potential noise impacts
- 7.4.11 A Noise Impact Assessment (NIA) has not been submitted as part of this application, however, the EHO has commented that the neighbouring site (75 Fordham Road) found it necessary to implement a 2-metre-high acoustic fence between the proposed dwelling and the A142 and this was secured by condition. The EHO has recommended that a similar condition be applied to this application if approved. The EHO also notes that an earth bund was included as part of the application at the neighbouring site and that it is likely that a bund will be required as part of this application. However, the earth bund was proposed as part of the application but not necessarily to aid with reduction in noise; the earth bund is not specifically mentioned in the officer report for 18/01419/FUL in respect of noise. The provision of an acoustic fence can be secured by condition.
- 7.4.12 While there are some concerns regarding the impact to neighbouring dwellings, as set out above, appearance, layout and scale are not for consideration at this stage and therefore the indicative elevations are not the final design. It is considered that two dwellings could be achieved in this location without a significant detrimental

impact to the residential amenity of neighbouring dwellings and with sufficient noise mitigation without significant detrimental impacts to future occupiers. The proposal is therefore considered to comply with Policies ENV 2 and ENV 9 of the East Cambridgeshire Local Plan, 2015.

7.5 Highway Safety and Parking

- 7.5.1 Policy COM 7 of the East Cambridgeshire Local Plan, 2015 states that development proposals shall provide a safe and convenient access to the highway network.
- 7.5.2 Access is the only matter for which approval is sought at this stage. The proposal involves the creation of an access on to Fordham Road, a dropped kerb and the provision of the access will require the crossing on Fordham Road to be relocated.
- 7.5.3 The plans show that the proposed access will be situated to the south of the site. The access would serve both dwellings. The indicative plans show both a turning area for both dwellings and two parking spaces per dwelling, which are situated to the front of the dwellings. To facilitate the access, the pedestrian crossing will be relocated slightly to the north west.
- 7.5.4 The Local Highway Authority have been consulted as part of the application and have commented that on the basis of the information submitted, that in highway terms the proposed development is acceptable. It has requested conditions that no gates, walls or fences be erected across the approved vehicular access, that the access shall be a minimum of 5 metres (16ft) width for a minimum of 8 metres (26ft), sufficient space is provided within the site to enable vehicles to enter, turn and leave the site in a forward gear, visibility splays to be provided and that the vehicular access shall be constructed to include the provision of a metalled/seal surface for a minimum of 5 metres (16ft).
- 7.5.5 The Local Highway Authority have also advised that there are other details for the applicant's consideration which will impact upon financial viability or any subsequent highways agreement. They are:
- Where the shared drive crosses over the shared use path, the back edging will need to be dropped to maintain a consistent crossfall of 1:40 throughout.
 - CCC's signal team have in principle accepted the access arrangement but have stated that the applicant will not be able to re-locate the existing equipment and instead will need to replace it at their own expense. Such a process will also incur commuted maintenance sums which may impact upon viability of the development.
 - If the signalised crossing is to be relocated, the guard-railing either side need not be re-provided.
- 7.5.6 Policy COM 7 states that development proposals shall protect existing rights of way or allow for agreed diversions in exceptional circumstances.

- 7.5.7 Public Footpath 96 Soham runs through the proposed access. The application shows the intention to divert the footpath. The diversion shown on the plans is how the Public Right of Way appears on the ground. The Definitive Map Team have confirmed that a diversion for the path must be made but have raised no objections to the proposal. They have requested a condition that the diversion order must be complete before any development takes place. It is considered that it would be reasonable and necessary to condition this as although the walked route is where the diversion is proposed to be, the path does need to be formally diverted.
- 7.5.8 Policy COM 8 of the East Cambridgeshire Local Plan, 2015 states that development proposals should provide adequate levels of car and cycle parking in accordance with the Council's parking standards, which is two car parking spaces per dwelling.
- 7.5.9 The layout of the site is indicative at this stage; however, it does show the provision of two parking spaces per dwelling. It is considered that the application site is large enough that it would be sufficient to provide two car parking spaces and cycle parking.
- 7.5.10 It is considered that the proposal would not result in a significant adverse impact to highway safety and sufficient parking and cycle provision could be achieved. The proposal is therefore considered to comply with Policies COM 7 and COM 8 of the East Cambridgeshire Local Plan, 2015.

7.6 Ecology

- 7.6.1 Policy ENV 7 of the East Cambridgeshire Local Plan, 2015 states that all applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the Local Planning Authority, including an ecological report, to allow potential impacts and possible mitigation measures to be assessed fully. It also states that all development will be required to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds.
- 7.6.2 The Council has adopted the Natural Environment SPD which states that all developments must result in biodiversity net gain.
- 7.6.3 The site is currently a grassed field. At the time of the site visit, the site had long grass and was somewhat overgrown, with a few shrubs/small trees present. The boundary treatments at the site consist of fencing. Within the application site, it is considered that the main ecological feature is the grassland which may provide some benefit to biodiversity. If hedgerow planting of an appropriate species were included in the landscaping scheme as part of a reserved matters application, it is considered that this would likely result in a higher quality habitat. Furthermore, not all of the land is being developed so the long grass could be retained on the rear half of the site.
- 7.6.4 The application site lies within a Green Risk Zone for Great Crested Newts (low likelihood of presence). Notwithstanding, this designation does not render the Applicant or Developer of the site immune to existing environmental legislation, which sits outside of the planning system, regarding the appropriate safeguarding of protected species should they be found within the site during and after construction.

7.6.5 No measures have been put forward to demonstrate biodiversity net gain, however, the indicative block plan does show landscaping including hedge planting around the perimeter of the site and tree planting with the majority of the plot laid to grass. It is considered that if a landscaping scheme with this amount of planting were to be submitted as part of a reserved matters application, along with additional enhancements such as bird/bat boxes, swift bricks and hedgehog gaps that the proposal would result in biodiversity net gain. It is considered that the site is of a sufficient size that biodiversity net gain can be achieved. A scheme for biodiversity enhancements can be secured by condition.

7.6.6 It is considered that biodiversity net gain can be achieved at the site and the proposal is therefore considered to comply with Policy ENV 7 of the East Cambridgeshire Local Plan, 2015 and the Natural Environment SPD.

7.7 Flood Risk and Drainage

7.7.1 Policy ENV 8 states that all developments and re-developments should contribute to an overall flood risk reduction. The sequential and exception test will be strictly applied across the district and new development should normally be located in flood zone 1; the application site is situated in flood zone 1 and therefore is considered to be acceptable.

7.7.2 The application form states that surface water will be disposed of via soakaways and that the means of disposal of foul water is currently unknown. No details of the soakaways have been shown on the plan, however, the layout has not been finalised and these details are likely to be unknown at this time. It is considered that details of both surface water and foul water can be secured by condition.

7.7.3 Soham Town Council have raised no objection to the proposal but would like to see a drainage report before a decision is determined. The site is within Flood Zone 1 and is not within an area of surface water flooding and therefore it is considered that it would not be reasonable to request a drainage report as there is no obvious impediment to achieving acceptable surface water drainage via the method outlined above.

7.7.4 The proposal is therefore considered to comply with Policy ENV 8 of the East Cambridgeshire Local Plan, 2015.

7.8 Other Material Matters

7.8.1 Energy, water efficiency and renewable energy in construction:
Local Plan Policy ENV4 states: 'All proposals for new development should aim for reduced or zero carbon development in accordance with the zero carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable' and 'Applicants will be required to demonstrate how they have considered maximising all aspects of sustainable design and construction.' The adopted Climate Change SPD encourages all development to include sustainability measurements within their proposal. No measures have been put forward as part of the application, however the application is in outline with all matters reserved except access and these details could be included as part of a

reserved matters application. While this does weigh against the application, it would not form a reason for refusal

7.9 Planning Balance

7.9.1 The application site is outside of the development envelope; however, it is located in a market town and is an infill site, between existing built form. As set out in the principle of development section of this report, in this specific case, GROWTH 2 is considered to be out of date and therefore the principle of development in this location is acceptable. There has been no other significant harm identified and it is considered that two dwellings could be achieved in this location without a significant detrimental impact to the character and appearance of the area, residential amenity and highway safety. It is also considered that biodiversity net gain could be achieved at the site. The proposal is therefore recommended for approval.

8.0 APPENDICES

8.1 Appendix 1 – conditions in full

Background Documents

22/01427/OUT

National Planning Policy Framework -
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -
<http://www.eastcamb.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 22/01427/OUT Conditions

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

Plan Reference	Version No	Date Received
010 Access Details		2 nd December 2022
P-6532-01		2 nd December 2022
P-6532-02		2 nd December 2022
P-6532-03		2 nd December 2022

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 2 years of the date of this permission.
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 No development shall take place until a scheme to dispose of foul and surface has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to occupation.
- 4 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 5 No development shall commence until details of an acoustic fence along the eastern boundary has been submitted to and approved in writing by the Local Planning Authority.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 6 No development shall commence until a diversion order for the Public Right of Way, Public Footpath 96, Soham is complete as shown on drawing number P-6532-02.
- 6 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

- 7 In the event of the foundations from the proposed development requiring piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access, as shown on drawing 010.
- 8 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 9 The vehicle access shown on approved drawing P-6532-02 shall be a minimum width of 5m, for a minimum distance of 8m measured from the near edge of the shared footway / cycle track and thereafter retained in perpetuity.
- 9 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 10 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.
- 10 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 11 Prior to the commencement of the use hereby permitted visibility splays of 2m x 2m shall be provided each side of the vehicular access measured from and along the back of the footway. Such splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the footway.
- 11 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 12 Prior to first occupation of the development, the vehicular access shall be constructed to include the provision of a metalled/sealed surface for a minimum length of 5m from the existing shared footway / cycle track edge.
- 12 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 13 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 0730 to 1800 each day Monday - Friday, 0730 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.

- 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 occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 14 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.