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**MAIN CASE**

**Reference No:** 16/01551/OUM

**Proposal:** Residential development for up to 27 dwellings (incl up to 5 self-build dwellings), garages, open space, new accesses onto Station Road, internal roads and associated works. Retention of existing B1 building and remodel access and parking

**Site Address:** Fordham Technology Centre 5 Station Road Fordham Ely Cambridgeshire CB7 5LW

**Applicant:** Mr A Kruczynski

**Case Officer:** Julie Barrow, Senior Planning Officer

**Parish:** Fordham

**Ward:** Fordham Villages  
Ward Councillor/s: Councillor Joshua Schumann  
Councillor Julia Huffer

**Date Received:** 4 November 2016      **Expiry Date:** 3 February 2017  
**[R199]**

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**1.0      RECOMMENDATION**

- 1.1**      Members are requested that APPROVAL be delegated to the Planning Manager following the completion of a S106 legal agreement, to secure the affordable housing provision, self-build plots and public open space, and subject to the recommended conditions below. The conditions can be read in full on the attached Appendix 1.
- 1      Approved plans
  - 2      Time Limit - OUT/OUM
  - 3      Time Limit - OUT/OUM/RMA/RMM
  - 4      Site Characterisation
  - 5      Reporting of unexpected contamination
  - 6      Archaeological Investigation
  - 7      Surface water drainage
  - 8      SuDS maintenance
  - 9      Standard estate road construction
  - 10     Access construction
  - 11     Existing access closure
  - 12     Office parking area

- 13 Visibility splays
- 14 Gate - location
- 15 Access drainage
- 16 Access material
- 17 Construction times
- 18 Construction Environmental Management PI
- 19 Tree Protection Measures
- 20 Biodiversity strategy
- 21 Crossing point

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline planning permission for the residential development of the application site with up to 27 dwellings proposed, including 5 self-build plots. All matters are reserved with the exception of access. The proposal includes the provision of new accesses off Station Road.
- 2.2 During the course of the application an amended indicative layout has been submitted detailing the proposed access points and demonstrating how the site could be laid out, including the internal access road and provision of public open space.
- 2.3 The applicant intends to retain the existing office building on the site with an area of parking to the front of it. An existing outbuilding to the rear of the office, currently used for storage, will be demolished.
- 2.4 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.5 The application has been called-in to Planning by Cllr Huffer as there is a great deal of local concern about this development and it is felt that this matter would be best resolved by the Planning Committee.

## 3.0 PLANNING HISTORY

### 3.1

|              |                        |          |            |
|--------------|------------------------|----------|------------|
| 77/00530/OUT | PROVISION OF A         | Approved | 05.09.1977 |
|              | GARDEN CENTRE          |          |            |
| 80/00079/OUT | ERECTION OF            | Refused  | 31.03.1980 |
|              | BUNGALOW AND           |          |            |
|              | BUILDING TO BE USED IN |          |            |
|              | CONNECTION WITH        |          |            |
|              | NURSERY AND GARDEN     |          |            |
|              | CENTRE                 |          |            |
| 81/00304/OUT | ERECTION OF A          | Approved | 22.05.1981 |
|              | BUNGALOW               |          |            |
| 84/00322/FUL | ERECTION OF NEW        | Approved | 18.05.1984 |
|              | TOILETS AND OFFICE     |          |            |

|              |   |          |            |
|--------------|---|----------|------------|
| 85/00243/OUT | CONSTRUCTION OF<br>TIMBER STORE,<br>WORKSHOP,<br>WHOLESALE/RETAIL<br>TIMBER STORE,<br>TANALITH PLANT, NEW<br>GREEN HOUSES<br>TOGETHER WITH NEW<br>ACCESS AND CAR<br>PARKING | Approved | 13.02.1986 |
| 86/00982/OUT | ERECTION OF 18<br>HOUSES  | Refused  | 18.12.1986 |
| 86/01105/OUT | RELOCATION OF<br>EXISTING GARDEN<br>CENTRE ON TO<br>ADJOINING LAND  | Refused  | 18.12.1986 |
| 88/01037/OUT | ERECTION OF 5 HOUSES<br>AND NEW ACCESS  | Refused  | 16.09.1988 |
| 88/01039/OUT | RENEWAL FOR<br>CONSTRUCTION OF<br>TIMBER STORE,<br>WORKSHOP, TANALITH<br>PLANT, NEW<br>GREENHOUSES<br>TOGETHER WITH NEW<br>ACCESS AND CAR<br>PARKING                        | Refused  | 12.09.1988 |
| 88/01498/FUL | CONSTRUCTION OF<br>TIMBER STORE AND<br>WORKSHOP, TIMBER<br>STORE, TANALITH PLANT,<br>NEW GREEN HOUSES<br>TOGETHER WITH NEW<br>ACCESS AND CAR<br>PARKING                     | Approved | 09.02.1989 |
| 88/01587/FUL | CHANGE OF USE TO<br>GARDEN<br>CENTRE/CARAVAN<br>ACCESSORIES REPAIRS<br>AND SALES  | Refused  | 23.12.1988 |
| 90/00593/FUL | TIMBER MERCHANTS  | Approved | 04.07.1991 |
| 94/00848/OUT | Outline application and<br>change of use of land to<br>Residential Development<br>(18 Dwellings, Public Open<br>Space, and Provision for<br>Affordable Housing)             | Refused  | 07.12.1994 |
| 97/00609/FUL | Change of use to light<br>industrial  | Approved | 08.10.1997 |

|              |  |          |            |
|--------------|--|----------|------------|
| 98/00120/FUL | Extension to existing workshop and assembly area   | Approved | 15.04.1998 |
| 98/00406/FUL | Variation of condition 14 of planning permission (E/98/0120/F) - To allow two companies to operate from the site | Approved | 20.07.1998 |

#### 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site comprises an office building with access off Station Road and a parking area to the front. The remainder of the site is currently vacant with an area of grass adjacent to Station Road, alongside the internal access track. The land to the rear of the building is overgrown in places with large areas of scrub and a number of trees and shrubs present. The office building and car park are located within the established development framework, with the remainder of the site outside it. A modern housing development known as Scabious Gardens adjoins the north-east corner of the site and the rear gardens of dwellings of Market Street adjoin parts of the eastern boundary. There is chain link fencing on a number of boundaries and a line of mature conifer type trees are located beyond the fence on the southern boundary.

#### 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.

Fordham Parish Council –

- This application has been 'called-in' to Planning Committee. There is no public footpath along this section of public highway.
- Overshadowing/loss of outlook to the detriment of amenity.
- Overlooking and loss of privacy.
- Highway considerations.
- Parish Council would prefer road frontage development although this land is not included in ECDC Draft Local Plan.
- Query the capacity of physical infrastructure – public drainage and water systems – concerns that the sewerage system is inadequate.
- Believe possibility of contaminated land re local knowledge/history of previous use.
- A number of letters of concern from residents have been received, which the Parish Council would like to be taken into consideration.

**Local Highway Authority** (on original layout) – The LHA requests a holding objection until such time as the following points have been addressed:

1. There is no continuous footway link for pedestrians on the south side of the road and no crossing point proposed. It would be beneficial and safer for pedestrians to have a link to the village on the same side of the road as the development given the number of proposed dwellings.

2. It is not clear if the estate roads are to be offered for adoption but the LHA do not adopt roads that lead to industrial/commercial areas. That said a single point of access is safer than multiple access points therefore light commercial use would be acceptable. However, the LHA can only adopt up to the turning head adjacent to plots 11/27 as the shared surface is not laid out to an adoptable standard.  
No gates can be within 6m of the highway edge. Any gates to the main commercial building should be set back or removed.
3. The visibility splays are correct but the number of new access points to serve what is essentially the same development is preferable. These should be reduced in number with a single point of access the preferred layout by the LHA.
4. The parking and turning areas in plots 1-5 do not appear to be practical and may result in drivers having to reverse out onto a 50mph road.
5. Adoptable footways must be 1.8m wide.
6. The access should have a 6m radii and a width of 5.5m.

**Local Highway Authority** (on amended layout) –The above points have been addressed to the satisfaction of the LHA in respect of the outline application. The points relating to the internal layout can be addressed as reserved matters.

**Transport Planning Team (CCC)** – The Transport Statement submitted with the planning application has been reviewed and the Transport Assessment Team do not have any comments to make.

**Lead Local Flood Authority** – The submitted documents have been reviewed and at present the LLFA object to the proposal as the applicant has not demonstrated that the infiltration rate and storage volume required to attenuate surface water run-off from the critical 1 in 100 chance in any year storm event, with an appropriate allowance for climate change, can be provided.

**Lead Local Flood Authority** (on receipt of additional information) – No objection in principle to the proposed development. The applicant has demonstrated that surface water can be dealt with on site by using infiltration SuDs features i.e. permeable paving. The LLFA is supportive of the use of permeable paving as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment. A condition is recommended requiring a detailed surface water drainage scheme, based on the agreed Flood Risk Assessment, to be submitted.

**Anglian Water –**

Wastewater Treatment - The foul drainage from this development is in the catchment of Soham Water Recycling Centre that will have capacity for these flows.  
Foul Sewerage Network – The sewerage system at present has available capacity for these flows.

Surface Water Disposal – The proposed method of surface water management does not relate to Anglian Water operated assets.

**Growth & Development (CCC)** – Will not usually comment on such small developments in ECDC because any education impact should be mitigated through CIL.

**Historic Environment Team (CCC)** – Records indicate that the site lies in an area of high archaeological potential, situated to the north west of Fordham Abbey and its gardens and park. There is no objection to development proceeding in this location but it is considered that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition.

**Natural England** – No comments to make on this application.

**Designing Out Crime Officer** – The documents have been viewed in relation to community safety, crime and disorder. A crime analysis of the area has been completed and it is considered to be an area of low to medium vulnerability to crime.

This appears to be an acceptable layout regarding crime and the fear of crime. Cambridgeshire Constabulary would be happy to discuss Secure by Design and measures to mitigate against crime and disorder should the application be successful.

**Cambridgeshire Fire And Rescue Service** - No comments received.

**Senior Housing Strategy & Enabling Officer** – In accordance with policy HOU3 of the East Cambridgeshire Local Plan a minimum of 40% of the total number of dwellings to be provided will be required for affordable housing provision (11 units).

The precise mix in terms of tenure and house sizes of affordable housing will be determined by local circumstances. However in accordance with the Developer Contributions SPD the Council's preferred housing tenure mix is 70% affordable or social rented housing and 30% intermediate tenure housing.

In accordance with policy HOU3 a proportion of dwellings should be provided that are suitable or easily adaptable for occupation by the elderly or people with disabilities. Affordable housing within the district will be expected to meet the Homes and Communities Agency's Design and Quality Standards. A range of these standards have already been incorporated into Building Regulations, however the standards relating to design, space and layout have not and should meet HCA standards.

The appropriate mix of affordable house types to be agreed at the time of the detailed planning application.

Should consent be granted a S106 is required containing the relevant affordable housing provisions.

**Environmental Health (Technical Officer)** – Due to the proximity of current residents it is advised that construction times and deliveries during the construction phase are restricted.

Prior to any work commencing on site a Construction Environmental Management Plan (CEMP) should be submitted and agreed in writing with the Local Planning Authority. Further information regarding hours of use of office building and whether there is any external plant requested.

**Environmental Health (Scientific Officer)** – The Phase I Geo-Environmental Desk Study dated 24 August 2016 prepared by EPS has been reviewed and the findings are accepted. The report recommends further site investigation. Due to the previous use of the site and proposed sensitive end use (residential) it is recommended that standard contaminated land conditions are imposed.

**Trees Officer** – This outline proposal is for the principle of development and site access at a site within the rural village of Fordham. To accommodate the proposal a number of relatively minor trees will be required for removal and an area of overgrown scrub will be removed.

An Arboricultural report has been submitted with this application indicating a potential site layout and the associated impact upon trees. Collectively the removal of trees indicated will have some minor impact on the character of the area although individually the trees are relatively insignificant to the landscape.

There is no objection to the principle of development as the impact on significant trees in the landscape is minimal.

The Arboricultural report supplies a Tree Protection Plan for a potential layout. This plan is supported as it protects the significant trees on the site boundaries and it is advised that any final layout protects the trees as demonstrated. The Tree Protection Plan should be implemented by condition. However, if the final layout is likely to prevent the implementation of this Plan a revised Plan will need to be conditioned and approved.

**ECDC Waste Strategy** – Drawing P0399 005 Rev1 shows units 11 to 21 being served by a shared surface with a waste collection point between units 21 & 22, however the waste team would suggest that each property be responsible for presenting their own bags/bins at the individual unit as communal collection points tend to attract fly-tipping and incorrect presentation of materials that would not be removed by the District Council, it may also lead to issues with vermin.

It is noted that parking spaces are down end to end rather than side by side – in other new development where this type of parking has been built only one vehicle is left on the driveway and the other tends to end up on the footpath/public highway leading to issues with access for refuse and recycling vehicles.

ECDC 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. The RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point at 30 metres (assuming a level smooth surface). ECDC as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles. This contribution is currently set at £43 per property.

- 5.2 Neighbours – 38 neighbouring properties were notified and the 8 responses received are summarised below. A full copy of the responses are available on the Council's website.

- Concerned about possibility of a footpath leading to Market Street being included in the plans owing to prospect of noise and disturbance from local youths congregating.
- Pleased to see that footpath now seems to be written out of the plans and retained as a closed track. Welcome reassurance that this is the case. Would strongly object if it is not.
- Concerns relating to traffic and congestion already present on the A14, A142, B1102 and A1123.
- The closest A&E services can take up to 45 minutes to reach.
- Fordham Pre-school is overloaded and limited, very expensive alternatives are a long drive away. The Primary School is undergoing expansion but is already over-subscribed.
- There is no expansion or refurbishment of the only obsolete public playground.
- Insufficient internet service and capacity.
- Have read of an additional proposal for 250 homes on the garden centre site with both developments requiring opening of road access onto Station Road. This raises serious road safety concerns, made more serious by the 30/50mph transition edge at the current access to the site.
- Will this application be looked at in isolation or in conjunction the larger development proposal above?
- The village is not served by a doctors' surgery nor any dentist.
- Do not necessarily object to building on this land but think that more detail is needed regarding the pedestrian access to Market Street.
- Concerned about any proposed development directly behind 4 Scabious Gardens. Object to 10 affordable housing plots to be located immediately to the side and back of our garden. Will lead to a loss of privacy to bedroom windows and amenity in the private garden.
- Loss of light and trees that would be impacted.
- Impact on security and access from new footpath.
- Local taxes – Increased housing will increase cost to the local area – how will this be supported?
- Single access/egress – what plans are in place to allow emergency vehicles to access without hold up?
- Pedestrian access with Market Street – what plans are in place to allow pedestrians to cross this busy road?
- Please explain 'including up to 5 self-build dwellings'
- When will details regarding development proposals be received?
- Where will cars enter Station Road? Using existing access would be dangerous.
- Require confirmation that proposal sits outside the development envelope.
- Object to change of plans as they now indicated a small area of public open space that will not be overlooked and could lead to antisocial behaviour.
- Concerns over access to trim trees at 7 Market Street.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

|          |   |
|----------|---|
| GROWTH 1 | Levels of housing, employment and retail growth |
| GROWTH 2 | Locational strategy                             |



|          |  |
|----------|--|
| GROWTH 3 | Infrastructure requirements                            |
| GROWTH 5 | Presumption in favour of sustainable development       |
| HOU 1    | Housing mix  |
| HOU 2    | Housing density  |
| HOU 3    | Affordable housing provision                           |
| EMP 1    | Retention of existing employment sites and allocations |
| ENV 1    | Landscape and settlement character                     |
| ENV 2    | Design   |
| ENV 4    | Energy efficiency and renewable energy in construction |
| ENV 7    | Biodiversity and geology                               |
| ENV 8    | Flood risk   |
| ENV 9    | Pollution  |
| ENV 14   | Sites of archaeological interest                       |
| COM 7    | Transport impact                                       |
| COM 8    | Parking provision                                      |

## 6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations

Design Guide

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

Cambridgeshire Flood and Water SPD.

## 6.3 National Planning Policy Framework 2012

6 Delivering a wide choice of high quality homes

7 Requiring good design

11 Conserving and enhancing the natural environment

## 7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of the application are principle of development, visual amenity, housing mix and affordable housing, layout and public open space, residential amenity, highway safety and parking provision, biodiversity and ecology, drainage and flood risk.

### Principle of development

7.2 The local planning authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Planning policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.

7.3 Policy GROWTH2 requires that development be permitted only within defined development envelopes provided and restricted in terms of dwellings to affordable housing exception schemes and dwellings essential for rural workers. However, dwellings can be considered as an exception provided there is no significant

adverse effect on the character and appearance of the area and that other local Plan policies are satisfied.

- 7.4 Given the absence of the 5 year housing land supply, the boundary limitation placed by the settlement's development envelope would not apply with instead, the presumption in favour of sustainable development contained within both Policy GROWTH 5 of the Local Plan and paragraph 14 of the NPPF taking precedence in this respect.
- 7.5 With the exception of the existing office building the site is located outside the established development framework of Fordham. The site does however adjoin the development envelope along the length of its western boundary. Planning consent has recently been granted for two detached dwellings on land adjoining the eastern boundary of the site and the proposal would effectively create a continuous frontage along Station Road. At present there is a continuous footpath opposite the site, on the northern half of Station Road that would allow future residents to walk into the centre of the village of Fordham. The scheme under consideration includes the provision of a length of footpath adjacent to the site on Station Road, which will connect to the footpath outside Scabious Gardens, together with a crossing point to allow pedestrians to reach the footpath on the northern side of Station Road. Subject to these provisions it is considered that the site will be well connected to the main village and that safe access for pedestrians and cyclists will be provided.
- 7.6 Fordham is described in the East Cambridgeshire Local Plan 2015 as being a large village located four miles north of Newmarket and a mile south of Soham. Fordham has a good range of local services and recreation facilities together with a primary school and pre-school. The site is located approximately 150m from the bus stop on Market Street, which provides a service to Newmarket and approximately 500m from the bus stop on River Lane, which provides a service to Ely and Cambridge.
- 7.7 Given the site's proximity to the established development envelope, the level of goods and services on offer in Fordham, its connectivity to Ely, Newmarket and Cambridge and the enhancements to pedestrian access, it is considered that the site is in a sustainable location.
- 7.8 This application for up to 27 dwellings would add to the District's housing stock and make a significant contribution towards the shortfall in housing land supply with the provision of any additional dwellings attracting significant weight in the planning balance. The scheme will also include an element of affordable housing and self-build plots. A benefit of this development would therefore be the contribution it would make in terms of housing supply within the District as a whole as well as the economic benefits of construction and additional population to support local businesses.
- 7.9 The site has an extensive planning history attached to it, with various consents relating to the use of parts of the site for timber sale/storage and as a garden centre. At present an office building on the site, known as Fordham Technology Centre, is partly occupied by Cambridge Engineering Systems Engineering Ltd. A redundant storage building is located to the rear of the office building and will be demolished as part of the proposals. The remainder of the site is currently unused

with an area of mown grass alongside Station Road and an overgrown area of scrubland beyond the storage building.

- 7.10 Local Plan Policy EMP1 relates to the retention of existing employment sites and allocations and states that the Council will seek to retain land or premises currently or last used for employment purposes (B1, B2 and B8 uses). Any proposal to redevelop such sites for non-employment purposes is subject to applicants demonstrating that the continued use of the site for employment purposes is no longer viable.
- 7.11 The site is not subject to any extant permission for the construction of new employment buildings and is not allocated in the Local Plan for employment purposes. The Local Plan does make reference to the number of small businesses currently located in Fordham as well as the established businesses to the south of the village. There are also a number of sites allocated for employment purposes within this cluster of existing businesses.
- 7.12 The applicant has submitted a scheme that includes the retention of the existing employment use and the office building will remain fully functional, with the only change being made to the car parking arrangements to the front of the building. The applicant has stated that the storage building to the rear of the site is redundant and its demolition would not affect the functionality of the office building. On the basis that the development of the remainder of the site for residential purposes will not reduce the level of employment currently provided and in the absence of any planned expansion of the business currently occupying the building, it is considered that the proposal accords with the general principles laid out in Policy EMP1.

#### Visual amenity

- 7.13 The application is for outline planning permission with all matters save for access to be reserved. The final layout, scale and appearance of the development would therefore be determined at a later stage if this application is approved. The applicant has however submitted a series of indicative parameter plans and an indicative layout has been provided demonstrating how up to 27 dwellings may be accommodated on the site.
- 7.14 The indicative plans indicate that plots 1-5 could be made up of 5 detached dwellings fronting onto Station Road with the side elevation of plot 6 making up the frontage development, alongside the relocated access point. It is suggested that two of these frontage plots would be up to two-and-a-half storeys in height, with the remainder of the frontage development two storey. The dwellings within the site are also shown as being up to two storeys high. An indicative street scene for Station Road has also been submitted showing the variation in height between the existing built form of Scabious Gardens and the office buildings and the proposed development and the approved scheme immediately to the east of the site. Together with the parameter widths and lengths plan, this demonstrates that the nature of the frontage development proposed is commensurate with its surroundings and can be accommodated without appearing cramped or over engineered.

- 7.15 The character of this edge of settlement location will be altered should the development go ahead and it will extend the built form out into what currently appears as the rural edge of the settlement. The land immediately opposite the site has been put forward for development as part of the Local Plan Review process, however, the process of allocating this site for residential development has not yet reached a point where any weight can be given to the likelihood of it being included.
- 7.16 The existing grassed area fronting onto Station Road will be lost to this development. The remainder of the site will not feature as prominently in the street scene, although the development as a whole will be visible when travelling along Station Road towards the centre of Fordham.
- 7.17 The appropriate density of a scheme is judged on a site-by-site basis and takes account of the existing character of the locality and the settlement and housing densities within the surrounding area. This has to be balanced with the need to make efficient use of land and the need to accommodate other uses such as public open space. The scheme as proposed provides a density of 24 dwellings per hectare. This compares with the density of the adjacent Scabious Gardens at 30 dwellings per hectare and the built form along Market Street of 11 dwellings per hectare. Although the built form on Market Street is lower in density, any development on this site would not be read in conjunction with Market Street and it is considered that a density below that of Scabious Gardens is necessary for this edge of settlement location. On balance it is considered that the scheme will make efficient use of the land and that the housing density proposed will not have an adverse effect on the existing character of the locality. The proposal therefore complies with Policy HOU2 in this regard.
- 7.18 Local Plan Policies ENV1 and ENV2 require the scale and form of a development to be informed by and sympathetic to its location and it should protect the settlement edge and key views in and out of settlements. As stated above, the proposal will involve the extension of the built form into the countryside, however, when viewed against the existing settlement edge and the extant planning permission for two detached dwellings to the east of the site, it is considered that the proposal would alter the character and appearance of the area but not to an extent such that it would cause significant and demonstrable harm.
- 7.19 The proposal will be subject to detailed layout, scale and design scrutiny at reserved matters stage and it is expected that a comprehensive soft landscaping scheme will be required to compensate for the loss of open space on Station Road and to help assimilate the development into its surroundings. On this basis it is considered that the proposal accords with Policies ENV1 and ENV2.

#### Housing mix and affordable housing

- 7.20 In accordance with Policy HOU1 housing developments of 10 or more dwellings are expected to provide an appropriate mix of dwelling types and sizes that contribute to current and future housing needs. This proposal includes the following indicative housing mix: 2 x 5 bedroom; 7 x 4 bedroom; 8 x 3 bedroom and 10 x 2 bedroom. The applicant has therefore demonstrated that a mix of housing can be accommodated on the site and a significant number of smaller properties could be provided.

- 7.21 The applicant is also proposing to provide up to 5 self-build properties. Although not strictly required by Policy HOU1 as less than 100 dwellings are proposed, the inclusion of a number of self-build plots adds to the mix of dwellings and provides opportunities for local residents to construct their own dwellings, as encouraged by the national policy.
- 7.22 The applicant is proposing to provide a minimum of 40% of dwellings as affordable units, the precise mix and type of which would be agreed at reserved matters stage. The Council's Housing & Enabling Officer has confirmed her agreement to this, subject to the completion of a S106 Agreement to secure delivery of these units.
- 7.23 Based on the above it is considered that the application complies with Policies HOU1 and HOU3 in relation to housing mix and affordable housing provision.

Layout and public open space

- 7.24 The application does not seek to determine the layout at this stage and as detailed above, an indicative layout has been submitted in conjunction with a number of parameter plans in order to demonstrate that up to 27 dwellings can be accommodated on the site.
- 7.25 The indicative layout plan has been amended during the course of the application in order to address officer concerns regarding the location of the public open space. The supporting documents submitted with the application also outline how the layout has evolved as a result of pre-application discussions with officers and consultation with the Parish Council and nearby residents.
- 7.26 An existing track leading from the site to Market Street is not included in the application and this is in direct response to concerns raised by residents on Market Street that the use of the track for pedestrians could lead to anti-social behaviour. The amended layout still shows the track adjacent to an area of public open space but it is expected that such a link would not form part of a reserved matters application and it is considered that this could be satisfactorily addressed at a later stage. Any existing rights of access to the rear of dwellings on Market Street would remain a private matter between the landowners and would not be considered as part of this application.
- 7.27 The final layout will need to address the need for public open space in accordance with the Developer Contributions SPD. The indicative layout shows that the site would be marginally short of the amount of open space required. However, the changes made to the indicative layout during the course of the application have placed the public open space at the centre of the site, where it can be used safely by all residents. This is preferable to an area of open space to the front of the site, alongside the access as originally proposed. Coupled with the benefits associated with the scheme and the addition of up to 27 dwellings to the District's housing stock it is considered that a small shortfall in public open space would not warrant the refusal of the application. The provision of the public open space can be secure through a S106 Agreement.

### Residential amenity

- 7.28 Policy ENV2 requires development proposals to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that future occupiers will enjoy a satisfactory level of amenity.
- 7.29 The indicative layout demonstrates that satisfactory separation distances with surrounding dwellings can be achieved in line with the Design Guide SPD. The layout minimises any impact on the occupiers of Scabious Gardens and retains a sense of openness by locating the public open space in the centre of the site. The southern boundaries of a number of plots adjoin open fields. The final layout will need to accord with the East Cambridgeshire Design Guide SPD and in general the amount of rear amenity space etc. set out in the Design Guide has been observed. The indicative layout is not therefore considered to comprise privacy or create a sense of overbearing on existing occupiers and complies with Policy ENV2 in this regard.
- 7.30 The Council's Environmental Health Team has requested further information in relation to the office building on the site. The applicant has confirmed that the current hours of use are 08:00 – 17:00 Monday to Friday and that there is no external machinery other than a small sound proofed air compressor. A B1 Office use is generally considered compatible with residential development and the Council is unaware of any complaints from the occupiers of Scabious Gardens. On this basis it is considered that the office building could continue to operate without adversely affecting the amenity of future residents.

### Highway safety and parking provision

- 7.31 The application seeks approval of the relocation of the existing access into the site approximately 5 metres to the west. The existing car parking area serving the office building will also be reconfigured.
- 7.32 The Local Highway Authority (LHA) has examined the proposals and a number of changes have been made in accordance with comments received. The layout plan shows an extended footway to connect with the footway outside Scabious Gardens and at the request of the LHA a crossing point has also been shown to allow pedestrians to access the footway on the northern side of Station Road, which is continuous to Market Street. It is anticipated that the main road into the development would be offered for adoption and the LHA has confirmed that, provided the road is constructed to adoptable standard, it can be adopted as only light commercial vehicles will be expected to use it to access the office building.
- 7.33 The LHA has indicated that it is not preferable for a number of access points onto Station Road for the frontage plots. However, it was not felt that refusal of the application for this reason would be warranted and the applicant has been advised that sufficient space within the front gardens of these plots should be set aside to allow vehicles to turn and leave in forward gear. The applicant has demonstrated that sufficient visibility splays can be provided for all access points onto Station Road.

- 7.34 A Transport Statement has been submitted with the application and the County Council Transport Planning Team has advised that it has no comments to make. Based on the above it is considered that the applicant has demonstrated that safe and convenient access to the highway network can be achieved and that the proposal complies with Policy COM7 in this regard.
- 7.35 The indicative layout shows that two parking spaces per dwelling can be provided, in accordance with the Council's current adopted parking standards. The applicant has been encouraged to minimise the use of tandem parking and this advice should be carried forward to any reserved matters application. The applicant is also advised that a number of visitor parking spaces will be required in accordance with the current parking standards and this will need to be taken into account in the final layout. Based on the information submitted the proposal complies with Policy COM8 in relation to parking provision.

#### Biodiversity and ecology

- 7.36 A Phase I Habitat Survey has been submitted with the application in accordance with Policy ENV7. The report states that the site consists of two semi-improved grassland fields with ruderal and scrub areas within the southern field, and a number of industrial buildings. Species poor hedgerows and fences formed the boundaries of the site. Bats are known to use at least two of the buildings within the site, however, these will be retained and protected within the development.
- 7.37 Further survey work was recommended to determine if reptiles are using the site and a reptile survey was subsequently carried out. No reptiles were recorded during the survey period and provided work commenced on site within two years of the date of the survey no further action is required.
- 7.38 The Phase I Habitat Survey also recommends that a precautionary badger check is carried out well in advance of any work being carried out on site. The proposal presents an opportunity to incorporate biodiversity enhancements on site and a condition requiring the development to be carried out in accordance with the reports' recommendations can be imposed.
- 7.39 An Arboricultural Impact Assessment has been submitted within the application and based on the indicative layout, a number of relatively minor trees will need to be removed. Collectively this will have some impact on the character of the area, however, individually the trees are relatively insignificant to the landscape. Areas of scrub will also be removed if the development proceeds.
- 7.40 The Council's Trees Officer has no objection to the proposal subject to appropriate tree protection measures being put into place. These can be secured by condition.
- 7.41 It is considered that the applicant has sufficiently addressed biodiversity and ecology and that subject to appropriate protection, mitigation and enhancement measures the proposal complies with Policy ENV7.

### Drainage and flood risk

- 7.42 The site is located in Flood Zone 1, where the majority of development should be directed. As the site exceeds 1 hectare a Flood Risk Assessment has been submitted with the application. Infiltration tests have also been carried out with a view to developing a surface water drainage strategy. This information has been examined by the Lead Local Flood Authority and following receipt of an objection on the grounds that further infiltration and storage volume information was required, a revised Flood Risk Assessment has been submitted.
- 7.43 The LLFA has now removed its objection to the proposal and is satisfied that a suitable surface water drainage strategy can be achieved on the site. A condition is recommended requiring a detailed drainage strategy to be submitted at a later stage, based upon the Flood Risk Assessment submitted with this application.

### Other matters

- 7.44 A Phase I Geo-Environmental Desk Study has been submitted with the application. This assesses the likelihood that contamination may be present and recommends further site investigation. The Council's Scientific Officer has reviewed the report and agrees with its findings. Due to the previous use of the site and proposed sensitive end use (residential) it is recommended that standard contaminated land conditions are imposed.
- 7.45 Concerns have been raised by local residents and the Parish Council that there is insufficient capacity in the foul drainage system to support the development. Anglian Water have been consulted on the application and have confirmed that there is sufficient capacity for wastewater treatment and in the foul sewerage network.
- 7.46 The County Council's Historic Environment Team has highlighted that their records indicate that the site lies in an area of high archaeological potential, situated to the north west of Fordham Abbey and its gardens and park. There is no objection to development proceeding in this location but it is considered that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition.
- 7.47 The East Cambridgeshire Waste Strategy Team has commented on the application. It suggests that all of the internal road should be adopted to avoid the need for any communal collection points. Based on the indicative layout a number of plots would need to present their waste bins to a collection point at the end of the adopted road. This complies with the REACP Waste Management Design Guide and refusal of the application on waste collection grounds could not be justified.
- 7.48 A number of local residents have also raised concerns regarding the capacity of the local pre-school and primary school. The Growth and Development Team at the County Council has been consulted and has confirmed that it would not usually seek contributions towards education provision on schemes of this size. It did not make any comment on the capacity of the local school, which is currently undergoing a programme of expansion. The development will be subject to the



Community Infrastructure Levy and it is considered that a specific contribution towards education provision could not be required.

- 7.49 A number of historic applications have been made for the residential development of all or part of the site. These have all been refused and in some cases appeals dismissed. The most recent application was made in 1994 and was refused on the basis that the site lies beyond the development envelope of Fordham and that the proposal would create an unacceptable extension of the built-up fabric of the village. In addition it was considered that there was sufficient land allocated within the village to meet its housing needs. These issues have all been addressed in this report and given that the Council cannot currently demonstrate that it has an adequate five year supply of land for housing it is considered reasonable that having regard to the National Planning Policy Framework, that the Local Planning Authority can reach a different conclusion to a similar application at this time.
- 7.50 The applicant's attention is drawn to the comments of the East Cambridgeshire Access Group.

#### Planning balance

- 7.51 As stated above the proposal will add up to 27 dwellings to the council's housing stock. This attracts significant weight in favour of the proposal in the planning balance. There are also economic benefits from construction and the future occupiers of the scheme that attract weight in favour of the proposal. As detailed in this report, the site is considered to be in a sustainable location and is an acceptable extension to the built form of the village. Subject to suitable conditions matters in relation to highway safety, drainage, archaeology, flood risk and ecology are all satisfactorily addressed. On balance therefore the benefits of the scheme are considered to outweigh any adverse effects and the application is recommended for approval.

### 8.0 COSTS

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

- There are no objections to the proposal from statutory consultees.
- The application is for outline planning permission with only access to be determined at this stage.

## 9.0 APPENDICES

### 9.1 Appendix 1 – Draft conditions

| <u>Background Documents</u> | <u>Location</u>                                   | <u>Contact Officer(s)</u>   |
|-----------------------------|---|---|
| 16/01551/OUM                | Julie Barrow<br>Room No. 011<br>The Grange<br>Ely | Julie Barrow<br>Senior Planning<br>Officer<br>01353 665555<br>julie.barrow@eastcambs.gov.uk |
| 77/00530/OUT                |   |   |
| 80/00079/OUT                |   |   |
| 81/00304/OUT                |   |   |
| 84/00322/FUL                |   |   |
| 85/00243/OUT                |   |   |
| 86/00982/OUT                |   |   |
| 86/01105/OUT                |   |   |
| 88/01037/OUT                |   |   |
| 88/01039/OUT                |   |   |
| 88/01498/FUL                |   |   |
| 88/01587/FUL                |   |   |
| 90/00593/FUL                |   |   |
| 94/00848/OUT                |   |   |
| 97/00609/FUL                |   |   |
| 98/00120/FUL                |   |   |
| 98/00406/FUL                |   |   |

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

## APPENDIX 1 - 16/01551/OUM Conditions

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

| Plan Reference | Version No | Date Received     |
|----------------|------------|-------------------|
| FRA JAN 2017   |            | 1st January 2017  |
| P0399 001      | 08         | 13th January 2017 |
| AIA            | Sept 2016  | 4th November 2016 |
| P0399 005      | 01         | 4th November 2016 |

- 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 3 years of the date of this permission.
- 2 Reason; The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 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 an 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.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in

accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 5 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 6 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 6 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 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.
- 7 No development shall take place until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) prepared by EAS (ref: 1116) dated January 2017, 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 the development is completed.
- 7 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.
- 8 Prior to the first occupation of any dwellings hereby permitted details for the 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. The submitted details should identify runoff 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. The maintenance plan shall be carried out in full thereafter.

- 8 Reason: To ensure the satisfactory maintenance of unadopted drainage systems in accordance with the requirements of paragraphs 103 and 109 of the National Planning Policy Framework.
- 9 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.
- 9 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 10 The main vehicular access and the access points to the plots fronting onto Station Road shall be constructed strictly in accordance with the details shown on Drawing No. P0399 001 Rev. 8. The access shall have a 6m radii and a width of 5.5m.
- 10 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 11 The existing access to Fordham Technology Centre shall be permanently and effectively closed and the footway / highway verge shall be reinstated in accordance with the details shown on Drawing No. P0399 001 Rev. 8, within 28 days of the bringing into use of the new access.
- 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 the first occupation of the development the parking and turning area serving Fordham Technology Centre shown on Drawing No. P0399 001 Rev. 8 shall be laid out. This area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 12 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 13 Prior to first occupation the vehicular and pedestrian visibility splays shall be provided each side of the vehicular accesses in full accordance with the details shown on Drawing No. P0399 001 Rev. 8. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 13 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 14 Any gate or gates to the vehicular accesses shall be set back a minimum of 6m from the near edge of the highway carriageway. Any access gate or gates shall be hung to open inwards. This style of access gate or gates shall be used at all times/thereafter be retained in perpetuity.
- 14 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

- 15 The accesses and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 15 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV8 and COM7 of the East Cambridgeshire Local Plan 2015.
- 16 No unbound material shall be used in the surface finish of the accesses within 6 metres of the highway boundary of the site.
- 16 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 17 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 08:00 - 18:00 each day Monday-Friday, 18:00 - 13:00 Saturdays and none on Sundays, Public Holidays or Bank Holidays.
- 17 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 18 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 18 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 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.
- 19 No development shall take place until a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 19 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.

- 20 Prior to or as part of the first Reserved Matters application, a site-wide Biodiversity Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be based upon the Phase 1 Habitat Survey prepared by James Blake Associates Ltd dated September 2016 and Reptile Survey dated October 2016 and shall set out how the development will improve the biodiversity of the site and protect existing wildlife. All development shall be carried out in accordance with the approved strategy.
- 20 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 21 Prior to the first occupation of any of the dwellings hereby permitted a crossing point on Station Road shall be installed in the position shown on Drawing No. P0399 001 Rev. 8.
- 21 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.