
MAIN CASE

Reference No: 17/01572/OUM

Proposal: Outline application for residential development, with all matters reserved except access, for up to 52 dwellings and associated development including public open space.

Site Address: Land North East Of Soham Road Fordham Cambridgeshire

Applicant: Endurance Estates Strategic Land Ltd

Case Officer: Julie Barrow, Senior Planning Officer

Parish: Fordham

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

Date Received: 4 September 2017 **Expiry Date:** 6 January 2018
[S207]

1.0 RECOMMENDATION

- 1.1** Members are recommended to REFUSE the application for the following reasons:
1. The proposal for residential development on an unallocated site in the countryside would be contrary to Policy GROWTH2 of the East Cambridgeshire Local Plan 2015. The proposal does not meet any of the exceptions to development in the countryside as set out in Policy GROWTH2 and therefore gives rise to inappropriate development to no justification to override the normal presumption against development in the countryside. The proposal is also contrary to Policy LP3 of the Proposed Submission Local Plan, which also seeks to protect the countryside from inappropriate development.
 2. The Local Planning Authority considers that it has not been satisfactorily demonstrated that the level/type of traffic generated will not be to the detriment of the local highway network through the absence of an agreed mitigation strategy. The application therefore fails to comply with the requirements of Policies ENV 2 and COM 7 of the East Cambridgeshire Local Plan 2015 and Policy LP17 of the proposed Submission Local Plan 2017.
 3. A financial contribution towards education facilities has been requested by Cambridgeshire County Council. The applicant has indicated that it does not agree with the County Council's method of calculation or that the sums sought are reasonable and proportionate to the scheme, however, no evidence to

support these claims has been submitted. In the absence of an agreement by the applicant to meet the financial obligation it is considered that the application fails to meet the requirements of Policy GROWTH 3 of the East Cambridgeshire Local Plan 2015, Policy LP16 of the Proposed Submission Local Plan and the Developer Contributions SPD in relation to infrastructure to support growth.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline planning permission for up to 52 dwellings together with associated development including open space. Access is to be determined at this stage with appearance, landscaping, layout and scale to be reserved matters.
- 2.2 The application has been accompanied by the following documents:
- Planning Statement
 - Design & Access Statement
 - Landscape and Visual Impact Assessment
 - Statement of Community Involvement
 - Transport Assessment
 - Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan
 - Archaeological Desk Based Assessment
 - Ecology report
 - Heritage Statement
 - Noise Impact Assessment
 - Energy Statement
 - Phase 1 Contamination Assessment Report
 - Utility Services Report
 - Geophysical Survey
 - Flood Risk Assessment & Drainage Strategy
- 2.3 A Parameter Plan submitted with the application sets out the broad land use framework across the site with areas of public open space, single storey dwellings and two-storey dwellings. An Indicative Masterplan demonstrates how the development could be accommodated on the site. A single point of access off Soham Road is proposed.
- 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 is to be determined by the Planning Committee in accordance with the Council's constitution as the proposal is for over 50 dwellings.
- 2.6 Prior to the submission of the application the applicant requested a Screening Opinion from the LPA. The Screening Opinion was carried out in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (in force at the time) and it was considered that the

significance of the environmental effects anticipated did not require an Environmental Statement to be submitted.

3.0 PLANNING HISTORY

3.1

17/01420/SCREEN	SCREENING OPINION for the erection of up to sixty dwellings	11.09.2017
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4.0 THE SITE AND ITS ENVIRONMENT

4.1

The site extends to approximately 2.26 hectares and is situated outside the established development envelope of Fordham. The site adjoins the settlement boundary on part of its north-western boundary, with the remainder of that boundary adjoining the site to the rear of Rule Gardens on which planning permission has recently been granted for the construction of 16 dwellings. The site is currently in agricultural use with some paddock and grazing areas along the north-western boundary. The land to the south-east is open agricultural land. The built form of the village encompasses Rule Gardens and development to the east of Murfitts Lane, and wraps around to the north of the site on Carter Street.

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 – Has concerns:

- Not included in Local Plan
- Accumulative impact/Infrastructure
- Impact on highways
- Unsustainable location

Ward Councillors – No comments received.

Historic England – On the basis of the information available to date Historic England do not wish to offer any comments.

Historic Environment Team (CCC) – Records indicate that the site lies in an area of high archaeological potential, located within a large and complex prehistoric landscape. There is no objection to development proceeding but it is considered that the site should be subject to a programme of archaeological investigation secured by condition.

Transport Assessment Team (9th October 2017) –

- Proposal accords with relevant local and national policies.
- Nearest bus stops are within acceptable walking distance.
- No accident clusters have been identified.
- Acknowledge that a single access junction off Soham Road will provide sole access to the site.

- Noted that the provision of a combined cycle and pedestrian link to the approved 17/00221/FUM is being considered. CCC would like this to be secured as a condition at the outline stage.
- Parking provision noted to fall in line with ECDC parking standards.
- 2011 'Travel to Work census data has been used alongside the TRICS total person trip rates. This is acceptable for use.
- Traffic survey data obtained in July – not considered a neutral month for survey utilisation.
- The applicant needs to check the count data taken from 17/00880/OUM.
- Further clarification is required in relation to the turning counts used for the traffic distribution.
- The committed development is not agreed. The sites identified by the TA Team should be used.
- The Transport Statement should contain additional information in relation to Ely Railway Station.
- Further information required to properly determine the highway impact of the proposed development.

Transport Assessment Team (11th December 2017) –

- The documents reviewed are the Response Note dated 10th November 2017 and the Technical Note dated 16th November 2017 provided in response to the County Council's comments dated 9th October 2017, to accompany a planning application for the erection of up to 52 dwellings on Land North East of Soham Road, Fordham.
- Public Transport - The operation times of the last buses serving both stops is provided in the Response Note. This is acceptable for use.
- Traffic Surveys - Traffic survey data utilised within this assessment is noted to have been obtained between 22nd June and 29th June 2017. This is acceptable for use within this assessment.
- Distribution - It is noted that the proposed traffic distribution generated for the development site is 56%/44% departures heading northwest and southeast from the site respectively in the AM and PM peaks. This is acceptable for use.
- Cumulative Assessment - The A142/Fordham Road roundabout junction is noted to operate over capacity in all future scenarios. Observing Scenario 1 both with and without the proposals, it can be determined the development will not significantly contribute towards the detrimental impact on queues and delays on the roundabout. However, observing Scenario 2, the A142/Fordham Road roundabout is proposed to operate considerably over capacity with queues and delays projected to substantially increase. Whilst it is noted that the queues at this roundabout are present without the proposed development, vehicles from the proposed development will essentially join the back of the queue, which in turn will have a negative impact on the junction. The development should therefore contribute a proportionate sum towards mitigation of the roundabout in order to mitigate the development.
- Transport Strategy and Mitigation - Details of the rail services operating at Ely Station in addition to station conditions such as car and cycle space capacity is provided in the Response Note. This is acceptable for use.
- Conclusion - The application as submitted does not include sufficient information to properly determine the highway impact of the proposed

development. Were the above issues addressed the Highway Authority would reconsider the application.

- CCC therefore requests that this application not be determined until such time as the additional information above has been submitted and reviewed.

Local Highway Authority (6th October 2017) – Objects to the proposal as no accurate inter-visibility splay information has been submitted with this application. It is not possible to determine if the minimum required distances of 2.4m x 120m can be achieved.

The safety audit submitted with the application is not accepted as it was not completed by CCC Road Safety Audit Team. There are however no immediate safety concerns with the proposal.

(Number of comments and informatives for the applicant and stakeholders on the internal layout.)

Local Highway Authority (23rd October 2017) – After a review of the drawing 41010_5501_SK01_A there are no further objections. Conditions recommended in relation to the construction and maintenance of estates roads, the junction and visibility splays are to be constructed in accordance with 41010_5501_SK01_A.

Lead Local Flood Authority – No objection in principle to the proposed development. The applicant has demonstrated that surface water can be dealt with on site by using infiltration and testing has been undertaken to support this. Request planning conditions in relation to the submission of a detailed surface water drainage scheme for the site and for its long term maintenance arrangements.

Anglian Water –

- Wastewater treatment - The foul drainage from this development is in the catchment of Soham Water Recycling Centre that will have available capacity for these flows.
- Foul sewerage network – Development will lead to an unacceptable risk of flooding downstream. However a development impact assessment has been prepared in consultation with Anglian Water to determine a feasible mitigation solution. A condition is requested requiring compliance with the agreed drainage strategy.
- Surface water disposal – From the details submitted the proposed method of surface water management does not relate to Anglian Water operated assets.

Middle Fen & Mere Internal Drainage Board – This application is outside the Middle Fen and Mere Internal Drainage District. The Board has no comment to make from a drainage point of view.

Designing Out Crime Officer – This policing area is one with a medium risk to the vulnerability of crime. It is noted that there is no crime prevention strategy at this time. While the layout appears to be acceptable there are concerns in relation to the parking court for plots 9-14, if there will be good surveillance from active rooms

in the houses overlooking the court and there will need to be good lighting by columns designed to the relevant British Standard.

Housing Strategy & Enabling Manager - Policy HOU 3 of the current East Cambridgeshire Local Plan seeks 30% (in the north of the district) or 40% (in the south of the district) of the total number of dwellings provided on sites of 10 or more to be for affordable housing provision.

However, on 5th October 2017 at a meeting of ECDC's Full Council, the Proposed Submission ('Publication Draft') Local Plan and Policies Map were approved for a final consultation and submission to the Secretary of State for independent examination. Public consultation on the Proposed Submission Local Plan is likely to take place in November and December 2017. In accordance with NPPF paragraph 216, the policies in the Proposed Submission will be used in determining planning applications. The amount of weight to be given to the content of this emerging plan in comparison to other plans will be a matter for the decision maker.

The viability assessment prepared for the Proposed Submission indicates that the level of affordable housing in the current Local Plan is not viable. Therefore if this planning application is determined in light of the Proposed Submission, the affordable housing requirement is as set out below.

Development proposals of 11 or more dwellings (or fewer dwellings if the combined gross floor space totals 1000 sq m or more) should provide 30% affordable housing except in Soham and Littleport where it is set at 20%.

All new dwellings should meet Building Regulation Part M (Volume 1), Category 2, unless there are exceptional design reasons why this is not possible.

Developers will be encouraged to bring forward proposals which will secure the market and affordable housing mix as recommended by the most up to date SHMA which is 77% rented and 23% intermediate housing. The exact mix of affordable property types should be agreed with the council on a site by site basis.

Should consent be granted, a s106 Agreement is required, containing the relevant affordable housing provisions.

Conservation Officer – Has considered the Heritage Statement for this application and agrees with the conclusions reached that the scheme would amount to less than substantial harm to the significance of Cromwell House based on the information supplied. Will be in a better position to comment in regards to design, layout etc. once the reserved matters applications are submitted.

Environmental Health (Technical Officer) - The noise report indicates that the closest properties to the road would require acoustic treatment to the front elevation and indicates the predicted noise levels at ground and first floor, however the plan (located on the page just after the references) indicates these would be bungalows. If the first properties are bungalows this will reduce the impact indicated within the noise impact assessment (which assesses bedrooms at first floor levels for the closest two plots). I would advise habitable rooms in these two plots are located either towards the rear of the properties or with additional windows/doors to quieter

facades, and I agree with the noise report (Section 5) that a final assessment of any mitigation measures necessary could be made at the reserved matters stage. However if no upper floor bedrooms are proposed on these two closest plots it appears that no mitigation is required.

Therefore it is recommended that a noise impact assessment is undertaken for this site in order to demonstrate if appropriate noise limits can be met both internally and externally once the final layout is known at the reserved matters stage.

It is also recommended that due to the proximity of current residents to the site construction times and deliveries during the construction and demolition phase are restricted and prior to any work commencing on site a Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing with the Local Planning Authority (LPA) regarding mitigation measures for the control of pollution (including, but not limited to noise, dust and lighting etc) during the construction phase.

Environmental Health (Scientific Officer) – The Phase 1 Contamination Assessment Report prepared by MLM dated August 2017 is accepted. The site appears to be at low risk of land contamination and a condition requiring further work is not required. As this application is for a sensitive end use it is recommended that an unexpected contaminated land condition is attached to any grant of permission.

Trees Officer – This is an outline application with access on existing agricultural land. The impact upon existing trees is minimal and the information within the associated Arboricultural report, which considers the trees affected of low value, is supported. On that basis there is no objection.

ECDC Waste Strategy – The waste team would request that any plans produced for this development are based on the information provided in the RECAP Waste Management Design Guide to ensure that all waste can be collected correctly once the development is completed.

Could the developers confirm that any roads built within the scheme would be adopted or built to adoptable standards?

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. 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.

East Cambridgeshire Access Group – At least one visitor parking space should be laid out as a blue badge parking space. Like the design.

Minerals And Waste Development Control Team - No comments received.

Cambridgeshire Fire And Rescue Service - No comments received.

Strategic Planning - No comments received.

Cambs Wildlife Trust - No comments received.

5.2 Neighbours – Site notice posted, advertisement placed in the Cambridge News and 69 nearby properties were notified. The 5 responses received are summarised below. A full copy of the responses is available on the Council's website.

- Outside development envelope.
- If all the proposed developments go ahead the village will go from 1200 houses to 1800+. This will irrecoverably change the village for the worse.
- Will leave it open for the field between the development and No. 4 Soham Road to have a similar size or larger development.
- Could result in the whole of Soham Road being overdeveloped.
- Number of cars using Soham Road has increased. Can be difficult to join the road and turn right to Soham. Additional traffic will be trying to enter the road at the same intersection.
- Area around Carter Street and Church Street is the heart of the village and is already very congested. Additional traffic will exacerbate the situation.
- Highway safety concerns in this area.
- Recently constructed 4 bed houses unsold. Indicates that there is no shortage of this type of property.
- Strain on local amenities.
- Loss of green fields and spaces.
- Planning applications in Fordham should not be looked at in isolation.
- Development does not seem to be spread out and is focused on various hotspots. Fordham seems to be taking a disproportionate share of the burden.
- Current rate of development in Fordham is not sustainable.
- Will not be long before the school is again over-subscribed.
- Will there be any provision for further facilities such as shops/GP/dentist surgery?
- Rural character of area would be diminished.
- No. 5A Soham Road has been designed taking into account that the site was undeveloped and outside the development envelope. Full length windows, which face the site, are less than 2m from the boundary and provide a clear view into the property.
- Development would block light to No. 5A and invade privacy.
- Developers are repeatedly quoting the failure to meet the 5 year housing supply as justification to develop outside the development envelope.
- Understand that ECDC is on the verge of establishing the 2017 Local Plan, which provides an adequate 5 year housing supply. Why are such large developments outside the development envelope being considered when they are clearly contrary to policy?
- Demand for properties in Fordham should utilise sites identified for development first.
- Dispute applicant's assessment that the development would only have a medium impact on No. 5A. Photographs attached taken from within the property and towards it from the site.

- Open space proposed adjacent to No. 5A and parking/turning area. Drivers would be able to see into the property and headlights likely to shine into the lounge.
- A 2m fence on the boundary would give privacy but block light to No. 5A. Traffic and pedestrians using access road will impact occupiers.
- Two storey dwellings at rear will also impact No. 5A.
- Not convinced that changing speed limit on Soham Road would make the entrance any safer.
- Removal of hedgerows on boundary with Soham Road will further impact occupiers of No. 5A.
- Disruption during construction.
- Tree survey recommends removal of hedges belonging to No. 5A. This should not be done without consent. What will be put in its place?
- Red line is indented and moves away from the boundary with No. 5A. Why is this and what is the status of the land between the western boundary of the site and the boundary of No. 5A?
- What would status of roadway to the rear of No. 5A be? What rights would occupiers have over it?
- Noted that all matters are reserved except access. To what extent is anything agreed with the applicants binding?
- Planning already agreed for development off Rule Gardens and Scotsdale Garden Centre. This proposal should be rejected.
- Primary school will not be able to cater for any more children.
- Seems to be a disproportionate amount being developed in Fordham.
- ECDC is due to approve the emerging local plan on 5th October. Significant weight should be given to the identified development envelopes. This land is outside and it should be refused without further consideration.
- Access roads and potential impact of overlooking/overshadowing would cause demonstrable and significant harm to the occupiers of No. 5A.
- Insufficient information/evidence to demonstrate that the proposed development would not present a danger to highway safety and the wider highway network.
- Site is at present an attractive field used for growing wheat etc.
- Hedgerows and copse of trees support birds and small animals.
- Proposals submitted by applicant to address concerns raised by occupiers of No. 5A are not satisfactory. A fence less than 2m from the boundary will block light and will be the only view from the living room windows. Trees on the boundary will further block light. Parking and turning area too close as are proposed dwellings. Do not see why fence could not be placed further into the public open space.

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
HOU 1	Housing mix
HOU 2	Housing density

HOU 3	Affordable housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 12	Listed Buildings
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

Flood and Water

6.3 National Planning Policy Framework 2012

- 4 Promoting sustainable transport
- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 10 Meeting the challenge of climate change, flooding and coastal change
- 11 Conserving and enhancing the natural environment
- 12 Conserving and enhancing the historic environment

6.4 Proposed Submission Local Plan 2017

LP1A presumption in Favour of Sustainable Development

LP2 Level and Distribution of Growth

LP3 The Settlement Hierarchy and the Countryside

LP6 Meeting Local Housing Needs

LP16 Infrastructure to Support Growth

LP17 Creating a Sustainable, Efficient and Resilient Transport Network

LP20 Delivering Green Infrastructure, Trees and Woodland

LP21 Open Space, Sport and Recreational Facilities

LP22 Achieving Design Excellence

LP24 Renewable and Low Carbon Energy Development

LP25 Managing Water Resources and Flood Risk

LP26 Pollution and Land Contamination

LP27 Conserving and Enhancing Heritage Assets

LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views

LP30 Conserving and Enhancing Biodiversity and Geodiversity

LP31 Development in the Countryside

7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are the principle of development, visual amenity, residential amenity, historic environment, highway safety, drainage and flood risk and biodiversity and ecology.

7.2 Principle of development

7.2.1 The National Planning Policy Framework promotes sustainable development and states at Paragraph 49 that new housing applications should be considered in the context of the presumption in favour of sustainable development. The Framework supports the delivery of a wide range of high quality homes. It specifically states at paragraph 14 that local planning authorities should normally approve planning applications for new development in sustainable locations that accord with the development plan or, where the development plan is absent, silent or relevant policies are out of date, with the policies contained in the Framework; unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicate development should be restricted.

7.2.2 The adopted Local Plan aspires to deliver managed and sustainable growth over the plan period to 2031. For the rural areas the Local Plan seeks to deliver new housing in appropriate locations to meet local needs. In doing so, the Plan identifies those rural settlements where some new development within defined settlements will in principle be appropriate; both in the form of allocations and windfalls. These settlements are the subject of Vision Statements which set out the growth aspirations for each one. The Local Plan seeks to prevent new development taking place outside the defined settlements unless certain specific exemptions are met. Fordham is one such settlement and the application site lies outside but close to the defined development boundary for the village.

7.2.3 The Council is currently preparing a replacement Local Plan covering the period from 2016 to 2036. At a meeting of Full Council held on 5th October 2017, Members considered an updated report on the latest draft of the emerging replacement Local Plan (the 'Proposed Submission Local Plan') accompanied by a Five Year Housing Land Supply Report. This report was agreed by Council, which has established that East Cambridgeshire District now has a five year housing land supply; currently calculated to be 6.94 years. Consequently, Paragraphs 14 and 49 of the Framework are not engaged and the housing supply policies contained in the Local Plan are no longer considered to be out of date. Paragraph 11 of the Framework makes it clear that the Framework does not change the statutory status of the development plan as the starting point for decision making. This states that "proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise". The Framework is one such material consideration and should be taken into account.

7.2.4 Adopted policy GROWTH 2 and emerging policies LP1 and LP3 all seek to manage new development so that it takes place in sustainable locations. In respect of open market housing, these are considered to be within defined settlements where there is ready access to shops, services and facilities that meet the day to day needs of

those communities. Policy GROWTH 2 states that the majority of development will be focused on the market towns of Ely, Soham and Littleport with more limited development taking place in villages which have a defined development envelope, thereby helping to support local services, shops and community needs. It then states that outside of these settlements new development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages. Development outside these settlements will not be permitted except where it complies with a limited range of specified categories detailed in that policy; none of which pertain to the current proposals.

- 7.2.5 The emerging policy LP3 lists Fordham as a “large village” and is referred to in the Local Plan 2015 as having a good range of local services. To the south of the village there is a cluster of commercial businesses, which provide an important source of employment for the area. The settlement is defined by a number of distinct development envelopes, which set the limit of the physical framework of the built-up area of the settlement. Their primary purpose, and the policies which apply within and outside them, is to prevent the spread of development into the countryside, to maintain the essential character of the settlement and control the growth within and outside it in accordance with the settlement hierarchy in policy LP3. Policy LP31 relates to new development in the countryside and it sets out the type of development that might be appropriate, including new residential development. These policies reflect the Government’s guidance on rural development contained in the Framework and they establish a range of development types that require a countryside location as an exception to the strategy of focussing most new development within sustainable settlements. The proposed development does not fulfil any of the listed exceptions in either policy.
- 7.2.6 The application site was put forward as part of the Council’s ‘call for sites’ process in the preparation of the emerging Local Plan. The site was duly assessed by the Strategic Planning Team and discounted, primarily as there are suitable sites available in closer proximity to the village centre. The site assessment report also considered that the development of the site would have a detrimental impact on the landscape as it sits on agricultural land that creates a setting for the village.
- 7.2.6 The principle of open market residential development on this site is contrary to the adopted and emerging development plans. As stated above, the proposal does not meet any of the exceptions to development in the countryside as set out in policies GROWTH 2 and LP3. The scheme therefore gives rise to inappropriate development with no justification to override the normal presumption against development in the countryside.
- 7.3 Visual amenity
- 7.3.1 The application site is currently undeveloped and comprises a small scale arable field and paddocks. There is modern residential development immediately to the north of the site in the form of three recently constructed dwellings known as 5A, 5B and 5C Soham Road and the Rule Gardens development. Planning permission has recently been given for the extension of the Rule Gardens development, which will effectively continue the pattern of residential development along Rule Gardens and infills an area to the rear of dwellings on Murfitt’s Lane and Carter Street.

- 7.3.2 To the south-east of the site there are a number of arable fields that wrap around the individual dwellings that front onto Soham Road and finish beyond the residential area made up of Stewards Field and Harry Palmer Close. The land to the south-west of the site, on the opposite side of Soham Road, is in agricultural use with long range views towards the A142 bypass and beyond.
- 7.3.3 Murfitt's Lane and Carter Street define the edge of the settlement and the application site, together with the adjoining arable fields, contribute towards the semi-rural character of the area. When viewed from the south-east, i.e. travelling along Soham Road towards Soham, the proposed development will be seen against the backdrop of the existing built form. It will however reduce the prominent gap between development on Soham Road and further urbanise the edge of village setting. The indicative Masterplan submitted with the application suggests that the main access road could run parallel to the south-eastern boundary, with provision made for a landscape/public open space buffer alongside to soften the edge of the development.
- 7.3.4 When viewed from the north-west the existing built form will appear more distant, with intervening vegetation masking the area of dense residential development surrounding Sharman's Road. The development would however be viewed alongside the modern development at Rule Gardens and Nos. 5A, 5B and 5C Soham Road.
- 7.3.5 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) with the application, which identifies that the site lies within one character area as identified within the Cambridgeshire Landscape Guideline – Chalkland. The LVIA states that effects on the landscape character would be confined to the site itself and its immediate context and extend no more than about 200m from the site. The LVIA also states that effects on townscape and settlement form are limited given that the site is surrounded on three sides by the existing residential dwellings of Fordham.
- 7.3.6 It is considered that the site is effectively bounded by residential dwellings on two sides and not three as stated in the LVIA and that the visual effects of the development would be slightly greater than suggested in the appraisal. However, it is agreed that Soham Road forms a physical boundary for the south of the settlement and that the proposed development would not appear as an intrusion or sprawl of built form into the countryside. Subject to a satisfactory layout and landscaping scheme it is considered that the development could be incorporated into the landscape without causing significant and demonstrable harm to the visual amenity of the area. The proposal will naturally extend the settlement edge but given that it will occupy land in between the existing built form of the village it can achieve a satisfactory relationship with existing development, in accordance with policies ENV1 and ENV2 of the Local Plan 2015 and policies LP22 and LP28 of the Proposed Submission Local Plan.
- 7.4 Residential amenity
- 7.4.1 Policy ENV2 of the Local Plan and LP22 of the Proposed Submission Local Plan, seek to protect the residential amenity which would be enjoyed by both future occupiers of the development and occupiers of existing properties close to the site.

The site adjoins existing dwellings in Rule Gardens together with the planned extension to the north-east. There are also a number of dwellings on Soham Road that share a boundary with the site.

- 7.4.2 A Parameters Drawing submitted with the application is intended to set a limit on the number of storeys of the proposed dwellings and sets broad development blocks, with the majority of the site comprising two storey dwellings. Areas to the south west and north west are shown to be single storey to take account of the existing dwellings adjacent to those boundaries.
- 7.4.3 The occupiers of No. 5A Fordham Road have expressed concerns regarding the proximity of development to their dwelling and the potential impact on their outlook and privacy. At present there is little in the way of boundary treatment between the site and No. 5A and No. 5A has a number of floor to ceiling windows on its side elevation that face towards the application site. An area of open space is proposed at the front of the site with two single storey dwellings shown on the illustrative Masterplan adjacent to this boundary. The occupiers of No. 5A are concerned that the construction of a hard boundary treatment such as a wall or a fence on this boundary would appear overbearing and result in a loss of light. If no such boundary treatment was installed there are concerns that this would lead to a loss of privacy. Concerns have also been raised regarding the use of the open space and potential parking and turning area shown on the Masterplan as this could lead to noise and disturbance and light pollution from car headlights.
- 7.4.4 The applicant was invited to provide further detail as to how the residential amenity of No. 5A could be protected by the development. The plans submitted indicate that a 1.5m close boarded fence could be constructed with 0.3m of trellis above to allow light through. This fence would be located just under 3m from the side elevation of No. 5A. The two single storey dwellings would be set back so that the front elevations were approximately in line with the rear elevation of No. 5A. The turning area would be approximately 5m from the shared boundary.
- 7.4.5 Given that the built form in this location would be restricted to single storey and that a boundary fence would be close to 3m from the side elevation of No. 5A at its closest point it is considered that the amenity of the residents of No. 5A could be adequately protected. Their outlook from their existing dwelling will change, however, there is no right to a view in planning terms. The boundary fence would protect the side facing ground floor windows from car headlights and the area of open space is unlikely to cause an unacceptable level of noise and disturbance given its size, its location adjacent to the road and the fact that there is a larger area of open space within the centre of the site.
- 7.4.6 There is likely to be a certain degree of noise and disturbance during the construction process for all existing residents and any future developer would need to submit a Construction Environmental Management Plan and agree to a restriction on working hours.
- 7.4.7 Any reserved matters application in relation to layout, scale and appearance will need to take account of the East Cambridgeshire Design Guide SPD in relation to plot sizes, amenity space and distances between inter-visible windows. At present the Indicative Masterplan indicates that the required separation distances are not

achieved on the boundary with Rule Gardens and this will need to be addressed. Sufficient separation distances with existing dwellings on Carter Street can be achieved. The scheme as proposed equates to a density of 23 dwellings per hectare (9.3 dwellings per acre). This medium level of density is considered to be appropriate for the site's shape and location and is similar to the density of the recently approved extension to Rule Gardens (24 dwellings per hectare). It is also considered that there is sufficient space to ensure that future residents will enjoy an acceptable level of residential amenity.

7.4.8 A Noise Assessment submitted with the application indicates that the plots closest to Soham Road may require acoustic treatment. However, the single storey nature of these dwellings is such that the internal layout can take road noise into account and no further mitigation will be required.

7.4.9 It is considered that the proposal could satisfy the requirements of Policies ENV 2 and LP22 at reserved matters stage.

7.5 Historic Environment

7.5.1 There are no designated heritage assets within the application site but Cromwell House, a Grade II listed building is located immediately north east of the site's boundary. A Heritage Statement submitted with the application appraises the boundary treatments along the north eastern boundary and highlights the fact that there are views to Cromwell House from the site at certain times of the year. The Statement sets out that the significance of Cromwell House is derived from historic, evidential and aesthetic values and to a lower degree has some communal value. The application site is likely to have had an historic functional association with Cromwell House but lacks strong character associated with understanding its historic significance.

7.5.2 On this basis it is considered that any impact on the heritage value of Cromwell House is likely to be negligible and less than substantial harm will be caused. In accordance with the requirements of the NPPF it is considered that this less than substantial harm would be outweighed by the public benefits of the scheme, including the provision of affordable housing and public open space.

7.5.3 The application site is located just over 1km from the Grade I listed Church of St Peter. The site does not however contribute to the setting of the Church, which will be unaffected by the development.

7.5.4 The Conservation Officer agrees with the assessment made in relation to heritage assets and raises no objection to the application. The proposal is therefore considered to comply with policies ENV12 and LP27 in this regard.

7.5.5 The Historic Environment Team has stated that their records indicate that the site lies in an area of high archaeological potential. This contradicts the applicant's Archaeological Desk Based Assessment, which states that archaeological potential is considered to be low. The Historic Environment do not however object to development proceeding but consider that the site should be subject to a programme of archaeological investigation. This can be secured by planning condition. On this basis the proposal complies with policies ENV14 and LP27.

7.6 Highway safety

- 7.6.1 The site will be accessed off Soham Road and this application seeks approval of the access details at this stage. A 6.0m wide main access road is proposed into the development with a 2.0m wide footway to either side. Appropriate visibility splays will be provided at the Soham Road junction.
- 7.6.2 The Local Highway Authority has examined these proposals and is satisfied that safe and convenient access to the highway network can be achieved.
- 7.6.3 The Transport Assessment Team has considered the Transport Statement submitted with the application and has been working with the applicant to establish the likely impact on the wider highway network. The TA Team has therefore asked the applicant to consider the cumulative impacts of all the planned development in and around Soham and Fordham. A Technical Note submitted by the applicant to the TA Team has been reviewed and The TA Team has raised concerns regarding the capacity of the A142/Fordham Road roundabout. It believes that the development should contribute a proportionate sum towards mitigation measures for this roundabout and until such time as an agreement has been reached with the applicant the TA Team does not support the proposal. On this basis it is considered that the proposal fails to ensure that the level/type of traffic generated can be accommodated without detriment to the local highway network. The proposal is therefore contrary to policies COM7 and LP17.

7.7 Flood risk and drainage

- 7.7.1 The site is located in Flood Zone 1, which is at the lowest risk of flooding. The site does however extend to more than 1 hectare and the applicant is therefore required to submit a Flood Risk Assessment. The Flood Risk Assessment and Drainage Strategy submitted with the application states that the site is not at significant risk of tidal or fluvial flooding.
- 7.7.2 Surface water run-off from the site is expected to be collected, attenuated and disposed of via infiltration, with no off-site discharge to sewers or watercourses. Infiltration tests have been carried out and the Lead Local Flood Authority is satisfied that this is an effective way of dealing with surface water. The submission of a detailed surface water drainage scheme can be dealt with by planning condition.
- 7.7.3 The applicant identified at the pre-planning stage that a direct connection to the public foul sewerage system is likely to have a detrimental effect on the existing sewerage network and will result in increased flood risk downstream of the proposed connection point. The applicant has therefore worked with Anglian Water to agree a scheme to mitigate the impact of the proposed development. This comprises a parallel sewer to the south of Soham Road together with an overflow weir and downstream orifice.
- 7.7.4 On the basis of the information submitted it is considered that the foul and surface water drainage strategies are acceptable and meet the requirements of policies

COM8 and LP25 together with the principles for surface water and sustainable drainage systems contained within the Cambridgeshire Flood and Water SPD.

7.8 Biodiversity and ecology

7.8.1 A Preliminary Ecology Appraisal submitted with the application makes reference to the fact that the southern and eastern edges of the site are occupied by an arable field and that the north west section of the site consists of four heavily grazed semi-improved grassland horse paddocks. A small area beyond the paddocks is fenced off and consists of un-grazed semi-improved neutral grassland. Scattered scrub is present through the site and there are a number of small sheds/stables present.

7.8.2 The Appraisal concludes that the habitats identified are of very low botanical and habitat value. No significant adverse effects on statutory and non-statutory sites are anticipated and the buildings did not have any obvious value for species. No further surveys were recommended and it is considered that this accurately reflects the low biodiversity value of the site. The existing boundary hedgerow and shrubs/trees are to be retained and the scheme presents an opportunity to incorporate bird and bat boxes.

7.8.3 The Wildlife Trust has been consulted on the proposal but has not commented. It is considered that the scale of development proposed is such that it would not put significant additional recreational pressure on locally designated sites.

7.8.4 The Trees Officer has considered the Tree Survey and Arboricultural Impact Assessment submitted with the application and is satisfied that the impact upon existing trees is minimal. The information within the associated Arboricultural report, which considers the trees affected of low value, is supported and on that basis there is no objection to the proposal.

7.8.5 The proposal is therefore considered to comply with policies ENV7, LP28 and LP30 in relation to treescape, biodiversity and ecology.

7.9 Other matters

7.9.1 Affordable housing

7.9.2 The applicant has indicated that 40% of the dwellings proposed will be affordable units and that 70% of these units will be affordable rented with the remainder shared ownership. Since Full Council confirmed its agreement to the Proposed Submission Local Plan it has been agreed that this level of provision is unviable and that 30% of the dwellings should be affordable. The precise mix of house types would be agreed at reserved matters stage and secured through the S106 Agreement and the applicant has confirmed its agreement to this.

7.9.3 Education contribution

7.9.4 Cambridgeshire County Council has been consulted on the proposal and has indicated that a financial contribution towards early years, primary and secondary education provision is required together with a libraries and lifelong learning contribution. A total sum of £937,919 has been requested.

- 7.9.5 The applicant has indicated that they do not consider this financial contribution to be reasonable and that it would be providing a detailed response on this point for the LPA to consider. At the time of writing the applicant has not put forward any counter argument to the County Council's comments and nor has it indicated that it will make the financial contribution requested. On this basis it is considered that the application fails to meet the requirements of policies GROWTH 3 and LP16 in relation to infrastructure to support growth.
- 7.9.6 Contaminated land
- 7.9.7 A Phase I Ground Condition Assessment has been submitted with the application. This has been reviewed by the Council's Scientific Officer, who confirms that the site appears to be at low risk of land contamination and a condition requiring further work is not required. As this application is for a sensitive end use it is recommended that an unexpected contaminated land condition is attached to any grant of permission.
- 7.9.8 Energy and water efficiency
- 7.9.9 A Renewable Energy and Water Consumption Assessment has been submitted with the application. This outlines a number of key policy targets for the development in relation to energy, CO2 emissions and water consumption and how these can be met. It is expected that all developments will optimise energy efficiency and that consideration will be given to the use of renewable and low carbon energy sources. Developers should also consider how the design and orientation of buildings can affect their efficiency and the installation of items such as electric vehicle charging points. It is considered that these matters will be addressed further at reserved matters stage and applicants will be required to demonstrate that the requirements and aspirations of policies ENV4, LP 23 and LP24 are met.
- 7.9.10 Open Space
- 7.9.11 Based upon the indicative housing mix supplied by the applicant the amount of public open space being provided on site accords with the Developer Contributions SPD. The provision of the open space can be secured by way of a S106 Agreement.
- 7.9.12 Fordham Neighbourhood Plan
- 7.9.13 Fordham Parish Council has submitted a formal application which, in effect, is a trigger for commencing preparation of a Neighbourhood Plan for Fordham. As yet no draft of the Plan has been published as the process is in its very early stages. On this basis it is considered that no weight can be attributed to the matter at this time.
- 7.9.14 CIL
- 7.9.15 The development will be subject to the Community Infrastructure Levy.

7.10 Planning balance

- 7.10.1 The site is located outside of the established development envelope and the principle of open market residential development on this site is therefore contrary to the adopted and emerging development plans. The proposal does not meet any of the exceptions to development in the countryside as set out in policies GROWTH 2 and LP3 and this attracts significant weight against the proposal.
- 7.10.2 It is considered that the proposal would not cause significant and demonstrable harm to the visual amenity of the area such that would warrant refusal of the application. In addition it is considered that matters in relation to residential amenity, highway safety, flood risk and drainage and biodiversity and ecology can be addressed by appropriate planning conditions and at reserved matters stage.
- 7.10.3 At this time the applicant has not reached agreement with the LPA in relation to a financial contribution towards education provision and this failure to comply with policies GROWTH 3 and LP16 also weighs against the proposal. In addition the applicant's failure to ensure that the level/type of traffic generated can be accommodated on the local highway network is contrary to policies COM7 and LP17, which attracts moderate weight against the proposal.
- 7.10.4 On balance it is considered that the fact that the proposal comes into conflict with a number of key development plan policies that underpin the growth of development in this district outweighs the benefits of the scheme in relation to the provision of additional housing, open space and limited economic benefits that would flow from the development. The application is therefore recommended for refusal.

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 from the Local Highway Authority or Lead Local Flood authority

- The Council now has a five year supply of land for housing.

9.0 APPENDICES

9.1 None

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/01572/OUM	Julie Barrow Room No. 011 The Grange Ely	Julie Barrow Senior Planning Officer 01353 665555 julie.barrow@eastca mbs.gov.uk

National Planning Policy Framework –

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

East Cambridgeshire Local Plan 2015 –

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