
MAIN CASE

Reference No: 18/00832/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 at land to the north east of Soham Road, Fordham.

Site Address: Land Between 4 And 5 Soham Road Fordham
Cambridgeshire

Applicant: Endurance Estates Strategic Land Ltd

Case Officer: Barbara Greengrass, Planning Team Leader

Parish: Fordham

Ward: Fordham Villages

Ward Councillor/s: Councillor Joshua Schumann
Councillor Julia Huffer

Date Received: 29 June 2018 **Expiry Date:** 5 October 2018

[T111]

1.0 RECOMMENDATION

1.1 Members are recommended to REFUSE this application:

1. The proposed development is located within an area defined as open countryside where development is strictly controlled and are only permitted where required to accommodate key agricultural, forestry or other essential countryside workers or to meet a local need for affordable housing/accommodation. No such need has been demonstrated in this case and the proposal would therefore be contrary to the Policy 1 (Housing Growth) of the post-examination Fordham Neighbourhood Plan 2016-2036, GROWTH2 of the 2015 Local Plan, Policy LP3 of the 2017 Submitted Local Plan and NPPF Paragraph 11.

2.0 SUMMARY OF APPLICATION

2.1 This application is a re-submission, following refusal of planning permission by Planning Committee in January 2018 for one reason. The site is located outside of the defined settlement boundary so the proposal was refused because it was

contrary to Policy GROWTH 2, as the Council could demonstrate a 5 year supply of housing land. An appeal has been lodged for that application.

2.2 This application is identical. It 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.

2.3 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

2.4 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.

2.5 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.**

2.6 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.

3.0 PLANNING HISTORY

3.1

17/01420/SCREEN	SCREENING OPINION for the erection of up to sixty dwellings	11.09.2017
-----------------	---	------------

17/01572/OUM	Outline application for residential development, with all matters reserved except access, for up to 52 dwellings and associated development including public open space.	Refused Appeal Hearing 16 th October 2018.	04.01.2018
--------------	--	---	------------

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site extends to approximately 2.26 hectares and is situated outside the defined settlement boundary for 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. To the north and east of the site is residential development.

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.

Parish – Majority no objections.

Ward Councillors - No Comments Received

Cambridgeshire Archaeology – The site lies in an area of high archaeological potential, located within a large and complex prehistoric landscape. We do not object to development from proceeding in this location but consider that the site should be subject to a program of archaeological investigation secured through the inclusion of a condition.

Cambridgeshire County Council Education – Cambridgeshire County Council has requested a financial contribution towards early years, primary and secondary education provision together with a libraries and lifelong learning contribution.

Cambridgeshire Fire And Rescue Service – Adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition.

Local Highways Authority – 06/08/2018 – The highway authority does not object to the proposal, subject to a condition, requiring the implementation of travel welcome packs as well as the contribution of £37, 680 for improvements to the A142/Fordham Road/A1123 roundabout.

20/08/2018 – The highways authority has no objections in principal to this application subject to conditions.

CCC Growth & Development - No Comments Received

Lead Local Flood Authority – Have no objections 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.

Minerals And Waste Development Control Team – The team have reviewed the available documentation and request that, in the event the planning authority be minded to grant outline planning permission, the matter of waste management is identified as a reserve matter and a condition be imposed.

Senior Trees Officer – The Trees Officer has no objection to these proposals as the trees it potentially affects are not of significant landscape value.

The primary considerations of this proposal relate not to the impact upon existing trees but rather, the potential impact upon the wider landscape from the proposal.

I have concerns this proposal will have a negative impact upon the landscape character of the area which would be in conflict with guidance within the local plan (ENV1: Landscape and settlement character) therefore, I advise you consider consulting with a landscape consultant to assess this element of the proposal.

Conservation Officer - No Comments Received

Environmental Health – Overall noise levels from Soham Road are acceptable. Plots 1 & 2 would experience noise levels slightly above recommended. The bedroom windows from these two plots could face the road. Reserved matters should ensure noise levels to these rooms are adequately dealt with as the Council does not accept windows closed with alternative ventilation.

Strategic Planning - No Comments Received

Housing Section – In accordance with the Submitted Local Plan the required provision is 30%. Accordingly, 16 affordable homes would be expected to be provided from this application.

Should consent be granted, I would request a s106 Agreement containing the following Affordable Housing provisions:

1. That the dwellings will be Affordable Housing in accordance with the definition contained in NPPF.
2. That the dwellings will transfer to a provider of social housing approved by the Council, either a Private Registered Provider or an alternative affordable housing provider (including but not limited to a housing trust or company, a community land trust or an almshouses society).
3. That the tenure of each dwelling will be Affordable Rent or shared ownership, and no subsequent alteration will be permitted without the Council's prior approval.
4. That the rent charged for the Affordable Rented properties will not exceed Local Housing Allowance rate for the equivalent property size.
5. That the Provider will not dispose of any dwelling by outright sale (except any sale to a tenant under statutory provisions)
6. That occupation will in accordance with a nomination agreement.
7. That these affordable housing conditions shall be binding on successors in title, with exceptions for mortgagees in possession and protected tenants.

Waste Strategy (ECDC) – Subject to the following comments and recommendations:

- The waste team would like clarification that all locations shown on the Illustrative Masterplan as 'Type 3' will be fully adopted, rather than just built to adopted standards?
- In many new developments where parking has been provided 'back to back' the tendency is for residents to park one vehicle on the drive and the other on the highway which causes access issues for freighters and the waste team would like details from the developer about how this will be avoided/dealt with once the site is complete? This is especially relevant to the roadway serving units 32 to 42.

Historic England – Do not wish to offer any comments.

Anglian Water Services Ltd – There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site.

Foul drainage from this development is in the catchment of Soham water Recycling Centre that will have available capacity for these flows. 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 feasible mitigation solution, which will be secured through condition.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.

Anglian water would recommend a condition if planning permission was granted which ensures a foul water strategy has been submitted.

The Ely Group Of Internal Drainage Board - No Comments Received

Design Out Crime Officers – All matters are reserved and no comments are provided at this stage, but would wish to be consulted at reserved matters stage in regards to the design and layout should planning be approved.

Cambs Wildlife Trust - No Comments Received

Technical Officer Access – Access – Dropped kerbs will be needed at the junction together with identifiable paving for the visually impaired. We are pleased to see pavements on both sides of the entrance and hope they continue throughout the site.

Natural England – Natural England has no comments to make on this application. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites of landscapes.

5.2

Neighbours – A site notice was posted, advertisement placed in the Cambridge Evening News and 71 neighbouring properties were notified. The 9 responses received are summarised below. A full copy of the responses are available on the Council's website.

- Neighbouring properties to the development are not illustrated in plans.
- The close proximity of the fencing to neighbouring properties, will harm existing hedges.
- Care and attention needs to be made to neighbouring properties trees.
- The development conflicts with the East Cambridgeshire Local Plan 2015.
- Development is outside the development envelope.
- The village could potentially increase from 12000 homes to 18000, which will change the village for worse.
- Will encourage further development on Soham Road.
- Green and agricultural areas are important aspects of the village.
- The B1102 will no longer be usable for children wanting to cycle to school.
- The increase in village size of 45% in such a short period is not in best interests.
- Will create strain on local amenities.
- The local school is at capacity.
- Traffic levels are already high through the village.
- Less secondary school places available.
- Public transport is sparse.
- Sewage system is incapable of taking developments of this scale.

- The size of the proposed is far too large.
- Fences will impact light and residential amenity.
- Noise pollution from traffic is already very high.
- Little consideration to the visual impact of the development for neighbouring properties.
- Infrastructure cannot support further development.
- Parking outside shops is already difficult.

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
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 2018

- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 5 Delivering a sufficient supply of housing
- 11 Making effective use of land
- 12 Achieving well designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

16 Conserving and enhancing the historic environment

6.4 Submitted Local Plan 2017

LP1	A presumption in Favour of Sustainable Development
LP2	Level and Distribution of Growth
LP3	The Settlement Hierarchy and the Countryside
LP6	Meeting Local Housing Needs
LP16	Infrastructure to Support Growth
LP17	Creating a Sustainable, Efficient and Resilient Transport Network
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

6.5 Planning Practice Guidance

6.6 Fordham Neighbourhood Plan - this Plan has been examined and is awaiting referendum.

Policy 1: Housing Growth
Policy 2: Character & Design
Policy 8: Wildlife and Habitats
Policy 11: Car Parking

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 At the heart of the National Planning Policy Framework 2018 is a presumption in favour of sustainable development. It specifically states at paragraph 11, that local planning authorities should normally approve planning applications for new development that accord with an up-to-date development plan or, where there are no relevant development plan policies, or the policies most important for determining the application are out of date, granting permission unless: specific

protections apply; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

- 7.2.2 At the present time the policies most important for determining this application are out-of-date as the planning authority cannot demonstrate a five year supply of deliverable housing sites, as set out in paragraph 73 of the Framework. Therefore this application must be determined in accordance with the above paragraph. However, two emerging development plans relevant to Fordham are very well advanced, as explained below, and as such determining the proposal in accordance with NPPF paragraph 11 needs to be balanced against the weight to be given to the emerging policies.
- 7.2.3 First, therefore, the principle of development should be considered against the current **adopted** development plan, together with, in particular, national policy where a five year land supply cannot presently be demonstrated.
- 7.2.4 Policy GROWTH2 requires that development be permitted only within defined development boundaries outside of which development will be strictly controlled, limited to certain exceptions and not for general housing needs. The site lies adjacent to but outside of the settlement boundary. The development of this site for housing would therefore conflict with Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015. Policy GROWTH 5 allows for sustainable development which accords with the development plan unless material considerations indicate otherwise, taking into account the NPPF and the strategic objectives of the Local Plan. The proposal therefore conflicts with the locational strategy in these key policies.
- 7.2.5 However, as the Council cannot currently demonstrate a five year land supply for housing, Policies GROWTH 2 cannot be considered as fully up to date in so far as it relates to the supply of housing land. The tilted balance is therefore engaged in accordance with the NPPF. This does not mean that these housing policies should carry no weight at all. Given the ample supply of housing in Fordham through existing commitments and allocations within the emerging draft plans, it is considered that in this case, the reduction in weight should only be modest, or potentially could be a very limited reduction, due to the emerging neighbourhood plan (see below).
- 7.2.6 Second, moving to the emerging development plan, this includes both a new Local Plan and a Neighbourhood Plan for Fordham. The spatial strategy for the Submitted Local Plan 2017, within Policies LP1, LP2 and LP3 is broadly consistent with the adopted Plan and restricts development outside of defined settlement boundaries in the same way. Given the stage of preparation of this plan it is considered that the conflict with these policies should be afforded moderate weight.
- 7.2.7 The post examination Fordham Neighbourhood Development Plan (FNP) has been examined and the Council has now issued its decision in response to the examiners recommendations and findings. In summary the examiner concludes that the FNP, subject to a small number of modifications, satisfies the basic conditions and other legal requirements, and should proceed to referendum. This referendum is due to take place in November and in light of this late-stage in preparation, that the FNP

should be given significant weight. Where a Neighbourhood Plan has reached the stage that the Fordham one has (namely, post examination, but awaiting referendum), the Neighbourhood Planning Act 2017 brought in a “duty to have regard to post-examination neighbourhood development plans” when making planning decisions.

- 7.2.8 Paragraph 125 of the NPPF states that neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. The FNP has been prepared to complement existing local, national and strategic planning policy, to provide additional detail and subtlety that reflect the special characteristics of Fordham that cannot reasonably be addressed by higher-level policy. It has been designed to help protect areas, landmarks and services that are most important to the community. The Plan is intended to set out a local blueprint for how Fordham should develop sustainably in the best interest of the village, in the context of the wider Local Plan. The Plan acknowledges the housing growth requirement set out by the 2015 Local Plan and 2017 Submitted Local Plan to contribute to the national shortage of housing and accepts the growth level for Fordham, as established through housing allocations and the demarcation of a ‘Development Envelope’ for the village.
- 7.2.9 The proposed development conflicts with Policy 1 of the FNP for similar reasons as the conflict with the adopted development plan. The site is outside the settlement and the policy does not support development on unallocated sites in such a location. The scheme’s policy contravention carries significant weight in the planning balance.
- 7.2.10 It is also important to note that para 14 of the NPPF makes reference to Neighbourhood Plans, and that, in certain circumstances, only three years supply of housing need be demonstrated across the district, for those locations covered by an adopted Neighbourhood Plan. Consequently, and considering the advanced nature of the neighbourhood plan and the legal requirement for decision makers to take account of it now, moderate weight should be given to the fact that the lack of a demonstrable five year land supply across the district will likely not apply to Fordham shortly, due to the presence of its neighbourhood plan. In effect, it is considered that the ‘tilted balance’ which presently applies district wide is only slightly engaged (or of very limited weight) in Fordham, due to the unique nature Fordham finds itself in (i.e. a well advanced neighbourhood plan).
- 7.2.11 Also of relevance in determining the principle of this development is the impact it would have on the nearby European and internationally designated sites. The applicant has submitted a Habitats Regulations Assessment (HRA) screening report prepared by Applied Ecology Ltd (August 2018) which has screened out the potential for likely significant effect on Wicken Fen Ramsar and component of Fenland Special Area of Conservation (SAC), Devil’s Dyke SAC and Breckland SAC.
- 7.2.12 Natural England have raised no objection to the proposal. The conclusion of the HRA report that there will be no significant effect to the Chippenham Fen Ramsar and Fenland SAC as a result of the development is accepted.

- 7.2.13 The Ecological Assessment also identifies Brackland Rough SSSI, located to the south east of the proposed development site. The report considers that direct and indirect impacts on the SSSI are unlikely on the basis of distance, the presence of other Local green spaces closer to the site and the provision of on site POS means that significant adverse effects as a result of increase in recreational pressure are considered very unlikely and specific mitigation is not considered appropriate or necessary in relation to this development.
- 7.2.14 As the screening carried out has identified the development will not have the potential for significant adverse impacts on Chippenham Fen Ramsar, Fenland SAC and Brackland Rough SSSI designated sites, it is considered that an appropriate assessment under the Birds or Habitats Directives is not required. The presumption in favour of sustainable development is therefore triggered in line with paragraph 119 of the NPPF.

7.3 Visual impact

- 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 some landscaping along the boundary and a central public open space. The layout is indicative only but does not provide for enough land to allow for a substantial planting buffer. This would need to be provided on any reserved matters application to soften the impact of the development when viewed from the south.
- 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 substantial landscaping along the southern boundary, 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 Submitted Local Plan.

7.4 Residential Amenity

- 7.4.1 Policy ENV2 of the Local Plan and LP22 of the Submitted 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 this area as 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. The illustrative masterplan has been amended to remove this area as usable open space and in any event the precise use and boundary treatments will be determined at reserved matters stage.

- 7.4.4 The applicant has provided further detail as to how the residential amenity of No. 5A could be protected. This detail can be controlled at reserved matters stage. The dwellings on these plots can be set back as shown on the indicative layout and the turning area sited so as to safeguard residential amenity.
- 7.4.5 Given that the built form in this location could be restricted to single storey and that the boundary treatment could be sensitively designed, 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. A boundary fence could protect the side facing ground floor windows from car headlights and the area of open space is likely to be used as private garden as it is not usable public open space.
- 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 or 9.4 dwellings per acre). It is also considered that there is sufficient space to ensure that future residents will enjoy an acceptable level of residential amenity. The scheme would however need to demonstrate that sufficient open space can be accommodated on the site whilst also providing adequate space for a landscaped buffer along the southern edge. Given that the scheme is for up to 52 units, this should be achievable as the numbers are not fixed.
- 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 market and 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 proposal is 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 is satisfied that safe and convenient access to the highway network can be achieved. Parking provision is not being assessed at this outline stage but the indicative masterplan shows that the current standards could be achievable.
- 7.6.3 The Transport Assessment Team has considered the Transport Statement submitted with the application and does not object to the proposal subject to the provision of a Travel Welcome Pack and a contribution of £37,680 towards improvements to increase capacity of the A142/Fordham Rd/A1123 roundabout.

This is considered to be fairly and reasonably related in scale and kind to the development and is accepted by the applicant. The proposal therefore complies with 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 subject to conditions.
- 7.7.3 Anglian Water have advised that the development will lead to an unacceptable risk of flooding downstream. However, a development impact assessment has been prepared in consultation with the applicant to mitigate the impact, which means this matter can be dealt with by condition.
- 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 Ecological Appraisal submitted with the application addresses the impact on ecology over the site. It 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 ungrazed 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.

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 material matters**

7.9.1 Affordable housing

The applicant originally proposed 40% of the dwellings would be affordable units. Since the Submitted Local Plan provides for 30% on the basis of an up to date viability assessment, 30% provision is considered acceptable. The precise mix of house types would be agreed at reserved matters stage and secured through the S106 Agreement.

7.9.2 Education contribution

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. It is considered that this request is CIL compliant. Potential contribution of up to £836,000. In accordance with the draft S106 prepared for the appeal on the site, the applicant has agreed to pay an education contribution in line with the CCC requirements with the eventual contribution based on the tables in the Annex to the 106 based on the eventual development mix.

On the basis that a contribution is made in line with the S106 the requirements of policies GROWTH 3 and LP16 in relation to infrastructure to support growth are met.

7.9.3 Contaminated land

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.

7.9.4 Energy and water efficiency

An Energy Statement 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.

7.9.5 Open Space

The layout is indicative but the applicant has demonstrated that the amount of public open space being provided on site can accord with the Developer Contributions SPD. This will have to be demonstrated at reserved matters stage whilst providing for a landscaped buffer and can be secured by way of a S106 Agreement.

7.10 **Planning balance**

- 7.10.1 The proposal conflicts with Policy GROWTH 2 and 5 and is not supported by the spatial strategy for growth. As a result of the housing supply shortfall the tilted balance provisions of the NPPF are applicable, but only to a very limited degree due to, primarily, the advanced stage of the Neighbourhood Plan and, secondly, the advanced stage of the emerging local Plan. As such, the reduction in weight to be given to Policy should only be very limited.
- 7.10.2 The proposed development conflicts with Policy 1 of the post examination FNP for similar reasons as the conflict with the adopted development plan. The site is outside the settlement boundary and the Policy does not support development on unallocated sites in such a location. Given the duty within the Neighbourhood Planning Act 2017 to have regard to post- examination Neighbourhood Development Plans, and the fact that it is now at a late stage in preparation, with the referendum due in November, given recent case-law, it is considered that the scheme's policy contravention carries significant weight in the planning balance. Policy 1 indicates that the housing requirement for Fordham between 2016 and 2036 will be 350 dwellings to be achieved via the allocations in the post examination FNP and a realistic allowance for windfall sites of 15%. In addition to this, a total of 179 dwellings have either been received, approved or are pending approval within Fordham. This represents a 40% increase in its base housing stock, to be delivered in the next three to five years.
- 7.10.3 In this case, the benefits to which positive weight can be given are firstly, the provision of up to 52 dwellings which would add to the District's housing stock. Given the reduction in weight attached to Policy GROWTH 2 should only be limited, it is considered that this benefit should be given only moderate weight.
- 7.10.4 The generation of construction activity, should be attributed limited weight as this is temporary, support for the local economy, should be given limited weight given the level of growth already anticipated for Fordham will ensure its sustainability as a settlement. The provision of affordable housing, new public open space and play area together with contributions to improvements to the wider highway network are also benefits. These however, are a pre-requisite of an acceptable scheme no

matter where it is located so they should be attributed very little weight in the planning balance.

- 7.10.5 Having considered the potential benefits of the development, it is clear that they can be attributed only limited weight. Certainly the benefits do not outweigh the breach of both the Development plan and Submitted Local Plan as a whole. Nor the significant weight to be attached to the post –examination Neighbourhood Plan.
- 7.10.6 The aims of the locational strategy in all three plans and indeed the NPPF is to provide sustainable housing development in a plan led way, in the most sustainable locations, in a hierarchical manner. The adverse impacts of additional housing in this location significantly and demonstrably outweighs any benefits.

8.0 COSTS

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

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00832/OUM	Barbara Greengrass Room No. 011	Barbara Greengrass Senior Planning Officer
17/01572/OUM	The Grange Ely	01353 665555 barbara.greengrass @eastcamb.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>