

---

**MAIN CASE**

**Reference No:** 17/00481/OUM

**Proposal:** Residential development for the construction of up to 100 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Mildenhall Road

**Site Address:** Land Rear Of 98 To 118 Mildenhall Road Fordham  
Cambridgeshire

**Applicant:** Gladman Developments Ltd

**Case Officer:** Barbara Greengrass, Senior Planning Officer

**Parish:** Fordham

**Ward:** Fordham Villages

Ward Councillor/s: Councillor Joshua Schumann  
Councillor Julia Huffer

**Date Received:** 22 March 2017 **Expiry Date:** 11 August 2017

[S121]

---

**1.0 RECOMMENDATION**

**1.1** Members are recommended to REFUSE planning permission for the following reasons:

1. The LPA consider that whilst some amount of sustainable development may be acceptable on this site, the proposal to construct up to 100 dwellings would be excessive and would not give rise to a sustainable form of development by reason of the density of built form and the subsequent harm likely to be caused by the character and appearance of the design solution for the site, giving rise to a form of development which would not incorporate the key aspect of sustainable development in providing for good design, scale and layout, contributing positively to better places for people to live. In addition, this proposal would cause significant harm to the character and appearance of the area as the scale and form would not be sympathetic to the character and pattern of built form in the vicinity of the site nor respect its edge of settlement location contrary to Policies ENV 1 and 2 of the East Cambridgeshire Local Plan 2015 and paragraphs 14, 17 and section 7 of the NPPF.

2. The noise attenuation measures proposed for the development in order to mitigate existing noise sources are considered unacceptable, due to the visual

impact of the noise attenuation barriers which would likely harm the character of the development and the wider area, but would also cause demonstrable harm to the residential amenity enjoyed by the future occupiers of the development. In addition, future occupiers of the dwellings would experience unacceptable levels of residential amenity to their internal living conditions by virtue of having windows closed and having to rely on alternative methods of acoustic ventilation. The attenuation measures proposed would therefore prevent residents from enjoying high standards of amenity nor from benefitting from a high quality development scheme with good design and high quality public spaces as required by the NPPF. It is therefore contrary to Policy ENV 2 in ensuring that future residents enjoy high standards of amenity both within the private and public realm and policy ENV 9 and the NPPF, in that this form of mitigation does not provide an acceptable design solution to successfully mitigate the noise sources, ensuring that the existing businesses will not have their operations curtailed.

3. The Local Planning Authority consider that there is insufficient evidence/information to demonstrate that the proposed development would not present a danger to highway safety and the wider highway network. It is not possible to assess the wider transport impact of the proposed development in the absence of the required information in the Transport Assessment and subsequent Transport Addendum. The application therefore fails to comply with the requirements of Policies ENV 2 and COM 7 of the East Cambridgeshire Local Plan 2015 and paragraph 32 of the National Planning Policy Framework.

## **2.0 SUMMARY OF APPLICATION**

- 2.1 The application seeks outline planning permission for residential development of the site with up to 100 dwellings together with public open space, landscaping, and sustainable drainage systems. All matters are reserved apart from means of access. The proposal is to provide for an access onto Mildenhall Road through an existing wide open gap in the residential frontage.
- 2.2 The application is accompanied by an illustrative framework plan showing how the built form, open space and drainage attenuation basin could be accommodated. It also shows the position of a pine tree belt along the southern boundary of the site and two noise attenuation bunds/fences to the north west corner.
- 2.3 The application is accompanied by the following documents;
- Landscape and visual impact assessment
  - Transport Assessment and Framework Travel Plan
  - Ecological assessment
  - Information to allow a Habitats Regulation Assessment
  - Arboricultural assessment
  - Phase 1 Preliminary Risk Assessment
  - Flood Risk Assessment and Foul drainage report
  - Air Quality screening letter
  - Noise assessment
  - Heritage desk based assessment
  - Transport Addendum

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 This application is being brought to committee under the terms of the constitution.

### 3.0 **PLANNING HISTORY**

3.1

None

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

4.1 The site is located outside the development boundary of Fordham located on the southern edge of the village bounded by residential development to the east and north and by two business premises to the north and west. To the north, part of the redevelopment will incorporate an area of hard standing used as part of a plant hire and haulage business and the stretch of open overgrown land along its western boundary. The site is bounded by Palmer & son steel fabrication business to the west. The site itself is open agricultural land and is bounded along its southern boundary by a length of fragmented hedgerow. The site is visible from Mildenhall Road where a large gap in the frontage development will form the new site access.

### 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.

**Cambridgeshire Archaeology** - Our records indicate that the site lies in an area of high archaeological potential. Whilst no heritage assets are known within the proposed development area, situated 290m to the north west are Iron Age inhumations (Historic Environment Record reference 07549), the exact extent of this burial ground is currently unknown. To the south west of the application area is Iron Age (11287) and Roman settlement (11287A), with possible funerary barrow (11109) and evidence of Prehistoric occupation (11536) to the south east. To the west is the historic core of the village, which includes 13th century (with Norman remains) Saint Peter and Saint Mary Magdalene Church (07574). Archaeological investigations at the Primary School have revealed evidence of Saxon settlement (ECB420), with further evidence of Saxon settlement and occupation being revealed at three separate archaeological investigations at Hillside Meadow (ECB422, ECB876, ECB715), while evidence of medieval and post medieval occupation has been discovered during investigations at Mill Lane (ECB418). We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG. Developers will wish to ensure that in drawing up their development

programme, the timetable for the investigation is included within the details of the agreed scheme.

**Cambridgeshire County Council Education** – The County have requested a contribution of some £ 43, 000 together with a contribution for lifelong learning.

**Local Highways Authority** – Transport Assessment dated February 2017 was submitted and objections raised. A subsequent Addendum was submitted to address these concerns but is not acceptable so the Transport team object as the application does not include sufficient information to properly determine the impact of the proposed development on the wider highway network. The access arrangements would be acceptable with visibility splays at 2.4m x 90m. A road safety audit has been undertaken and is acceptable.

**CCC Growth & Development** - No Comments Received

**Lead Local Flood Authority** - We have reviewed the submitted documents and can confirm as Lead Local Flood Authority (LLFA) we **have no objection in principle** to the proposed development. The applicant proposes to dispose of surface water via infiltration and the current Drainage Strategy drawing appended to the submitted Flood Risk Assessment indicates an infiltration basin approximately 1230 m3 in volume will be required. This is based on the results of infiltration testing that has been undertaken at three locations across the site. The LPA should be aware that it is currently proposed to discharge all surface water from the site to this basin. As such it is likely that it will contain at least some water most of the time.

**Minerals And Waste Development Control Team** - No Comments Received

**Senior Trees Officer** - This outline proposal is for a large residential development upon existing agricultural land. There are trees upon the boundary of the site some of which are significant. An Arboricultural Constraints Plan has been submitted. I do not object to these proposals. Due to the stage of the proposals the final Arboricultural Impact is difficult to quantify however I feel a development of this scale can be achieved without significant impact to existing trees. As the site is open agriculture there is wide opportunity for tree planting. I would expect a considerable provision of open space and highway planting within any future proposals.

**Environmental Health (Scientific)** - the findings of the Phase I Preliminary Risk Assessment report dated February 2017 prepared by LK Consult is accepted. The report recommends that a Phase II investigation be carried out. I have read the letter report from Wardell Armstrong dated 17<sup>th</sup> February 2017 and I accept the findings that an air quality assessment is not required. I recommend that standard contaminated land conditions are attached to any planning consent.

**Environmental Health(Technical)** - Due to the proximity of commercial activities to this site there are concerns regarding the noise levels. The noise report has also highlighted Mildenhall Road as a significant noise source. The applicants are aiming for an external noise level of 55dB(A) which is the guideline noise level above which the World Health Organisation (WHO) considers there would be serious annoyance during the daytime and evening. For more rural areas we often recommend aiming

for an external noise level of no more than 50dB(A), as the WHO considers anything above this would result in moderate annoyance. For the properties closest to the road noise source the noise report finds:

- In certain outdoor areas the predicted noise level would be above 55dB(A) and therefore they have recommended mitigation in the form of locating gardens on the screened side of dwellings or use of 1.8m close boarded fences.
- Internally BS8233 guidelines will not be met when windows are open and therefore the applicants are suggesting glazing requirements and alternative ventilation, or alternatively locating sensitive rooms on the screened side of the properties away from the noise sources.

With regard to the noise from the industrial land uses on the adjoining land the report considers the above mitigation as well as a close boarded fence or earth bund totalling 3m in height. This could consist of an element of each, for example a bund with a fence on top, however it would be a significant structure. Section 5.8.13 says that NR assessment indicates a good level of amenity in living rooms during day with window open, however the NR curve is usually used to set noise limits for mechanical services with steady, continuous noise, in buildings and both industrial sites have impulsive noises which may not have been taken into account.

Sections 5.9.7 & 5.9.14 consider that the noise from both industrial sites (LOC & RPS) would fall under the NPSE 'no observed effect level' as it would be unlikely to cause any change in behaviour or attitude. However if windows need to remain closed for recommended government guidelines to be met this would indicate that there is an effect. Section 6.1.8 states that acoustic ventilation would need to be incorporated within living rooms and bedrooms located nearest to and with a direct line of sight of Mildenhall Road and the industrial premises to enable the windows to remain closed whilst maintaining adequate ventilation.

Whilst there are concerns regarding the noise impact of current land use on proposed housing, the principal of residential development is agreeable from our remit as mitigation can be undertaken to ensure government guidelines can be met. However we will need more detail regarding this and what the applicants will be proposing when the final layout is known (i.e at the reserved matters stage). However whilst internal noise guidelines may be achieved by utilising a clever layout and design to negate the requirement for mitigation (such as consideration of distance, orientation of buildings, locating additional windows on quieter facades and screening of sensitive rooms/areas by non sensitive ones) I am aware that from a residential amenity point of view the LPA are unlikely to consider closed windows and mechanical ventilation to be acceptable in this rural location. This needs to be considered and addressed and it would be beneficial for confirmation of the required distance properties would need to be to ensure internal guideline noise levels can be met with windows open.

From our point of view if the applicants consider windows need to remain closed for internal noise guidelines to be met there will be a need for an alternative ventilation system which can achieve air changes comparable to an open window. It is unlikely that trickle vents will achieve this. The occupants of all habitable rooms will require a suitable ventilation system which achieves 2 - 4 Air Changes per Hour, and we would need information regarding this and any noise levels associated with it. Trickle vents on windows facing the noise sources are also likely to require acoustic treatment.

I am unsure of the times of use of the adjoining industrial sites and if these are controlled by restrictions, however as noted within the results it appears that the generator at RPS (R Palmer & Sons) operates occasionally overnight and HGV movements were noted at 05:40 at LOC (LOC Plant Hire & Haulage). Therefore it has to be assumed that they can operate 24/7, increasing concerns regarding their potential impact on any new housing. It should be noted that if Environmental Health receive complaints regarding noise from residents we have a statutory duty to investigate and if a statutory nuisance is witnessed we have to serve an abatement notice, meaning these businesses are at risk of having to undertake works to reduce their impact, even though they were there first. This means that appropriate mitigation is required at this stage to minimise impact and the possible burden on the businesses.

With regard to other areas of concern:

Due to the proximity of current residents to the site I would advise that construction times and deliveries during the construction and demolition phase are restricted.

I would also advise that prior to any work commencing on site a Construction Environmental Management Plan (CEMP) shall be submitted.

**Housing Section** - In accordance with policy HOU 3 of the East Cambridgeshire Local Plan a minimum of 40% of the total number of dwellings to be provided will be required for affordable housing provision. If an application for 100 dwellings is approved, I would expect the provision of 40 affordable homes.

The proposed mix of affordable housing is:

- 6 x 1 bedroom flats
- 17 x 2 bedroom flats
- 9 x 2 bedroom houses
- 8 x 3 bedroom houses

Whilst from a Housing perspective the provision of flats does address housing need, you may wish to consider from a Planning perspective whether the affordable housing is representative of the overall development (market dwellings are all 3-5 bedroom houses) and whether that is of concern to you.

In a S106 agreement attached to an outline consent, I would expect the amount (per cent) of affordable housing to be stated and the appropriate tenure split but I do not require the dwelling mix to be included as this may change pending the detailed application.

**Waste Strategy (ECDC)** - No Comments Received

**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. The foul drainage from this development is in the catchment of Soham Water Recycling Centre that will have available capacity for these flows.

**Design Out Crime Officers** - I have reviewed crimes and Police incidents over the last year in this area of Mildenhall, am a little concerned to see that 14 burglaries

reported over last year, 4 of which occurred on Mildenhall Road, plus 3 vehicles broken into - I would therefore place this proposed development at medium risk of criminal activity and would ask that should this Application proceed to a Full Application that this office be consulted at an early stage in order to mitigate against this. I have looked at the proposed layout and this would appear to be acceptable in terms of Crime Prevention and Community Safety for the following reasons:-

- The layout submitted provides for high levels of natural surveillance with pedestrian and vehicle routes in the main, aligned together, well overlooked and pedestrian safety has been considered. Permeability on the whole has been limited to essential areas/routes only, which will provide high levels of territoriality amongst residents.
- Vehicle parking should predominantly be in-curtilage to the front/sides of properties, allowing owners the ability to view their vehicles from inside their home.
- Most of the fronts of homes being provided with high levels of natural surveillance from neighbours. This will deter searching behaviour and distraction burglary, particularly targeting any vulnerable or elderly occupants. Homes should be back to back, which provides for good security to the rear of homes or have protected rear gardens which have a low risk or vulnerable to crime. Homes have been provided with the potential for some defensible space where possible to their front.
- Non Adopted Roads. Any non-adopted roads should be illuminated by column lighting to a similar standard to any adopted roads.

**Natural England** – Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on European and internationally designated sites and has no objection to the proposed development. The Habitats Regulations Assessment (HRA) report prepared by Ecology Solutions Ltd (February 2017) has screened out the potential for likely significant effect on Wicken Fen Ramsar<sup>2</sup> and component of Fenland Special Area of Conservation (SAC), Devil's Dyke SAC and Breckland SAC. Natural England accepts this conclusion. We also support the judgement that there will be no significant impact through lighting, noise and air quality, during construction and operational phases of the development, on the qualifying features of Chippenham Fen Ramsar and component of Fenland SAC, located 0.9km south of the proposed development. We support 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 proposed surface water drainage strategy. This will adopt an infiltration strategy which will ensure no net change in infiltration volumes within the application site and no change in the quality of water entering the groundwater from the application site. This will result in no change to groundwater quality/quantity feeding Fenland SAC, Chippenham Fen Ramsar site. We note that foul drainage will be discharged to Soham Waste Water Treatment Works and that Anglian Water has confirmed that this has sufficient capacity such that discharge rates will not be adversely affected. On this basis Natural England is satisfied that the proposed development will not have any adverse effect on the SAC, Ramsar site through hydrological impacts. Natural England welcomes consideration, through the HRA report, of the potential effects of development, through increased recreational pressure, on the qualifying features of Chippenham Fen Ramsar and component of Fenland SAC. Taking into

consideration the distance and the scale of development and the management of the site as a National Nature Reserve, through a permitting system, the report concludes *de minimis* effects for the site's qualifying features. Natural England is satisfied with this assessment and notes that the development will nevertheless incorporate open space provision for people, including dog-walking routes.

#### **Brackland Rough Site of Special Scientific Interest (SSSI)**

The Ecological Assessment report prepared by Ecology Solutions Ltd (February 2017) identifies that Brackland Rough SSSI is located c. 0.8km to the south west of the proposed development site. The SSSI, also designated as Fordham Woods County Wildlife Site (CWS) and managed by the Wildlife Trust, is a damp valley woodland holding stands of Alder (*Alnus glutinosa*), a woodland type rare in Cambridgeshire, and becoming scarce throughout its natural range in lowland Britain. The site is particularly important for woodland birds and invertebrates. The report considers that direct and indirect impacts on the SSSI are unlikely on the basis of distance and lack of shared habitats between the application site and the SSSI.

Whilst Natural England does not disagree with the conclusions of the Ecological Assessment we believe that a development of this scale, amounting to an approximate 10% increase in the population of the village, should make a significant contribution to the enhancement of the existing green infrastructure (GI) network. This is required to ensure the protection and resilience of the GI network, including designated sites, and to meet the demands of the new residents. Appropriately scaled and designed, on-site GI can help to enhance the GI network and reduce pressure on more sensitive sites such as Brackland Rough / Fordham Woods. We believe that the proposed on-site GI provision, as indicated on the Development Framework Plan, could be significantly improved to make this more attractive to new residents and thus reduce pressure on the existing network. Please see our comments below.

In accordance with paragraph 109 of the National Planning Policy Framework development should minimise impacts on biodiversity and provide net gains where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

#### **Green Infrastructure**

Provision of sufficient, high quality multi-functional green infrastructure through new development contributes to delivery of a range of important functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Development on this scale should be expected to incorporate significant high quality, accessible GI.

Whilst we welcome the proposed provision of 1.32ha (c.30%) open space, we believe the layout of this, as currently indicated in the Development Framework Plan, could be enhanced.

#### **Protected Species**

We have not assessed this application and associated documents for impacts on protected species. However, mitigation measures identified in the Ecological Assessment should be secured through a suitably worded planning condition.



**Biodiversity enhancements**

Enhancement measures identified in the Ecological Assessment should be secured through a planning condition. A development on this scale should be expected to deliver significant net gain biodiversity enhancements in accordance with paragraphs 109 and 118 of the National Planning Policy Framework (NPPF).

**Cambridgeshire Fire And Rescue Service** - If the application was approved the Fire authority would ask that adequate provision be made for fire hydrants, which may be way of Section 106 agreement or planning condition.

**Fordham Parish Council** - The application site is outside the development envelope of the adopted Local Plan of 2015 and the current draft Local Plan. At no time was the application site put forward by the landowners or the applicants during both opportunities of the "Call for Land". Had it been, then the proper process could have been considered.

The Parish Council disagrees with para 1.3.5 of the planning statement "The local highway network has capacity to accommodate the additional traffic associated with the development, without any unacceptable impact".

The Transport Assessment report carried out by Icen Projects Ltd is just providing the minimum information such as bus routes, timetables, places of work and concentrates on a Travel Plan for the future. It does not give any information about the daily movement of traffic on the Mildenhall Road or the village as it is today or how this development will affect the traffic movement.

Mildenhall Road is a designated lorry route from the A11, A14, and A142 and at peak times the volume of traffic is congested heading for the village. The additional traffic generated by this development would result in an extra 565 vehicle movements daily, all from one estate road emerging on to the Mildenhall Road. With approval already granted for 79 dwellings opposite the application site and this proposal for up to 100 dwellings the resulting movement of traffic, over 1000 vehicles daily, will be unsustainable for this village. The traffic on the new road serving the development would be queuing to gain access to the Mildenhall Road creating unacceptable levels of air and noise pollution for the new residents.

Adjacent this site are 2 Industrial businesses. One an engineering business and the other a haulage and plant hire company both of which will cause noise pollution resulting in complaints against these businesses by the new residents. The Parish Council do not accept that the proposals in para 2.3.2 and 2.3.3 of the planning statement will be sufficient to contain the noise pollution. In the summary of the Noise Assessment report para 6.3.2 it states that "the noise can be adequately mitigated" which means that according to para 5.9.12 in conclusions "with appropriate glazing, internal guideline noise levels can be achieved within bedrooms and alternative means of ventilation can be provided to allow windows to remain closed" It is unacceptable to expect residents to keep their windows closed especially in the summer to avoid noise pollution.

The Risk Assessment carried out by LK Consult Ltd CONFIRMS that part of the land is contaminated and it is saying that this is a PRELIMINARY Risk Assessment report and should allow the validation of any future planning application by the Local Planning Authority and for conditional planning approval to be granted para 6.2.1. Fordham Parish Council totally disagree. THE LAND IS CONTAMINATED

with Asbestos containing materials and PAHs, Hydrocarbons which have DANGEROUS long term health problems.

It would be irresponsible for any Planning Authority to grant planning approval with conditions attached which relies totally on a site manager who may or may not be experienced in recognising land contamination, hazardous materials and water supply contamination simply on a Watching Brief para 6.2.3

Therefore before any planning approval is granted on this site a complete and thorough survey should be carried out as recommended in para 6.2.2 Phase 2 Investigation to establish the extent of the contamination and that contamination should be totally eliminated before any permission is granted to allow families to live on this site.

The potential harm of this development, if allowed, would totally outweigh any small benefit to the village.

#### **Ward Councillors - No Comments Received**

5.2 **Neighbours** – 52 neighbouring properties were notified and the responses received are summarised below. A site notice was posted and an advert placed in the Cambridgeshire Evening News. A full copy of the responses are available on the Council's website.

- Poor site for development next to oil storage tanks, hazardous materials and fumes from the sites either side of the proposed development.
- Fordham is a village not a small town - further housing is overdevelopment of a rural village.
- Concern that Fordham is becoming a suburb of Cambridge.
- Mildenhall Road (B1102) is already busy with cars and heavy good vehicles. The road is often used as alternative to access A14.
- The local road infrastructure is suffering from the existing heavy traffic on Mildenhall Road, Sharman Road, Carter Street and Church Street.
- The heavy traffic on Mildenhall Road is causing pollution and is already a hazard for children walking, cycling and scooting along an established route to school.
- No regular bus service to make the housing site sustainable for those moving there.
- There has already been an approval of new housing along Mildenhall Road.
- The site is encroaching on open countryside and is close to a conservation area.
- Increase in pollution and concern over the fumes and pollution that the two mechanical sites either side of the proposed housing development.
- Loss of privacy for local residents on Edith Avenue and part of Mildenhall Road.
- The housing is unlikely to be affordable for local residents and the high density style of housing is incompatible with the character of the village.
- There is already an issue with sewage and this will increase with further housing in addition to gas and electric supplies.
- Why has there not been a public consultation from Gladman so they can hear the concerns of the local residents?

- Would like to see sympathetic design of houses not concrete boxes or rabbit hutches. Have other housing schemes been considered?
- Health services in Soham and Burwell are already stretched.
- Fordham Primary school has been extended to accommodate new pupils but will need further extension for additional pupils if this site goes ahead.
- No extra provision at secondary school for additional pupils or for early years spaces.
- This site was not identified in the Local Plan. The developers should wait until Autumn 2017 for the new plan.
- USAF leaving Mildenhall why not have a new town there to ease housing situation?

## **6.0 The Planning Policy Context**

### **6.1 East Cambridgeshire Local Plan 2015**

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

### **6.2 Supplementary Planning Documents**

Design Guide  
 Developer Contributions and Planning Obligations  
 Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated  
 Cambridgeshire 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
- 8 Promoting healthy communities
- 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

## **7.0 PLANNING COMMENTS**

7.0.1 The main issues to consider in determining this application are:

- The principle of development
- Visual impact
- Noise impact and residential amenity
- Access and highway safety and transport impact
- Flood risk and drainage
- Ecology, biodiversity and archaeology

## **7.1 Principle of Development**

7.1.1 Policy GROWTH2 requires that development be permitted only within defined development envelopes provided and restricted in terms of dwellings to affordable housing exception schemes and dwellings essential for rural workers. However, the local planning authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Plan policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development contained within both Policy GROWTH 5 of the Local Plan and paragraph 14 of the National Planning Policy Framework. This means, unless policies of the Framework specifically restrict the development, that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. There is a presumption in favour of sustainable development which comprises three dimensions, economic, social and environmental.

7.1.2 This application for up to 100 dwellings would add to the District's housing stock and make a significant contribution towards the shortfall in housing land supply with the provision of any additional dwellings attracting significant weight in the planning balance. The scheme will also include the provision of 40% affordable housing.

7.1.3 In economic terms the development would make a short term contribution to the economy of the area by creating jobs in construction. In the longer term residents would contribute to the local economy, including supporting some local businesses in surrounding settlements.

7.1.4 As far as the social role is concerned, the dwellings would be provided on the edge of the settlement boundary adjoining other dwellings, built to sustainable standards adding to housing supply. The dwellings would immediately adjoin the settlement so cannot be classed as isolated. The Framework promotes sustainable development in rural areas, and housing should be located where it will enhance or maintain the vitality of rural communities. Fordham is a large village, with a good range of services and facilities together with a recently extended primary school and benefits from good transport links and a regular bus service to Newmarket, Cambridge and Ely. Together the economic and social benefits can be given limited weight in favour of this development.

- 7.1.5 However, the environmental dimension of sustainable development is also an important factor, part of which is the effects of the development on the character and appearance of the area which will be assessed in the report together with all other material planning considerations. In accordance with the NPPF, planning permission should only be granted for sustainable development unless any adverse effects of so doing, would significantly and demonstrably outweigh the benefits of the development. The NPPF also attaches great importance to the design of the built environment stating that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. The report will show that it is questionable whether this development is in fact a sustainable form of development due to the impact on the environmental dimension of sustainable development and good design.
- 7.1.6 It is noted, that this site was proposed for housing development in the first call for sites exercise alongside the preliminary draft local plan in Feb/March 2016. The site was rejected by the Council and not taken forward into the further draft local plan Jan/Feb 2017. The reason for rejection was due to the high impact on the landscape and the loss of employment land. In determining this planning application a different test is applied to that which is applied when assessing a sites suitability for inclusion within the local plan. The test to be applied is that of the presumption in favour of sustainable development as set out above in paragraph 7.1.1. The proposal should only be refused planning permission if it can be demonstrated that it is an unsustainable form of development and where there is significant and demonstrable harm.
- 7.1.7 According to the Natural England Land Classification Map for the eastern region, the site lies within an area of best and most versatile agricultural land. Given that the majority of the District constitutes high quality agricultural land and that there is an identified requirement to release further greenfield sites in order to meet housing requirements, the loss of the best and most versatile agricultural land is inevitable in this area. Also given the size of the land this is given limited weight against the development.
- 7.1.8 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) report prepared by Ecology Solutions Ltd (February 2017) 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. Natural England accepts this conclusion. They also support the judgement that there will be no significant impact through lighting, noise and air quality, during construction and operational phases of the development, on the qualifying features of Chippenham Fen Ramsar and component of Fenland SAC, located 0.9km south of the proposed development.
- 7.1.9 Natural England supports 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 proposed surface water drainage strategy. This will adopt an infiltration strategy which will ensure no net change in infiltration volumes within the application site and no change in the quality of water entering the groundwater from the application site.

This will result in no change to groundwater quality/quantity feeding Fenland SAC, Chippenham Fen Ramsar site. Natural England is satisfied that the proposed development will not have any adverse effect on the SAC and Ramsar sites through hydrological impacts.

- 7.1.10 The Ecological Assessment also identifies Brackland Rough SSSI is located c. 0.8km to the south west of the proposed development site and the SSSI, designated as Fordham Woods County Wildlife Site (CWS). The report considers that direct and indirect impacts on the SSSI are unlikely on the basis of distance and lack of shared habitats between the application site and the SSSI.
- 7.1.11 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.
- 7.1.12 Also of relevance in determining the principle of this development is the impact on the operation of the haulage yard as part of the haulage yard site has been incorporated within the proposed residential development site and Policy EMP 1 seeks to safeguard existing employment uses. The applicant has advised that this will be done as the existing business can still operate on a reduced site area. It will continue to run 5 trucks and employ 10 staff. The existing shed will continue to be used for the repair and servicing of trucks and it is fully expected the business will continue to be viable. The proposal therefore satisfies Policy EMP 1 of the Local Plan.

## 7.2 **Visual impact**

- 7.2.1 This development proposal must be assessed in terms of any significant and demonstrable harm to the character and appearance of the area both in terms of the impact on the village setting itself and the wider countryside.
- 7.2.2 Although the application is in outline with all matters reserved, the visual impact of the development of potentially 100 dwellings (equal to a potential density of 34 dwellings per hectare) must be assessed in principle. The total site area is 4.38ha. A residential development area of 2.88 ha is identified together with a reduced haulage yard to an area of 1.18ha. The applicant has submitted an illustrative framework plan which shows in very broad terms, how the dwellings could be laid out with open space provision to the north west of the site and some to the south east of the site with a pine belt along the southern boundary of the site to reflect the presence of an existing pine belt to the east. The proposals also show provision for a pedestrian link from the development onto Mildenhall Road along an existing strip of open land between the haulage business and the Palmers steel fabrication works at the north western corner of the site and leading into the proposed open space. The open space and this area of the site would be bounded by a noise attenuation bund/fence along the western boundary where it abuts the steel fabrication business and along the northern boundary around the haulage business. The noise assessment report states that the noise attenuation should comprise a 3 metre high barrier and propose a 1metre bund with 2 metre high fence on top. This will

therefore be a substantial structure and will be prominent from within the site and when viewed from Mildenhall Road and on accessing the site along the proposed footpath link.

- 7.2.3 The site sits directly adjacent to existing residential development on two sides, with business use to the west and has a stronger relationship with the adjacent housing and built form than with the wider landscape to the south of the site. The site is therefore well enclosed with built form, although to the south boundary vegetation is sparse. It is considered that the presence of the existing urban edge immediately to the north, east and west reduces the susceptibility of the site to change resulting from residential development.
- 7.2.4 The application is accompanied by a Landscape and Visual Impact Assessment. This provides analysis of the views of the site most importantly from the countryside, from Chippenham Road and from the Public Footpath 92/16, approximately 700m to the south west of the site and Kings Path to the south. These are considered to offer the main views of the development from the wider countryside and therefore the main visual impact of this development. From Chippenham Road views are limited and distant through a mature boundary hedge on this road on approaching the village. The visual impact is considered to be low impact. From Footpath 92/16 there are views across arable fields towards the site. From this distant view, the existing vegetation along the western and southern site boundaries partially screens views of the site. The scheme proposes a landscaped buffer at the interface with the arable land to the south. The buffer will include new pine tree planting intended to extend the visual character of the adjacent existing pine belt into the site and the enhancement of the existing boundary hedge.
- 7.2.5 Overall the magnitude of change from the residential development of this site, is considered minor as there would be minimal loss of landscape elements that contribute to the character of the wider landscape and the nature of the development would be in keeping with the existing residential development .
- 7.2.6 It is considered that in principle, the residential development of this site could be acceptable if sensitively designed and with low density to reflect the existing character of built form in the vicinity of the site and as such could assimilate quite successfully into the landscape, and without resulting in significant harm in terms of its impact on the character of this part of Mildenhall Road as housing development would not appear out of context.
- 7.2.7 However, it is considered that the scale and form of development proposed would not be informed by, nor sympathetic to, the location and will not protect this settlement edge location in accordance with Local Plan Policies ENV1 and ENV2. It should be noted that the character of built form in the vicinity of the site is frontage dwellings within relatively spacious plots. The properties therefore have a feeling of spaciousness around them and have a low density.
- 7.2.8 However, the density of the development likely to result if up to 100 dwellings are approved on this site is excessive. Whilst this application is in outline and could ultimately accommodate less than 100 dwellings, it is incumbent on the Local Planning Authority to be satisfied that the site can adequately accommodate 100 dwellings if that number is to be approved. The indicative layout submitted with the

application makes this doubtful taking into account the constraints of the site, the prevailing density and character of development in the surroundings of the site and the sites sensitive edge of settlement location, with the need for a substantial buffer along the southern boundary of the site. A development of 100 dwellings would provide for a density of 34 dph, which is considered to be high density and inappropriate in this edge of settlement location. This compares with the density of the adjacent development to the east of the site at a density of 17dph. The applicant has been asked to amend the application to provide for fewer dwellings on the site more in line with the density of the surroundings but has refused to do so.

- 7.2.9 The visual impact of such a high density development is unacceptable and a lower density development would allow for provision of a substantial landscaped buffer and visually acceptable noise attenuation, which will be discussed in more detail elsewhere in this report. The visual impact of a 1 metre high earth bund with a 2 metre high fence on top is not considered acceptable. The NPPF makes it clear that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people to live.
- 7.2.10 The NPPF also states that it is important to plan positively for the achievement of high quality development, including public spaces, to ensure that developments will function well and add to the overall quality of the area. This scheme will not achieve this.
- 7.2.11 In conclusion therefore, the development would be harmful to the character and appearance of the area contrary to Policy ENV1. The weight of the adverse environmental impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

### **7.3 Noise impact and residential amenity**

- 7.3.1 The application is accompanied by a noise impact assessment. This identifies three dominant noise sources which will potentially affect the future residents of the site, the traffic noise from Mildenhall Road, and from the business uses at the plant hire and haulage yard and the Palmer & Son steel fabrication works.
- 7.3.2 The results indicate that acoustic mitigation should be provided for those areas located with direct line of sight of Mildenhall Road in the northern parts of the development and gardens should have 1.8 m high fences. With regard to internal noise limits the report states that standard double glazing should ensure that internal noise limits are met in living rooms and bedrooms across the development site, with the windows closed. Acoustic ventilation would need to be incorporated within living rooms and bedrooms located nearest to the road and the industrial premises to enable the windows to remain closed whilst maintaining adequate ventilation to rooms.
- 7.3.3 The report also recommends noise attenuation comprising a close boarded fence and/or earth bund, totalling 3 metres in height, in the form of a 1 metre high bund with a 2 metre high fence on top. This is required around the boundaries of the site which are adjacent to the two industrial sites. Accordingly the illustrative plan shows provision of this attenuation along the southern boundary of the haulage yard for a distance of some 65 metres and along the eastern boundary for a distance of some



45 metres. Also, along the eastern boundary of the steel fabrication business for a distance of some 90 metres. This will be a substantial structure proposed to sit alongside the proposed open space and highly visible within the site and when entering the site from Mildenhall Road.

- 7.3.4 The provision of this structure to achieve acceptable noise attenuation is not considered acceptable visually. This would need to be used in conjunction with the need for windows to remain closed so alternative means of ventilation would be required. Whilst the Environmental Health Officer accepts that in technical terms, a solution could be derived on a plot by plot basis at reserved matters stage, from a planning point of view, this is not considered to provide acceptable living conditions for future occupiers and is therefore contrary to Policy ENV 2 in respect of ensuring that future occupiers enjoy high standards of amenity and that the noise from the businesses is adequately mitigated. In addition the proposal provides for unacceptable means of mitigation in line with Policy ENV 9 in ensuring that the existing businesses will not have their operations restricted as a result of this development. Neither of these businesses are subject to hours of operation time restrictions so they are able to benefit from the flexibility of operating their business with unrestricted and unsociable hours. The nature of the haulage business in particular, means that there will be start ups in the early hours of the morning and late at night.
- 7.3.5 The applicant was asked to provide more information in support of the application to allow a more informed decision on the extent of the properties which would require acoustic ventilation but has refused to provide this information. It is considered that this information would help to inform the extent of the site which should remain undeveloped and therefore inform a more robust conclusion on numbers. The indicative layout shows a number of properties adjoining these two businesses and at a distance of some 50 metres away. The provision of inappropriate noise attenuation measures and inadequate distance buffer, leads to further doubt as to whether the total number of dwellings sought within this application is acceptable, whilst achieving a good design layout within the site.
- 7.3.6 In terms of the access between the residential properties, it is considered that there will be an increase in traffic noise and disturbance, but the substantial width available to provide the access will allow for ample space to satisfactorily mitigate this. Insignificant levels of noise and disturbance will occur as a result of the new footpath link adjoining Number 98 given the width of the route and the existence of other noise sources in the vicinity.

#### 7.4 **Access and highway safety and transport impact**

- 7.4.1 Access is being considered and is shown onto Mildenhall Road through an existing wide gap in the frontage development between two dwellings. The gap is significant and wide enough to accommodate the access with landscaping and the potential to provide an attractive entrance feature to the site. The County Highway Authority has advised that they are satisfied with this access following the completion of a road safety audit. However the Transport team have objected and have asked for additional information in order to be satisfied there will be no adverse impact on the transport network. Additional information was submitted in the form of a Transport

Addendum but this has not satisfactorily addressed the concerns raised by the County. Their objection therefore still stands.

- 7.4.2 The proposal therefore does not accord with the requirements of Policies ENV 2 and COM 7 of the Local Plan and also conflicts with paragraph 32 of the national Planning Policy Framework.

## **7.5 Flood risk and drainage**

- 7.5.1 Foul water drainage – Anglian Water have confirmed that there is currently sufficient capacity for these flows.
- 7.5.2 Surface water drainage – The site is located within Flood Zone 1 so is considered capable of accommodating residential development. The applicant proposes to dispose of surface water via infiltration and the current Drainage Strategy drawing appended to the submitted Flood Risk Assessment indicates an infiltration basin approximately 1230 m<sup>3</sup> in volume will be required. This is based on the results of infiltration testing that has been undertaken at three locations across the site. It is currently proposed to discharge all surface water from the site to this basin. As such it is likely that it will contain at least some water most of the time.
- 7.5.3 The Lead Local Flood Authority has raised no objection in principle subject to conditions providing for more details and measures for the long term maintenance strategy. It is therefore considered that sufficient information has been provided to satisfy the Planning Authority that an adequate Suds system can be designed and accommodated on the site, in accordance with Policy ENV 8 of the Local Plan 2015.

## **7.6 Ecology, biodiversity and archaeology**

- 7.6.1 Policy ENV 7 of the Local Plan, seeks to ensure that the impact on wildlife is minimised and that opportunities for biodiversity enhancement are taken.
- 7.6.2 An ecological assessment has accompanied the application. It confirms that no statutory or non-statutory designated sites of nature conservation interest are situated within or adjacent to the application site.
- 7.6.3 Given that the application site lies within a close proximity of a number of International / European designated sites, a detailed assessment of these sites (including any underpinning sites of national importance) has been undertaken and is detailed in a separate HRA submitted alongside this Ecological Assessment. This assessment concluded that, subject to the adoption of appropriate mitigation and avoidance measures, no significant adverse impacts would result on these sites, either as a result of the development proposals alone, or in combination with any other plans or projects.
- 7.6.4 The majority of the habitats within the application site generally hold very limited ecological value, with the application site primarily comprising an arable field and a large area of hardstanding currently used as a haulage yard, with only small areas of other semi-natural habitats present.

- 7.6.5 Given the limited ecological value of the existing habitats, no specific mitigation would be required for the proposed losses. Nonetheless the retention of habitats of relatively greater ecological value (hedgerows and trees) within the site where possible, alongside the delivery of new areas of landscaping, will ensure enhancements over the existing situation. New landscaping will include the provision of areas of new species-rich habitats such as native tree planting, native hedgerow planting, wetland creation (SUDS) and meadow grassland seeding. The provision of these habitats will more than mitigate for any minor losses and ensure an overall enhancement in the quality of the habitats present within the application site will be delivered post-development.
- 7.6.6 The ecology assessment states that the application site is considered to be of very limited value to protected or notable faunal species. The hedgerows, trees and scrub within the site are considered to provide a degree of suitable foraging and nesting opportunities for common bird species. No evidence of use of the site by any other protected species was noted during the surveys undertaken and given the habitats present, it is considered highly unlikely that any other protected or notable faunal groups would be in any way reliant on the habitats present within the application site.
- 7.6.7 Appropriate mitigation and enhancement measures have been proposed, including measures to safeguard nesting birds and the provision of new roosting and nesting opportunities for bats and birds within the application site. Subject to the implementation of mitigation measures as outlined above in respect of faunal species, opportunities for protected and notable species will be retained and moreover enhanced post-development.
- 7.6.8 In conclusion, on the evidence of the ecological surveys undertaken it is considered that the proposal complies with Policy ENV 7 of the Local Plan.
- 7.6.9 The Historic Environment team do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through condition.

## 7.7 **Other material matters**

- 7.7.1 Affordable housing - The affordable housing contribution offered is 40% with the tenure split of 70/30 in accordance with the Council's policy. This is therefore considered to comply with policy HOU 3 of the Local Plan. The Housing Officer has commented on the mix but this would be dealt with at reserved matters stage.
- 7.7.2 Open space provision – the application proposes 1.32ha of open space, however some of this comprises the Suds basin and pine/landscaped belt and the bunds. These should be excluded as they do not provide for usable open space so the total provision is actually 0.7 ha. Based on an indicative bedroom mix this accords with the Developer Contributions SPD based on provision of 100 houses, most of which is shown indicatively within the north west corner of the site and along the stretch of land providing a pedestrian link to Mildenhall Road. However the plan also implies that areas are included around the access road, around the attenuation basin and along the pine belt in this calculation. All of these areas are not necessarily considered to be usable open space. It is also considered that the area of open

space in the north west corner bounded on two sides by a 3 metre high bund and fence is not conducive to a pleasing open space to use or enjoy nor would it provide for an attractive living environment and does not offer a good design solution. The exact amount and location of the open space would have to be considered within a reserved matters application but that fact that these areas have potentially been included adds further doubt as to the sites ability to satisfactorily accommodate up to 100 dwellings.

- 7.7.3 Cambridgeshire County Council Education has requested a contribution towards education and lifelong learning provision. In accordance with Policy GROWTH 3, the applicant has agreed to make a financial contribution but no figure has been agreed.
- 7.7.4 Policy ENV 4 requires all new development to aim for reduced or zero carbon in accordance with the zero carbon hierarchy. The applicant is aware of the need to reduce the ongoing impact of the development on equivalent carbon emissions through well designed, well constructed and thermally efficient buildings as well as through good site practices through construction.
- 7.7.5 The applicant advises that the most cost effective solution is always specific to the development in question, i.e. the energy profile of what is being built and its location. At the outline design stage there is not enough design information available (i.e. dimensions, layout, orientation, fabric type etc) to precisely predict the baseline energy demand for the dwellings and therefore the CO<sub>2</sub> emissions. It is therefore proposed that this element is determined at detailed design stage.
- 7.7.6 The final strategy for the site may well be based on a combination of fabric first techniques and the installation of renewable energy technologies and will be required to be amended slightly to suit individual building design. This would involve the inclusion or exclusion of energy efficient measures, or an increased or decreased capacity of renewable energy technologies, as applicable and can be secured by condition.

## 7.8 **Planning Balance**

- 7.8.1 The proposal will add up to 100 dwellings to the council's housing stock. This attracts significant weight in favour of the proposal in the planning balance. There are also economic benefits from construction and the future occupiers of the scheme that attract weight in favour of the proposal. As detailed in this report, the site is well related to the village and would allow for an acceptable extension to the built form of the village. The principle of residential development on the site is acceptable in many respects, however the number of dwellings proposed is considered excessive for this edge of settlement location and would be out of keeping with the character and density of built form in the vicinity and harmful to the character and setting of the village, given its edge of settlement location and the various other constraints to developing the site. These constraints relate to noise impact and the provision of acceptable amounts of open space, the provision of appropriate noise attenuation which is not visually intrusive, the Suds system and the requirements to provide a substantial landscaped belt along the southern boundary of the site.

## 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 harm to the character and appearance of the area due to the provision of a high density development in this edge of settlement location and the provision of incongruous and visually intrusive noise attenuation measures, together with unacceptable noise attenuation measures for internal rooms to the detriment of the residential amenity of the future occupiers of the development. It has not been satisfactorily demonstrated that the site can accommodate this level of development and provide for an acceptable design solution, taking into account the various constraints on the site namely, the need for a low density development to reflect local character and the edge of settlement location, the noise sources, the drainage basin, the planting belt and the open space.

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
17/00481/OUM	Barbara Greengrass Room No. 011 The Grange Ely	Barbara Greengrass Senior Planning Officer 01353 665555 barbara.greengrass @eastcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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