
MAIN CASE

Reference No: 19/01054/RMM

Proposal: Reserved matters for appearance, landscaping, layout and scale of planning application 17/00481/OUM for 100 dwellings with associated open space, landscaping and drainage

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

Applicant: Bellway Homes Limited (Eastern Counties)

Case Officer: Barbara Greengrass, Planning Team Leader

Parish: Fordham

Ward: Fordham And Isleham
Ward Councillor/s: Julia Huffer
Joshua Schumann

Date Received: 24 July 2019 **Expiry Date:** 7 February 2020

[U159]

1.0 RECOMMENDATION

1.1 Members are recommended to APPROVE the application subject to the recommended conditions below. The conditions can be read in full on the attached appendix 1.

- 1 Approved plans
- 2 Time Limit
- 3 Boundary treatments Materials
- 4 Ecology
- 5 Implementation of FRA
- 6 Tree protection measures
- 7 Landscaping and parking provision
- 8 Materials
- 9 Electric vehicle plug-ins
- 10 Standard estate road construction
- 11 Access drainage
- 12 Standard estate road

2.0 **SUMMARY OF APPLICATION**

- 2.1 This is a reserved matters application following the grant of outline planning permission on appeal, for the erection of up to 100 dwellings, with public open space, landscaping and SuDs with access determined. This application considers the remaining reserved matters of appearance, landscaping, layout and scale, and proposes 100 houses with public open space, landscaped buffer and attenuation basin.
- 2.2 The site area comprises 4.1 ha (10 acres), out of the total outline site area of 4.38 ha. This is because a larger amount of the land has been retained for the haulage yard to the north than was previously presented as part of the outline application.
- 2.3 In accordance with the Constitution, the application has been brought to Committee at the request of the Chairman, as the outline application was determined by Planning Committee.
- 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.**

3.0 **PLANNING HISTORY**

- 3.1
- | | | | |
|--------------|--|--------------------------------------|------------|
| 17/00481/OUM | 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 | Refused
<i>Allowed on appeal.</i> | 05.10.2017 |
|--------------|--|--------------------------------------|------------|

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.

Technical Officer Access - 7 August 2019

Pathways should have a firm level and slip resistant surface. Pathways are welcome throughout the site.

We would like to see more detailed plans so as we can make more comments on the access issues.

Good general lighting is required throughout the site.

Cambridgeshire Archaeology - 19 August 2019

If application 19/01054/RMM for Reserved Matters is intended to supersede, please could you include the following worded condition on any permission that East Cambridgeshire District Council may be minded to grant, in order to secure the post-excavation, reporting and archiving elements of the agreed scheme (part c, below), in addition to securing any further works which may be required in mitigation of the development impacts:

Archaeology

No demolition/development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:

- a) the statement of significance and research objectives;
- b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- c) The programme for the analysis, publication & dissemination, and deposition of resulting material. Part (c) of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

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 - No Comments Received

Head Of Strategic Planning - No Comments Received

Local Highways Authority – 14 January 2020

After a review of the amended plans I have no further objections.

The highways authority does not agree or approve any of the highways surface

material shown within this application. All materials and construction specifications must be to CCC standards should the road be offered adopted. Any planning permission granted by ECDC are not acceptance or approval of such materials by the highways authority.

The south west shared use area does not meet the minimum number of dwellings accessed from or fronting the highway to qualify for adoption by the highways authority. The HA does not adopt ditches, POS, areas of water attenuation, swales or SUDs materials. Conditions recommended.

CCC Growth & Development - No Comments Received

Lead Local Flood Authority - 13 August 2019

At present we object to this reserved matters application. The submitted Flood Risk Assessment & Outline Drainage Strategy (ref: FRA 16 1032) and Surface Water Pro-forma indicate that it is proposed to dispose of surface water by infiltrating through soakaways, an infiltration basin, permeable paving and an infiltration trench. However, it has not been demonstrated that this is a viable means of surface water disposal. There are no infiltration test results in line with BRE365 and no alternative strategy for surface water disposal in the event that infiltration testing fails. It must also be demonstrated that there is a 1.2m clearance between the base of any infiltration feature and the peak seasonal groundwater level.

Full calculations demonstrating the performance of the system during the 100%, 3.3% and 1% Annual Exceedance Probability (AEP) storm events, including climate change and an allowance for urban creep, must be submitted. This is to ensure that adequate space is given over to the SuDS features proposed. A full, updated, drainage layout drawing should also be submitted to indicate where all proposed SuDS features are across the site. The applicant must also submit infiltration test results or provide an alternative means of surface water disposal.

10 September 2019

We have reviewed the revised documents. We maintain our objection to the grant of planning permission for the following reasons:

1. Depth of Infiltration Basin

The proposed depth of the infiltration basin is 2.4m. This means that the invert of the basin is deeper than the acceptable maximum depth for infiltration of 2.0m. The basin should therefore be no deeper than 2.0m below the ground level. It is noted that the half drain time of the basin is currently proposed to be just under 45 hours, which is greater than the acceptable half drain time of 24 hours. However, the depth of the basin is such that there will still be greater than half the volume of the basin available in the event of a follow up storm, which is acceptable to the LLFA.

Currently the basin would be classed as a deep bore soakaway which poses a risk to groundwater contamination. Therefore, the basin should be reduced in depth to be no greater than 2.0m below the existing ground level. This is to ensure surface water is not being infiltrated at a depth that poses a risk of pollution to groundwater, particularly in the event of a major spill.

2. Depth of Infiltration Trench

The infiltration trench is proposed to be a total depth of 2.3m below ground level, consisting on a 0.3m deep swale and a 2.0m deep trench filled with stone. The LLFA is supportive of the use of these systems, as a management train is built up

and spreads the treatment of surface water across the development. However similar to the infiltration basin, this should be no deeper than 2.0m to protect groundwater.

3. Shared Soakaways

The proposals include the use of shared soakaways within the gardens of a number of properties. The LLFA does not support the use of shared soakaways as they are often not maintained to the level that they should be in line with CIRIA guidance. The performance of shared soakaways are reliant on a number of different land owners correctly maintaining their section of the soakaway, while others across the development will have no responsibility for these features. If soakaways are proposed for the dwellings then individual plot soakaways should be incorporated into the design of the development.

Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

9 October 2019

We maintain our objection to the grant of planning permission for the following reasons:

1. Deep Bore Soakaways

The guidelines of 2.0m below ground level (bgl) for maximum depth of infiltration features was put in place by the Environment Agency (EA). This guidance was put in place to ensure surface water was not being infiltrated into the ground at depth, which increases the risk of polluting ground waters. This should be adhered to in principle as it is guidance from the EA that was passed to us in 2015. If the applicant chooses to infiltrate at a depth deeper than 2.0m, permissions and permits need to be gained from the EA to ensure groundwaters are protected.

Regardless of the depth of the infiltration at the base of the basin, the depth of water within the basin is too deep. The maximum depth of water in the basin should not exceed 2.0m, however as the basin is 2.4m deep, it will reach a water depth of 2.1m plus the 300mm freeboard on top. The infiltration basin should be designed to ensure infiltration is not taking place deeper than 2.0m bgl and the maximum water depth does not exceed 2.0m.

2. Shared Soakaways

As stated in our previous response dated 10 September 2019 (ref: 201104270), the LLFA does not support the use of shared soakaways as they are often not maintained to the level that they should be in line with CIRIA guidance. The performance of shared soakaways are reliant on a number of different land owners correctly maintaining their section of the soakaway, while others across the development will have no responsibility for these features. If soakaways are

proposed for the dwellings then individual plot soakaways should be incorporated into the design of the development.

The applicant has stated that a private management company will maintain the private shared soakaways within the gardens of the dwellings. However, this is unlikely to be an option as private management companies do not tend to maintain features within the curtilages of the proposed dwellings. Therefore, an alternative location for infiltrating plot surface water runoff should be proposed, or the use of shallow infiltration measures could be employed within 5m of the properties

20 November 2019

At present we object to the grant of planning permission for the following reasons:

1. Shared Soakaways

It is understood that the applicant has concerns regarding the maintenance of the individual soakaways in the gardens. The developer has mentioned that there will be agreement for the management company to access the gardens of the properties to maintain the shared soakaways within the lease or T1, which is unacceptable and the use of shared soakaways is not accepted by the LLFA. It would be against the privacy of the land owner for the management company to let themselves into the gardens of the property without consent from the resident.

In the event the resident is not in at the time the management company are maintaining the soakaways, then the soakaway may go much longer than is acceptable without any form of monitoring or maintenance.

The LLFA would be supportive of the use of individual, privately maintained, plot soakaways placed a minimum of 5m away from the properties. These soakaways would be the responsibility of the land owner to maintain for the lifetime of the development. This principle is used across many developments and is a widely accepted and supported method of infiltrating surface water from individual properties.

21 January 2020 - We have reviewed the following documents:

- Flood Risk Assessment & Outline Drainage Strategy, LK Consult Ltd, Ref: FRA 16 1032, Dated: February 2017

- Technical Note 1, Wormald Burrows Partnership Limited, Ref: E3912/TN1RevA/mjl/191219, Dated: 19 December 2019

Based on these, as Lead Local Flood Authority (LLFA) we can remove our objection to this reserved matters application. The above documents demonstrate that the surface water on site can be managed through infiltration. There are two car parks constructed of permeable paving, infiltrating surface water through the subbase of the feature and into the ground. There is also a gravity based surface water sewer network carry surface water runoff from the rest of the development to an infiltration basin and infiltration trench in the south and southeast of the site. It has been demonstrated that the basin has capacity for the follow up 10 year storm as there is a greater than 24 hour half drain time within the basin. It has been demonstrated that the site can be adequately maintained for the lifetime of the development in line with current guidance

Minerals And Waste Development Control Team - No Comments Received

ECDC Trees Team - 10 October 2019

The submitted soft landscaping plans lack the density of planting along the sites southern boundary, this was a key component of the outline permission, specifically the use of Pine trees is omitted. The planting of Pine trees was deemed integral in aiding the assimilation of the development site into the surrounding landscape due to the presence of a Pine tree belt adjoining the site.

The path on the southern boundary could be more of a woodland walk with denser tree planting and native species understory planting, making it a more useful landscape buffer as was originally illustrated. This would also be ecologically beneficial due to the habitat creation as well as carbon sequestration.

The attenuation pond should be augmented with native willow planting as this will aid the dispersal of water as well as provide habitat for native species. Management of these trees through traditional management by pollarding or coppicing would enable their longer term retention with a reduction in the risks associated with unpruned mature specimens of native willows.

If the southern boundary path were extended to pass adjacent the attenuation pond the pond would be more of a feature of the site rather than a sterile area of land with only a single use.

The creation of a small avenue at the entrance to the site from Fordham road will be notable feature of the site giving a feeling of grandeur in future years.

13 December 2019 - As the site is agricultural all the treed vegetation is around the boundaries, there is a small group of Hawthorn (G17) for removal which is acceptable as graded 'C' and shouldn't prevent development, looking on street view they are poor unmanaged specimens. Two trees that have been identified as a category 'B1' those being T5 (Cedar) off site and T21 Walnut off site, only T5 is identified for any pruning works and these are to reduce back to the boundary by up to 2m to allow scaffolding which is acceptable to facilitate development.

The site has been cultivated the installation of the acoustic barrier should not be an issue and not require any hand digging of post holes as ploughing will have continuously severed any roots.

The AIA and AMS are acceptable providing tree protection details and identifying minor works prior to development commencing.

There are no Arboricultural reasons to raise objections to the proposals.

Environmental Health – 6 December 2019

We discussed the first 19/01054/RMM application some time ago where I confirmed verbally that I had no issues to raise but I did not make this clear formally at the time.

With regard to this reconsultation, as part of the amendment relates to the layout I was happy to see that the applicant has included an updated NIA to reflect this. I have read the updated NIA and note the following changes –

- Page 12 Section 5.3 for the Assessment of External Noise Levels finds the 'Excess of Rating Over Background Level' is now +9 instead of +8 (as it was in the previous report)
- Page 13, Section 5.4 for the 'Assessment of Noise Levels Within Properties' (worst affected) finds that with windows closed the levels are now reported as 22dB LAeq, 1hr instead of 20dB (as it was in the previous report). With windows open the figure remains the same as in the previous report which is a level of 25dB. I suspect this may be an error and would therefore expect levels to be up to 27dB with an open window.

I could not identify any other difference between the two reports and so it would not appear as though these amendments have had a meaningful impact on the previous NIA and therefore I have no issues to raise at this time.

Housing Section - 2 September 2019

Fordham is showing a need for larger family homes and therefore an element of the affordable provision will need to be delivered as four bedroom homes. I also note that the application is missing the required floorplans for all of the affordable dwellings and this will be required to ensure the dwellings are fit for purpose to meet the required housing mix below

The affordable housing mix required on site is:

Rented: 28 dwellings (As defined by the NPPF)

6 x 1 bed apartment (minimum 2 person)
6 x 2 bed maisonette (minimum 4 person)
5 x 2 bed house (minimum 4 person)
3 x 2 bed bungalow (minimum 4 person)
6 x 3 bed house (minimum 5 person)
2 x 4 bed house (minimum 4 person)

Intermediate: 12 dwellings

7 x 2 bed house (minimum 4 person)
5 x 3 bed house (minimum 4 person)

The parking provision plan also indicates that the two bedroom maisonette's will only have one car parking space per household. As the affordable dwellings are occupied to maximum occupation the two bedroom dwellings would be expected to provide a minimum of two car parking spaces to help avoid unnecessary and unwanted street car parking.

9 December 2019

The Strategic Housing Team acknowledges the changes made to the layout and affordable housing mix and supports the Reserved Matters application submitted.

The amendments made to the affordable housing mix meet the current housing need for Fordham.

Waste Strategy (ECDC) - 23 August 2019

The waste team accepts the details shown in the vehicle tracking plan.

There is no tracking shown for access to units 94 to 99, it is therefore expected that crews will have to park on the main spine road and collect, therefore all bins and bags need to be presented closer to the adopted highway, preferably at the location for the bins shown for unit 99.

Based on the design it is our understanding that the roads leading to units 9 to 28, 32 to 39 & 52 to 57 will not be adopted by County Highways? If this is the case the ECDC will require confirmation that all roads have been built to highways standard and the developer will need to provide an indemnity to ECDC.

20 November 2019

Bin collection points for units 19 to 23, 40 & 41, 53 & 54, 76 to 78 & 94 to 98 need to be moved adjacent to the public highway as East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance.

The newest Refuse tracking plan does not show vehicle access past units 9 through 28? Can this be checked and confirm this is the same as the previous tracking plan and that the roads will all be adopted or built to adopted standards?

NHS England - No Comments Received

Anglian Water Services Ltd - 23 August 2019

Water recycling centre - Soham

Water recycling centre capacity? - Yes

Is there foul water capacity in network? - Yes

Comments- We have reviewed the applicant's submitted foul drainage strategy and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage.

Surface Water - N/A

Comments

We have reviewed the applicant's submitted surface water drainage information (Flood Risk Assessment) and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability

of the surface water discharge. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. A connection to the public surface water sewer may only be permitted once the requirements of the surface water hierarchy as detailed in Building Regulations Part H have been satisfied. This will include evidence of the percolation test logs and investigations in to discharging the flows to a watercourse proven to be unfeasible.

16 December 2019 - **Section 1 - Assets Affected**

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. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Soham Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Section 3 - Used Water Network

We have reviewed the applicant's submitted foul drainage strategy and flood risk documentation (E3912/500/G DRAINAGE STRATEGY PLAN) and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. We request that we are consulted on any forthcoming application to discharge Condition 11 of outline planning application 17/00481/OUM, to which this Reserved Matters application relates, that require the submission and approval of detailed foul drainage information.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

We have reviewed the applicant's submitted surface water drainage information (E3912/500/G DRAINAGE STRATEGY PLAN) and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge. The Local Planning

Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. A connection to the public surface water sewer may only be permitted once the requirements of the surface water hierarchy as detailed in Building Regulations Part H have been satisfied. This will include evidence of the percolation test logs and investigations in to discharging the flows to a watercourse proven to be unfeasible.

Natural England - 12 August 2019

Please refer to Natural England's letter dated 12 July 2019 (copy attached) regarding appropriate consideration of recreational pressure impacts, through relevant residential development, to sensitive Sites of Special Scientific Interest (SSSI)

Natural England advises that consideration for recreational disturbance to Brackland Rough SSSI is required.

Design Out Crime Officers - 13 August 2019

I confirm that this office has reviewed this Reserved Matters Application - there would appear to be consideration within the design and layout to support community safety and hopefully reduce vulnerability to crime. More than happy to work with the developer should they require advice in regards to a Secured by Design application.

Parish - 28 September 2019

Fordham Parish Council concerns: Access/Exit Road onto Mildenhall Road should be a Bell Mouth (2 lanes of traffic).

17 December 2019 – Seriously consider comments in respect of drainage and flood risk.

Ward Councillors - No Comments Received

Cadent Gas Ltd - 7 August 2019

An assessment has been carried out with respect to Cadent Gas Limited, National Grid Electricity Transmission plc's and National Grid Gas Transmission plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus. Searches have identified that there is apparatus in the vicinity of your enquiry.

- 5.2 **Neighbours** – A site notice was posted and advert placed in the Cambridge Evening News. 72 neighbouring properties were notified and two responses

received. The responses received are summarised below. A full copy of the responses are available on the Council's website.

- Potential highway problems in combination with other developments on Mildenhall Road.
- Traffic congestion and pollution
- Insufficient green space extra pressure on sewage and water facilities.
- There is a need for affordable housing so any reduction in the amount should not be accepted.

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 Fordham Neighbourhood Plan 2018

Policy 1	Housing growth
Policy 2	Character and design
Policy 8	Wildlife and Habitats
Policy 10	Pedestrian access and public rights of way
Policy 11	Car parking
Policy 12	Cycle parking and storage

6.3 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

6.4 National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 4 Decision making
- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 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

6.5 Planning Practice Guidance

7.0 **PLANNING COMMENTS**

7.1 The main issues to consider in determination of this application are;

- Visual impact and layout
- Housing mix and density
- Public open space, landscaped buffer and ecology
- Access and parking
- Noise and residential amenity
- Foul and surface water drainage

7.2 As the principle of residential development has been established with the outline consent, the main issues to consider in the determination of this application are whether it complies with the parameters of the outline consent, visual impact and layout, housing mix and density, public open space, landscaped buffer, trees and ecology, access and parking, noise and residential amenity and foul and surface water drainage.

7.3 The site has outline planning permission with the access approved as part of that permission. The reserved matters application is in line with the outline permission and does not conflict with the conditions and S106 requirements set as part of that permission.

8.0 **Visual impact and layout**

8.1 The visual impact of developing the site would have been accepted in principle at outline stage.

8.2 In allowing the appeal the Inspector accepted that the proposal to develop the site for up to 100 houses would result in no more than a slight adverse impact on the users of the PROW to the south, when the proposed landscaping matures. Thus

the impact of a development of this scale on the edge of the settlement was considered acceptable.

- 8.3 Policy ENV1 requires development proposals to be informed by, be sympathetic to, and respect the capacity of the distinctive character area in which it sits. Development proposals are expected to create a positive relationship with existing development and where possible enhance the pattern of distinctive historic and traditional landscape features, visually sensitive skylines, the settlement edge and key views into and out of settlements. The tranquil nature and nocturnal character of areas should also be considered.
- 8.4 Policy 2 of the Neighbourhood Plan also seeks to ensure delivery of high quality design, responding to context, key features on the site, important characteristics of the surroundings, including materials, design and heights, introducing visual interest, robust green landscaping and adequate amenity space.
- 8.5 Policy 10 of the Fordham Neighbourhood Plan states that development that will be clearly visible from a public right of way should consider the appearance of the proposal from the right of way and incorporate green landscaping to reduce any visual impacts. The Policy also promotes connectivity.
- 8.6 Amendments were sought to the proposal to ensure it retains a landscaped buffer ranging from 10 to 15 metres along the southern boundary which was an important feature within the outline consent, in order to provide a soft buffer to the countryside beyond. A landscaped strip of some 10 metres is also provided along the western boundary and leading to the POS, and provides for a soft edge and screening to the 3 metre high acoustic fencing. The site entrance also provides a soft landscaped entrance feature. It is considered that the proposal accords with the requirements of Policies 2 and 10 of the Neighbourhood Plan.
- 8.7 The dwellings are two storeys in height and the heights range from 7 to 7.8 metres. The one bed flat and maisonette blocks to the west of the site vary in height from 7.5m to 8.5m and are well designed in breaking up the mass of built form by the use of varying heights, staggered building blocks and fenestration.
- 8.8 The application also includes a wide variety of two storey house types, and three single storey dwellings nearest to the noise source of the haulage yard. Materials are grey roof tiles and buff and red bricks with elements of cream and black weatherboard and cream render. These are considered acceptable.
- 8.9 In achieving the layout the developer has had due regard to the constraints of the site which are the provision of the landscaped buffer and noise attenuation measures to alleviate the noise emanating from the adjoining engineering and haulage businesses, and the desire to retain existing landscape features surrounding the site.
- 8.10 The layout provides for an attractive residential development, with a landscaped entrance. Dwellings will front the roads and the open space and buffer zone to the south and south west of the site and feature dwellings are proposed in key locations. The block of maisonettes also sit alongside the open space and footpath to the west of the site and a walking route with seating is to be provided through the

development from the North West corner through the open space and the southern buffer and around the attenuation pond in the south east corner.

- 8.11 Predominantly, detached dwellings are proposed with some semi-detached and two terraced rows. It is also considered that the siting of detached dwellings along the southern boundary is sympathetic to the fact that it will be creating a new edge to the village. Dwellings are spaced and staggered to break up the impression of a large expanse of built form, and set back to the eastern end behind the attenuation pond. Although the materials will differ from the rendered properties to the east, there are elements of render and cream boarding within the development and the use of grey roof tiles will ensure the dwellings do not appear stark from more distant views on the PROW to the south.
- 8.12 The overall scale, massing, height, site coverage and detailing of the built form proposed has been carefully considered so as to respond positively to the constraints of the site, whilst minimising the impacts on existing amenities enjoyed by the occupants of neighbouring properties and complying with the Design Guide SPD. The development of this site for 100 dwellings can be achieved without causing significant harm to the character and appearance of the area and as such complies with Policies ENV 1 and ENV 2 of the Local Plan and Policies 2 and 10 of the Neighbourhood Plan.

9.0 Housing mix and density

- 9.1 The density has been accepted within the outline application in approving up to 100 houses. The density is 24 dwellings per hectare (10 per acre). The application proposes 100 dwellings, 40 of which are affordable housing. This equates to 40% and accords with the outline planning permission and Policy HOU3, and has been secured by S106 legal agreement. The precise mix and tenure is also now acceptable to the Senior Housing Strategy and Enabling Officer.
- 9.2 The affordable dwellings are sited as groups to the west, north and east of the site. The mix of affordable units is 7 x1 bed units, 21 x 2 bed units, 11 x 3 bed units and 1 x 4 bed unit.
- 9.3 The mix of the market dwellings is 5 x 2-bed (8%), 18 x 3-bed (30%), 33 x 4-bed (55%) and 4 x 5 bed (7%). This accords with the mixes set out within Policy HOU 1 other than in the case of the 4 bed dwellings which exceed the indicative property size guide which is 47%. However, these figures are indicative and the scheme broadly accords with them and the requirements of Policy 2 of the Fordham Neighbourhood Plan to provide for a mix of dwelling styles and sizes. This housing mix is considered acceptable and accords with Policies HOU 1, HOU 2 of the Local Plan and Policy 2 of the Neighbourhood Plan, as it respects the local area.
- 9.4 In respect of the requirements of Policy HOU 2 to provide for self build plots on developments of 100 dwellings or more, this requirement was not secured within the Unilateral Agreement which accompanied the appellants appeal case and therefore this cannot be secured, as part of this reserved matters application.

10.0 Public open space, landscaped buffer and ecology

- 10.1 The amount of public open space provision on site is 1.5 ha (3.7 acres), excluding the focal entrance point and the wet basin area. A children's play area is also included within the main open space area to the south west of the site. This accords with the Developer Contributions SPD. These areas will be landscaped using native shrubs, hedgerows and wildflower mix and the long term maintenance is secured by the S106.
- 10.2 Following discussions with the applicant the landscaped buffer along the southern boundary and the planting alongside the noise attenuation fence has been greatly enhanced, and will provide for dense foliage at different heights to provide a robust buffer strip. The Councils Tree Officer has appraised the scheme and is satisfied that the planting scheme will provide a robust landscaped buffer. Discussions have taken place about the long term management of this area. In accordance with the S106 these areas will be offered to the Council for adoption and long term maintenance.
- 10.3 The updated ecology report walkover survey concludes that the majority of the site has not changed since the time of the previous ecological assessment in November 2016. The report makes recommendations and enhancements and states that the development is unlikely to be detrimental to protected species or habitats provided the recommendations are followed.
- 10.4 Most boundary trees, with the exception of the large conifers bordering the haulage yard, and boundary hedges will be retained and enhanced with native and wildlife attracting trees and shrubs, including wildflower meadow areas, and the inclusion of four bat and eight bird boxes to cater for sparrow and swift.
- 10.5 The plant species will retain and enhance boundaries with a range of native species, creation of seasonally wet infiltration basin planted with species suitable for wetlands. The use of native species of local provenance will represent an enhancement in biodiversity value. It is considered that the new planting scheme will deliver an enhancement in biodiversity value and be of benefit for a range of faunal species. New habitat creation is proposed within the POS, attenuation basin and site boundaries and there will be improvements to ecological connectivity.
- 10.6 The Landscape Strategy booklet also demonstrates how the layout and design of the on site green infrastructure considers its multi-functional use. It is considered that the proposal does contribute to biodiversity gain on the site and accords with Policy ENV 7 of the Local Plan and Policy 8 of the Neighbourhood Plan.
- 10.7 In respect of Natural England's comments regarding the recreational pressure on nearby designated sites, this matter was dealt with when the outline permission was decided at appeal.
- 11.0 Access and parking**
- 11.1 The access to the site has already been agreed within the outline planning permission. Pedestrian linkages have been shown to the north west corner through the open space. The County Highway Authority are satisfied with the internal layout and that the roads will be built to adoptable standards and all properties meet the wheeled bin drag distances to roadside collection points. Amendments have been

made to the parking arrangements which now accords with the adopted standards and Policy COM8, including 25 visitor's spaces in appropriate places across the site. This is also considered to accord with Policy 11 of the Neighbourhood Plan in ensuring that not restricting the movement of vehicles and pedestrians and that unplanned on-street parking is minimised. In addition any courtyard parking are suitably located close to the entry point of the associated dwelling to ensure they are used appropriately, in accordance with Policy 11.

- 11.2 25 plots rely on tandem parking, although some properties have more than two spaces allocated (including garage space). This is considered to be acceptable in giving a mix of parking arrangements.
- 11.3 Based on the consultation responses from County Highways, who are now satisfied with the amendments made, it is considered that the layout demonstrates a safe and accessible environment, allowing sufficient parking, manoeuvring and visitors parking provision. The proposal also provides for a network of routes for pedestrians and cyclists. The Designing out Crime Officer is also satisfied with the layout. The proposal therefore complies with Policies COM 7 and COM 8.
- 11.4 Policy 11 further requires the provision of facilities for electric plug-in vehicles with an adequate number and in convenient locations. These details will be conditioned for submission following the grant of planning permission.
- 11.5 Policy 12 of the Neighbourhood Plan and Policy COM8 also require provision of secure cycle parking. This has been provided across the site for each dwelling.

12.0 Noise and residential amenity

- 12.1 The residents impacted by this development are to the east and north of the site. These properties generally have long and generous rear gardens. Although some level of overlooking will occur this cannot be completely avoided and the rear garden depths of the new dwellings are at least 10 metres to the rear boundary, in accordance with the Design Guide SPD.
- 12.2 The layout has been assessed and it is considered that it provides a satisfactory level of amenity for the future residents of the dwellings, in relation to plot sizes and design/positioning of dwellings. The residential amenity of future occupiers has also been assessed. The garden sizes accord with the Design Guide SPD as do the distances between houses.
- 12.3 The outline permission considered the noise impact from the two businesses adjoining the site to the west and north. Convinced that noise could be adequately mitigated the Inspector attached a condition to the outline planning permission to ensure that no noise sensitive frontages or rooms face noise creating areas or sources, taking into account the inclusion of a 3 metre high acoustic fence along the northern and western boundaries of the site. A Noise Assessment and mitigation scheme has been submitted and the Environmental Health Officer has advised that acceptable internal and external noise levels can be achieved with the proposed layout and allowing for windows to be open. The applicant has successfully demonstrated through clever use of layout and internal arrangements, that noise sensitive rooms are safeguarded. This has been achieved by siting the two storey

block of maisonettes along the western boundary to deflect noise, and by then ensuring that only non-noise sensitive rooms are located along the western façade. Also the siting of three single storey dwellings along the boundary with the haulage yard and by orientation of dwellings.

- 12.4 It is considered that the residential amenity of the future occupiers will be safeguarded in terms of any overlooking or noise disturbance. The proposal therefore accords with Policies ENV 2 and ENV 9 of the Local Plan.

13.0 Foul and surface water drainage

- 13.1 Foul water drainage will be to the public sewer with provision of a pumping station on site, adjoining the attenuation basin to the south east corner of the site. From there flows will be pumped north to the existing sewer. Anglian Water have advised that the impacts on the foul sewage network is acceptable.

- 13.2 Surface water drainage – Where ground conditions allow, the sustainable system manages flows through infiltration and includes areas of permeable paving, an infiltration trench and an infiltration basin. These have been designed to be a maximum of 2 metres deep from current ground levels. In the worst storm event the water depth in the basin is likely to be 1.2 metres deep, but for the large part the bottom of the basin will be soggy but without standing water. Surface water from roads will be collected by a piped network under the roads and adopted by Anglian Water.

- 13.3 The Lead Local Flood Authority initially objected to the scheme but following a fifth amendment to the scheme their objections have been overcome. The scheme therefore accords with Policy ENV 8 and the Flood and Water SPD.

14.0 Planning balance

- 14.1 The site is located adjoining the settlement boundary and has outline planning permission. Given the lack of a five year housing land supply and the need for housing it is considered that the benefits of the proposal outweigh any adverse impacts. Having considered any adverse impacts, the proposal is not considered to be significantly and demonstrably harmful and is therefore recommended for approval.

- 14.2 Overall the proposal complies with the conditions and parameters of the outline permission and complies with Policy.

15.0 COSTS

- 15.1 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.

- 15.2 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.

15.3 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.

15.4 In this case Members' attention is particularly drawn to the following points: outline planning permission has been granted and no statutory consultees object.

16.0 **APPENDICES**

16.1 Appendix 1 – Recommended conditions.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/01054/RMM	Barbara Greengrass Room No. 011 The Grange	Barbara Greengrass Planning Team Leader
17/00481/OUM	Ely	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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 19/01054/RMM Conditions

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

Plan Reference	Version No	Date Received
443-LP-01	A	31st July 2019
443-SK-01	REV G	14th January 2020
443-SK-02	REV G	14th January 2020
443-SK-04	REV D	19th December 2019
443-SK-05	REV D	19th December 2019
443-SK-06	REV D	19th December 2019
443-SK-07	REV H	14th January 2020
443-SK-08	REV A	28th November 2019
443-SK-09		24th July 2019

A/1214/00/AT/01	F	24th July 2019
A/1214/00/CB/02	F	24th July 2019
A/1214/00/CW/02	F	24th July 2019
A/1288/00/AT/01	C	24th July 2019
A/1288/00/CB/02	C	24th July 2019
A/1288/00/CW/02	C	24th July 2019
A/1335/00/AT/01	C	24th July 2019
A/1335/00/CB/02	C	24th July 2019
A/1512/00/AT/01	C	24th July 2019
A/1512/00/CB/02	C	24th July 2019
A/1688/00/AT/01	E	24th July 2019
A/1688/00/CB/02	E	24th July 2019
A/1901/00/AT/01	D	24th July 2019
A/1901/00/CB/02	D	24th July 2019
A/1901/00/CW/02	D	24th July 2019
A/637/00/CB/01		24th July 2019
A/640/00/CB/01		24th July 2019
A/750/00/CB/02		19th December 2019
A/767/00/CB/01	B	19th December 2019
A/767/00/CB/02	REV A	28th November 2019
A/767/00/CB/03	REV B	19th December 2019
A/921/00/AT/01	E	24th July 2019
A/921/00/CB/02	E	24th July 2019
A/921/00/CB/03		19th December 2019
A/921/00/CB/05		19th December 2019
A/921/00/CW/02	E	24th July 2019
A/951/00/AT/01	E	24th July 2019
A/951/00/CB/02	E	24th July 2019
A/951/00/CW/02	E	24th July 2019
A/981/00/AT/01	F	24th July 2019
A/981/00/CB/R1/02	F	24th July 2019
A/G13/00/CB/01		24th July 2019
A/G14/00/CB/01		24th July 2019
Arboricultural Impact Assessment	C	24th July 2019
Arboricultural Method Statement	C	24th July 2019
E3912/200/D		14th January 2020
E3912/265	INFILTRATION	19th December 2019
E3912/500/H	DRAINAGE STRATEGY	19th December 2019
E3912/510//E		21st August 2019
E3912/600/D	FFL Levels	19th December 2019
E3912/791/G	REFUSE TRACKING	19th December 2019
E3912/792/H	FIRE TRACKING	19th December 2019
E3912/793/A	CAR TRACKING	19th December 2019
E3912/TN1	APPENDICES PART 1-3	19th December 2019
E3912/TN1 A	SW DRAIN TN COND 13	28th November 2019
E3912/TN2	APPENDICES	19th December 2019
E3912/TN2 A	FW DRAIN	28th November 2019
EDS 07-3102.01	C	24th July 2019
Ecology Walkover Survey		

Report		24th July 2019
FOR-EW-01	ENTRY WALL DESIGN	28th November 2019
FRA 16 1032		24th July 2019
INFILTRATION RESULTS		21st August 2019
JBA 19/155 ECO01	A	24th July 2019
JBA 19/155-01	REV E Design Strategy	19th December 2019
JBA 19/155-02	H	22nd January 2020
JBA 19/155-03	REV H	19th December 2019
JBA 19/155-04	REV H	14th January 2020
JBA 19/155-05	REV H	19th December 2019
JBA 19/155-06	REV G	19th December 2019
Landscape Management & Maintenance Plan	REV B COND 15	28th November 2019
MICRO DRAINAGE RESULTS		21st August 2019
NHBC Energy Statement		28th November 2019
Noise Assessment & Mitigation	REV 2.0	28th November 2019
Street Scenes		24th July 2019
Surface Water Report		24th July 2019

- 1 Reason: To define the scope and extent of this permission.

- 2 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.

- 2 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.

- 3 The boundary treatments hereby permitted shall be constructed in accordance with the details specified on drawing number 443-SK-07 Rev H received 14th January 2020 . The boundary treatments shall be in situ and completed prior to the first occupation of the plot to which it relates. All works shall be carried out in accordance with the approved details and retained thereafter.

- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and Policy 1 of the Fordham Neighbourhood Plan 2018.

- 4 Prior to, during construction and prior to occupation, the recommendations and enhancements within the Ecology walkover survey, James Blake Assoc Ltd, dated 18 July 2019, shall be adhered to and implemented in full.

- 4 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and Policy 8 of the Fordham Neighbourhood Plan.

- 5 The development shall be built in accordance with the Flood Risk Assessment and Drainage Strategy, LK Consult Ltd dated February 2017 and received 24 July 2019, and

accompanying Technical Notes 1 and 2 received 19 December 2019 and drawing number E3912/500 Rev H, received 19 December 2019.

- 5 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 6 The tree protection measures as shown within the Arboricultural Impact Assessment, James Blake Assoc, dated 15 July 2019 and received 24 July 2019 shall be implemented prior to the commencement of development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 6 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and Policy 2 of the Fordham Neighbourhood Plan 2018.
- 7 Prior to first occupation of any dwelling the landscaping and parking areas associated with that plot or the retail unit shall be provided in accordance with the approved landscaping drawings, or in accordance with any alternative timetable agreed in writing with the Local Planning Authority.
- 7 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and Policy 2 of the Fordham Neighbourhood Plan 2018.
- 8 The materials to be used in the construction of the external surfaces, including walls and roofs, shall be as specified on drawing number 443-SK-04 Rev D received on 19 December 2019. All works shall be carried out in accordance with the approved details.
- 8 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and Policy 2 of the Fordham Neighbourhood Plan 2018.
- 9 Prior to first occupation of any dwelling a scheme for the provision of facilities for electric plug-in vehicles shall be submitted to and approved in writing by the Local Planning Authority and thereafter, provided prior to first occupation of the dwelling to which it relates.
- 9 Reason: In accordance with the aims of the NPPF to provide for sustainable transport modes and Policy 11 of the Fordham Neighbourhood Plan.
- 10 Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details

approved on drawing number 443-SK-01 Rev G in writing by the Local Planning Authority.

- 10 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 11 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 11 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015.
- 12 No above ground construction shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
- 12 Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015.