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**MAIN CASE**

**Reference No:** 17/00893/FUM

**Proposal:** Hybrid Planning Application - Full Application for the erection of 152 dwellings and associated access, parking and open space; Outline Application for 8 Self-Build Dwellings.

**Site Address:** Land South Of Blackberry Lane Soham Cambridgeshire

**Applicant:** Orbit Homes (2020) Ltd

**Case Officer:** Andrew Phillips Senior Planning Officer

**Parish:** Soham

**Ward:** Soham South

Ward Councillor/s: Councillor Hamish Ross  
Councillor Ian Bovingdon  
Councillor Dan Schumann

**Date Received:** 23 May 2017

**Expiry Date:**  
16 April 2018

[T24]

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1.0 **RECOMMENDATION**

1.1 Members are recommended to delegate approval of the application to the Planning Manager subject to the completion of a S106 Agreement and the following conditions (see Appendix 1 for full wording of conditions):

1. Approved Plans
2. Time Limit
3. Highway Improvements
4. Unexpected Contamination
5. Construction Environment Management Plan (CEMP)
6. Detailed Waste Management and Minimisation Plan
7. Archaeology
8. Fire Hydrants
9. Sustainability
10. Biodiversity Improvements
11. Road Construction Standard
12. Road Maintenance
13. Materials
14. Boundary Treatments

15. Tree Protection Measures
16. Highway access onto Blackberry Lane
17. Highway Improvements to Regal Land/Brook Street
18. Highway Drainage
19. Drainage
20. Soft Landscaping
21. Hard Landscaping
22. Construction of bund – timing
23. Flood Mitigation
24. Public Footpaths
25. Outline condition
26. Outline implementation timeframe
27. Self Build Phasing
28. Construction Times/Deliveries
29. Surface water
30. Biodiversity Improvements

## 2.0 SUMMARY OF APPLICATION

- 2.1 The proposed dwelling numbers have been reduced from 168 (8 self build outline application) to 160 (8 self build outline). The reduction in number is to seek to overcome design/noise issues raised by the case officer during the determination of the application. The latest set of major amendments was submitted on the 31 January 2018, with relatively smaller changes submitted on the 15 March 2018. The March 2018 changes make minor tweaks to the layout that have mainly tidied footpath details and has increased the amount of public open space slightly on site. In addition this March 2018 amendment provided additional information on how the landscape (most importantly the living willow fence) will be maintained. The developer has been in communication with the Environment Agency during April/May with the Environment Agency withdrawing its objection on the 23 May 2018. The amended flood risk assessment was submitted on the 4 May 2018.
- 2.2 The proposal also includes a noise barrier (max 5 metres above ground level) along the eastern boundary that is a mix between earth bund and acoustic fence. In addition to this the proposal also seeks to provide public open space, as well as the usual required infrastructure.
- 2.3 The application requires to be determined by Planning Committee, due to the Council's constitution of delegated powers. Cllr Ross has also expressed interest in this application being determined at 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

17/00926/SCREEN	SCREENING OPINION - Erection of 168 dwellings (8 self build plots) and associated access, Parking and Open space.	Opinion Issued	22.06.2017
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### 4.0 THE SITE AND ITS ENVIRONMENT

#### 4.1

The site is located on the eastern edge of Soham, between Regal Lane to the west, Blackberry Lane to the north and Longmere Lane running from southwest – south. It is allocated in both the Adopted Local Plan (SOH5) and the Submitted Local Plan (SOH.H5).

#### 4.2

The site is included within the village framework. It is partially within floodzones 2 and 3 (northwest corner). There are two TPOs on site and is within 2000m of a SSSI. A Public Right of Way crosses the site.

### 5.0 RESPONSES FROM CONSULTTEES

#### 5.1

The full responses are available on the Council's web site.

Soham Town Council (5 July 2017) – It has concerns over the proposal. Its concerns are in regards to:

- The Traffic Survey is from 2011 and questions if this data is new enough and is comprehensive enough.
- No consideration of traffic flow and levels to the new Southern Bypass.
- Proposal assumes car ownership for dwellings will be low.
- Wishes to ensure there is no water pollution.
- Wants to ensure no harm to ecology.

(31 July 2017) – Repeats previous concerns.

(6 September 2017) – No concerns.

(4 December 2017) – No concerns.

(1 March 2018) – Could not meet due to weather conditions, so no new comments for this application.

(4 April 2018) Raises concerns in regards to clearer definition of maintenance needed and suggest a one way loop for traffic in the centre of the proposed development.

Cllr Ross – (21 March 2018) Seeks for this application to be called in order to ensure the issues of traffic, highway entrance and drainage (foul and surface water) are fully considered.

Strategic Planning Manager – (20 June 2017) Whilst it will be a matter for Full Council to decide it is his current view that any policy wording for any site in Soham should not make reference to the need for a new/or improved crossing over the A142.

Based on comments from Natural England and Wildlife Trust it would appear inappropriate for a contribution to be sought to provide a crossing over the A142.

(23 March 2018) Sought to provide clarity to the Case Officer. The number of dwellings allocated on site was reduced on a much wider principle of enabling a more substantial buffer zone, for the benefit of landscaping, to assist noise attenuation, air quality and reduce the need for visually intrusive bunds.

Should be noted that the Witchford appeal was not just about mechanical ventilation but any form of acoustic ventilation.

Natural England – (27 July 2017) It has no objection. It does not consider that the proposal will have any significant adverse impacts on the Soham Wet Horse Fen Site of Special Scientific Interest (SSSI).

It states that people are putting pressure on the SSSI through water pollution, changes to water levels and recreational pressure (walkers trampling vegetation etc).

The developer's consultants have since worked with Natural England and the Wildlife Trust to identify a solution to the effects of increased recreational pressure from housing developments in Soham. The provision of large wildflower informal open space will help ensure people have somewhere to walk/exercise dogs on site and for this reason put less pressure on the SSSI.

Considers that it is unlikely that cat predation will pose any threat to the SSSI.

Considers that the surface water drainage of the scheme is unlikely to impact the SSSI.

It welcomes the enhancement measures proposed in chapter 5 of the Ecological Impact Appraisal.

(22 February 2018) Proposed amendments are unlikely to have significantly different impacts on the natural environment than the original proposal.

Wildlife Trust – (16 August 2017) The Trust comments that it does not object.

The proposal avoids adverse impact on Soham Wet Horse Fen SSSI and provided mitigation for the Soham Commons County Wildlife Sites and East Fen Common and the Wash in particular. It achieves this through funding a mitigation and enhancement strategy for the Soham Commons and by increasing the amount of informal Open Space on site from 0.8 hectares to 1.24 hectares.

Trust welcomes the biodiversity enhancement measures and should be secured by way of a condition.

The Green Infrastructure should incorporate a range of semi-natural habitats. It should also allow for a circular route for dog walking (ideally 2.6km) and be well connected to the wider network.

Environmental Health – (29 June 2017) The Environmental Health Officer is seeking more supporting information to how the noise levels were calculated.

Seeks that the noise from Regal Lane Industrial Estate is considered by the developer, though currently there are houses closer to the industrial units and no complaints have currently been received.

The noise impact assessment finds that a 3m barrier/screen will be required along the site boundary with the A142 bypass. It also indicates that if windows remain closed, internal noise levels will be acceptable with standard double glazing. External noise levels will be acceptable and boundary garden fencing will improve this.

From an Environmental Health point of view it can be demonstrated that the proposal will meet governmental guidelines for both external/internal noise levels. However, they do comment that they understand the Local Planning Authority have to consider the fact of keeping windows closed and ventilation requirements against residential amenity standards.

The design and layout should be carefully considered trying to locate non-sensitive rooms away from the noisier facades.

It seeks to ensure that public open space meet the 55dB 16 hours World Health Organisation requirement.

Seeks conditions in regards to construction times and the requirement of a Construction Environmental Management Plan.

(10 August 2017) Confirms they have read the new noise impact assessment dated 29 June 2017.

The report concludes that there would be a requirement for acoustic glazing and ventilation, the noise consultant considers the details of these should be approved prior to installation.

(31 October 2017) No additional comments to add.

(20 February 2018) As a result of the changes the developer has made to the proposed layout, additional screening and internal layout it is concluded that the site can be developed for residential use, with reasonable daytime and night time internal levels achieved, without the need for windows to be closed and alternative ventilation provided.

External amenity at all properties will meet the guideline criteria with BS823:2014.

In addition to the A142 noise levels now being mitigated the nearby industrial areas will not have any significant adverse impact on the proposed dwellings.

Conditions should be used to secure a Construction Environmental Management Plan and hours of construction.

(14 March 2018) Confirmed that windows even when partially open have a sound reduction of 15dB and this is sufficient to achieve reasonable internal sound levels.

Environmental Health (Scientific Officer) – (12 July 2017) Having read the submitted information concludes that a site contamination investigation is not required. However, does recommend that an unexpected contamination condition should be attached.

Lead Local Flood Authority – (22 June 2017) Objects to the proposal at the current time due to:

- Insufficient information in regards to infiltration rates. Any testing should be in accordance with BRE DG 365/CIRIA 156.
- The south of the site was recorded as having high ground water but no further detail has been granted.
- Developer has not demonstrated that sustainable drainage systems will be used on the south side of the site.
- Developer has proposed a below ground water system but it is standing advice that above ground surface water drainage should be first explored.
- Pumping of surface water is an unsustainable drainage method and preference is for a gravity led system. If pumps are the only option the developer would need to prove what would happen if the pumps failed, attenuation storage was full and a storm occurred.

(31 July 2017) It is still unable to remove its objection, as it has concerns over the infiltration test.

It accepts the applicant's proposal to use a pump system.

(22 February 2018) Amendments do not affect their comments.

(22 March 2018) No objection in principle but does seek a condition to ensure that the surface water is suitably drained.

(21 May 2018) Requests a condition.

Environment Agency – (5 March 2018) The site is partially within floodzones 2 and 3. It is for the Local Planning Authority to determine if the proposal meets the Sequential Test.

It objects to the proposal on the grounds of an unacceptable Flood Risk Assessment (FRA).

The FRA does not comply with the requirements of the National Planning Policy Framework paras 102 and 103, as well as policy ENV8 of the East Cambridgeshire Local Plan.

The FRA fails to demonstrate:

- That a sequential approach has been taken to the site layout, with more vulnerable development located in areas at lowest risk of flooding.
- That the proposed development will be safe for its lifetime and that safe access is achievable at times of flood.
- That the proposal will not cause increased flooding elsewhere.
- An assessment needed of the effects of climate change on flood risk using appropriate climate change allowances.

A revised FRA needs to be submitted overcoming its concerns.

(3 April 2018) No comments to add to its previous concerns dated 5 March 2018 and made it clear it was unable to withdraw its objection.

(23 May 2018) The Environment Agency withdraws its objection but seeks a condition to ensure the development complies with the submitted information.

Anglian Water – (28 June 2017) States that there are assets owned by them within or close to the development and requests an informative on any decision.

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

Seeks a condition to prevent downstream flooding and a foul water strategy.

Middle Fen and Mere Internal Drainage Board – Site drains into the Soham Lode which is an Environment Agency Main River. The Board has no comments on this application.

Waste Strategy (ECDC) – (31 May 2017) Seeks to know which roads will be adopted. The size of the green spaces within the development, they would expect the developers to provide suitable litter and dog bins for the areas.

States that ECDC will not enter private property to collect waste/recycling and expects residents to bring sacks/bins to the public highway. States that in accordance with RECAP Waste Management Design Guide a resident only should take a wheeled bin 30m max to a collection point.

Provides usual guidance regarding the provision of bins.

Tree Officer – (22 June 2017) Recommends that a full Arboricultural Impact Assessment is provided to ensure the proposal can be achieved without damage to the trees to be retained.

Does have concerns that the development is unnecessarily close to the trees in the southern section of the site; recommends a revised layout to reduce the pressure on these trees.

(4 October 2017) The area is clearly visible to the public from the main highway and local footpaths. Two Oak Trees are protected by a Tree Preservation Order (E/11/17).

Objects to the proposal as it seeks to remove a protected Oak Tree and there is clear potential to revise the scheme.

While makes it clear they do not have professional qualifications in landscape and recommend a professional landscaper is consulted.

They state:

- Maintenance of public open space and street tree planting will need to be secured.
- Sufficient space will be required for all tree planting.
- Sufficient space between existing trees and dwellings to minimise potential nuisance.

(6 February 2018) States:

“This application is for a large scale development within a rural area of the Town of Soham. There is an industrial area to the South and the site is bordered by a bypass to the East of the site. A charming path (Longmere Lane) runs along the South of the site, this path includes the most substantial trees impacted by the proposal and offers the majority of the existing landscape interest to be retained. A Tree Preservation Order affect two Oak trees, retained within the proposal.

I am in support of the revision of this application that retains the protected trees and some effort has been made to increase open space provision with additional tree planting.

The landscape design has some positive aspects. The open space to the South of the site maintains some of the character of Longmere Lane while, the central public open space has value although it is highly overlooked and encircled by roads.

However I do have a number objections to be considered:

The design offers no street tree provision, it appears that the large-scale developments within the District continue to offer little or no street tree provision although, I am unaware of a policy which supports this. While the County design document Housing estate road construction specification 2013 Section 21.03 supports tree planting in the highway verges and tree pits.

If no street tree provision is allocated, I fear this will have a long-term detriment to the character of the District if allowed to continue.

The bund design adjacent the A142 highway is in my view, inappropriate. The 2.5m bund with Willow fence will require intensive management to be effective. Management agreements for this will need to be clear and enforceable from the outset if this design is adopted yet, I consider a revision is required. The fact the bund requires a retaining wall is a clear indication of the inappropriate density of this design.

Also, aside from the management principle, I consider the bund incongruous with the landscape which would be objectionable in reference to landscape character in conflict with guidance within the draft local plan (ENV1: Landscape and settlement



character). The current boundary planting adjacent the bypass is minimal and will do little to support the bund in the landscape. It appears that this design minimises the green space transition to increase housing allocation.

A current precedent for bypass boundary landscaping in the District (West of Ely) is to have a transitional green space between the rural, agricultural landscape and the settlement areas. I fear this development will set a new precedent to intensify development on the settlement boundaries and bypasses, creating a sharp transition between urban and rural landscape and with the vast visual aspects that are available within the Fenland landscape, a distinctly negative change of landscape character could result.

The housing provision adjacent the Southern corner of Longmere Lane is clearly too close to the trees to be retained to be viable. I foresee that these properties will be intensively shaded by the trees as the trees stand to the South of the properties, aside from the management issues they will present to the occupants by overhanging their garden space.

Also the character of Longmere Lane will clearly be significantly impacted with housing in close proximity.

In conclusion I feel the landscaping of this proposal is insufficiently designed to balance development with wider landscape character and insufficiently provisioned in relation to green infrastructure.

I strongly advise you refer to a landscape consultant for detailed assessment of these plans to advise upon changes that may be useful.”

(16 March 2018) States:

“The details within the landscaping maintenance scheme appear comprehensive. I am afraid that they surpass my area of expertise and I advise you refer them to a Landscape Consultant for full consideration.

It appears that the maintenance of the bund vegetation is to be conducted on an annual basis or as required by operatives using hand and power tools. Therefore consideration to the provision of this service will be an important issue, if the application is approved. However, I continue to recommend a revised scheme on the basis of a negative visual impact to the landscape of the scheme and additional concerns raised within my previous comments.”

CCC Growth & Development – (12 June 2017) States that a holistic view of Soham has been taken and it is also for ECDC to satisfy themselves that the development is adequately mitigated through either existing provision, CIL or S106.

States that Early Years, Primary Need and Secondary Need will all be full if planned developments go ahead.

County Council is seeking:

- £720,018 for Early Years
- £490,922 for Primary Need

- £641,342 for Secondary Need
- £17,690.40 for Libraries and Lifelong Learning.

CCC Growth and Economy Service – (12 June 2017) States that there has been no consideration of the planning policies of the adopted Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011, the Site Specific Proposals Plan 2012 or the adopted RECAP Waste Management Guide 2012.

The site falls wholly within the Mineral Safeguarding Area for sand and gravel and although the site is allocated in the East Cambridgeshire Local Plan the proposal still requires to ensure that the mineral is extracted during the course of the proposed development and put to a sustainable use. The use of the minerals can be on or off site.

It seeks conditions to be placed in regards to the requirement of a Construction Environment Management Plan (CEMP) and a Detailed Waste Management and Minimisation Plan.

Historic Environment Team – (3 July 2017) States that the site is in an area of high archaeological potential.

Seeks an archaeological investigation scheme condition to be agreed prior to any demolition or development.

(2 August 2017) The additional information submitted demonstrates the presence of important archaeological assets relating to the Early Iron Age and Early to Middle Saxon periods. A condition requiring archaeological investigation is, therefore, still needed prior to development.

(15 March 2018) States that amendments to the above planning application and this does not affect their previous advice.

East Cambridgeshire Access Group – (14 June 2017) States that the estate will cause road issues/traffic increase in Brooke Street and Regal Lane. However welcomes the layout of the site. They expect the types of houses to be step free.

Local Highways Authority – (3 July 2017) It has no objections in principle but has the following comments:

- It is unable to adopt visitor parking on public open spaces.
- Shared use areas should be 6m wide with two 0.5m maintenance strips.
- All junctions leading to more than 5 properties must be laid out to County specification.
- Does not appear to be sufficient forward visibility at the corner of plot 1. A speed reducing feature is needed.
- The speed table between plots 29-120 is too long and requires altering.
- The shared use area between plots 15-23 cannot have a footway next to a shared use road
- The footpath through the public open space should be adopted by either East Cambs or the Town Council.

(20 March 2018) States:

“The highways authority required further information on this application regarding the maintenance of the trees abutting the highway. The planning officer has stated that this is due to go to committee before this information can be received.

Therefore I have been unable to determine the impact on highways safety and the structural integrity of the A142 and how the future maintenance of the trees on the bund adjacent to the highway will be completed. As such I must object to this application for the following reasons:

1. The proposal does not incorporate adequate facilities or measures to enable the maintenance of the developments trees abutting the highway, which is considered essential in the interests of highway safety. If permitted this would likely result in the detriment to highways safety and its free flowing function as a priority distribution route

No maintenance access route abutting the highway has been provided within the site boundary. The living wall is not proposed to be maintained from the development side and we cannot permit the maintenance of these trees from the highway (A142) as this is a priority distribution route. We can also not maintain them on behalf of the developer at the expense of the public.

No bund or living noise barrier (tree planting) will be permitted to be constructed in the highway / A142. The A142 is a priority distribution route with a 60mph speed limit. No maintenance will be permitted to be carried out from the A142 as this will require Traffic Management to protect the workers and disrupt the free flow of a priority route. We can also not permit Willow trees to be planted within the near vicinity of the highway as mature trees of this nature without maintenance are prone to limb loss which would potentially fall on the highway (A142). All trees within 5m of the adopted highway must be within a tree pit constructed as per the Cambridgeshire County Council (CCC) specification. Vegetation/ including but not limited to shrubs, bushes or hedges within 5m of the highway will require a root barrier as per CCC standards.

### **Comments and informatives**

Sections of the Public Right of Way is proposed to be over land that is outside of the adoptable highway and appears to be diverted from the existing footpath / RoW. It is outside of my remit to accept this proposal and I would strongly recommend that the CCC RoW team are consulted prior to the determination of this application.

A Grampian Condition will be required for the change in the priority of the junction with Regal Lane with Brook Street. The final design and layout will be subject to a CCC Road Safety Audit stage 1 & 2 prior to construction which must be funded by the developer, but in principal this is acceptable to the highways authority.

Fruiting vegetation should not be planted where the bush and / or tree overhangs the highway. Fruits and berries can create a hazard and unnecessary risk to the public and on-going maintenance costs to the highways authority.

Trees within the highway MUST be adopted by either East Cambs or the Parish Council. Private Maintenance Company's do not provide the assurances needed by the highways authority that their up keep and maintenance will be completed as required. We do not adopt trees and as such prior to any adoption of the internal roads, written confirmation from the either authority will be required.

Visitor bays will not be adopted by the highways authority unless they serve a strategic highways function. The shown visitor bays are not essential for the function of the highway and as such we will not seek to or offer to adopt these.

The adopted highway surface water must discharge in to an area or water course under the authority of a local governing body. We can adopt roads that have the surface water discharging in to an area under the control of a private owner or managed by a private company. This is because it does not provide us with the assurances needed that these areas will be maintained in perpetuity. The highway authority do not adopt SUDs, areas of filtration, swales, water attenuation or water courses and ditches.

This development involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

### **Recommended Conditions**

HW2A – Prior to occupation the roads and footways will be constructed to at least the binder course level

HW3A – The highway shall be built to CCC highways standards

HW22A – no private surface water shall be discharged on to the public highway

HW23A – No development shall commence until details of the future management of the development is submitted and approved by the local planning authority.”

(27 March 2018) Concerns have been overcome in regards to boundary treatment, seeks a condition to ensure development complies with agreed details.

Transport Assessment Team – (4 August 2017) Provides the following points:

- Developer needs to provide a review of cycling infrastructure. County Council would rather the developer provide defined works and not provide a financial contribution.
- Asks if there is sufficient land to place bus stops and requires a plan to be submitted showing their position.
- Details of the relocated refuge island need to be provided.
- The roundabout junction of the A142 with A1123 and Fordham Road and the priority junction of Fordham Road with Regal Lane has been assessed. Surveys were undertaken on 17 March 2017.
- In regards to accident data seeks a full 60 months. The roundabout of the A142 with Fordham Road and A1123 is an accident cluster site and any application

which proposes to add additional vehicles onto this roundabout will need to address the issue.

- Vehicular and cycle parking is to be provided in accordance with ECDC standards.
- Internal layout must be agreed by the Local Highways Authority officer Geoffrey Ellwood.
- It is noted the development will be completed by 2020.
- Seeks to secure a Travel Plan via a condition.
- Proposed total person trip rate is acceptable.
- Use of census data to distribute traffic is acceptable.
- Growth rates are not agreed, latest version of TEMPRO must be used.
- The committed development is not agreed with, due to the amount of development happening in Soham the Highway Authority; it has provided a guide.

It concluded that the application as submitted does not include sufficient information to properly determine the highway impact of the proposed development. Were the above issues addressed the Highway Authority would reconsider the application.

(1 November 2017) Has reviewed the Transport Assessment Response dated 6 October 2017.

States that while the report suggests no further improvements are required to cycle facilities the developer should improve the fragmented existing facilities.

Drawing(s) showing the bus stops and refuse island is acceptable.

Recommends that a 40mph speed limit on the A142 northbound approach relating to vehicle speeds and accident data.

A holistic approach is needed for the A142/A1223/Fordham Road roundabout. The developer needs to provide an overall design solution that can accommodate the impacts from all committed developments. This should include an indicative cost for the associated works. The developer is thereby required to provide a proportion of the overall project cost.

While the development does not in itself cause capacity issues at the Regal Lane/Fordham Road junction it will contribute to future issues. It is, therefore, considered that a contribution is made for a ghost right turn.

(12 January 2018) Have reviewed the Richard Jackson Consultants dated 11 December. In regards to:

Cycling – Developer is now proposing some improvements to the cycling facilities along Fordham Road and these are acceptable.

Accident Assessment - In regards to potential reduction in speed the consultants response is accepted.

A142/A1123/Fordham Road – The developer is unwilling to provide a look at a holistic design solution. A contribution of £160,000 would therefore be required towards the roundabout future improvements. This is consistent with the approach taken on 98-118 Mildenhall Road Fordham (17/00481/OUM) where £1,000 per property was secured towards roundabout improvements.

The proposal is acceptable in terms of transport impacts subject to contributions being secured by S106 and the following condition being added to any consent:

Prior to the commencement of any development hereby approved, a scheme of works based upon the principles shown on plan 47066/PP/015 Rev A shall be implemented in accordance with details to be submitted and approved by the Local Planning Authority.

Asset Information Definitive Map Officer – (28 June 2017) States that Public Footpath No.93 Soham runs through the development site.

The Transport Assessment makes little to no reference of the presence of the Public Footpath and how it will present constraints or opportunities for the proposed development.

Drawing number SL01-6867 Rev K note that the existing footpath is to be diverted by presumably Mr and Mrs Palmer. At this stage, County Council has not received an application to permanently divert the footpath.

Seeks a pre-commencement condition in regards to the public rights of way.

Supports any proposal to provide an improved crossing of the A142.

(23 February 2018) Comments of 28 June 2017 still remain.

(21 March 2018) Considers the revised application to be unacceptable and cannot support the amended layout and recommends refusal.

(23 March 2018) States that a condition could be used to overcome their previous concerns. During a conversation with the Case Officer on the 27 March 2018 confirmed they would accept an informal footpath across the public open space but still wanted the condition.

Design Out Crime Officers (Police) – (9 June 2017) States that the area is at a medium risk of crime, with the area mainly having thefts, burglaries and vehicle thefts.

There is no specific mention of crime prevention within the Design and Access Statement. States the layout appears to be reasonably acceptable in terms of crime prevention/community safety that provides good levels of natural surveillance, pedestrian and vehicle routes aligned and overlooked.

Majority of homes are back to back which is stated as offering good security.

Raises concerns in regards to:

- Parking courts – need to ensure they are fully overlooked.

- Need for sufficient lighting, asks if this could be conditioned.
- Footpaths between and behind houses should be gated at the front and secure.

(13 February 2018) No additional comments from 9 June 2017. They look forward to working with the developer regarding Secure by Design.

Cambridgeshire Fire and Rescue Service – (4 July 2017) Seeks fire hydrants to be provided by either S106 or a condition.

5.2 Neighbours – 45 neighbouring properties were notified and the responses received are summarised below. An advert was put in the press on the 8 June 2017 and a site notice was put up on the 15 June 2017. A full copy of the responses are available on the Council’s website.

1 Greenhills, Soham – Occupier objects to the proposal. States that the area is a quiet part of Soham and this development plus those adjacent to Cherry Tree Pub will threaten to change the character of the area into a much busier, nosier location.

Impact on the junction of Regal Lane and Fordham Road is based on flawed assumptions.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV14	Sits of archaeological interest
COM 7	Transport impact
COM 8	Parking provision
SOH 5	Housing allocation, land south of Blackberry Lane

6.2 Supplementary Planning Documents  
 Design Guide  
 Developer Contributions  
 Contaminated Land  
 Cambridgeshire Flood and Water

### 6.3 National Planning Policy Framework 2012

- 4 Promoting sustainable transport
- 5 Supporting high quality communications infrastructure
- 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

### 6.4 Submitted Local Plan 2017

- LP1 A presumption in Favour of Sustainable Development
- LP2 Level and Distribution of Growth
- LP3 The Settlement Hierarchy and the Countryside
- LP6 Meeting Local Housing Needs
- LP16 Infrastructure to Support Growth
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network
- LP18 Improving Cycle Provision
- LP19 Maintaining and Improving Community Facilities
- LP20 Delivering Green Infrastructure, Trees and Woodland
- LP21 Open Space, Sport and Recreational Facilities
- LP22 Achieving Design Excellence
- LP23 Water Efficiency
- LP24 Renewable and Low Carbon Energy Development
- LP25 Managing Water Resources and Flood Risk
- LP26 Pollution and Land Contamination
- LP27 Conserving and Enhancing Heritage Assets
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP30 Conserving and Enhancing Biodiversity and Geodiversity
- Soham 1 Spatial Strategy for Soham
- Soham 2 Infrastructure and Community Facilities
- Soham 3 Allocation Sites
- Soham 5 Site SOH.H5 - Land south of Blackberry Lane

### 7.0 PLANNING COMMENTS

#### 7.1 Principle of Development

- 7.2 The site is allocated under the East Cambridgeshire Local Plan 2015 (Policy Soham 5) for up to 160 dwellings. However, in the Submitted Local Plan 2017 the total number of dwellings has been reduced to approximately 130 dwellings; the reduction was based on enabling a more substantial buffer zone, for the benefit of landscaping, to assist noise attenuation, air quality and reduce the need for visually intrusive bunds. It is noted that the amount of public open space remains approximately both 1.1 hectares under both policy allocations. The change in policy creates a complexity in regards to if a proposal of 160 dwellings is in principle accepted.



- 7.3 While it is known that the developer has objected to the Submitted Local Plan 2017 this in itself does not mean the emerging local plan has no or limited weight. However, at the same time the Adopted Local Plan cannot be considered to have full weight in this case due to the conflict between Adopted and Submitted Plans, as the direction of travel in policy terms is clearly seeking to reduce the density of the scheme. At the current time it is considered that both policies have to be considered to have roughly equal weight; with the adopted Local Plan 2015 having slightly greater weight as it has gone through the entire consultation/adoption process. While it would be unreasonable to refuse the application on the grounds that it proposes dwellings above 130 dwellings, it adds weight to any concern that is directly linked to the number of dwellings.
- 7.4 While the allocation site policies seek a masterplan to include the 85 dwellings north of Blackberry Lane this is a preference and not a requirement. This site coming in alone is not a reason to withhold planning permission.
- 7.5 Residential Amenity - Noise
- 7.6 There has been a similar application/appeal in Witchford (16/01019/RMM) in regards to noise that the Council successfully defended. In the Appeal the Inspector stated:
- “Notwithstanding this technical solution put forward, I share the Council’s concerns that the future occupiers of the development would be unable to open the rear windows without being subjected to excessive noise especially during night-time hours. Whilst ventilation would be possible by drawing air from the non-noise sensitive elevations, to my mind, this would not provide a suitable standard of living accommodation and would provide an unsatisfactory form of development.
- In respect of the on-going maintenance of such ventilation, the Appellant has stated that this would be done by the future occupier of each property, in a similar fashion to any standard bathroom or kitchen ventilation system. Whilst I accept this would be the case, such kitchen and bathroom ventilation systems are not essential to providing an acceptable living environment as it is usual that such rooms also have the facility to open windows to ventilate the room naturally.
- The Council have also referred to the overdevelopment of the site, by placing too many dwellings near the A142. However, the proposal provides for all of the required amenity, parking and space standards necessary to make an acceptable development. To that extent, the proposal could not be considered to be an overdevelopment of the site. However, that does not mean that the development would provide suitable living conditions for its future occupiers in respect of outlook or noise.”
- 7.7 In line with the Inspector’s statement the use of mechanical ventilation (or any alternative ventilation) should, therefore, be regarded as providing a lower quality of residential amenity and should only be used where there is no other possible option.

- 7.8 The greatest concern is night time noise levels during the hotter months where people are most likely to want to have windows open to cool their bedrooms and will require lower background noise in order to sleep.
- 7.9 The developer is not providing any mechanical ventilation on this scheme and is achieving this by providing a 5m high barrier along the A142. This barrier is made up of a 2.5m high living willow fence on top of an earth bund. In addition to this the house types along the eastern boundary (those nearest the A142) have no first floor habitable windows facing towards the road. This means that the dwellings can become part of the noise mitigation measure without detrimentally suffering from noise pollution.
- 7.10 The noise mitigation measures mean that the proposed scheme will have 61 dwellings that will have lower than 45dB external night time predicted noise levels and 99 dwellings that have predicted 45 – 50dB outside their bedroom windows; in short the maximum noise level outside the bedroom window will be akin to that of moderate rainfall/floor fan and expected for suburban- urban night time. Even if the window is partially open it still reduces the internal noise level by 15dB, thus bringing the sound levels down to an acceptable night time level of 35dB while allowing for ventilation. In the original scheme the habitable rooms nearest the A142 were experiencing night time noise between 55-59dB (similar to a group conversation). The amendment is a significant improvement in regards to noise mitigation/management and removing the need for mechanical ventilation is to the merit of the application.
- 7.11 The nearest dwelling (plot 67) is located 19m from the willow fence and 15m away from the start of the slop of the bund, which is a greater distance than some internal facing dwellings (for example 14m between plot 106 and plot 112); the impact on the outlook from the front living rooms of the nearest plots to the bund will be no more detrimental than looking at a dwelling. It should be noted that unlike the Witchford appeal application, the proposed bund is not immediately adjacent to the residential plots.
- 7.12 With two areas of public open space being boarded on two sides by the bund/fence the amenity of these spaces is reduced. However, it should be remembered that a key requirement of these open spaces is to create areas to walk through (particularly dog walkers) and are not spaces necessary for people to stay in for any long period of time. The harm to the amenity of these spaces is thereby reduced.
- 7.13 It should be noted that a noise buffer of only 3m in height would likely lose approximately 46 dwellings or the need for mechanical ventilation for 46 dwellings. If the site was reduced to 130 dwellings, this would still likely leave 16 dwellings needing mechanical ventilation or to be cleverly designed. It should also be remembered that dwellings themselves form one of the best noise barriers, each dwelling removed adds to the noise levels experienced to the next dwelling westwards.
- 7.14 The noise levels from the A142 is a significant constraint on the site that informs the design. The developer in regards to purely noise mitigation has come up with a

high quality and relatively innovative scheme that preserves the higher number of dwellings on the site.

- 7.15 There have been no concerns raised in regards to detrimental noise pollution from the industrial units on Regal Lane
- 7.16 Other Residential Amenity Concerns
- 7.17 While most of the plots have a back to back distance that meet or is in excess of the 20m as sought by the Design Guide SPD, there are some plots e.g 72 to 80 that fall slightly below this at a 19m back to back. The level of harm to residential amenity caused by this slight loss of privacy on this size scheme is considered to be minor and does not warrant a reason for refusal.
- 7.18 The proposed dwellings are not considered to cause any substantial overbearing or loss of light to each other.
- 7.19 The nearest plots to adjacent residential properties (plots 1, 6, 14, 15 and 26) have been pushed away from the common boundaries, which will ensure the impact on these properties amenity is minimal.
- 7.20 With the size of the development and the length of time it will take to build it is considered reasonable and necessary to add a condition requiring a Construction Environmental Management Plan to minimise disturbance to existing and future residents.
- 7.21 Environmental Health have concluded that there is no need for additional contamination reports but does seek a condition relating to unexpected contamination.
- 7.22 There is not considered to be any reason to refuse the application in regards to residential amenity.
- 7.23 Visual Amenity – Earth Bund and Fence
- 7.24 The gross density of the proposal is 23 dwellings per hectare or 9.5 dwellings an acre (net density 32 dwellings per hectare), which is a relatively low density and accords in theory with an edge of village/small town proposed residential scheme. However, like all schemes low density does not mean a better design in itself.
- 7.25 The first main issue is that the developer is providing a 5m barrier between the proposal and the A142. The appeal in Witchford (16/01019/RMM) had the inspector stating that its proposed bund would not cause significant harm to the character of the area and would be partially screened by current planting, but in this case the bund was only half the size; a direct comparison is hard to make for this reason. However, limited-moderate weight should be given to the Inspector's decision and that they made reference to tree planting along the A142.
- 7.26 The allocation policy requires a significant green and noise buffer alongside the A142 in order to provide a visually acceptable noise buffer to the A142.

- 7.27 This barrier is made up of an earth bund approximately 2.5m high with a 2.5m high living willow fence on top of it. The earth element of the bund has a fairly gentle slope in its northern half (ranging from 1:3 – 1:4) but has a much steeper slope in its southern half (1:1.2). However, about half of the steep slope section is partially mitigated against by being placed against an area of public open space (there is also an overprovision of public open space). The earth bund is considered to be acceptable from a visual point of view as it is only 0.5m over what could be achieved under permitted development (barrier not adjacent to a road) and that a large part of it will have a gentle, more natural, slope. It also has to be expected that placing a site allocation so near to a main road that there would need to be some form of bund to protect against road noise.
- 7.28 On top of this earth element is a 2.5m high living willow fence and it is accepted that this fence will look like a high hedge within 6 months of installation/planting on the A142 side. The boundary with the A142 is defined by a mature hedge (though much of it is low in height) and a sparse provision of trees within the hedge. The northern edge of the boundary is defined by a mature hedge along Blackberry Lane and the lane (Longmere) that runs along the western and southern edge is defined by a variety of trees on both sides. It should also be noted that aerial photos show on the eastern side of the A142 there are lines of trees. Tree belts are therefore part of the rural character of this part of Soham.
- 7.29 It should also be noted that the traditional fen landscape is extremely human influenced, as without humans creating ditches the fen landscape would still be water dominated. However, human influence in the fens is by primarily digging down, not mounding up.
- 7.30 The inside of the fence can be softened by planting additional willow trees, bushes and climbers in order to soften the fence from the development side. This will need to be secured early via a condition within the development in order to give time to allow the vegetation to establish prior to the occupation of proposed dwellings nearest the earth bund.
- 7.31 Landscape should only be used to obscure development in the most exceptional circumstances, this is usually due the nature of planting not being a permanent feature. However, in this case the developer is an affordable housing company and will remain in some form of control of the site in perpetuity. It is, therefore, possible to ensure that the living willow fence is suitably maintained and kept in perpetuity through the use of a S106 Agreement. The other strategic landscaping on or along the bund should be retained for a long period of time (for instance ten years) to allow and ensure it fully establishes.
- 7.32 The need for such landscape measures to hide an acoustic fence shows that while a very good practical solution, it is not an aesthetic solution. While a wider gap with a 3m acoustic barrier would be visually better, this would push the housing westwards and mean all the public open space was along the eastern boundary; it is arguable that the negatives of moving the public open space would balance out the benefits. The visual harm that the earth bund and fence causes weighs against the proposal.
- 7.33 Visual Amenity – Other Design Features

- 7.34 The design is weakened by pushing up against and turning its back on the mature trees of Longmere Lane. The scheme could be significantly improved if it more positively brought Longmere Lane into the scheme by placing public open space up against this western boundary. However, pushing the housing away from this edge will either push the dwellings closer to the A142, reduce housing numbers or lose the northwest public space that acts as a feature when you come into the development and off sets the public open space in the southeast corner. However, the site provides public open space and a connection to Blackberry Lane that is considered to be a positive.
- 7.35 The design of the dwellings are considered to be average/standard and while not detrimental to the character of the area will certainly not enhance the visual public realm. The design of the dwellings, therefore, neither weighs in favour or against the proposal.
- 7.36 Historic Environment
- 7.37 The comments from County Council in regards to the archaeological potential of the site are noted and accepted. A condition should be added to ensure that a suitable archaeological dig is carried out.
- 7.38 There are no other historical assets that the proposal is considered to effect.
- 7.39 Highways
- 7.40 The site connects onto Regal Lane and needs to provide an access point for the allocation site north of Blackberry Lane (85 dwellings).
- 7.41 The Town Council has sought a one way system in the development. However, this is likely to only raise highway speeds (as there is less obstructions to slow traffic down) and therefore decrease road safety.
- 7.42 The recommended conditions sought by the Local Highways Authority and County Transport Team can be added, as they seek to make required improvements to ensure safety is maintained for all highway users. The S106 contributions are acceptable in principle and the exact wording/requirements would need to be finalised through the S106 negotiation process.
- 7.43 The proposed living willow fence is being located approximately 5m away from the edge of the public highway of the A142. While trees and other vegetation could be planted without requiring any consent from the Local Planning Authority it is important to ensure that the willow planting is maintained regularly in order to prevent the bush height willow trees turning into mature willows; mature willows have a high chance of limbs breaking off in high winds that could lead to an unacceptable risk to users of the public highway. The developer (who is a Registered Social Landlord) is willing to sign up to a S106 that requires them to maintain the living willow fence in perpetuity at its own cost (though this cost is likely to be passed onto the future residents of the proposal) at the height of a hedge. This will ensure that that the willows never grow 1m taller or away from the fence line to prevent the plants becoming a danger to highway users. The

submitted management plan also requires the maintenance work to be undertaken on the developer's own land only. With the importance of details contained within the document 'Soft Landscape Management and Maintenance Plan March 2018' it will need to be added to any S106 Agreement; without this document in the S106 there would be a significant concern that would weigh against the application.

- 7.44 The Local Highways Authority are no longer objecting to the proposal but the S106 will need to ensure that suitable maintenance (including relevant land) of the landscaping near the A142 is undertaken in perpetuity. The proposal is not considered to be detrimental to highway safety.
- 7.45 Ecology
- 7.46 The developer has worked closely with Natural England in order to both help fund a scheme for all the proposed developments along the eastern boundary of Soham in order to prevent additional recreational pressure on the SSSI of Soham Wet Horse Fen. The SSSI is mainly located on the other side of the A142 but a small element is located to the west side of Longmere Lane.
- 7.47 The developer has provided approximately 1.3 hectares of informal public open space, this is 0.2 hectares over that guided in the site allocation policy SOH5 (Adopted Local Plan) and SOH.H5 (Submitted Local Plan) and 0.3 hectares over the minimum amount of informal space needed for the developers housing mix. The increase in space on site provides more recreational space that should help to stop people traveling onto the SSSI, this is combined with the creation of a circular walk route around its site. The circular walk route connects onto both existing routes and potential future developments (e.g the allocated site north of Blackberry Lane), thus allowing for greater walking opportunities.
- 7.48 Any landscape scheme will need to include biodiversity enhancement measures.
- 7.49 Flood Risk and Drainage
- 7.50 The northwest corner of the site is within Floodzone 2 and 3, which puts approximately plots 1-14 and plots 141-147 in an area of risk of flooding. On the other side by placing one of the main public open spaces in this area reduces the risk of future dwellings being water damaged or people having to evacuate.
- 7.51 With the site being allocated it passes the Sequential Test, as the dwellings need to go on this land. The main issue is, therefore, the Exception Test that seeks to reduce the risk either through the placement of dwellings or preparing them for the flood event (e.g rising electrical points above the ground and one way flow on drainage). One alternative is by substantially increasing the public open space in the northwest corner, this would either push approximately 20 dwellings closer to the A142 or lead to the reduction of 20 dwellings on the site.
- 7.52 Following detailed negotiation between the developer and the Environment Agency the concerns regarding flooding have been overcome. The developer is now providing replacement floodplain in the public open space in the northwest corner while ensuring dwellings are above predicted flood waters. The Lead Local Flood Authority are also seeking a condition to ensure the surface water drainage

measures are put in place. The long term maintenance of the drainage will be secured as part of a S106 Agreement.

7.53 Contributions

7.54 The site is allocated under the Adopted Local Plan the contributions of £1.85 million towards education is therefore unreasonable as it is covered by the Community Infrastructure Levy (CIL) that the developer is required to pay. The £17,690.40 for Libraries and Lifelong Learning can be secured through the S106 Agreement.

7.55 A contribution of £160,000 is being sought from County Council in order to improve the roundabout of A142/A1123/Fordham Road and this can be secured through the S106 Agreement.

7.56 A contribution would also need to be secured to part fund a ghost right hand turn on the Regal Lane/Fordham Road junction and to improve cycle routes along Fordham Road.

7.57 Developer is offering 20% affordable housing as required under policy LP6 of the Submitted Local Plan and for this reason is considered to be acceptable. The Submitted Local Plan is considered to have more weight than the Adopted Local Plan in this regard, as the Council has agreed that 30% affordable housing is not viable in Soham. The affordable housing can be controlled via a S106 Agreement.

7.58 Other Material Matters

7.59 Plots 136 to 143 are seeking outline consent and are the self-build plots. The exact details of these will be defined by future reserved matters applications if this application is approved. While the developer has provided a code for these self build plots it is considered more appropriate to control each reserved matters at the point of submission. The details of selling these plots will need to be secured in the S106 Agreement.

7.60 The requested conditions raised in regards to minerals by County Council can be added if the application is approved.

7.61 Planning Balance

7.62 The recommendation is highly balanced, as the crux of the matter is considered to be the need to balance the amount of dwellings, the height of the noise barrier and the requirement of mechanical ventilation.

7.63 The Planning Authority has successfully defended at appeal that mechanical ventilation (as well as other forms of alternative ventilation) should be avoided whenever possible as it leads to a poor level of amenity. The issue then is a 5 metre barrier along the A142 or a significant reduction in dwelling numbers that would likely be below the 130 dwellings suggested in the Submitted Local Plan. If all constraints of areas at risk of flooding, noise and creating an attractive feature of Longmere Lane were taken as inviolable the number of dwellings would likely be between 75 – 100 dwellings. This level of reduction of dwelling numbers is not

considered to be reasonable even when the original site allocation is for up to 160 dwellings.

- 7.64 The developer has come up with a relatively innovative scheme (living willow fence) to bring the development to a suitable character on the A142 side and additional landscaping can help blend the fence in from the development side. This barrier still will create a poor amenity space for the public open spaces in the northeast and southeast corners of the site, as it wraps around them on two sides. However, the developer has overprovided on open space in order to provide a walking route (specifically for dog walkers) in order to prevent people travelling onto the SSSI. The lower level of public open space amenity is, therefore, not considered to be as detrimental as it would normally be due to people not expecting to stay in these spaces for long periods of time and that there is another substantial public open space a significant distance away from the A142 and barrier.
- 7.65 Weight is also being added to the fact that this site has been allocated for a substantial period of time.
- 7.66 It is the view of officers' that this application should only just be recommended for approval on the basis that the provision of up to 160 dwellings holds more weight than approximately 130 dwellings, that the bunds impact on open space is limited by the overprovision of open space and that a significant amount of landscaping can be secured/maintained.

## 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:
- Site is allocated for up to 160 dwellings in the Adopted Local Plan 2015.
  - Mechanical Ventilation should be avoided, unless absolutely necessary.

## 9.0 APPENDICES

- 9.1 Appendix 1 - Conditions



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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
17/00893/FUM	Andrew Phillips Room No. 011 The Grange	Andrew Phillips Senior Planning Officer
17/00926/SCREEN	Ely	01353 665555 andrew.phillips@ea stcambs.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>

APPENDIX 1 - 17/00893/FUM Conditions

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

Plan Reference	Version No	Date Received
LOC01	B	23rd May 2017
6867 G01 GARAGE TYPE	Rev B	31st January 2018
6867 G02 GARAGE TYPE	Rev B	31st January 2018
6867 G03 GARAGE TYPE	Rev B	31st January 2018
6867 G04 GARAGE TYPE		31st January 2018
6867 PL01 SANDRINGHAM	Rev A	31st January 2018
6867 PL02 STEVINGTON (TYPE A)		Rev A 31st January 2018
6867 PL03 STEVINGTON (TYPE B )		Rev A 31st January 2018
6867 PL04 STEVINGTON (TYPE A SID		Rev B 31st January 2018
6867 PL05 STEVINGTON (TYPE B)		Rev A 31st January 2018
6867 PL06 CARDINGTON	Rev B	31st January 2018
6867 PL07 CARDINGTON	Rev B	31st January 2018
6867 PL08 SMARDEN	RevA	31st January 2018
6867 PL09 LANGFORD L	Rev B	31st January 2018
6867 PL10 LANGFORD L	Rev A	31st January 2018
6867 PL11 LANGFORD L	Rev A	31st January 2018
6867 PL12 LANGFORD L	Rev A	31st January 2018
6867 PL13 LANGFORD P	Rev A	31st January 2018
6867 PL14 ASHLEY	Rev A	31st January 2018
6867 PL15 ASHLEY	Rev B	31st January 2018
6867 PL16 ASHLEY L	Rev A	31st January 2018
6867 PL17 ASHLEY P	Rev B	31st January 2018
6867 PL18 PENSHURST	Rev C	31st January 2018
6867 PL19 WELNEY	Rev B	31st January 2018
6867 PL20 MARSHAM	Rev B	31st January 2018
6867 PL21 PENSHURST & WELNEY		Rev C 31st January 2018
6867 PL25 PENHURST & MARSHAM		Rev A 31st January 2018
6867 PL22 PENHURST AND MARSHAM		Rev A 31st January 2018
6867 PL23 PENHURST & MARSHAM		Rev A 31st January 2018
6867 PL24 PENHURST, MARSHAM & PEN		Rev A 31st January 2018
6867 PL26 PENHURST & MARSHAM		Rev A 31st January 2018
6867 PL27 2B	Rev A	31st January 2018
6867 PL31	Rev C	31st January 2018
6867 PL32 2B & 3B	Rev A	31st January 2018
6867 PL36 MAYFIELD		31st January 2018
6867 PL37 ALDINGTON	Rev A	31st January 2018
6867 PL38 ALDINGTON	Rev A	31st January 2018
6867 PL39 TENTERDEN	Rev A	31st January 2018
6867 PL40 TENTERDEN	Rev A	31st January 2018
6867 PL41 TENTERDEN	Rev A	31st January 2018
6867 PL42 ALDINGTON		31st January 2018
6867 PL43 ALDINGTIN		31st January 2018
SL01	T	16th March 2018

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

2 FULL PLANNING PERMISSION FOR THE ERECTION OF 152 DWELLINGS AND ASSOCIATED ACCESS, PARKING AND OPEN SPACE

The development hereby permitted shall be commenced within 3 years of the date of this permission.

- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 Prior to above ground works a scheme of highway works based upon the principles shown on plan 47066/PP/015 Rev A shall be implemented in accordance with details to be submitted and approved in writing by the Local Planning Authority. The agreed development shall be completed prior to first occupation.
- 3 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017.
- 5 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise (including hours of construction work), dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 6 Prior to the commencement of development a Detailed Waste Management

and Minimisation Plan (DWMMP) shall be submitted to and approved in writing by the local planning authority.

The DWMMP shall include details of:

- a) Construction waste infrastructure if appropriate including a construction material recycling facility to be in place during all phases of construction
- b) anticipated nature and volumes of waste and measures to ensure the maximisation of the reuse of waste.
- c) measures and protocols to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site.
- d) any other steps to ensure the minimisation of waste during construction
- e) the location and timing of provision of facilities pursuant to criteria a/b/c/d.
- f) proposed monitoring and timing of submission of monitoring reports.
- g) the proposed timing of submission of a Waste Management Closure Report to demonstrate the effective implementation, management and monitoring of construction waste during the construction lifetime of the development.
- h) a RECAP Waste Management Guide toolkit shall be completed, with supporting reference material
- i) proposals for the management of municipal waste generated during the occupation phase of the development, to include the design and provision of permanent facilities e.g. internal and external segregation and storage of recyclables, non-recyclables and compostable material; access to storage and collection points by users and waste collection vehicles

The Detailed Waste Management and Minimisation Plan shall be implemented in accordance with the agreed details.

- 6 Reason: In the interests of maximising waste re-use and recycling opportunities; and to comply with policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) and the Recycling in Cambridgeshire and Peterborough (RECAP) Waste Design Guide 2012; and to comply with the National Planning Policy for Waste October 2014; and Guidance for Local Planning Authorities on Implementing Planning Requirements of the European Union Waste Framework Directive (2008/98/EC), Department for Communities and Local Government, December 2012.
- 7 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 7 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 8 No development shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.

- 8 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to permission being granted, however, the information is needed prior to commencement in order to ensure that the necessary infrastructure is able to be provided.
- 9 Prior to the commencement of development, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 9 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and LP23 and LP24 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to permission being granted
- 10 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 10 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.
- 11 The highway shall be built to adoptable standards as defined by Cambridgeshire County Council Housing Estate Road Construction Specification (current at time of commencement of build) before the last dwelling is occupied.
- 11 Reason: To ensure that the highways end appearance is acceptable and to prevent the roads being left in a poor/unstable state, in accordance with policies COM7 and ENV2 of the East Cambridgeshire adopted Local Plan April 2015 and LP17 and LP22 of the Submitted Local Plan 2017.
- 12 No development 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 and LP17 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to permission being granted.

- 13 No above ground construction shall take place on site until details of the external materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 13 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 14 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the first occupation of the plot(s) the boundary treatment relates to.
- 14 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 15 No development shall take place until a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 15 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 LP22 and LP28 of the Submitted Local Plan 2017. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 16 The road/footpaths and verges of the highway between Plot 5 and FW PS as shown on drawing number SL01 Rev T must go to the absolute site boundary prior to the occupation of the 6th dwelling plot on the site.
- 16 Reason: To avoid a ransom strip and to allow for highway access to the allocation site north of Blackberry Lane.
- 17 Prior to first occupation a scheme of changing in the priority of the junction with Regal Lane with Brook Street shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be carried out prior to first occupation.

- 17 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017. This is a Grampian Condition as the works are within the public highway.
- 18 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.
- 18 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015 and LP17, LP22 and LP30 of the Submitted Local Plan 2017.
- 19 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed. The scheme shall be based upon the principles within the agreed Flood Risk Assessment (FRA) prepared by Richard Jackson Ltd (ref: 47066 – Rev D) dated May 2018 and shall also include:
- a) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
  - b) Full details of the proposed attenuation and flow control measures;
  - c) Temporary storage facilities [if phased build out proposed];
  - d) Full details of the maintenance/adoption of the surface water drainage system;
  - e) Measures taken to prevent pollution of the receiving groundwater and/or surface water;
  - f) A timetable for implementation

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG

- 19 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 and LP22 and LP25 of the Submitted Local Plan 2017. The condition is pre-commencement as is detailed as one of the model conditions.
- 20 Prior to any above ground works commencing use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of ten years from the date of the planting (this excludes the living willow fence that is controlled via the S106), or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 20 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 21 No development shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.
- 21 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 22 Prior to above ground works commencing on plots 45 -46, 54-67, 110 – 135 and 153-160 (as defined by drawing number SL01 Rev T) the hereby approved 2.5 metre high bund and 2.5 metre high living willow fence along the eastern boundary shall be completed with all landscaping located on the bund having been planted in the planting season (November – February).
- 22 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 23 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated March 2017 Rev D, ref. 47066, compiled by Richard Jackson Engineering Consultants, and the following mitigation measures detailed within the FRA:
1. Finished floor levels will be set no lower than 5.5m above Ordnance Datum (AOD).
  2. Provision of floodplain compensation within the Public Open Space by lowering existing ground levels to 5.0mAOD, as detailed in drawing no. 47066-PP-016 Rev A.
- 23 Reason: To reduce the impacts/risk of flooding in extreme circumstances on future occupants, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017.
- 24 Prior to the commencement of development, a Rights of Way scheme shall be submitted to and approved by the LPA in consultation with the LHA. Such scheme shall include provision for:
- i. the design of public rights of way routes and their surfacing, widths, gradients, landscaping and structures.
  - ii. any proposals for diversion and closure of public rights of way and alternative route provision.
- 24 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to permission being granted.



25 OUTLINE PLANNING PERMISSION RELATING TO ONLY PLOTS 136 – 143 (AS DEFINED BY DRAWING NUMBER SL01 REV T).

Approval of the details of the access, design, layout, scale and landscape (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.

25 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.

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

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

27 The self build dwellings hereby approved will be developed as single plots as shown on the drawing SL01 Rev T (plots 136-143) submitted shall be completed in phases.

27 Reason: The self build plots will be developed individually, in a phased manner for the purposes of CIL.

28 Construction times and deliveries, for the self build dwellings shall be limited to the following hours 08:00 to 18:00 each day Monday-Friday, 08:00 to 13:00 Saturdays and none on Sundays or Bank or Public Holidays.

28 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.

29 No development shall take place until a scheme to dispose of surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation.

29 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 and LP22 and LP25 of the Submitted Local Plan 2017. The condition is pre-commencement as is detailed as one of the model conditions.

30 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.

30 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.