

**MAIN CASE**

**Reference No:** 19/00771/FUM

**Proposal:** Development of the land to provide a new 70-bedroom care home (Use Class C2), a children's nursery (Use Class D1), 18 dwellings (Use Class C3) and associated access, car and cycle parking, structural landscaping and amenity space provision

**Site Address:** Land Parcel East Of 2 The Shade Soham Cambridgeshire

**Applicant:** Frontier Estates

**Case Officer:** Barbara Greengrass, Planning Team Leader

**Parish:** Soham

**Ward:** Soham North  
 Ward Councillor/s: Victoria Charlesworth  
 Alec Jones

**Date Received:** 29 May 2019      **Expiry Date:** 13 January 2020

[U146]

1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE the application subject to the signing of the S106 Agreement and the following draft conditions with authority delegated to the Planning Manager and Legal Services Manager to complete the S106 and to issue the planning permission. The recommended planning conditions can be read in full within Appendix 1.

1.2 The S106 agreement will secure the following;

- 20% affordable housing.
- Transfer of POS, SUDs and attenuation fence to the Council with a financial contribution for the long term maintenance.
- Education and libraries contributions.
- Financial contributions towards the Commons
- Contribution for wheelie bins.

- 1 Approved plans
- 2 Time Limit - FUL/FUM - 2+ dwelling
- 3 Foul Water Scheme
- 4 Construction Environmental Management Plan

- 5 Sustainable development - Full
- 6 Surface Water Drainage
- 7 Boundary Treatment Details
- 8 Implementation of Noise Attenuation
- 9 Biodiversity Management Plan
- 10 Fire Protection (Hydrants)
- 11 Reporting of unexpected contamination
- 12 Piling foundations
- 13 Construction Times and Deliveries Restriction
- 14 Implementation of Soft Landscaping Works
- 15 Implementation of Landscaping and Parking Areas
- 16 Sample Materials
- 17 Implementation of Hard Landscaping Works
- 18 Ecological Mitigation and Enhancement
- 19 Relocation of Pedestrian Crossing
- 20 Binder Course Surfacing of Access Roads
- 21 Adoptable Highway Standard
- 22 Parking and Turning
- 23 Vehicular Visibility Splays
- 24 Pedestrian Visibility Splays
- 25 Standard Estate Road
- 26 Noise Levels of On-site Plant
- 27 Balcony Screening
- 28 Tree Protection Scheme
- 29 No pruning/cutting or felling/removal
- 30 Biodiversity Improvements
- 31 Sample Materials
- 32 Biodiversity Management Plan
- 33 Noise Attenuation
- 34 Footway Works
- 35 Residential Welcome Pack

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks permission, on a site of 1.78 hectares ( 4.39 acres), for the erection of a 70 bed care home, a 60 place children's nursery and 18 dwellings, of which 4 (20%), will be affordable housing, together with public open space.
- 2.2 A new vehicular and pedestrian access into the site is proposed from The Shade to the west of the site. This new access arrangement is the same as already approved under planning permission 16/00535/FUM, for the erection of 88 dwellings.
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.4 The application has been brought to Planning Committee because it proposes less than the 30% policy compliant provision of affordable housing units.

### 3.0 PLANNING HISTORY

#### 3.1

16/00535/FUM	Erection of 88 dwellings, garages , parking, roads & associated site works	Approved	09.08.2018
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### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is located within the settlement boundary for Soham and forms part of a larger site allocation for employment/mixed use allocation under Local Plan Policy SOH9.

4.2 The site consists of an agricultural field, under arable cultivation. The site is located adjacent to the existing Northfield Road Business Park and residential properties bound the site to the north with a Public right of Way bounding the site to the south with the field beyond allocated for housing within the Local Plan, Policy SOH8.

### 5.0 RESPONSES FROM CONSULTEES

5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

#### **Parish - 2 July 2019**

Soham Town Council welcomed the proposed development for a new care home and children's nursery. STC commented that pedestrian (foot traffic) would have difficulty accessing the local amenity without safety and surface improvements to the footpath.

#### 1 August 2019

No objection and support noted for resident amenity provision/employment opportunity

#### **Local Highways Authority - 1 July 2019**

Cambridgeshire County Councils Transport Assessment Team are reviewing the impact of this development.

Byway no 205/23 runs to the east of this site; I note that Cambridgeshire County Councils Rights of Way Team have also been included in this consultation.

The road to the care home has insufficient public utility and would not be considered for adoption.

The northern extent of the access road to the side of plot 13 has insufficient public utility and would not be adopted beyond 20m from the nearest junction. It is noted that visitor parking extends beyond this point.

The local planning authority should be satisfied with provision made for car and cycle parking with respect to the care home, nursery and residential units.

The following points require attention:

1. The offsite works appear to be the same as those granted permission with respect to earlier application for this site 16/00535/FUM. Providing the Transport Assessment Team have no concerns regarding any increase in peak time movements that may necessitate layout amendments, I would have no further comments with respect to this element. These works need to be secured appropriately.
2. In addition to road and footway widths already provided, accurate dimensions should be provided to junction radii, visibility splays, parking spaces and turning areas.
3. The access bell-mouth to the nursery carpark is too close to the bell-mouth serving the care home, I would recommend that the nursery carpark access be changed to a 5m wide dropped kerb crossover in a continuous footway, with one way working, exiting onto the care home road.
4. It is recommended that the footway width be increased to 2m, especially given the nature of proposed use.
5. The development should be designed to 20mph. the main run to the area of housing with single sided development is likely to exceed this desired design speed. It is therefore recommended that measures to manage speed be provided, possibly in the form of a junction table extending between the eastside of the nursery access and plot 3, so as to cover both proposed junctions.
6. The designer must demonstrate that appropriate visibility splays are detailed at junctions; this should be 2.4m by 25m, providing a 20mph design speed is achieved. This is not currently apparent on the junction between the care home road and nursery carpark, where planting/wall, would appear to obstruct visibility to the north.
7. 2m by 2m pedestrian visibility splays must be detailed between all vehicular accesses and footways. Locations such as plot 12 where a 2.2m brick wall is indicated adjacent to a parking area would not currently achieve this.
8. While the junction on the eastern side of the access road is proposed to serve future development, this layout would not be acceptable in the interim. The eastern footpath should be continued through parallel to the road until such time as additional development it progressed.
9. Tracking movements provided show vehicle swept paths overhanging kerb lines and footways. This is not acceptable and layouts should be amended accommodate vehicle movements accordingly.
10. The Flood Risk Assessment and Surface Water Strategy document states that surface water system will utilise and Anglian Water surface water sewer in The Shade and it also refers to other drainage interventions such as permeable paving, swale and detention basin. For the avoidance of doubt CCC do not adopt SUDs features or permeable paving. For the highway to be adopted, the surface water system must be approved and maintained by an appropriate drainage authority. Accurate details of how the site is to be drained should be provided.

#### 17 September 2019

The following points from my previous correspondence dated 1<sup>st</sup> July 2019 remain outstanding and require resolution:

2. Parking space dimensions have not been detailed as requested; while the majority of residential parking places appear to scale at 5m by 2.5m, which is acceptable, those serving the care home appear to be slightly short of these dimensions. This should be clarified or amended as necessary.

8. This point has not been resolved. It would not be acceptable to provide a discontinuous footway in the aspiration of serving future development, with no certainty of this being progressed. This application should consider this development in isolation, with any amendments forming part of later applications.

9. No vehicle track movements have been provided, so it is not possible to determine whether this matter has been resolved. The turning head adjacent to plot 12 appears to have been amended and it is unclear whether it continues to be workable for turning of a large vehicle, such as a refuse freighter. This must be clarified.

With respect to the amended plans, the following additional points require attention:

- The shared surface to the front of plots 18 to 13 is not designed to adoptable standards. This should be amended in line with Appendix 6 of Cambridgeshire County Councils 'Housing Estate Road Construction Specification (HERCS)' to incorporate 0.5m hardened maintenance strips on either side of a carriageway of minimum 5.5m, a ramp at transition between shared and segregated surface and footways extending beyond the tangent points of the junction radii.
- The brick walls proposed to the side of plot 11 and between the residential cul-de-sac and the care home carpark appears to be located directly adjacent to the trafficked surface. This should be amended to be offset a minimum of 450mm from the carriageway edge.

It should be noted that the proposed relocation of the existing road hump to provide an uncontrolled crossing as part of the offsite works will require advertising under 'The Highways (Road Humps) Regulations 1999' and therefore may not be deliverable unless authorised in advance of any planning approval. The applicant must contact Cambridgeshire County Councils Policy and Regulations Team for further advice on this matter.

#### 12 November 2019

While I continue to have reservations regarding the failure to provide a continuous pedestrian route along the southern footway, I have no objections in principle to the proposed layout, providing the assessment associated with the development is accepted by county councils transport assessment team. I note that as of the consultation document dated 28<sup>th</sup> October 2019, this has not yet been accepted. As previously advised in correspondence dated 1<sup>st</sup> July 2019, the road to the care home has insufficient public utility and would not be considered for adoption. Likewise, the northern extent of the access road to the side of plot 13 would not be adopted beyond 20m from the centreline of the nearest junction. It is noted that visitor parking extends beyond this point.

I would also reiterate my comments of 17<sup>th</sup> September with respect to offsite works, that the existing road hump to provide an uncontrolled crossing as part of the offsite works will require advertising under 'The Highways (Road Humps) Regulations 1999' and therefore may not be deliverable unless authorised in advance of any planning approval. The applicant must contact Cambridgeshire County Councils Policy and Regulations Team for further advice on this matter.

Subject to agreement of the Transport Assessment Team, please append conditions and informatives.

**CCC Transport team - 10 July 2019**

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.

10 September 2019

Technical Note comments - 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.

11 September 2019 – Travel Plan comments - The travel plans 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.

28 October 2019 - Technical Note comments - 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.

15 November 2019 - Technical Note comments - 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.

16 December 2019 - Having reviewed the relative impacts of the development on The Shade and the A142 roundabout the development is not expected to cause a serve impact at these junctions.

The Highway Authority does not object to the application subject to the following:

1. Prior to first occupation of the development, the applicant shall widen the footway fronting the site on The Shade to 2 metres in width. This should be on any land within the red and blue line. Full details to be submitted to and approved in writing by the Local Planning Authority.
2. Prior to first occupation of the development, the developer shall be responsible for the provision and implementation of a Residential Welcome Packs for sustainable transport, approved by Cambridgeshire County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

**Environmental Health - 12 June 2019**

Due to the proposed number of dwellings and the close proximity of existing properties I would advise that construction times and deliveries during the construction phase are restricted to the following:

07:30 – 18:00 each day Monday – Friday

07:30 – 13:00 on Saturdays and  
None on Sundays or Bank Holidays

I would also advise that prior to any work commencing on site a Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing with the Local Planning Authority (LPA) regarding mitigation measures for the control of pollution (including, but not limited to noise, dust and lighting etc) during the construction phase. The CEMP shall be adhered to at all times during the construction phase, unless otherwise agreed in writing with the Local Planning Authority (LPA).

If it is necessary to undertake ground piling I would request that a method statement be produced and agreed in writing with the Local Planning Authority (LPA) before work takes place. If there is no intention to utilise ground piling then I would request this be confirmed in writing and a condition which prevents it be attached until such time as a ground piling method statement is agreed with the LPA.

I note that Claire has previously had discussions with you regarding this site for application 16/00535/FUM where it was found that with mitigation (1.8m barrier on the eastern side of the northern part of the development) and the LPA finding the development necessary and/or desirable (and therefore relaxing the internal sound levels by 5dB) this department had no objections to raise.

My first impressions from looking at the layout of the site is that there has been sensible placement of the residential dwellings behind the care home which will offer some screening from road traffic noise.

Noise Report produced by SLR, dated May 2019.

External amenity areas are predicted to meet acceptable levels for the residential dwellings but that “external noise levels on the patios along the southwest façade of the care home facing The Shade are above the 55 dB LAeq,16hr recommended threshold, by around 3 – 4 dB. However, it is considered that this is not exceptionally above the target and alternative shared amenity areas are available to residents in the central gardens”. If there are alternative external amenity areas for the care home then I wouldn't look to object to this or request further mitigation.

With regard to the internal noise levels of the residential dwellings, the report has demonstrated that all the internal sound levels across the development site can be met with a partially open window.

With regard to the care home, internal noise levels have been shown to be met with a partially open window, on facades facing on to the central gardens as well as the northeast façade. For the south western facades internal levels cannot be met with an open window and so rely on closed windows and trickle ventilation. I am aware that this is not likely to be seen as acceptable by the LPA and so alternative mitigation may be necessary. I have checked the indicative layout for the care home and a double aspect glazing element for each room does not seem feasible so you may wish to have further discussions about this element of the report.

Noise from the business park and the nursery playground have been modelled as a worst-case hour, rather than a 16-hour daytime average. The assessment has also

been made with on the assumption that a 2m high acoustic fence is in place within the tree line on the north-east boundary of the proposed site, close to the business park. The findings indicate that based on a worst case scenario the business park is predicted to exceed the background noise level by around 3dB (externally) on occasion. This would not exceed the desired internal levels with a partially open window and if taking in to account the closed boarded fencing I would not expect the noise to be an issue in the external amenity spaces either. It should be noted that the NIA indicates that road traffic noise predominantly dominates the soundscape and so I would have no concerns to raise regarding noise from the business park.

Noise impact on the surrounding area from mechanical plant is difficult to judge when specific details of the plant which will be installed at the care home are not yet available. In the absence of this information the report recommends a rated limit of below 46dB during the day and 33dB at night at the nearest sensitive receptors for any external plant to be installed. Alternatively/additionally I would be happy if we could attach a condition which prevents the installation of external mechanical plant without prior approval from the LPA so that we can ensure that residential amenity is not impacted upon.

15/11/2019 - The road traffic noise heat map included in the letter dated the 7<sup>th</sup> October is an LAeq,16 hr prediction rather than an LAeq,1 hr (worst case scenario) prediction included as part of the Noise Impact Assessment dated May 2019. This latest heat map averages the road traffic noise over a 16 hour period and has predicted a reduction in sound levels by 1.5dB. The heat map demonstrates that this will result in a greater proportion of the site falling within the 40-45dB level. The sound level at the care home's western façade is not dramatically changed by this but from our discussions I understand that you are in dialogue with the applicant to find a solution.

5/12/19 - I've read the Noise Impact Clarifications document and agree with the recommendations within. If you are happy to accept passive trickle ventilation then I would be happy with the wording of the proposed condition which SLR have suggested at the bottom of page 2.

**Environmental Health (Scientific) - 30 July 2019**

I have read the Preliminary Land Quality Risk Assessment report prepared by SLR dated March 2019 and accept the findings. I recommend that a condition requiring further investigation for contamination is not required. Due to the proposed sensitive end use of the site (residential) I recommend that standard contaminated land condition is attached to any grant of permission.

**Housing Section - 1 July 2019**

The Strategic Housing Team supports the above application in principle, as it will deliver 20% affordable housing on site. (18 dwellings will secure 4 affordable dwellings).

The developer has stated they intend to deliver the affordable dwellings as 2 x two bedroom houses as rented and 2 x two bedroom houses as shared ownership. The councils required tenure split in accordance with the Strategic Housing Market Assessment is 77%rented and 23% shared Ownership, therefore we would require the affordable housing to be delivered as 3 x two bedroom house for rent and 1 x two bedroom house for shared ownership.



2/12/19 – No further comment to make regarding the amendment to the affordable housing plot numbers. The scheme will deliver 20% affordable housing on site.

**ECDC Trees Team - 10 July 2019**

The submitted Arboricultural Implications Assessment is acceptable.

Comments regarding the Soft landscaping scheme have been verbally communicated to the case officer to be passed on to the applicant.

19 December 2019 - The site has been in agricultural management and therefore there are no significant trees within the site, all vegetation is within the boundary hedges.

Only G1 is to be removed and this is not to facilitate development, it is a poor group of re-generation Elm and its removal is not contentious, the tree protection details submitted in the CBA tree report are acceptable.

There are no arboricultural reasons to refuse the proposed development.

Landscape Comments - The location and number of tree(s) in small locations being planted needs to be considered, the landscape strategy shows 2-3 trees planted in areas between and on the corner of car parking spaces. To ensure any trees planted in these areas establish and survive ideally only one should be planted, providing one specimen with the rooting space and space to develop a canopy which can be managed. Some of the proposed planting e.g. between plot 9 and 10 at the front and plot 13 visitor parking area, appears very small e.g. 1-1.5m, any tree planted in such a situation is unlikely to establish or survive due to physical damage.

Details of proposed species to be planted needs to be submitted as part of a soft landscaping scheme, this can be conditioned.

**Technical Officer Access - 26 June 2019**

All accessible (Blue Badge) parking spaces need to be a ratio of 6% of total places.

Houses

As there is a pathway in front of the houses, there is not sufficient room to create a ramp should one be needed. All pathways should be firm, level and slip resistant. Level entrance required.

Care Home

Public accessible toilets have doors opening inwards, should be outward opening. Flexible seating required in dining room, café etc.

Nursery

No accessible toilet on the ground floor.

All the statements in the Design and Access Statement should be complied with to BS8300 (2009/2018)

**Lead Local Flood Authority - 1 July 2019**

The present submission proposes to intercept runoff at the source through use of type B permeable paving (a combination of infiltration and positive drainage). For rainfall events up to the 1 in 30 (3.3% AEP), the permeable paving will discharge straight to the swale, which will discharge to a Middle Level and Mere IDB drain via a short section of Anglian Water sewer. In events greater than 1 in 30 (3.3%), the permeable paving will overflow to an attenuation basin, before discharging to the swale via a surface water sewer.

At present we **object** to the grant of planning permission.

9 September 2019

We are able to remove our objection to the proposed development.

Surface water from the proposed development can be managed through the use of permeable paving, overflowing to an attenuation basin and discharging to a re-profiled ditch restricting surface water discharge to 3.5l/s.

The LLFA is supportive of the use of permeable paving as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment which is of particular importance when discharging into a watercourse. The LLFA also welcomes the use of the Sedum Roof and Bog Garden, as these also provide betterment for water quality treatment, along with further biodiversity benefits. There is medium-high local surface water flood risk to properties north of the site, however the strategy proposes to re-profile the land, directing exceedance flows away from both the existing properties to the north and the proposed development.

Condition recommended.

**Anglian Water Services Ltd - 8 July 2019**

There is capacity in the system for these flows. Please see full response on Councils website.

14 November 2019 - Soham Water Recycling Centre - In relation to the treatment works, the developer is not liable for the funding of any infrastructure upgrades to water recycling centres (WRC). Investment in WRC is triggered by a number of risks including growth, regulatory changes and process deterioration.

Water Recycling Long Term Plan - The Anglian Water, Water Recycling Long Term Plan looks at growth across our region and the impact that growth could have on our water recycling centres.

This Plan proposes investment that has been reviewed as part of our investment planning, but could be subject to change according to risk and Ofwat determination of our Asset Management Plan (AMP)7 Business Plan. Soham WRC is mentioned and identified as a WRC where investment is likely to be required. It identifies £5.4 million to be spent on additional WRC capacity in AMP 9 (2030-2035). In addition to this, in AMP7 (2020-2025) we will be installing catchment flow monitors at Soham WRC to monitor the impact of growth. Our investment process is adaptive to change, if delivery of growth is moving faster than we expected then we will look at providing resources sooner, in-line with growth. It is important to note that we will only invest when growth is certain.

Soham catchment Strategy - The Environment Agency response is in relation to Soham WRC and not the network. The Soham catchment strategy is in relation to the foul network. We are continuing to work with developers to ensure their on-site drainage aligns with the overall foul strategy.

Non-mains solutions and halting growth - We would not recommend halting new development proposals at any point, Anglian Water work closely with developers and monitor planning applications to ensure any infrastructure improvements are delivered in line with new developments. We regularly meet with developers and request their delivery timetable and use local planning authority housing trajectory data to understand key need dates. We liaise with the EA on a regular basis to discuss all our WRC permits.

This information feeds into our investment programme, and as stated above, our WRC investment process is adaptive to change.

We note the suggestion for onsite treatment solutions, such as package treatment plants. The Environment Agency issue permits for all such proposals and are unlikely to do so when there is a public network nearby.

Anglian Water is aware of the growth coming forward in the catchment of Soham WRC and will invest accordingly. We will continue to work with the Environment Agency and make changes to permits and processes as and when required. The Soham foul network strategy is progressing and we are continuing to work with developers as they progress their onsite drainage strategies

#### **The Ely Group Of Internal Drainage Board – 26 July 2019**

The application for development is just outside of the Middle Fen and Mere Internal Drainage District but within an area that drains into it.

The property adjacent to this site has a history of flooding from overland flows from this site. The Board understands that the adjacent owner has built a flood wall to try to prevent a reoccurrence. The industrial site to the north of this development drains through this site. This discharge should not be impeded and needs to be allowed for in site calculations.

The Board welcomes the greenfield run off rate that has been used in the Flood Risk Assessment calculations. The discharge will require the prior consent of the Board. It is important that there is a long term maintenance plan for the on-site surface water features.

23 October 2019 –The Board has agreed in principle to a discharge of 5.5 litres/second from the site.

#### **Environment Agency - 2 July 2019**

We have no objection to the proposed development but wish to make the following comments:-

Water quality/waste water.

New development in Soham needs to be carefully managed in order to protect the local water environment.

The East Cambridgeshire District Water Cycle Study (Final Draft Report, November 2017) assessed the potential impact of the full quantum of growth expected to connect into Soham WRC. The Water Cycle Study demonstrated that proposed development identified in the Local Plan can be serviced without causing a breach of environmental legislation provided that the current discharge permit is amended to tighten the effluent quality permit limits in line with the increase in discharge flow. It also suggests that upgrades to the WRC will likely be required.

The latest measured flow data we have received from Anglian Water suggests that the foul flows through Soham WRC are now approximately 90% of the maximum permitted by the current discharge permit. Our estimate (not confirmed by Anglian Water) is that there may be sufficient capacity to accommodate in the region of 400 new domestic properties before a breach of permit conditions, and a resultant threat of deterioration in the Soham Lode, occurs. Any deterioration in status of the Soham Lode would be in breach of Water Framework Directive obligations and the current River Basin Management Plan.

It is clear that there is currently capacity at Soham WRC to accommodate some additional foul flows from new development, and this application, in isolation, is not a cause of concern. The East Cambridgeshire District Water Cycle Study, however, demonstrates that the full quantum of foul drainage from other new development sites expected to connect into Soham WRC, in combination, cannot be accommodated within the current discharge permit.

Foul drainage capacity cannot be reserved for individual development sites, therefore it would be prudent, when determining each new planning application in-and-around Soham, to specifically consult Anglian Water regarding the current WRC capacity and any requirement for new sewerage infrastructure.

Upgrading of the wastewater treatment works (and determination of associated environmental permits) may require some control on the phasing of development in order to ensure the continued protection of the water environment throughout the Plan period.

**Natural England - 1 July 2019**

No objection - Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

22 October 2019 - The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

**Cambs Wildlife Trust - 2 July 2019**

I have reviewed the Ecological Impact Assessment (EclA) report accompanying the above planning application and am satisfied with the conclusions that the site is

currently of limited ecological interest. Should permission be granted, in order to minimise the risk to protected species, the mitigation and enhancement measures in section 5 of the EclA report should be required by way of a condition.

With regards to delivering a net gain in biodiversity, in line with national planning policy, the landscape plans show the majority of the site will be buildings/hardstanding, with only small areas of retained and created habitat, some of which will be amenity grassland, which is of low ecological value. Therefore based on areas of habitat alone, it is likely there would be a small net loss in biodiversity. However, I welcome the consideration that has been given to additional potential enhancements and provision of resources for wildlife. Provided that all of the proposed mitigation and enhancement measures detailed in section 5 of the EclA, including creation of new linear habitat (native hedgerows), use of flowering lawn mix to increase biodiversity in amenity areas, creation of a bog garden, enhancement of drainage ditches, provision of bird, bat and invertebrate boxes, bird feeding and water stations, sedum roof, and inclusion of native and wildlife-friendly planting in borders are incorporated and suitable management put in place to maintain them in future, I consider the proposals should be able to deliver a small net gain in biodiversity. I recommend that should permission be granted, a condition is attached requiring the production of a Biodiversity Management Plan for the site, providing details of creation and ongoing maintenance of habitats and other biodiversity enhancements, in accordance with the measures listed in the EclA.

No assessment has been made of potential impacts on nearby designated nature conservation sites. There may be potential impacts from increased recreational pressure on nearby sites such as Qua Fen Common, particularly as the proposed open spaces on-site are unlikely to provide sufficient area or suitable features to meet all of the recreational needs of the new residents. Although the development is relatively small, there are a number of other existing and proposed developments in Soham, and the cumulative impacts of all of these on existing open spaces must be taken into account. I recommend that further information is provided assessing to potential impacts on nearby designated conservation sites, which may require consideration of additional mitigation.

**Cambridgeshire County Council Education - 2 August 2019**

Contributions sought for primary education - £38,493, secondary - £49,334 and Life Long Learning £2,701. Contributions sought for early years not sought because of the nursery provision on site.

**September 2019 - updated**

Early Years - £59,976 if the on-site nursery is not delivered, primary - £59,976, secondary - £49,334 and Life Long Learning - £1,895.

**Cambridgeshire Fire And Rescue Service - 20 June 2019**

Adequate provision be made for fire hydrants.

**Dept of Social Services - No Comments Received**

**Consultee For Other Wards In Parish - No Comments Received**

**Cambridge Ramblers Association - No Comments Received**

**NHS Cambridgeshire** - No Comments Received

**Ward Councillors** - No Comments Received

**Asset Information Definitive Map Team** - No Comments Received

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

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

5.2 Neighbours – A site notice was posted and advertisement placed in the Cambridge Evening News. 42 neighbouring properties were notified. Four responses were received and are summarised below. A full copy of the responses are available on the Council's website.

- More mature trees along the bridleway
- Welcomed change in the proposed earlier developments
- Ensure consideration of the privacy of properties along The Shade in that they are not overlooked
- Need to ensure that drainage is addressed and dealt with as the area can flood
- Ensure the area is safe and secure with landscaping and tree planting, ensuring that road access is safe and deters and speeding around the development
- Fully support of the application as it will be an all-round benefit for a wide range of ages
- No objection to the change in the application, however concerns over the open green space in the respect of easy access to the travelling community and the trouble and rubbish it would attract
- Need to address the additional surface water the development will attract and how it will be dispersed
- Provides badly needed services and should have the Councils full support

## 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
HOU 6	Residential care accommodation
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
COM 7	Transport impact
COM 8	Parking provision
SOH 8	Housing allocation, land east of The Shade
SOH 9	Employment/mixed use allocation, land east of The Shade

## 6.2 Supplementary Planning Documents

Design Guide  
 Developer Contributions and Planning Obligations  
 Cambridgeshire Flood and Water  
 Contaminated land

## 6.3 National Planning Policy Framework 2019

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

## 6.4 Planning Practice Guidance

## 7.0 **PLANNING COMMENTS**

### 7.1 **The Proposal**

### 7.2 The Care Home

7.2.1 A two storey building, the care home will accommodate 70 elderly residents and provide 24 hour care for the frail elderly, providing a full range of residential, nursing and dementia care needs, including end of life and palliative services. The care home will offer state of the art facilities where the long term needs of residents can be met on one site as care requirements change.

7.2.2 The care home will exceed the space standards set by the CQC and incorporate, bedrooms with en-suite, spacious communal and amenity spaces incorporating café, hairdressers, cinema room, activity rooms, lounges, dining spaces and quiet rooms. Many of these facilities are to be opened up for use by the public and community groups to integrate the home with the local area and to provide a busy

and vibrant atmosphere within the care home. On site kitchen and laundry, Staff facilities, including lounge, training areas and changing rooms. Landscaped amenity areas and sensory garden, car and cycle parking as well as spaces for deliveries and ambulance will also be provided.

### 7.3 The nursery

7.3.1 A two storey building, this will provide day care and education for up to 60 children under 5 years old. A wrap round external play space to the front and side of the building. Parking and drop off space to the rear. First floor accommodation will provide facilities for babies and toddlers sleeping. Sited nearest to the site entrance to avoid conflict with other site uses and as the use generating the most traffic and pedestrian access.

### 7.4 Housing

7.4.1 18 x 2 storey dwellings, comprising 8 x 3 bed semi detached, 2 x 3 bed detached and 8 x 2 bed semi detached. Each with on plot parking for two cars.

7.4.2 Affordable housing – 20% provision in the form of 4 x 2 bed dwellings.

7.4.3 Each property has two parking spaces in front and side by side. Provision of 5 visitor parking spaces.

7.5 The main issues to consider to the determination of this application are:

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

### 7.6 Principle of Development

7.6.1 The site is located within the settlement boundary of Soham and forms part of a larger allocation of land for employment use within Policy SOH 9 of the East Cambridgeshire Local Plan. This development is therefore contrary to that Policy.

7.6.2 However, weight must be given to the fact that planning permission was granted in 2018, for the erection of 88 dwellings on this site, together with the land to the south. At that time, it was accepted by Planning Committee that there is limited demand for commercial land within Soham and that it would not be viable to bring this land forward for employment use. Officers, at that time sought the advice of an independent Valuer who agreed that there was very limited demand and that other similar sites have remained undeveloped. The Valuer also looked at the viability of developing this part of the site for employment use and concluded that, taking account of the values that might be achievable, the viability must be called into



question. It was therefore accepted that, in reality, this site is not likely to deliver employment use, and on that basis permission was granted for residential use.

- 7.6.3 The principle of residential use on this site is therefore established, and that permission is extant. Turning to the provision of the children's nursery, there are no specific policies in the Local Plan which cater for this provision. However, the principle of providing child care facilities within one of the main towns of the District, is acceptable in terms of the locational strategy of the Local Plan and sustainability being well located near to existing residents and the Shades Primary School. It will also allow for accessibility by other modes of transport.
- 7.6.4 In terms of the residential care home this is supported by Policy HOU6 of the Local Plan as it is located within a settlement which offers a range of services and facilities. The applicant has also provided evidence of need. The Policy points to a significant growth in the proportion of older people in the area.
- 7.6.5 The applicant has advised that there is a shortage of care home accommodation in the area. The level of demand for market standard bed spaces within the catchment area for the site (which is centred on a 6 mile distance), is currently equivalent to 386 bed spaces. The existing provision within this catchment comprises only 4 care homes, providing a total of 131 bed spaces. Much of the provision is within older housing stock and only 34 of the bed spaces are registered with the CQC to provide nursing care. Taking into account the limited existing supply, the current shortfall in provision is equivalent to 255 bed spaces, which is expected to increase to 344 by 2025.
- 7.6.6 The scheme for this site will be an exemplar in terms of the standard of facilities and the provision of support and care. Through the detailed design of the accommodation and the provision of care and support, the proposal will allow frail elderly residents, often with dementia, to remain as independent and active as possible and to interact with others. The physical layout will also adhere to the best practice principles set out in the CCC care suite model and will exceed the CQC requirements as well as the bedroom sizes achieved on other recent care home consents.
- 7.6.7 Further benefits of the care home are that it will contribute towards the housing requirement as it has the potential to free up other sectors of the housing market by releasing much needed family housing, as residents moving into care home accommodation often downsize and the proposal therefore delivers a knock on housing benefit. This is recognised within the NPPG which states that;
- “In decision taking, evidence that development proposals for accessible manageable homes, especially for older people will free up under-occupied local housing for other population groups is likely to demonstrate a market need that supports the approval of such homes (Para 037)”.
- 7.6.8 Consideration has also been given to the implications of this development on the delivery of the remainder of the employment allocation to the north, as Policy SOH 9 requires the land to be accessed from The Shade, and it would not be appropriate in planning terms, to access this employment land via this site. Alternative access points were explored at the time of the previous permission, and it was accepted

that alternatives do exist, should this parcel of land come forward for employment use. Consideration has also been given to the principle of siting residential properties alongside employment uses, in terms of the impact of potential noise and disturbance on residential amenity. It was previously considered, when determining the previous planning application, on this site, that since it was the original intention of Policies SOH 8 and 9 to accommodate these uses alongside one another, this principle has been accepted. Any subsequent noise mitigation measures which would need to be provided to protect residential amenity will need to be addressed as part of any future scheme coming forward to develop the land to the north.

- 7.6.9 Consideration has also been given to the implications of this development on the delivery of the remainder of the site to the south, which was granted planning permission for 49 of the 88 dwellings approved under 16/00535/FUM. The access will be shared with this development and the road link has been retained to this land, in the same position as previously approved. In addition, as the local planning authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Planning policies relating to the supply of housing, must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework.
- 7.6.10 This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits. The benefits of this application are considered to be: the provision of 18 dwellings including affordable housing and residential care accommodation built to modern, sustainable building standards and the positive contribution to the local and wider economy in the short term through construction work and future occupiers of the dwellings. As the residential care accommodation will contribute to the housing requirement this is also a significant benefit of the scheme, to be given significant weight in the planning balance.
- 7.6.11 Additional benefits, attracting significant weight is the provision of much needed Early Years school places in the catchment which CCC have advised is in demand and in future years demand will significantly outstrip supply. In addition, Policy GROWTH 3 of the Local Plan lists the need for new Early Years (nursery), facilities within Soham as a key infrastructure requirement relevant to growth in the District. The site is conveniently positioned near to local employment, existing and new housing and The Shade Primary School. The use is also highly compatible with the proposed care home allowing for multi-generational interaction.
- 7.6.12 Benefits from the scheme also arise from the provision of additional jobs. It is anticipated that the care home will create jobs for approximately 80 staff (full time equivalent) and nearly 100 jobs overall (both full and part time). The applicant states that the large majority would be recruited from the local area. The children's nursery will generate an additional 15 to 20 jobs. The new facilities will also create knock on employment opportunities through associated facilities and services to support the on-going operation. These economic benefits are significant in the context of the sites historic allocation as an employment site and therefore provides a favourable comparison to the extant residential permission.

- 7.6.13 The community rooms within the new care home, including café, hairdressers and activity rooms will also be available for use by the public and community groups by arrangement thereby complimenting wider community objectives for the area. An additional social benefit is that the proposal can help to minimise the costs to health and social services. Residents will primarily be drawn from the local area. In providing specialist and dedicated in-house care and support, the new care home will reduce the need for residents to call on local healthcare services.
- 7.6.14 Given all of the above, including the planning history of the site it is considered that the benefits of the development attract significant weight and accords with the economic and social strands to sustainable development.

## **7.7 Visual Impact & Housing Mix**

- 7.7.1 The most significant feature of the site is the presence of Public Byway 23 across the site, which provides a valuable amenity to the local residents as a well used route, linking to the network of paths to the east of the site and also providing links to Public Byway 21, which runs along the eastern edge of the site, and Public Right of Way 25, which links to the Northfield Park development to the south. The importance of this attractive route is highlighted within Policy SOH 8 where it states that any development of the site for housing should retain and enhance this green lane and retain and enhance the public footpaths crossing the site.
- 7.7.2 The green Byway 23 will remain in-situ and undisturbed as an important feature of the site. It is considered that whilst the rural and tranquil nature of the lane will be lost, to some extent due to this development, the Byway was already subject to change as part of the previous planning permission. The Byway to the east will also remain in-situ.
- 7.7.3 The site, is also well enclosed from the east and north by mature boundary vegetation and the industrial estate, and to the south by mature trees and hedging along the Byway. The most open view of the site will be from The Shade and it will also be visible from the A142 although will be set back some distance from it. The development will be prominent along The Shade but as frontage development will not appear out of keeping with the mix of development types in the vicinity and the existence of new housing development nearby. The care home and nursery are set back more than 20 metres from The Shade separated by a planted swale feature.
- 7.7.4 The obvious desire to retain as much of the existing landscape features surrounding and within the site including the Byway and public footpath within the site, both advocated by Policy SOH 8, have formed key parameters which have dictated the layout concept, as has the need for noise attenuation. In addition, the desire to ensure existing amenities of residents adjoining the site are protected as much as possible has also formed a key factor on the layout masterplan.
- 7.7.5 Within the rear part of the site the layout allows for the new houses to front the public open space. This enhances the setting for the new development as well as promoting surveillance and allowing the houses to be positioned away from the commercial premises to the east. The layout will also facilitate integration with the consented development to the south as it will continue to allow the two areas of open space to merge, forming an extended green link. The public open space area

includes the strip of land to the front of the site and satisfies the Council's requirements for size. The existing public footpath Byway 21 runs along and within this open space and therefore remains in-situ. It is proposed to site a noise attenuation fence along the eastern boundary of the site behind the existing mature hedge which bounds the site so this will not be highly visible and will help to protect residential amenity.

- 7.7.6 In accordance with the Council's SPD guidance the amount of public open space provided exceeds that expectation and the ditch and open land, to the front of the site is not included in this calculation.
- 7.7.7 An appropriate relationship will be achieved between the care home and the houses with the use of boundary treatment including brick walls and planting. The detached dwelling most visible upon entering the site will provide a feature house with a landscaped frontage.
- 7.7.8 The scheme as a whole comprises largely semi-detached dwellings with parking to the front and two detached dwellings. The designs are reflective of the previous permission and in keeping with the character of the area. Simple rectilinear forms and materials following the local palette of buff and red brick, with the use of render and weather boarding is acceptable.
- 7.7.9 Whilst the care home will be a relatively large building, the careful design has meant that the mass is broken up through architectural treatment, roof form, materials and landscaping. The building will then read as a series of distinct elements rather than a single mass. The elevations include a number of projecting gable end features and the roof profile is staggered with variations in height. The new building is designed to complement the locality, comprising a relatively traditional brick building but incorporating render and weatherboarding with dark grey roof tiles. The nursery building materials will be taken from the same site wide palette. The scheme is to retain existing vegetation and supplement this with new planting to include new hedge planting.
- 7.7.10 The scheme also provides for attractive feature walls as these are required for security along the front of the care home and nursery but these will have steel railing infills as will the wall separating the care home from the residential properties.
- 7.7.11 The affordable housing mix is acceptable to the Strategic Housing Officer and will be secured by S106 legal agreement. The 20% provision does not comply with Policy HOU3 of the Local Plan which requires 30%. However the recent Council, Viability Assessment Information – Interim Policy Support document, April 2019, suggests that the affordable housing targets set out in Policy HOU3 of the Local Plan are not wholly up-to-date. The report recommends that for Soham, the affordable housing requirement should be reduced to 20%. This development complies with this up to date document.
- 7.7.12 The mix of houses also complies with Policy HOU1 of the Local Plan comprising 2 and 3 bed dwellings.

7.7.13 Overall the housing mix and layout is considered acceptable and the uses have been laid out so they successfully integrate with each other. The proposal is considered acceptable visually, complying with Policy ENV1 and 2 in this regard.

## **7.8 Noise and residential amenity**

7.8.1 The residents impacted by this development are to the north, immediately adjoining the site. This dwelling fronts The Shade and has an extensive rear garden. The Care Home is situated some 5 metres from the boundary with this property and is set back from the road. Officer concerns were expressed on overlooking from first floor windows and balcony at a distance of 18 metres from the boundary. The care home layout was then amended to allow a set back from the boundary, to these windows, of 23 metres, and the balconies have been fitted with 2 metre high frosted glass screening, which has sufficiently improved the situation of overlooking to that property.

7.8.2 Given concerns around the bulk of the care Home roof close to the residential property, the scheme has also been amended to reduce the bulk of the roof at that end of the building. Only the narrower sections of the care home extend towards the boundary of the neighbouring property. These flank elevations do not contain windows to habitable rooms.

7.8.3 There is an existing hedge along the boundary of the neighbouring property at the useable end of the garden and adjoining the dwelling itself. This is to be retained and enhanced and where gaps exist, a close boarded fence may be erected but this will be the subject of a planning condition to finalise the detail of this boundary. Adjacent to the rear service yard and car park the applicant proposes a 1.6 metre high brick wall which is considered acceptable, in order to safeguard the amenities of this resident from any noise and disturbance associated with the care home. It is considered that with these sensitive boundary treatments the amenities of the residents adjoining the site to the north are adequately protected.

7.8.4 The distances between houses and their relationships to each other and to the nursery and care home are also considered acceptable and suitable boundary treatments have been incorporated. It is considered that the proposal accords with Policy ENV 2 in this regard.

7.8.5 To the east, the new dwellings will be set back 45 metres from the boundary with the adjoining commercial units.

7.8.6 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. It is considered that the residential amenity of the future occupiers will be safeguarded in terms of any overlooking or noise disturbance.

7.8.7 Noise – Policy ENV 9 seeks to ensure that new development does not impact the ability of existing businesses to carry on their operations unhindered. The impact of siting new dwellings alongside the employment site therefore need to be assessed.

- 7.8.8 A Noise Impact Assessment was submitted with the application together with additional supplementary information. This concludes that the main noise source affecting future residents is from the business park to the east but this can be adequately mitigated by the erection of a 2 m high acoustic fence carefully positioned within and behind the existing mature hedgerow, which runs along the eastern boundary of the site.
- 7.8.9 The applicant states that this is achievable and practical without significant damage to or loss of the hedgerow pointing out that the hedge is of low quality. Nevertheless it is important that the hedge is not excessively removed as this would allow the fence to be visible within the development and along the open space which would mean it would appear as a visually intrusive structure for the future residents. The fence would need to be erected under the careful supervision of an arboriculturalist and at a time of year when ecology would not be impacted. The plans have been annotated to state that, the fence will be set clear of the existing ditch allowing maintenance access space and the line of the fence and position of the posts is to be worked around the existing shrubs/trees to negate the impact on root areas. The existing vegetation is to be retained with new screen planting to any gaps.
- 7.8.10 It is considered that this is achievable with careful oversight and that a suitably worded condition could be attached to any planning permission to ensure this.
- 7.8.11 The dwellings to the north will not be impacted by road traffic noise from the A142, but the noise assessment highlights high noise levels from traffic on The Shade. The levels cannot be acceptably mitigated with windows open, along the front facade of the care home. The windows on that facade can be opened at the occupants discretion, but to achieve acceptable internal noise levels passive ventilators are to be installed.
- 7.8.12 Assessment was also made of any noise impacts to the new on site residents from the activities of the care home and the children's nursery. The noise assessment considers these uses will not have any adverse impacts on residential amenity.
- 7.8.13 These measures will be secured by condition. With the noise attenuation fence in place the development accords with Policy ENV 2 and SOH 8, in respect of ensuring that future occupiers enjoy high standards of amenity and that the noise from the business park is adequately mitigated, and with Policy ENV 9 in ensuring that the existing businesses in the Northfield Road Business Park will not have their operations restricted as a result of this development.

## **7.9 Access, highway safety and transport impact**

- 7.9.1 The access to the site and the off-site road works are all the same as the previous planning approval, as is the road spur allowing access to the land to the south.
- 7.9.2 A new junction will, offer safe access and egress and the pedestrian crossing will be relocated in order to accommodate a new ghost right turn into the site. A new pedestrian crossing is to be provided between the new access and Kingfisher Drive and the existing pedestrian crossing moved further south to allow for the right hand turn lane to be accommodated.

- 7.9.3 These measures will be secured by Grampian condition to be completed prior to the occupation of the first dwelling or commencement of any commercial use.
- 7.9.4 The access roads within the site have been examined by the County Highway Authority and are considered to be adequate in regard to their width, layout and visibility and built to adoptable standards. Conditions are suggested to include the submission of a traffic management plan, for the construction stage. The access location in regard to accessibility and permeability have also been assessed and deemed acceptable by the County Council Transport Planning team. Additional impact information has been requested and submitted to overcome various concerns raised by the Transport Planning team. The team are now satisfied that the proposed development does not have a severe cumulative residual impact on the local road network and have asked for two conditions to be attached requiring a Welcome pack and widening of the footpath along the site frontage.
- 7.9.5 The layout indicates that two car parking spaces per dwelling will be provided for each dwelling and none of the spaces are in tandem arrangement. This complies with the councils parking standards within Policy COM 8. Five visitor's spaces have also been provided which exceeds the Council's standards.
- 7.9.6 Care home - there are 30 car parking spaces provided for the care home as well as a set down/delivery bay, an ambulance bay, cycle spaces and motorcycle parking.
- 7.9.7 Although it is anticipated that the care home will create jobs for approximately 80 staff (full time equivalent), the applicant considers that the car parking provision is entirely appropriate to the nature of the proposed use and having regard to their experience from other facilities. No residents will own cars, there will be no resident staff and in a sustainable location such as this, and the applicant anticipates that no more than 50% of staff would travel in their own cars. With an estimated 25 staff on site at any one time, space would also be available for visitors.
- 7.9.8 The level of provision also complies with Policy COM8 of the Local Plan.
- 7.9.9 Children's nursery – there are 26 car parking spaces provided as well as drop off/pick up areas and cycle parking. The level of provision again accords with the Council's parking standards which require 1 space per staff on duty at any one time plus 1 visitor's space for every class. The scheme will have a maximum of 20 staff on site at any one time and will include a maximum of six classrooms.
- 7.9.10 The applicant has prepared a Travel Plan to outline the strategies and measures that would be implemented in order to discourage single occupancy car use and to promote sustainable travel. These measures included:
- The provision of information and advice concerning safe pedestrian and cycle routes to the site
  - The provision of shower, changing and locker facilities
  - The provision of secure cycle parking facilities
  - The prominent display of up-to-date public transport information in communal areas
  - Encouragement of car sharing schemes

- Advertising the health benefits of walking and cycling through promotional material

## **7.10 Flood Risk and Drainage**

- 7.10.1 The site is located within Flood Zone 1. A drainage strategy has been developed to enable the drainage to be dealt with on this site in isolation. The ditch to the western boundary will be re-profiled to provide surface water conveyance. The western slope will be maintained to preserve ecology and the eastern slope re-profiled to have an average side slope of 1 in 2. The maximum water depth within the swale would be 1.3m during a rare storm event. The site will be drained by permeable paving overflowing to an attenuation basin and discharging to the ditch at the front of the site. This will then outfall with a controlled discharge to the IDB ditch to the west of the Shade.
- 7.10.2 Following the submission of additional information, the Lead Local Flood Authority have removed their initial objection to the scheme and recommended a condition for surface water drainage.
- 7.10.3 Foul drainage – Anglian water have advised there is capacity in the network for these flows. The Environment Agency have made comments about the capacity of the Soham WRC and the threat to the Soham Lode. In response Anglian Water have advised that they have an expansion strategy in hand, which is adaptive to change, if delivery of growth is moving faster than expected. They will also continue to work with the EA and make changes to permits and processes as and when required. The Soham foul network strategy is progressing and AW are continuing to work with developers as they progress their on-site drainage strategies. The proposal therefore complies with Policy ENV8 of the Local Plan

## **7.11 Ecology, biodiversity and archaeology**

- 7.11.1 A Preliminary Ecological Assessment has been prepared to support the planning application. This Assessment confirms that the site is not important for populations of any species of fauna or flora of nature conservation importance and that no evidence of protected or notable species has been recorded at the site or surroundings to date. No further surveys are considered necessary. Notwithstanding this, it is recommended that enhancement measures are proposed as part of the scheme to increase the site's biodiversity value in accordance with Policy ENV 7. This includes the provision of bird and bat boxes and additional hedgerow planting. A biodiversity management plan will also be secured by condition.
- 7.11.2 The developer has also agreed to make a financial contribution towards the long term management of the Commons, given that residents of the development are likely to contribute to recreational pressure upon it. This has been requested in accordance line with the Soham Commons Recreational & Biodiversity Enhancement Study and will be secured by S106 agreement.
- 7.11.3 The scheme is not considered to adversely impact upon any heritage or archaeological assets within the vicinity of the site. An archaeological technical note



has been prepared to accompany this planning submission. With reference to the survey work previously carried out on site, the note concludes that no archaeological features or finds have been identified within the subject site. The proposal therefore accords with Policy ENV 7.

## **7.12 Other Material Matters**

- 7.12.1 Education – CCC have requested contributions for education and Life Long Learning. This is accepted in principle by the applicant and will be secured by S106 legal agreement.
- 7.12.2 Cambridgeshire Fire and Rescue service have requested the provision of Fire hydrants on the site. This will be secured by planning condition.
- 7.12.3 Policy ENV 4 requires all proposals for new development to aim for reduced or zero carbon development in accordance with the zero carbon hierarchy. Applicants are required to demonstrate how they have considered maximising all aspects of sustainable design and construction. This has not been submitted as part of the planning application so will be required by condition.

## **8.0 Planning Balance**

- 8.1 The benefits of the development are the contribution it would make in terms of housing supply as well as the economic and social benefits including jobs creation, the provision of affordable housing, accommodation for the elderly and nursery provision. These weigh significantly in favour of the proposal.
- 8.2 On balance it is considered that there will be no significant adverse impacts that would weigh against the proposal and it is therefore recommended for approval.

## **9.0 COSTS**

- 9.1 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.
- 9.2 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.
- 9.3 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.
- 9.4 In this case Members' attention is particularly drawn to the following points:

9.5 The site is within the settlement boundary and is allocated for employment use within the Local Plan and previous residential development was approved on the site.

**10. APPENDICES**

10.1 Draft conditions

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
19/00771/FUM	Barbara Greengrass Room No. 011 The Grange	Barbara Greengrass Planning Team Leader
16/00535/FUM	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](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 - 19/00771/FUM Conditions

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

Plan Reference	Version No	Date Received
Travel Plan - Care Home	Final	22nd November 2019
Travel Plan - Nursery	Final	22nd November 2019
Noise Impact Clarifications		22nd November 2019
1848/PA/005	K	22nd November 2019
1848/PA/006	K	22nd November 2019
1848/PA/007	K	22nd November 2019
1848/PA/011	B2 SHEET 1	14th August 2019
1848/PA/012	B2 SHEET 2	14th August 2019
1848/PA/020	C	14th August 2019
1848/PA/033	B	14th August 2019
Acoustic Fence		14th August 2019
Additional Noise Impact Assessment Information		14th August 2019
Technical Note		14th August 2019
Correspondence with the LLFA		14th August 2019
00009.20	P03 2OF2	11th October 2019
00009.01	P08	11th October 2019
00009.10	P03 1OF2	11th October 2019
1848/PA/003	H	11th October 2019
1848/PA/004	H	11th October 2019
1848/PA/040	B	11th October 2019
SWDS 01	Drainage Plan	11th October 2019
SWDS 02	Drainage Plan (Sections)	11th October 2019
Technical Drainage Note		11th October 2019
Technical Noise Response		11th October 2019
1848/PA/010	D2	14th August 2019
402.06594.00009.14.TR04.0		29th May 2019
TECHNICAL NOTE Response to CCC Transport Team		13th November 2019
Arboricultural Development Statement		29th May 2019
Archaeology Technical Note		29th May 2019
Ecological Impact Assessment		29th May 2019
Transport Statement		29th May 2019
Travel Plan		29th May 2019
Noise Impact Assessment		29th May 2019
Preliminary Land Quality Risk Assessment		29th May 2019
Flood Risk Assessment & Surface Water		29th May 2019
1848/PA/002		29th May 2019
1848/PA/030		29th May 2019
1848/PA/031		29th May 2019
1848/PA/032		29th May 2019
402.06594.00009.02	P01	29th May 2019
402.06594.00009.20	P01	29th May 2019
402.06594.00009.14.TR03.0		29th May 2019
402.06594.00009.14.TR02.0		29th May 2019
402.06594.00009.14.TR01.0		29th May 2019

1848/PA/001	A	7th June 2019
Surface Water Drainage Features		29th May 2019
Transport Statement	JUNE 2019 rev 2	27th June 2019
Surface Water Drainage Features		1 August 19 23rd August 2019
Surface Water Drainage	v3	9th September 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 this permission.
  
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
  
- 3 No development shall take place until a scheme to dispose of foul water has been submitted to and approved in writing by the Local Planning Authority. The approved scheme(s) shall be implemented prior to occupation of any dwelling.
  
- 3 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. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
  
- 4 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) and Traffic Management Plan, shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, 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, construction traffic routes and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
  
- 4 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
  
- 5 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.
  
- 5 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement as some of the measures may be below ground level.
  
- 6 No above ground works shall commence until a detailed surface water drainage scheme for the site, based on the below documents and including details of the detention basin, has been submitted to and approved in writing by the Local Planning Authority.

- o Flood Risk Assessment and Drainage Strategy, prepared by SLR, reference 402.06594.0009.0002 V3, received May 2019
- o LLFA Response Letter, prepared by SLR Consulting, reference 402.06594.00009, received 14 August 2019
- o Updates to the Surface Water Drainage Strategy, prepared by SLR Consulting, reference 402.06594.00009, received 6th September 2019.

All infiltration features proposed at the detailed design stage must be lined. The scheme shall subsequently be implemented in full accordance with the approved details prior to first occupation of any dwelling or use of the care home or children's nursery.

- 6 Reason: To reduce the impacts of flooding in extreme circumstances on future occupants, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 7 No above ground construction shall commence until specific 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 and completed in accordance with the approved details prior to the occupation of the dwelling to which it relates or prior to first use of the care home and children's nursery, as they relate to those uses.
- 7 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 The noise attenuation measures as detailed within the Noise Impact Assessment May 2019, technical notes dated 26 June 2019 , 7 August 2019 and 20 October 2019, shall be implemented in accordance with those details and drawing number 1848/PA/007 Rev K. The 2 metre high Gramm acoustic fence, shall be constructed behind hedge H2 in a manner which minimises disturbance to vegetation and completed prior to occupation of any dwelling and retained thereafter. Within the first planting season upon completion of the erection of the fence, additional supplementary planting shall take place within the hedge H2, in accordance with the details to be submitted to approved in writing by the Local Planning Authority.
- 8 Reason: To safeguard the residential amenity of the future occupiers of the site, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 9 No above ground construction 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 or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.
- 9 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF.

- 10 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.
- 10 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.
- 11 In the event of the foundations from the proposed development requiring piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 7.30am to 18.00 each day Monday-Friday, 7.30 am to 13.00 Saturdays and none on Sundays, Public or Bank Holidays.
- 12 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 All soft landscaping works shall be carried out in accordance with the approved details, on drawing numbers 402.06594.00009.20 - P03 and 402.06594.00009.10 - P03, dated 11 October 2019. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, 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.
- 13 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 Prior to first occupation of any dwelling or first use of the residential care home or children's nursery, the landscaping and parking areas associated with that plot, care home or nursery 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.

- 14 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 15 No above ground construction shall take place on site, within each element of the scheme, that is, the housing as one element, the care home as one element and the children's nursery as one element, until details of the windows, wall and roof materials to be used on each have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 15 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 16 All hard works, including furniture, features and boundary treatments shall be carried out in accordance with the approved details, in drawing number 402.06594.00009.01 - P08 dated 11 October 2019. The works including boundary treatments, shall be carried out prior to the occupation of any part of the development to which it relates, or in accordance with a programme agreed in writing with the Local Planning Authority.
- 16 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 17 The development shall be carried out in accordance with the mitigation and enhancement proposals contained within Section 5.0 of the Ecological Impact Assessment dated May 2019.
- 17 Reason: To protect species and sites of nature conservation, in accordance with Policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 18 Before occupation of the first dwelling or commencement of any commercial use, the existing zebra crossing on The Shade shall be relocated and the ghost island right turn facility and associated uncontrolled pedestrian crossing installed as shown in principle on approved drawing 1848/PA/004 Rev H, in accordance with a detailed engineering scheme to be submitted to and approved in writing by the Local Planning Authority.
- 18 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 19 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 1848/PA/006 H in writing by the Local Planning Authority.
- 19 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 20 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 or as otherwise agreed in writing with the Local Planning Authority.

- 20 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.
- 21 Prior to first occupation or commencement of use the proposed on-site parking / servicing / loading, unloading / turning / waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan 1848/PA/006 H dated 8th October 2019 and thereafter retained for that specific use.
- 21 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 22 Prior to the occupation of the respective dwelling or commercial use visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan 1848/PA/006 H. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 22 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 23 Prior to the commencement of the use hereby permitted visibility splays of 2m by 2m shall be provided each side of the vehicular access measured from and along the back of the footway. Such splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the footway.
- 23 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 24 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).
- 24 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. This condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 25 The specific rated noise level emitted from any external plant located on the site shall not exceed 46dB during the day and 33dB at night. The noise levels shall be measured and/or calculated at the boundary of the nearest noise sensitive property. The noise level shall be measured and/or calculated in accordance with BS4142:2014 or its relevant replacement.



- 25 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan.
- 26 The balconies provided on the care home shall be constructed with frosted glass and retained as such thereafter.
- 26 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 27 No development shall take place until a scheme for the protection during construction of the trees and hedges on the site, in accordance with BS 5837:2012 - Trees in relation to design, demolition and 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.
- 27 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. 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.
- 28 Except as detailed on the approved plans, no trees shall be pruned or removed/felled and no hedges shall be removed without the prior written approval of the Local Planning Authority
- 28 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.
- 29 A Biodiversity Management Plan for the site, providing details of creation and ongoing maintenance of habitats and other biodiversity enhancements, in accordance with the measures listed in the Ecological Impact Assessment, May 2019, shall be submitted to and approved by the Local Planning Authority, prior to first occupation of any dwelling or prior to first use of the care home or children's nursery. The approved scheme shall then be adhered to thereafter.
- 29 Reason: To protect and enhance species and ensure biodiversity net gain, in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.

- 30 Acoustically rated trickle-ventilators must be provided to bedrooms along the south-west facade of the care Home which faces The Shade, achieving a minimum rating of 23dB Dn,e,w + Ctr.
- 30 Reason: To safeguard the residential amenity of future occupiers of the care home, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 31 Prior to first occupation of any of the development, the applicant shall widen the footway fronting the site on The Shade to 2 metres in width. This should be on any land within the red line. Full details to be submitted to and approved in writing by the Local Planning Authority.
- 31 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 32 Prior to first occupation of the development, the developer shall be responsible for the provision and implementation of a Residential Welcome Pack for sustainable transport, to be approved in writing by the Local Planning Authority, to include six one day travel vouchers for use with the relevant local public transport operator.
- 32 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 33 The children's nursery hereby permitted shall be open for business only between the hours of 7:00am to 7:00pm Monday to Saturday and not at any time on Sundays, Bank Holidays and Public Holidays.
- 33 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.