

**MAIN CASE**

**Reference No:** 19/01413/OUM

**Proposal:** Extension of existing care home to include two storey addition to care home, 15no assisted residential apartments, 90no assisted residential apartments with ancillary facilities, 54no staff bedsits and flats, together with 37no open market dwellings

**Site Address:** The Soham Lodge Nursing Home Soham Bypass Soham Ely Cambridgeshire CB7 5WZ

**Applicant:** DCSL Limited

**Case Officer:** Angela Briggs, Planning Team Leader

**Parish:** Soham

**Ward:** Soham North

Ward Councillor/s: Victoria Charlesworth  
Alec Jones

**Date Received:** 2 October 2019      **Expiry Date:** 30th March 2020

[U189]

1.0 **RECOMMENDATION**

1.1 Members are recommended to REFUSE the application for the following reasons:

- 1) The proposed development would introduce a form of development that would be adversely uncharacteristic with the surrounding area, detracting from the rural character of the locality, settlement edge of Soham, and the wider landscape setting. The proposed 2m high acoustic bund along the A142 would further exacerbate the impact on the visual amenity of the area and create a solid boundary against a predominantly open and soft landscaped area, contrary to the aims and objectives of Policies ENV2, HOU6 and COM7 of the East Cambridgeshire Local Plan, 2015.
- 2) The proposed development, by virtue of its unsustainable location and separation from the main settlement, fails to provide adequate and safe connections for pedestrians and cyclists to access the main settlement and the wider area by virtue of its position adjacent to the A142 Soham Bypass, which had insufficient infrastructure to ensure the safety and well-being of future occupiers, and would encourage a heavy reliance on the use of the private motor car due to the lack of suitable alternative modes of sustainable transport or linkages to and from the site, contrary to the aims and objectives of Policies ENV1, ENV2 and HOU6 of the East Cambridgeshire Local Plan, 2015.

- 3) The proposed development, by virtue of the quantum of development, as shown on the indicative drawing no. 16:14:02 Rev K, also fails to demonstrate that it can achieve a biodiversity net gain on or off the site, contrary to the aims and objectives of Policy ENV7 of the East Cambridgeshire Local Plan, 2015 and paragraph 175 of the NPPF.
- 4) The proposed development would introduce residential development close to the A142, which is a busy single carriageway relief road and exposing future occupiers to an unacceptable level of noise, which could only be mitigated through the permanent closure of windows and other openings, restricting natural ventilation into their homes and significantly reducing their reasonable level of amenity, contrary to Policies ENV2 and ENV9 of the East Cambridgeshire Local Plan, 2015 which seeks all new developments to ensure that future occupiers enjoy high standards of amenity.
- 5) The proposed development fails to demonstrate that the access is adequate to serve the development and that the additional traffic derived from the proposed development would not have a significant impact on the local and wider highway network. Furthermore, the proposed development also does not indicate that adequate waste and recycling could be achieved on the site, contrary to Policies COM7 and ENV2 of the East Cambridgeshire Local Plan, 2015, and the RECAP SPD, 2012.
- 6) The proposed development fails to confirm adequate affordable housing as required under Policy HOU3 of the East Cambridgeshire Local Plan, 2015. The proposed development is therefore contrary to this policy as it would not be meeting a local affordable housing need.

## 2.0 SUMMARY OF APPLICATION

2.1 The application seeks outline planning permission for the extension of the existing care home, 15no. assisted residential apartments, 90no. assisted residential apartments with ancillary facilities, 54no. staff bedsits and flats, together with 37no. open market dwellings. The application is outline with all matters reserved, except for means of access. The proposed site layout plan submitted, is indicative only. The application is accompanied by the following documents:

- Planning Statement;
- Design and Access Statement;
- Ecological Assessment (Wild Frontier Ecology);
- Flood Risk Assessment and SuDs Statement;
- Noise Impact Assessment;
- Transport Assessment;
- Topographical plans;
- Existing and indicative proposed site layout plan.

2.2 The application has come to Planning Committee because the site is over 1000sq.m, in accordance with the Council's Constitution.

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.**

3.0 PLANNING HISTORY

3.1 The site has an extensive planning history from the mid-1980s. However, below are the most relevant:

88/00332/RMA	Erection of motel, restaurant and filling station	Approved, June 1989
03/01362/OUM	Outline application for new training establishment	Approved, 9 <sup>th</sup> June 2004
07/00668/RMA	Reserved matters application for new training establishment granted under 03/01362/OUM	Approved, 30 <sup>th</sup> July 2007
09/00748/FUM	Extension to motel including change of use from motel to nursing home	Approved, 3 <sup>rd</sup> December 2009
09/00748/NMAA	Non material amendment to previously approved extension to motel including change of use from motel to nursing home	Approved, 11 <sup>th</sup> October 2011
17/01382/CLE	Certificate of lawful development confirming that planning permission 07/00668/RMA, for a new training centre remains extant	Certificate granted, 6 <sup>th</sup> October 2017

4.0 THE SITE AND ITS ENVIRONMENT

4.1 Soham Lodge Care Centre is situated outside of the development framework, and in the northern apex of a triangular site that comprises some 5.1ha (12.6 acres) of land situated to the east side of Soham. It is bounded by the A142 Soham Bypass, to the east, Qua Fen Common (A County Wildlife Site), to the northwest, and to the southeast, fields that form part of the Soham Eastern Gateway allocation (Policy

SOH3 in the East Cambridgeshire Local Plan, 2015). The nearest residential dwellings are at Qua Fen Common to the east of the Common. The site is accessed directly from the A142 and has a secondary road for egress.

- 4.2 The existing care home is single storey and is a modest scale brick building within the open countryside. The central and southern parts of the site are generally level and are bounded by hedge and tree lines, which sit on raised mounds. A single hedge line transverses the central part of the site, as does a public right of way linking the site to Qua Fen Common. At the time of writing, some areas of the site have now been cleared of some vegetation.

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.

5.2 **Parish Council - 4 November 2019, 23 December 2019 (same comments submitted)**

Soham Town Council Planning Committee seriously objects to this proposal citing significant material planning issues:

The proposed development is not in the 2015 Local Plan and attention is drawn to the Decision Notice provided in regards to Appeal Decision - 18/01505/FUL - Land adjacent: 5 Holmes Lane, Soham namely:

Procedural Matter

On 21 February 2019 the Council withdrew its emerging Local Plan and consequently the emerging policies now have no status. The East Cambridgeshire Local Plan 2015 (LP) remains the adopted Local Plan for the district. Under this requirement:

- A) The proposed large scale Scheme/development is outside the current development envelope
- B) There appears no provision for affordable housing.

Concerns and objections were additionally raised regarding the lack of sustainability of such a development related to:

- a) Residents not being able to access into the development/dwellings safely as there are no foot or cycle paths available on the A142 which as a fast and congested bypass road would require significant traffic management changes.
- b) Current suggested residential road into complex (access via A142) for car users remains completely inadequate due to traffic speed and volume.

It would appear that the Developer is relying (heavily) on those improved A142 access requirements by the Eastern Gateway Development (SOHM1) which whilst is identified in the Local Plan 2015 has yet to be brought forward.

The public open space provision suggested is on the adjacent common land which is privately owned (The Lord of the Manor) the Planning Committee were therefore

somewhat perturbed to noted that he or his Agents have not been notified. In the absence of his legitimate interests the Planning Committee noted the following matters:

Designated Common land may not for the purposes of this (or any) planning application provide:

- i) Any element of public open space provision to the Scheme
- ii) Any vehicular access over common land
- iii) gated access from any dwellings (only registered footpaths may be used/considered)
- iv) a bund or buffer of land adjacent/next to common land.
- v) consideration to the current flora and fauna.

It was noted The Wildlife Trust as a Statutory Consultee that in their opinion there is insufficient green open space within the development and Soham Town Council contends that the Developers cannot rely on the commons to provide this.

The Developer and the Planning Authority both have a duty to consider any and all detrimental impacts that additional housing stress places on nearby/adjacent common land.

The Planning Committee also noted a recent application AC/2019/128520 Land Parcel East 2 The Shade Common and letter dated 2nd July 2019 from Environment Agency that, current permits and capacities had been reached and until sewage system had been upgraded 'new developments in Soham needs to be carefully managed to protect the local water environment'.

In summary Soham Town Council seriously objects to this proposal under procedural irregularities given this proposal does not appear in the current Local Plan 2015 combined with significant concerns regarding sustainability. The Committee members also queried, given the recent approval for another care home facility in close proximity, the economic viability of such a duplication.

**Added note from 23 December 2019** - Noted that the ecology and biodiversity report only addressed the issue of rare and diverse plants that grow on the Common.

**27 February 2020** – Above comments re-submitted.

5.3 **Ward Councillors** - No Comments Received

5.4 **Access Group - 16 October 2019**

Access to the enlarged site appears inadequate, bearing in mind the speed on that part of the bypass and the number of dwellings.

There is no public transport to or past the site.

There is no footpath on the bypass, so any resident of the proposed site without a vehicle will be trapped on site.

No details of ancillary facilities are given.

We would be interested to see the full application.

No accessible car parking shown.

**5.5 Cadent Gas Ltd - 22 October 2019**

Request that the LPA inform them of our likely recommendation.

**5.6 Cambs Wildlife Trust – 18 October 2019**

I have reviewed the Ecological Assessment report accompanying the above application and consider further information is required before this application can be determined.

With regards to protected species, sufficient survey work has been undertaken and suitable mitigation proposed for most species. However, further information is still required with regards to great crested newts. The ecology report identifies the need for further surveys for great crested newts in order to inform a detailed mitigation plan and application for a protected species licence. In accordance with best practice guidelines all surveys should normally be completed before a planning application is submitted. The ecology report has outlined that the proposed development will need to include creation of alternative great crested newt habitat (and potentially reptile habitat), but the proposed site plan does not appear to currently make provision for this, with limited areas of open space shown mostly as formal garden, and created ponds also appearing to be formal (with one surrounded by buildings and road which would be barriers to movement of newts and other wildlife). The ecology report also states that the proposed development allows for the retention of existing ponds on site, but the proposed site plan does not show both ponds retained. Clarification is need with regards to how mitigation requirements for great crested newts will be incorporated into the proposals, and I recommend the additional surveys are completed first, as these will provide an indication of the population size and therefore the area that will be needed for mitigation.

With regards to impacts on habitats and providing a net gain in biodiversity, based on the phase 1 map of existing habitats, the proposed site plan, and the statement in the conclusion of the ecology report that "...a LEMP will outline ecological enhancement measures for the developed site, which will include measures that will contribute to offsetting the negative impacts of habitat loss. Even with these measures, a negative impact to habitats is expected to be unavoidable." I consider that the development as currently proposed would result in a net loss in biodiversity, which would be contrary to national planning policy. Changes to the proposed layout could help to address this, but it is likely that a net gain is not achievable on site with the proposed level of development. However, there may be off-site measures which could address the likely net loss (see comments below regarding Soham Commons).

The proposal site is directly adjacent to Qua Fen Common County Wildlife Site (CWS) and I welcome that the potential for indirect impacts on this and other nearby sites, and the need for areas of on-site public open space to incorporate circular walks and facilities for dog walking to help reduce these impacts has been recognised (see ecology report sections 6.5.3, 6.6). However, 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, and particularly given the direct access available to Qua

Fen Common, this CWS will be used as open space by the new residents. Further consideration should be given at this stage to mitigation required (including consideration of where appropriate access points would be). The Wildlife Trust coordinated production of the Soham Commons Biodiversity and Access Enhancement Study which identified a range of mitigation and enhancement measures required on the Soham Commons to facilitate the increased levels of access from proposed new developments in Soham. Further consideration should be given as to how this development will make a proportionate contribution to delivery of these measures. It should be noted that measures required for mitigation will be separate to any potential off-site enhancements that might be agreed to provide a net gain in biodiversity.

If appropriate mitigation for great crested newts and for indirect impacts on nearby conservation sites, as well as measures to provide net gain in biodiversity, cannot be agreed, then this application should be refused.

**10 December 2019 (following submission of additional information):**

Further to my previous comments on the above application, I have reviewed the additional information provided in the letter from Wild Frontier Ecology.

With regards to great crested newts, I am satisfied that the revised site plan, which shows all on-site ponds retained and an area available for retention as great crested newt habitat, should provide sufficient scope for great crested newt mitigation to be incorporated as necessary, with details to be agreed as part of a protected species licence application. With this additional information, I accept that further great crested newt surveys could be required by condition, as they would specifically be to inform detail of mitigation measures.

The area to be retained and enhanced as habitat for great crested newts could also contribute to reducing the losses in biodiversity, but I consider it is still likely there would be a net loss on site.

However, the proposed contribution to the Soham Commons Biodiversity and Access Enhancement scheme could potentially allow off-site gains to be achieved, and therefore potentially provide an overall net gain, as well as addressing issues of recreational pressure. An appropriate level of contribution to this scheme would still need to be agreed.

Should East Cambridgeshire District Council be minded to approve the application with the revised layout, I recommend the use of a recognised biodiversity metric (e.g. Defra Metric 2.0) to assess the level of on-site and off-site biodiversity losses and help determine what level of off-site habitat creation/enhancement would be needed to achieve an overall net gain.

**5.7 The Ely Group Of Internal Drainage Board - 24 October 2019**

The Board has no objections in principle to the development. The Flood Risk Assessment for the site makes an allowance for the Board's requirements in relation to surface water discharge from the site. The Board would wish to see the detailed surface water design at the next planning stage before making a final comment.

Under the Board's Byelaws, any discharge from the site will require the prior consent of the Board. Also, any works to watercourses on or adjacent to the site, e.g. culverting to form new access, will also require the consent of the Board.

**5.8 Local Highways Authority - 21 November 2019**

The proposal fails to demonstrate that adequate provision is being made for non-motorised users accessing the site. This is likely to result in such users travelling on or adjacent to a high speed carriageway risking collision with motorised vehicles. Absence of suitable facilities would also represent a disincentive to independent travel for non-motorised users with limitations in vision or mobility.

I note that Cambridgeshire County Councils Asset Information and Transport Assessment teams have also been consulted, and share similar concerns with respect to non-motorised user access.

In light of the above, I would recommend refusal on the basis that the application is not supported by sufficient highways and transport information to demonstrate that the proposed development would not be prejudicial to highway safety.

**14 February 2020 – following additional information:**

The proposals with respect to NMU access to the site does not appear to have been expanded beyond that which was previously proposed, with this development seemingly being reliant upon access along unmade footpath over common or third party land.

Reference is made in the applicants Technical Note No1 to the provision of footway and cycle way as part of the Eastern Gateway site, suggesting that this will provide the same level of connectivity to the Care home site. However, until such time as that facility exists and while there is no certainty, given that no planning permission has yet been granted, this observation does not appear relevant.

The applicant needs to come forward with deliverable improvements to the footway and cycle way network serving their proposed development; until such time, the recommendation in my previous correspondence dated 21st November 2019 remains fully applicable.

**2 March 2020 – additional comments:**

I note from the Transport Technical Note dated 11th February 2020 that Cambridgeshire County Councils Transport Assessment Teams do not yet consider the information provided to be sufficient to properly determine the highway impact.

Until such time as they are satisfied that sufficient capacity exists within the existing junction to accommodate movements from the proposed development, I would be concerned that any deficiency in capacity may result in an increased risk of shunt type accidents within the turning lane and injudicious manoeuvres for those trying to find a gap in traffic when turning out.

In addition to the observations and recommendations I previously made in correspondence dated 14th February 2020 and 21st November 2019, I would record



that I concur with the TA team and recommend that the application not be determined until such time as the additional information has been submitted and reviewed.

**5.9 Housing Strategy and Enabling Officer - 24 October 2019**

This development will trigger affordable housing on site but we have not been consulted.

**6 December 2019 – following additional information:**

The Strategic Housing Team supports the above application in principle, as it will meet Policy HOU 3 of East Cambridgeshire Local Plan 2015 (as amended) to deliver 20% affordable housing on site. (Up to 37 dwellings will secure up to 7 affordable dwellings)

Developers will be encouraged to bring forward proposals which will secure the affordable housing tenure as recommended by the most up to date SHMA at 77% rented and 23% intermediate housing.

Detailed discussions are recommended with the developer prior to submission of the reserved matters application in order to secure an affordable housing mix that meets the housing needs of the area. Early indications suggest that we will be requiring an affordable housing mix of one to four bedroom homes on site.

It is recommended that the space standards for the affordable dwellings should meet the minimum gross internal floor area as defined within the DCLG; National Describes Space Standards. Please see link:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/524531/160519\\_Nationally\\_Described\\_Space\\_Standard\\_Final\\_Web\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/524531/160519_Nationally_Described_Space_Standard_Final_Web_version.pdf)

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

1. That 20% Affordable Housing is secure with the tenure requirement of 77% rented and 23% intermediate housing.
2. That the dwellings will be Affordable Housing in accordance with the definition contained in NPPF.
3. That the dwellings will transfer to a provider of social housing approved by the Council, either a Private Registered Provider or an alternative affordable housing provider (including but not limited to a housing trust or company, a community land trust or an almshouses society).
4. That the tenure of each dwelling will be Affordable Rent, Social Rent or Shared Ownership, and no subsequent alteration will be permitted without the Council's prior approval.
5. That the rent charged for the Affordable Rented properties will not exceed Local Housing Allowance rate for the equivalent property size.
6. That the Affordable Dwellings are constructed to DCLG, National Described Space Standards or as a minimum all new dwellings should meet Building Regulation Part M (Volume 1), Category 2, unless there are exceptional design reasons why this is not possible.

7. That the Provider will not dispose of any dwelling by outright sale (except any sale to a tenant under statutory provisions)
8. That occupation will be in accordance with a nomination agreement.
9. That these affordable housing conditions shall be binding on successors in title, with exceptions for mortgagees in possession and protected tenants.

**10 February 2020 – following additional information:**

No further comments, and as per those submitted on 6<sup>th</sup> December 2019.

- 5.10 **Cambridgeshire Fire And Rescue Service - 22 October 2019**  
With regard to the above application, should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition.
- 5.11 **Consultee For Other Wards In Parish - No Comments Received.**
- 5.12 **Asset Information Definitive Map Team (Public Rights of Way) - 31 October 2019**  
Please note Public Footpaths No. 51 & 61 Soham would be affected by this development. To view the location of the public footpaths please view our interactive mapping online which can be found at <http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>

The application in its present form does not accurately detail the Public Rights of Way (PROW) network. No plan has been submitted which details the existing, recorded alignment of affected PROWs. Furthermore, section two of the submitted Planning Statement suggests that Public Footpath No. 51 has been diverted, which is incorrect and should be amended. In addition, the site plan indicates alternative alignments of the public footpaths, without any detail on how the applicant proposes to achieve that.

Furthermore, the on-site proposals as it stands would illegally obstruct both Public Footpaths No. 51 & 61 and the submitted documents do not adequately demonstrate how the development would address this. In addition to the incorrect and misleading information contained within the submission, the County Council does not believe this application can be appropriately assessed at this time on its impact on the PROW network within the site. The County Council's Definitive Map team therefore objects to this application and recommend that it is refused by the Local Planning Authority.

Turning to the off-site proposals, the Design & Access Statement states "There is an existing public footpath on site leading into the centre of Soham and this will be upgraded to a cycle way that will link this proposal with the Eastern Gateway proposal and the wider network of local public footpaths." However, no reference to this upgrade is made in the Transport Assessment or any other submitted documentation. This point requires further clarification. Regardless, it has not been demonstrated that the applicant is in control of the land needed to deliver the cycle way and this would only be possible through a Public Path Order made by the County Council. I am not aware of any approach to Cambridgeshire County Council for such an order.

Additionally, Public Footpath No. 51 runs across Registered Common Land. It is illegal under Section 38 Common Act 2006 to undertake any works to Common Land

(to construction a cycle way for example) without the permission of the Secretary of State. It is not a simple process to deliver works on Common Land and it may also require standalone planning permission. The other public footpaths to the south are all across arable land and therefore would require diversion to realistically deliver a cycle way. It is not clear from the submission whether this point is fully appreciated as no firm design proposals have been put forward to address this fundamental issue.

Due to this lack of clarity across the submitted documentation, it is unclear to the County Council what this application actually proposes in terms of off-site Non-Motorised User mitigation. As a result, the County Council's Definitive Map team further objects to the application on this point and recommends that it is refused by the Local Planning Authority.

In addition, the County Council has guidance for Planners & Developers with regarding the boundary treatments and planting adjacent to a public right of a way. The guidance document is available on the County Council website at [www.cambridgeshire.gov.uk/definitivemap](http://www.cambridgeshire.gov.uk/definitivemap).

**15 January 2020 – following further discussions between agent and County Council:**

I have now met with East Cambridgeshire District Council in relation to the Public Path Diversion Order made by them in 2010. It does not appear that the 2010 Order was ever confirmed and so was not implemented. The certificate of Lawful Development demonstrates that the Order is capable of being confirmed.

However, the proposed public footpaths as shown on the Order have not been set out on the ground and even if they were, would likely need to be subsequently diverted again to accommodate the current Soham Lodge development proposal. As discussed in our telephone conversation before Christmas, it does not appear to be in anyone's interest to proceed with the 2010 Order as the site proposals have evolved significantly in the intervening ten years. As such, East Cambridgeshire District Council have agreed to look at formally abandoning the 2010 Order, drawing a line under any previous considerations of Public Rights of Way, and giving flexibility to allow the current proposal to be considered afresh.

As earlier noted, I am therefore content for this issue of Public Rights of Way to be dealt with by matter of a condition to any permission granted by East Cambridgeshire District Council to Application 19/01413/OUM.

**5.13 County Council Transport Assessment Team - 24 October 2019**

Holding Objection: Insufficient detail has been presented to make a sound assessment. The below issues related to the Transport Assessment will need to be addressed before the transport implications of the development can be fully assessed.

Proposal Description: Agreed

Policy Context: More information needed: Transport Strategy East Cambridgeshire needs to be included within the policy context.

Study Area: Agreed

Traffic Data: Acceptable for use

Accident data: Not acceptable: The use of CrashMap is not acceptable. The latest 60 months of accident data can be requested from CCC.

Trip Generation: Not Acceptable: The applicant has used Irish sites within the assessment, this is not acceptable in Cambridgeshire. Further information to support the no staff trips in the peak hour assumption

Distribution and Assignment: Agreed

Assessment Scenarios and Traffic Growth: Agreed

Junction Modelling: Agreed in principle: Not Agreed: Committed developments must be included

Mitigation: To be agreed

### **11 February 2020 – comments following additional information:**

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.

CCC therefore requests that this application not be determined until such time as the additional information above has been submitted and reviewed.

The further information did not overcome the following concerns from the previous response:

Accident Data: Not agreed

Committed Developments: Not agreed

Junction Modelling: Committed Development Review Required

Accessibility: Not agreed

Mitigation: To be decided.

### **5.14 CCC Growth & Development – 2 March 2020**

Table 1 below summarises the contributions requested by the Council. Subsequent sections of this response provide the detailed explanation as to how these contributions have been calculated. The Council provides education mitigation project costs in the form of a Milestone 1 (MS1) report, calculated in accordance with standards defined in Building Bulletin 103. Where no project cost is currently available, the Department for Education (DfE) scorecard costs will be used, in accordance with national guidance, as set out in [Securing Education Contributions for Education](#) (November 2019).

**Table 1: S106 contributions – summary table**

**(for outline planning applications education costs are INDICATIVE ONLY, actual costs will be calculated in accordance with the tables provided in appendix 3)**

	<b>Contribution</b>	<b>Project</b>	<b>Indexation date</b>	<b>Trigger</b>
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<b>Early Years</b>	Between £296,242 and £350,064	Primary School places in Soham by either expanding St Andrew's Primary School or a new Soham Primary School	1Q2019	TBC
<b>Primary</b>	Between £313,668	Primary School places in Soham by either	1Q2019	
	and £370,656	expanding St Andrew's Primary School or a new Soham Primary School		
<b>Secondary</b>	£214,875	Expansion to Soham Village College	1Q2019	
<b>Libraries</b>	£20,473	Enhanced Soham library provision	1Q2019	
<b>Strategic Waste</b>	£0			
<b>Monitoring Fee</b>	£150			

**5.15 Lead Local Flood Authority – 28 October 2019 (not received by the LPA until 26/02/2020):**

We have reviewed the following documents:

- Flood Risk Assessment and Sustainable Urban Drainage System Assessment, Richard Jackson Engineering Consultants, 48431. Dated: September 2017.
- Proposed Site Plan, Terry Stoodley Architect, 16:14:02-K. Dated: 24/01/2017.

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

**Clarification on hydraulic calculations**

A number of sets of hydraulic calculations have been provided to model the performance of the drainage system. The sets of calculations differ as varying percentages of 'lowest mass balance' have been applied, showing quite different results. For example, when a lowest mass balance of 98.39% is applied, unacceptable levels of surcharging have been shown to occur during a 1 in 1 year event. In addition, a 40% climate change allowance has been applied to each return period event in one set of calculations, which shows significant levels of flooding throughout the system, which is unacceptable to the LLFA. Whilst the system seems to perform well when a lowest mass balance of 99.97% or higher is applied, clarification is required as to which set of calculations should be used to assess the performance of the drainage system.

IDB Consent required

The applicant is proposing to discharge surface water from the site into an existing watercourse which is managed by Middle Fen & Mere Internal Drainage Board (IDB), which is managed by the Ely Group of IDBs. Therefore, a principle agreement must be obtained from the IDB to discharge into their system at the proposed rate.

**6 March 2020 – additional comments:**

Following additional information, the LLFA are able to remove our objection. The additional documents demonstrate that surface water drainage from the proposed development can be managed through the use of permeable paving, a detention basin and underground storage crates. Conditions have been recommended in relation to surface water drainage scheme and a long term maintenance arrangement for the surface water drainage system, including all SuDs features.

**5.16 Minerals And Waste Development Control Team - 30 October 2019**

No objection subject to a condition securing a detailed waste management and minimisation plan.

**5.17 ECDC Trees Team - 21 November 2019**

I object to this proposal as its scale of occupancy will put excessive pressures on the neighbouring County Wildlife Site (Qua Fen Common) an increase in use of this area would have a detrimental effect of the wildlife present. Again due to the proposed scale I have concerns this proposal will have a negative impact upon the landscape character of the area which would be in conflict with guidance within the local plan (ENV1: Landscape and settlement character).

Please be aware my comments are subject to my professional limitations and I recommend you consider to consulting with a landscape architect for a full assessment of these and future plans.

**5.18 Environmental Health - 14 October 2019**

Under section 6 of the Application Form the applicant has indicated 'no' in the 'proposed use that would be particularly vulnerable to the presence of contamination' box. As any residential property is classed as vulnerable to the presence of contamination I advise that contaminated land conditions 1 and 4, requiring an appropriate contamination assessment, to be attached to any planning permission granted.

In addition, 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 Public 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 have read the Design and Access Statement which states that there will be varied sound attenuation in place for each aspect of the development. For the detached housing there will be "stone filled and planted gabions" and the Care Centre accommodation and Apartment blocks will employ sensitive room placement so as not to have sensitive rooms facing the noise source (A142).

I have read the Noise Impact Assessment produced by Cambridge Acoustics and dated May 2019 but could find no further mention of the gabions mentioned in the Design and Access Statement.

The report suggests that with a 2m high bund running parallel to the A142 external amenity levels will be met.

With regard to internal levels the report has given consideration to sensitive room placement and by using the proposed buildings as screening for the rest of the site (which I welcome) but it is clear that the only way certain parts of the site will meet acceptable levels is to require windows to be closed and with alternative ventilation. I am aware that the LPA does not usually deem this to be acceptable. Section 6.3.3 states that assuming a worst case scenario the extra care facility to the north will require closed windows. I am aware that there is currently an application being considered in Soham for a care home (19/00771/FUM) so you may wish to speak to Barbara about this method of sound attenuation in this context.

As this is an outline application we do not currently have floor plans to indicate where sensitive rooms will be located but the report suggests that these will be placed away from facades facing the A142. Appendix H and I give an acoustic model of the site during the day and the evening with the 2m high bund in place. The number in the white boxes indicate sound levels at the façades. Any number above 50 in Appendix H and 45 in Appendix I will require closed windows and alternative ventilation (if they have sensitive rooms on these facades, such as bedrooms and living rooms). Alternatively, if you find the development necessary and desirable and relax these levels by 5dB then these external figures become 55 and 50 respectively.

The report recommends a further NIA at a reserved matters stage to calculate the insulation requirements of the dwellings. This may only be necessary if you are happy to allow for closed windows and mechanical ventilation.

**5.19 Economic Development - No Comments Received**

## 5.20 **Waste Strategy (ECDC) - 30 October 2019**

- o The layout shown on plan 16:14:02 is NOT acceptable to the waste team as it fails to show any collection points for bins and none of the properties have had any consideration given to the collection of waste, bin storage, presentation, vehicle routing or turning.
- o Based on the existing plans ECDC would not be prepared to collect from any properties shown on the plans.
- o The care home would be expected to arrange a commercial waste collection as it does presently as ECDC does not provide a service for commercial companies.

### **3 March 2020 – additional comments:**

Whilst the waste team notes that the original transport assessment showed the swept path analysis for vehicles entering and leaving the site it had not given any information on internal movement and whilst we accept that the plan shown was outline it would not be unacceptable to think that the layout was indicative of the layout likely to be put forward for approval and therefore our original comments regarding the site remain.

## 5.21 **Anglian Water Services Ltd - 11 October 2019**

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

Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. We therefore request a condition requiring phasing plan and on-site drainage strategy.

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

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.



Anglian Water would therefore recommend conditions relating to phasing plans and foul water drainage details on site, if the Local Planning Authority is mindful to grant planning approval.

**5.22 Environment Agency - 17 October 2019**

No comments.

**5.23 Natural England - 29 October 2019**

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

**5.24 Design Out Crime Officer – 18 October 2019:**

Thank you for the opportunity to comment on the above Outline Application. As this is Outline only and should planning approval be obtained – this office would wish to be consulted regarding boundary treatments, design and layout and advise on lighting.

I have noted the Design and Access Statement contents, no mention of security but it is only Outline stage. Potentially we would welcome consultation to ensure community safety and vulnerability to crime is addressed with both staff, residents and potential residents for the market homes. No further comments at this stage.

**5.25 Cambridge Ramblers Association - No Comments Received**

**5.26 NHS England - No Comments Received**

5.27 **Neighbours** – 30 neighbouring properties were notified, 50 letters of objection received, and the responses received are summarised below. A site notice was also posted on the site and advert posted in the Cambridge Evening News. A full copy of the responses are available on the Council’s website.

- Cumulative impact from the Soham Eastern Gateway development;
- Significant detrimental impact on the biodiversity and wildlife on the Common, particularly Great Crested Newts and Mute Swans who are under concern (Birds of Conservation);
- No objection to the care home being extended but not this level of development;
- Additional traffic on the A142 and other roads within Soham (e.g. Qua Fen Common);
- Open market dwellings are outside of the settlement framework;
- Proposal would affect a Public Right of Way through the Common;
- Pedestrian and cyclist safety issues, no footpaths/cycle paths or lights along the A142;
- Soham Eastern Gateway development is sufficient to provide Soham with enough houses, we do not need anymore;
- Private houses not compatible with care home accommodation;
- Buildings would be out of scale with the surrounding areas;
- General highway safety concerns/Transport Assessment inaccurate;
- Current sewerage system inadequate;
- Noise, dust, light, fuel from cars pollution from the proposal;
- Cannot assume access through the Soham Eastern Gateway development as permission has not been granted;
- No public transport option for future residents;
- Visual impact on the historic landscape;
- The ponds on Qua Fen Common are species rich and would be at risk from this development;

## 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 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

### 6.2 Supplementary Planning Documents

Country Wildlife Sites  
Developer Contributions and Planning Obligations  
Design Guide  
Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated  
Flood and Water

### 6.3 National Planning Policy Framework 2019

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

### 6.4 Planning Practice Guidance

### 7.0 PLANNING COMMENTS

7.1 The main considerations in determining this outline application are the principle of development, residential amenity, visual amenity, highway safety, ecology, flood risk and drainage, and other material matters.

### 7.2 **Principle of Development**

7.3 The site is situated outside of the settlement framework of Soham. The proposal would provide an extension (providing 35 beds) to the existing care home, as well as providing additional residential (retirement village and open market housing), staff accommodation and 'extra care' facilities, separately to the extension. The open market housing and the retirement village accommodation would not be associated with the existing care home. The indicative site layout plan indicates that the extension to the care home could be 3-storey. However, the Planning Statement states that all of the proposed buildings would be 2 storeys (apart from an element of one storey for the retirement village). Nonetheless, scale is not for consideration as part of this application.

7.4 Paragraph 78 of the NPPF (2019) states that to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The Council is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all local planning authority 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 as set out in paragraph 11 of the NPPF. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits. This is also echoed in Policy GROWTH 5 of the East Cambridgeshire Local Plan, 2015 which

highlights the NPPFs thrust of the presumption in favour of sustainable development.

- 7.5 It is therefore necessary to consider the benefits of the proposed development and weigh against any adverse impacts in order to determine whether or not the development comprises sustainable development.
- 7.6 Paragraph 8 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways; these are Economic, Social, and Environmental.
- 7.7 In terms of the economic benefits, the proposal would provide short term local employment opportunities during the construction phases of the development and future residents would also contribute towards the local economy by supporting local amenities. The proposal would also offer some employment opportunities from the operation of the care home facilities.
- 7.8 In terms of the social role, the site does not benefit from any existing footways connecting the proposal to the main settlement, there are no bus stops or street lights around the site and residents would be solely relying on the use of the private car to access anywhere outside of the site for leisure and work purposes. The indicative plan shows that pedestrian access could be gained through the existing public footpath link from the east of the site to the Common and beyond. However, this is a soft public right of way and not a solid footpath. The Common is a designated County Wildlife Site and as such the topography and geology of the land does not lend itself to being used as a regular pedestrian route for existing or future occupiers. Furthermore, this cannot be relied upon as serving a safe and reasonable pedestrian connection to the main settlement by virtue of the very nature of the land as it is. The A142 Soham Bypass, immediately adjacent the site, is a main single carriageway relief road, with a 60mph speed limit. Future occupiers could be at risk from traffic noise from the A142, which could not be easily mitigated without significant barriers in place, potentially detracting from the open rural character of the area. There are no street lights along this road and no footpath/cycle way either and as such pedestrians and cyclists would not be able to access or egress the site safely.
- 7.9 In terms of the environmental role, the site is located adjacent to the A142 Soham Bypass, and to Qua Fen Common, which is a designated County Wildlife Site. The proposal would be introducing built development in an area which is not characteristic of residential dwellings and therefore the visual impact of the proposal on the character and appearance of the area is considered to be significantly detrimental. The proposal would also fail to achieve a net gain in biodiversity. The environmental impacts are discussed in more detail further on in this report.
- 7.10 Policy GROWTH 2 of the East Cambridgeshire Local Plan, 2015, states that outside defined development envelopes, development will be restricted unless it falls within one of the categories listed in the policy. Residential care homes are one of these exceptions and would be accepted under this policy, subject to satisfying the aims and objectives of Policy HOU6.

7.11 Policy HOU6 of the East Cambridgeshire Local Plan, 2015 relates to Residential Care Accommodation. The supporting text of the policy recognises the need in the District to provide care accommodation for various groups of people for rehabilitation, and out of hospital care, including the elderly, people with disabilities, and vulnerable people. Policy HOU6 states:

“Residential care accommodation should be located within a settlement that offers a range of services and social facilities. The design and scale of schemes should be appropriate to its setting and have no adverse impact on the character of the locality or residential amenity. Applicants will be expected to provide evidence of need for the provision.

As an exception, proposals for care or nursing homes may be acceptable on sites outside development envelopes where:

- The site is located adjoining or in close proximity to a settlement which offers a range of services and facilities, and there is good accessibility by foot/cycle to those facilities;
- The proposal would not cause harm to the character or setting of a settlement or the surrounding countryside; and
- There is an identified need for such provision that is unlikely to be met within the built-up area”.

7.12 As stated previously, the site is poorly connected to the main settlement and there are no suitable or safe form of foot or cycle ways to access the facilities and services in Soham. It is also considered that the proposal would have a detrimental impact on the character and setting of the surrounding countryside, which is discussed in more detail in this report. In terms of an identified need for such provision, the following applications for care homes within the District have been approved (One of which is subject to the completion of a S106 agreement) by the LPA:

17/00880/OUM	Outline planning application for 150 residential dwellings (Use Class C3), a <b>75-bed care home (Use Class C2)</b> , a local shop (Use Class A1) and an ancillary medical consultation facility (Use Class D1) along with public open space and associated infrastructure with all matters reserved other than the	Scotsdales Garden Centre, 41 Market Street, Fordham	Approved, 8 <sup>th</sup> August 2018
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	means of access into the site from Market Street / Soham Road and Station Road.		
19/00771/FUM	<b>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.</b>	Land Parcel East of 2 The Shade, Soham	Approved, subject to S106 legal agreement (pending)
17/02002/FUM	Erection of a three storey sixty six bed care home for older people with associated car park, access and landscaping.	Land North of Cam Drive, Ely.	Approved, 6 <sup>th</sup> April 2018

- 7.13 It is also worth noting that the North Ely Masterplan also includes an 'Extra Care' Facility to be delivered (as a separate phase to Phase 2). However, at the time of writing, the LPA has not received an application for this site.
- 7.14 The Planning Statement, submitted with the application, highlights that the Council's current SHMA, 2013 (Strategic Housing Market Assessment) identifies a need because of the current pressures on the NHS and additional extra care, and in particular nursing care spaces, would help relieve the pressure. The SHMA is 7 years old and is currently being updated and the Council await the outcome of this in light of more up to date research. Notwithstanding this, the applicant has not submitted any further justification of need, other than highlighting the SHMA, as required by Policy HOU6.
- 7.15 **Residential Amenity**
- 7.16 Policy ENV2 of the East Cambridgeshire Local Plan, 2015 seeks all new development to ensure there is no significantly detrimental effect on the residential amenity of nearby occupiers, and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity. In terms of the impact on nearby occupiers, the nearest residential properties would be those on Qua Fen Common, to the east of the site, adjacent to the Common. The average separation distance between these properties and the site is 110m (approx 361ft). There are a

mix of dwelling types along Qua Fen Common, predominantly 2 storey in height, with a couple of single storey dwellings. They all differ in style, design and plot sizes. The proposal does not include scale and layout as part of this application and therefore this impact cannot be properly assessed. However, the indicative plan shows that a suitable development could be achieved on this site without the significant harm on nearby neighbours from the built form, by virtue of over-looking or over-bearing.

- 7.17 In terms of the impact on future occupiers of the proposal, the development would be situated adjacent to the A142 Soham Bypass which is a single carriageway of speeds of 60mph. Whilst the submitted site layout plan is indicative only, the dwellings would be exposed to noise from the A142. It is accepted that the existing care home is already exposed to the noise levels from the road. An acoustic report has been submitted as part of the application. The report suggests that with a 2m high bund running parallel to the A142, external amenity levels will be met and that the final design would ensure that any habitable rooms are designed so they face inwards into the site rather than facing the A142.
- 7.18 The Environmental Health Officer has assessed the acoustic report in relation to the proposed development. He raises no objection to the proposal or the acoustic report, although he highlights that the LPA does not accept properties having windows shut to achieve acceptable internal noise levels as we do not believe mechanical ventilation is an appropriate living environment for future occupiers. This view remains from the LPA. The 2m high bund along the site frontage also raises significant concerns from a visual amenity point of view, which is discussed in more detail below.
- 7.19 Therefore it is considered that the proposed development would not comply with Policy ENV2 of the East Cambridgeshire Local Plan, 2015, with respect to residential amenity for future occupiers.
- 7.20 **Visual Amenity**
- 7.21 Policy ENV1 of the East Cambridgeshire Local Plan, 2015 relates to landscape and settlement character and requires all new developments to demonstrate that they will create positive, complementary relationships with existing development and will protect, conserve, and where possible, enhance:
- The pattern of distinctive historic and traditional landscape features, such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls, and their function as ecological corridors for wildlife dispersal;
  - The settlement edge, space between settlements and their wider landscape setting;
  - Public amenity and access.
- 7.22 The site is situated within the open countryside, outside of the main town framework, separated by the Common, which is a designated County Wildlife Site. The immediate surrounding area is characterised mainly by open fields and a reservoir, situated on the opposite side of the A142. The site is currently occupied

by single storey, modest scale buildings, although their presence along the A142 is noticeable.

7.23 It is considered that the proposal would introduce a hard edge form of over development that would be out of keeping and uncomplimentary with the rural character of the wider landscape and would fail to protect, conserve or enhance the settlement edge. The introduction of a 2m high acoustic bund is also considered to significantly detract from the character of the area by virtue of creating a hard edge along the boundary with the A142, which is uncharacteristic with the traditional distinctive soft landscape features which bound the A142. Furthermore, the proposal would not respect the setting of Qua Fen Common, being an area of open space and amenity, and important wildlife value, which also has historic significance within the local area and means of accessibility through the site.

7.24 It is therefore considered that the proposed development would not comply with the aims and objectives of Policy ENV1 of the East Cambridgeshire Local Plan, 2015, in relation to visual amenity.

#### 7.25 **Highway Safety**

7.26 Policy COM7 of the East Cambridgeshire Local Plan, 2015 states that development should be designed to reduce the need to travel, particularly by car, and should promote sustainable forms of transport appropriate to its particular location. Opportunities should be maximised for increased permeability and connectivity to existing networks. Development proposals shall:

- Provide safe and convenient access to the highway network;
- Provide a comprehensive network of routes giving priority for walking and cycling;
- Protect existing rights of way or allow for agreed diversions in exceptional circumstances;
- Consider the travel and transport needs for people with disabilities;
- Be capable of accommodating the level/type of traffic generated without detriment to the local highway network and the amenity, character or appearance of the locality;
- Be accompanied by a Transport Assessment where appropriate.

7.27 The proposal includes means of access as the only matter for consideration as part of this outline application. The site currently benefits from an access direct from the A142 and an egress. The proposed access would be at a single point and would be used for entrance and egress to serve the proposed development. A Transport Assessment has been submitted as part of the application and further information was submitted on the 21<sup>st</sup> January 2020. This information was sent to the County Council for further consideration.

7.28 The County's Transport Team consider that there is still insufficient information submitted to justify the proposal and the potential impacts on the wider highway network. The Local Highways Authority are also concerned about the proposed access on the basis of the Transport Team's comments in relation to the lack of information submitted as part of the junction capacity assessment. Given the level



of additional work required by the applicant to submit further information, the applicant was advised not to pursue this, as this would unreasonably prolong the application and any further work on this element would not overcome the specific principle concerns from the LPA as discussed above, under Principle of Development.

7.29 The Local Highways Authority have also raised the need for the applicant to come forward with a deliverable improvement scheme to the footway and cycleway network serving the proposed development, which has not been addressed through this application.

7.30 In terms of car and cycle parking provision, as the plan submitted is indicative only, it appears that adequate parking could be achieved on site for the development, in accordance with the Council's car parking standards and therefore would comply with Policy COM8 of the East Cambridgeshire Local Plan, 2015.

7.31 It is therefore considered that the proposal fails to demonstrate that the proposed development would not have a significant impact on highway safety, contrary to Policy COM7 of the East Cambridgeshire Local Plan, 2015.

#### 7.32 **Ecology**

7.33 Policy ENV7 of the East Cambridgeshire Local Plan, 2015, requires all development proposals to:

- Protect the biodiversity and geological value of land and buildings and minimise harm to loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds;
- Provide appropriate mitigation measures, reinstatement or replacement of features and/or compensatory work that will enhance or recreate habitats on or off site where harm to environmental features and habitat is unavoidable; and
- Maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals.

7.34 Paragraph 175 of the NPPF is also relevant and highlights the importance of biodiversity and habitats when determining planning applications. It advises that LPAs should apply the following principles:

- If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts),adequately mitigated or, as a last resort, compensated for, then planning permission should be refused;
- Development resulting in the loss or deterioration of irreplaceable habitats(such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- Development whose primary objective is to conserve or enhance biodiversity should be supported, while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

- 7.35 The site is situated adjacent to Qua Fen Common, which is a designated County Wildlife Site. The Common is rich in flora and fauna, including Great Crested Newts, grass snakes, ground nesting birds, owls, deer, and rare plants, to name but a few. Qua Fen Common is part of Soham's historic landscape, and is over 400 years old. The site, subject of this application, does not include the Common land. However, the boundary hedges which separate it from the Common would have ecological value, as well as parts of the site itself that are vacant of buildings and could provide some habitat benefits. The ecological value of the site is therefore considered to be important. The application is accompanied by an Ecological Assessment (Wild Frontier Ecology) which has been extended in response to the Wildlife Trust's initial comments.
- 7.36 The Cambs Wildlife Trust, in their initial response state: *"The original Ecological Assessment identifies the need for further surveys for Great Crested Newts in order to inform a detailed mitigation plan and application for a protected species licence. The ecology report has outlined that the proposed development will need to include creation of alternative great crested newt habitat (and potentially reptile habitat), but the proposed site plan does not appear to currently make provision for this, with limited areas of open space shown mostly as formal garden, and created ponds also appearing to be formal. The report also states that the proposed development allows for the retention of existing ponds on site, but the proposed site plan does not show both ponds retained"* The proposed site plan is indicative only so therefore the final design of the site could change and would not be part of any approval.
- 7.37 Wild Frontier Ecology responded to these initial comments which included a revised proposed development plan (Figure 1 of their response, dated 19<sup>th</sup> November 2019) which essentially shows a reduced developable area at the western side of the site to be allocated as retained and enhanced habitat for great crested newts. This was sent to the Wildlife Trust for further consideration and advised the LPA that whilst the revised development plan should provide sufficient scope for great crested newt mitigation (with details to be agreed as part of a protected species licence application), it is still likely that there would be a net (biodiversity) loss on site. The Wildlife Trust also advises that the proposed contribution to the Soham Commons Biodiversity and Access Enhancement scheme could potentially allow off-site gains to be achieved, and therefore provide an overall net gain. However, an appropriate level of contribution to this scheme would still need to be agreed.
- 7.38 The plan submitted with Wild Frontier Ecology's letter (Figure 1), would mean a significant change in the proposal, in that a large amount of housing would need to be deleted from the scheme (essentially the 37no market housing), changing the proposal description and therefore removing a significant amount of development from the overall scheme. This has not been included as part of the amendments and therefore the proposal still includes this development and does not allow for these biodiversity improvements. Nonetheless, these amendments would still not overcome the principle concerns of this application.
- 7.39 It is therefore considered, that the proposed development fails to provide adequate ecological provision, enhancement or mitigation to achieve a biodiversity net gain,

and as such is contrary to Policy ENV7 of the East Cambridgeshire Local Plan, 2015 and Paragraph 175 of the NPPF.

#### 7.40 **Flood Risk and Drainage**

- 7.41 Policy ENV8 of the East Cambridgeshire Local Plan, 2015, states that all developments and re-developments should contribute to an overall flood risk reduction. The site is situated within Flood Zone 1 which means it is in the lowest risk area of surface water flooding and where development should normally be located. Policy ENV8 also required that all applications for new development must demonstrate that appropriate surface water drainage arrangements for dealing with surface water run-off can be accommodated within the site, and that issues of ownership and maintenance addressed. The application has been accompanied by a Flood Risk Assessment (FRA) and a SuDS drainage assessment as required by Policy ENV8 due to the major nature of the application.
- 7.42 The FRA and the drainage scheme has been assessed by the Local Lead Flood Authority. The LLFA's initial comments advise that the hydraulic calculations contained within the report needed further clarification and recommended a holding objection on this basis. Clarification was sought from the applicant and this was sent to the LLFA for their further consideration. The LLFA have advised that the additional information to mitigate against surface water flooding and drainage is acceptable and they are able to remove their objection.
- 7.43 In terms of foul water drainage, Anglian Water advise that the local catchment area does not have capacity but they are obliged to accept flows and would take the necessary steps to ensure there is capacity if approved. As such, a condition requiring foul water drainage details on the site is recommended, which could be secured by condition, if planning permission was granted.
- 7.44 It is therefore considered that the proposed development complies with Policy ENV8 of the East Cambridgeshire Local Plan, 2015, in respect of drainage and flood risk.
- #### 7.45 **Other Material Matters**
- 7.46 In relation to other material matters, the proposal would trigger the need for affordable housing due to the market housing element of the proposal. Policy HOU3 of the East Cambridgeshire Local Plan, 2015, requires all developments for open market housing of more than 10 to deliver 30% affordable housing, in respect of Soham. However, the recent affordable housing need assessment states that 20% would be the viable quantum of affordable housing. This would equate to 7no houses out of the proposed 37no open market houses. The application proposes to deliver 54 affordable staff flats and houses in lieu of providing any affordable housing. However, these would not be available for those in need of affordable housing from the locality, in accordance with our local housing needs register. Policy HOU3 also does not give the option of accepting residential care staff accommodation in lieu of affordable housing and therefore the proposal fails to comply with this policy.
- 7.47 The site is located within a Sand and Gravel Minerals Safeguarding area. The application does not acknowledge this constraint in the documents submitted.

However, the County's Mineral and Waste Team have considered the application and has advised that they have no objection subject to a condition requiring a detailed Waste Management and Mineralisation Plan. The proposed development is therefore considered to comply with Policy ENV2 of the East Cambridgeshire Local Plan, 2015, in respect of waste management.

- 7.48 The proposed development would affect Public Rights of Way, particularly Footpaths no.51 and 61 Soham which cross the site on the western side. The County's Definitive map Officer initially raised concerns with the proposal potentially blocking these footpaths. However, as per their comments in paragraph 5.12, they have raised no objections subject to a condition requiring additional details of the footpath. The proposed development is therefore considered to comply with Policy ENV2 of the East Cambridgeshire Local Plan, 2015, in respect to Public Rights of Way.
- 7.49 In terms of waste and recycling, the proposed indicative layout plan does not show any collection points for bins and none of the properties have had any consideration given to collection of waste, bin storage, presentation, and vehicle routing or turning. Whilst the plan is only indicative of the layout (layout is not part of this outline application), it is considered that an adequate waste and recycling scheme could be achieved on the site for this amount of development. The Council's Waste Team are therefore objecting based on this lack of information on the submitted indicative layout plan. As such it is considered that the proposed development fails to demonstrate that it complies with Policy ENV2 of the East Cambridgeshire Local Plan, 2015, in relation to waste and recycling.
- 7.50 **Planning Balance**
- 7.51 Section 38 of the Planning and Compulsory Purchase Act, 2004, requires applications for planning to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The application site lies outside of the settlement framework and as such the proposal cannot be in accordance with the Local Plan, as a whole.
- 7.52 However, paragraph 11 of the NPPF is a material consideration where the Development Plan is absent, silent or relevant policies are out of date. In this case, Policy GROWTH2 of the Local Plan, 2015, is considered to be out of date and little weight therefore be attached to it and the tilted balance is triggered. This means that, in accordance with paragraph 11 of the NPPF, the presumption should be in favour of sustainable development and permission should be granted unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole or specific policies in the Framework indicate that development should be restricted.
- 7.53 It is acknowledged that the scheme would provide additional nursing care accommodation within the District, as identified within the Council's SHMA (2013) document. There is a growing need for an ageing population. However, it is considered that the environmental and social harm caused by the proposed development would outweigh the economic benefits of this development, when assessed against the requirements of Policy HOU6 of the Local Plan.

- 7.54 It is considered that the proposed development would introduce a form of development that would be adversely uncharacteristic with the surrounding area, detracting from the rural character of the locality, settlement edge of Soham, and the wider landscape setting. The proposed 2m high acoustic bund along the A142 would further exacerbate the visual amenity of the area and create a solid boundary against an otherwise soft landscaped area. Furthermore, the proposed development fails to provide adequate and safe connections for pedestrians and cyclists to access the main settlement and the wider area by virtue of its position adjacent to the A142 Soham Bypass, which had insufficient infrastructure to ensure the safety of future occupiers, contrary to the aims and objectives of Policies ENV1, ENV2 and HOU6 of the East Cambridgeshire Local Plan, 2015, and therefore amounting to an unsustainable location for the proposed development.
- 7.55 It is considered that the proposed development also fails to demonstrate that it can achieve a biodiversity net gain on or off the site, contrary to the aims and objectives of Policy ENV7 of the East Cambridgeshire Local Plan, 2015 and paragraph 175 of the NPPF.
- 7.56 It is considered that the proposed development would introduce residential development close to the A142, which is a busy single carriageway relief road and exposing future occupiers to an unacceptable level of noise, which could only be mitigated through the permanent closure of windows and other openings, restricting natural ventilation into their homes and significantly reducing their reasonable level of amenity, contrary to Policy ENV2 of the East Cambridgeshire Local Plan, 2015 which seeks all new developments to ensure that future occupiers enjoy high standards of amenity.
- 7.57 It is considered that the proposed development fails to demonstrate that the access is adequate to serve the development and that the additional traffic derived from the proposed development would not have a significant impact on the local and wider highway network. Furthermore, the proposed development also does not indicate that adequate waste and recycling could be achieved on the site, contrary to Policies COM7 and ENV2 of the East Cambridgeshire Local Plan, 2015, and the RECAP SPD, 2012.
- 7.58 It is considered that the proposed development fails to confirm adequate affordable housing as required under Policy HOU3 of the East Cambridgeshire Local Plan, 2015. The proposed development is therefore contrary to this policy as it would not be meeting a local affordable housing need.
- 7.59 The application is therefore recommended for REFUSAL.

## 8.0 COSTS

- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.

- 8.2 Unreasonable behaviour can be either procedural i.e. relating to the way a matter has been dealt with or substantive i.e. relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 8.4 In this case Members' attention is particularly drawn to the following points:
- The site is situated in an unsustainable location, outside of the settlement framework, and physically separated from it, compromising the amenity, well-being and safety of future occupiers;
  - The LHA are objecting to the proposed access and have concerns about the projected traffic generation from the proposed development, affecting highway safety;
  - The proposed development does not demonstrate a biodiversity net gain and the Wildlife Trust are objecting on this basis;
  - The proposed development fails to deliver 20% affordable housing provision.
  - The proposed development would significantly impact on the amenity of future occupiers by virtue of noise from the A142.

9.0 APPENDICES

9.1 None.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/01413/OUM	Angela Briggs Room No. 011 The Grange Ely	Angela Briggs Planning Team Leader 01353 665555 angela.briggs@east camb.s.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.eastcamb.s.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>