

**20/01174/FUM**

Mereside Works

25 Mereside

Soham

Ely

Cambridgeshire

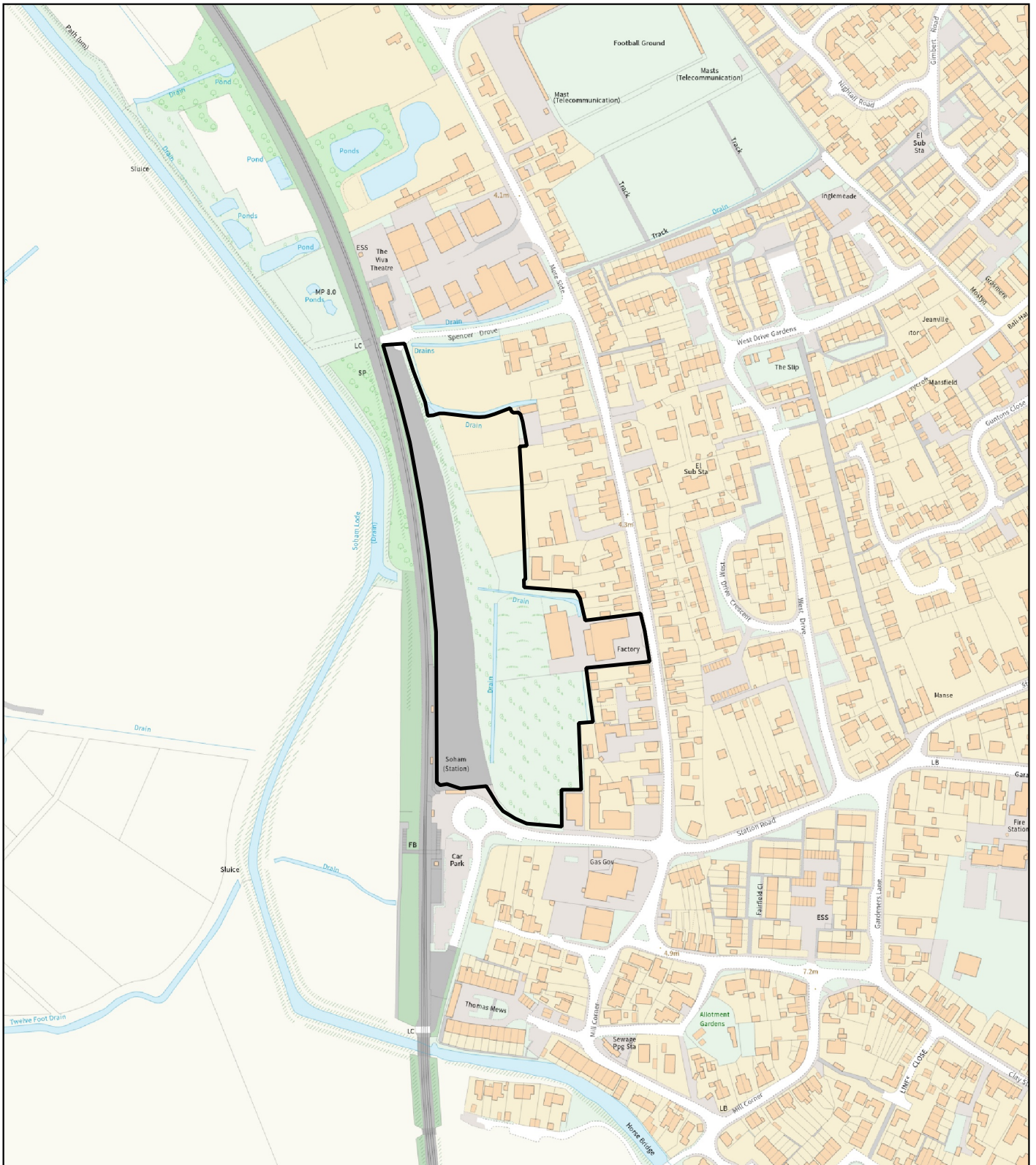
CB7 5EE

Demolition of the existing buildings on-site and the erection of 91 dwelling houses (63 dwelling houses and 28 flats), a ground floor commercial unit for Class E use, which includes a total of 193 parking spaces on-site and a children's play area

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<https://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QGA96EGG0CT00>





20/01174/FUM

Mereside Works  
25 Mereside  
Soham



East Cambridgeshire  
District Council

Date: 17/05/2024  
Scale: 1:4,000



© Crown copyright.  
All rights reserved 100023279 (2023)

**TITLE: 20/01174/FUM**

Committee: Planning Committee

Date: 5 June 2024

Author: Senior Planning Officer

Report No: Z8

Contact Officer: Gemma Driver, Senior Planning Officer  
gemma.driver@eastcambs.gov.uk  
01353 616483  
Room No 011 The Grange Ely

**Site Address: Mereside Works 25 Mereside Soham Ely Cambridgeshire CB7 5EE**

**Proposal: Demolition of the existing buildings on-site and the erection of 91 dwelling houses (63 dwelling houses and 28 flats), a ground floor commercial unit for Class E use, which includes a total of 193 parking spaces on-site and a children's play area**

**Applicant: H P (Soham) Ltd**

**Parish: Soham**

**Ward: Soham North**

Ward Councillor/s: Mark Goldsack  
Keith Horgan

**Date Received: 17 September 2020**

**Expiry Date: 1 January 2023**

**1.0 RECOMMENDATION**

1.1 Members are recommended to REFUSE the application for the reasons outlined below:

1.2 Affordable housing

The application proposes the provision of 13% affordable housing. This represents a shortfall of 17% below the 30% requirement as directed by Policy HOU 3 and a shortfall of 7% below the 20% level required by the *Viability Assessment Information Report (v2) April 2019*. The proposal has not been supported by an up-to-date viability appraisal reflective of the current scheme that would otherwise be required to justify the under-delivery of affordable housing. The proposal, by reason of the under-provision of affordable housing has failed to demonstrate that it would contribute towards meeting affordable housing needs in Soham. The proposal is

therefore contrary to Policy HOU 3 of the East Cambridgeshire Local Plan, 2015 (as amended 2023).

1.3 Open Space

The application proposes to provide 3,347m<sup>2</sup> of open space on site. That provision is a shortfall of 2,202m<sup>2</sup> against the requirements of The Developer Contributions SPD. Furthermore. The proposed offsetting of this informal open space provision would be provided to a private enterprise at Soham Town Rangers Football Club. The proposed offset is not considered to be a suitable alternative as it does not provide the required public facilities as an informal open space would. Furthermore, the open space that is provided on the site is considered to be of poor quality due to being located in a noise buffer required to mitigate noise impacts from the adjacent railway line. The proposed development would therefore fail to provide access to a sufficient supply of high-quality public open space and children's play areas. As such, the proposal is contrary to policies ENV 2, SOH 2, GROWTH 2 and GROWTH 3 of the ECDC Local Plan 2015 (as amended 2023), the Developer Contributions SPD and Chapter 12 of the NPPF.

1.4 Highways

The application proposes the use of extensive shared surface streets. The proposal has failed to demonstrate that the road layout provides a safe and convenient route for future occupiers due to the potential conflict between road users and on road parking pressures. The proposal is therefore in conflict with Policies COM 7 and COM 8 in the East Cambridgeshire Local Plan April 2015 (as amended 2023) and paragraph 114 of the NPPF.

1.5 Character and design

The proposed development, by virtue of its design, layout, form and landscaping fails to create a high quality scheme in its own right. Furthermore, the proposal has not been designed in a comprehensive and coherent way to create a strong and attractive sense of place and local distinctiveness. The proposal is therefore contrary to Policies ENV 1, ENV 2 and SOH 2 of the ECDC Local Plan 2015 (as amended 2023), the Design Guide SPD and the NPPF, insofar that it does not create a positive and complementary relationship with existing development and does not create a high quality scheme that enhances and complements local distinctiveness. The proposals also fail to deliver beautiful and sustainable development as required by the NPPF.

1.6 Residential amenity

The proposed development, by virtue of the staggered layout of housing on the central plots and proposed windows in flank walls of some of those properties, the height and massing of the apartment block in close proximity to Plots 1 and 2 and the lack of garden space for flatted development, would result in unacceptable overshadowing, overbearing and lack of privacy for future occupiers of the affected dwellings and an unacceptable lack of private amenity space for occupiers of the affected flats. The proposal would therefore fail to provide its occupants with acceptable living conditions and residential amenity contrary to Policies ENV 2 and SOH 2 of the Local Plan 2015 (as amended 2023), the Design Guide SPD and Chapter 12 of the NPPF which together seek to ensure that development does not have a significant adverse effect on the living conditions of future residents, including through provision of adequate garden space.

- 1.7 Contrary to allocation policy  
The application proposals include the provision of 91 dwellings together with 73m<sup>2</sup> of commercial space. The proposal fails to deliver the requirements of Policy SOH 2 that requires the development proposals to provide an appropriate contribution to the creation of a station square nor does it relate appropriately to the setting to the station, incorporate public open space, landscaping, and a mix of office/industrial and residential uses. The application has not been supported by justification for such departure from the policy requirements and therefore fails to meet infrastructure needs in accordance with Policy SOH 2, GROWTH 2 and GROWTH 3 of the ECDC Local Plan 2015 (as amended 2023) and Chapter 11 of the NPPF.
- 1.8 Lack of Legal Agreement  
The application proposes a residential housing scheme which would require contributions towards education, open space, and affordable housing, as well as provisions related to the transfer, management, and maintenance of open space, play space and drainage infrastructure. These provisions would need to be secured in the long-term via legal agreement under s106 of the Town and Country Planning Act, however no such agreement has been provided nor completed. On that basis, the necessary mitigation cannot be secured, and the development would therefore be unable to comply with policies HOU 3, GROWTH 3 and COM 7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the Developer Contributions SPD.
- 1.9 Plans  
The planning proposals contain a number of inconsistencies and discrepancies on the submitted plans. Planning permission cannot be granted for this proposal as the plans are inconsistent and therefore it is not possible to verify whether the development would comply with the relevant local and national policies.
- 2.0 SUMMARY OF APPLICATION**
- 2.1 The application seeks full planning consent for the construction of 91 dwellings, one commercial unit for Class E use (comprising 73m<sup>2</sup> floor area), 193 parking spaces and associated infrastructure.
- 2.2 The application has undergone a series of amendments. The original application was submitted with a proposal for the erection of 52 houses and 56 flats (totalling 108 dwellings), a ground floor commercial unit measuring 163 sqm GIA for flexible A1-A5 use (nb. previous retail and hot food takeaway use classes), 186 parking spaces (68 demised, 90 allocated, 28 visitor) and associated infrastructure (including open space). The originally submitted application also included a secondary access off Station Road which has since been removed from the application.
- 2.3 The current proposal would be made up of 63 houses and 28 flats. The flats would be located within four key apartment blocks. Blocks B and C would be located to the Northwestern corner of the site. Block D would be located to the South of the site and Block E would be to the Southwest, closest to the access point with the adjacent railway station. The proposed dwellings are made up off semi-detached and terraced blocks.

- 2.4 The site layout includes one central road that forks off to the South providing access to the main bulk of the houses and Blocks E and D. To the North of the central access road are a further 15 dwellings together with apartment Blocks B and C and the children's play area.
- 2.5 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/>.

### **3.0 PLANNING HISTORY**

- 3.1 **20/00561/P18**  
Reintroduction of Soham Railway Station  
**Grant Prior Approval**  
26 June 2020

**16/01804/NMAA**

Non material amendment to previously approved 16/01804/FUM for Demolition of existing buildings and redevelopment of 31 new dwellings with associated and ancillary development including access, servicing, amenity space, landscaping and the establishment of ecological mitigation land

**Accepted**

23 December 2021

**16/01804/FUM**

Demolition of existing buildings and redevelopment of 31 new dwellings with associated and ancillary development including access, servicing, amenity space, landscaping and the establishment of ecological mitigation land

**Approved**

10 June 2019

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

- 4.1 The application site comprises c.3.18 hectares and is formed of an irregularly shaped parcel of land. The site currently hosts a mix of buildings that are set back off the existing access from Mereside meaning views from the public realm reveal a redundant light industrial site. Historically, the land has been subject to a mix of land uses comprising railway sidings, builders' yard, construction site compound, engineering works, infilled land and marshy land to name a few.
- 4.2 The site has two main vantage points, one being from Mereside and the other from the Soham railway station. The surrounding development comprises a mix of uses and architectural styles. The frontage along Mereside is made up predominantly of residential properties, with the exception of a care home and children's nursery also in close proximity. To the North, off Spencer Drove, are light industrial buildings and the 'Viva Arts Theatre'. To the South, is the re-opened Soham railway station and the station approach road. To the West is the railway line that provides services to Peterborough and Ipswich together with a public right of way that runs parallel to this North to South.

- 4.3 Within the site are a network of watercourses. The site is predominantly within Flood Zone 1, although a parcel of Flood Zone 3 is present within the centre of the site and further North (on a parcel of land that is not within the applicant's ownership). These small pockets of flooding relate to watercourses on the site which are connected to the Soham Lode to the western side of the railway line bordering the site by a culvert.
- 4.4 The site is allocated in the Local Plan under Policy SOH 2 for a housing-led/mixed use allocation including provision of approximately 90 dwellings, a station building (and associated development) and a minimum of 0.5 hectares of office/industrial space. The site is a large proportion of the land allocated in the policy with a small parcel of land to the North of the allocation excluded due to dual land ownership and the railway station development to the South which have already been delivered also excluded.
- 4.5 A previous application was approved in June 2019 (application ref:16/01804/FUM) that granted the provision of 31 residential units on a smaller central portion of the SOH2 allocation site.

## **5.0 RESPONSES FROM CONSULTEES**

- 5.1 Responses were received from the following consultees in respect of the current scheme, and these are summarised below. Please note, any comments in respect of previous revisions of the application are not included in this report and full responses are available on the Council's web site.

### **Anglian Water Services Ltd – 4<sup>th</sup> Consultation: 15 June 2023**

We have reviewed the submitted documents and we can confirm we have no additional comments to add to our previous response PLN-0177199 [directly below].

### **Anglian Water Services Ltd – 3<sup>rd</sup> Consultation: 12 June 2023**

#### Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site.

Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991.

#### Section 2 - Wastewater Treatment

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

#### Section 3 - Used Water Network

This response has been based on the following submitted documents: Flood Risk Assessment for Surface and Foul Water Drainage Strategy reference 14044-FRA-RP-01 | REV B



The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (1)

A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter.

#### Section 4 - Surface Water Disposal

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

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. Please note that Anglian Water has no surface water sewers in the area of the proposed development. As such, we are unable to provide comments in 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 re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

#### **Cadent Gas Ltd – 4<sup>th</sup> Consultation: 2 June 2023**

We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application which is in the vicinity of our gas asset/s. We are placing a holding objection on the proposal whilst our engineering team reviews the available information. We will be in touch once we have reviewed the proposals in more detail. In the meantime, we may contact you for more information to help us make the decision.

#### **Cambridgeshire Archaeology – 3<sup>rd</sup> Consultation: 1 June 2023**

Reviewed the additional information provided and can confirm that it does not alter the advice given by this office previously on 18/1/21 and the 29/3/22.

[comments below]

The site boundary is likely to be important sub-surface evidence of 19th century railway infrastructure associated with the former Soham Station, shown illustrated on Ordnance Survey mapping dated to 1885, which should also be recorded in advance of redevelopment of the site.

Records indicate that the site lies in an area of high archaeological potential. Archaeological investigations to the east along Station Road have revealed evidence of Prehistoric and medieval occupation, including inhumation burials of



Iron Age date (Cambridgeshire Historic Environment Record reference MCB18106) as well as evidence of Saxo-Norman occupation (CHER ref 11985) with evidence of Saxo-Norman structures also being discovered at Pratt Street (11932). To the southeast is the Grade I listed 12th century Church of St Andrew (National Heritage List for England reference 1126450) whose cemetery was considered by antiquarian archaeologists, following some small excavations within the churchyard, to overly a Saxon burial ground (07123a) which may be associated with the site of a monastery founded at 'Seham' in AD630 by St Felix, first bishop of the East Saxons (CHER ref 07124). Archaeological investigations at White Hart Lane have revealed evidence of Iron Age and Roman settlement (MCB18184) as well as medieval remains dating to the 10th-12th centuries, and evidence of the remains of a building and its associated boundaries as depicted on mapping dated to 1656 (MCB18185). Numerous burials have been recorded from the gardens of houses along the Lane (for example, at No 1: MCB17746; at No 11: 11789 and adjacent to No 46: MCB19457). In addition, archaeological investigations to the south have revealed evidence of the medieval development of Soham (for example, ECB2451).

Do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG.

### **Cambridgeshire County Council Education – 2<sup>nd</sup> Consultation: 18 July 2023**

Thank you for consulting on the amended planning application for this development in Soham (at Mereside way). The previous scheme was for 94 dwellings, the new scheme for 91 (is this still correct - for the avoidance of doubt I have used the mix below). This results in slightly fewer children as below: -

EY: Old scheme = 5.9 children, new scheme 5.58 children

PS: Old scheme = 14.75 children, new scheme 13.2 children

SS: Old scheme = 8.3 children, new scheme 7.5 children

Based on the new housing mix below.

Education officers have confirmed that they would still consider education contributions as necessary, when taking into account all the development coming forward, however, there has been a change in the forecast numbers for primary level education which has resulted in a reduction of forecast in-catchment children, which in turn has freed up capacity at primary school level. On balance, whilst primary contributions may still be required for the totality of development in Soham going forward, it is hard to maintain a justification for this development, and therefore we currently do not require a primary school contribution.

Updated contributions (June 2023).

- Early Years = £18,187 x 5.58 = £101,483.46
- Primary School = not required
- Secondary School = £25,253 x 7.5 = £189,397.50

It should be noted that the cost per place is based on an updated DfE Scorecard cost, indexed at 1Q2022, for a school expansion place (as opposed to a new school place).

The library contribution would reduce to 91 dwellings x 1.9 x £91 = £15,734.

A monitoring fee of £150 remains.

**Cambridgeshire Fire and Rescue Service – 3<sup>rd</sup> Consultation: 15 June 2023**

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.

**County Highways Transport Team – 5<sup>th</sup> Consultation: 5 June 2023**

We have reviewed the additional information provided and can confirm that it does not alter the recommendation given by the TA Team previously on 16/03/2022.

The additional information submitted by the applicant concerns internal site layout of which our Highways Development Management Team will review and respond accordingly.

Comments on 16/03/2022 note the documents reviewed are the additional modelling results produced by YES Engineering Group Ltd for the proposed development of 73sqm commercial floorspace and 94 residential dwellings (comprising 66 houses and 28 flats) on the land off Station Road, Soham.

**Transport Assessment Review**

**Trip Generation**

The total development is anticipated to generate 52 vehicle movements in the AM peak and 61 vehicle movements in the PM peak. This is agreed. The development will generate a net increase of +37 vehicle movements in the AM peak and +44 vehicle movements in the PM from the existing permitted use.

Multi-modal trip generation for the proposed development is agreed. The development is anticipated to generate 13 pedestrian trips, 10 cycle trips, and 7 public transport trips in the peak periods.

**Highway Impact**

The distribution of development trips is agreed. The traffic flow diagrams submitted are acceptable for use within this assessment.

The junction capacity modelling assessment of the Mere Side/Station Road junction demonstrates that the development will not cause detriment to the operation of the junction. The junction is anticipated to operate within capacity during all future assessment year scenarios.

**Mitigation**

As part of the development, the applicant has proposed to deliver the following:

- Footways to be delivered on each side of the water course running through the site.
- A 3m wide dual footway/cycleway to be delivered on the western side of the site to link to Spencer Drove to the north and to the new Soham Station off Station Road to the south.
- Travel Plan

In addition to the above, the Highway Authority request a S106 contribution.

**County Highways Transport Team – 4<sup>th</sup> Consultation: 21 April 2023**

I am happy to provide further clarification regarding the three schemes. My comments are set out in red below:

- The scheme costs at the time of our calculation (Nov 2020) were £12,750 for the Mereside/Station Road junction narrowing, £12,500 for the Station Road/Gardeners Lane junction narrowing, and £6,000 for the footway/pedestrian crossing improvements at the Station Road/Gardeners Lane junction. These costs will have since increased due to inflation and increasing construction costs and as such, the £74,790 requested is considered sufficient to deliver the schemes.
- Our Projects Team are happy to deliver the works at the earliest opportunity once the S106 monies are paid.
- Monies have not been secured for these projects from other developments.
- These projects are required to specifically mitigate this development. The development proposals will result in an increase in residents walking to and from the site to Soham Town Centre and the schools within this vicinity. These projects will improve both amenity and safety for new residents utilising the pedestrian route to these locations via Station Road which in turn will encourage travel to/from these locations by sustainable modes. As such, the off-site highway works are considered essential. The improvements comply with both para's 104 and 110 of the NPPF and Policy SOH2 within the East Cambridgeshire Local Plan.

**Cambs Wildlife Trust – 3<sup>rd</sup> Consultation: 4 July 2023**

The Biodiversity Report Update Statement provided by BSG Ecology dated May 2023 reviews the 2020 submitted ecological reports to determine whether any updates or further surveys are required. The report concludes that the original 2020 ecological reports remain valid and suitable documents for the determination of this application. I am happy to accept this conclusion.

Cambs Wildlife previously noted on 23 March 2022:

The proposals for delivery of off-site Biodiversity Net Gain commitments set out below would be an acceptable approach, as the County Council land at Swaffham Bulbeck is well situated close to the Devil's Dyke SSSI. The Devil's Dyke, Newmarket Heath and areas buffering these two SSSIs have been identified as a priority area for nature conservation in the draft Interim Nature Recovery Strategy that the Wildlife Trust is preparing on behalf of ECDC.

Should the land not become available at Swaffham Bulbeck within a reasonable timeframe, delivery of the equivalent habitat and biodiversity units at Lower Valley Farm in South Cambridgeshire would be an ecologically suitable alternative, as it is within one of the priority areas for conservation recognised by Natural Cambridgeshire, and also buffers and extends a chalk grassland SSSI.

I hope these comments are of help to you. If you have any queries regarding this advice, please don't hesitate to contact me.

### **Design Out Crime Officers – 4<sup>th</sup> Consultation: 5 June 2023**

Thank you for the opportunity to comment on this revised planning application. I have viewed the documents and searched the constabularies crime and incident systems covering this location for the past two years - a two-year period would usually provide sufficient information. I consider this to be a low crime area however Burglary and Vehicle crime have been issues in the past.

Having viewed the documents and changes made, my original comments dated 8th February 2022 still stand. These are in relation to the below...

#### Residential houses:

- Reducing the dominance of parking on the street scene for residential houses.
- What is the proposed access into rear gardens, particularly for terraced properties and those with rear parking.
- Reduce fence height to properties with rear parking from 1.8m to 1.5m with addition of 300mm trellis.
- Lighting plan including lux levels and calculations once available.
- Softening the street scene with additional planting to 1m, including lack of both natural and physical surveillance over private vehicles.
- If each dwelling is being provided with a rear garden shed, is there a requirement for an additional cycle store to the front of each property.

#### Apartments:

- Access control - Audio/Visual visitor entry system. No Trade or Call buttons.
- Post boxes
- Cycle/Bin Stores
- Parking courts for flats lighting.

#### Commercial units:

Windows and Door standards including Curtain walling if applicable.

Bin store - access control.

External cycle stands.

### **ECDC Trees Team – 3<sup>rd</sup> Consultation: 13 July 2023**

The submitted SPD Compliance Summary includes errors in regards to tree replacements from Policy SPD.NE8 as the groups being removed have only been calculated based on the stem diameter of one individual, some of the Diameters in the Table are different to those provided in the Arboricultural impact assessment and only A and B category trees need replacement.

Excluding the groups of trees where the numbers of trees to be removed have not been provided 44 new trees will be required, group G5 is being partly removed and will require 6 trees for each removed tree, group G13 is being completely removed and will require 4 trees for each one removed. The current soft landscaping scheme includes over 100 new trees. it is disappointing that all the existing trees located internally on the site are being removed and that none of them could have been designed into the sites layout and been retained especially considering the size of them. The layout seems to be based solely on maximizing the occupation rather than integration of any existing features baring the sound barrier trees along the line of the railway which is more out of necessity than design.

The submitted Arboricultural Method Statement is acceptable in that its recommendations coincide with BS 5837:2012 Trees in relation to demolition, design and construction - Recommendations and the submitted layout and should be conditioned for compliance should the application be approved.

The soft landscaping scheme includes some soft fruit producing trees in proximity to hard surfacing these should be reconsidered as if their locations overhanging or are adjacent to parking areas and footpaths it will be unsuitable for their long-term retention. The various soft fruit (apples, Cherries, and berries) pose a slip hazard as well as making a mess and attracting unwanted insects such as Wasps, Ants etc leading to them being removed before they can be of significant benefit. There are also trees included know to support a high aphid biomass such as Oak, and Silver Birch this aphid population results in Honey dew production and coverage of surfaces such as cars and outdoor furniture the locations of these trees should be reconsidered. Consideration of the water demand of the tree species should be considered when location the trees for example Oak and Crack Willow are high water demanding species that are often linked to subsidence issues. It may be more appropriate to use more ornamental tree species in proximity to the built forms and keep the native species trees for the open spaces and wildlife areas. Confirmation of the soft landscaping proposals could be confirmed by condition if required.

### **Environment Agency – 3<sup>rd</sup> Consultation: 3 July 2023**

We have reviewed the documents as submitted and maintain no objection to this proposed development. We have provided further details below.

#### **Flood Risk Assessment**

We strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) reference 14044-FRA-RP-01 prepared by Water Environment Ltd dated 30/05/2023 are adhered to. In particular, the FRA recommends that:

Finished floor levels will set no lower than 3.85 mAOD.

Please refer to our previous letter referenced AC/2020/129645/01 for our comments on water quality and contamination as below:

#### **WATER QUALITY**

No objection in principle to the proposed development on the grounds of wastewater provision and impact on environmental water quality. At this stage there appears to have been no direct contact with Anglian Water, regarding foul drainage provision for the proposed development. It is essential that the developer contact Anglian Water to instigate an AWS Pre-Planning enquiry in order to confirm that foul drainage from the site can be accommodated within the existing foul sewerage network.

[comments dated 30/05/2023 below]:

#### **GROUNDWATER & CONTAMINATED LAND**

The proposed development site is not located within a Source Protection Zone meaning that it does not lie within the catchment of a groundwater abstraction used for public water supply. It is indicated to be underlain by unproductive strata. There are a number of surface water features on site (ditches and pond) and in the

surroundings (including Soham Lode approximately 30m to the west of the site). We understand that the site history includes potentially contaminative activities (former railway land and commercial / industrial activities). Environment Agency Position Based on the information provided, we do not consider this proposal to be high priority at this time. This development site appears to have been the subject of past activities which poses a risk of pollution to controlled waters. However, we are unable to provide site-specific advice on land contamination issues at this time as we are prioritising the protection and improvement of groundwater that supports existing drinking water supplies. If significant contamination is subsequently discovered that could present a risk to controlled waters, we would wish to be notified.

Due consideration should be given to the impacts that the proposed development may have upon controlled waters receptors during both construction and operational phases.

We consider any infiltration Sustainable Drainage System (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels.

#### **Environmental Health – 2<sup>nd</sup> Consultation: 20 May 2024**

We recently discussed the calculated noise levels at the proposed dwellings and Table 8.29 on page 77 of the Basic Environmental Assessment Report which displays the sounds levels for day and night and whether it exceeds the relaxed target. This table accounts for a standard 15dB reduction for a partially open window but also a 20dB reduction if the following criteria is met –

*“Primarily, all dwellings that face the two main sources of noise, the railway line to the west and Mere Side to the east, have been designed so that no openable windows face these noise sources. Therefore, all dwellings facing these noise sources have openable windows to side elevations and will have windows that open away from the noise source. By utilising this design practice, the noise attenuation of a flanking window opening away from the noise source is predicted to provide circa 20dB”*

Table 8.29 calculates that all dwellings will achieve the relaxed target if this criteria is applied. You have advised me that Block E has been labelled up incorrectly, so all the openings are indicated facing South rather than West, and therefore away from the railway line.

With regard to concerns raised about vibration from proximity to the railway line, vibration from railway lines are usually only an issue with subsurface tracks (such as an underground/tube system) but vibration has been considered in this instance and finds –

*“that potential doubling of the passenger usage on the railway line has minimal effect on the predicted VDV [VDV being Vibration Dose Value] at a distance of 10m from the railway track”*

I therefore have no concerns to raise.

### **Housing Section – 4<sup>th</sup> Consultation: 21 May 2024**

Whilst I can confirm that the proposed mix of dwelling sizes and tenure is reasonable for the proposed development, I am not able to be supportive of the application as it seeks to deliver less than half of the minimum 30% affordable housing provision required under Policy HOU3.

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 30% 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 affordable dwellings are not clustered in parcels larger than 15 dwellings as this will help to create a balanced and sustainable community.
8. That the Provider will not dispose of any dwelling by outright sale (except any sale to a tenant under statutory provisions)
9. That occupation will be in accordance with a nomination agreement.
10. That these affordable housing conditions shall be binding on successors in title, with exceptions for mortgagees in possession and protected tenants.

### **Local Highways Authority – 5<sup>th</sup> Consultation: 14 June 2023**

The applicant is referred to the previous consultation of the Local Highway Authority dated 4th July 2022, which still requires attention, and should be considered along with the additional observations below.

The site continues to be extensively served by shared surface roads and would not be suitable for adoptable without substantial changes being made. The layout does however appear to accommodate turning of large vehicles within the site to enable vehicles to enter and leave the existing public highway in forwards gear, and I would



not therefore look to object to the internal arrangements on the basis that they remain private.

I note that the vehicular swept path previously shown on Drawing 212 P5 is no longer evident on revision P6 and I have not been able to locate this on other drawings nor the swept paths detailed in the Transport Addendum.

While I have reservations regarding the location of the vehicular access to plot 39A being so close the junction radii, I note that this was previously granted permission with respect to application 16/01804/FUM and I would not therefore look to object in this regard. The applicant should however ensure that the pedestrian crossing at the adjacent junction is positioned clear of the vehicular access to mitigate the risk of collision between pedestrians and motorised users, and particularly those reversing out from the driveway.

Dropped kerbs are now detailed at the junction entering the site, however they are shown to be partially located on private land, whereas suitable crossing provision should be made fully within the public highway; given the observation in the previous paragraph, it may be necessary to locate the crossings further into private land. This is not necessarily a problem providing the area in which the crossings are shown is dedicated as public highway as part of a s278 agreement for construct of the junction. Should agreement however not be reach regarding adoptable extents, then the applicant may later require variation to their permission. The applicant should be invited to clarify their position in this regard.

On Drawing 212 P6 dropped kerbs on either side of the road are not directly opposite one another. This may be confusing for users with impaired vision who would expect them to be in line. The position of all dropped kerbs at this junction should be detailed on plan to enable their relationship to be considered in context. With regard to the driveway visibility splays on Mereside, I would further clarify that the 'y' distance should be measured along the edging kerb, rather than providing a simple 2m by 2m triangle as correctly shown on plan.

Drawing 212 P6 now included additional details of the junction on Mereside, showing a 4m and 5m radii, with the road width transitioning within the site from approximately 8m to 6m. The standard for adoptable junction radii on a 30mph road is 6m and should be amended accordingly on plan. This requirement may be relaxed if the radii proposed can be proven by swept path analysis to be the most appropriate for the road layout proposed.

Please let me know if the applicant is unable or unwilling to amend the plans and/or provide additional information as requested above and in previous correspondence, so that I can consider making alternative recommendations.

#### **Local Highways Authority – 4<sup>th</sup> Consultation: 29 July 2022**

Further to our discussion, please find below a list identifiable and avoidable hazards evident in the proposed layout which would prevent the Highway Authority from considering this site for adoption.

This list is not intended to be exhaustive and is likely to be extended should the site be considered in greater detail by a road safety practitioner with experience in considering residential developments.

The developer should be aware of the duty of care they have for the future residents of this development and their legal responsibility as designers to eliminate foreseeable risks to anyone effected by their project or to take steps to reduce or control any risks that cannot be eliminated.

1. Absence of any turning provision in the roads serving plots 43 to 54. This is likely to result in vehicles reversing up to approximately 60m along a shared surface and across footpath crossings, risking conflict with non-motorised users, before reversing out a junction where visibility will be limited.

2. It is unclear how waste collection from dwellings is proposed. Should this be edge of individual curtilage, this would exacerbate the problem identified in point 1. The presence of larger vehicles with potentially restricted visibility would compound the risk of conflict and severity of any resultant collision. Problem 1 would also extend to other roads, such as those serving plots 40 to 42 and 60 to 66, where turning is unlikely to be suitable for larger vehicles such as refuse freighters or fire tenders.

3. While approximately 6m of turning area appears to be provided to the rear of parking spaces, reverse maneuvering may be difficult for those at the end of driveway parking area, such as spaces 43A, 46A,49A, 20A, 21B Etc., especially where larger domestic vehicles are involved. Similarly, to point 1., this may result in reversing along the shared driveway.

4. There appears to be limited visibility at the two junctions serving plots 40 to 42 and 43 to 48 which will be obstructed by adjacent parking. While edge of carriageway is to be in some way demarcated some distance from the edge of the trafficable surface, it is unclear what form this will take, how durable it will be or how effective it will be in preventing vehicle incursion. Failure to ensure that visibility appropriate for the speed of traffic using the road is provided and maintained may result in turning out collisions. This could include collisions with more vulnerable road users (e.g., pedestrians and cyclists) as there is only a partial footway meaning such users could reasonably be expected within the carriageway.

5. From the limited vehicular swept path details provided on plan 212 p5, it is evident that significant incursion by large vehicles will occur into the demarcated footway to the front of plots 15 to 18. While it remains unclear what form the edge of carriageway demarcation will take, providing what would reasonably assumed to be a segregated footway may give pedestrians a false sense of security while failing to giving any significant protection from passing road vehicles. This is of particular concern for visually or mobility impaired users who may be less able to anticipate the risk or take avoiding action. Incidentally, this plan also shows that turning vehicles will be required to overrun parking space 57A to turn at the adjacent junction.

6. Visibility splays at the junctions adjacent to plots 18 and 52 have not been defined and may be obstructed by subsequent landscaping or in the case of that

adjacent to plot 52, by pedestrian guard rails or vehicular restraint systems that may be required to prevent incursion into the watercourse on the driveway to the west. Failure to provide visibility at a junction appropriate to the speed of approaching road users is likely to result in conflict and possible collision between opposing flows.

7. The access onto Station Road is not clearly defined, with very limited radii shown. With likely entry speeds into the road unclear. The presence of parking areas in close proximity to the junction, some of which are likely to involve reversing out on to the highway, will introduce a risk of side impact, late braking and shunt type collision.

8. No separate provision is to be made for pedestrians beyond the junction adjacent to plot 18, essentially making the road to the west and north a shared space. This shared surface serves 72 parking spaces and has a main run in excess of 100m with single sided development and no significant deflection or other physical traffic calming measures to mitigate speeds. This environment would present a conflict hazard between pedestrians and motorised road users, which would be of particular concern for those with visual impairment, who may also find the area difficult to navigate.

9. A number of parking spaces are shown directly adjacent to the carriageway such as spaces 24B to V8, where visibility of those leaving the spaces will be obstructed by adjacent parked vehicles and where those travelling on the road will have very little opportunity to recognise and anticipate a vehicle leaving the parking space. While traffic calming is to be provided on this road, the form this will take has not been clearly identified and it is unclear whether this would be sufficient to mitigate speeds on a road which will provide an alternative route to/from the adjacent station. Failure to provide appropriate visibility to parking spaces may result in side impact collisions.

10. The access to parking spaces 19A to 21B is located very close to the junction. Vehicles entering from Station road to access these spaces may be obstructed by vehicles waiting to exist the junction, where they will be vulnerable to rear end shunts from vehicles following them into the junction.

11. From the consultation response from Network Rail dated 07/04/2022 It appears that the southern access on to the private station road is likely to be subject to condition (Recommended condition 4), although this is outside of the red line boundary and therefore unclear whether this is within the scope of this application. Should this access not be secured prior to formalising a southern access to the public highway, there is a risk that the site is constructed without sufficient turning at the southern extent of the proposed access road, which will result in vehicles reversing in the road in a location with only limited fully segregated footway, risking conflict with non-motorised users.

12. The site is located adjacent to a train station where parking charges may displace vehicles onto adjacent roads. Narrowing of shared roads by on street parking may further exacerbate problems identified previously with respect to reversing on shared surfaces and visibility at junctions.

13. The site layout may result in rat-running vehicles between Soham Station and Mere Side. Rat-running vehicles typically travel at speeds ill-suited for a residential environment.

14. It is unclear how junction tables will be constructed within roads that includes adjacent surfaces that are both kerbed and un-kerbed. Turning into adjacent parking spaces across ramped sections may itself cause problems for road users, but should this ramp extend into the parking area, it will also create an unlevel surface that may be unbalancing for pedestrians entering or alighting parked vehicles. This would be of particular concern for such users with restricted vision or mobility impairment are to be .

15. It is unclear what measures are to be provided to prevent pedestrians and vehicle entry into the watercourse from the three crossing points. While level differences are unknown, this may result in falls from height or risk of drowning in the event of this being water filled.

16. It is unclear whether this development is to be illuminated with a system of street lighting. In the absence of such provision, the risk of vehicle human road interaction on shared surfaces or crossing points is likely to be increased.

**Local Highways Authority – 3<sup>rd</sup> Consultation: 4 July 2022**

I note that drawing extract 134-WGA-visibility splays, included in the applicant's correspondence of 8th April 2022 to which my e-mail of 11th April 2022 refers, has not been published in this consultation, and it is not therefore possible to recommend appropriate conditions in reference to this plan.

In any event, the other issues raised in my e-mail 11th April 2022 do not appear to have been addressed in the most recent submission. I would therefore ask that the applicant be invited to formally submit the visibility splay plan, with amendments as previously requested, the principal issues of which are listed below:

2.5m by 5m parking spaces to plots 37 and 38 must be detailed and relocated clear of the visibility splay, with sufficient offset from the building line to encourage full use of the space, to mitigate risk of the visibility splay being obstructed by parked vehicles.

2m by 2m pedestrian visibility splays must be correctly detailed on plan between the vehicular access and the back edge of the footway.

A pedestrian dropped crossing located fully within the public highway must be provided on either side of the proposed junction, in a position that optimises both visibility and crossing width.

Drawing 212 p5 demonstrating turning of a refuse freighter shows the vehicle overhanging and overrunning the footways at the junctions with Mereside and Station Road.

It is recommended that the applicant be invited to provide revised plans showing the junctions retracked at an appropriate speed for this type of manoeuvre.

Should it not be possible to avoid such overrun, the junction should be amended to accommodate appropriate safe movement.

Please advise me if the applicant is unable or unwilling to provide amended plans as suggested, so that I can consider making alternative recommendations.

**Lead Local Flood Authority – 4th Consultation: 22 June 2023**

We have reviewed the following documents:

o Flood Risk Assessment Surface and Foul Water Drainage Strategy, Water Environment, Ref: 14044-FRA-RP-01 Rev C, Dated: 30 May 2023

Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development.

The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving across all access and parking areas. Additional attenuation will be provided in cellular storage below the permeable paving where required. Surface water will discharge through four separate outfalls at the greenfield equivalent rate. It is noted that there is an area of surface water flood risk in the centre of the site and it must be clearly demonstrated in any future submission that the development will not displace this risk of flooding.

Requests the following conditions; detailed design of the surface water drainage, details of measures indicating how additional surface water run-off from the site will be avoided during the construction works and completion of the surface water drainage system, including any attenuation ponds and swale a survey and report from an independent surveyor

**Natural England - 6 June 2023**

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

**Sites of Special Scientific Interest Impact Risk Zones**

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](http://data.gov.uk) website

**Network Rail - 7 June 2023**

Thank you for consulting Network Rail regarding the above application. We have previously responded to this application and our comments remain the same.

Previous comments note:

The proposed development is located adjacent to Network Rail's operational infrastructure and the site of Network Rail's proposed new Soham Station. Network

Rail obtained Prior Approval (20/00561/P18) for the new Soham Station on the 26th June 2020.

#### Interaction between the proposed development and Soham Station / Level Crossing

At the western end of Spencer Drive, there is a level crossing where FP12 Soham crosses the railway. Network Rail has applied to divert this public footpath to a new footbridge to be built at Soham Station as a necessary consequence of the development of the new station (the introduction of stopping trains near the crossing), in addition to normal safety concerns surrounding level crossings. Users will be diverted along the station approach road. In the interests of safety, Network Rail objects to any direct link being made available between the development site and Spencer Drive until the Rail Crossing Diversion Order is confirmed and the level crossing is closed to the public. This is in the interests of safety; more users of a level crossing will lead to more risk of an accident.

No public cycle access along the station approach road, which is owned by Network Rail, is currently proposed. Use by cyclists will be permissive for access to the station and a private right to access the developer's land as being arranged between the developer and Network Rail at present.

Spencer Drive also has a private vehicular level crossing, although it is currently believed to be out of use. It appears from the application that the developer is the owner of the land served by this level crossing (or has an option with the owner), to be used as an environmental mitigation site. Network Rail's preferred arrangement is that Spencer Drive level crossing is closed to vehicular users and the developer makes alternative access arrangements to prepare and maintain the mitigation land (for example by taking access on foot only or via an alternative route). If it is not possible to close this level crossing, then Network Rail would wish to see the vehicular gate enhanced and securely padlocked (at the developer's expense) and all access to be tightly controlled.

Network Rail believes that there may be some drains underneath the developer's land adjoining the proposed new station. Network Rail does not want the capacity of any existing drains to be diminished, to avoid possible flooding upstream.

The site is to be drained to the sewage system and not to any drainage system passing beneath the railway, which has not been designed to drain residential areas.

#### Land Ownership

Part of the land which forms the application site was formerly in railway ownership. Network Rail therefore requires the developer to comply with the covenants contained within the Transfer documents.

#### Fencing

The fencing along the boundary between the proposed development and Network Rail's operational boundary will need to be improved/altered as a result of the proposed development. The developer will need to contact Network Rail to discuss this in more detail and the specific fencing requirements.

#### Asset Protection and Optimisation comments

For Asset Protection acceptance the applicant will need to ensure the following:

- Trees on the boundary line shall comply with the Network Rail approved tree types to prevent leave nuisance and potential train delays or accident.
- Vehicle incursion system along the boundary shall be incorporated in the development to prevent errant vehicles or lorries onto the electrified and hazard area of the railway.
- Developer's attention is drawn to the presence of a 25kV overhead line on the adjacent railway line and the sensitive train signal equipment (both buried and surface mounted). Interference and disruption to the operations shall be mitigated and measures put in place to ensure their safe operation.
- The prevention of the Electromagnetic Compatibility and Frequencies from the high voltage cables on the railway property shall need to be considered and with any necessary protection incorporated in the design. This may involve clearances in compliance with the required British and Network Rail Standards and other relevant industry standards for the safety of the occupants and users.
- No Storm/surface water or effluent should be discharged from the site into Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage.

Section A identifies the main issues specifically derived from the application ... and Section B are generic comments from our Asset Protection (ASPRO) team which aim to ensure high standards of Network Rail's operation.

#### **Soham Town Council – 4<sup>th</sup> Consultation: 28 June 2023**

NOTED Soham Town Council's previous comments still stand.

NOTED IN CONCERN & OBJECTION: 2 flats (D6 & D10, 2x 2 bedroom[4 person]) are smaller than the National Space Standards (breach of Standards)

NOTED IN CONCERN & OBJECTION: out of 42 flats listed, 8 are affordable & 66 houses listed as 3 are affordable this equates to 11.1% affordable housing which is considerably less than stated in the Local Plan 2015 (30%). The build standard has not been addressed in this and should contain a detailed energy and sustainability statement using BREEAM or passive house compliance. No reference is made to the supplemental documents recently adopted by ECDC in regards to

NOTED IN CONCERN & OBJECTION -no statement is provided to the inevitable vibration created by piling and heavy machinery will cause to those existing houses that are in close proximity to the site built in the 19th century and have little or no substantive foundations.

NOTED IN CONCERN: re Transport Assessment report states that it is expected that 54% of resident homeowners on this development will travel by car-where was this data sourced as it seems unsupported by existing town statistics.



NOTED IN CONCERN: The traffic survey report is inaccurate when compared to the data received in the recent Soham Market Town master plan which states that 56% of residents leave the town for work and this impacts on traffic movement throughout the Town.

NOTED IN CONCERN & OBJECTION - Width of Mereside road is 5.5 metres (widest) at the exit point to the development with suggested permanent parking on one side. The aspect of road and adoption suitability needs to be reviewed and mitigation to junction and road improvements provided by the Developer.

NOTED IN CONCERN & OBJECTION: The introduction of this housing development along now with the adjacent reintroduction of the railway station will only add to current roads issues and to the detrimental impacts wrt traffic management in this area already has for existing Mereside residents.

NOTED IN CONCERN: general site issue- ongoing maintenance responsibilities for the SUDS on the proposed site noting that if there was no proper ongoing maintenance agreement for these specific structures the site would be exposed to increased drainage/flood problems.

NOTED IN CONCERN & OBJECTION: procedurally that whilst the Developer had undertaken on on-line consultation where the plans could be viewed over the summer it had not demonstrated the results of providing any effective reach in the community to assure that there had been any public consultation to the proposal (noted that the town council had not been invited)

NOTED IN CONCERN & OBJECTION: Ecological concerns were raised again regarding the (loss of the) Great Crested Newts which as a Protected Species under current legislation had been identified inhabiting the adjacent site (reintroduction of railway station) but had not been identified by Consultants at the time of reporting. Cllrs expressed that this was likely to be the case given that commencement on the adjacent site had failed to mitigate (provide alternate site) for these creatures being stripped of trees and levelled contra to the planning conditions for this site. This matter of breach has been reported to ECDC Enforcement Officer but to date no action has been taken.

NOTED IN CONCERN & OBJECTION: Flooding -The adjacent river Lode is higher than parts of the proposed development and if the calculated '1 in 100 year flood event' happens here then this whole site will be subsumed. No consideration of this aspect nor the effects of global warming with regards to known rising sea levels. In the event of the sea overtopping the defences at Kings Lyn the Environmental Agency has the right to (and will) close the defences at Lyn causing the Ouse to back up causing land flooding as far as Cambridge. With this site at or below sea level and relying on the Lodes current capacity for drainage will inevitably cause flooding. A statement from the Environmental Agency needs to be obtained to address this issue.

NOTED IN CONCERN & OBJECTION: to accommodate the number of houses on the site the proposal is for (relatively) narrow and small ground floors (footprints) including outside garden space amenity with build upwards to provide further

accommodations. Given the effects of Coronavirus and the increasing need to work from home the lack of overall amenity space within these houses is of significant concern.

NOTED IN CONCERN & OBJECTION: The lack of dedicated space (2 car minimum) per residence and the 'demised' arrangements are both insufficient and in positions that would encourage obstructions on the residential roads.

APPROVED UNANIMOUSLY: members to recommend that ECDC Planning Committee refuse this development.

### **The Ely Group Of Internal Drainage Board - 16 June 2023**

The Board has no further comment to make on this application from a drainage point of view.

### **Waste Strategy (ECDC) – 4<sup>th</sup> Consultation: 31 January 2024**

The collection point for properties 12- 18 should be located closer to the boundary of the access road. We would advise to clarify the bin collection point for block D (flats) and particularly where the bin store would be located to ensure there is no proximity to parking bays/cars parked, as it would be unsafe to pull bins nearby them. Irregular parking may prevent collection vehicles from reversing at the back of block D. Although a swept path analysis has been provided, it is based on a smaller vehicle than the one specified in the Recap Waste Management and Design Guide.

5.2 A site notice was displayed near the site on 16 December 2020 and a press advert was published in the Cambridge Evening News on 29 June 2023.

5.3 Neighbours – 66 neighbouring properties were notified, and the responses received are summarised below. A full copy of the responses are available on the Council's website.

Nine responses were received raising the following comments:

- Concerns with the development restricting privacy and causing overshadowing into nearby residentially occupied dwellinghouses.
- Concerns with the additional traffic causing highways safety issues.
- Concerns with the development in relation to flood risk.
- Concerns the proposal would impact the trees.
- Concerns with the number of parking spaces provided within the proposal.
- Concerns with the additional population causing a strain on the local services.
- Concerns with the proposals effect on the wildlife in particular the great crested newts.
- Concerns with the proposed development not being compliant with policy.
- Concerns of the site being of archaeological importance.
- Concerns with the proposal causing harm to the green belt.
- Concerns with the safety precautions involved with the proposed demolition and the noise from construction.
- Concerns with the developments effect on the conservation area.

## **6.0 THE PLANNING POLICY CONTEXT**

6.1 *East Cambridgeshire Local Plan 2015 (as amended 2023)*  
GROWTH 1 Levels of housing, employment and retail growth

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
SOH 2	Housing-led / mixed use allocation, land off Station Road
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 11	Conservation Areas
ENV 14	Sites of archaeological interest
COM 1	Location of retail and town centre uses
COM 5	Strategic green infrastructure
COM 7	Transport impact
COM 8	Parking provision

## 6.2 *Soham and Barway Neighbourhood Plan*

The Soham Neighbourhood Plan was submitted for examination on 12 April 2024. This has triggered a final round of consultation between 23 April and 3 June 2024. Immediately thereafter an Examiner will consider representations made and decide whether the plan should proceed to referendum. At the time of writing (late May), there remains uncertainty as to the final content of the emerging plan, and outstanding objections may arise as a consequence of the consultation. This limits the weight to be given to the policies in the Plan for the time being. Nevertheless, as the plan is at a relatively advanced stage of preparation, at least some limited weight should be given to emerging policies relevant to the application. Therefore, the following policies in the emerging Plan are noted as being relevant to the consideration of the application, and the degree of compliance with such policies is set out below:

SBNP 1 – Spatial Strategy  
 SBNP2 – Affordable Housing  
 SBNP3 – Allocation of Affordable Housing  
 SBNP4 – Housing Mix and Accessible Standards  
 SBNP10 – Health, Wellbeing and Health Impact Assessments  
 SBNP12 – Biodiversity and Wildlife Habitats  
 SBN13 – Landscape Character  
 SBNP15 – Conservation Area  
 SBNP17 – High Quality Design  
 SBNP18 – Sustainable Building Fit for A Net Zero Carbon Future  
 SBNP20 – Water Efficiency  
 SBNP21 – Flood Risk  
 SBNP22 – Road Safety and Parking  
 SBNP25 – Connectivity and Permeability

### 6.3 Supplementary Planning Documents

*Developer Contributions and Planning Obligations  
Design Guide  
Contaminated Land  
Flood and Water  
Natural Environment SPD  
Climate Change SPD  
Soham Conservation Area*

### 6.4 *National Planning Policy Framework (December 2023)*

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

### 6.5 *Planning Practice Guidance*

- Noise

### 6.6 *ProPG: Planning and Noise for New Residential Development, May 2017*

### 6.7 *Cambridgeshire and Peterborough Minerals and Waste Plan 2021*

### 6.8 *Viability Assessment Information Report (v2) April 2019*

6.9 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted East Cambridgeshire Local Plan (2015)(as amended 2023) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

## 7.0 **PLANNING COMMENTS**

### 7.1 Key Issues:

- Principle of Development
- Market Housing Mix
- Affordable Housing
- Design, Character and Density
- Residential Amenity
- Highways, Access and Movement

- Historic Environment
- Biodiversity and Trees
- Flood Risk and Drainage
- Contamination
- Energy Efficiency and Renewables
- Infrastructure
- S106
- Other matters

## 7.2 Principle of Development

7.3 Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 provides the locational strategy for development within the district and provides a hierarchy for the location of housing development. That hierarchy seeks to focus the majority of development on the market towns of Ely, Soham and Littleport. It provides for more limited development within villages within a defined development envelope. The policy states that outside defined development envelopes, development will be strictly controlled to protect the countryside and the setting of settlements and will be restricted to the exceptions listed within the policy.

7.4 The application site is located wholly within the defined development envelope of Soham and is therefore considered compliant with the locational strategy set out within Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015.

7.5 In addition, the site is part of a wider site allocated under Policy SOH 2 for a housing-led / mixed use scheme. Consideration of the schemes compliance with Policy SOH 2 is set out below.

7.6 Policy SOH 2 allocated 3.6 hectares of land for a housing-led / mixed use development. The policy sets out that development proposals will be expected to:

- Provide an attractive station square or potential setting to the station, which incorporates public open space, landscaping and appropriate orientation of buildings – and includes a mix of office/industrial and residential uses.
- Provide or identify sufficient safeguarded land for a station building and associated facilities, including drop-off/pick-up facilities for cars and buses, and cycle and car parking.
- Have particular regard to the layout and the scale, height, design and massing of buildings, and landscaping, in order to minimise amenity impact on adjoining properties, and to provide an attractive setting to Soham.
- Demonstrate through a Transport Assessment that safe vehicular (car and bus), pedestrian and cycle access can be provided into and within the site.
- Provide a pedestrian and cycle link to the town centre, via the current station approach road – and a pedestrian and cycle link onto Spencer Drive.
- Provide good pedestrian and cycle links across the site, between the housing, station and commercial uses.
- Provide a new pedestrian link to the farmland to the west, via a new bridge which serves the railway platforms (and at the same time, effect the closure of the existing crossing point at the southern end of the site).

- Provide necessary highway improvements and traffic calming measures on nearby roads, as demonstrated in a Transport Assessment
- Demonstrate that vibration and noise pollution from the adjacent railway line can be adequately mitigated.
- Demonstrate that the flood risk on the site can be adequately mitigated.
- Demonstrate there is adequate capacity in the sewage treatment works and the foul sewerage network.
- Provide an element of affordable housing (currently 30%) as required under Policy HOU 3.
- Provide a mix of dwelling types and sizes to reflect current evidence of need within Soham.
- Provide high speed broadband and a proportion of flexible live-work units; and
- Comply with the other policies of the Local Plan.

- 7.7 The application site comprises a significant portion of the wider allocation site. The train station itself (that was constructed under application reference 20/00561/P18 and opened in December 2021) is located in the allocation area to the South West. A parcel of land outside of the applicant's ownership is located to the North West, this is subject to a current live application under reference number 23/00997/OUT seeking outline consent for 3 dwellinghouses; this parcel of land is also part of the allocation site but due to dual land ownership is excluded from the application proposals.
- 7.8 In respect of the specific criteria of the allocation policy, taking the requirements in turn.
- 7.9 As detailed in the design section, below, the proposal does not provide an appropriate contribution to the creation of a station square nor does it relate appropriately to the setting to the station. It does not include an appropriate supply of public open space, landscaping, or orientation of buildings (as elaborated upon below). In addition, no industrial uses are proposed. These limitations of the scheme are contrary to criterion one of the allocation policy.
- 7.10 The drop off and pick up facilities for cars, buses, cycles and car parking were approved within application reference 20/00561/P18.
- 7.11 The proposal has been submitted with a Landscape Visual Impact Assessment (LVIA) and the conclusions of this and the impacts of the setting of Soham and the amenity of neighbouring properties are discussed in the relevant sections below.
- 7.12 The application has been submitted with a Transport Assessment that has been reviewed by the Highways Authority. The contents and conclusions of this are discussed below.
- 7.13 It is not considered reasonable to request the pedestrian and cycle link to connect the train station to the town centre, given the train station has already been brought forward. However, a pedestrian and cycle link are shown to connect the station with Spencer Drive.

7.14 Under application 20/00561/P18 a footbridge was approved and constructed to provide access to the West, this had the effect of closing the Spencer Drove level crossing. This broadly accords with the requirements of the allocation policy and does not form part of this applications proposals.

7.15 The remaining considerations including highways, noise and vibration, flood risk, affordable housing and type and mix of dwellings will be assessed in the relevant sections below, noting that the allocation policy calls for consideration to all these aspects.

7.16 **Market Housing Mix**

7.17 Policy HOU 1 of the Local Plan requires housing developments of 10 or more dwellings to provide an appropriate mix of dwelling types and sizes that contribute to current and future housing needs.

7.18 The applicant sets out that the market housing mix across the whole site would be as follows:

Number of Bedrooms	Number of Units
1 Bed	3
2 Bed	44
3 Bed	32

7.19 The proposed market housing mix is weighted predominantly at 2-bedroom properties which makes up 56% of the mix, followed by 3-bedroom properties which makes up 40% of the mix. Whilst the mix is tilted towards 2-bedroom and 3-bedroom properties, as outlined within the East Cambridgeshire, as set out in the current Strategic Housing Market Assessment (SHMA) the mix of individual development sites should be flexible enough to have regards to the nature of the site and the area, this should also be reflective of need. Given the size of the site and the contextual arrangement along Mereside, a mix tilted towards smaller and mid-size units it not considered to be out of character and would respond most appropriately to the site’s constraints. Policy HOU 1 of the Local Plan suggests that there is a need for more 2 and 3 bed dwellings which this proposed development would provide, therefore the mix is considered acceptable.

7.20 **Affordable Housing**

7.21 Policy HOU 3 of the Local Plan 2015 sets out that all new open market housing developments which incorporate more than 10 dwellings will be required to make appropriate provision for an element of affordable housing. A minimum of 30% of the total number of dwellings to be provided will be sought in the north of the district unless it can be demonstrated by the applicant via a financial viability assessment that this would not be viable. Policy HOU 3 explains that Soham, for the purpose of the policy, is within the north. Notwithstanding the requirement of Policy HOU 3, while the developer has not done this, the Council has, in its *Viability Assessment Information Report (v2) April 2019* concluded on a strategic basis that sites in Soham would be unlikely to be viable while providing more than 20% affordable housing.



7.22 The Soham and Barway Draft Neighbourhood Plan is at final round of consultation and whilst at time of writing the final content of the emerging plan is uncertain, limited weight should be given to the policies in the Plan for the time being. The Neighbourhood Plan recognises that there is a current backlog of households on the Housing Register for Soham in need of social / affordable rented housing, this was informed by a Housing Needs Assessment undertaken in 2023.

7.23 Of the 91 units proposed, the applicant proposes 12 affordable dwellings which equates to 13% of the total units.

7.24 *Mix and Tenure*

7.25 The applicant proposes 75% of the total affordable housing to be affordable rent and 25% to be shared ownership. This mix is broken down into the following:

Number of Bedrooms	Number of Units
<b>9 Rented Units</b>	
2 Bedroom flat	4 Units
3 Bedroom flat	2 Units
4 Bedroom house	3 Units
<b>3 Shared Ownership Units</b>	
1 Bedroom flat	1 Unit
2 Bedroom flat	2 Units

7.26 The affordable housing tenure is in broad accordance with the SHMA which recommends 77% rented and 23% intermediate housing. The data on the register suggests 1 bed units appear to be highest demand, however this does not reflect the priority which sits with 2 and 3 bed units. The Housing Officer has confirmed that the proposed mix of dwelling sizes and tenure is reasonable for the proposed development.

7.27 *Amount of affordable housing*

7.28 With only 13% of the units proposed as affordable housing, this leaves a shortfall of 17% below the 30% requirement as directed by Policy HOU 3 and a shortfall of 7% below the 20% level required by the *Viability Assessment Information Report (v2) April 2019*. Information available to the Council (accurate as of 9 May 2024) indicates that there are currently 281 applications on the housing needs register with a local connection Soham. This data is from the live housing register for affordable rental demand and can only be taking as indicate for shared ownership.

7.29 The pre-amble to Policy HOU 3 recognises that in some cases there may be exceptional development costs which may affect delivery of a policy compliant level of affordable housing. Applicants seeking to justify a lower proportion of affordable housing will be required to demonstrate why it is not economically viable to make the minimum level of provision in Policy HOU 3. The financial viability assessment should be prepared by the applicant and provided to the Council for its

consideration. A viability appraisal was submitted with the application in 2020 (the originally proposed 108 residential dwellings), this was subsequently revised in January 2022 when the scheme was reduced to 94 dwellings. This was reviewed by an external consultant (Bespoke Property Consultants 'BCP') on behalf of the Council.

- 7.30 The BCP report concluded that the scheme could generate a surplus over the benchmark land value (BLV) that has been established from the existing use value (EUJ). This surplus would be achieved by excluding the decontamination costs until proven as a realistic allowance and basing the costs on a reduced estimate of the gross internal area for the flats. Furthermore, the applicant was advised to consider slightly higher sales values before a final conclusion on the viability of the scheme can be made and thus the viable level of Affordable Housing provision.
- 7.31 A subsequent viability appraisal was submitted dated May 2023 by the applicant in response to the BCP report. However, since the commissioning of the BCP report and the revised viability appraisal, the proposal has been amended with a lesser quantum of development, proposing 91 dwellings and thus three fewer houses than the BCP report concluded on. The viability report dated May 2023 does not account for the reduced quantum of development and does not take into consideration the reduced primary contributions that are no longer required as a result of the reassessment of the need for contributions by Cambridgeshire County Council.
- 7.32 Given the below referenced concerns regarding layout that would require a new approach to the site's development, the Council did not consider it prudent to have a viability report re-appraised that did not comment on the scheme in front of them, nor a scheme that was of sub-standard design. As such, the Council did not re-commission a new review of the May 2023 viability appraisal. Notwithstanding this, given the conclusions reached in the BCP report in response to the January 2022 viability appraisal and the fact that the appraisal relates to a previous scheme and is now somewhat out of date, the Council are not content that the application has demonstrated that the scheme could not deliver 30% affordable housing as required by HOU 3 or the 20% figure indicated as being viable in Soham in the *Viability Assessment Information Report (v2) April 2019*.
- 7.33 The application would therefore result in a shortfall of affordable housing against policy HOU 3 and the Council's Viability Assessment report of 17% and 7% respectively.
- 7.34 **Design, Character and Density**
- 7.35 LP Policy ENV 1 requires that development proposals demonstrate that their location, scale, form, design, materials, colour, edge treatment and structural landscaping will create positive, complementary relationships with existing development and will protect, conserve, and where possible enhance distinctive landscape features; the settlement edge, space between settlements, and their wider landscape setting; visually sensitive natural and man-made skylines, hillsides and geological features; key views into and out of settlements; the unspoilt nature and tranquillity of the area, public amenity and access; and nocturnal character of rural areas free from light pollution.

7.36 Paragraphs 131 and 135 of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history. The NPPF indicates that development should be refused, which fails to improve the character and quality of an area and the way it functions.

*Wider views*

7.37 The applicant has submitted a Landscape and Visual Appraisal (LVA). It states that the wider area is characterised by several landscape elements and features typical of an urban fringe landscape. The residential townscape fringe character has been eroded by the industrial fringe development, particularly to the north and west. Therefore, the proposed re-development presents an opportunity, if successfully demonstrated through appropriate design, to improve the residential fringe character through the demolition and replacement of the vacant light industrial warehouse and associated outbuildings. This echoes the appraisal in the preamble to the allocation policy which states that “the re-development of this area could help to regenerate this part of Soham and improve the interface between Soham and the surrounding countryside...and provide an attractive approach and setting to the new station building”.

7.38 The LVA acknowledges that, in terms of the effects on people’s perception of the landscape, the introduction of residential built form will alter people’s perception of the site substantially in terms of its character. The LVA notes that development proposals will introduce features of an urban character in an area that is characterised by several features typical of urban fringe landscape. Therefore, the inclusion of open space and green corridors within the development will soften the perception, although noted that it will not mask the change. As a result, the LVA concludes that the re-development of the site will allow the site to no longer be perceived as an overgrown open green space, but as a residential development and extension to Soham’s urban form.

7.39 Therefore, whilst it is acknowledged that a substantial change to people’s perception will result due to the introduction of built form, this is limited to the immediate context where integration features and mitigation can lessen this impact. The site is mostly contained by established boundary vegetation and due to the adjacent railway line does not sit in the context of the surrounding open fenland, to the west. The development proposals are therefore unlikely to affect the perception of the neighbouring arable farmland. With this in mind, the LPA consider that from a wider context development of the site in principle can be naturally accepted and integrated. However, the success of such scheme integrating with the surrounding form rests on its design and place making principles.

*Density*

7.40 Policy HOU 2 states that the appropriate density of a scheme will be judged on a site-by-site basis and should take account of the densities of housing in the area, make best use of land, accommodate biodiversity, open space and parking and protect and provide residential amenity.

7.41 Development along Mereside is generally made up of semi-detached dwellings and a small amount of terraced blocks. Whilst overall the density of the scheme appears to be approximately 35 dwellings per hectare and this does not give undue concerns with regards to an unreasonable density, the layout and design gives the feeling of a higher density scheme. This is due to the site's constraints and the tight terrace formation that results in compressing the necessary infrastructure (i.e. road layout and parking) to confined areas. As a result, place-making principles typically used to soften development, such as street landscaping is limited within the site, as outlined below. Failure to provide these green corridors and landscaped streets means the mitigation measures suggested by the LVA cannot be achieved. Given those concerns and the concerns detailed below in respect of biodiversity enhancement, open-space provision and parking provision, while the density of 35 dwellings is not unacceptable in isolation, it is considered that the proposed scheme has not demonstrated that such a density can be achieved while delivering an acceptable scheme in other regards.

*Design and Character*

7.42 Policy SOH2 requires regard be had to the layout and scale, height, design and massing of buildings and landscaping in order to minimise amenity impact on adjoining properties and to provide an attractive setting to Soham. The policy also requires the provision of an attractive setting to the station, providing for landscaping, public open space and appropriate orientation of buildings. The station environment has already been provided by Network Rail, so it is necessary for this development to offer an attractive transition between the two.

7.43 The SOH 2 allocation policy calls not only for an attractive station square and setting to the station, but also for a mixed use scheme comprising a minimum of 0.5 hectares of office/industrial development. The policy notes that a limited number of small retail units may also be appropriate in the station quarter, to meet the needs of station users/employees. The mixed use the policy calls for would help towards creating a cohesive visual and character transition across this area of Mereside.

7.44 The proposals lack high quality gateway features to transition the built environment between the adjacent railway station and the residential nature of the application site. The proposed block E would be sited closest to the railway station and is located to the South-easternmost corner of the site. Whilst this building does provide a frontage to Station Road, and accommodates 73m<sup>2</sup> of commercial space at ground floor, its remaining elevations are bulky, stark and do not address the transitional arrangements required of this building. Instead, the North and Western elevations do not provide attractive or active frontages, that would typically be expected given its location adjacent to the pedestrian routes through the site including those that link it to the station.

7.45 Residential block D, that houses 9no. flats, also fronts Station Road with a curve to its Southern elevation bending with the road and site boundary. The building's principal elevation addresses the site's internal parking court, with a secondary frontage seemingly seeking to address Station Road. The principal elevation incorporates an excessive amount of glazing that exacerbates the proportions of the already dominant and building. The building does not appear to have any association with the remaining development in terms of its design, due to a long

expanse of blank elevation abutting plot 1 that does not relate to the surrounding residential nature.

- 7.46 Both blocks E and D feel oppressive within the site itself and along their frontages that are exposed to public routes through. The oppressive, bulky and dominant building are as a result of proposed design solutions, trying to integrate mansard roofs. These appear to be used to disguise the bulk of the units, which appears awkward when their asymmetrical profiles are exposed at the end of terraces within the development. Mansard roof form typically only works on orthogonal plan forms such as the terraced units. In this situation, the roofs generate awkward, unresolved forms and since these are prominent blocks which form the southern edge of the development, their design is not strong enough to occupy this position where you would expect high quality, gateway buildings to frame the development.
- 7.47 Blocks B and C have both been designed in such a way that their elevations fronting the landscaped walk and public right of way to the West do not have openable windows or fenestration that softens the buildings impact on the public right of way. This is due to noise impacts from the adjacent railway line. However, the elevation that fronts the East is the elevation with the active frontage that would typically be seen fronting public areas. The orientation proposed means the Eastern elevations of these blocks, with the active frontage, is one with more limited public views and closest to the parking courts. As a result, the active frontages do not benefit the street scene to the West and these blocks are not well integrated to their surrounding public realm as their stark and bulky elevations are not broken up with details that gives the illusion of a less intrusive massing to the public realm.
- 7.48 Within the site more generally, the proposal is made up of sporadic close nit pockets of development, which appear to be developed around the site's constraints. The proposal does not respond to these parameters where an opportunity could be taken to provide attractive landscaped walks and routes through the site.
- 7.49 Specifically, within the site, terminating views are met with turning heads and parking courts, rather than introducing visual interest and features to help navigate through the development. The long straight roads do not have landmark buildings to terminate long distance views or contribute to any specific character. Buildings on corner plots do not provide active frontages to both streets and some buildings do not directly address a frontage, instead the proposals include uneven building lines and create a disorganised development. The development proposals feature a huge expanse of shared surface and frontage parking within the central core at plots 1 – 32 and again at plots 52 – 59 that would result in confusion to occupiers and visitors to the site. In addition, the proximity of turning heads at plots 66, 49 – 50, and parking courts at block D to the boundaries of the site limit boundary landscaping, together with the parking provision meaning that street landscaping is minimal. The overall parking strategy for the site is sporadic and chaotic, there is no pattern or approach to parking provision which means that streets will be car dominated. As a result of the above highlighted concerns, the experience of visitors of the site will be disorganised and confused.

- 7.50 Mereside itself is made up of more compact residential dwellings of a smaller terrace and semi-detached formation than proposed in the longer terraces and staggered street form proposed for the site. This lack of obvious reference to the Mereside is not considered a problem in theory as the application site will not be read as a part of Mereside and has the opportunity to present itself as an area with its own distinct character. However, it is not clear what the decisions taken regarding layout and design are based on or what the place-making approach is. As a result it is not clear what sense of place the scheme is attempting to create and in light of the number of weaknesses in the layout of the site as highlighted above, together with the architectural form of the flat blocks, the scheme is considered to be uninspiring and confusing and would result in a poor quality development.
- 7.51 The proposal is therefore considered contrary to Policies ENV 1, ENV 2 and SOH 2 of the ECDC Local Plan 2015 (as amended 2023), the Design Guide SPD and the NPPF, insofar that it does not create a positive and complementary relationship with existing development, it fails to deliver fundamental requirements of the site's allocation policy and does not create a high quality scheme that enhances and complements local distinctiveness. The proposals also fail to deliver beautiful and sustainable development as required by the NPPF.
- 7.52 **Residential Amenity**
- 7.53 Policy SOH 2 requires the proposal to demonstrate that vibration and noise pollution from the adjacent railway line can be adequately mitigated. The policy also requires the proposal to have regard to the layout and the scale, height, design and massing of buildings, and landscaping, in order to minimise amenity impact on adjoining properties, and to provide an attractive setting to Soham.
- 7.54 Policy ENV2 of the Local Plan seeks to protect the residential amenity which would be enjoyed by both future occupiers of the development and occupiers of existing properties close to the site. There are a number of residential properties within close proximity fronting Mereside. It should also be borne in mind that part of the site has in the past been used for light industrial use.
- 7.55 LP Policy ENV 9 seeks to protect residential occupiers from noise, smell, vibration and other forms of pollution.
- 7.56 *Existing Occupiers*
- 7.57 The change from a largely open piece of land to a residential development will naturally have an impact on the outlook and setting of neighbouring residents, and they will be likely to experience an increase in noise and disturbance, including traffic movements, from the occupants of that new development.
- 7.58 The proposal would result in a low level of overlooking into neighbouring gardens along the boundaries of the site. The closest neighbouring properties would be the in depth development at no.13 and no.15 Mereside that are single storey dwellings. Despite built form increasing to the boundary of these properties, plots 26 – 28 that lie closest to these neighbouring properties all benefit from reasonable length gardens. The depth of the gardens are a minimum of 13.8m away from the

boundary of the plots which is considered sufficient to overcoming any significant overlooking or overbearing concerns. This distance accords with the Design guide SPD which recommends a minimum of 10 metres to the boundary of the plots.

- 7.59 Consideration has also been given to the introduction of built form adjacent to the two storey dwellings at no. 19, no. 21 Mereside and no.25 Mereside that border the access to the proposed site. Plot 39 proposed adjacent to no.25 Mereside has been set away from the common boundary to allow space between the two dwellings. Whilst there is one first floor side window in this dwelling this appears to be obscurely glazed and not likely to be a habitable room. No windows are proposed in the side elevation of Plot 39. Therefore, the proposal would result in acceptable mutual relationship in this regard.
- 7.60 With regards to impacts to no. 21 Mereside, at ground floor there is one side window and conservatory to the rear that is already overshadowed and dominated by overgrown hedgerow. There are no first-floor side windows. The proposed plots would be set back slightly from the existing building line with these adjacent properties to allow for off street parking and visibility. Due to the position of the dwellings on the plot, together with the absence of side windows, views would be tunnelled towards the end of the plots own garden, as opposed to views into no.21 Mereside where the angles would make views more oblique and indirect. Therefore, whilst the presence of the new dwelling may result in some low-level overbearing impacts, the overall amenity of this occupier would not be significantly detrimental to warrant refusal on this basis.
- 7.61 The proposal is considered to have acceptable impacts in terms of overbearing, overlooking, and overshadowing to all other remaining neighbouring properties due to the orientation of buildings, location of dwellings and distances from the boundaries.
- 7.62 The proposed development would result in additional vehicle trips to the site which would result in more traffic movements along Mereside. However, given the adjacent train station that has been recently re-opened, this is not considered to be out of context for its surroundings and therefore the effects of this are not considered to be at a level that would cause any significant harm to the amenity of existing residents through noise or other disturbance.
- 7.63 The construction phase has the potential to result in some noise and disturbance to neighbouring properties. However, given construction would be a short-term impact, its effects are not considered significant providing that mitigation measures to control matters such as noise, dust and lighting etc are controlled. Were permission being granted, it would therefore be relevant and necessary to apply conditions relating to submission of a Construction Environmental Management Plan (CEMP) and to restrict construction hours to 07:30-18:00 Monday – Friday, 07:30 – 13:00 Saturdays and none on Sundays and bank holidays. In addition, if the application were being approved a condition requiring a pilling method statement to be submitted for agreement would be necessary.
- 7.64 The proposal is therefore not considered to create overbearing, overlooking or overshadowing impacts to surrounding properties and would therefore accord with policies ENV2, SOH 2 and ENV9 in respect of existing occupiers.



7.65 *Future Occupiers*

7.66 The Council's Design Guide requires that plot sizes be in excess of 300m<sup>2</sup> and that private garden is at least 50m<sup>2</sup>. As referenced above, the development areas suitable for built form are restricted due to the sites constrained. This means that the arrangement of dwellings are closer and plot sizes are smaller than would typically be allowed for a site of this size. The plot sizes range from c. 130m<sup>2</sup> to 185m<sup>2</sup> which will result in a closer living arrangement, despite most plots (with the exception of the flats) having access to private external amenity space in excess of 50m<sup>2</sup>.

7.67 The internal site arrangement is such that the central road accommodating plots 4 – 18 results in a staggered housing arrangement. Plots 4 – 8 face the Western site of the site, with their parking and garden space located to the East, this is then alternated at plots 9 – 42 (nb. plot 42 is assumed a numerical error) whose gardens are located to the West and their frontages to the East. This is then repeated three more times. This arrangement means that plots at the end of the terrace formations are subject to a long flank elevation abutting their rear private amenity space. This will result in significant overbearing impacts to plots 8, 9, 12, 14, 15, 16 and 17. In addition, whilst the floor plans do not show windows in the side elevations, the elevational drawings for plots 8, 12, 14 and 17 show full height windows in the first-floor side elevation. Given this ambiguity over the drawings, the worst-case scenario shown on the elevations needs to be accounted for. If first floor side windows are present, then this would result in direct views to garden spaces and thus significant overlooking impacts. If these windows were to be secondary windows serving habitable rooms, or serving non-habitable rooms, they could be mitigated by obscured glazing, however it is not clear from the plans what rooms the windows would be serving.

7.68 In addition to the overbearing and potential overlooking impacts, it is relevant to note the orientation of the buildings and assess impact from loss of light. The plots are orientated in such a way that gardens alternate between facing East and West. For occupiers in plots 9, 12, 15 and 17 the adjacent flank elevations that face South of the neighbouring terraced properties would mean that that gardens to these plots are all overshadowed for a significant portion of the day. Therefore, these plots would be subject to significant impacts from overbearing, potential overlooking and lack of natural light.

7.69 Apartment block D houses 9 flats in a block varying in height (due to ground topography) between 10.1m and 10.7m. The total span of this block measures c.18.9 metres. This block is set c. 1.8m away from the rear garden of plot 1. The garden of plot 1 would therefore be exposed to c. 9m of blank elevation, that extends as high of 10.7m. Plot 1 would therefore suffer from significant overbearing from the apartment block and give rise to an unacceptably poor outlook from their private amenity space. In addition, whilst set away from plot 2 by 8 metres, given the sheer expanse and height of block D, it is likely that occupiers of plot 2 would also be subject to oppressive and dominating impacts resulting from the proximity of block D. Therefore, the proximity, height and bulk of the three-storey development would also result in a significant loss of daylight to the private amenity space of future occupiers.

- 7.70 With regards to the flatted development, apartment block B (housing 6 flats) and apartment block C (housing 9 flats) would have access to communal garden areas. Apartment block D (housing 9 flats) would have no external garden space. The same situation arises for apartment block E (that houses 4 flats) which would also have no external garden space. Whilst it is accepted that it is not an uncommon situation for flatted development to share amenity space, access to good quality private outdoor amenity space is important to quality of life and well-being. The flats are served with Juliette balconies; however, these do not offer a platform or outside space to mitigate in the absence of a formal garden. Therefore, the overall amount of outdoor amenity space provided by the development for the proposed flats would be poor and would not provide its occupants with acceptable living conditions.
- 7.71 The above highlighted impacts mean that the development proposals are contrary to Policies ENV 2 and SOH 2 of the Local Plan 2015, the Design Guide SPD and Chapter 12 of the NPPF which together seek to ensure that development does not have a significant adverse effect on the living conditions of future residents, including through provision of adequate garden space.
- 7.72 *Noise*
- 7.73 The application site is located in proximity to two existing sources of environmental noise, these being road traffic from Mereside and train movements on the adjacent railway site.
- 7.74 The ProPG Guidance at NOTE 5 sets out;  
*Designing the site layout and the dwellings so that the internal target levels can be achieved with open windows in as many properties as possible demonstrates good acoustic design. Where it is not possible to meet internal target levels with windows open, internal noise levels can be assessed with windows closed, however any façade openings used to provide whole dwelling ventilation (e.g. trickle ventilators) should be assessed in the “open” position and, in this scenario, the internal LAeq target levels should not normally be exceeded, subject to the further advice in Note 7.*
- 7.75 NOTE 7 of the same goes on to say;  
*Where development is considered necessary or desirable, despite external noise levels above WHO guidelines, the internal LAeq target levels may be relaxed by up to 5 dB and reasonable internal conditions still achieved. The more often internal LAeq levels start to exceed the internal LAeq target levels by more than 5 dB, the more that most people are likely to regard them as “unreasonable”. Where such exceedances are predicted, applicants should be required to show how the relevant number of rooms affected has been kept to a minimum. Once internal LAeq levels exceed the target levels by more than 10 dB, they are highly likely to be regarded as “unacceptable” by most people, particularly if such levels occur more than occasionally. Every effort should be made to avoid relevant rooms experiencing “unacceptable” noise levels at all and where such levels are likely to occur frequently, the development should be prevented in its proposed form*

- 7.76 The scheme forms part of an allocated site, of which it has been accepted that residential development would come forward. As such, it would be reasonable to apply the +5dB uplift.
- 7.77 The Planning Practice Guidance provides advice regarding how to determine the impact of noise, including whether or not a significant adverse effect or adverse effect is occurring or likely to occur and whether or not a good standard of amenity can be achieved. It provides more descriptive detail for the definitions of NOEL (No Observed Effect Level), NOAEL (No Observed Adverse Effect Level), LOAEL (Lowest Observed Effect Level) and SOAEL (Significant Observed Adverse Effect Level) and sets out a noise exposure provides a summary table setting out the presence of noise, the outcomes, the effect level and the recommended action.
- 7.78 It sets out that where NOAEL is present and not intrusive, the example outcomes could be;  
*Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life.*
- 7.79 In following the recommendations set out in the PPG, the recommended action would be to 'mitigate and reduce to a minimum'.
- 7.80 The applicant has considered mitigation measures by ensuring that the orientation of buildings and the internal layout of the plots closest to the railway line either; do not have windows on the Western elevation, the windows on the Western elevation would be secondary windows (and therefore can be fixed shut), or do not serve habitable rooms (and therefore can be fixed shut as do not need to provide an outlook). Basic Environmental Assessment Report submitted with the application assumes a 20dB reduction if the following criteria is met:  
*"Primarily, all dwellings that face the two main sources of noise, the railway line to the west and Mere Side to the east, have been designed so that no openable windows face these noise sources. Therefore all dwellings facing these noise sources have openable windows to side elevations, and will have windows that open away from the noise source. By utilising this design practice the noise attenuation of a flanking window opening away from the noise source is predicted to provide circa 20dB".*
- 7.81 However, as shown on the Day Noise Plan - Opening Windows to Living Rooms and Night Noise Plan - Opening Windows to Bedrooms, plots 37, 38 and 39 are all measured with an assumed closed window position on the Eastern elevation. The plans submitted indicate that windows to the Eastern portion of these units would serve habitable rooms that would not have access to a secondary window. As all habitable rooms should have access to an openable window, the 20dB reduction (applied if windows are non-openable for dwellings that face the sources of noise) cannot be applied and the standard reduction of 15dB for a partially open window would apply. This means for plots 37 and 38 noise would be 3dB over target during

the day and achieving the target at night. For plot 39, this would mean exceeding the target by 1dB during the day.

- 7.82 Whilst this is not an ideal situation, it is acknowledged that the level of exceedance over an acceptable level is relatively low and that previous planning permission 16/01804/FUM approved a similar situation, with these dwellings fronting Mereside and habitable rooms having openable windows. In addition, considering the surrounding context, this is not an uncommon situation with most of the dwellings along Mereside fronting the road. Therefore, whilst this does weigh against the application, it would not warrant refusal on this basis.
- 7.83 It should be noted that with regards to Block E, all plans are submitted with incorrectly demonstrated 'North arrows'. In addition, plan numbers 540 P5, 545 P2 and 542 P4 show conflicting information. Plan 545 shows a full height window in Eastern side elevations serving the living room together with a first floor window in the Western elevation serving the bathroom. Neither of these windows are demonstrated on the flood plans on drawings 540 Rev P3 and 540 Rev P4.
- 7.84 When reading the elevations in accordance with an accurate north arrow, it is noted that the windows showing habitable rooms all face away from the noise source to the West of the site.
- 7.85 The Environmental Health Officer has not raised any objections to the application proposals, or the mitigation measures proposed.
- 7.86 With regards to vibration from the railway line, although the data collected to inform the findings was observed in 2016 and 2019 the report accounted for the re-opening of the Soham train station and its findings are on the "doubling the passenger usage". The report found that on this basis "*the railway line has minimal effect on the predicted VDV at a distance of 10m from the railway track*" [VDV being Vibration Dose Value].
- 7.87 Notwithstanding the acceptance of the noise impacts, the overall amenity of the site for future occupiers is considered poor. The proposal would have an unacceptable impact on future residential amenities, failing to achieve the best possible quality of living environment for future occupiers of the dwellings. The proposal is therefore contrary to the requirements of Policies ENV 2 and SOH 2 of the Local Plan 2015 (as amended 2023), and the NPPF that seek to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users.
- 7.88 **Highways, Access and Movement**
- 7.89 Policy ENV 2 of the East Cambridgeshire Local Plan 2015 sets out that development proposals will be required to incorporate the highway and access principles contained in Policy COM7 of the Local Plan 2015 to ensure minimisation of conflict between vehicles, pedestrians and cyclists; safe and convenient access for people with disabilities, good access to public transport, permeability to pedestrian and cycle routes; and protection of rights of way.

- 7.90 Policy COM 8 of the Local Plan 2015 seeks to ensure that proposals provide adequate levels of parking, and policy COM7 of the Local Plan 2015 require proposals to provide safe and convenient access to the highway network.
- 7.91 Paragraph 114b of the NPPF seeks to ensure “safe and suitable access to the site can be achieved for all users”. Paragraph 108c of the NPPF sets out that “opportunities to promote walking, cycling and public transport use are identified and pursued” and that “Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.”
- 7.92 Policy SOH 2 requires the proposals to provide the necessary highway improvements and traffic calming measures on nearby roads, as demonstrated in a Transport Assessment.
- 7.93 *Highway Safety*
- 7.94 The scheme has been subject to a series of amendments with regards to a number of planning matters that through the course of the application have also been considered in relation to highways due to extensive highways safety concerns.
- 7.95 The proposed access is located off Mereside which served the abandoned engineering works. Planning permission 16/01804/FUM approved this vehicular access for the purposes of serving 31 dwellings.
- 7.96 The Highways Officer has confirmed that the proposed works in the highway, the kerb radii and access to plot 39A are not materially different to those previously approved under application 16/01804/FUM. With appropriate visibility being achieved and suitable access width proposed for the number of dwellings served, no objection is offered in this regard.
- 7.97 The Transport Assessment Team have confirmed agreement to the distribution of trips contained within the Transport Assessment. As part of the development, the applicant has proposed to deliver the following:
- Footways to be delivered on each side of the water course running through the site
  - A 3m wide dual footway/cycleway to be delivered on the western side of the site to link to Spencer Drove to the north and to the new Soham Station off Station Road to the south
  - A travel Plan
- 7.98 In addition to the above, the Highway Authority request a S106 contribution of £74,790 to be secured towards off-site highway works to be included within the mitigation package for this development.
- 7.99 In consultation with the County Highways Authority, it has been noted that The Highway Authority would not adopt the internal roads as they do not meet the requirements for shared space roads as described in section 2.7 of

Cambridgeshire Highways - Development Management, General Principles for Development, which states:

*“Adoptable shared surface streets may serve a maximum of 12 dwellings culs-de-sac. This limitation reflects the LHA’s experience of the function and safety of shared space streets, and is considered to accord with government advice, applying shared space principles to “residential streets with very low levels of traffic, such as appropriately designed mews and cul-de-sacs”. This approach will be reviewed in the context future national guidance”.*

- 7.100 It is acknowledged that this policy document was adopted March 2023, during the lifetime of the application. However, the underlying principles have been included in correspondence since the inception of the planning application in 2020 and have been discussed with the applicant in respect of advice from the Ministry of Housing, Communities & Local Government, and the Department of Transport. It is therefore relevant to apply these principles from the Development Management, General Principles of Development document to the consideration of the application.
- 7.101 It is considered that the use of the shared roads would not be conducive to low traffic flows or low speeds that are required to for shared use, due to the potential conflict with pedestrians. Shared surface schemes work best in calm traffic environments where they seek to create an environment in which pedestrians can walk without feeling intimidated by traffic, making it easier for people to move around and promote social interaction. The internal layout for the scheme does not allow for these principles.
- 7.102 The proposed plans indicate a ‘threshold pavement’, this shows a road with which would be insufficient for two-way traffic, with traffic calming passing through both surfaces. The plans appear to show visual grading / separation is proposed which results in confusion over pedestrian priority within the road. This feature does not transition in accordance with the Cambridgeshire County Council Housing Estate Road Construction Specification (HERCS) and is not therefore suitable for adoption. The LPA consider this to result in confusion to users and could result in highways safety implications.
- 7.103 Within the site itself internal junctions do not have suitable visibility splays and in the current layout this is considered unachievable. This is highlighted between plots 3 and 4 which would be obstructed by parking provision together with the junction adjacent to plot 52 that would be obstructed by a bridge abutment. Therefore, it is the Local Planning Authority’s view that given the amount of houses the shared surface roads are serving, there are significant opportunities for conflict and safety implications.
- 7.104 The proposed traffic calming features would require ramps to be constructed across parking spaces. This is not a feature that is suitable for adoption and the LPA are concerned this would not be a workable situation and could result in conflict with parking areas.
- 7.105 *Parking provision*

- 7.106 Policy COM 8 of the Local Plan is also relevant and refers to car and cycle parking provision. The Council's car parking standards require 2 parking spaces per dwelling and 1 visitor parking space for every 4 residential units. The proposal would provide 2 car parking spaces per house, 1.5 spaces per flat and 1 visitor parking space per 4 residential units. The argument has been advanced that this would be reflective of sustainable location of the site and its location within 100m of Soham Station. Whilst this does hold limited weight in the consideration of appropriate provision, in the current proposals, the provision would equate to an under delivery of 14 parking spaces. Whilst that the flatted development may have lower parking demand due to housing fewer occupants, given the above highlighted concerns with regards to the safety of the streets, any additional on street parking that could result from the under-provision of off-street parking is considered to exacerbate the safety concerns of the proposal.
- 7.107 *Waste collection*
- 7.108 East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day. The Waste Strategy Team have provided comments as part of the proposal and noted that the collection point for plots 12- 18 should be located closer to the boundary of the access road. The RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).
- 7.109 The Waste Team noted that clarification is needed with regards to the bin collection point for block D as the present arrangement results in concerns with regards to where the bin stores would be located to ensure there is no proximity to parking bays/cars parked, as it would be unsafe for the bin lorries to be pulled in adjacent to these areas. The Waste Team also note that the irregular parking may prevent collection vehicles from reversing at the back of block D. Although a swept path analysis has been provided, it is based on a smaller vehicle than the one specified in the Recap Waste Management and Design Guide. These concerns have not currently been addressed.
- 7.110 Given the above highlighted concerns, it is considered that the proposal could result in difficulty for waste lorries to serve the site. The concerns from the Waste Strategy Team exacerbate the extensive highways concerns and internal layout issues.
- 7.111 The proposal has not provided adequate information to demonstrate the proposal would not result in an unacceptable impact on highway and pedestrian safety due to the internal road layout and undersupply of parking provision. The proposal therefore does not comply with COM 7 and COM 8 in the East Cambridgeshire Local Plan April 2015 (as amended 2023) and paragraph 114 of the NPPF.
- 7.112 **Historic Environment**
- 7.113 A portion of the application site to the south lies within the designated conservation area. Section 72 (1) of the Listed Buildings and Conservation Areas Act 1990 requires special attention to be paid to the desirability of preserving or enhancing

the character or appearance of an area, with respect to any buildings or other land in a conservation area.

- 7.114 The Southern portion of the site is located within the conservation area. Soham Conservation Area SPD describes Soham as a linear village that has resulted from its growth along the route from Fordham to Ely. The SPD acknowledges that the town is wider at certain points, in particular at St Andrew's Church. Modern development has expanded the village, encroaching further upon the Commons to the east and west towards the railway line at Mereside. From this perspective, the size and shape of the application site broadly accords with the wider pattern of settlement for Soham and thus the conservation area. The proposal would occupy already established margins from surrounding development that means the site's development would not appear as unduly prominent in this regard.
- 7.115 The current site houses redundant light industrial buildings and has a historic mix of uses comprising agricultural, buildings yard and railway sidings. Re-development of the site therefore presents an opportunity to enhance the setting of the conservation area.
- 7.116 Notwithstanding the specific character and design concerns above, it is accepted that re-development of the site would create a greater frontage within the conservation area. Therefore, the principle of integrating the site within the wider context is considered to be of neutral impact to the conservation area and is acceptable in respect of policy ENV 11.
- 7.117 Policy ENV 14 states that development proposals affecting sites of known archaeological interest should have regard to their impacts upon the historic environment and protect, enhance and where appropriate, conserve nationally designated and undesignated archaeological remains, heritage assets and their settings and require the submission of an appropriate archaeological evaluation/assessment of significance.
- 7.118 Cambridgeshire County Council Archaeology have advised that the site is in an area of high archaeological potential and have raised no objection subject to a condition requiring investigative work.
- 7.119 The Historic Environment Team have therefore requested a condition is imposed to safeguard potential archaeology within the site, this is considered necessary and reasonable to ensure the development is compliant with Policy ENV 14.
- 7.120 **Biodiversity and Trees**
- 7.121 Policy ENV 1 requires proposals to protect, conserve and enhance traditional landscape features and the unspoilt nature and tranquillity of the area. Policy ENV 7 seeks to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds. The Natural Environment SPD Policy NE 6 also requires that all new development proposals should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.



- 7.122 The proposal would require the loss of a number of trees within the site, with all trees and groups of trees located internally within the development proposed for removal and only trees located to the perimeter of the site show for retention in place.
- 7.123 The schedule of species has not shown the number of trees within each group, and therefore the required replacement planting cannot be accurately calculated. Excluding these groups where the quantum of trees proposed for removal is unknown, planting of 44 replacement tree is required as mitigation for the loss of category A and B trees.
- 7.124 The current landscaping scheme shows over 100 new trees. However, retention of existing trees could have been designed into the site's layout. Overall, the species proposed in the landscaping scheme are not considered compatible with their proposed location. For example, the water demand of the tree species should be considered when location the trees for example Oak and Crack Willow are high water demanding species that are often linked to subsidence issues and soft fruit producing trees in proximity to hard surfacing for parking or footpaths are unsuitable.
- 7.125 Whilst soft landscaping could be secured through condition, in this instance there is a concern regarding the amount of landscaping proposed. The development being constrained and creating high density corridors does not allow for sufficient space for new planting and landscaping that is necessary to create a high-quality public realm and soften the development. The Local Planning Authority are therefore not content that an appropriate landscaping scheme could be brought forward with the current site layout and consider the proposal to be in conflict with Policies ENV 1 and ENV 7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) together with the Natural Environment SPD.
- 7.126 With regards to biodiversity, paragraph 130 (d) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 7.127 Noting the age of the application, in 2023 the biodiversity Report was subject to an update statement. This confirms that during the course of the application there has been no change in the presence, number and location of internationally and nationally designated sites. In addition, it confirms that there has been no significant change in the presence and location of Great Crested Newt habitats, recognising that this species has not been present in a breeding pond on the site since 2016; and there has been recent habitat enhancement work to benefit this species to the west and north of the site. Furthermore, the report notes that there has been a reduction in the habitat suitability for protected species and species of conservation value both within the Site and adjacent to the site as a result of actions associated with the construction of Soham Station.
- 7.128 Therefore, referring to the BNG reports, it remains valid that the information gained by the habitat survey provides the pre-development baseline for the biodiversity net gain (BNG). The Biodiversity Net Gain report includes a realistic assessment of both the baseline habitats (prior to site clearance winter of 2019-20) and the post development habitats.

- 7.129 The Wildlife Trust have been consulted as part of the application process and agree that the net biodiversity loss of 5.33 Biodiversity Units is a basis for planning a biodiversity offsetting scheme. In order to achieve a net gain of 10% on the original site habitat value of 12.30 biodiversity units, an additional 1.23 biodiversity units will be required in addition to the 5.33 biodiversity units lost on site.
- 7.130 The applicant therefore proposes to enter a legal agreement sufficient to finance and deliver a biodiversity offsetting scheme worth 6.56 biodiversity units and for the future management of this to be secured for a minimum period of 30 years. The applicant has explored options of delivering the net gain within East Cambridgeshire at Swaffham Bulbeck which is situated well in relation to the Devil's Dyke SSI. The Devil's Dyke, Newmarket Heath and areas buffering these two SSSIs have been identified as a priority area for nature conservation in the draft Interim Nature Recovery Strategy. This Priority Area is defined by a combination of where the underlying chalk geology comes to the surface and where the major remnants of calcareous grassland priority habitat occur. However, should this not be successful the applicant intends to deliver the units at Cambridgeshire County Council Lower Valley Farm in South Cambridgeshire which the Wildlife Trust have confirmed to be an ecologically suitable alternative, as it is within one of the priority areas for conservation recognised by Natural Cambridgeshire, and also buffers and extends a chalk grassland SSSI.
- 7.131 Whilst it would be preferable for biodiversity improvements to be delivered on site, it is acknowledged that the applicant proposes a significant amount of off-site units in one of the identified priority areas for conservation. Therefore, providing the works are secured through legal agreement, the development would be broadly in accordance with the Natural Environment SPD in delivering an offsite net gain in. However, it should be noted that the significant loss of onsite trees weighs against the onsite biodiversity given that these trees would be home to existing species habitats. This element of the proposal is in conflict with the relevant local and national policies as referenced above.
- 7.132 **Flood Risk and Drainage**
- 7.133 Paragraph 6.9.1 of the East Cambridgeshire Local Plan 2015 is clear that "flood risk is an important issue for the district, particularly given the topography of the area and the context of climate change with related sea-level rises and increased incidents of heavy rainfall". The Cambridgeshire Flood and Water SPD sets out that the general approach to flood risk and planning is that development should be directed to the areas at the lowest risk of flooding.
- 7.134 Policy ENV8 of the Local Plan 2015 sets out that all developments should contribute to an overall flood risk reduction and that the sequential and exception test will be strictly applied across the district. It sets out that development should normally be located in Flood Zone 1. The policy states that development will not be permitted where it would:
- Intensify the risk of flooding during the lifetime of the development taking into account climate change allowances, unless suitable flood management and mitigations measures can be agreed and implemented.

- Increase the risk of flooding of properties elsewhere during the lifetime of the development, taking into account climate change allowances, by additional surface water run-off or impeding the flow or storage of flood water.
- It would have a detrimental effect on existing flood defences or inhibit flood control and maintenance work.
- Where the risk of flooding would cause an unacceptable risk to safety.
- Safe access is not achievable from/to the development during times of flooding, taking into account climate change allowances.

7.135 The application site is located within flood zones 1 and 3, and varies across the site. The site is allocated as part of a wider residential allocation within the East Cambridgeshire Local Plan 2015 (SOH2). As the site is allocated it has passed the sequential test in so far as development has been accepted on this site. In addition, most of the built development is located outside of the pockets of Flood Zone 3 which are the areas at the highest risk of flooding.

7.136 The LLFA have raised no objection in principle. It has been successfully demonstrated that surface water from the proposed development can be managed through the use of permeable paving across all access and parking areas. Additional attenuation will be provided in cellular storage below the permeable paving where required. Surface water will discharge through four separate outfalls at the greenfield equivalent rate. Although it is noted that there is an area of surface water flood risk in the centre of the site, a condition has been recommended to ensure detailed design of the surface water drainage scheme shall be agreed in writing together with conditions relating to measures of surface water run-off avoidance during construction and reports demonstrated that the surface water drainage system has been constructed in accordance with the details approved under the planning permission.

7.137 The Environment Agency have accepted the FRA and recommended that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) reference 14044-FRA-RP-01 prepared by Water Environment Ltd dated 30/05/2023 are adhered to. In particular, the FRA recommends that: Finished floor levels will set no lower than 3.85 mAOD.

7.138 Anglian Water have confirmed that the foul drainage from this development is in the catchment of Soham Water Recycling Centre that will have available capacity for these flows together with the sewerage system having available capacity for the flows indicated in the Flood Risk Assessment for Surface and Foul Water Drainage Strategy.

7.139 Were permission being granted appropriate conditions would be appended to ensure compliance with the FRA and drainage strategy, detailed design of the surface water drainage and conditions relating to measures of surface water run-off avoidance during construction. With these in place, the proposal would be in compliance with Policy ENV 8 of the Local Plan 2015.

#### 7.140 **Contamination**

7.141 Policy ENV 9 of the East Cambridgeshire Local Plan, 2015 states that all development proposals should minimise and where possible, reduce all emissions

and other forms of pollution, including light and water pollution and ensure no deterioration in air or water quality. Proposals will be refused where there are unacceptable pollution impacts, including surface and groundwater quality.

- 7.142 The Phase I Desk Survey submitted with the application confirms that contamination risks have been identified from a number of historical activities from on site and off site sources (i.e. railway sidings, builders yard, construction site compound, engineering works, infilled land, marshy land and off site former coal yard) which have potential to have resulted in contamination of the underlying soils and surface water ditches.
- 7.143 The Phase I survey recommends a further Phase II intrusive site investigation be carried out prior to development and the Council's Scientific Officer is in agreement that this is necessary and to ensure any contamination is identified and pollution linkages to the sensitive residential end use broken.
- 7.144 Were permission being granted, conditions would therefore be applied requiring such investigation and any necessary remediation and verification and another condition would be applied in respect of the procedures for dealing with any unanticipated contamination identified during construction. On that basis, it is considered that the proposed development is acceptable in terms of the risks of land contamination in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 7.145 **Energy Efficiency and Renewables**
- 7.146 Policy ENV4 of the Local Plan 2015 sets out that all proposals for new development "should aim for reduced or zero carbon development in accordance with the zero carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable". The policy requires that developments for 5 or more dwellings "are required to achieve Code for Sustainable Homes Level 4 (or its replacement pending implementation of the zero carbon homes requirement)".
- 7.147 The Council's Climate Change SPD sets out that applicants could demonstrate their approach to the following:
- a. Minimising demand for energy through design;
  - b. Maximising energy efficiency through design;
  - c. Carbon dioxide reduction achieved through items a and b above, and through incorporation of renewable and low carbon energy sources;
  - d. Water efficiency (including whether, for residential development, the design intends to voluntarily incorporate the Part G Building Regulations option of estimated water consumption set at no more than 110 litres per person per day, rather than the standard 125l/p/d);
  - e. Site waste management;
  - f. Use of materials (such as low carbon-embodied materials); and
  - g. Adaptability of the building, as the climate continues to change
- 7.148 The applicant has submitted a Sustainability Statement which sets out a range of measures from sustainable procurement to water efficiency and heating design.

The report sets out that the site's final gross emission level of 62246Kg/year representing a total reduction in emission over the baseline model, taking into account unregulated energy, of 44.21%. Part L 2021 of building regulations requires at least a 31% reduction in emissions compared to current standards, of which the site better by 13% and will exceed the requirements of ENV4 of the adopted Local Plan.

7.149 **Infrastructure provision**

7.150 LP Policy GROWTH 3 states that there should be appropriate physical, social and green infrastructure in place to serve the needs of new development within the district. The policy requires that this will be delivered by development proposals making contributions towards infrastructure in accordance with the Council's adopted Community Infrastructure Levy Charging Schedule, or where this is not provided via CIL that development will provide or contribute towards the cost of providing infrastructure and community facilities made necessary by the development through on or off site provision or through financial payments, and secured via planning conditions or planning obligation as part of Section 106 agreements.

7.151 With regard to contributions sought from the development, these can be summarised as following:

7.152 *Education*

7.153 The County Council has requested financial contributions towards the provision of early years places, primary education, secondary education and library contribution in order to mitigate the impact of the development on local facilities. During the course of the application, updated comments have been received from The County Council Development & Policy Team which note there has been a change in the forecast numbers for primary level education which has resulted in a reduction of forecast in-catchment children, which in turn has freed up capacity at primary school level. Therefore, as of July 2023 no primary school contribution was required. The required contributions were as follows:

Updated contributions (June 2023).

Early Years = £18,187 x 5.58 = £101,483.46

Primary School = not required

Secondary School = £25,253 x 7.5 = £189,397.50

Library = £15,734

7.154 Providing the applicant were willing to agree the contributions, the proposed development could make adequate provision for education facilities to serve the development, however there is not currently a s106 in place to secure this. The impact of this absence of a s106 is discussed at the end of this report.

7.155 *Open Space and Play Space*

- 7.156 Policy GROWTH 3 combined with the Council's Developer Contributions SPD requires that development make provision of open space and play areas. In the first instance this would be expected to be made on site.
- 7.157 According to the Council's calculations in line with the Developer Contributions SPD, the development is expected to provide:  
Informal space: 5,143m<sup>2</sup>  
Toddler space: 41m<sup>2</sup>  
Junior space: 165 m<sup>2</sup>  
Youth space: 201 m<sup>2</sup>
- 7.158 This would require a total on site provision of 5.549m<sup>2</sup>.
- 7.159 The applicant puts forward their open space provision on page 13 of the supporting GL Hearn Open Space Assessment (2023). The types and amount of open space proposed is as follows:
- 100 sqm of Local Area of Play space (LAP) for children 2 to 5 years old.
  - 201 sqm of Locally Equipped Area of Play (LEAP) for ages 6 to 12 years will be provided.
  - A 'Trim Trail' will provide approx. 2,000 sqm of informal open space for ages 13 to 18 years.
  - 3,347 sqm of 'Informal Open Space'.
- 7.160 The applicant's submission notes guidance recommends 5,177.5 sqm of 'Informal Open Space' for the development. Therefore, the applicant proposes the shortfall of 1,830.5 sqm of 'Informal Open Space' will be met with a financial contribution of £83,000 which will go towards upgrading the existing facilities at Soham Town Rangers Football Club located on Julius Martin Lane.
- 7.161 The applicant's submission includes a useable open space plan (ref CS098524-GLH-PLN-DRN-05). This drawing appears to locate the 'trim trail' in an area already occupied by the landscaped buffer offered by the noise buffer. This would not be considered as a high-quality open space area and brings the opportunity for users to enjoy their environment, given that it is susceptible to high levels of noise from the adjacent train line. This area is indicated to cover approximately 2802m<sup>2</sup>. Given the low value amenity attributed to this, and this forming an exclusion / buffer zone for development, it is relevant to exclude a significant portion of this from the total on site open space provision. This is also the case for the proposed toddler space that is also capture by the buffer zone.
- 7.162 The Council therefore conclude that the on-site provision would comprise only of the informal open space located in the Northern wedge of the site, together with the LEAP located to the North of the site, in front of plots 64 – 66. This would result in a significantly lesser total of usable area than that calculated by the applicant, and thus a greater shortfall.
- 7.163 The applicant is willing to enter into a S106 to provide financial contributions to offset the shortfall of on-site open space. However, this is proposed to upgrade the facilities at Soham Town Rangers Football Club, a private establishment made up

of formal and dedicated sport space. The shortfall of open space is made up of predominantly informal space. Therefore, this is not considered an appropriate offset given that the facilities at the Football Club would not provide the same opportunities as an informal space and would not be for the benefit of all residents.

7.164 In addition, good design involves an integrated approach involving landscape and green space as a key component rather than being reliant on provision elsewhere. In the first instance, it would be expected to be demonstrated that this cannot be sufficiently delivered on site.

7.165 In summary therefore, the proposed development would be significantly deficient in public open space and children's play areas, both in terms of quality and quantity. The proposal therefore fails to provide access to a high-quality public realm, as required by with Policies ENV2, SOH 2, GROWTH 2 and GROWTH 3 of the ECDC Local Plan 2015 (as amended 2023), The Developer Contributions SPD and Chapter 12 of the NPPF.

7.166 *NHS*

7.167 Primary Care Team have advised that there is one GP practices within a 2km radius of the proposed development, Staploe Medical Centre. This practice does not have sufficient capacity for the additional growth resulting from this development and cumulative development growth in the area. Therefore, a developer contribution, via CIL processes, towards the capital funding to increase capacity within the GP Catchment Area would be sought to mitigate the impact. On that basis, no contributions would be requested as part of a s106 agreement.

7.168 *Fire Service*

7.169 The Fire Service requests that adequate provision of fire hydrants be made for the development either by way of a s106 agreement or planning condition. Were permission being granted such provision would be secured by an appropriately worded planning condition requiring the developer to submit details of fire hydrant location and connection.

7.170 **S106 Agreement**

7.171 The provision of affordable housing and education contributions would be expected to secured via planning obligations within a s106 agreement as would the transfer and ongoing management and the provision of open space/play space and the maintenance of open space, play areas and SuDS. No such s106 agreement has been provided with the application nor have any heads of terms for such been provided and, given the other issues with the proposed development, detailed below, such an agreement has not been prepared during the course of the application. While the necessary affordable housing, education infrastructure and on site infrastructure, transfer and management contributions which would be necessary to make the scheme acceptable in planning terms could be secured by a s106 agreement, the absence of such an agreement at this stage forms an additional reason for refusal as, at this current time of determination, it is not possible to secure the necessary infrastructure

7.172 **Other matters**

7.173 *Plans*

7.174 Is noted in the above relevant sections, a number of plans are labelled inaccurately. In addition to this, it has been noted that the elevational details when compared with the floor plans show conflicting information, and therefore cannot be read cohesively together. In the absence of a full set of accurate plans, showing a true reflection of the proposed development, a full assessment of potential impacts cannot be said. This therefore result in a reason for refusal for failure to provide accurate plans demonstrating the proposed development.

7.175 *Soham Neighbourhood Plan*

7.176 With regards to the policies contained within Soham and Barway Neighbourhood Plan, there is some conflict regarding affordable housing, allocation of affordable housing, biodiversity and wildlife habitats, high quality design, road safety and parking and connectivity and permeability. In addition, the proposal has not been supported by additional reports as required by SBNP10 (health, wellbeing and health impact assessments). It is noted that there is some uncertainty regarding the final content of the emerging plan and what objections may arise as a consequence of the consultation. While the plan is at a relatively advanced stage of preparation and some limited weight is therefore given to its emerging policies relevant to the application, given this more limited weight afforded to the plan, the conflicts with the NP policies have not been referred to in refusal reasons.

7.177 **Planning Balance**

7.178 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.179 The application site is located within the development envelope for Soham and is an allocated site under Policy SOH 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023). Therefore, the general principle of development is considered acceptable.

7.180 However, despite a series of amendments, an appropriate, policy compliant scheme has not come forward.

7.181 The proposal fails to a sufficient supply of affordable housing, with a shortfall of 17% under the 30% as required by policy HOU 3 and 7% against the *Viability Assessment Information Report (v2) April 2019*.

7.182 The proposal fails to provide a high-quality living environment for its future occupiers. This is through both impacts from the proposed built form on residents together with the under delivery and lack of quality open space.

7.183 The proposal is subject to significant highways safety concerns as a result of the internal layout and extensive use of shared surfaces that cause confusion to road users and pedestrians. The proposal fails to provide suitability internal visibility



splays together with a policy compliant level of parking provision that would exacerbate these issues.

- 7.184 The proposal does not include a high quality and well-designed place, by virtue of its failure to deliver a strong and attractive development. The proposal does not include gateway buildings, a transition between the railway station or the required mixed uses as prescribed by Policy SOH 2.
- 7.185 Finally, no legal agreement has been entered into that is necessary to secure the relevant off site contributions.
- 7.186 On balance therefore, the proposal would be contrary to a number of local and national policies and would fail to deliver on fundamental elements required by these policies as highlighted above. Whilst the proposal would bring some short-term benefits during the construction phase, together with an offsite contribution to biodiversity, this does not outweigh the significant pitfalls of the application as outline above.
- 7.187 Members are therefore recommended to refuse the application, for the reasons outlined in section one of this report.

## **8.0 COSTS**

- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 8.4 In this case members' attention is particularly drawn to the following points:
- Under delivery of affordable housing
  - Under delivery and poor-quality open space
  - Highways safety concerns
  - Residential amenity concerns
  - Character and design concerns
  - Conflict with allocation policy
  - Incorrect plans
  - Lack of S106 agreement

## Background Documents

20/01174/FUM  
16/01804/NMAA  
16/01804/FUM

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