

22/00347/OUT

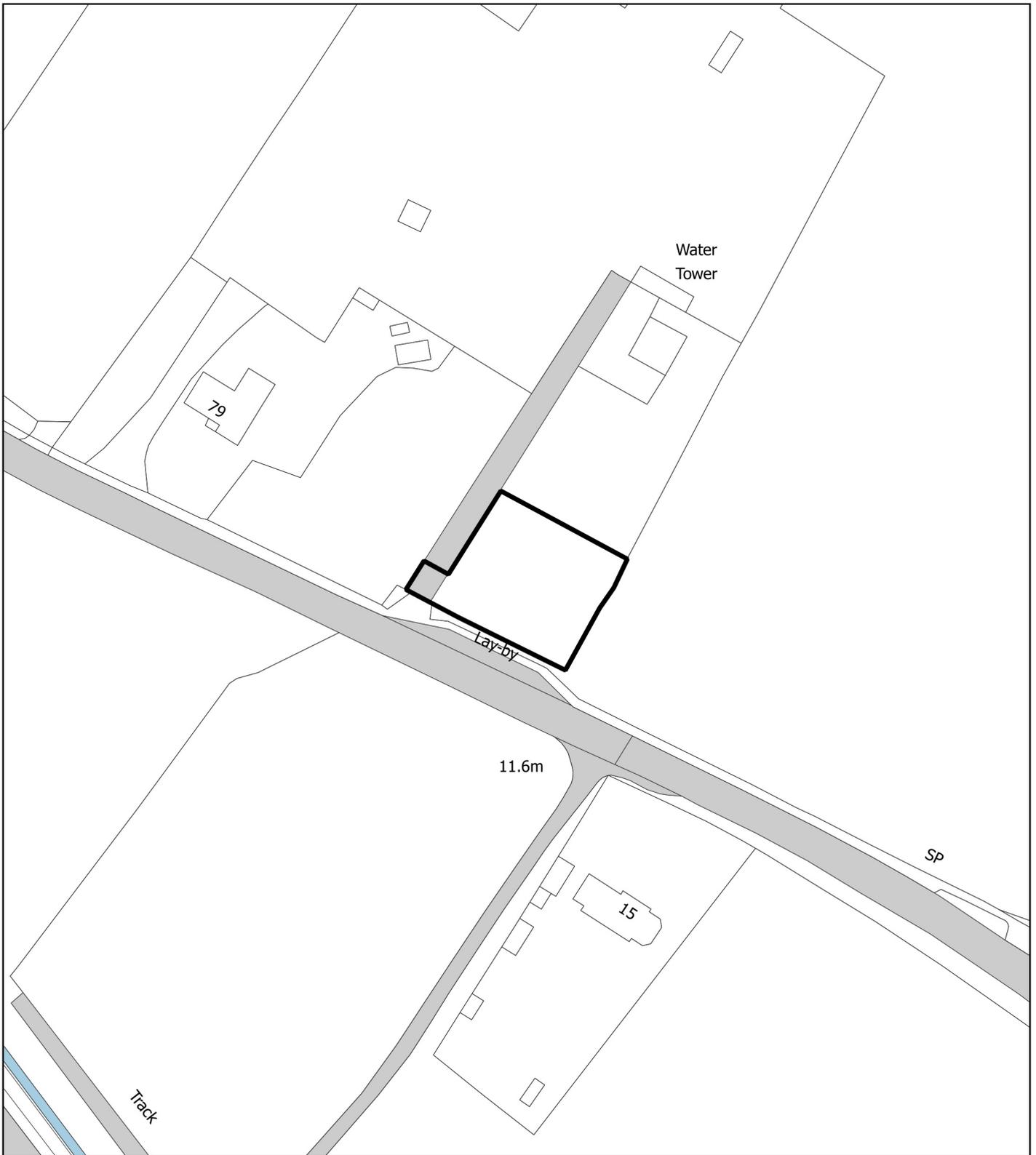
Land East Of 79 Fordham Road
Soham
Cambridgeshire

Proposed residential dwelling

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R934WIGGMHE00>





22/002347/OUT

Land East Of 79 Fordham
Road
Soham



East Cambridgeshire
District Council

Date: 17/05/2022
Scale: 1:1,200



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MAIN CASE

Reference No: 22/00347/OUT

Proposal: Proposed residential dwelling

Site Address: Land East Of 79 Fordham Road Soham Cambridgeshire

Applicant: Mr Joshua Schumann

Case Officer: Catherine Looper Senior Planning Officer

Parish: Soham

Ward: Soham South
Ward Councillor/s: Ian Bovingdon
Dan Schumann

Date Received: 21 March 2022 **Expiry Date:** 10th June 2022
Report Number X9

1.0 RECOMMENDATION

- 1.1 Members are recommended to REFUSE the application for the following reasons:
1. The proposed development is located within the countryside outside the defined settlement boundary of Soham, where new development is strictly controlled. The construction of a new dwelling in the countryside does not meet any of the defined exceptions within Policy GROWTH2 and would therefore give rise to an inappropriate development with no justification to override the normal presumption against development in the countryside. As such it is contrary to adopted East Cambridgeshire Local Plan 2015 Policy GROWTH2 and the National Planning Policy Framework, which seek to protect the countryside and the setting of towns and villages.
 2. No noise assessment has been submitted and it has not been satisfactorily demonstrated that any potential noise disturbance experienced by the future occupiers of the proposed dwelling could be adequately mitigated to preserve the residential amenity of future occupiers from the traffic noise on the adjoining A142 and Fordham Road and the adjacent haulage depot. As such the proposal is contrary to Policy ENV2 of the East Cambridgeshire Local Plan 2015 and paragraph 130 of the National Planning Policy Framework.
 3. The proposal is contrary to Policy ENV1 of the East Cambridgeshire Local Plan 2015 which seeks to protect, conserve and where possible enhance the

settlement edge. The introduction of a dwelling in this location would result in an urbanising incursion of development into open countryside, further eroding the separation between Soham and Fordham. This would cause significant and demonstrable harm to the character of the countryside and the key views into and out of both settlements. The proposal would not protect conserve or enhance the character and appearance of the area, contrary to Policy ENV1 and also paragraph 130 of the National Planning Policy Framework.

4. Insufficient information has been submitted to demonstrate that the proposed development would not be prejudicial to highway safety in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015 and paragraph 110 b of the National Planning Policy Framework.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline planning consent for the construction of one dwelling at Land east of 79 Fordham Road, Soham. The only matter to be considered at this stage is access. The plans associated with this application are therefore limited, and include a location plan and a block plan indicating the proposed access arrangement. The matters of appearance, landscaping, layout and scale would be considered at a reserved matters stage.
- 2.2 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/>.
- 2.3 The application has been brought before East Cambridgeshire District Council's Planning Committee in accordance with the Council's Constitution as the applicant is a District Councillor. The Monitoring Officer has been informed in accordance with paragraph 2.1 (i) of the Guidance on Planning for Members, contained in the Constitution.

3.0 PLANNING HISTORY

- 3.1 No relevant planning history.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is located within the Parish of Soham (south) and comprises 0.10ha (0.24 acres) of grassed land. The site is located approximately 550 metres (1804 ft) by road from the nearest point of the development envelope for Soham and 690 metres (2263 ft) from the nearest point of the development envelope for Fordham. The position of the site can be seen in figure 1 below and is indicated by the arrow showing the approximate position of the site. The development envelope for Soham is indicated by the bold black line to the left-hand side of the map. The site is therefore considered to be within the open countryside.



Figure 1. Position of site in relation to Soham development envelope.

4.2 The application site itself is forward of the Water Tower and is bordered by hedging. To the west is a dwelling (79 Fordham Road, Soham) which has a large haulage and scaffolding yard to the rear. There is limited development in the vicinity of the site. The A142 runs approximately 140m (459 ft) north-west to south-east of the site.

4.3 Members will carry out an accompanied site visit prior to the Planning Committee meeting to view the application site and its surroundings.

5.0 RESPONSES FROM CONSULTEES

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

Parish - 30 March 2022

The Parish has concerns about the application.

Outside the development envelope, unsustainable, impact on Water Tower, a recognised landmark entering Soham

Ward Councillors - No Comments Received

Trees Officer – 17 May 2022

No tree related implications but due to the sites location the scale of any structure will have to be carefully considered so as to fit into the surrounding landscape a suitable soft landscaping scheme would also aid this as carefully positioned small scale trees could lesson the impact of the built form within the landscape.

Environmental Health (Technical Officer) – 12 May 2022

Peter will respond separately with his comments concerning the Contaminated Land Study.

I can see that there appears to be a road haulage depot to the rear of the application site and a busy A road and Fordham Road to the front.

On checking our records I can find no history of complaint concerning the depot and this is despite there being a residential property a similar distance away to this proposed dwelling. It may be that this existing dwelling is connected to the business in some way and so I would be grateful if you could confirm whether this is the case. If the existing property is connected to the business then this proposal (if granted) would mean that the dwelling is the closest residential property unconnected to the business and this does concern me.

In either case, I would recommend that a noise assessment, undertaken by a competent person, shall be submitted specifying the predicted impact of noise on noise sensitive properties. This shall include but not be limited to road traffic noise and noise from the adjacent commercial element and shall detail mitigation measures to ensure noise levels at sensitive receivers are within appropriate limits. Mitigation measures for all aspects of noise from and to the site shall be agreed in writing with the local planning authority and implemented prior to the use of the development and adhered to thereafter. The LPA will expect internal levels to be achieved with a partially open window.

Environmental Health (Scientific Officer) – 12th May 2022

Thank you for consulting me on the above proposal. I have read the Envirosearch report dated 31st December 2019 and accept the findings. I recommend that a condition requiring site investigation, etc. is not required. I recommend that standard contaminated land condition 4 (unexpected contamination) is attached to any grant of permission due to the proposed sensitive end use (residential).

Consultee for Other Wards in Parish - No Comments Received

Local Highways Authority - 14 April 2022

The application redline boundary does not appear to meet the extent of public highway. The applicant should procure a verified copy of the highway boundary to ensure that they can provide access to the development. A copy can be procured by following the instructions at the link below.

<https://www.cambridgeshire.gov.uk/business/highway-searches>

The inclusion of a new dwelling would intensify use of the existing access. Therefore, it would need to be amended to meet the following criteria:

- o Have a minimum width of 5m for a length of 8m.
- o Be surfaced in a bound material for the first 5m length from the carriageway edge.
- o Be ungated, noting the existing access is.

As a result of the proposed intensification of use of the access, the applicant should demonstrate that the appropriate inter-vehicular visibility splays are achievable. As

Fordham Road at this location is de-restricted, the required visibility is 2.4m x 215m in both directions (unless otherwise evidenced by a speed survey).

Until the above comments can be satisfactorily addressed, I recommend that no planning permission be granted.

CCC Growth & Development - No Comments Received

Waste Strategy (E CDC) - 21 April 2022

- East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances; 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).

- Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.

- Each new property requires a set of receptacles; the contribution is currently £52 per set. We would recommend the developer made the contribution on behalf of the residents.

- Payment must be made in advance of bins being delivered; East Cambs District Council Account Number 43135897, Sort Code 52-41-19, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to waste@eastcambs.gov.uk detailing the payment amount and the planning reference number.

5.2 A site notice was displayed near the site on 1 April 2022 and a press advert was published in the Cambridge Evening News on 31 March 2022.

5.3 Neighbours – Two neighbouring properties were directly notified by letter. No responses have been received as a result of the letters or site notice.

5.4 A full copy of all consultee responses are available on the Council's website.

6.0 The Planning Policy Context

East Cambridgeshire Local Plan 2015

GROWTH 2 Locational strategy

GROWTH 3 Infrastructure requirements

GROWTH 5 Presumption in favour of sustainable development

HOU 1 Housing mix

HOU 2 Housing density

HOU 3 Affordable housing provision

ENV 1 Landscape and settlement character

ENV 2 Design

ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

Supplementary Planning Documents

Developer Contributions and Planning Obligations
 Design Guide
 Contaminated Land
 Flood and Water
 Natural Environment
 Climate Change

National Planning Policy Framework 2021

- 2 Achieving sustainable development
- 9 Promoting sustainable transport
- 5 Delivering a sufficient supply of homes
- 12 Achieving well designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

7.0 PLANNING COMMENTS

7.1 The application is assessed in accordance with the development plan which comprises the East Cambridgeshire Local Plan 2015. Also relevant are the associated Supplementary Planning Documents, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance.

7.2 Principle of Development

7.3 Policy GROWTH 1 identifies the level of growth required within the district over the Local Plan Period. This includes the housing requirement for the district. Policy GROWTH 1 is accepted by the Council as being out-of-date as it uses an out of date housing requirement figure, and consequently this has triggered the preparation of the 'single issue review' of the Local Plan, in order to bring GROWTH 1 back in date. That updating of the policy remains at an emerging stage (with a 'regulation 19' consultation currently underway until the 13th June 2022), and therefore little weight should be given to its emerging content.

7.4 Policy GROWTH 2 of the 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.

- 7.5 The weight to be given to policy GROWTH 2 is a matter of judgement for the decision maker. An important factor is the consideration of whether the Policy is “out of date” and the allied question of whether the policy is consistent with the NPPF for the purposes of paragraph 219. Applying national policy, there are three main reasons it could be out of date, as follows:
- (a) If the Council cannot demonstrate a Five Year Land Supply (NPPF 11d, footnote 8). This is not the case. The Council can demonstrate a healthy supply of deliverable homes, well in excess of five years’ worth, and this position has persistently been agreed by recent Inspector appeal decisions;
 - (b) If the Council ‘fails’ the Housing Delivery Test. This is not the case. The Council presently sufficiently ‘passes’ the Test; or
 - (c) If the Policy is considered ‘out of date’ on a separate basis. This has been defined by the Courts as “have been overtaken by things that have happened since it was adopted, either on the ground or in some change in national policy, or for some other reason (*Bloor v SSCLG* [2014] EWHC 754 (Admin); [2017] PTSR 1283). However the courts have further noted “*The acid test in relation to whether or not a policy is out of date is, it will be recalled, the extent to which it is consistent with the Framework.*” (*Gladman Developments Limited v SSHCLG and Central Bedfordshire* [2019] EWHC 127 (Admin), [34]). Datedness will always be a “*case-sensitive exercise*” (*Gladman*, [36]) and will “*encompass the manner in which a policy operates in relation to the determination of a particular application*” (see *Ewans v Mid Suffolk District Council* [2021] EWHC 511, [47]).
- 7.6 The Council has considered the approach taken in recent appeal decisions, noting that each case must always turn on its specific facts.
- 7.7 In APP/V0510/W/21/3282449 Land to the North East of Broad Piece, Soham (dated 11 February 2022), the Planning Inspector found that policy GROWTH 2 was out-of-date in respect of a proposal for housing on the edge of Soham, a market town identified as a location for growth. That site was also within a broad location for housing (identified in the supporting text to policy GROWTH 4), where housing was anticipated to come forward during the Local Plan period (2011-2031). He concluded that as the housing requirement in GROWTH 1 was out of date and therefore uncertain, it was not clear that adequate housing could be provided in settlements and via allocations. The Inspector found that general objectives of GROWTH 2 “to manage patterns of development and protect the setting of settlement were good ones” and consistent with the NPPF, however in the specific location of the Appeal Site he found that continued strict application of GROWTH 2 was not justified given that the Local Plan anticipated housing in that location and at the market towns. The Inspector also gave weight to the fact that, while outside the development envelope for Soham, the proposal was considered to comply with the development plan as a whole, including the location of the development at one of the three market towns, consistent with GROWTH 2. It is important to appreciate that this was a case where no other development plan conflicts were identified, including notably in respect of landscape. The Inspector therefore did not have to consider these specific wider considerations in assessing the datedness of the policy and its consequent consistency with NPPF.

- 7.8 Elsewhere recent Inspectors have found policy GROWTH 2 up-to-date, albeit in respect of proposals for housing on the edge of villages (i.e. not market towns) with such settlements falling lower down the locational strategy hierarchy detailed within GROWTH 2.
- 7.9 Turning to the facts of this particular application, the proposal is located outside of the development envelope, and is not one of the exceptions listed in GROWTH 2. On the face of it, therefore, it is contrary to GROWTH 2. However, whilst not directly adjoining the development envelope, the proposal is located within the Parish of one of the three market towns, where growth is directed to by GROWTH 2.
- 7.10 The Council has carefully considered whether the circumstances are similar to those in the recent appeal decision APP/V0510/W/21/3282449 in Soham (in respect of the precise nature of the conflict). The application site is positioned a significant distance from the development envelope of Soham and there is a clear and distinguished physical separation from the market town, characterised by the distance as well as the intervening features in the vicinity of the site such as the agriculturally dominated landscape, the presence of the A142 and bypass around Soham, and the large roundabout and Fordham Road. While the site is within the Parish of Soham, its physical separation from the clear extent of the market town demonstrates that this site is in a rural and isolated location where development is sporadic and historical. The site is not considered to be well-related to the physical extent of the market town. The Council therefore considers that the Soham decision is distinguishable.
- 7.11 For the purposes of this application, GROWTH 2 is considered up to date. All recent decision makers (including the Appeal Inspectors) have concluded that the locational strategy of the policy is consistent with the NPPF. As the Soham Inspector observed at DL17: “general objectives of the policy to manage patterns of growth and protect the setting of towns and villages are good ones that are consistent with the Framework”.
- 7.12 This proposal, in this location, is not consistent with that strategy.
- 7.13 While GROWTH 1 is out of date, the locational strategy within GROWTH 2 is not out of date. The locational strategy remains entirely valid and consistent with NPPF.
- 7.14 Moreover, there are additional reasons related to landscape harm which confirm that GROWTH 2 is consistent with the NPPF and should be considered as up-to-date for the purposes of this application.
- 7.15 This view is reinforced by the fact that the Council can demonstrate it has a Five Year Land Supply, and passes the Housing Delivery Test.
- 7.16 In conclusion, therefore, for this particular proposal in this location, GROWTH 2 is considered up to date, and should carry full weight. And, as already described, the proposal is clearly contrary to GROWTH 2, and therefore this proposal is contrary to the development plan.

7.17 The principle of development in this location is therefore considered to be unacceptable.

7.18 Applying the Development Plan Policies

7.19 The Council considers the ‘basket’ of most important policies, all of which are not out of date, for determining this application are:

GROWTH 2	Locational strategy
ENV 1	Landscape and settlement character
ENV 2	Design
COM7	Transport Impact

7.20 It is established nationally that one potential way for the tilted balance to apply under Paragraph 11(d) of the NPPF, is for the most important policies to be out of date. That does not mean one policy being out of date, but means the basket is out of date. It means the basket when taken as a whole, is out of date, likely on the basis that more than half of the policies are demonstrated to be out of date. Of the above listed policies, this is clearly not the case.

7.21 In relation to policy GROWTH 2 of the Local Plan, the Council considers that this policy is not out of date as explained in detail in section 7.2 of this Committee Report.

7.22 In relation to policies ENV 1 and ENV 2 of the Local Plan, whilst these policies predate the current NPPF, the general principles of protecting the landscape and respecting context are consistent with the objectives of paragraph 130 of the NPPF, namely b) and c):

“Planning *policies and decisions should ensure that developments:*

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including their surrounding built environment and landscape setting, while not preserving or discouraging appropriate innovation or change”.

7.23 Furthermore, policy COM7 of the Local Plan aligns with the provisions of Chapter 9 of the NPPF, namely paragraph 110 b):

“b) safe and suitable access to the site can be achieved for all users;”

7.24 It is therefore the Council’s view that these policies are fully consistent with the NPPF and should be given full weight in the determination of this planning application. There is no reason to believe that these policies are out of date.

7.25 Residential Amenity

7.26 Paragraph 130(f) of the NPPF specifically requires development to create places that promote health and wellbeing with a high standard of amenity for future users. Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity

of occupiers of new buildings, especially dwellings, and that future occupiers enjoy high standards of amenity.

- 7.27 While the details of this application (appearance, layout, scale and landscaping) would be considered at a reserved matters stage, it is considered that an appropriately designed scheme could be brought forward which prevents detrimental impacts to the amenity of neighbouring occupiers.
- 7.28 However, there are significant concerns with regard to the residential amenity of future occupiers of the proposed dwelling through noise and disturbance from the nearby A142 and adjacent Fordham Road and Environmental Health have also raised noise concerns regarding the haulage depot to the rear of the site. The A142 is a 60mph busy Class A transport route, and Fordham road is also a 60mph public highway. No noise assessment was submitted alongside the proposals despite the proximity to these two roads. The Noise Policy Statement for England (NPSE) (pg. 7) (attached at Appendix 1) recognises that “noise exposure can cause annoyance and sleep disturbance both of which impact on quality of life. It is also agreed by many experts that annoyance and sleep disturbance can give rise to adverse health effects. The distinction that has been made between “quality of life” effects and “health” effects recognises that there is emerging evidence that long term exposure to some types of transport noise can additionally cause an increased risk of direct health effects.” Due to the proximity of the dwelling to these roads, and with the absence of any evidence to the contrary, it is considered that the residential amenity of future occupiers could be significantly and detrimentally impacted by the level of noise generated by vehicles using the A142.
- 7.29 Given the NPSE acknowledgement that noise exposure impacts on quality of life and the recognition of emerging evidence that long term exposure to some forms of transport noise can have direct health effects, it is considered that the introduction of a dwelling in this location could create poor levels of amenity of future occupiers. With the relevant policies in mind, the Local Planning Authority are of the view that insufficient evidence has been submitted to demonstrate that the amenity of future occupiers would not be significantly and detrimentally impacted. The proposal is therefore considered to be contrary to policy ENV2 of the Local Plan 2015 and the NPPF in this regard.
- 7.30 Visual Amenity
- 7.31 In terms of visual amenity, policy ENV2 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. In addition, policy ENV1 of the Local Plan 2015 seeks to ensure that applications provide a complementary relationship with existing development, and conserve, preserve and where possible enhance the distinctive and traditional landscapes, and key views in and out of settlements.
- 7.32 While the details of the appearance, layout, scale and landscaping are not considered at this stage, the general visual impact of inserting a dwelling into this site can be given consideration. The introduction of a dwelling in this location would be visually intrusive in the appearance of the landscape and would be out of keeping within the rural setting. A dwelling would appear at odds with the pattern of

dwellings within the area which are sporadic and historic. The introduction of a dwelling in this location would result in an urbanising incursion of development into open countryside, further eroding the separation between Soham and Fordham. This would cause significant and demonstrable harm to the character of the countryside and the key views into and out of both settlements.

7.33 For these reasons the proposal is considered to be contrary to policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015, as well as the provisions of the NPPF.

7.34 Highways

7.35 Policy COM8 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. Paragraph 110 b of the NPPF seeks to ensure “safe and suitable access to the site can be achieved for all users”.

7.36 The Local Highways Authority has reviewed the proposals and advised that the application site red line does not meet the extent of the public highway or demonstrate that the intensified use of the access can achieve the appropriate visibility splays in both directions (2.4m x 215m / 7.8 ft x 705 ft). They also note that the proposed access would need to have a minimum width of 5m (16 ft) for a length of 8m (26 ft), be surfaced from a bound material for the first 5m (16 ft) length from the carriageway edge, and be ungated. The Local Highways Authority recommends that planning permission is not granted unless these requirements can be addressed.

7.37 For these reasons the proposal is contrary to policy COM7 of the Local Plan 2015 and paragraph 110 b of the NPPF.

7.38 Ecology

7.39 Policy ENV7 of the Local Plan 2015 seeks to maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals. In accordance with the relevant policies within the local plan and the NPPF, it is recommended that a condition requiring a scheme of biodiversity improvements is placed on any grant of permission. The request for biodiversity improvements is guided by the local plan policies which seek to deliver a net gain in biodiversity, proportionate to the scale of development proposed, by creating, restoring and enhancing habitats and enhancing them for the benefit of species. As this development is proposed on previously un-developed land, there is potential for disturbance, which could be overcome by the introduction of biodiversity improvements.

7.40 Policy NE6 of the Natural Environment SPD sets out that all development proposals must provide clear and robust evidence setting out:

- information about the steps taken, or to be taken, to avoid and minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat,

- the pre-development biodiversity value of the onsite habitat based on an up to date survey and ideally using the Defra metric,
- the post-development biodiversity value of the onsite habitat ideally using the Defra metric; and
- the ongoing management strategy for any proposals.

- 7.41 Proposals which do not demonstrate that the post-development biodiversity value of the onsite habitat will not significantly exceed the pre-development biodiversity value of the onsite habitat will be refused. Under policy NE9 of the Natural Environment SPD, new planting must be an integral part of the design of a development rather than as an afterthought. Native new planting should be provided that reflects the local character and a suitable species mix should be provided that helps to promote a wide range of biodiversity and contribute to enhancing green infrastructure. Proposals should also incorporate within the landscape scheme, features that will support the establishment of biodiversity, such as wetland areas, 'insect hotels' and log piles.
- 7.42 The application is for a single dwelling in outline format with all matters reserved apart from access. It is considered that at a reserved matters stage, a suitable scheme for the delivery of a net gain in biodiversity could be put forward. This can be secured by way of condition.
- 7.43 Flood Risk and Drainage
- 7.44 The site is located in Flood Zone 1, where development is generally considered acceptable in terms of Flood Risk. The application does not trigger any of the requirements for a flood risk assessment to be submitted.
- 7.45 The application does not include details of drainage proposals and these would need to be secured by condition to ensure that a suitable scheme is proposed which prevents the increased risk of flooding and improves and protects water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 7.46 Climate Change
- 7.47 East Cambridgeshire District Council (ECDC) declared a Climate Emergency at its Full Council meeting on 17 October 2019. ECDC has joined over 200 Councils around the UK in declaring such an emergency. In declaring a Climate Emergency, the Council committed to producing an Environment Plan, which it subsequently did so (adopted June 2020). One action within that Plan was to prepare a Climate Change Supplementary Planning Document (SPD). The SPD has become a material consideration for the purpose of determining planning applications, though the starting point for determining planning applications remains the East Cambridgeshire Local Plan (2015). Policy ENV4 of the Local Plan 2015 states 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" and that "applicants will be required to demonstrate how they have considered maximising all aspects of sustainable design and construction." In addition, the NPPF places high importance on addressing climate change in plan

making and decision taking. Policy CC1 of the Climate Change SPD sets out that applicants could demonstrate their approach to energy, water and carbon efficiency.

7.48 No information has been submitted and while this weighs against the application, for this particular scheme it is not considered that such a failure would warrant refusal on this criteria.

7.49 Other Material Matters

7.50 A contamination report has been submitted and reviewed by the Council's Environmental Health (Scientific) Officer. They advise that further investigation is not required, but that a condition requiring the reporting of any unexpected contamination should be applied to any grant of planning permission.

7.51 Planning Balance

7.52 The proposal fails to meet the requirements of the most important policies as set out in sections 7.18 – 7.24 of this report. It is considered that these policies are fully consistent with the NPPF and should be given full weight in the determination of this planning application. There is no reason to believe that these policies are out of date.

7.53 The proposal is contrary to policy GROWTH 2 of the Local Plan 2015 as it outside of the defined settlement boundary of Soham, where new development is strictly controlled, and it does not meet any of the exception within policy GROWTH 2. The site is physically separated from the built form of Soham by the agriculturally dominated landscape, the presence of the A142 and bypass around Soham, and the large roundabout and Fordham Road. Furthermore, the application site is in close proximity to the A142, Fordham Road, and nearby haulage depot and no information has been submitted to demonstrate that future occupiers would not be adversely impacted by noise and disturbance, contrary to policy ENV2 of the Local Plan 2015 and paragraph 130 of the NPPF. The proposed development would be contrary to policy ENV1 of the Local Plan and paragraph 130 of the NPPF through the introduction of development in a sensitive countryside location which would further erode the separation between Fordham and Soham. There are also concerns regarding the proposed access arrangement, and insufficient information has been submitted to demonstrate that the proposed development would not prejudice highway safety, contrary to policy COM7 of the Local Plan 2015 and paragraph 110 b of the NPPF.

7.54 The proposed development fails to meet the requirements of the relevant local and national planning policies. The application is therefore recommended for refusal.

8.0 APPENDICES

8.1 Appendix 1 - Noise Policy Statement for England (NPSE)

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
22/00347/OUT	Catherine Looper Room No. 011 The Grange Ely	Catherine Looper Senior Planning Officer 01353 665555 catherine.looper@eastcambs.gov.uk

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

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

www.defra.gov.uk

Noise Policy Statement for England (NPSE)

March 2010

Department for Environment, Food and Rural Affairs
Nobel House
17 Smith Square
London SW1P 3JR
Telephone 020 7238 6000
Website: www.defra.gov.uk

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Email: helpline@defra.gsi.gov.uk

This document is available on the Defra website:
<http://www.defra.gov.uk/environment/quality/noise/>

Published by the Department for Environment, Food and Rural Affairs

Noise Policy Statement for England

- 1.1 The Government is committed to sustainable development and Defra plays an important role in this by working to secure a healthy environment in which we and future generations can prosper. One aspect of meeting these objectives is the need to manage noise for which Defra has the overall responsibility in England.
- 1.2 The Government recognises that the effective management of noise requires a co-ordinated and long term approach that encompasses many aspects of modern society.
- 1.3 The aim of this document is to provide clarity regarding current policies and practices to enable noise management decisions to be made within the wider context, at the most appropriate level, in a cost-effective manner and in a timely fashion.
- 1.4 The document seeks to clarify the underlying principles and aims in existing policy documents, legislation and guidance that relate to noise. It has been developed following discussions with stakeholders regarding the effects on the noise environment of current policies and practices.
- 1.5 This Noise Policy Statement for England (NPSE) should apply to all forms of noise including environmental noise, neighbour noise and neighbourhood noise. The NPSE does not apply to noise in the workplace (occupational noise).
- 1.6 This Noise Policy Statement for England (NPSE) sets out the long term vision of Government noise policy:

Noise Policy Vision

Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development.

- 1.7 This long term vision is supported by the following aims:

Noise Policy Aims

Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:

- **avoid significant adverse impacts on health and quality of life;**
- **mitigate and minimise adverse impacts on health and quality of life; and**
- **where possible, contribute to the improvement of health and quality of life.**

- 1.8 The vision and aims of NPSE should be interpreted by having regard to the set of shared UK principles that underpin the Government's sustainable development strategy.

Guiding principles of sustainable development

Ensuring a Strong Healthy and Just Society – Meeting the diverse needs of all people in existing and future communities, promoting personal wellbeing, social cohesion and inclusion, and creating equal opportunity for all.

Using Sound Science Responsibly – Ensuring policy is developed and implemented on the basis of strong scientific evidence, whilst taking into account scientific uncertainty (through the precautionary principle) as well as public attitudes and values.

Living Within Environmental Limits – Respecting the limits of the planet's environment, resources and biodiversity – to improve our environment and ensure that the natural resources needed for life are unimpaired and remain so for future generations.

Achieving a Sustainable Economy – Building a strong, stable and sustainable economy which provides prosperity and opportunities for all, and in which environmental and social costs fall on those who impose them (polluter pays), and efficient resource use is incentivised.

Promoting Good Governance – Actively promoting effective, participative systems of governance in all levels of society – engaging people's creativity, energy and diversity.

Source: Securing the future – delivering UK sustainable development strategy, HM Government, March 2005.

Noise Policy Statement for England Explanatory Note

Why do we need a Noise Policy Statement for England (NPSE)?

- 2.1 Noise is an inevitable consequence of a mature and vibrant society. For some the noise of city life provides a desirable sense of excitement and exhilaration, but for others noise is an unwanted intrusion that adversely impacts on their quality of life, affecting their health and well being.
- 2.2 The management of noise has developed over many years as the types and character of noise sources have altered and as people's attitude to noise has changed. The Noise Abatement Act came into law in 1960 and the Report from the Committee on the Problem of Noise was published in 1963 (the Wilson report). Since then, examples of noise management can be found in many areas including reducing noise at source; the use of the land use and transport planning systems, compensation measures, the statutory nuisance and licensing regimes and other related legislation.
- 2.3 Furthermore, the broad aim of noise management has been to separate noise sources from sensitive noise receivers and to 'minimise' noise. Of course, taken in isolation and to a literal extreme, noise minimisation would mean no noise at all. In reality, although it has not always been stated, the aim has tended to be to minimise noise 'as far as reasonably practical'. This concept can be found in the Environmental Protection Act 1990, where, in some circumstances, there is a defence of 'best practicable means' in summary statutory nuisance proceedings.
- 2.4 By describing clear policy vision and aims the NPSE provides the necessary clarity and direction to enable decisions to be made regarding what is an acceptable noise burden to place on society.

What types of noise are addressed by the Noise Policy Statement for England?

- 2.5 The intention is that the NPSE should apply to all types of noise apart from noise in the workplace (occupational noise). For the purposes of the NPSE, "noise" includes:
 - "environmental noise" which includes noise from transportation sources;
 - "neighbour noise" which includes noise from inside and outside people's homes; and
 - "neighbourhood noise" which includes noise arising from within the community such as industrial and entertainment premises, trade and business premises, construction sites and noise in the street.

What will the Noise Policy Statement for England achieve?

- 2.6 The application of the NPSE should mean that noise is properly taken into account at the appropriate time. In the past, the opportunity for the cost effective management of noise has often been missed because the noise implications of a particular policy, development or other activity have not been considered at an early enough stage.
- 2.7 In addition, the application of the NPSE should enable noise to be considered alongside other relevant issues and not to be considered in isolation. In the past, the wider benefits of a particular policy, development or other activity may not have been given adequate weight when assessing the noise implications.

- 2.8 In the longer term, the Government hopes that existing policies could be reviewed (on a prioritised basis), and revised if necessary, so that the policies and any noise management measures being adopted accord with the vision, aims and principles of the NPSE.

How should the Noise Policy Statement for England be used?

- 2.9 Noise management is a complex issue and at times requires complex solutions. Unlike air quality, there are currently no European or national noise limits which have to be met, although there can be specific local limits for specific developments. Furthermore, sound only becomes noise (often defined as 'unwanted sound') when it exists in the wrong place or at the wrong time such that it causes or contributes to some harmful or otherwise unwanted effect, like annoyance or sleep disturbance. Unlike many other pollutants, noise pollution depends not just on the physical aspects of the sound itself, but also the human reaction to it. Consequently, the NPSE provides a clear description of desired outcome from the noise management of a particular situation.
- 2.10 The guiding principles of Government policy on sustainable development, (paragraph 1.8), should be used to assist in its implementation. The development of further principles specifically to underpin implementation of noise management policy will be kept under review as experience is gained from the application of the NPSE.

What does the vision of the Noise Policy Statement for England mean?

- 2.11 There are several key phrases within the NPSE vision and these are discussed below.

"Health and quality of life"

- 2.12 The World Health Organisation defines health as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, and recognises the enjoyment of the highest attainable standard of health as one of the fundamental rights of every human being.
- 2.13 It can be argued that quality of life contributes to our standard of health. However, in the NPSE it has been decided to make a distinction between 'quality of life' which is a subjective measure that refers to people's emotional, social and physical well being and 'health' which refers to physical and mental well being.
- 2.14 It is recognised that noise exposure can cause annoyance and sleep disturbance both of which impact on quality of life. It is also agreed by many experts that annoyance and sleep disturbance can give rise to adverse health effects. The distinction that has been made between 'quality of life' effects and 'health' effects recognises that there is emerging evidence that long term exposure to some types of transport noise can additionally cause an increased risk of direct health effects. The Government intends to keep research on the health effects of long term exposure to noise under review in accordance with the principles of the NPSE.

“Promote good health and good quality of life”

- 2.15 This statement expresses the long term desired policy outcome, but in the use of “promote” and “good” recognises that it is not possible to have a single objective noise-based measure that is mandatory and applicable to all sources of noise in all situations.

“Effective management of noise”

- 2.16 This concept confirms that the policy applies to all types of “noise” (environmental, neighbour and neighbourhood) and that the solution could be more than simply minimising the noise.

“Within the context of Government policy on sustainable development”

- 2.17 Sustainable development is a core principle underpinning all government policy. For the UK Government the goal of sustainable development is being pursued in an integrated way through a sustainable, innovative and productive economy that delivers high levels of employment and a just society that promotes social inclusion, sustainable communities and personal wellbeing. The goal is pursued in ways that protect and enhance the physical and natural environment, and that use resources and energy as efficiently as possible.
- 2.18 There is a need to integrate consideration of the economic and social benefit of the activity or policy under examination with proper consideration of the adverse environmental effects, including the impact of noise on health and quality of life. This should avoid noise being treated in isolation in any particular situation, i.e. not focussing solely on the noise impact without taking into account other related factors.

What do the aims of the Noise Policy Statement for England mean?

- 2.19 There are several key phrases within the NPSE aims and these are discussed below.

“Significant adverse” and “adverse”

- 2.20 There are two established concepts from toxicology that are currently being applied to noise impacts, for example, by the World Health Organisation. They are:

NOEL – No Observed Effect Level

This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.

LOAEL – Lowest Observed Adverse Effect Level

This is the level above which adverse effects on health and quality of life can be detected.

- 2.21 Extending these concepts for the purpose of this NPSE leads to the concept of a significant observed adverse effect level.

SOAEL – Significant Observed Adverse Effect Level

This is the level above which significant adverse effects on health and quality of life occur.

- 2.22 It is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available.

The first aim of the Noise Policy Statement for England

Avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

- 2.23 The first aim of the NPSE states that significant adverse effects on health and quality of life should be avoided while also taking into account the guiding principles of sustainable development (paragraph 1.8).

The second aim of the Noise Policy Statement for England

Mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

- 2.24 The second aim of the NPSE refers to the situation where the impact lies somewhere between LOAEL and SOAEL. It requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development (paragraph 1.8). This does not mean that such adverse effects cannot occur.

The third aim of the Noise Policy Statement for England

Where possible, contribute to the improvement of health and quality of life through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

- 2.25 This aim seeks, where possible, positively to improve health and quality of life through the pro-active management of noise while also taking into account the guiding principles of sustainable development (paragraph 1.8), recognising that there will be opportunities for such measures to be taken and that they will deliver potential benefits to society. The protection of quiet places and quiet times as well as the enhancement of the acoustic environment will assist with delivering this aim.

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