

**22/00127/VAR**

Land To East Of Orchard Cottage

11 Chapel Lane

Reach

Cambridge

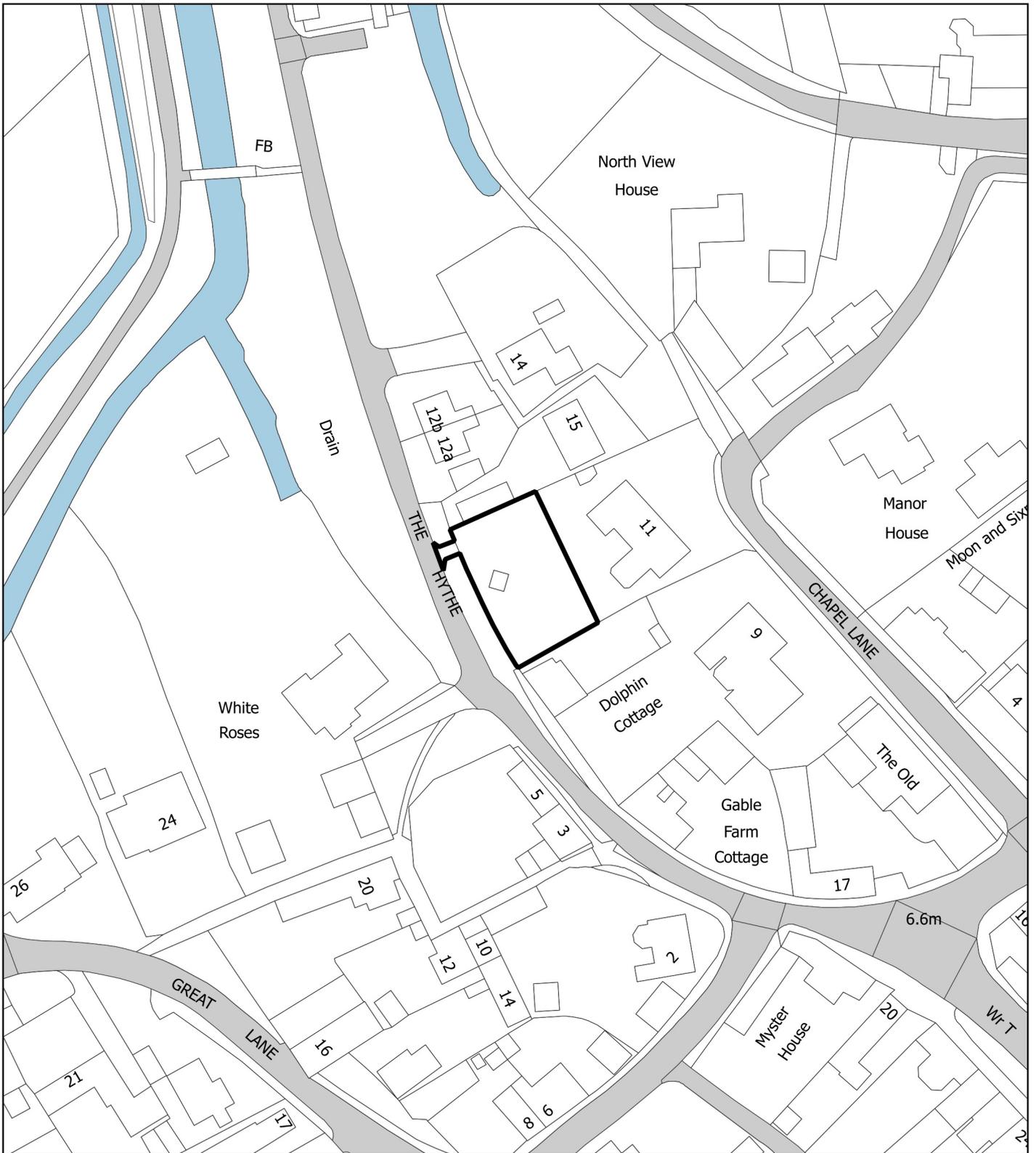
CB25 0JJ

To vary Condition 1 (Approved plans), 17 (Rooflights), and 20 (Water sprinklers) of previously approved 19/01439/FUL for Construction of one and half storey detached dwelling with new access

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=R6QP65GGKSV00>





22/00127/VAR

Land To East Of Orchard  
Cottage  
11 Chapel Lane  
Reach



East Cambridgeshire  
District Council

Date: 22/08/2022  
Scale: 1:1,000



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**MAIN CASE**

**Reference No:** 22/00127/VAR

**Proposal:** To vary Condition 1 (Approved plans), 17 (Rooflights), and 20 (Water sprinklers) of previously approved 19/01439/FUL for Construction of one and half storey detached dwelling with new access

**Site Address:** Land to East of Orchard Cottage, 11 Chapel Lane, Reach, Cambridge. CB25 0JJ

**Applicant:** Mr & Mrs Blocksage

**Case Officer:** Gavin Taylor Planning Contractor

**Parish:** Reach

**Ward:** Bottisham  
Ward Councillor/s: Charlotte Cane  
John Trapp

**Date Received:** 3 February 2022      **Expiry Date:** 7<sup>th</sup> September 2022  
Report Number X47

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1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE subject to the recommended conditions below. The conditions can be read in full on the attached appendix 1.

- 1 Approved Plans
- 2 Commencement
- 3 Archaeological Investigation
- 4 Construction Environmental Management Plan
- 5 Reporting of unexpected contamination
- 6 Piling foundations
- 7 Tree protection
- 8 Boundary Treatments
- 9 Biodiversity
- 10 Soft Landscaping
- 11 Rooflight windows - exterior finish
- 12 Rooflights positioning
- 13 Permitted development - extensions and outbuildings
- 14 Permitted development – windows
- 15 Air source heat pump
- 16 Sprinkler System
- 17 Construction times - Standard hours

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks permission to vary some elements of the development previously permitted under 19/01439/FUL, for the erection of a single dwelling and associated access. Officers have negotiated revisions to the original submission. The amendments proposed are summarised as follows;
- Relocation of dwelling c.1m (3.3') south and widen driveway to accommodate parallel parking,
  - Introduction of air source heat pump (ground level) at immediate rear of dwelling,
  - Increased base level by 41cm (1.35'), compared to permitted scheme (see para. 7.3.4 for further details),
  - Introduction of a further 2 rear rooflights – serving bathroom and dressing room, set at minimum 1.7m (5.5') from internal finished floor level to restrict overlooking,
  - Introduction of canopy over front door,
  - Additional windows to ground floor rear dining room (2 no.) and side study (1 No.) and lantern window to rear dining flat roof,
  - Internal layout alterations,
  - Retaining wall along eastern boundary (max 15cm (0.5') above ground level).
- 2.2 As set out in the application description permission is also being sought to remove the requirement for obscure glass in the rooflights (condition 17) due to the position in the rooflights being a minimum 1.7m (3.3') from internal finished floor level. Furthermore, condition 20 which requires details of a sprinkler system is also sought to be varied – instead requiring details of a sprinkler system should it be required through the Building regulations process.
- 2.3 In addition, the latest plans also include further details in respect of external materials, landscaping and biodiversity enhancements that were previously secured through conditions and have been submitted and agreed as part of the recent conditions discharge application (19/01439/DISA). This is considered in more detail below.
- 2.4 The application has been called in to Planning Committee by Cllr Cane, in view of the change in height which was point of discussion at the Planning Committee during consideration of the original application, as well as the additional windows and roof lights.
- 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.eastcamb.gov.uk/online-applications/>.

### 3.0 PLANNING HISTORY

#### 3.1

19/01439/FUL	Construction of one and half storey detached dwelling with new access	Approved	03.09.2020
19/01439/DISA	to discharge conditions 3 (Contamination), 5 (Archaeology), 6 (Surface and Foul Water Disposal Scheme), 7 (Construction Environmental Management Plan), 8 (Piling and Mitigation Measures), 9 (Construction Times and Deliveries), 10 (Brickwork Sample Panel), 11 (External Roofing Materials), 12 (Doors, Windows, Roof lights, Lintels/Sills and Rainwater Goods), 13 (Boundary Treatments), 14 (Soft Landscape Works Schedule), 18 (Biodiversity) on Decision dated 3.9.2020 for Construction of one and half storey detached dwelling with new access	Partially discharged	19.04.2022

### 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is situated to the rear of 11 Chapel Lane and currently forms part of the garden of this dwelling. 11 Chapel Lane is a modern 2-storey dwelling and sits between 2 dwellings, both 2-storey and built in the 20<sup>th</sup> Century.
- 4.2 The site is located within the Conservation Area and development envelope for Reach. Opposite (west) is a Grade II Listed Building, 'White Roses' formerly known as the Old Vicarage.
- 4.3 The site is accessed from The Hythe which leads to a public right of way and the sewage works beyond (north).
- 4.4 The site sits at an average ground level of 4.80 metres (15.75') ODN with the adjacent highway at an average 4.08 metres (13.4') ODN.

## 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 - No Comments Received**

#### **Ward Councillors - Cllr Cane: 9<sup>th</sup> May 2022**

States "I am writing to object to these proposed variations to Planning Conditions and ask that this be referred to Planning Committee if you are minded to approve.

"This application was discussed at length at the Planning Committee in September 2020 and was approved by a narrow margin of 6 in favour, 5 against. The height and position of the dwelling, together with the number of windows/dormer windows and the requirement for some to be obscured all led to this marginal decision. The Conservation Officer has reconfirmed their concerns about the number of dormer windows. By raising the height and adding more windows, and increasing the number with clear glazing, this dwelling will have more of an impact on the street scene and could lead to more overlooking. It is certainly clear from the resident's responses that they would feel more overlooked.

"Can I ask if and when the Parish Council was consulted about these proposed variations?"

[*Officer response:* The Parish were formally consulted on the application on 8<sup>th</sup> February 2022 but no response was received]

#### **Conservation Officer - 8 February 2022**

States "I commented in 2019 that 'rooflights are not a substitute for the disciplines of space planning' and the present amendments only confirm that view. Bathrooms which are less than 10sq m do not need the number of rooflights proposed, the landing did not need a rooflight in 2019 and if the dining room outshot now has a roof lantern, it does not also need windows in the east elevation looking onto a retaining wall. I opposed the 2019 scheme and certainly do not support its further dilution.

"Recommendation: objection"

#### **Local Highways Authority - 21 February 2022**

States "I have no objection to this application as the proposed changes are immaterial from a highway safety perspective."

#### **Cambridgeshire Archaeology - 23 February 2022**

States "We have previously provided advice for this development, recommending that a programme of archaeological investigation should be secured by condition of planning permission. The site has been subject to an archaeological evaluation, the results of which confirm that significant archaeological remains of medieval and post medieval date survive in the area. A programme of archaeological mitigation will therefore be appropriate and we would recommend that this is secured by the same condition as previously advised.

“No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

“Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.”

**ECDC Trees Team - 30 March 2022**

States “No tree related implications”

**Waste Strategy (ECDC) - 12 April 2022**

States “For the development reference: 22/00127/VAR there are no additional comments from waste. Our previous comments on 19/01439/FUL are still applicable”

[Previous comments summarised; it is the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day; and, advice on charging for the provision of wheeled bins].

**Anglian Water Services Ltd - 10 February 2022**

States “The approved plans and conditions... are not related to Anglian Water network therefore this application is outside of our jurisdiction to comment”

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

**5.2 Advertisement**

A site notice was displayed on a telegraph pole opposite the site on the 14th March 2022.

**5.3 Neighbours**

14 neighbouring properties were notified and the 4 responses received are summarised below. A full copy of the responses are available on the Council’s website.

8 The Hythe (1 March 2022)

- Height of dwelling would be significant
- Unclear why conditions are sought to be removed

‘White Roses’, 9 The Hythe (25 February 2022)

- Overlooking
- The site is already 1m above existing levels. Increase in height will be out of character
- Excessive parking provision – out of character

Hythe House, 3 The Hythe (18 February 2022)

- Loss of privacy through the increase height and additional rooflights
- Overlooking

- Parking and Turning – excessive parking area

Orchard Cottage, 11 Chapel Lane (the applicant) (28 February 2022)

- Ridgeline will match 8 The Hythe and lower than the listed building at No.9 The Hythe
- Will not cause overlooking
- Rooflights already exist in the locality e.g. No. 8 and No.12 The Hythe
- Additional windows will improve natural light in the dwelling
- The additional parking is for visitors due to the lack of on-street parking in the area (raised as a concern previously).

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 11	Conservation Areas
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

6.2 Neighbourhood Plans

Reach Parish Neighbourhood Plan (Pre-Submission Consultation, 2020)  
-including the Reach Parish Design Code, 2020

6.3 Supplementary Planning Documents

- Developer Contributions and Planning Obligations
- East Cambs Design Guide
- Contaminated Land - Guidance on submitted Planning Applications on land that may be contaminated
- Cambridgeshire & Peterborough Flood and Water SPD
- Natural Environment SPD
- Climate Change SPD

6.4 National Planning Policy Framework 2021

Chapter 2: Achieving sustainable development

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places  
Chapter 14: Meeting the challenge of climate change, flooding and coastal change  
Chapter 15: Conserving and enhancing the natural environment  
Chapter 16: Conserving & enhancing the historic environment

6.5 Planning Practice Guidance  
Determining applications under S73 of the Act  
[Paragraph: 031 Reference ID: 21a-031-20180615 (15.06.2015)]

National Design Guide PPG, 2019

## 7.0 PLANNING COMMENTS

### 7.1 **Principle of Development**

7.1.1 This application seeks permission to vary specific details of the approved dwelling. The dwelling itself was approved in September 2020 and remains extant. This permission therefore accepted the principle of the development and there are no significant changes to either national or local planning policy to indicate a change to this position.

7.1.2 The Planning Practice Guidance (PPG) notes that there are instances where new issues may arise after planning permission has been granted, which require modification of the approved proposals.

7.1.3 The PPG advises that where modifications are fundamental or substantial a new planning application will be required. Where less substantial changes are proposed, a minor material amendment application under S73 of the Town and Country Planning Act 1990 ('the Act') can be submitted where there is a relevant condition that can be varied – for example and in this case, the conditions controlling glazing, a sprinkler system and the approved plans.

7.1.4 There is no statutory definition within the PPG of a 'minor material amendment' but it states that it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. As such it is for the LPA to determine whether the proposed amendments constitute minor material change.

7.1.5 The effect of granting S73 permission is to effectively re-issue a planning permission and therefore any conditions and obligations that are relevant to the new permission having regard to the previous permission should be re-imposed and any new conditions or obligations imposed where appropriate to do so.

7.1.6 In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application.

### 7.2 **Residential Amenity**

7.2.1 A number of residents have raised concerns regarding the potential for overlooking and dominance as a result of the increased floor level of the dwelling and the addition of further rooflights. Following the comments (including that of the Council's Conservation Officer), the applicant has agreed to reduce the number of rooflights,

proposing only to introduce 2 further rooflights to the rear roof slope – serving the bathroom and dressing room.

- 7.2.2 The dwelling is proposed to be finished 41cm (1.3') higher and located c.1m (3.3') further south-east than that approved. This in itself is not considered to increase the potential for overlooking, overbearing or overshadowing to neighbouring properties having regard to their respective separation distances, orientation and window positions.
- 7.2.3 With regard to windows, the only changes to this latest proposal is for 3 additional rooflights in the rear roof elevation, 3 at ground level and the lantern roof. In respect of the ground level glazing, any views from these would terminate at the site boundaries (or in the case of the lantern be directed upwards beyond 1<sup>st</sup> floor window height) and therefore would not impose on neighbouring private amenity areas. The rooflights are all proposed to be positioned in the roof slope at a height no lower than 1.7m from internal finished floor level. This would restrict any views into adjacent private amenity areas or into any neighbouring windows.
- 7.2.4 The previous permission sought to secure obscure glazing to the rooflights, which is being challenged here by the applicant. In view of their positioning and subject to a condition ensuring that all rooflights remain at 1.7m above internal floor level, it is considered unnecessary to require these to be obscurely glazed. This is because views out of these rooflights would not gain views into neighbouring or private amenity areas – with only the eaves levels of No.11 Chapel Lane and adjacent properties visible out of these windows at this position.
- 7.2.5 The application proposes to introduce an air source heat pump to the rear, northern end of the dwelling. Whilst no concerns have been raised by residents, these can in certain instances result in noise nuisance – particularly if not regularly serviced. Air source heat pumps are permitted under the General Permitted Development Order (GPDO) and are controlled through would be available to the applicant to introduce, once the dwelling is substantially complete and they would be controlled through the Microgeneration Certification Scheme for air source heat pumps (being MCS 007 and MCS 020; Department for Business, Energy and Industrial Strategy, 2018). As such, and in consultation with the Council's Environmental Protection team it is considered that the introduction of the air source heat pump would be acceptable, subject to meeting the terms of a compliance conditions which would ensure that noise levels are maintained to acceptable levels – in line with the Microgeneration Certification Scheme.
- 7.2.6 In order to safeguard the long-term protection of neighbouring amenities, it is suggested that the current condition limiting any additional windows, outbuildings or extensions (currently Condition 15 and 16) is attached to any planning permission issued. This is not only to protect residential amenity but also to ensure the design of the dwelling is not weakened by poor quality additions.
- 7.2.7 Condition 3 of the current permission requires the submission of a phase 1 contaminated land assessment. This has been undertaken and approved under the conditions discharge application (19/01439/DISA) and therefore would not be required on any further permissions. A condition requiring action should any unsuspected contamination be found, as currently set out under condition 4 should

however remain, in order to safeguard the health of those undertaking the construction and future residents.

- 7.2.8 Condition 7 requires the submission of a Construction Management Plan which remains outstanding and should be repeated should the proposal be approved.
- 7.2.9 Likewise, condition 8; which requires details of piling should the development ultimately require piled foundations, should also remain. Whilst the applicant has undertaken ground condition investigation which identifies that traditional strip foundations would be adequate, should this be found to be inaccurate and piling subsequently necessary, the conditional requirement would ensure that the LPA could assess the method and potential impacts.
- 7.2.10 Finally, Condition 9 sets out a restriction to construction times, which is considered necessary in order to safeguard residential amenity and should be repeated, should the application be approved.
- 7.2.11 In summary, and subject to compliance with the conditions as outlined above, the development would not give rise to unacceptable levels of amenity harm in line with the aims of policy HOU 2 and the NPPF, Chapter 12.

### **7.3 Visual Amenity and Impact on the Historic Environment**

- 7.3.1 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities, when considering development, to pay special attention to preserving a listed building or its setting (S66) and to the desirability of preserving or enhancing the character or appearance of a conservation area (S72). These legal requirements are captured through Local Plan policies ENV 11 and ENV12 respectively.
- 7.3.2 Concerns have been raised regarding the proposal to increase the overall height of the dwelling by 41cm (1.3'), with specific concerns raised regarding how it will impact on the character of the Conservation area and the nearby grade II listed building, 'White Roses' (9 The Hythe). Furthermore, the Council's Conservation Officer has objected to the proposal for further windows and rooflights, questioning their need. In addition, the amount of on-site parking now proposed has been raised as a concern in terms of impact to the character of the area.

#### *Windows & Rooflights*

- 7.3.3 In general terms, the introduction of a further 2 rooflights to the rear and the additional windows and lantern at ground floor level will not substantially depart from the current approval. This is primarily given their locations which will not be immediately visible from the streetscene along The Hythe – and only glimpse views of the roofline achievable from Chapel Lane, where rear aspect views would be viewed with the context of more modern properties (No. 9, 11 and 15) in the foreground. In this regard, whilst the dwelling is positioned within the Reach Conservation Area, Officers consider that the amendments would have a neutral impact on the historic environment, to that already permitted.

### *Building height*

7.3.4 In respect of the raised level of the dwelling, the applicant has provided a streetscene drawing to support the proposal which demonstrates that the increase will not substantially alter the impact of the dwelling within the area, having regard to existing building heights. It is understood that the ground itself is not being raised – but that the originally planned excavation of ground level by c.1m (3.3') is now to be 0.5m (1.6') (to accommodate site drainage and following the applicant's discussion with Cambs Archaeology. This therefore has the effect of the dwelling sitting c.41cm (1.3') higher than originally planned, but still lower than current ground levels. The retaining wall proposed, which is otherwise achievable under permitted development, confirms that ground levels will be reduced in order to accommodate the dwelling.

7.3.5 Importantly, Officers consider that the setting of and views to and from 'White Roses' will not be significantly altered as a result of the latest proposal, particularly given the separation distances (c.25m/ 82') and orientation of the buildings. As such, officers consider that the slight increased height of the dwelling will not cause any more harm to the significance of White Roses, or to the general character and appearance of the Conservation Area than that already permitted.

### *Driveway widening*

7.3.6 The amendments propose to relocate the dwelling slightly to the south (c.1m/ 3.3') in order to widen the driveway, thereby increasing off-street car parking capacity. It is noted that on-street parking issues were raised by residents in the previous application, in part due to the narrowness of The Hythe. Whilst not a policy requirement, the proposal to increase parking on site could prevent the necessity for some on-street parking by occupiers and visitors to the property in the future.

7.3.7 In visual terms, it is noted that parking arrangements vary in the locality – with some properties benefitting from larger or longer drives, and some with very little on-plot parking. Officers note from a recent site visit that some cars also park on the verges, albeit it is uncertain as to whether these are permanent residents or visitors parking there. In this respect, due to the mixture of parking, it is not possible to observe any prevailing character to assess the proposal's design against, other than to conclude that it would likely provide some benefit to the future occupiers of the development through additional off-street parking, and possibly some to those existing residents who would continue to rely on on-street parking and would not have this provision reduced through the development. It is therefore considered that the amendments to the parking area would not result in any substantial harm to the character of the area that would justify refusal in this regard.

### *Conditions*

7.3.8 Condition 5 of the permitted development requires a scheme of archaeological investigation to be undertaken prior to works commencing. Due to the outstanding mitigation fieldwork and reporting the Cambridgeshire County Council's Archaeology team has requested that this condition remains on any future permission, in line with national and local policy.

7.3.9 Condition 10 of the permitted development requires a sample panel of brickwork to be provided and agreed before work proceeds above ground. Due to the dwelling being rendered, only a small section below the line of the render will be visible and

the applicant has proposed to use blue engineering brick for this section as set out on the amended plan. This is considered to be appropriate and will be in-keeping with the damp-proofing of dwellings nearby (e.g., No. 5 and No. 8 The Hythe and properties to the entrance of Fair Green). As such, the need for further details is not required and is captured on the proposed plan. A condition requiring the development to be carried out in accordance with approved plans is standard.

7.3.10 Likewise, Conditions 11 and 12 of the permission sought details of roof material and architectural details of doors, windows, cills and the rooflights. These have all been agreed under the condition discharge application and now feature on the proposed amended plan. As such, a condition requiring this detail would not be required. Notwithstanding this, a condition is recommended to ensure that the exterior frames of the rooflights are maintained in dark grey or black finish, in order to blend with the roof slates proposed, to safeguard the visual amenities of the area.

7.3.11 Condition 13 of the permission requires details of all boundary treatments. These have not yet been agreed through the discharge application and it is therefore prudent to again include this condition should the application be approved.

7.3.12 Condition 14 of the permission requires soft landscaping details and these have subsequently been agreed through the condition discharge application. Nonetheless, it would be necessary to still ensure that the agreed scheme is implemented and safeguarded for the standard 5-year period, as set out within the second part of current condition 14.

7.3.13 It is considered that the amendments proposed will not result in any additional harm to the character and appearance of the area, further to that already permitted. Therefore, the proposed amendments do not conflict with the aims of policies ENV1, ENV2, ENV11 and ENV12 of the East Cambridgeshire District Local Plan 2015. Furthermore, as noted above, it would be recommended to impose the same archaeological condition to this proposal in-line with ENV14 of the East Cambridgeshire District Local Plan 2015.

#### **7.4 Highways**

7.4.1 The local Highways Authority (LHA) has raised no objection to the proposal. The site can provide a minimum of 2 off-street parking spaces which is in accordance with policy COM8 of the East Cambridgeshire District Local Plan 2015.

#### **7.5 Ecology**

7.5.1 Condition 18 of the permission sets to secure biodiversity improvements and details of this have subsequently been approved through the condition application – the details and timing of delivery of which are presented on the proposed composite plan. As such, a condition securing this detail is no longer required.

7.5.2 Condition 19 seeks to ensure that the tree protection measures as set out in the Arboricultural Impact Assessment are adhered to during construction. In consultation with the Council's Tree Officer, no objections to the proposal were raised. It is considered reasonable and necessary to re-impose this condition should this proposal be approved.

7.5.3 On this basis the proposal is considered to comply with policy ENV1 and ENV7 of the East Cambridgeshire District Local Plan 2015.

## **7.6 Flood Risk and Drainage**

7.6.1 Condition 6 of the permission requires details of the foul and surface water drainage methods supporting the development and for this to be delivered prior to first occupation. The applicant has set out on the amended plan that the surface water will be managed via soakaway the foul to be managed directly via mains drainage, which would accord with the drainage hierarchy under Part H of current Building Regulations and would comply with policy ENV8 of the East Cambridgeshire District Local Plan 2015.

7.6.2 A condition requiring the development to be carried out in accordance with the plan (proposed condition 1) which specifies the drainage methods would prompt the developer to return to the LPA to amend the plan, should this not ultimately be achievable, whereupon the LPA would be able to assess the appropriateness of any alternative method proposed.

## **7.7 Other Material Matters**

### *Sprinklers*

7.7.1 Condition 20 of the permission secures details of a sprinkler system. This was due to the acknowledgement that the site lies along a relatively rural road where road widths may make navigating a fire appliance difficult. The applicant has sought to amend this slightly, to include a clause whereby, if such a system is not ultimately required when assessed by Building Control, then a scheme would not be required.

7.7.2 This would seem to be a reasonable amendment to the condition and it is recognised that options other than a sprinkler system may be possible to address such matters and that this would ultimately be determined through the Building Regulations process.

### *Commencement*

7.7.3 Condition 2 of the permission requires the development to have commenced within 3 years (by 3<sup>rd</sup> September 2023). There is no mechanism through S73 to extend the time period by when the development must commence and therefore, should the latest application be granted, the timeframes for commencement would need to align with the original permission i.e., by 3<sup>rd</sup> September 2023.

## **7.8 Planning Balance and Conclusion**

7.8.1 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) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2036 (adopted 2021). Furthermore, in deciding an application under section 73, the Local Planning Authority must only consider the disputed condition/s that are the subject of the application.

7.8.2 The proposed changes are considered minor for the purposes of S73 and will not substantially alter the scale or nature of the development. Furthermore, subject to the imposition of conditions as outlined above and set out below, the development would not give rise to unacceptable impacts on residential amenity, the historic environment, highways, biodiversity or drainage.

7.8.3 It is considered that the development generally accords with the development when considered as a whole and therefore that the application can be recommended for approval, subject to the conditions set out in Appendix 1.

## 8.0 APPENDICES

### 8.1 Appendix 1 – Recommended Conditions

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
22/00127/VAR	Gavin Taylor Room No. 011 The Grange	Gavin Taylor Planning Contractor 01353 665555
19/01439/FUL 19/01439/DISA	Ely	Gavin.Taylor@eastcambs.gov.uk

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

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

## APPENDIX 1 - 22/00127/VAR Conditions

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

<b>Plan Reference</b>	<b>Version No</b>	<b>Date Received</b>
EDG/19/082 4 (Location plan)		9th October 2019
Arboricultural Impact Assessment Report	V.1	9th October 2019
EDG/19/082 5 (Composite Plan)	J	18th August 2022

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

- 2 The development hereby permitted shall be commenced by 3rd September 2023

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

- 3 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 4 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified

in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.

- 6 In the event that the foundations for the proposed development requires piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.

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

- 7 The tree protection measures shown within the Arboricultural Impact Assessment Report (V.1) shall be implemented prior to the commencement of development, site works, or clearance in accordance with the approved details and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised, nor lowered and no materials, temporary buildings, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced area they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

- 8 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the first occupation of the dwelling hereby approved.

Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.

- 9 The biodiversity improvements as set out on plan reference: EDG/19/082 5 Rev J shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.

Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.

- 10 The soft landscaping as set out on plan ref: EDG/19/082 5 Rev J shall be carried out in accordance with the approved details prior to the end of the first planting season following the first occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To safeguard the character, appearance and integrity of the Conservation Area and the setting of the Listed Building, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.

- 11 The rooflight window frames hereby approved shall be finished externally in a dark grey or black finish

Reason: To ensure their appearance is appropriate to the building fabric in order to safeguard the character and appearance of the Conservation Area, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.

- 12 The lowest glazed and, or opening part of the rooflights hereby permitted shall be positioned no lower than 1.7m from internal finished floor level.

To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), the dwelling shall not be extended in any way, and no structures shall be erected within the curtilage of the dwelling, without the prior written consent of the Local Planning Authority.

Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, rooflights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in any of the elevation(s), without the prior written consent of the Local Planning Authority.

Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.

- 15 The air source heat pump hereby permitted shall not exceed 45 thermal kilowatts output. The specific rated noise level emitted from the air source heat pump(s) shall not exceed the existing background noise level. The free field sound level shall be measured and/or calculated at the boundary of the nearest noise sensitive property. The noise level shall be measured and/or calculated in accordance with BS 4142:2014+A1:2019. and shall comply with the standards specified in the Microgeneration Certification Scheme for air source heat pumps (being MCS 007 and MCS 020; Department for Business, Energy and Industrial Strategy, 2018).

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

- 16 Prior to first occupation of the dwelling hereby approved, measures for the installation of a water sprinkling system shall be submitted to and agreed in writing by the Local Planning Authority, if the installation of such a system is required through the Building Regulations process to comply with the Building Act 1984. If a system is installed then it shall be in situ prior to occupation and maintained in perpetuity.

Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF.

- 17 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 0730 to 1800 each day Monday - Friday, 0730 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.

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