

MAIN CASE

Reference No: 18/00775/FUL

Proposal: Proposed demolition of existing and erection of 2no. 4 bedroom dwellings fronting Cannon Street, 3no. 2 bedroom dwellings and 1no. 3 bedroom dwelling fronting White Horse Lane.

Site Address: 51 Cannon Street Little Downham Ely Cambridgeshire CB6 2SS

Applicant: Mr Jason Constable

Case Officer: Oli Haydon, Planning Officer

Parish: Little Downham

Ward: Downham Villages

Ward Councillor/s:

Councillor Anna Bailey

Councillor Mike Bradley

Date Received: 7 June 2018

Expiry Date: 25th September 2018

[T104]

1.0 RECOMMENDATION

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

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Sample materials
- 4 Surface and Foul Water drainage
- 5 Soft landscaping scheme
- 6 Site Characterisation
- 7 Reporting of unexpected contamination
- 8 Biodiversity Improvements
- 9 Construction Environmental Management PI
- 10 Construction Times
- 11 Burning of Waste
- 12 Archaeological Investigation
- 13 Gates - restriction
- 14 New access - width
- 15 Parking & turning
- 16 Access drainage

- 17 Boundary Treatments
- 18 Landscaping Maintenance
- 19 Tree Protection Measures
- 20 Reptile Mitigation Strategy
- 21 Energy and Sustainability Strategy

2.0 SUMMARY OF APPLICATION

- 2.1 The proposal seeks consent for the demolition of the dwelling at 51 Cannon Street and the construction of 2no. 4 bedroom dwellings fronting Cannon Street, 3no. 2 bedroom dwellings to the rear and 1no. 3 bedroom dwelling fronting White Horse Lane.
- 2.2 The application is a resubmission of a previously refused application 17/00667/FUL) which was subsequently appealed and dismissed.
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council’s Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.4 The application was called-in to Planning Committee by Cllr Bailey ‘given the number of comments raised by nearby residents and the planning history of the site’.

3.0 PLANNING HISTORY

- 3.1
- | | | | |
|--------------|---|----------------------------|------------|
| 17/00667/FUL | Demolition of existing dwelling and construction of 2no. four bedroom two storey detached dwellings, 4no. three bedroom one & a half storey detached dwellings and 1no. three bedroom two storey detached dwelling. | Refused (appeal dismissed) | 29.06.2017 |
|--------------|---|----------------------------|------------|

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises a vacant plot of land once used as an orchard located just to the south of the development boundary of the village which also forms the boundaries of the rear gardens of 49A, 49 and 51 Cannon Street. These neighbouring dwellings also occupy elevated positions, in respect of the application site, with downward sloping gardens benefiting from mature gardens and hedge growth. Part of the eastern boundary of the site is demarcated by White Horse Lane, a small cul-de-sac serving four dwellings. To the south of the site is open farmland and to the west of the site are small-scale agricultural buildings and

residential ancillary structures.

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.

Little Downham Parish Council - Little Downham Parish Council had concerns regarding this application and unanimously recommended outright refusal for the following reasons:

1. Development of the site – With the exception of the two dwellings proposed on Cannon Street, the proposal, which is predominantly backland development and outside the development envelope, would result in a loss of privacy to neighbouring dwellings, in particular, nos. 49, 49A and 55 Cannon Street and nos. 5 and 7 White Horse Lane. The proposal would significantly harm the character and appearance of the area and the living conditions of residents adjacent and opposite the development site on Cannon Street and White Horse Lane. These impacts would result in a conflict with policies LP1 and LP2 of the East Cambs Local Plan 2015 and paragraphs 17 and 58 of the National Planning Policy Framework. In addition, planning permission approved in 2017 for 27 dwellings at the east end of Cannon Street negates the need for five additional new dwelling in this rural location.
2. Parking issues – Concern was expressed that insufficient parking spaces had been allocated per dwelling to cater for future residents and visitors. Inevitably, this would result in cars being parked on the access road and on-street parking on Cannon Street, which is a busy thoroughfare used by large farm and haulage vehicles and already subject to regular parking issues. At least, the number of parking space per the number of bedroom of each dwelling would be more appropriate.
3. Site Access - The access road is considered too narrow for the anticipated number of vehicles associated with five new 2-bed and 4-bed dwellings. It is on a slope and has visibility issues to the east due to the adjacent garage of No. 49A. These issues could cause problems for drivers exiting the site, as well as access to and from the site for construction, delivery and emergency vehicles. The anticipated movement of vehicles at night would be detrimental to local residents living opposite the proposed access, as headlights would be shining through their windows. There is no allocated footway for pedestrian access.
4. Proposed dwelling on White Horse Lane – The proposed dwelling would significantly harm the outlook from No. 5 and the living conditions of the occupant due to its size and proximity. The Lane is a single track and considerably narrow. Vehicle movement is very restricted and additional vehicles on this Lane would have a detrimental effect on existing occupants of the Lane. Wheelie bins and bins bags are left on Cannon Street, as the weekly refuse vehicles are unable to venture down the Lane.

5. Loss of natural habitat – Loss of the Orchard (approximately 1.5 ha) would have had a devastating impact on the local wildlife of the area, which is sited a few hundred yards north and west of the Little Downham Local Nature Reserve, which has protected species, such as the Great Crested Newts and Bats. Does the application conform to Policy ENV7 of the Local Plan (2015) in respect of the protection of biodiversity and guidance contained within The National Planning Policy Framework (2012) in respect of undertaking of Appropriate Assessments of Habitats Directive Species?
6. Surface Water Flooding – Concerns were expressed by parishioners regarding existing flooding issues from excess surface water drainage in White Horse Lane. Although appropriate action by installing additional drainage has been taken to alleviate current concerns, albeit it still causes flooding to an adjacent field, development of this site would exacerbate the situation in the future.
7. Outside the development envelope – Although this is not a reason for refusal on its own, it is observed that four of the proposed dwellings are outside of the development envelope and plots 3 – 5 are considered as backland development. Approval of this application could set a precedent for further backland applications into the open countryside.

Additional comments

8. The Parish Council considered its comments following direct representations from seven local residents expressing objections in correspondence.

Ward Councillors – Cllr Bailey requested the application be determined at Planning Committee given the number of comments raised by nearby residents and the planning history of this site.

Local Highways Authority - The Highways Authority has no objections in principal to this application. The visibility splays are correct for this speed of road and are within the highway.

CCC Growth & Development - No Comments Received

Minerals And Waste Development Control Team - No Comments Received

Environmental Health – No objections subject to conditions relating to construction times, construction management, contamination and burning of waste.

Waste Strategy (ECDC) – No objections subject to informatives.

Lead Local Flood Authority - No Comments Received

The Ely Group Of Internal Drainage Board – The Board wish to see a full surface water design strategy report for the site in order to be able to fully comment on this application. The proposed discharge rate from the site should be calculated along

with how the system will be maintained in the future. The applicant will also need to ensure that the receiving watercourse has the capacity to take the proposed run-off.

Cambridgeshire Archaeology – No objections subject to submission of a written scheme of investigation.

5.2 **Neighbours** – Site notice posted, advert placed in the Cambridge Evening News and 29 neighbouring properties were notified and the 24 responses received are summarised below. A full copy of the responses are available on the Council's website.

- Overdevelopment
- Back-building
- Privacy impingement
- No public transport in village
- Harm to nature reserve around the village
- Great Crested Newts identified nearby
- Outside development envelope
- Access to driveway of 90A compromised
- Safety concern for horse riders and cyclists
- Visual impact
- Limited parking
- Cars would have to rev engines to climb the hill
- Headlights impacting on houses opposite site
- No requirement for further housing
- Loss of orchard
- Construction disturbance
- Would lead to cars blocking Cannon St
- Strain on White Horse Lane
- No turning or parking on White Horse Lane
- Loss of views to Cathedral
- High-density
- Out-of-keeping design
- Flooding on the site and drainage issues
- Overlooking

6.0 **The Planning Policy Context**

6.1 **East Cambridgeshire Local Plan 2015**

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements

GROWTH 5 Presumption in favour of sustainable development
HOU 2 Housing density
ENV4 Energy and water efficiency and renewable energy in construction

6.2 **Supplementary Planning Documents**

Design Guide
Developer Contributions and Planning Obligations
Flood and Water
Contaminated Land SPD

6.3 **National Planning Policy Framework 2018**

5 Delivering a sufficient supply of homes
12 Achieving well-designed places
14 Meeting the challenge of climate change, flooding and coastal change

6.4 **Submitted Local Plan 2017**

LP1 A presumption in Favour of Sustainable Development
LP2 Level and Distribution of Growth
LP3 The Settlement Hierarchy and the Countryside
LP6 Meeting Local Housing Needs
LP17 Creating a Sustainable, Efficient and Resilient Transport Network
LP22 Achieving Design Excellence
LP25 Managing Water Resources and Flood Risk
LP26 Pollution and Land Contamination
LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
LP30 Conserving and Enhancing Biodiversity and Geodiversity
LP24 Renewable and Low Carbon Energy Development

7.0 PLANNING COMMENTS

7.0.1 The application seeks consent for a residential development comprising six detached residential dwellings along with access, car parking and associated landscaping following the demolition of the existing building on the site at 51 Cannon Street. Two of the dwellings would front Cannon Street with a further three built in the vacant land to the rear. A single dwelling would be constructed off White Horse Lane to the east.

7.0.2 The application is a partial resubmission of 17/00667/FUL that was refused in June 2017. The refusal notice was subsequently appealed and the appeal dismissed. The previous proposal sought consent for seven detached dwellings, as opposed to the six proposed in this application. The application was refused on four grounds:

1. A form of development that is out of character with the established form of development along Cannon Street.

2. Noise and disturbance associated with five additional dwellings to the rear of existing dwellings fronting Cannon Street would give rise to an unacceptable loss of residential amenity to these occupiers.
3. The scale, location and positioning of the dwelling at Plot 7 results in a significant and demonstrably harmful impact on the occupiers of the property at 5 White Horse Lane.
4. Lack of acceptable drainage information

At the appeal of the 2017 application, the planning inspector made the following conclusions:

- Plots 1 and 2 (fronting Cannon Street) would be relatively tall when viewed against the properties on the southern side of the street and set close to one another and their respective boundaries. They would be imposing and comparatively cramped additions to the street scene.
- The uniformity of the layout and appearance of the four houses (to the rear) would have a jarring visual effect that would set the appeal scheme apart from the varied appearance of surrounding development. The appeal scheme would not successfully 'feather' or visually bridge the edge of the village with the countryside beyond. The appeal scheme would significantly harm the character and appearance of the area.
- The appeal scheme would significantly harm the living conditions of the occupants of No 49A Cannon Street and Plot 2 through frequent noise and disturbance at a close proximity and the outlook from No 5 White Horse Lane.
- The appellant demonstrated that there would be an available and workable solution to managing surface water drainage that would reduce the flood risk to an acceptable levels.

7.0.3 The main considerations with the proposal are the principle of development, residential amenity, visual impact, highway safety and parking, ecology and drainage.

7.1 Principle of Development

7.1.1 The application site lies adjacent to the defined development boundary. The development of the site for housing would therefore conflict with Policy GROWTH 2 and LP3 of the East Cambridgeshire Local Plan 2015 and Submitted Local Plan 2017 which seeks to focus new housing development within defined settlement boundaries. However, as the council cannot currently demonstrate a five year land supply for housing, policies GROWTH 2 and LP3 cannot be considered up to date in so far as it relates to supply of housing land.

7.1.2 Due to its links and close proximity to the development envelope, the site is considered to be a sustainable location within walking distance of public transport and village facilities and with good links beyond to the larger service centres. In this respect, it is recognised that the proposal would make a positive, albeit modest, contribution towards the provision of the housing land supply in the area. In addition, its construction would provide some short term economic benefits and, within this limited this context, can be viewed as supporting the economic dimension

to sustainable development contained within the NPPF which would weigh in some small way in its favour.

7.2 Residential Amenity

- 7.2.1 The proposal involves the construction of two detached dwellings (Plot 1 and 2) fronting Cannon Street, three to the rear (Plot 3, 4 and 5) and one off White Horse Lane to the east (Plot 6). The access drive for the three dwellings to the rear would run between Plots 1 and 2. The parking for Plots 1 and 2 is proposed to the front of the dwellings, off Cannon Street as opposed to at the rear which was previously proposed.
- 7.2.2 The previous scheme proposed the main access road to be between Plot 2 and the neighbouring dwelling at 49A. Furthermore due to the previous parking arrangement, this road catered for six of the seven dwellings, to the significant detriment of the amenity of the residents of 49A Cannon Street and Plot 2. This was due to the access road being sloping and relatively long, leading to the revving of vehicles in low gears as residents leave the site, in close proximity to the sensitive elevation and private areas of 49A Cannon Street.
- 7.2.3 The current proposal however seeks to move the access road between Plots 1 and 2, away from the sensitive receptors at 49A. The road will now serve three dwellings as opposed to six and the side elevations of Plots 1 and 2 contain no side windows to be impacted by revving on the access road. The private amenity spaces of Plots 1 and 2 are shielded from vehicle noise by the large protruding gable-end at the rear to further protect future resident's amenity. The Planning Inspector did not consider glare from headlights on the properties opposite the site to cause significant and demonstrable harm.
- 7.2.4 The presence of the dwelling previously proposed at Plot 7, off White Horse Lane, was not considered to harmfully impact on the outlook of 5 White Horse Lane. However, it was deemed that the two-storey *rear projection* of this proposed dwelling would be disproportionate in its depth and bulky in appearance. This element would project along much of the frontage of No. 5 and harm the outlook. The resubmission has reduced this projection to single-storey and moved away from No.5 to represent a 17m separation from front elevation to the gable-end. It is considered that whilst the outlook of No. 5 continues to be impacted by the proposal, there is a similar relationship between the dwellings to the immediate east and, as stated in the appeal decision, 'Plot 7 would be stepped in from the southern boundary of the site, which could be planted with landscaping that would soften the built form of the dwelling'. A soft-landscaping scheme will be secured by condition to ensure this boundary is softened for the residents of No.5.
- 7.2.5 It is apparent that the main concerns regarding residential amenity have been addressed by a number of amendments on the previous refusal. The access road has been relocated with its usage reduced and the scale of the overbearing dwelling at Plot 6 (previously Plot 7) has been brought within acceptable levels.
- 7.2.6 The current proposal has been assessed for any additional overlooking or overbearing impact that were not previously raised through the appeal process. The impact on 55 Cannon Street is likely to be acceptable due to the lack of any

overlooking windows within Plot 1 and the rear gable element is positioned away from the neighbouring boundary to avoid any harmful overbearing. The similar situation applies between Plot 2 and 49A Cannon Street on the eastern side of the site. Any overlooking within the site itself is considered to fall within acceptable levels and appropriate plot and garden sizes have been provided in accordance with the Design Guide SPD. The proposal would avoid significant and demonstrable harm to the living conditions of nearby occupants and would avoid contravention of Policies ENV2 of the 2015 Local Plan and LP22 of the 2017 Submitted Local Plan.

7.3 **Visual Amenity**

- 7.3.1 The proposed development is comprised by three main elements, the two dwellings to the front, replacing the existing dwelling at 51 Cannon Street; the three one-and-a-half storey dwellings to the rear of these and the dwelling proposed off White Horse Lane.
- 7.3.2 The dismissed appeal concluded that the dwellings fronting Cannon Street were considered to be overly tall and set close together resulting in a cramped and imposing appearance in the varied street-scene of Cannon Street. Many of the properties in Cannon Street are detached and set in from their side boundaries. This creates spaces in-between the properties for landscaping and the occasional view of Ely Cathedral and the open countryside beyond the village. The current proposal has been reduced in height by 1.8m and the dwellings have been separated by 2.5m. The design proposed exhibits a historic and traditional style (aside from the glazed rear gable, which is obscured from view from Cannon Street). The design of the dwellings has been amended to provide variety between the two plots and contribute to the range of scales and styles present along Cannon Street. The redesigned and repositioned dwellings avoid a stark and discordant appearance within the street-scene and would avoid significant harm to the character of Cannon Street.
- 7.3.3 The three plots to the rear are of a less-traditional appearance, with the topography of the site being utilised within the design to create the illusion of a low height when viewed from the front and a sunken courtyard to the rear to encourage continued far-reaching views of the open countryside for the neighbouring residents. The dwellings would have a minimal impact in the Cannon Street street-scene and be partially visible within the gap created between Plots 1 and 2. The appeal decision stated that the presence of houses would breach the prevailing frontage pattern of development along Cannon Street. 'Nevertheless, there is built development either side of the appeal site with farm buildings to the south west and White Horse lane to the east. There is also another 'backland' site nearby to the east (Reference 16/01385/FUL). Therefore, the ditch to the south of the site can reasonably be considered a natural punctuation. Thus, housing within the central part of the appeal site need not appear as an incongruous intrusion of development into the countryside'. The previously proposed dwellings were overly dense and cramped in appearance; their positioning, layout and tight urban form limited opportunities for landscaping or localised views to soften their appearance.
- 7.3.4 The current proposal however has reduced the number of dwellings, reduced their scale and height and increased separation distances between the plots, as well as,

informalised the layout to position the dwellings at deviating angles to create an irregular form and further reduce the perception of a dense 'backland' development.

- 7.3.5 Plot 6, off White Horse Lane, will be 1.5 storey and with a traditional appearance. The dwelling will appear as a suitable in-fill development and maintain separation distances that are similar to the other dwellings on the lane to avoid appearing overly cramped in the wider street-scene.
- 7.3.6 It is considered that the visual impact of the proposed development is acceptable. The dwellings fronting Cannon Street will complement the variety witnessed within the street-scene and the uniquely designed dwellings to the rear are sympathetic to their immediate surroundings and retain the key views of the open countryside and Ely Cathedral enjoyed by the residents along Cannon Street. The dwelling proposed off White Horse Lane will appear as a form of in-fill development and respects the form and density of the dwellings along the lane. A landscaping scheme will be secured by condition and utilise the findings of the accompanying Visual Impact Assessment to further assimilate the proposal into its surroundings.

7.4 **Highways**

- 7.4.1 The proposal would be served by a new access road off Cannon Street. The three dwellings to the rear would have parking/turning provided and the parking/turning for the dwellings fronting Cannon Street would be located immediately off the new access road. The access for Plot 6 would be off White Hart Lane, with parking provided off-street. The Local Highways Authority (LHA) have raised no concerns with the proposal and the majority of the dwellings would utilise a parallel parking arrangement.
- 7.4.2 Concerns have been raised regarding the increase in on-street parking along Cannon Street and the conflict of uses between residents and agricultural traffic using the road. As the site provides policy-compliant levels of off-street parking, these concerns would not warrant outright refusal of the application. The LHA have raised no further concerns regarding vehicle capacity of conflict of uses along Cannon Street.

7.5 **Ecology & Trees**

- 7.5.1 The Trees Officer has raised no concerns with the previous proposal and the proposed removal of the trees on site, although they raised concerns regarding overall landscape impact. A landscaping and maintenance scheme shall be secured by condition as will a condition ensuring adequate tree protection measures are adhered to.
- 7.5.2 An ecological survey was previously submitted which concluded that the buildings, scattered trees and scrub habitats have the potential to support breeding birds. It is considered that by adhering to the timing constraints for the removal of suitable nesting bird habitat, proposed within this report, that the potential for direct disruption and adverse impacts on breeding birds at the Site can be avoided.

- 7.5.3 The site forms an extended garden area of the dwelling at 51 Cannon Street. It is reasonable to consider that a future tenant of the dwelling could mow this area and retain it as garden.
- 7.5.4 No waterbodies were identified on site and the closest record of a Great Crested Newt (GCN) was located 375m to the NE of the site. The Little Downham Local Nature Reserve is located 340m to the south and GCNs are known to be present in this site. The likelihood of protected amphibians being present on the site was considered to be low to moderate. Despite this, and considering local concerns raised during the consultation process a reptile mitigation strategy will be secured by condition to be prepared for the site.
- 7.5.5 The site has scope for significant biodiversity enhancements, including retaining and enhancing the orchard area, native species hedgerow establishment and bird and bat box provisions; the implementation of these will be secured by condition.

7.6 **Flood Risk and Drainage**

- 7.6.1 Whilst the previous proposal was refused on grounds of inadequate surface water drainage information being submitted, as part of the appeal process significant additional information was provided and no objections were raised by the Lead Local Flood Authority. Infiltration would not be a feasible means of drainage so the submitted strategy appended to the appellant's appeal submissions would involve surface water being directed into the ditch along the southern and western boundaries of the appeal site. The ditch would act as a swale as it would store surface water. The calculations undertaken by the appellant's engineers indicate it would have sufficient capacity even when climate change is factored in. A control would be inserted before the culvert at the eastern end of the ditch so that the discharge from it could be appropriately attenuated.
- 7.6.2 The Planning Inspector was satisfied the appellant has demonstrated that there would be an available and workable solution to managing surface water drainage that would reduce the flood risk to an acceptable level. Thus, the scheme would adequately address the potential risks from surface water flooding and thus adhere to Policy ENV8 of the 2015 Local Plan, LP25 of the Submitted Local Plan 2018 and the guidance in the National Planning Policy Framework and the Flood and Water Supplementary Planning Document.
- 7.6.3 In order to ensure that this stance continues to apply, a surface water drainage scheme shall be secured by condition for scrutiny by the Lead Local Flood Authority and Internal Drainage Board.

7.7 **Other Material Matters**

- 7.7.1 The site is located within a Mineral Safeguarding Area as identified within the CCC Minerals and Waste Core Strategy (2011). No comments have been forthcoming from CCC and as the site is relatively small is not considered commercially viable to extract the mineral from the site. The applicant has stated that minerals will be retained in situ during the development of the site. The extraction of minerals would also have a detrimental impact on the residential amenities of surrounding residents and therefore this would not be a suitable use for this edge of village site.

- 7.7.2 In order to protect residential amenity during construction, a Construction Environment Management Plan (CEMP) will be secured by condition along with a restriction on construction times and the burning of waste.
- 7.7.3 2015 Local Plan Policy ENV4 and 2017 Submitted Local Plan Policy LP24 require that developments of 5 or more homes are required to achieve Code for Sustainable Homes Level 4 (or its replacement pending implementation of the zero carbon homes requirement). An energy and sustainability strategy will be secured by condition.

7.8 **Planning Balance**

- 7.8.1 The proposal represents a sustainable form of development on the edge of the settlement of Little Downham. The scheme would provide five additional dwellings and a replacement of the dwelling at 51 Cannon Street. The dwellings would be built to modern, sustainable building standards and there would be a positive contribution to the local and wider economy in the short term through construction work.
- 7.8.2 The proposal represents a resubmission of a previous refusal on the site; the appeal of which raised a number of issues. This proposal aims to overcome these issues through amendments in the design, layout and access arrangement of the scheme. It is considered that the scheme adequately addresses residential amenity concerns raised as part of the previous scheme and would avoid contravention of Policies ENV2 of the 2015 Local Plan and LP22 of the 2017 Submitted Local Plan. Furthermore, the appearance, layout and density of the scheme has been amended to better sympathise with the surrounding rural area and the built variety seen along Cannon Street. The proposal appropriately feathers the built-edge of the village and acts as a transition between the rural and the urban. It is considered that a drainage strategy of the site can be suitably prepared prior to works commencing on site and a reptile mitigation strategy can safeguard against any harm caused to nearby protected species. The benefits of the scheme are considered to outweigh the level of harm caused and the application is recommended for approval.

8.0 **APPENDICES**

- 8.1 List of Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00775/FUL	Oli Haydon Room No. 011 The Grange	Oli Haydon Planning Officer 01353 665555
17/00667/FUL	Ely	oli.haydon@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.eastcamb.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 18/00775/FUL Conditions

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

Plan Reference Location	Version No	Date Received
PL-5-01 16512-TOPO A	A	7th June 2018
PL-4-01	A	7th June 2018
PL-3-01	A	7th June 2018
PL-3-02	A	7th June 2018
PL-3-03	B	20th June 2018
PL-3-04	B	20th June 2018
PL-4-02	A	7th June 2018
PL-2-04	B	20th June 2018
PL-2-03	B	20th June 2018
PL-2-02	A	7th June 2018
PL-2-01	A	7th June 2018
PL-1-02	A	7th June 2018
PL-1-01	A	7th June 2018
PL-0-01		7th June 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No above ground construction shall take place on site until details of the walls, roof, windows and doors to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 4 No development shall take place until a scheme to dispose of surface and foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation of any dwelling
- 4 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.

- 5 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 5 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.
- 6 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
- (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 6 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 and LP26 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 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.

- 7 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 and LP26 of the Submitted Local Plan 2017.
- 8 Prior to occupation the biodiversity improvements as listed in Section 5 of the Preliminary Ecological Appraisal, prepared by MKA Ecology and dated May 2017 shall be implemented. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 8 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Proposed Submission Local Plan 2017.
- 9 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.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 10 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 08:00-18:00 each day Monday-Friday, 08:00-13:00 Saturdays and none on Sundays, Public or Bank Holidays.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 11 No burning of waste shall take place on site during the construction or clearance phases.
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 12 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.

- 12 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 13 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicle access, as shown on Drawing PL-1-02 (Rev A).
- 13 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 14 The access shall be a minimum width of 5m, for a minimum distance of 10m measured from the near edge of the highway carriageway and thereafter retained in perpetuity.
- 14 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 15 Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 15 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 16 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 16 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015 and LP17, LP22 and LP30 of the Submitted Local Plan 2017.
- 17 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 any dwelling.
- 17 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.
- 18 Prior to any occupation of the development, a scheme for the maintenance of the soft landscaping scheme for a minimum period of five years from last occupation, shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
 - i) methods for the proposed maintenance regime;
 - ii) detailed schedule;

- iii) details of who will be responsible for the continuing implementation
- iv) details of any phasing arrangements

- 18 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.
- 19 The tree protection measures as shown on TCP_51CCANNONST_2; 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, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 19 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 and LP22 and LP28 of the Submitted Local Plan 2017. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 20 Prior to the commencement of development, a detailed mitigation strategy outlining measures to limit the disturbance of Great Crested Newts shall be submitted to and approved in writing by the Local Planning Authority and implemented in full.
- 20 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 21 Prior to the commencement of development, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 21 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and LP24 of the Submitted Local Plan 2017. This condition is pre-commencement as some of the measures may be below ground level.