



20/00730/FUM

Swimming Pool
Newnham Street
Ely



East Cambridgeshire
District Council

Date: 13/10/2020 Scale:1:1.50

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MAIN CASE

Reference No: 20/00730/FUM

Proposal: Erection of 13 dwellings and associated parking and landscaping

Site Address: Swimming Pool Newnham Street Ely Cambridgeshire CB7 4PQ

Applicant: East Cambs Trading Company Ltd

Case Officer: Anne James, Planning Consultant

Parish: Ely

Ward: Ely East
Ward Councillor/s: Matthew Downey
Lis Every

Date Received: 11 June 2020 **Expiry Date:** 6th November 2020
[V92]

1.0 **RECOMMENDATION**

1.1 Members are recommended to approve the application subject to the signing of the S106 Agreement and the following draft conditions with authority delegated to the Planning Manager and Legal Services Manager to complete the S106 and to issue the planning permission. The recommended planning conditions can be read in full within Appendix 1.

- 1 Approved Plans
- 2 Time Limit
- 3 Site Characterisation
- 4 Unsuspected contamination
- 5 Bird Breeding Season
- 6 Soft Landscaping
- 7 Hard Landscaping
- 8 Boundary treatment
- 9 Materials
- 10 Piling
- 11 Biodiversity enhancements
- 12 Details of bin and recycling storage
- 13 External lighting
- 14 Arboricultural Impact Assessment
- 15 Landscape management plan
- 16 Fire Hydrants

- 17 Travel Plan
- 18 Construction Hours
- 19 CEMP
- 20 Sustainability
- 21 Surface Water Strategy

2.0 SUMMARY OF APPLICATION

2.1 An application to construct 13 dwellings including 30% affordable housing (4 units) as well as parking and landscaping has been submitted.

2.2 The accommodation comprises:

Marked housing

- 2 x no1 bedroom dwellings
- 6 x no3 bedroom dwellings
- 1 x no5 bedroom dwellings

Affordable Housing

- 4 x no1 bedroom apartments

A total of 20 parking spaces are being proposed with 2 spaces proposed for the 3 and 5 bedroom houses and 1 parking space for each of the 1 bedroom units. Cycle storage is being provided within the curtilage of each unit.

2.3 The application is being considered by Committee as the applicants are the East Cambs Trading Company.

2.4 The application has been accompanied by the following suite of documents:

- Affordable Housing Statement
- Design and Access/Heritage Statement
- Preliminary Ecological Appraisal
- Phase I Geo-Environmental Desk Study
- Flood Risk Assessment and Drainage Strategy
- Transport statement Parking/Serviceing Details
- Travel Plan
- Energy Strategy Statement
- Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement and Tree Protection Plan
- Utilities Statement

2.5 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

3.0 PLANNING HISTORY

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site comprises an area of approximately 0.17 ha, (0.42 acres) of previously developed land, which has been levelled following demolition of a former swimming pool building. The site is located in close proximity to Ely City Centre and within the Ely Conservation Area. The site is bounded by the Paradise Sports Centre to the east, a bowling green attached to the City of Ely Bowls Club to the south, residential development to the west and a children's play area to the north. The Paradise playing fields lie to the north-east of the site beyond the play area and sports centre. There are a number of protected trees adjacent to the site.

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. In terms of publicity, the application was advertised in the Cambridge Evening News on 2nd July 2020 and a number of site notices were erected.

City of Ely Council - 24th August - Objects

Comments on amendments

The City of Ely Council strongly objects to the proposed plans and recommends refusal.

The amendments have been noted but the Council does not feel that its concerns have been addressed, therefore, the objections as previously listed below, remain.

10 July 2020

Strongly objects to the proposed plans and recommends refusal.

- recreational area adjacent to one of the precious green areas close to the centre of the City;
- Ely Masterplan of 2010 and in Policy Ely 3;
- mixed development in the area, and the opportunistic building of houses in the proposed location will limit that possibility in the future;
- the orientation of the development fails to provide a positive frontage to the Paradise Field, and it interdicts the existing footpath to the city centre via Paradise field, and seriously compromises any ambition to improve pedestrian links in this area;
- use of prefabricated materials and flat roofs is not in keeping with the eclectic mix of traditional styles in the locality;
- stand out as an isolated block thus adding to a general loss of amenity;
- piecemeal development not linked to a longer-term plan, and further master-planning is needed;

- too close to, and overbears, a children's play area owned by the City Council; will the 4 small, one bedroomed apartments be marketed as affordable;
- noise complaints from the surrounding recreational activities;
- development should protect and enhance the historic environment of Ely and this clearly does not;
- no gain to the City of Ely, and thus the City Council rejects the proposed development.

Ward Councillors - No Comments Received

Consultee for Other Wards In Parish - No Comments Received

Anglian Water – 25th June 2020 – No Objection

There are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

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

This response has been based on the following submitted documents: Flood Risk Assessment. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

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

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. We request that the agreed strategy is reflected in the planning approval.

Cambridgeshire Wildlife Trust – No comments received.

CCC Design Out Crime Officers - No Comments Received

CCC Growth & Development – 15th July 2020

No objection subject to contributions towards education, libraries and lifelong learning.

CCC Lead Local Flood Authority – 13th October 2020 - no objection

Comments on amended scheme –

We have reviewed the following documents:

- Flood Risk Assessment and Drainage Strategy, Palace Green Homes, Dated: March 2020.

Based on these and following discussions with the applicant, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development. The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving over the car parking area with attenuation provided beneath the subbase. Surface water will then connect into the existing Anglian Water foul sewer, as agreed in principle with Anglian Water at a rate of 2 l/s/ha.

13 July 2020 objects

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

- Discharge to surface water into a Foul Sewer
- FEH Rainfall Modelling Required

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

CCC Local Highways Authority – 13th October 2020 - no objection

Comments on amended scheme –beyond those made in correspondence dated 8th July 2020

While I note that swept path analysis detailed on drawing PARPOL.PGH-XX-XX-DRK0202 shows the body of a reversing vehicle overhanging the footway, I believe a lorry driver would avoid this by utilising the full width of the road. No further observations

8 July 2020 No objections

The site is located approximately 150m from the public highway at Newnham Street along a private road, as such the proposed development is unlikely to have any adverse effect on highway safety.

The Local Planning Authority must be satisfied with the parking provision for this site and that this will not result in any displacement of parking onto adjacent roads.

I note that no provision is made within the site for turning of service vehicles such as refuse lorries and fire tenders; the Local Planning Authority must be satisfied that such movements can be accommodated within adjacent land which would appear to be in the control of East Cambridgeshire District Council.

Ely Cycle Campaign - 26 August 2020

Ely Cycling Campaign still contends that the proposed cycle parking is inadequate. The applicant's Response to Comments proposes cycle storage based on the Brighton Two-Bike Classic Shed. Rather than shed, this design is better described as a cupboard. It requires cycles be lifted into the storage compartment.

The applicant's comments do not address the need to accommodate larger cycles. We reference Local Transport Note 1/20 paragraph 11.3.2, which states that a proportion of cycle parking (typically 5%) be provided for non-standard cycles to accommodate people with mobility impairments - a legal requirement. In addition, we remind the applicant that cargo bikes, in particular, electrically-powered cargo bikes, are becoming more common. They are now seen in Ely. The site of the proposed development is ideally placed for the use of cargo bikes.

The applicant's Comments document claims that the cars [sic] maneuvering within the site would be residents only very aware of any risk. All the evidence points in the other direction.

Paragraph 7.8.2 of the Local Plan requires that the planning and design process ensure access to a site is safe and convenient, and the needs of all users, including pedestrians, cyclists, bus and rail passengers, people with disabilities and occupants of vehicles, are taken into account. This should include provision of routes for walking and cycling in order to encourage sustainable forms of movement as an alternative to the car; Policy COM 7 item b) requires proposals give priority to walking and cycling.

The applicant has not responded to our suggestion that charging points be installed for electric-powered vehicles - motor vehicles and cargo bikes. The applicant needs to reconsider installing charging points for vehicles.

ECDC Conservation Officer - 13 July 2020 - No objection

Any development in this location faces the challenge of mediating between buildings as varied as the industrial scale leisure centre and bowls club and the interwar villas on Lynn Rd and effectively must establish its own context. The use of views of the cathedral as a design generator has logic and the division into two north-south ranges avoids imposing in views from the due north. The western terrace clearly owes something to dense urban developments such as Accordia in Cambridge, and its flat roofed form is argued on the basis of maintaining a low profile relative to the Lynn Rd housing and to ease modular prefabricated construction. The design of units 8-11, the more conventional 2½ storey block, rather undermines this logic though.

Perhaps more importantly though it dilutes a scheme which depends on uniformity for its architectural effect. However the scheme is not over-dominant and in the absence of any strong defining context, it complies with the general objectives of Historic England's Advice Note 2 'Making Changes to Heritage Assets' and has no adverse heritage impacts.

ECDC - Environmental Health (Scientific Officer) - 13 July 2020

I have read the Phase I Geo-Environmental Desk Study report dated 14th February 2020 prepared by EPS and accept the findings. The report recommends that a Phase II investigation is carried out to confirm the quality of shallow soils.

ECDC Environmental Health - 23 June 2020

No objection - subject to conditions restricting construction times and deliveries as well as a Construction Environmental Management Plan (CEMP), and no piling without prior approval.

East Cambs Technical Officer Access – 9th August

All development should comply with Part M of the Building Regs
No gardens and no space allowed for green bins
Conflict between cars in the car port and pedestrians, right of way
No accessible parking spaces
Where is the turning head for refuse vehicles
Some units have no accessible toilets
Scaffolding may project on to the public footpath
Street lighting would be useful
Pedestrian access is unclear
Will the play space remain open during construction.

If application is approved request a number of conditions regarding level footpath, safe walking route; provision of waste and recycling as well as no restrictions being placed on nearby sports centre.

2nd July - objection

This site is not in a residential area; it is in the city centre set aside for recreation, sport and leisure. It is positioned in a community facility containing a playing field with cricket pitch and practice nets, indoor sports centre with an outdoor viewing balcony and indoor panoramic windows overlooking the playing field, a children's playground, a basket-ball court and a car park to accommodate those patrons who arrive by car.

For a council to sell off small parcels of this community facility for other development would set a precedent that might eventually lead to the loss of this area for sport, leisure and recreation. Access to this valued facility should not be allowed to be placed in jeopardy, to the detailed plans:

The proposed design of this application seems to take no account of how it will be used and the problems that will arise:

Development would produce:

- Loss of amenity space – it could be used for leisure facility eg splash pad or skate park
- Conflict between residents and users of the leisure facilities over access to the playground and sports field, as well as noise.

- Danger to pedestrians using the present footpath
- Difficulties for deliveries and carrying waste to the bin store.
- Clutter and mess as there is no provision for storage for the houses eg shed space or garage
- The four 'cart house units' are required to access their parking facility by driving along a footpath. If the proposal includes turning the footpath into a road, is there sufficient room to enter/reverse into the parking spaces and provide a path compliant with the British Standards
- The WC under the stairs adjacent to a dining area, in one design does not seem an appropriate location for comfort and ease of the occupants
- Cycle storage insufficient

The fact that the Council is effectively being asked to give their own Trading Company planning permission is an unhealthy situation particularly when the applicant is lax about complying with the permission. It also places employees of the council in an invidious position, particularly in a time of cut backs when some members of the Council publically enthuse about the Trading Company.

ECDC Parks And Open Space - No Comments Received

ECDC Housing Section - 29 June 2020 – No objection

The Strategic Housing Team supports the above application in principle, as it will meet Policy HOU 3 of East Cambridgeshire Local Plan 2015 to deliver over 30% affordable housing on site. (13 dwellings will deliver 4 affordable dwellings)

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

Based on the latest housing needs evidence from East Cambridgeshire's Housing Register, the Strategic Housing Team can confirm that it supports the affordable housing mix proposed on site of four, one bedroom homes.

ECDC Waste Strategy (ECDC) – 30 September 2020 – No objection

Comments on amendments

Thank you for the swept path analysis, this is acceptable to the waste team.

27 August 2020

None of the additional drawings provided show any vehicle tracking for waste vehicles, therefore our original concerns regarding turning to access the site remain.

Plan P02 Rev F provides space for 3 x 1100ltr bins, of which one is allocated to green waste, this would not be workable as green waste is significantly heavier, therefore we would look to provide 3-4 240ltr green bins and would like confirmation that these will fit within the bin store.

We would also request that any bin store be brick built with a solid roof to avoid cats, vermin and birds gaining access to waste, access doors should be coded to avoid unwanted access. Also wheeled bins are not currently provided for general waste as part of the waste service, drop-front bins are available however these would need to be purchased separately via the waste service.

9 July 2020

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 and/or loose gravel/shingle driveways; 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 m (assuming a level smooth surface).

Based on the site location plan there does not appear to be a suitable location for a waste freighter to turn round? Can the agents advise if this is not the case and provide a turning diagram at the location? The waste team would also request confirmation that the road leading past the swimming pool is built to adopted standards and a signed indemnity from the owner of the road and the site is provided.

ECDC Trees Team – 27th August 2020 – no objection

There appears to be a mature tree on the on the eastern corner just outside the red line boundary.

While the area close to the tree is compromised the extent of the potential constraint of this tree on the proposed development needs to be determined to identify if any mitigation is required.

Advise that a BS 5837 2012 arb impact assessment is carried out and if required a method statement.

23rd July 2020 No Objections providing all details within the report are adhered to.

With ref to the above planning application – the Haydens arb reports identifies minimal impact upon the trees and the adoption of a ‘no-dig’ foundation where encroachment into the RPAs occurs is industry standard.

Cadent Gas Ltd - No Comments Received

Previous comments on demolished building in 2018 - Cadent identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The applicant must ensure that proposed works do

not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

- 5.2 Neighbours – 75 neighbouring properties were notified and 11 responses were received are summarised below. A full copy of the responses are available on the Council's website.

Visual Amenity

Affects streetscene
Form and character
Landscape impact
Views of the Cathedral
Flat roofs/brutalist architecture/prison
Overdevelopment of the site
Eyesore
Slum of the future

Residential amenity

Loss of privacy and overlooking
Noise
Noise nuisance from Sports Centre

Highway and Pedestrian Safety

Parking and turning
Affects a right of access
Affects a right of way
Conflict with cars accessing the site and pedestrians/young children using the footpath
Cycle parking inadequate
Vehicles and pedestrians need to be segregated
Electric charging points required
Parking of construction vehicles
Reduction in long term parking hours in Paradise Public car park
Will access be required on to Deacons Lane
Occupiers of flats need to cross Sports Centre fire exit to access garage
Traffic congestion

Natural Environment

Impact on trees
Landscape

Other

Have clubs and sports field users been included in the consultation;
What is the reduction on the land currently used for recreation, compared with the total area in current use;
Would a safety audit be required on the access route;

Will the access route be closed off to the general public;
 Who will have responsibility for the access route in the long term;
 Low cost housing insufficient justification for the loss of community facility;
 Council are custodian of the assets of the town and yet building anything, anywhere;
 Council has lost its sense of direction not acting in the best interests of the whole population;
 Should be developed to improve the wellbeing and mental health of residents;
 A water feature or more sports facilities more suitable than housing;

City of Ely Bowls Club – 27th August 2020

Objects on the grounds of Club security as the development is likely to contain an element of social housing which statistically generally increases the likelihood of anti-social behavior.

Parking at the Paradise Car Park is already a major problem, the new development will exacerbate this.

Recreational area in Ely are limited already. The land would be put to far better use by improving the livelihoods of people that already live in the city. A kiddie's wet play park

6.0 The Planning Policy Context

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
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 11	Conservation Areas
ENV 14	Sites of archaeological interest
COM 3	Retaining community facilities
COM 7	Transport impact
COM 8	Parking provision
ELY 3	A Vision for Paradise Area

6.1 *Supplementary Planning Documents*

Developer Contributions and Planning Obligations
 Design Guide
 Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated

Flood and Water
Ely Conservation Area
Natural Environment

6.2 *National Planning Policy Framework 2019*

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 6 Building a strong, competitive economy
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well-designed place
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

6.3 *Technical Guidance to the National Planning Policy Framework*

Due regard has been taken of guidance in the NPPG and of the National Design Standards

7.0 PLANNING COMMENTS

7.1 The key considerations in the determination of this application are:

Principle of Development;
Residential amenity;
Visual amenity of Ely Conservation Area;
Access and highway safety;
Flood Risk and Drainage;
Biodiversity and Ecology;
Other Matters;

7.2 Principle of Development

7.2.1 The starting point for decision making is the development Plan ie the East Cambridgeshire Local Plan 2015. S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF, PPG and other material considerations. Determination of the application needs to consider whether the proposal constitutes sustainable development having regard to development plan policy and the NPPF as a whole.

7.2.2 The Council's latest Five Year Land Supply Report of April 2020 concludes that the Council can demonstrate 6.61 years' worth of supply of deliverable homes, over the next five years. However, that position was the subject of detailed scrutiny as part of

a recent appeal in Witchford, appeal reference APP/V0510/W/20/3245551. Whilst not absolutely determinative as to what the true supply figure is, the Inspector concluded that, whilst the figure of 6.61 years was not appropriate, the Council could nevertheless demonstrate in excess of five years' worth, with the Inspector indicating that a figure of 5.60 years' worth was probably a truer reflection of supply. For decision making, it is somewhat academic the degree over 5 years the actual figure is. Accordingly, the Council will continue (as it has since 21 April 2020) to determine planning applications on the basis that the Council can demonstrate a five year land supply. As such, the NPPF 'tilted balance' of para 11(d) is not triggered on the basis of land supply. It is anticipated that the Council will publish an updated Five Year Land Supply Report shortly. Such a publication will both: roll forward the base date from 2019 to 2020; and be made consistent with the principles established by the aforementioned appeal decision. The strong expectation of the Council is that the updated Report, to be published shortly, will continue to demonstrate a healthy supply of deliverable homes well in excess of five years' worth.

7.2.3 The application site forms part of the Paradise leisure facilities where the swimming pool stood and is covered by policy ELY3 of the adopted Local Plan 2015. It is acknowledged that ownership of the area is complex with the car park and Paradise Pool being owned by the District Council. The Paradise Sports Centre and Paradise Fields are also owned by the Council but subject to a lease to the Sports Trust until 2085. The Bowls Club is privately owned and is in active use and therefore it is not clear when they would become available for development. It is unlikely that the area covered in Policy ELY3 can realistically be comprehensively redeveloped as a housing led/mixed use allocation within the period covered by the current adopted Local Plan 2015 due to the foregoing constraints. The Local Plan acknowledges that the delivery timescales for parts of the allocation site are under third party control and are therefore uncertain and that the policy therefore provides a vision for the area and sets out key principles which redevelopment schemes for all or part of the area will need to accord with.

7.2.4 For members' information the wording of Policy ELY3 is as follows:

Policy ELY 3: A Vision for Paradise area

The Paradise area will be redeveloped as a mixed-use scheme, providing residential uses, car parking and community uses as appropriate. The development will enhance Ely Conservation Area and be sympathetic to the setting, appearance and character of the historic setting including incorporating views of the cathedral. New pedestrian links to the city centre will be provided and a new vehicular access will be provided from Deacon's Lane if feasible. Multi-storey car parking will be provided to support the city centre. The total area of Paradise Field will be retained and development will create a positive frontage to this important open space.

7.2.5 The only area within the ELY3 allocation available for re-development at this time would be the Newnham Street car park and the swimming pool site. With the swimming pool demolished and ready for development, it would not be against Policy ELY3 to consider this area of the allocation as the housing phase, leaving the Newnham Street Car Park and Sports Centre retained in community/mixed use. On

this basis the scheme would not form a departure from the development plan. It is also considered that the proposal would not compromise the ability of other parts of the allocation from coming forward in the future and be compatible with non-residential uses

- 7.2.6 Permission to demolish the Paradise Pool was granted in 2018 and a new swimming pool established at The Hive. This provides a state of the art leisure facility with complementary community facilities. The old swimming pool building was of no architectural, historic or visual significance, and did not make a significant positive contribution to the character and setting of Ely Conservation Area.
- 7.2.7 The Ely Conservation Area SPD makes reference to the Paradise (playing fields), sports centre and swimming pool and states that there are significant trees, views of Ely Cathedral and a large expanse of grass giving the area an open and natural feel. The scale of the scheme, when framed in context with the surrounding built environment, is considered to be subservient in nature and whereas before the Swimming Pool obscured views of the Cathedral, the layout and building line of the new development opens up a new vista, enhancing and preserving the special character of the Ely Conservation Area.
- 7.2.8 The bulk and massing of the new development would ensure that the residential amenity of existing residents would not be compromised by issues of overlooking or visual intrusion, and for new residents a good mix of accommodation set within an attractive housing layout has been created. The scheme would also provide 30% affordable housing equating to 4 units. The modern building design would ensure that the housing would deliver CO2 reductions as well as deliver energy efficiency.
- 7.2.9 The proposal would utilise the existing site entrance with adequate car parking and cycle storage, given the sustainable nature of the location.
- 7.2.10 The proposal is therefore considered to be acceptable in principle.

7.3 Residential Amenity

- 7.3.1 The NPPF seeks to ensure that a good standard of amenity for all existing and future occupants of land and buildings. Policy ENV2 of the Local Plan requires development to respect the residential amenity of existing and future occupiers.
- 7.3.2 In terms of the impact on existing occupiers is concerned, the rear gardens of a number of dwellings on Lynn Road adjoin the western boundary and these properties benefit from a generous rear garden depth, although No 26B Lynn Road itself sits within close proximity to the boundary. Unit 1 which is a three storey dwelling and Units 2-7 which are two storey, form a row of terraced dwellings with an element of rear garden amenity space abutting the western boundary. This amenity area varies in depth with the rear wall of the terraced dwellings and the rear boundary wall of the dwellings along Lynn Road ranging between 6m (19.7') to the rear of Unit 1 down to 4.4m (14') to the rear of Unit 7. The two storey dwellings have flat roofs (approximately 5.3m or 17' high) with roof lights on the rear roof plane which have been designed at a 45 degree angle to avoid any overlooking and loss of privacy from these windows. Whilst it is noted that the separation distances to the rear boundary is under the recommended 10 metre set back distance in the Design

Guide, due to the city centre location, design of the dwellings and the generous depth of gardens of the Lynn Road properties, which easily enable the recommended minimum 20 metre separation distance between rear inter-visible windows, it is considered acceptable. Also bearing in mind the swimming pool building which has now been demolished was higher than the proposed dwellings, then the proposal would result in a reduction in the scale, bulk and massing of built form along this western boundary. The scheme has ensured there is a satisfactory level of privacy for all occupiers and that the buildings do not appear overbearing or result in a significant loss of light. The pattern of fenestration has been contrived to avoid any overlooking or loss of privacy. Unit 1, a 3 storey 5no bed dwelling (approximately 7.8m or 25' high) also shares the same orientation as Units 2-7, however, this unit abuts the Bowls Club and is sufficiently distant from properties in Lynn Road to not result in overshadowing, loss privacy or outlook.

- 7.3.3 It is inevitable that the construction works would cause some noise and disruption as well as creating dust and other potential air pollutants. However, much of the construction of the buildings would be done off-site incorporating modular components which can be assembled on site speedily and would reduce noise and general disturbance to residents and users of the facilities alike.
- 7.3.4 The Environmental Health Department have requested that a Construction Environmental Management Plan is submitted by condition and this would make provision for the control of dust, noise and vibration. The works would be temporary in nature and it is recommended that hours of work are controlled by condition to minimise the impact on nearby residents. On this basis it is considered that the proposal complies with Policies ENV2 and ENV9 of the Local Plan 2015 in relation to residential amenity and pollution.
- 7.3.5 In terms of the living environment created for future occupiers of the site, the layout of the site has been led by the need to retain open views of the Cathedral. This has led to the design of a number of the units opposing each other across a pedestrianised courtyard. It is acknowledged that the design guidance cannot be fully met on the site due to its constrained nature. However, an innovative range of design criteria have been implemented by means of strategically located windows to maximise sunlight/daylight penetration and to avoid any direct overlooking or loss of privacy occurs. The courtyard also creates a community garden with outside seating, meandering footpaths to encourage cohesion and a sense of place.
- 7.3.6 Whilst the level of private amenity space in a number of the units is below the Council's adopted standards, there is a communal courtyard of approximately 200sqm (2152 sqf). In addition, the recreation ground abuts the site to the north and the site is located within the centre of Ely which is a walkable neighbourhood and where the river, shops and places of interest are all within 15 minutes' walk from the site. There are also a number of amenity spaces within walking distance to the site. Issues have been identified in the letters of representation that noise and general disturbance emanating from the playground and sports centre might affect the amenities of the new residents. However, the design rationale locates only the kitchen area, bathroom and stairway windows on the east facing elevations overlooking the Sports Centre and the north elevation, towards the play area, have also been limited. Moreover, any future occupier of the dwellings would be aware of the location of the site within a well-loved and pre-existing community facility and

would be likely to value the attraction of living within the city centre and all that it provides. In this respect it is considered the scheme provides an acceptable standard of living for future occupiers of the site.

7.3.7 The proposal would therefore comply with Policy ENV2 of the adopted Local Plan 2015.

7.4 Visual Amenity and special character of Ely Conservation Area

7.4.1 Paragraph 194 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Policy ENV11 of the adopted Local Plan 2015 seeks to ensure that development proposals preserve or enhance the character or appearance of conservation areas.

7.4.2 The application site is located within the Ely Conservation Area and there are no Listed Buildings within the vicinity of the site. According to the Ely Conservation Area SPD, the Paradise, Leisure Centre and Swimming Pool is described as benefitting from significant trees, views of the Cathedral and a large expanse of grass giving the area an open and natural feel that should be retained.

7.4.3 Policy HOU2 of the adopted Local Plan 2015 requires the appropriate density of a scheme to be judged on a site-by-site basis taking account of the existing character of the locality and the settlement and housing densities within the surrounding area, the need to make efficient use of land; the biodiversity of the site; the need to accommodate open space and parking; the level of accessibility and the impact on residential amenity of both existing and future residents. The scheme provides a mix of 1, 3 and 5no bedroom housing, with 4 no1 bed affordable apartments.

7.4.4 The proposal has been designed to provide views through the site when viewed from the public open space in Deacons Lane of the Cathedral beyond and therefore opens up a key view that was previously obscured by the old swimming pool building. The scheme presents two linear rows of dwellings opposing each other across a communal area of landscaped open space, the height and depth of the buildings have been kept low as a consequence. The two storey buildings are 5.3m (17') in height x 5m (16') wide x 7m (22') depth and the 3 storey buildings are approximately 7.9m (25') high x 6m (19.5) wide x 10m (32') depth. The density of development is reflected in the character of housing to the north of the site towards the city centre, it is therefore in keeping with the character of this part of Ely.

7.4.5 The materials to be used on the development have been provided in part. The use of weathered buff brick, timber and plaster cladding on the elevations and grey slate on the roofing is proposed, however, as the development is located in the Ely Conservation Area further information would be required on the specific type of materials and would include the type of brick, colour of timber cladding and render. Indicative visuals of the facades have been submitted as part of the application and these demonstrate a light pallet of colours and materials that would ameliorate with the existing community building and would not detract from views of the Cathedral.

7.4.6 Historic England's 2016 Advice Note 2 'Making Changes to Heritage Assets' states:

'The main issues to consider in proposals for additions to heritage assets, including new development in conservation areas...are proportion, height, massing, bulk, use of materials...relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of [development] that might be appropriate' (para 41). As is evidenced within the report, the swimming pool building obscured views through to the Cathedral and in order to be policy compliant, any new development of this site would need to take this into consideration. Historic England also advise that replicating a particular style may be less important. As such, the proposed development is of contemporary design and would not necessarily replicate or otherwise dominate the character of this part of the conservation area here, and the historic assets located within it.

7.4.75 The Conservation Officer has raised no objection to the scheme commenting that 'any development in this location faces the challenge of mediating between buildings as varied as the industrial scale leisure centre and bowls club and the interwar villas on Lynn Rd and effectively must establish its own context. The use of views of the cathedral as a design generator has logic and the division into two north-south ranges avoids imposing in views from the due north. The western terrace clearly owes something to dense urban developments such as Accordia in Cambridge, and its flat roofed form is argued on the basis of maintaining a low profile relative to the Lynn Rd housing and to ease modular prefabricated construction. The design of units 8-11, the more conventional 2½ storey block, rather undermines this logic though. Perhaps more importantly though it dilutes a scheme which depends on uniformity for its architectural effect. However, the scheme is not over-dominant and in the absence of any strong defining context, it complies with the general objectives of Advice Note 2 and has no adverse heritage impacts'. It is therefore considered the scheme works well within the parameters of the site, and does not detract from the central views or likewise dominate the area. The proposal would therefore make a neutral contribution to the visual amenities of the area.

7.4.8 In considering the characterisation of the heritage impact as less than substantial harm and given the proposal provides a number of community benefits in terms of housing (including 4 affordable housing units), and, its positive contribution to local character and distinctiveness by restoring the public viewpoints of the Cathedral, both of which are considered to be public benefits, the scheme is supported in principle and complies with Policies ENV2 and ENV11 of the adopted Local Plan and the NPPF.

7.5 Highways

7.5.1 Policy COM7 of the Local Plan is consistent with the NPPF and also requires development to be designed in order to provide safe and convenient access to the highway network; reduce the need to travel, particularly by car, and should promote sustainable forms of transport appropriate to its particular location.

- 7.5.2 Policy ELY 3 promotes the site to incorporate new pedestrian links to the city centre and if feasible a new vehicular access from Deacons Lane. A multi storey car park would also be provided to support the city centre. However, as only a small part of the overall site which is being considered as the housing element of the allocation is being considered, then the existing entrance from Newnham Street would still be used for the new scheme.
- 7.5.3 Policy COM8 of the adopted Local Plan indicates that two car parking spaces per dwelling should be provided together with up to one visitor car space per four units. The application has been accompanied by a Transport Statement [Paul Basham Associates dated March 2020] which has presented the findings of a number of parking surveys which have identified parking demand within Newnham Street Car Park and how that demand arises throughout the day and by which source. The existing car park operates 24 hours a day with restrictions operating Monday to Saturday. Free short stay parking is available for up to 3 hours on Monday-Saturday (131 space) with free long stay parking operating Monday-Saturday (46) and permitted to park up to 23 hours. There are 5 disabled spaces. The average parking occupancy across the entire survey period was 130 spaces, which equates to 73% of the available spaces being full. The average occupancy is therefore higher than recorded in the school holiday period with parking demand more acute on Saturday.
- 7.5.4 According to the information submitted the proposed development would provide 20 car parking spaces and 26 cycle spaces. The applicants have also provided a Travel Plan [Paul Basham Associates dated March 2020] which is a strategy for managing travel demand to a development site by addressing the travel need of its users, reducing the impact of car travel by promoting and facilitating the use of sustainable modes of transport, encouraging a reduced need to travel and increasing sustainable travel practices where appropriate.
- 7.5.5 Whilst it is acknowledged there would be a slight deficit in the provision on on-site parking, the application site is within walking distance to a variety of modes of sustainable transport and provided the travel plan is updated regularly, then all new residents would be provided with a choice of transport options. The majority of shops and employment opportunities are within walking distance of the site and as such it is considered the scheme would provide safe and convenient access to the highway network and reduce the need to travel by car. It is therefore not considered that the new scheme would place undue pressure on the operation of the existing car park in Newnham Street.
- 7.5.6 Concerns have been raised in the letters of representation concerning a number of the parking spaces serving the under-croft parking spaces which lie adjacent to the footpath connecting the site with Deacons Lane and Newnham Street. As this is a path used by the public, opposed to a Public Right of Way, the footpath, which falls within the red line is proposed to be incorporated within a shared use area in common with other areas within the city centre and is a typical highways standard. The applicants are very conscious that the footpath is used as a link to and from the city centre and have indicated that due to the construction of the modular units being undertaken off site, works affecting the footpath would be kept to a minimum. It is however acknowledged that the footpath may be closed during part of the construction process in the interests of health and safety and that details of an

alternative re-routing of this footpath would be provided as part of the Construction Environmental Management Plan and members of the public notified of any change.

- 7.5.7 No objections have been raised by the Highway Authority concerning access into the site or highway safety. An acceptable swept path analysis has been provided to the satisfaction of the Council's Waste Department who are no longer objecting to the accessibility of the site for waste and recycling purposes. It has therefore been demonstrated that vehicles serving the site are able to access and egress the area in a forward gear.
- 7.5.8 It is considered the proposal complies with Policies COM7 and COM8 of the adopted Local Plan 2015.

7.6 Ecology

- 7.6.1 Policy ENV7 of the adopted Local Plan seeks to protect biodiversity and geological value of land and buildings and requires that through development management processes, management procedures and other positive initiatives, the council will among other criteria, promote the creation of an effective, functioning ecological network.
- 7.6.2 Para 175 of the NPPF is also relevant and highlights the importance of biodiversity and habitats when determining planning applications. In July 2019 the Government confirmed their intention to make biodiversity net gain mandatory in England for all development. The emerging 'standard' by which environmental gain is calculated is the DEFRA Biodiversity Metric 2.0 test.
- 7.6.3 During the course of assessing the application the Council have adopted a Natural Environment Supplementary Planning Document and this provides guidance for new development to protect and encourage the biodiversity and ecology interests on site. A Preliminary Ecological Appraisal [Greenlight dated 2nd March 2020] accompanied the application and this appraisal notes that there is one statutory protected site and four non-statutory protected sites located within 2km of the site, namely Ely Pits & Meadows SSSI, and Ely Cemetery County Wildlife Site. Due to the small scale nature of the site and its distance to the protected sites, the proposed development is not expected to have any effects on the statutory or non-statutory protected sites or their qualifying features.
- 7.6.4 It should be acknowledged that the whole of this site was occupied by a very large building and is currently denuded. The proposed works are therefore not expected to result in any loss of potential roosting, foraging and commuting habitats for bats or any loss of bird nesting habitat, however, should any works upon the adjacent hedgerow and tree habitat be proposed some low scale loss of bird nesting habitat would occur.
- 7.6.5 Habitats located within the proposed area of works are considered unsuitable to support any great crested newts. However, by way of precautionary mitigation, any destruction of hedgerow habitat would require a suitably qualified ecologist to search the area prior to any clearance.

- 7.6.6 The surrounding habitat of the site is also considered suitable for hedgehogs which have been recorded within 2km of the site. General mitigation is proposed to protect wildlife during the construction periods and suitable landscaping mitigation to provide access for hedgehogs.
- 7.6.7 Bearing in mind the previous building covered the whole site, there was no scope for biodiversity enhancements. The new scheme proposes a number of rear garden areas along the western boundary as well as a central landscaped community courtyard space as well as balconies. A robust landscaping scheme would be required to provide suitable habitats for encouraging insects, birds and other mammals to visit the area for foraging and breeding opportunities. Bird boxes as well as hedgehog highways would also enhance the natural environment. As such it is considered the scheme would result in a net environmental gain.
- 7.6.8 The Council have recently adopted a Natural Environment SPD and all development proposals would be expected to provide environmental enhancements proportionate to the scale and degree of the development proposed. The proposal would provide a landscaping scheme using native species of trees, shrubs and other plants with a view to it benefitting birds, bats, mammals and invertebrates. A management and maintenance plan would also be secured by condition to protect the natural environment. As such the scheme would comply with the new SPD.
- 7.6.9 An Arboricultural Impact Assessment/ Method Statement and Tree Protection Plan [Hayden's dated February 2020] has been submitted with the application and indicates that no tree works would be required in order to achieve the proposed layout. An area of proposed hard surface encroaches within the root protection area of two trees which are to be retained but given the use of modern *no dig* construction techniques this is not considered to be a substantial issue. The Council's Tree Officer has considered the submitted information with the application and whilst has raised no objection to the scheme consider the Arboricultural Impact Assessment would need to be amended to incorporate a number of trees abutting the site that may be affected by the proposed development. The Tree Officer advises that BS 5837 2012 Arboricultural Impact Assessment is carried out and if required a method statement.
- 7.6.10 In view of the enhancements proposed it is considered that the scheme would comply with Policy ENV7 of the adopted Local Plan 2015 and the Natural Environment SPD.

7.7 Flood Risk and Drainage

- 7.7.1 Policy ENV8 of the adopted Local Plan 2015 states that all development should contribute to an overall flood risk reduction. The application has been accompanied by a Flood Risk Assessment [Palace Green Homes dated March 2020]. The site is located wholly in Flood Zone 1, which is where residential development should be located, and has been assessed as being at very low risk of flooding.
- 7.7.2 In terms of the disposal of surface water the scheme proposes to make use of the car parking area for surface water attenuation. Runoff will enter the sub-base direct or via piped gravity connections from all rainwater downpipes. Anglian Water have

no assets affected by the development and foul drainage from this development would be in the catchment of Ely Water Recycling Centre that would have available capacity for these flows. With regard to foul water disposal, the proposal would use the original connection to the mains sewer.

- 7.7.3 The surface water strategy/flood risk assessment submitted with the planning application is also acceptable by both the Local Lead Flood Authority and Anglian Water.
- 7.7.4 The proposal would contribute to an overall flood risk reduction and is considered to comply with Policy ENV8 of the adopted Local Plan.

7.8 Other Material Matters

- 7.8.1 All applications for residential use are considered particularly sensitive to the presence of contamination. It is therefore considered reasonable that conditions are appended to the grant of planning permission requiring a contamination assessment to be agreed by the Local Planning Authority prior to commencement of development and with regards to unexpected contamination and remediation measures if required. Subject to the relevant conditions being appended, the proposal accords with Policy ENV9 of the Local Plan 2015.
- 7.8.2 There would be a requirement to provide satisfactory management of the site concerning waste awareness, storage and collection.
- 7.8.3 All new development would also be expected to aim for reduced or zero carbon development in accordance with the zero carbon hierarchy Policies ENV4 of the adopted Local Plan 2015 refers. An Energy Statement has been submitted with the scheme and concludes that the scheme equates to a carbon reduction of 19% which can be achieved through air source heat pumps and improved fabric efficiency measures.
- 7.8.4 Policy HOU3 requires that an appropriate provision for affordable housing is achieved. In this scheme four of the apartments are to be discounted market sales homes, which is one of the defined forms of affordable housing set in the NPPF 2019. This is a new initiative that will provide a new form of affordable housing to help meet the housing needs of the District. The scheme would provide 4 one bedroom homes for the sale price of £100,000 and this would be secured through a S106 Agreement which stays with the dwellings and therefore each successive purchaser would also be someone who would qualify for a £100k home. There would be a set of criteria by which each prospective purchaser would need to fulfil and these would be set by the Combined Authority aimed at helping people to buy houses close to where they work and in communities where they may have strong connections. The scheme would meet the requirements of Policy HOU3 of the adopted Local Plan.
- 7.8.5 The Strategic Housing Team supports the above application in principle, as it will meet Policy HOU 3 of East Cambridgeshire Local Plan 2015 to deliver 30% affordable housing on site. Based on the latest housing needs evidence from East Cambridgeshire's Housing Register, the Strategic Housing Team have confirmed that the affordable housing mix proposed on site of four, one bedroom homes would

be acceptable. Whilst developers will be encouraged, to bring forward proposals which will secure the affordable housing tenure as recommended by the most up to date SHMA at 77% rented and 23% intermediate housing, this new concept of £100k homes brings a new concept to provide affordable homes at prices that most first time buyers can afford.

Accessibility

- 7.8.6 In terms of accessibility, all development would need to meet with Part M of the Building Regulations and advice received from the Council's Building Control department on this application, has necessitated some minor amendments to the internal arrangement on the affordable units, whereby an accessible w/c has been provided on the first floor. It is considered that the scheme meets with the requirements of Policy HOU 3 which requires a proportion of the 4 affordable dwellings to be provided on site to be suitable or easily adaptable for occupation by the elderly or people with disabilities.
- 7.8.7 Concerns have also been raised that the scheme lacks any electric charging points. In this respect the Government are currently proposing electric vehicle charge-point smart technology in all new development, however, there is no legal requirement for development to provide electric charging points, although this would be desirable for a development of this size and location within city of Ely.

Conclusion

- 7.8.8 This application has been evaluated against the extant Development Plan which is the starting point for all decision making. The Development Plan comprises the East Cambridgeshire Local Plan 2015 and the report has assessed the application against the core planning principles of the NPPF and whether the proposal delivers sustainable development.
- 7.8.9 The scheme accords with both national and local planning policy and is considered to represent sustainable development.

8.0 COSTS

- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellants through the appeal process) then a cost award can be made against the Council.
- 8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than

officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

8.4 In this case Members' attention is particularly drawn to the following points:

No adverse impact on the visual amenities of the Ely Conservation Area
No adverse impact on residential amenities
Meets both national and local planning policy requirements
No objections from statutory consultees

9.0 APPENDICES

9.1 Appendix one - Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
20/00730/FUM	Anne James Room No. 011 The Grange Ely	Anne James Planning Consultant 01353 665555 anne.james@eastc amb.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 ONE

CONDITIONS

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

Plan Reference	Version No	Date Received
Topographical Survey - 21191ea-01		19th June 2020
P 06	E	10th August 2020
P 08	F	10th August 2020
P 11	F	10th August 2020
Response to comments		10th August 2020
Brighton Bike Shed		10th August 2020
P02	G	
P10	G	
Arboricultural Report		11th June 2020
Preliminary Ecological Appraisal 1.0		11th June 2020
Design, Access and Heritage Statement		11th June 2020
Flood Risk Assessment and Drainage Strategy		11th June 2020
Phase I Geo-Environmental Desk Study Issue 1		11th June 2020
P 03	E	21 st October 2020
P 04	D	11th June 2020
P 20	C	11th June 2020
P 05	E	11th June 2020
P 07	F	21 st October 2020
Planning Statement		11th June 2020
Energy Strategy Statement		11th June 2020
P 01	A	19th June 2020
Transport Statement 3		11th June 2020
Full Travel Plan 3		11th June 2020
Utility Search 1		11th June 2020

2 The development hereby permitted shall be commenced within 2 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 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.

3 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. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

4 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.

4 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.

5 Any tree or shrub removal shall be undertaken outside of the bird breeding season of 1st March to 31st August in any calendar year. If clearance works must occur within bird breeding season then any vegetation targeted for clearance must first be surveyed by an ornithologist and clearance works would only be permissible if the survey reveals no active bird's nests within the relevant vegetation.

5 Reason: To protect species and sites of nature conservation, in accordance with policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.

6 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 (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.

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

7 No above ground construction shall commence until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include all shared surface areas, footpaths, parking areas and patios. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme submitted to and approved in writing by the Local Planning Authority prior to first occupation.

7 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 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.

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 occupation and retained in perpetuity.

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

9 No above ground construction shall take place on site until details of the materials to be used on the elevations, roof, windows, doors and balconies 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.

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

10 In the event of the foundations from the proposed development requiring 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.

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

11 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.

11 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.

12 No above ground construction shall take place until full details of the proposed bin and recycling store have been submitted to and approved by the Local Planning Authority. The stores shall be in situ prior to occupation of the development and thereafter be retained and maintained for so long as the development remains in existence and shall not be varied without the prior written permission of the Local Planning Authority.

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

13 Prior to the occupation of the development, external lighting shall be provided on the site in accordance with a scheme to be submitted to and approved by the Local Planning Authority prior to any above ground works have commenced. The scheme, lighting equipment and levels of illumination shall comply with guidance issued by the Institution of Lighting Engineers and shall be accompanied by a statement from the developer confirming that compliance. The scheme shall thereafter be retained and maintained for so long as the development remains in existence and shall not be varied without the prior written permission of the Local Planning Authority.

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

14 No development shall take place until a detailed Arboricultural Impact Assessment (AIA) compliant with BS 5837:2012 Trees in relation to design, demolition and construction has been submitted and approved in writing by the Local Planning Authority. The (AIA) shall provide information to show how trees/hedging worthy of retention would be sustainable and justification and mitigation measures for any tree removal proposed. The AIA shall identify areas to be excluded from any form of development, specify protective fences for these exclusion areas and for individually retained trees, life expectancy of trees, recommendation for any remedial work, identify acceptable routes for all mains services in relation to tree root zones, identify acceptable locations for roads, paths, parking and other hard surfaces in relation to tree root zones, suggest location for site compound, office, parking and site access, identify location(s) for replacement planting and show existing and proposed levels. All works shall be carried out in accordance with the agreed AIA.

14 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. 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.

15 Prior to the occupation of the development, a landscape management plan, setting out management and maintenance responsibilities for all hard and soft landscape areas, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved and shall remain in force for as long as the development remains in existence.

15 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

16 Prior to the commencement of development details of the provision of fire hydrants, or equivalent, for the development shall be submitted to and agreed in writing with the Local Planning Authority in conjunction with the Fire and Rescue Authority. The hydrants or equivalent shall be installed and completed in accordance with the approved details prior to the occupation of any part of the phase or in accordance with alternative details of provision approved by the Local Planning Authority.

16 Reason: To ensure the appropriate infrastructure is in place to ensure adequate public safety provision in accordance with Policies GROWTH 3 and ENV2 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement to ensure that the appropriate infrastructure is incorporated into the below ground works.

17 The Travel Plan, as submitted as part of this scheme dated March 2020 should be issued to new residents on the first occupation of each new dwelling. The Travel Plan should be updated periodically to ensure accurate information is provided to new residents.

17 Reason: In order to encourage future residents to travel using sustainable modes of transport in accordance with Policy COM7 of the East Cambridgeshire Local Plan 2015.

18 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.

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

19 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, as well as measures to ensure an alternative re-routing of the footpath is provided during construction of the development and adequate signage displayed advertising this. Other mitigation measures shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development to include closure of the footpath and of the play area etc. The CEMP shall be adhered to at all times during all phases.

19 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement to ensure that the appropriate infrastructure is incorporated into the below ground works.

20 The development shall be carried out in accordance with the Energy and Sustainability Strategy submitted as part of the application. All sustainability features shall be implemented prior to occupation of the development.

20 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015.

21 No above ground works shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.

The scheme shall be based upon the principles within the agreed Flood Risk Assessment and Drainage Strategy prepared by Palace Green Homes dated March 2020 and shall also include:

- a) Full results of the proposed drainage system modelling in the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
 - b) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
 - c) Full details of the proposed attenuation and flow control measures;
 - d) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
 - e) Full details of the maintenance/adoption of the surface water drainage system;
 - f) Measures taken to prevent pollution of the receiving groundwater and/or surface water
- The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG.

21 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.