

MAIN CASE

Reference No: 19/00125/VAR

Proposal: To vary condition 1 (Approved Plans) of decision notice dated 7 June 2018 for the demolition of existing motor vehicle garage and construction of 6No four bed dwellings, 2No 3 bed dwellings, garaging, access road and associated works

Site Address: Kings Of Witcham Ltd The Slade Witcham Ely
Cambridgeshire CB6 2LA

Applicant: Buckingham And Sparrow

Case Officer: Emma Barral, Planning Officer

Parish: Witcham

Ward: Sutton
Ward Councillor/s: Lorna Dupre
Mark Inskip

Date Received: 22 January 2019 **Expiry Date:** 9th October 2019
[U82]

1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE the 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 Foul and Surface water drainage
- 5 Site Characterisation
- 6 Reporting of unexpected contamination
- 7 Footpath Details
- 8 Street Management and Maintenance
- 9 Construction Times
- 10 Boundary Treatment
- 11 Standard estate road construction
- 12 Existing access - closure
- 13 Gates - restriction
- 14 Access drainage
- 15 Permitted Development Rights – Extensions and Outbuildings

- 16 Tree Protection Measures
- 17 Construction Environmental Management Plan
- 18 Biodiversity Enhancements
- 19 Great Crested Newt Survey
- 20 Bin Store Provision
- 21 Lighting Provision

2.0 SUMMARY OF APPLICATION

- 2.1 The application submitted seeks planning consent for a variation to the construction of eight detached dwellings approved under LPA Ref 17/00689/FUL on land that used to be occupied by the Kings of Witcham garage and car sales facility.
- 2.2 The proposed dwellings are relatively uniform and traditional in appearance with ridge heights averaging 7.5m and several plots having detached garages. Three highway fronting dwellings are proposed with the remaining five dwellings located further into the development site.
- 2.3 The site is subject to a previous outline approval for 10 dwellings in 2013 (13/00734/OUM). Historically, the redevelopment of the site has been supported by East Cambridgeshire District Council since 1988 when the demolition of the garage and erection of 8 bungalows was approved.
- 2.4 Whilst the proposal involves the loss of the Kings of Witcham garage; the applicant has stated during the determination of LPA Ref 17/00689/FUL that the business is looking to relocate within the district to a more sustainable and visible location. The previous approval concluded that “continued use for employment on the site is not viable, taking account of the characteristics of the site and its location. The use of the site for an alternative employment use is unlikely and could give rise to more unacceptable environmental or traffic issues”.
- 2.5 The current application proposes to vary Condition 1 of LPA Ref 17/00689/FUL shown on the Decision Notice dated 7th June 2018 which relates to the approved plans. The Variation of Condition application therefore relates to an updated version of Drawing Ref 16;151-2 Rev C (23rd April 2018) to be replaced with Drawing Ref 16;151-2 Rev F (16th May 2019) which demonstrates updated finished floor level heights for the proposed dwellings which have increased by an estimated average 50cm across the application site to suit the proposed gravity drainage system.
- 2.6 And the inclusion of Drawing Ref 16:151 SK1001 Rev C (14th August 2019) demonstrates the relationship with the neighbouring dwellinghouses at Numbers 6 and 8 The Slade and the increases in finished floor levels to Plots 1 and Plot 6 by increasing the land levels that the dwellinghouses will sit on. The plans also demonstrate the boundary treatments on the common boundaries with application site which are existing.
- 2.7 The application has been called to Planning Committee by Councillor Dupre in view of the “ongoing lack of clarity about some very significant aspects of this planning application, and the potential impact on neighbouring dwellings, I would like to call in this variation, and any current and future applications relating to this site, for determination by the Planning Committee”.

- 2.8 Several amended plans were received throughout the application process in order to seek clarity from the developer on the changes to the finished floor levels and the heights to the proposed dwellinghouses as this remained unclear. There is a close relationship between the need to amend the floor levels and the discharge of conditions submissions under LPA Ref 17/00689/DISA and 17/00689/DISB and relevant conditions have now been discharged relating to foul and surface water drainage. Additionally, matters relating to contamination have been carefully considered through the partial discharge of condition 5 of LPA Ref 17/00689/FUL and the details were cross referenced with the proposed drainage scheme to ensure that contamination and drainage methods worked effectively together.
- 2.9 It has been confirmed by the developer that the heights (floor to ridge height) of the elevations of the proposed eight dwellinghouses under LPA Ref 17/00689/FUL are not proposed to change through the Variation of Condition application. Only the finished floor levels and land levels are subject to changes as shown on drawing Ref 16;151-2 Rev F and 16:151 SK1001 Rev C which also demonstrate the relationship with the neighbouring dwellinghouses at Numbers 6 and 8 The Slade.
- 2.10 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.eastcambbs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

17/00689/FUL	Demolition of existing motor vehicle garage and construction of 6No four bed dwellings, 2No 3 bed dwellings, garaging, access road and associated works	Approved	07.06.2018
13/00734/OUM	Construction of 7 dwellings plus 3 flexible dwellings with potential for employment use	Approved	06.03.2015
12/01127/OUM	Proposed development of 10 dwellings	Withdrawn	17.09.2013
02/00097/OUT	Renewal of permission E/96/0764/O - demolition of garage and service station and erection of 8 bungalows	Refused	25.03.2002
96/00764/OUT	Renewal of planning consent E/91/0615/O -	Approved	08.03.1999

demolition of garage and
service station and erection
of 8 bungalows

91/00615/OUT Demolition of garage and Approved 15.11.1993
service station and erection
of 8 bungalows

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is approximately 0.41 hectares in area and used to comprise a car showroom and servicing garage, together with car parking areas, and grassed areas to the rear of the main building which are no longer on the application site since the time of the approval under LPA Ref 17/00689/FUL on the 7th June 2018.
- 4.2 The site extends behind No 8 The Slade, from which it is separated by a 1.8m close-boarded fence. It is located within the settlement boundary of Witcham, close to the boundary of the Witcham Conservation Area. The majority of the site fronts The Slade, a Class C classified road, and is in a predominantly residential area, with bungalows on either side, and a mix of single and two storey properties opposite the site.
- 4.3 The western boundary abuts residential gardens and comprises fencing and established tree and hedge planting. The southern boundary comprises a close-boarded fence and overgrown vegetation with the boundary to the north comprising existing vegetation and a 2m high hedge in parts. The eastern boundary forms the frontage to The Slade.

5.0 RESPONSES FROM CONSULTEES

- 5.1 A site notice was displayed on the site on the 15th February 2019. The full responses are available on the Council's website.

Cadent Gas Ltd - 13 February 2019- Cadent have 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.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

Witcham Parish Council - 14 March 2019- "The Parish Council did not find the amendment acceptable, based on residents' views living in the area. The increased heights exacerbate previous concerns specifically regarding loss of sunlight, overshadowing, loss of outlook for neighbouring properties; not in-keeping with existing street scene in terms of visual appearance, and of course as previously stated on responses, layout and density. The Planning Authority's attention is drawn to all the comments expressed at earlier stages of the application. There was no further details about mains drainage, including foul sewer and water supply schemes; the existing systems already being inadequate".

Witcham Parish Council – 30 April 2019- "Whilst the Council has welcomed some of the improvements to these plans over the months there are still concerns to reiterate. They have always been concerned about layout and density, and the effect on close neighbours - the increased heights exacerbate previous concerns specifically regarding loss of sunlight, overshadowing, loss of outlook for neighbouring properties, not in-keeping with existing street scene in terms of visual appearance.

The Council also draws attention to concerns about foul and surface water sewers. We know this areas suffers with flooding. Heavy rainfall causes flooding in The Slade opposite this development site (photo attached following one of the flood events last summer) and the foul water sewer backs up and floods people's gardens here as well, on its way to the pumping station, a terrible public health hazard particularly in this day and age - I have photographs of past events of this nature too. The Council would like undertakings from the developers and Anglian Water that existing residents in The Slade may expect plans have been put into place to cope with the effect of all the new houses here and improvements made so that there is no repetition of past events in terms of foul and surface water flooding. On a number of occasions over the past 20-30 years the Parish Council has raised concerns with Anglian Water about foul and surface water drainage system. I should also add that Witcham suffers with poor water supply systems from time to time too".

Witcham Parish Council – 13 June 2019- "Resolved that the Parish Council still had concerns regarding this development as had been expressed on the original planning application and all subsequent amendments, namely layout, density, the effect on close neighbours, increased heights exacerbate previous concerns specifically regarding loss of sunlight, overshadowing, loss of outlook for neighbouring properties, not in-keeping with existing street scene in terms of visual appearance. At the current stage the Council was particularly concerned about the arrangements for water supply and sewerage system/drainage. The Council wanted to see consultee response from water/sewerage/drainage agencies, ie Anglian Water and Environment Agency. Given the concerns expressed by neighbours regarding contamination of the site, confirmation was sought that the proposals to manage remediation works would be comprehensively carried out (EPS-11.3.19). Clarification regarding calculation of height of buildings from ground to roof pitch sought.

Regarding the height of the buildings, the Council flags point as raised in it's response of May 2017:

Earlier consent for 13/0073/OUM, Clause 4 states ridge height to be no more than 7.5m above ground level and set back from footpath to align with existing homes, numbers 6 and 8 The Slade – both bungalows – either side of this development. Clearly the buildings are considerably higher now. However the members of the Council do seek clarification of the calculation and meaning of the FFL heights. Please could you advise what heights the proposed buildings will now be from ground level to ridge height”.

Local Highways Authority - 18 February 2019- “The highways authority has no objection in principal to this application. As far as I can determine there is no alterations to the access or internal road layout”.

CCC Growth & Development - No Comments Received

ECDC Trees Team - 22 February 2019- “I have no objections to this application on tree grounds”.

Environmental Health - 6 February 2019- Nothing further to add to the comments provided for LPA Ref 17/00689/FUL.

Environmental Health - 16 May 2019- “I understand that soakaways will not work at this site due to the low permeability of the underlying Kimmeridge Clay. Therefore, a piped gravity system is required but in order for this to work the site levels need to be raised. An application has been made for a variation to condition 1 to allow this (19/00125/VAR). All other conditions under 17/00689/FUL including the contamination condition are unaffected. With regard to the neighbour’s concerns to which you refer; the remediation scheme should ensure that contamination does not enter the surface water drainage system.

The applicant should be asked for information relating to how the drainage proposals might affect the remediation scheme. Conditions 4 and 5 may need to be considered jointly as you suggest. As long as the pipe runs are within clean soil and do not create any migration pathways there should not be any problem. It may be necessary for the remediation contractor and the drainage contractor to liaise over their respective schemes”.

Waste Strategy (ECDC) - No Comments Received

Anglian Water Services Ltd - No Comments Received

Ward Councilor- Lorna Dupre- 6th June 2019 “I would be grateful if you could keep me apprised of the progress of this application, as it appears there is some concern on the part of the LLFA, IDB, and Environment Agency”.

12th September 2019- “In view of the ongoing lack of clarity about some very significant aspects of this planning application, and the potential impact on neighbouring dwellings, I would like to call in this variation, and any current and

future applications relating to this site, for determination by the Planning Committee.”

- 5.2 Neighbours – 17 neighbouring properties were notified and the responses received relating to the Variation of Condition application are summarised below. A full copy of the responses are available on the Council’s website.

11A The Slade- 8th February 2019, 27th February 2019, 3rd June 2019, 2nd September 2019- Raised concerns in relation to the impact to the neighbouring dwellings at Number 6 and number 8 The Slade. Raised concern relating to the information provided by the developer in relation to the changes to the approved plans. Raised concerns with the relationship between the discharge of conditions submissions for LPA Ref 17/00689/FUL and drainage matters on site.

11 The Slade- 27th May 2019- Concerns relating to the height changes of the plots and the impact to adjacent properties. Concerns for the implications

17 The Slade- 11th February 2019, 4th June 2019, 28th August 2019- Concern for the heights of the buildings due to loss of light and privacy. The development will be a dominant feature for residents on The Slade.

8 The Slade- 23rd May 2019- Impact on privacy by raising heights of buildings and blocking of light.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 3	Infrastructure requirements
ENV 14	Sites of archaeological interest
GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
EMP 1	Retention of existing employment sites and allocations
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision
GROWTH 5	Presumption in favour of sustainable development
ENV 11	Conservation Areas

6.2 Supplementary Planning Documents

Design Guide
Flood and Water

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

6.3 National Planning Policy Framework 2012

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

7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are the principle of development, visual amenity, residential amenity (including reference to relevant and specific planning policies).

7.2 Principle of Development

7.2.1 The Council cannot currently demonstrate a robust five year housing supply and therefore the policies within the Local Plan relating to the supply of housing should not be considered up-to-date. In light of this, applications for housing development, such as this one, should be considered in the context of the presumption in favour of sustainable development as set out in paragraph 11 of the National Planning Policy Framework (NPPF).

7.2.2 The principle of development at the site has already been established under LPA Ref 17/00689/FUL and therefore the key considerations in determining this application are the impact upon visual amenity and residential amenity. Many of the related material planning considerations have been considered as part of the previous application and therefore this report will focus primarily on the changes to the approved plans (Condition 1 of LPA Ref 17/00689/FUL) and the alterations to the finish floor levels the land levels that the dwellinghouses will sit on.

7.3 Visual Amenity

7.3.1 Policy ENV1 of the Local Plan 2015 require proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. The application seeks to vary the approved plans condition relating to the consent for 8 dwellings on the 0.4ha site. The site offers little in its visual contribution to the street-scene and the impact of the facility being removed would be considered a visual improvement to the wider character and appearance of the area. The 8 dwellings proposed would range in their footprint whilst maintaining a similar traditional design and height of 7.5m (aside from Plot 5 with a ridge of 8m). The uniform height was recommended as part of the previous approval on the site (13/00734/OUM), for 10 dwellings, whereby it was conditioned

that the dwellings do not exceed 7.5m in ridge height. The previous applications were determined on their own individual merits.

- 7.3.2 It is noted that in the Committee Report for LPA Ref 17/00689/FUL it stated that although the two-storey development would be positioned between 2 single-storey dwellings, the street-scene along The Slade is characterised by a mix of dwelling styles and scales, with two large single-storey dwellings located adjacent to the neighbouring plot to the south and a prevalence of two-storey dwellings along the eastern side of the road. The presence of this scale of development would not appear out-of-keeping with the wider area and not disrupt the visual character of the southern edge of Witcham. With the only changes to the approved plans pursuant to LPA Ref 17/00689/FUL relating to the changes to the finished floor levels and the land levels that the dwellings would sit on.
- 7.3.3 Given that the levels would increase by approximately 50cm (varying on different plots as shown on Drawing Ref 16: 151- 2 Rev F) the proposed alterations are not considered to cause substantial harm to visual amenity or to result in an unacceptable degree of visual harm to the character and appearance of the application site, surrounding area and streetscene. The proposal therefore complies with Policies ENV1 and ENV2 of the Local Plan 2015 by remaining sympathetic to the character and appearance of the surrounding area.
- 7.3.4 In order to prevent the site becoming cramped with built form, permitted development rights for outbuildings and extensions have been removed for several of the plots within the site.
- 7.3.5 The site is located outside, but in close proximity to, the Witcham Conservation Area. It is considered that due to the minor changes in finished floor levels and land level changes to the approved dwellinghouses and their distances from Conservation Area boundary that there will be no adverse impact on the setting of the Conservation Area. The proposal is therefore compliant with 2015 Local Plan Policy ENV11.
- 7.4 Residential Amenity
- 7.4.1 Policy ENV2 of the Local Plan seeks to protect the residential amenity which would be enjoyed by both future occupiers of the development and occupiers of existing properties close to the site. There are a number of residential properties within close proximity to the site, with the dwellings at 6 and 8 The Slade most significantly impacted upon.
- 7.4.2 The proposed development comprises three highway fronting dwellings with the remaining five occupying the land to the rear. The site is located between two existing dwellings, the aforementioned 6 and 8 The Slade, with the rear of the site leading onto the large garden of 2 The Slade. To the south lies the yard of Slade Farm and opposite the site is a linear form of development comprising a range of dwelling scales and plot sizes.
- 7.4.3 The proposed internal and external elevations are not changing as a result of the variation of the approved plans. Proposed Plots 1 and 7 of the proposed development remain to be modest 7.5m high dwellings with a traditional design

however the finished floor levels and land levels have increased by an average 50cm across the application site meaning that the proposed plots would be slightly higher as shown on Drawing Ref 16: 151- 2 Rev F and 16:151 SK1001 Rev C.

- 7.4.4 The most notable impact in relation to neighbour amenity would be at ground floor due to the increase in land levels and specially the impact from Plot 6 to Number 8 The Slade and Plot 1 to Number 6 The Slade. The changes would not be notably significant at first floor to the proposed plots. The building line of the two plots and their neighbours' are very similar and their proposed depth is approximately 6.3m, ensuring that the proposed dwellings do not have an unacceptable overbearing impact even with the proposed alterations to levels. It is considered that the impact by way of overbearing would not be significantly greater given the scale and heights of the dwellinghouses already approved under LPA Ref 17/00689/FUL.
- 7.4.5 In addition, the proposed changes are not considered to result in any additional significant impact upon loss of light or overshadowing given the distances retained to Number 6 and Number 8 The Slade and the orientation of the proposed plots. Therefore matters of overshadowing, overbearing nature and loss of light would not result in a material impact due to the distances retained and the extent of the changes proposed.
- 7.4.6 In relation to overlooking, proposed Plots 1 and 6 do not propose first-floor side-facing windows ensuring no directly overlooking impact to the side. With regards to overlooking to the rear; Plot 7 has no rear-facing first-floor bedroom windows and whilst Plot 1 has two rear-facing bedroom windows, the angle of overlooking and the obscurity created by the proposed garaging of Plot 2 and the existing garage of 6 The Slade renders this overlooking somewhat awkward and unlikely to cause significant harm. The impact to Number 8 The Slade by the ground floor of Plot 6 to the rear is emphasised to some extent by the changes in land levels and the viewing opportunities into the rear garden. The existing boundary fence serving Number 8 is approximately 1.8 metres in height including a trellis above. Given that the increases in finished floor levels and land levels may result in a degree of harm by way of overlooking and loss of privacy from the proposed east facing kitchen window to Plot 6, is considered necessary to require an additional 2 metre fence on the common boundary between Plot 6 and Number 8 The Slade to reduce harm by way of overlooking. This is also considered to be required on the common boundary between Number 6 The Slade and Plot 1 to reduce harm by way of overlooking and loss of privacy. Subject to the inclusion of 2 metre high fences on the aforementioned boundaries, on balance it is considered that the impact on the neighbouring dwellings and amenity spaces of Number 6 and 8 The Slade are acceptable.
- 7.4.7 The dwellings on the opposite side of The Slade to the proposal are at least 30m away from the front boundary of the site and a further 16m to the main elevation of the frontage dwelling. These separation distances are sufficient to mitigate against any overlooking or overbearing impact as a result of the proposed level changes.
- 7.4.8 On balance it is considered that subject to appropriate conditions, the proposal complies with Policies ENV2 of the Local Plan 2015.
- 7.5 Highways

- 7.5.1 The Local Highways Authority have raised no concerns with the proposal, subject to previously recommended conditions as part LPA Ref 17/00689/FUL. In LPA Ref 17/00689/FUL a new footpath was proposed within the highway verge from the site to the Silver Street junction to provide pedestrian access to the centre of the village. County Highways were content with this provision and the relevant condition has been discharged, subject to the agreed works taking place.
- 7.5.2 Planning conditions in respect of the internal road/parking arrangements; vehicular access over the County highway; the layout of parking/turning, minimum carriage width, and radius kerbs; and highway drainage details are amended as required. With these conditions in place it is considered that the proposal would meet policy requirements in respect of safe access, safety of the highway and appropriate parking arrangements. It is therefore considered to comply with Policies COM7, COM8 of the Local Plan 2015.
- 7.6 Ecology and Trees
- 7.6.1 Matters relating to tree protection measures have been satisfied by the discharge of condition 16 of LPA Ref 17/00689/FUL on the 13th September 2019.
- 7.6.2 During the determination of LPA Ref 17/00689/FUL it was established that surveys within the vicinity indicate a large population of Great Crested Newts albeit mostly to the east of The Slade. The survey recommended outline mitigation measures considered adequate for a high population of GCNs. In order to inform a more detailed strategy, up to date surveys were required and therefore it was reasonable to condition an updated survey report prior to construction. It was concluded through the discharge of condition 19 of LPA Ref 17/00689/FUL on the 18th December 2018 that GNC's were unlikely to be impacted by the development provided the precautionary measures are implemented.
- 7.6.3 The biodiversity net gain has been agreed previously and will remain to be controlled by planning condition.
- 7.7 Flood Risk and Drainage
- 7.7.1 The site is located in Flood Zone 1, where the majority of development should be directed. The finished floor levels are subject to changes as shown on drawing Ref 16;151-2 Rev F and 16:151 SK1001 Rev C together with the land levels that the dwellinghouses would sit on. A surface water drainage scheme was submitted as part of the discharge of condition 4 of LPA Ref 17/00689/FUL which was discharged on the 30th July 2019. This noted that some foul water details requires off site work, however this is private issue between land owners and Anglian Water and a separate considered will likely be require for these works. Foul and surface water drainage details were carefully considered alongside the Variation of Condition application and the changes proposed.
- 7.8 Other Material Matters

- 7.8.1 To help safeguard the amenity of nearby residents during the construction phase, a Construction Environment Management Plan has been approved by the submission of details relating to condition 17 of LPA Ref 17/00689/FUL.
- 7.8.2 In relation to archaeology, the Historic Environment Team have provided comment that no further archaeological works are required on site further to the submission of an Archaeological Evaluation (September 2018). Condition 10 of LPA Ref 17/00689/FUL has therefore been satisfied.
- 7.9 Planning Balance
- 7.9.1 The principle of development has been established through existing planning permissions and the granting of consent of the scheme for the demolition of existing motor vehicle garage and construction of 6No four bed dwellings, 2No 3 bed dwellings, garaging, access road and associated works under LPA Ref 17/00689/FUL. The existing business on site and associated buildings have been demolished and had previously been considered unsustainable in its current location and is to be relocated in order to expand and secure future viability.
- 7.9.2 The proposal is not considered to cause significant or demonstrable harm to the visual amenity of the area or upon neighbour amenity. Subject to appropriate conditions it is also considered that the proposal will not have a significant detrimental effect on residential amenity.
- 8.0 APPENDICES
- 8.1 Appendix 1 – List of Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00125/VAR	Emma Barral Room No. 011 The Grange	Emma Barral Planning Officer 01353 665555 emma.barral@eastc amb.gov.uk
17/00689/FUL	Ely	

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 - 19/00125/VAR Conditions

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

Plan Reference	Version No	Date Received
16:151-0		20th April 2017
16:151-8		14th December 2017
16;151-1	TOPOGRAPHICAL	14th December 2017
16:151-4	B	14th December 2017
16:151-5	B	14th December 2017
16:151-7	A	14th December 2017
16:151-6	B	23rd April 2018
ECOLOGY SURVEY		19th January 2018
ARBORICULTURAL REPORT		11th February 2018
16;151-2	F	16 th May 2019
16:151-sk1001	C	14 th August 2019

- 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 the decision notice for LPA Ref 17/00689/FUL which is the 7th June 2018.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 The proposed materials shall comply with the approved details agreed under 17/00689/DISA on the 18th December 2018 which was for Wienerberger Andante Golden Buff (for plots 1, 3, 5, and 7) and Heritage Blend Red (for plots 2, 4, 6, 8) bricks, terracotta and black roof tiles, ivory coloured windows and a mix of front door colours.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 4 The surface and foul water details as shown on Plan 188/2018/01 P3 agreed under 17/00689/DISB by letter on the 30th July 2019 should be complied with prior to first occupation of the dwellings hereby approved.
- 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.
- 5 During construction work, the development shall comply with the Remediation Method Statement and Verification Plan, 26th June 2019 Issue 2. Prior to first occupation of any dwellinghouse, the developer shall submit a Verification Report to be agreed in writing by the Local Planning Authority.
- 5 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely

without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.

- 6 In the event that 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.
- 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.
- 7 The details relating to the footpath link to Silver Street shall be carried out in accordance with the details agreed under 17/00689/DISB dated 18th September 2019. The agreed footpath link shall be completed prior to first occupation.
- 7 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 8 The details relating to the proposed arrangements for future management and maintenance of the proposed streets within the development (provided by letter on the 20th November 2018) shall be carried out in accordance with the details agreed under 17/00689/DISA dated 13th September 2019.
- 8 Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015.
- 9 Construction works on the site shall not be undertaken outside of the following hours: 8.00 - 18.00 Monday to Friday; 8.00 - 13.00 on Saturdays; and at no time on Sundays and Public and Bank Holidays.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 No above ground construction of Plots 1 and 6 shall commence until details of the boundary treatments including their locations 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 either of Plots 1 and 6 of the proposed development.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers to ensure there is suitable 2 metre high boundary wall/fence, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

- 11 Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved on Drawing 16;151-2 Ref F.
- 11 Reason: To ensure construction of a satisfactory access, in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015.
- 12 The existing access(es) to Kings of Witcham shall be permanently and effectively closed and the footway / highway verge shall be reinstated in accordance with a scheme to be agreed with the Local Planning Authority, within 28 days of the bringing into use of the new access.
- 12 Reason: To ensure construction of a satisfactory access, in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015.
- 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 vehicular access, as shown on 16; 151-2 Rev F.
- 13 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015
- 14 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.
- 14 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015.
- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), Plots 1, 2, 3, 4, 5, and 6 (as shown on Drawing 16;151-2 Rev F) shall not be extended in any way, and no structures shall be erected within the curtilage of these dwellings, without the prior written consent of the Local Planning Authority.
- 15 Reason: To safeguard the character and appearance of the area and the residential amenity of neighbouring occupiers and to ensure that the trees on site are adequately protected, in accordance with policy ENV2, ENV1 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 16 The details relating to tree protection shall be in accordance with the approved details provided in the Arboricultural Method Statement dated 12th October 2018 and the Arboricultural Report dated 17th January 2018 agreed under 17/00689/DISA dated 13th September 2019. Measures shall be fully installed and provided prior to the commencement of development and retained throughout all construction work.

- 16 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.
- 17 The CEMP submitted on the 21st November 2018 agreed under 17/00689/DISA dated 18th December 2018 shall be carried out in accordance with the approved plans. The CEMP shall be adhered to at all times during construction phases.
- 17 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 18 The biodiversity improvements outlined in Section 8 of the Greenlight Ecological Appraisal shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 18 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 19 In relation to Great Crested Newts, the details agreed under 17/00689/DISA dated 18th December 2018 shall be carried out in accordance with approved plans and completed prior to the commencement of development and maintained during the entire period of construction.
- 19 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 20 Prior to first occupation a scheme for the refuse and recycling shall be submitted to and agreed in writing by the Local Planning Authority and then the scheme shall be adhered to in perpetuity.
- 20 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 21 The details relating to the proposed external lighting dated 21st November 2018 and agreed under 17/00689/DISA dated 18th December 2018 shall be carried out in accordance with approved plans and completed prior to the first occupation of the dwellings hereby approved.
- 21 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.